

WHO
should replace?

The restriction of immigration in western-European countries with sub-replacement fertility.

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Abstract

Western-European countries have a sub-replacement fertility rate and as a consequence they age. Ageing countries may experience problems. One of the proposed solutions is raising the fertility rate by incentivizing procreation among individuals living in the country. When considering the alleged immigration crisis, one might intuitively wonder whether it is right to create new people in a society when there are existing people 'at the border'. This intuition has not been explored in the scientific literature, even if some articles have connected immigration ethics and population ethics. To explore the intuition, I discuss the thesis that it is not legitimate for the government of a western-European country with a sub-replacement fertility rate to implement policies incentivizing procreation while at the same time immigration to their country is restricted. Using applied ethics, I identify two types of legitimate conflicting interests that immigrants and nationals might have. A first conclusion is that an evaluation of the different interests that are at stake for parents, (non-existent) children and immigrants with this combination of immigration and population policy does not lead to the *a priori* dismissal of either of the policies. Moreover, there are no objections to prioritizing the interests of the existing over the non-existent. For refugees and stateless individuals the most significant interests are at stake by either becoming or not becoming citizen of a Western-European country. Finally, I consider the contribution that global population growth makes to the argument. Population growth is not tied to negative effects in an unmediated way. Each additional child, however, makes the need for solutions to problems in resource management, biodiversity, climate change and food security more pressing. I found no basis for the rejection of the thesis and the paper concludes that at least the same number of immigrants should be admitted as the number of children that will be born if the incentives are effective.

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1. Introduction

1.1 Context

In 2016 the human world population is growing at a rate of 1.13%. If this continues, this means that the world population increase: the number of children born minus the amount of people deceased, will be 80 million each year (Worldometers, 2016). Demographic growth rates differ across regions, across countries and even within countries. There are countries where fewer children are born or adopted than the replacement rate that is needed to replace the number of inhabitants of a country, which is an average of 2.1 children per woman (Harper and Hamblin, 2014; UN, 2001). The countries have, in other words, a sub-replacement fertility rate. Both a decline in fertility and population growth can have many different causes (McDonald, 2006). Two thirds of the world had child-bearing rates of, or below the replacement rate in 2014 (Harper and Hamblin, 2014). According to The World Bank (2016) all European countries displayed a sub-replacement fertility rate in 2015.

Why is a sub-replacement fertility rate problematic? The shift in the age-structure of countries with a sub-replacement fertility rate creates challenges (Harper and Hamblin, 2014). In these countries there are worries about tax revenues dropping, a rising demand in social and medical care for the relatively larger ageing population and a smaller potential workforce to keep the economy running, especially in some sectors such as agriculture and healthcare (UN, 2001). Some have made critical remarks about the extent of these consequences. Harper and Hamblin (2014) for example, think that these predictions might have to be altered to fit the new, healthier and better skilled, generation of elderly to come.

Demographers have proposed several solutions to the problem of sub-replacement. One of the solutions to a sub-replacement fertility rate and an ageing society is, obviously, to increase the fertility rates. The so called pro-natalist policies can come in the shape of monetary and other incentives, the use of propaganda and legal- administrative policies¹ (Besemer, 1980 in Legge and Alford, 1986). This thesis will focus on the least controversial of the three, namely incentives. Other solutions to the problems of ageing societies are: stimulating participation rates, for example by raising the age of retirement, stimulating education later on in life, making it less expensive for companies to hire older people and increasing female participation; raising productivity, possibly with new technologies; and in some cases immigration is proposed (Coleman and Basten, 2015).

Depending on the causes of the decrease, allowing immigrants to enter the country could also contribute to alleviating the effects of a decreasing fertility. This form of migration is specifically called replacement migration: migration to help offset either the ageing of a society or its shrinking. Most researchers believe, however, that replacement migration is never a complete solution (UN, 2002; Coleman, 2001; Saczuk, 2003). Usually, the first generation of immigrants has a higher fertility rate than the national fertility rate of the host country (Kulu et al, 2017). This effect is already lost in the second generation and therefore temporary (Harper and Hamblin, 2014). For the sake of demarcation I will refer those interested in the details to the extensive literature on replacement migration. In this thesis, however, immigration will not be conceptualized as a solution to the

¹ Legal-administrative policies can, for example, restrict abortion and the use of contraception, but can also be a lowering of the age one is legally allowed to marry.

problems caused by a sub-replacement fertility. Instead, immigrants will be taken into account as a group of actors who are affected by national policy.

In 2016, about 362.753 immigrants have arrived in Europe via the Mediterranean sea (UNCHR, 2016). Worldwide, numbers of refugees and otherwise displaced have risen every year and counted 65,3 million in 2015. In common language the terms refugee crisis and European immigration crisis demonstrate the way these numbers are perceived (EEAG 2017). Most scientific writings assume a rise of anti-immigrant sentiments in European countries (Hooghe and Vroome, 2013). Additionally, a few years ago the issues that declining fertility rates bring have started to enter the arena of public discussion. Sometimes pro-natalist policies are framed in the shape of a strategy in (ethnic) conflict (Brunborg, 2016). Think for example of the Turkish president Erdogan's call for Turkish immigrants to have more children (Goldman, 2017). The Belgium right-wing party Vlaams Belang 'wants the birth rate among native women to increase to ensure that immigrants do not take over society. It proposes several measures to make having children more attractive, including the provision of a birth premium and increasing child benefits for Flemish parents' (de Lange and Mügge, 2015, p. 76). This party statement is meant to spark emotion, but for some people it will seem intuitively wrong to 'create' new people in a society, when there are existent people 'at the border' waiting to take their place in that same society. That intuition will here be tested by discussing the thesis that it is not legitimate for a government of a western-European country with a sub-replacement fertility rate to implement policies incentivizing procreation while at the same time immigration to their country is restricted.

1.2 Operationalization

This thesis begs some specification. In most of the argumentation the abstract term immigrants will be applied. Generalizations like these are necessary to contain the scope of this thesis. When examining the interests of immigrants a distinction is made between refugees and other immigrants. However, immigrant realities are incredibly diverse and to categorize them is a contestable activity. The case I argue for would indeed be more pressing if all immigrants were classified as refugees. Refugees' needs are mostly more pressing than those of economic immigrants and that would make their entrance easier to justify.

For the sake of argument, this thesis will argue that the number of immigrants who should be admitted to a western-European country should at least correspond to the number of native children who would be born as a consequence to incentives for procreation. The implication is that any restriction on immigration that will lead to a lower number of admissions in comparison to native new-borns as a consequence of incentives is not legitimate. Consequently, since refugees have both moral and legal priority for admission most of the immigrants admitted in this hypothetical situation will be refugees.

This thesis focuses on Western Europe exclusively. This demarcation has been made for the reason that Eastern Europe has different causes for their population decline, such as higher mortality rates and outward migration (UN, 2001). The eastern-European demographic deficit is more complex and is often considered to be a different case.

The type of national population policy that this thesis envisions is incentivizing. No restrictions are imposed on the side of the natives². The question is whether we should give native individuals incentives to have (more) children. Chapter two will elaborate on the type of incentives that can be utilized by western-European states.

1.3 Academic relevance

This thesis argues for a connection between population policy and immigration policy. Therefore, it is situated in-between population ethics and migration ethics. Throughout the debate arguments can be found in both domains of ethics, but migration and population ethics in isolation are not sufficient to answer the question.

The research question enters the subgroup of migration ethics that concerns itself with the entrance of immigrants in states. The two clearest standpoints in this section of migration ethics are 'nationalist' and 'cosmopolitan', or as Veit Bader (2005) calls them 'particularist' and 'universalist'. Cosmopolitans derive their view of justice from their outlook of the world as one great social community. The opinions on whether there is such a world community are divided, but most agree that people should be treated as if there were one (Wellman, 2015). Nationalists, or as Peter Higgins (2013) calls them: prescriptive nationalists, all hold that immigration policy should be determined by national interest instead of the equally important interests of foreigners. This thesis cannot completely be characterized as cosmopolitan, because it does not disqualify nationalist arguments *a priori*, but it is certainly cosmopolitan, because of an inclusive and egalitarian approach to morality.

The thesis is embedded in population ethics too and not only because strictly speaking demographers subsume immigration under demographic trends (Teitelbaum³, 2015). The research will employ theories on the legitimacy of population policy *per se*, as well as in combination with immigration policy. These policy proposals concern non-existent people and existing people alike and therefore will have to look into non-identity theory and what it means for a person to come into existence. Incentives would moreover have a global demographic effect: global population growth, which is also a concern of population ethics.

As mentioned, replacement migration conceptualizes immigration as a solution to a sub-replacement fertility. Although this is not the approach this thesis endorses, literature on replacement migration is the closest that literature comes to combining national population policy and immigration policy in theory. Sadly, that literature is mostly empirical in nature. The question asked most often is if replacement migration salvages the problems caused by a declining population or fertility rate. In 2001 the United Nations Population Division has published a report on replacement migration. The report sparked interest in the topic and resulted in doubts about replacement migration's ability to offset low fertility rates (Keely, 2001; Coleman, 2001; for an overview of critiques: Saczuk, 2003). This does not mean that the concept of replacement migration does not have a normative background.

² Throughout the thesis, when I say natives, I mean: the individuals already living in the country at that point in time.

³ Michael Teitelbaum (2015) has expressed his disappointment in the lack of collaboration between political scientists and demographers. He notes that 'The neglected political drivers and effects of demographic change deserve more thoughtful scrutiny by demographers' (pg. 93). Hopefully he will be pleased by this contribution.

There are two examples of papers that have tried to connect population ethics and immigration ethics. The first is a paper that proposes tradable quotas in migration as a form of non-coercive migration policy (de la Croix and Gosseries, 2007). It builds on Boulding's proposal from 1964 for marketable licenses to have children. This more economic theory does not refrain from making critical notes on the morality of immigration and procreation restrictions and other policy. However, it is not the main focus of the article and does not address all the normative questions I intend to address here.

Second, demographer Paul Demeny (2016) attempted to combine immigration ethics and demographics. He argues that there currently are two demographic crises in Europe. The first is the low fertility rate and the second is that the demographic make-up changes through immigration. He tries to invoke normative arguments of a nationalist and realist nature to establish the undesirability of replacement immigration in large numbers. However, he did not, as this thesis will, connect incentivizing policies with a need for immigration policies.

David Benatar (2006) is one of the few authors who actually mentions that 'it is curious how democracy favours breeding over immigration. Offspring have a presumed right to citizenship, while potential immigrants do not. [...] Why should breeding be unlimited but immigration curtailed where political outcomes are equally sensitive to both ways of enhancing population?'(p.11). Benatar recognizes that the right to procreation is judged to be more important than the right to immigrate. He wonders, should it be like this? He only spends one section on the matter, but does not try to explain his wonder with substantive arguments, as this thesis will attempt.

1.4 Practical relevance

National population policy is often implemented in isolation of consideration of other policies. This could result in ignorance about the ethical implication of those policies. Western-European countries profess liberal democratic values. Some of these values may not be reflected by the combination of incentivizing population policy and immigration restriction. If such a country broadens the scope of moral consideration to immigrants and future generations, this might reveal (future) injustices, which when identified can be prevented.

1.5 Argumentative structure

Since academic writers have not written much about the legitimacy of a combination of immigration policy and population policy this thesis is mostly explorative. It examines which actors are involved, how they are affected, identifies conflicts in interests and if any injustice is inflicted. The thesis unveils which sub-questions are important for further deliberation of the topic. These questions will be contemplated by using applied ethics. In answering them, I will not adopt the method that chooses a set of normative principles and subsequently evaluates the questions with those principles in mind. Instead, the method adopted here is a pluralist ethical method. It will assess which normative principles are at stake.

In order to explore the intuitions underlying the arguments of those proposing incentives the next chapter will take us through motivations that western-European governments can offer for the stimulation of procreation through the provision of incentives. The arguments used mostly originate in immigration ethics, because they are focussed on the change that immigrants bring to a country

and why western-Europeans should instead procreate among themselves. In that chapter I will check whether the motivations can logically be used to argue for the restriction of immigrants. If this is the case, I have identified a conflict between national interests and the interests that immigrants have in entering a western-European country. The identification of possible conflict is necessary, because the following chapter will discuss the effects on the actors concerned, but does not take any potential clashes of interests into account. Thus chapter two connects the two groups of actors: natives and immigrants. Moreover, if there are no objections to the entrance of immigrants, this would make discussion of the thesis superfluous. The argument would have been decided; we should let immigrants enter in addition to incentivizing procreation among those living in a western-European country.

The third chapter will look at the legitimacy of the effects of three possible combinations of population and immigration policy on the different actors who are directly involved. The chapter will centre around the effects of population policy and immigration policy on autonomy and the welfare of parents, (future) children and immigrants. Since future children that result from population policy do not exist yet, the chapter will also check for futurity problems; how to treat the interests of the non-existent in coming into existence and the non-identity problem. How do we trade the interests of the non-existent off to those already on this planet: immigrants? Why do they have an interest in citizenship in western-European countries? How does their claim compare to the interest that natives have in incentivizing procreation?

In the same manner the fourth chapter widens the scope of moral consideration. It discusses the influence of global population growth on the legitimacy of incentivizing national population policy. We need to know whether incentives are still legitimate when considered in a wider context.

The three chapters can provide us with arguments that contribute either to confirming or dismissing the hypothesis that it is not legitimate for a government of a western-European country with a sub-replacement fertility rate to implement policies incentivizing procreation while at the same time immigration to their country is restricted.

2. Conflicting interests

This chapter will give an overview of theoretical arguments representative for the type used to argue for the stimulation of procreation. Of course, the scope of the arguments is confined to the context, which is: western-European countries with a sub-replacement fertility rate. The motivations a western-European government can give are necessarily national in scope. Installing policies for the stimulation of procreation can only be in the national interest of a country⁴ with a sub-replacement fertility rate. Chapter four will return to the global effects of a pro-natalist population policy.

Due to reasons of scope I will not be able to elaborate on the reasons why a government should extend their moral reasoning to those beyond the nation. This would take us down the abyss that is the discussion between nationalism and cosmopolitanism. For now it will suffice to keep in mind that not allowing for immigration is an action. It is not merely an action that is not conducted (letting immigrants in). Coercive enforcement is involved in the restriction of immigration (Miller (n.d.) in Fine 2013; Carens 1987). Therefore, the issues of incentivizing procreation and immigration should be connected, whereas in politics they often are not.

In this chapter the arguments pro procreation will be checked for their exclusivity. In other words I will check whether the arguments can accidentally also argue for the entrance of immigrants. If any of the national interests, or motivations in this chapter are also capable of supporting the exclusion of immigrants, this means that there is a clash between national interests and the interests that immigrants have in entering a western-European country. Moreover, the motivations will be subjected to critical scrutiny regarding their logical consistency. The chapter will take us through a gamut of reasons why procreation should be stimulated in a western-European country with a sub-replacement fertility rate. These reasons often reflect the need for the preservation of those western-European countries. Which is why they must necessarily convey the valuableness of the characteristics of those countries.

This chapter ought to get closer and closer to the characteristics of those countries that are worth protecting and whether they can argue for the stimulation of procreation in combination with the restriction of immigration. The first type of motivations rely on the conviction that a country should be protected from extinction on the basis of a general idea of the superiority of the people in it and the inferiority of those outside of it. I will then move on to more realist arguments that hold that the state has a right to sovereignty or self-determination and therefore may act in a way that is in the national interest. Next, the chapter will move on to arguments that can contribute to an understanding of the valuableness of this society and how immigrants threaten that value, whereas natives can secure it. The sections subsequently elaborate on liberal values, (national) culture and western-European countries as social cooperations. I have decided not to discuss economic and security arguments. Economic arguments have no clear contribution to the decision to stimulate procreation over letting immigrants enter the country. The goal of this thesis is not to make economic calculations in order to decide whom will use or generate more resources: new-born

⁴ In this thesis I will use country, or state throughout the argument, because I find that the term nation-state wrongly suggest that western-European states consist of one nation.

natives or immigrants. The connection between security and the entrance of immigrants is understatedly questionable and uncertain.

2.1 Racialist arguments

Pro-natalist arguments which have surfaced in some media (Brown and Ferree, 2005), but according to the editor of AJES (2016) have no place in academics, are racialist arguments. This kind of argument has the potential of supporting both the argument for incentives and the restriction of immigration. People who commit to racial arguments believe that there is something distinct about European, or western-European countries. They are afraid that the (western-) European people will go extinct if (western-) European countries do not raise their fertility rates. These racialist arguments do not usually specify what makes for the European 'people', or why it needs to be protected from extinction or change. Supporters of this type of thought do not employ more specific characteristics such as culture, which will be discussed later on in this chapter. The absence of specific characteristics in their arguments, signals the idea that Europeans have something biological in common, a same set of gene pools, which is not to be meddled with and cannot be adopted by others (Morning and Rodríguez-Muñiz, 2016). Additionally, the racial arguments express xenophobic feelings towards 'other' population groups growing outside of Europe. The racial arguments can be dismissed on the basis of their perception of others as unequal, unwanted and to be disrespected. They categorize non-Europeans as different, but this is not in itself a sufficient reason for a normative argument. Moreover, since Europe already has citizens with a 'non-European background', calling for procreation in order to prevent Europe's takeover by other 'peoples', is especially stigmatizing to them, affecting their received respect.

2.2 Sovereignty

The sovereignty of states is often used as a general argument for pushing international policies. It can also be used as a motivation for choosing policies to stimulate procreation. Many authors consider the right to exclude and thus control immigration a legitimate, undeniable aspect of sovereignty, while others question the nature and legitimacy of the right to exclude (Laegaard, 2009; Beckman, 2014; Bosniak, 1991 in Fine, 2013). Thomas Pogge defines sovereignty in the following manner:

'A is sovereign over B, if A is a governmental body, if B are persons and A has unsupervised and irrevocable authority over B a) to lay down rules constraining their conduct, or b) to judge their compliance with rules, or c) to enforce rules against them through pre-emption, prevention, or punishments, or d) to act in their behalf *vis-a-vis* other agencies (ones that do or do not have authority over them) or persons (ones whom A is sovereign over, or not)' (1992, p. 57).

This is the internal aspect of sovereignty. There is also an external aspect. Sovereign states have no authority over another and are independent from one another (in the sense that they cannot interfere with domestic business of another state) (Mc Farlane and Sabanadze, 2013).

Sovereignty is a problematic moral argument when it is used on its own (as agreed by Miller, 2008a). Those⁵ who do 'hold that states have absolute moral discretion' with regard to admission adhere to what Higgins calls 'the moral sovereignty of states view' (Higgins 2013, p.23). Following this logic, immigration should be a political issue, not a moral one (Hailbronner, 1989 in Carens, 2014). According to this view, states do not merely have a legal freedom to do as they like, but also a moral one. The moral sovereignty of states view is not a moral position and it does not aim to be. It does not offer any standards by which to judge action, let alone the actions of a state. The moral sovereignty of states view has an unexamined moral basis. That raises the question: why do states have sovereignty? Among others, states derive their sovereignty from arguments about national social cooperation and questions of safety. The moral sovereignty of states view should be dismissed on the basis of its unexamined basis⁶. If countries are completely sovereign, the outcomes of normative discussion about the rightness of any decision the state makes can be dismissed by the state; the decision is legitimate, because the state has decided. This, of course, cannot be the case. Current western-European states do not have absolute sovereignty, instead their sovereignty is non-absolute and is no longer considered to be an unconditional basis for non-interference (Mayall, 1999; Weiner, 1996). This means that, in reality, the scope of issues that states can legally make decisions on is, for example, limited by human rights.

The argument from sovereignty can be dismissed on several grounds. Most importantly, it is not decisive for arguing either for the stimulation of procreation and the restriction of immigration or against it. Because of the amorality of the sovereignty of states argument, states can choose either just to stimulate procreation or also let immigrants enter the country.⁷

2.3 Self-determination

Perhaps the arguments from the concept of self-determination can salvage some of the claims of sovereignty regarding control over who should fill the population-deficiency. The concept of self-determination is most commonly used in international law to indicate a people's attainment of (some) autonomy from a sovereign body (usually a state) (Ali, 2014; Guibernau, 2015). This would distinguish self-determination from sovereignty in the sense that sovereignty belongs to states and self-determination is the right of 'a people'. Defined this way, sovereignty and self-determination are in tension when a people in a state tries to become self-determining (Ali, 2014; Mayall, 1999). In answer to this tension and to limit the damage to the territorial integrity of states a distinction was made between internal self-determination of a people: their social and political rights should be respected by the state, they should be represented properly, but cannot secede; and external self-determination: when the claim of a people is so strong that it overrides the territorial claims that the existing state has. Thus, 'self-determination does not [always] imply state sovereignty' (McFarlane and Sabanadze, 2013, p. 626).

⁵ According to Bader (2005) this right has been defended by modern republican democratic consent theorist. Higgins (2009) noted that some liberals that make the analogy between free individuals and states conclude that states have this right.

⁶ This is not the same as saying states should not be sovereign, but that the reasons for this sovereignty should be examined.

⁷ Dismissing the moral sovereignty of states view does not automatically lead us to argue for a cosmopolitan view of the policy that states should install. Higgins (2013) rightly points out that the morality by which we test state decisions can be both nationalist and cosmopolitan in nature.

Arguments that are used to argue for the stimulation of procreation, however, seem to have a more general understanding of what self-determination means. More along the lines of state autonomy Bas van der Vossen, for example, defines self-determination as ‘the right that entitles them (states) to determine their collective destiny’ (Van der Vossen, 2014, p. 270). Those general arguments assume that self-determination is the core characteristic of the state and without it the state cannot survive. They also agree that self-determination of a state implies that states may decide which people the state consists of; who the members are. As such, to enact their self-determination and secure their self-determination for the future states may opt for the stimulation of procreation over the entrance of immigrants. The discordance between the concept as used in international law and how it is used in the immigration debate leaves us with two questions: which entity (a people, a nation, a state, a democratic state) has self-determination and why, and more importantly for our subject: which rights does self-determination grant that entity. For our purpose this section will not explicitly discuss the first question and instead turn to the questions why some authors think states have a right to self-determination and why this entails a right to exclude immigrants.

2.3.1 Self-determination and the right to choose members

Sarah Fine (2013) identifies three arguments that have been used to argue why self-determination logically entails a state’s right to choose its members. The first is the argument of freedom of association and has been put forth by Christopher Wellman (2008, in Fine, 2013). Individuals have a right to self-determination; of which freedom of association is an important part. By analogy with individuals, a country may choose whom to give membership. For Wellman the only states that are entitled to freedom of association are legitimate states. Legitimate states are states that ‘adequately protect the human rights of its constituents and respects the rights of all others’ (Wellman and Cole, 2011, p. 16 in Fine, 2013). The second argument is that of associative ownership by Ryan Pevnick (2011 in Fine, 2013). People in a state have a right of ownership over their collective accomplishments, such as political institutions. This also gives them the right to determine who will decide over political issues in the future. This way the existing citizenry decides whom will be allowed to contribute (Brezger and Cassee, 2016). Finally, there is the argument of national self-determination. This argument is concerned with the pace of cultural change that non-natives will bring, which may be harmful to the national culture and identity-forming. We will return to the cultural argument in section 2.5.

2.3.2 Critiques

Van der Vossen (2014) has developed critiques of these arguments. For his analysis it is crucial to distinguish between two different types of group self-determination: self-determination as the extension of personal or individual self-determination or self-determination of a group as a whole. We run into difficulties when we envision the state as an extension of individual self-determination. The state is not a voluntary association in the sense that individuals can back out of the association when they oppose certain decisions, nor do they choose where they are born. The connection between autonomy of individuals and the decisions of a state is not direct. A group like the state, can be self-determining, however, when ‘that group’s actions become connected to its communal values in the same way as an autonomous person’s actions are connected to his/her values’ (Van der Vossen, 2014, p. 273).

2.3.2.1 Critique of the freedom of association argument

The distinction between the two types of group self-determination is key for the first, more complex critique that denies the plausibility of the freedom of association argument. Admitting immigrants is not a type of association (Higgins, 2005). Anyone wanting to enter a state does not associate with the state as a group, but wants to become a member of that state (Van der Vossen, 2014). This means they will become part of the state, thus engaging in a relationship with the other members of that state individually, but not only with the state as a group. This makes Van der Vossen conclude that entrance to the state should be determined by the individual freedom of association, not that of a state as a whole. But, the individual freedom of association will not grant a state self-determination. Moreover, a state's freedom of association is likely to incur boundaries to individual's freedom of association, that of the immigrants as well as of the citizens residing in that state. If individuals are allowed to disassociate there is no reasons this would just be allowed at the level of the state. They would also be allowed to disassociate from newcomers who came into the state by birth (Brezger and Cassee, 2016). In conclusion, the argument from freedom of association mixes up individual autonomy and group autonomy and is therefore inconsistent.

2.3.2.2 Critique of the self-creation argument

Van der Vossen (2014) also reviews the self-creation argument that is forwarded in its strong sense by Michael Walzer. A lot hinges on the notion of autonomy⁸ that is utilized. The problem with a strong notion of the connection between self-determination and self-creation is that according to this notion most people will be called non-autonomous. According to the strong notion values may not come from the outside, whereas there are always some influences on the character of the state (or any agent for that matter) that the state did not choose⁹. Moreover, at least in individuals, self-determination does not entitle someone to have control over everything affecting his or her destiny. Some things cannot be justified, not even by a right to self-determination, like violating human rights.

Alternatively, a weak notion of the self-creation argument focuses on self-re-creation. When an outsider enters a society, they add new values to the set already there. This does not mean they will automatically come into expression after political deliberation. Think of individual autonomy as an analogous case; autonomous agents should be able to control which values they adhere to. This does not entail that there cannot be influence of other's values, but instead requires that the individual examines the 'foreign values' before accepting them as their own.

The focus on this deliberative, examining process as key to self-determination is expressed in the theory of Alfred Mele (2001 in Van der Vossen, 2014). His notion of self-creation is compromised when the inflow of immigrants is such that it has an influence⁹ on the collective decision making processes of the state, and when this happens in a way that compromises the normal processes of deliberation for such a state, this influences the self-determination capacity of a state and calls for immigration restrictions. Mele's conception of self-creation implies that one should be able to rationally revise and dismiss of one's values, not depending on how an individual has picked up those values.

2.3.3 Conclusion

To summarize, in this debate confusion is caused by discordance between the theoretical concept of self-determination as autonomy of a state, which leans towards sovereignty, and the concept as used

⁸ Whereas a state is self-creating, an individual by analogy is autonomous.

⁹ Such as births, deaths and indirect influences through the media (Van der Vossen, 2014)

in international law, which is preserved for peoples. Even if we ignore this tension a couple of questions remain, which each discussed theory answers differently. Any theory must be able to answer both. The first question is why a state should be self-determining. We have seen answers like: because states are comprised of communities of character (see section 2.5), because states have a right to freedom of association and this flows from their autonomy, because (some) people in the state have contributed to that state. Note how Mele's theory does not provide us with an answer why the entity of a state should be self-determining. Next was the question: why does a state's right to self-determination imply a right to exclude immigrants. This is answered subsequently: because immigrants affect a community of character, because a state has that right, because immigrants did not contribute and for Mele, because immigration in sufficient numbers will upset deliberation processes. Finally, and most important for our conclusions, in these theories the right to exclude does not always imply that a state should exclude immigrants, it is often believed to be the choice of the state. The exceptions are the cultural argument, which we will discuss later, and the deliberative process argument. Most of the arguments from self-determination could even be employed to exclude newcomers by birth as well as newcomers by immigration (Brezger and Cassee, 2016). Thus, for example, associative owners may morally exclude new-born natives and immigrants; an outcome that Ryan Pevnick himself would perhaps not promote. Next to the yet to be discussed cultural argument, the associative ownership argument and Mele's argument on deliberative processes seemed logically most promising. For those who can overlook the fact that Mele does not provide us with an argument why specifically the entity of state must be self-determining, the argument possibly reflects a conflict of interests between immigrants who want to enter the western-European state and the self-determination of that state, but only when the immigrants upset the deliberative processes of the state.

2.4 Liberal values

Those who would like to introduce policies for the stimulation of procreation could also advance the argument that this is necessary in order to protect the liberal values of western-European countries. This appears to be very persuasive at first sight and is based on the premise that liberalism is worth keeping. Moreover, it presumes that native children are the best means to keep those values alive. For people who grow up in a liberal-democratic country it is easier to adopt liberal behaviour. They have more assurance that others will treat them equally liberal and are educated by their parents¹⁰. Generally speaking, for children born and raised in western-European countries certain dispositions come natural, they do not have to think twice. In what is next I will provide a short account of liberalism, examine where its value lies and debate if this is sufficient to argue for the exclusion of immigrants.

2.4.1 The value of liberalism

Liberalism takes the individual as the primary unit of society instead of society itself (Parekh, 1992). Who the individual is, depends on where the line is drawn between that individual and his or her surroundings. In some cultures, the individual is inseparably connected to the family they live in. There, the family is a major part of the identity of the individual. The ideal liberal person wants to protect his or her individual borders whereby one is separated from the other and try as much as he

¹⁰ On the condition that the parents also adhere to liberal values, which they may not.

or she can to determine his or her own identity and pursue their own conception of the good. Liberalism thus attaches great significance to the self-determination and autonomy¹¹ of individuals.

Liberal individuals have a right to decide for themselves how to live their lives in light of their own conceptions of the good, as long as this is compatible with the good of others (Dimock, 2000). Most authors believe that it is important for the wellbeing of individuals that the individuals themselves decide upon their value-systems and live by them (Dimock, 2000; Kymlicka as in Swift, 2006; Kymlicka, 2002, p.216). However, in order to ensure autonomy for everyone, liberal individuals must also 'live peacefully [...] by respecting others' (autonomy)' (Parekh, 1992, p. 163). Moreover, there are some fundamental interests that all have in common, which should be ensured by the law. Ideally, liberals would live together in a civil society: a realm of interests and choices and the totality of relationships that is voluntarily entered into by self-determining individuals.

The state is not the same as a civil society (Parekh, 1992). It is not voluntary, but compulsory and coercive. The limits of the state are determined by liberalism. The government's task is to serve individuals' goals as informed by their conception of the good and ensure their liberty. A society contains many different conceptions of the good and some will clash with others (Dimock, 2000). This means that a government in choosing one of their goals would always neglect other goals and deny some groups of individuals their freedom (Parekh, 1992). However, it is often recognized that there are limits of reasonableness and rationality that have to be observed for a conception of the good to be acceptable. What counts as a rational conception of the good is heavily debated. John Rawls, for example, thinks everyone who does not adhere to the political values of freedom, autonomy and equality is unreasonable (Rawls as in Swift, 2006). A government should, therefore, stick to ensuring fundamental rights and accommodate maximal cultural variety that free individuals exhibit (Parekh, 1992; Scheffler, 2009, p. 130).

2.4.2 Universal and impartial?

Liberal values thus seem to overcome and transcend culture and religion, they seem to be neutral or even universal (Joppke, 2008). This neutrality is also the main justificatory tenet of liberalism. Most forms of liberalism aim at being universal and non-discriminatory. However, liberalism does promote particular values of 'autonomy and reason over heteronomy and faith' (Joppke, 2008, p. 544). According to liberalism, in the public realm, one should abstract away from chosen moral, cultural and religious views. For some more traditional ways of life this can be exclusionary (Dimock, 2000). Moreover, Parekh (1992) has shown us that liberalism is based on a specific way of conceiving the individual. Some cultures hold a different view of the individual, resulting in different fundamental rights and different boundaries of state action. As Joppke (2008) sums up: a liberal state is only liberal towards liberal people. In Hannah Arendt's terms, some views of the truth are excluded from the public discourse by installing liberalism as the only reality¹² (Canovan, 2005; Martín, 2010). This excludes a range of topics to the private sphere (Passerin d'Entreves, 2014). This becomes particularly problematic when the distinction between external behavior and internal dispositions, or control of beliefs, is blurred. When an internal disposition, such as liberal beliefs, is required as a

¹¹ Kymlicka (2002, p. 232) writes there is disagreement whether autonomy or tolerance is the key characteristic of liberalism. He concludes that 'what distinguishes liberal tolerance is a commitment to autonomy.' Honahan (2002) has distinguished between 'perfectionist liberals' and neutralist liberals who do not see liberalism as promoting any specific political value.

¹² Hannah Arendt endorses a republican Aristotelian idea of the ideal society.

condition for citizenship this violates rights to negative freedom and freedom of conscience¹³ (Joppke, 2008, p. 542; Miller, 2008a).

2.4.3 Liberalism as a civic culture

The protection of liberal values in a country could require both the stimulation of procreation and the restriction of immigration. However, from this discussion it is not entirely clear why liberal values should prevail in western-European countries in its current, unchanged shape and thus why it matters that natives fill the gap to a replacement fertility rate. This becomes more clear when we look at Kymlicka's (2002) distinction between communitarian and liberal ideas of the 'common good'. According to him, the liberal 'common good' is determined by individual's conceptions of 'the good life' (Kymlicka, 2002, p. 220). However, only liberal conceptions of the good life are included. This causes the liberal common good to collapse into a communitarian common good. A communitarian common good is different, because one type of common good determines the value of individual conceptions of the good life in a top-down manner. Because liberalism can be seen as a community's way of life and maybe even as a particular culture in its own right it is necessary to use it critically as a justification for the restriction of immigration. Problematically, if liberalism would be termed a culture this corrodes its claim to impartiality.

2.4.4 Liberalism, identity and exclusion

So, we have to be critical of liberalism as a justification for exclusion. It does not follow that we have to throw it out altogether, since it might still retain value in spite of not being universal or impartial. Another option to preserve liberalism is to make sure immigrants integrate by adopting liberal values. Although, this might also prove problematic, as it is undecided whether liberalism can provide a distinct enough identity which immigrants can adopt (Joppke, 2008). Liberalism can be seen as a symbolic resource for drawing boundaries, but in itself liberalism might not be enough to distinguish one western-European society from another. Even if consequently, liberalism is not a thick culture¹⁴, liberalism can be used by social actors to reconstruct conceptions of the nation. The boundaries put in place by a construction of who does and who does not belong to that nation can be both represented as organic and deterministic or voluntary boundaries. If it is possible for liberal values to be presented in public discourse in a way that makes them a symbolic basis for distinction then theoretically they are nationalist. This becomes problematic when liberal, or civic nationalism starts to obtain priority over the actual values of liberalism. In the pressing case of Islam for example, the boundaries between religion and liberalism can be, and are often, construed to be insurmountable or organically defined. This leads to a type of exclusion, where it does not always have to.

In conclusion, liberalism may not morally justify exclusion on the basis of its alleged universalism, as it resembles a thin culture. Perhaps, instead, the exclusion of immigrants can be justified on the basis of the preservation of a national culture.

¹³ Miller (2008a) calls this the distinction between acceptance of and conformity with liberal values and belief in liberal values.

¹⁴ I will define a thick culture as a culture which is descriptive in its manner, which creates ties that bind through non-universal cultural practices. In the Netherlands, think of: wooden shoes and a direct manner of communicating. A thin culture is characterised by an aim to be universal and an aim to be impartial towards thick cultures.

2.5 (National) culture

As argued in the previous section, in some sense we can think of liberalism as the thin, civic culture of western-European countries. These countries even argue that their identity is to have no identity (in the sense of a thick type of culture) (Fukuyama, 2006; Freedman, 2004). Yet, as we have seen in section 2.3, the culture argument surfaces as an argument for procreation and against the entrance of immigrants with a different culture. This argument for the closure of borders is mostly forwarded by communitarians. In this line of thinking a national culture is possibly in danger when the deficiency in citizens is filled by immigrants who do not bear the same culture as the host country. But why is national culture so important?

2.5.1 Culture and the individual

The meaning of the concept 'culture' has been focal point of some discussion (Scott, 2003). Yet, in common language we seem to think we know what it means. Whether we think of culture in terms of rituals, symbols, language, morals or take one of the other definitions, culture conveys meaning. It limits the amount of valuable options that are available to us as individuals (Kymlicka in Buchanan and Moore, 2003, p. 264; Laegaard, 2009). From a republican perspective, social and cultural practices are indispensable for individual autonomy¹⁵ (Honohan, 2002). Assuming that humans have a dialogical self, the cultural distinctiveness of a community serves to add to a person's identity (Taylor, 1992). Self-definition does not come about in isolation, instead: 'we become full human agents, capable of understanding ourselves, and hence of defining our identity, through our acquisition of rich human languages of expression' (Taylor, 1992, p. 32).

Whichever way national identity is defined, it is certainly not the only contributor to identity (Miller 2009; Honohan, 2002) and the characteristics that make up a national identity are not suddenly erased from your personal identity as soon as the national identity starts to change. Although the identity of some individuals depend more on a national identity than others, our view of human self-determination and autonomy is limited if we assume that the person is defined by nationality. Instead, Scheffler (2009) argues that people structure their lives with culture, but critically so. Individuals use their judgment to decide which elements of a (national) culture they can keep and which elements to discard or change. This does not make a culture weak, but flexible and able to withstand inevitable change.

Michael Walzer (1983) also argues that cultural distinctiveness is important for the identity of individuals (Higgins, 2013). Contra Scheffler, Walzer has a more essentialist notion of culture. He argues: 'The distinctiveness of culture and groups depends upon closure and, without it, cannot be conceived as a stable feature of human life' (Walzer, 1983, p. 62). In his review of Walzer, Higgins (2013) makes some great counterarguments. Walzer conflates nations, or political communities, with states. States are often, if not always, made up off different political communities. He also forgets about the segregation that is already present in local communities on other characteristics besides nationality, such as gender or race (Benhabib, 2004 in Higgins, 2013). Walzer thinks states should adopt restrictive immigration policies to prevent segregation within local communities (Higgins, 2013, p. 26). To this end he proposes to create national segregation instead, but offers us no defence

¹⁵ Although not all cultures contribute to autonomy in an equal way.

of why it is alright to segregate on the basis of nationality. In sum, Walzer endorses an essentialist notion of national culture and nations, which does not reflect reality (Lenard, 2010).

So, there is no such thing as cultural fixity and determination. Instead, Honohan (2002) for example, envisions cultures as networks of cultural practices. Cultures are subject to change from the inside and outside and a successful culture (one that survives) is the culture that changes (Habermas, 1994; Scheffler, 2009; Lenard, 2010). In the words of Kymlicka (1989), the structure of a culture continues, whereas the characteristics may change. Moreover, people have many different affiliations, identifications and passions (Scheffler 2009; Buchanan and Moore, 2003). Identities have become what Habermas called 'post-conventional', characterized by reflexivity and the capacity to review your own contingent views in light of other, sometimes more universal values (Habermas, 1987 in Joppke, 2008).

2.5.2 Culture and the state

We have briefly touched upon the importance of a national culture for the individual, but claims have also been made for the importance of national culture for the state. The well-known author David Miller advocates national identity, both because of its importance for individual identity and for state functioning. The common traits that inhabitants of a nation believe they have can be cultural in nature (Miller, 1993). According to Miller national identity benefits the state in three ways. First, it will make sure the interest of the individual will move closer towards public interests (Higgins, 2013). Second, the solidarity created by national identity will stimulate (unconditional) reciprocity between citizens. Finally, it will create support for formal institutions of redistribution (see section 2.6). Miller does stress that the national identity should not be a fixed and overriding one, so as not to clash with different minority cultures. The national identity is, however, expressed in the constitution and the constitution should be central to that identity (Miller, 2008a). Miller takes into consideration the problems national identity might have for minority cultures and identities. 'Indeed one can take this further and say that what best meets the needs of minority groups is a clear and distinct national identity which stands over and above the specific cultural groups in the society' (Miller, 1993, p. 11). The type of identity Miller discusses resembles Habermas' constitutional patriotism. In order to avoid the danger of becoming discriminatory towards minorities, in liberal western-European countries the national culture is defined by the 'juridical, moral and political, rather than cultural, geographical and historical' (Habermas in Laborde, 2002, p. 593 in Joppke, 2008).

It is safe to say, in conclusion, that culture is, in some ways, contributive to the identity of people. National culture is the constitution of identity, but this does not bestow on it a right to remain unchanged and therefore to exclude immigrants that take a different culture with them.

Liberalism is the thin, civic, national culture of western-European countries and it claims to be neutral towards 'thick' cultures, as long as they fit in with liberal values. If we envision, as I argued we should do in the previous section, liberalism as a type of national culture, a problem reveals itself. Liberalism is not as adaptive to change as I argued a culture should be, especially in western-European countries where it is tied to the constitution (Carens, 1987). In theory, it should not have to be adaptable to change, because of its neutrality towards other cultural practices. However, I have dismissed this myth before. Consequently, liberalism as a thin, civic, national culture, does require the exclusion of immigrants that express cultures that are not compatible with liberalism. Although we do have to be cautious with linearly tying culture to liberal values, because it is not

straightforward that being non-liberal a characteristic of a culture and not an individual. In western-European countries, individuals who do not comply with liberal law exist too. Their governments would never consider deporting them, instead they trial their cases and punish them accordingly.

In any case, the motivation that national culture must be preserved and that the way to do this is through excluding non-liberals, reflects a conflict of interests between the western-European nations and some immigrants. Moreover, this conflict would only occur with those immigrants who do not adopt liberal values. In the next section I will elaborate on one of the instrumental uses of national culture, as Miller also pointed out: solidarity and the cooperative enterprise.

2.6 The cooperative enterprise

Governments that want to argue for both incentivizing policies and restriction on immigration can also point to the semi-communitarian¹⁶ argument that people in a state have a special relationships with each other, because they are in a cooperative enterprise with other citizens (Dagger, 1997, Walzer, 1983). A cooperative enterprise is defined as: 'a just mutually beneficial venture that produces one or more public goods through cooperation' (Dagger, 1997, p. 46). A certain sense of community is necessary for the cooperative enterprise to exist. But the cooperative enterprise also teaches members why they are in a community together (Walzer, 1983). Those that follow the cooperative enterprise argument feel that this sense of community, whichever way it is defined, is best preserved by those born into native families and be violated by immigrants.

The communitarian version of this argument establishes that nations are necessary for the state, but does not provide us with a reason why the state is important (Moore, 2001)¹⁷. Therefore, to justify the state as a social cooperation the argument is often supplemented by the argument that the state provides valuable public goods. One type of public good provided by the state as a cooperative enterprise are redistributive programs, like the welfare state (Pevnick, 2009). Indeed, Walzer (1983, p. 68) has adopted the controversial viewpoint that in a sense all political communities are 'welfare states'. Social cooperation for a welfare state is not possible without solidarity or the presence of conditions for reciprocity, because it is subject to the rules of fair play. The inhabitants of a country should be assured of the cooperation of others and be able to form expectations of each other's behavior (Dagger, 1997).

David Miller has noted that 'there is evidence, [...] that cultural heterogeneity does lead to lower degrees of trust between the culturally differentiated groups, and also that this lack of trust may take the form of unwillingness to support policies that are seen to benefit the other groups' (Miller, 2008a, p. 379). However, this argument has been put forward in many different ways and it is often not agreed upon what kind of heterogeneity leads to lower degrees of trust (Holtug, 2010). Is it ethnic, racial, cultural or national heterogeneity? And how does heterogeneity link to a diminishing trust exactly? Ryan Pevnick (2009) stresses the mediation of institutions. When there is a lot of inequality or segregation in a country this could also lead to distrust. Moreover, it is not self-evident that sameness will lead to trust. It also depends on the type of identity that is shared (Holtug, 2010). If someone has the same level of non-trustworthiness as you have, this does not lead you to trust

¹⁶ Semi- communitarian, since cooperative behaviour is seen as a characteristic of reasonable individuals by the liberal Rawls.

¹⁷ Which would make the topic a question for liberals.

that person more. In a similar vein, to be able to form expectations of someone's behavior only establishes trust when that behavior is trust-enhancing. Moreover, the fact that one belongs to the same ethnicity, race, culture or nationality does not ensure sameness. These characteristics do not guarantee a homogeneity of values, albeit in smaller (national, cultural) communities there might be more convergence of values.

The likelihood that personal goals and obligations to the community conflict, becomes smaller when there is group based identification (Miller in Higgins, 2013). The precursor of this idea is Jean-Jacques Rousseau, who thought that nation building would lead to the mutual trust that was necessary for consent and sacrifice (Rousseau in Moore, 2001). Meanwhile, Nils Holtug (2010) stresses that the shared identity that is needed for reciprocity towards the public goal of a welfare state is not a national and encompassing one. The only precondition is a shared commitment to some principles of justice, as they are expressed by a thin liberal identity.

So, we should trust 'others' in our society to commit and carry out (liberal) principles of justice that make a welfare state work. We should not, however, expect too much from this kind of trust. It should be a generalized type of trust, not a particularized one. Eric Uslaner (2002 in Holtug, 2010) is the one who makes this distinction. Particularized trust refers to decisions to trust specific others, with the aim of gaining some specific and immediate benefit whereas generalized trust refers to trust in 'people whom we don't know and who are likely to be different from ourselves ... without expecting anything in return' (Uslaner, 2002, p. 15 in Lenard, 2008). We should not trust only those people we do know, but also those we do not know and do so in a generalized way.

In conclusion, there is a clash of the interests of a social cooperation with the interests of immigrants, when immigrants are not able to contribute to the type of generalized trust that Uslaner employs. They do not have to be 'the same' as inhabitants of a western-European society, because sameness does not automatically lead to trust. Instead, the immigrants in question have to be able to underwrite the conceptions of justice that the social cooperation in that society is built on. When they have different views of justice this could lead to a clash of national interests with the interests of immigrants.

2.7 Conclusion

I have now discussed the relevant arguments a government can have for the choice of creating policy stimulating procreation, without or instead of letting immigrants enter the country, in a context of sub-replacement fertility rates in western-European countries. I will not pretend to have been nearly exhaustive in listing these arguments. To limit the scope of the arguments and because they have been discussed extensively elsewhere, economic arguments and arguments that stress security did not surface in this chapter.

The chapter started off by denying the moral legitimacy of sovereignty as an argument for being able to choose for the stimulation of procreation. Moreover, as a consequence of absolute sovereignty, states can choose either just to stimulate procreation or also let immigrants enter the country and therefore the argument is inconclusive. In the discussion of the self-determination of a state, the moral general concept is often confused with the self-determination of a people. A weak version of the argument for self-creation (i.e. self-re-creation) is promising. If one accepts the premise that states should be self-determining, Mele's argument possibly reflects a conflict of interests between

immigrants who want to enter the state and the self-determination of that state, but only when the immigrants upset the deliberative processes of the state.

We have to be careful not to overstate, keep being critical of and revising the worth of liberal values. Liberalism can seem to be neutral and overriding, but can be exclusionary in its universalism. Consequently, the alleged universality of the values of liberalism cannot be used as an argument for excluding immigrants. We might try, instead to think of liberalism as a type of culture, albeit the dominant civic culture, since it is so tied up with the constitution and national institutions. Cultural arguments are confusing and controversial. Theorists using them should be careful not to conflate nations and states, they should be careful not to think that all communities are egalitarian and they should be careful to recognize the fluidity of culture and not to essentialize it and the identities it facilitates. Moreover, when one accepts the theory that liberalism is the national, or civic culture of western-European states, this brings with it some problems. Because liberalism is neither open to change nor dynamic, western-European states have to exclude immigrants that do not hold compatible views. This reflects a conflict of interests between liberal, western-European states and immigrants who have values that are deemed to be incompatible with liberalism.

Finally, governments can call on the need for trust in a cooperative venture. One has to tread carefully in using and establishing causality between the concepts trust and heterogeneity; they can have diverse meanings and interpretations. It is, however, more likely that people in a more closed group find that their values converge on some points. The convergence of a thin identity of conceptions of justice is all that is needed for an (extensive) system of distribution to work. Therefore there is no clash of interests unless the immigrant's conceptions of justice do not match those of natives.

In conclusion, the arguments for keeping intact the deliberative processes in a state and for the conservation of a liberal civic culture can support exclusion of some immigrants as well as incentivizing procreation among natives. These arguments are the strongest when a large number of immigrants enters a western-European country and when their cultural background makes it likely that they will not accept liberal values. In that case these motivations reflect a possible conflict of interest between the immigrants who want to enter the country and the governments of western-European countries that would like to protect the country's national interest. This chapter has also established that there can be objections to allowing immigrants to enter. If the outcome of this chapter had been that all arguments for incentivizing procreation without accepting immigrants into the country were foolish, invalid, or inconclusive this would leave no objection to letting immigrants enter and further argument for the thesis would have been superfluous. Now that I have established the possible clashes of interests, chapter three will focus on the effects that the three possible combinations of incentivizing population policy and immigration policy have on the actors who are involved (i.e. the parents, immigrants and children).

3. The interests and rights of the (non-) existent

In chapter 2 I searched for possible legitimate and logically sound reasons for governments to install incentives for people to procreate. Moreover, I have reviewed which reasons also require the restriction of immigration to that country. The reasons that do require restriction reveal clashing interests between actors. This chapter will look at the legitimacy of the effects of combinations of policy on the different actors who are directly involved. Policies that create incentives for future parents to have a child will involve both the future parents and the newly created babies. This thesis argues that we should also take the interests of immigrants who are restricted from entering, but want to enter the country into account. We should not look at the issues of immigration restriction and population policy separately, but look instead at the legitimacy of a combination of policies.

The combinations of policies thus involves the interests of both existing persons (i.e. parents and immigrants) and non- or not yet existing actors (i.e. babies). A government can combine the proposed immigration and population policies in three different ways. In the first scenario a western-European government chooses only to implement incentives with the goal of raising fertility rates. In the second scenario immigrants are allowed to enter the country in the absence of incentives to have children. In a third scenario there are incentives for raising the fertility rate *and* the entrance of immigrants is allowed. The third scenario, in which both policy measures are implemented, would seem to satisfy most interests, as long as they do not clash. In reality, most states will adopt a degree of immigration and population policy. Borders are hardly ever completely closed and many countries have a type of welfare policy that supports parents.

I will evaluate the effects by scenario and start with the legitimacy of the effects of incentives on the actors that are directly affected. The section will start with a characterisation of the choices that parents make in response to or in spite of the offered incentives. Consecutively, there will be a discussion of different problems that could cause the incentives to be illegitimate, such as an unjust distribution or illegitimate use of power. This will be followed by an assessment of the more specific effects on the welfare, the rights and interests of the involved actors, first on the future parents, subsequently on (non-existent) children and finally on immigrants. Since future children resultant from population policy do not exist yet, the chapter will also check for futurity problems; how to treat the interests of the non-existent in coming into existence and the non-identity problem. How do we trade the interests of the non-existent off to those already on this planet: immigrants? Why do they have an interest in citizenship in western-European countries? How does their claim compare to the interest that natives have in incentivizing procreation?

3.1 Scenario one: incentives

Incentives to raise the local fertility rate could, for example, come in the shape of monetary incentives, such as subsidies for having a first child, subsidies for having any child and subsidies for day-care (Veatch, 1977; Mills, 2011). Other possibilities are a prolonged parental leave for one or both of the parents, better work-related arrangements, an improved availability of day-care or the provision of diapers and other things babies need. Additionally, there can be delayed incentives, like pensions for parents and study funds or healthcare benefits for the children.

People who want to have children can respond to these incentives in several ways. They can decide to have or not to have a child or to have him or her now or later. Sometimes, however, parents to be are deprived of their choice or they do not feel having a child is worth considerable deliberation. A large group of parents will not be influenced by the incentives, because they have already made up their minds, because they did see having children as a deliberative choice or because they had no choice. The children who are brought into being by those parents could nevertheless still benefit from the incentives provided to their parents, even if those did not influence their decision.

For another group of individuals who want to be parents the incentives will make having a baby at this specific time possible. These parents would otherwise have waited for improvement of their situation, or had other reasons to wait, but are now persuaded to have a child sooner rather than later. The effect of changed timing (having a child now instead of later) will dwindle as soon as it is assured that the promised incentives will be available for a longer period of years. For example, if (let us for convenience assume it is) a couple wants to wait five years before they try to have a baby and they know the policy will only last 4 years they might have the baby a little earlier. If they had known the incentives would still be provided in 10 years they would probably have stuck to their original plan. For still other people the incentives will make having a baby possible, whereas before they had no such prospects.

A select group of individuals will see the incentives as an opportunity for making a profit. Depending on the type and total value of the existing incentives, these people may decide to have children simply for the purpose of reaping the benefits. This is more likely to happen when the incentives come in the form of short-term monetary payments. Chances of this happening are not very high, because child rearing in itself is quite costly and it might even be easier to commit fraud and register children they do not have. In the few cases that incentives do lead to this type of procreational behaviour, this could be detrimental to the quality of life of the resulting children. Which I will discuss more elaborately in section 1.2 of this chapter.

All incentives mentioned above are decidedly less coercive and intrusive towards family life than negative measures such as those that have been exhibited in China's one child policy and incentives for sterilisation in India in the 1970s (Veatch, 1977; Feng et al, 2013). This is also what most authors writing about population policy focus their attention on: the degree of coercion present in different measures. Anti-natalist population policy is often the only subject of critical normative scrutiny. In recent years, policies to stimulate, not discourage, procreation have received a small degree of normative attention (McDonald, 2006; Isaacs, 1995; Brody, 1976). In line with this new research agenda, the task of this section is to give a preliminary examination of the characterisation of incentives that stimulate procreation. Since most literature focuses on coercion, the characterisation will pick up where the discussion left off with the question: where do we situate incentives on the spectrum of power and coercion?

Bachrach and Baratz (1970 in Lukes, 1974) have developed a typology of power, which Lukes also uses and reinterprets. According to their typology coercion means securing compliance of an actor against their will through sanctions. This type of power affects the negative liberty of the actor, when the absence of constraints is compromised (Carter, 2016). The proposed incentives do not tell the future parents what to do or take away options, but rather facilitate some choices over others.

Moreover, they do not impose having children on individuals who have decided not to have children. Incentives are not coercive in this first sense.

However, power structures other than plain coercion might be at work in incentives to promote procreation. Parents make their choice in a context (if they make a choice at all). Population policy changes that context (Räikkä, 2001). The incentivising policies at least influence the actions of some future parents. Instead of their negative liberty, their positive liberty may be at stake, which is a more comprehensive way of understanding liberty. According to this view of liberty, an actor is more free when his or her desires and interests are determined autonomously. Therefore, to see the effects of incentives on positive liberty one should also look at how desires are shaped¹⁸.

Steven Lukes (1974) inexplicitly provides us with at least two tools to identify obstacles to positive freedom. One of them he calls the second face of power: the power to determine which issues surface in the public sphere. According to Lukes this is not always attempted by agents. No, 'the bias of the system can be mobilized, recreated and reinforced in ways that are neither consciously chosen nor the intended result of particular individual's choices', but is maintained by socially constructed and culturally patterned behaviour (1974, p.25). In case of procreational decisions, or non-decisions, support for procreation by the government reflects a pro-natalist bias¹⁹ in society (Heyward, 2012). The agenda is set, the problem and a possible solution are defined.

Second, there is what Luke calls the third face of power. Power can even be reflected by situations where there is no conflict, when an individuals' wants are changed from their real interests, towards their perceived interests (the interests that they are made to believe are theirs, but are not actually theirs) (Lukes, 1974). Influence: a change in the action of the future parents that occurs without a threat of deprivation, thus only involves power if it is not in the real interest of these parents to act that way. This way a conflict of interests is prevented from occurring. In reality, it is hard to determine the 'real interests' of parents. Some parents could be persuaded by the financial incentives to have children, thinking they have an interest in having a child, while in actuality they might not.

Incentives for procreation are proposed with a certain end in mind. First, for people to have children at a certain time. Furthermore, the goal that the government has in mind is mending the problems caused by a sub-replacement fertility rate. Yet, are governments morally allowed to 'use' future native parents, children or immigrants for that end? From a Kantian deontological perspective people cannot be used as a means to an end only. This is expressed in his positive interpretation of freedom; freedom as the capacity for autonomy.

Kant starts from the negative concept of freedom. He asserts that 'freedom is the capacity which confers unlimited usefulness on all others [capacities]... but insofar as it is not restrained under certain rules of conditioned employment it is the most terrible thing there could be' (Kant, 1784, p. 344 in Guyer, 2006). The concept of freedom must be exercised in such a way that one person's use of freedom is compatible with everyone else's use of freedom (Guyer, 2006). Because human beings

¹⁸ In contrast, Foucault did not see this type of disciplinary power as something negative per se, he thought it was productive (Owen, 2009). Power structures should not be immobile, however, that is when they become oppressive.

¹⁹ Brown and Ferree (2005) have warned for the construction of motherhood as a central feature of female identity.

are not perfectly rational, the rules that Kant proposes to realize negative freedom appear to us as constraints. A maxim: a principle on which one actually acts, should be able to become a universal law, in order for it to be in accordance with other people's freedom. He then continues by questioning what could be the foundation of a possible categorical imperative. He concludes humanity is the only possible outcome (Kant, 1784, G, in Guyer, 2006).

Kant's imperative thus becomes: 'act so that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means' (Kant, 1785, p. 429, in Guyer, 2006). But what is humanity? What distinguishes us from animals, according to Kant, is the capacity to set ourselves ends. Moreover, the imperative also entails a duty to develop the abilities necessary to reach those ends and to be positively free. In order to be fully autonomous we should not act on our inclinations, or act 'heteronomously' (Kant, 1784 in Swift, 2006). This way humans can lose their humanity. Our capacity freely to set and rationally to pursue ends may not to be sacrificed for the sake of any particular contingent end. We must make humanity itself our end. Thus, according to Kant an individual can be free in the negative sense, whilst at the same time one can be limited in their positive sense of freedom when someone does not use their capacity for autonomy, or when someone else affects their capacity for humanity.

3.1.1 Incentives and parents

When we apply Kant's categorical imperative, the key is that the capacity of parents to make choices and set ends: their positive freedom, is not affected. Of course, there are exceptions where the future parents' or a future parent's choice has been taken away, such as rape, where their freedom was already heavily violated before the implementation of incentives. Parents who do not think of having a baby as a choice, limit their humanity and are less autonomous than those who do. This reflects the duty that Kant ascribes to the parents. They should be able to make a rational decision on whether or not to have a child and to have him or her now or later. Incentives for procreation do not, *prima facie*, limit the freedom of parents to make these choices. But as Kant predicted it may be hard to make an autonomous choice on this matter. As noted before, some parents may be easily persuaded²⁰ that to have children with the incentives given, is in their real interest, now more than (n)ever. Whereas actually making such decisions is complicated and it puts a lot of stress on the rational capabilities of parents.

On the other hand the incentives could also be said to promote a more just society, because parents with a higher income can financially afford to have all the children they want and financially less well-off parents cannot (Brody, 1976). Such incentives will provide them with a larger freedom of choice. For future parents with low financial means or other difficulties, incentives can carry their weight. The incentives could make just the difference in the ability to choose to have or not have a child. This contributes to their effective freedom. Effective freedom is *the ability* to do something, rather than *the freedom* to do something (Carter, 2016). Future parents with insufficient means to raise a child nevertheless have the freedom to have a child and in some ways they even have the ability to have a child, but they do not have the ability to raise a child in a certain way.

²⁰ If parents are influenced by the incentives, this does not necessarily entail that their decision is not rational. But parents that are too easily persuaded and forget to weigh everything but the incentives in the course of making their decision, can misunderstand the interests they have in having a child.

This signifies that the incentives also raise questions of distributive justice. Redistribution in the shape of incentives benefits individuals whose current circumstances are not favourable for having children. Robert Taylor (2009) makes an interesting, yet controversial point when identifying a contradictory liberal intuition towards the project of raising children. Generally, a great deal of resource re-allocation already goes into making sure children are raised well and become educated, healthy and moral citizens, with a capacity for positive freedom. Some people do not consider it their 'project' to raise children, but want to start other 'projects' that may be just as important to them as it is for others to raise children. Is it fair to them that the project of rearing children has obtained a special status and associated distribution? One of the other locations that these incentives could have been redistributed to, for example, is the accommodation of immigrants. Here, I would like to argue that there is a difference between favouring people who want to take up the project of childrearing and making sure the children who already exist are raised well. In other words, it may be legitimate for the state to try to make sure that parents have all the means to raise its future citizens well and incur externalisation of the costs of upbringing to other citizens (through taxes) (Heyward, 2012). Yet, the legitimacy of stimulating individuals to take up that project is not self-evident.

In addition to the intended effects: to alter the procreational behaviour of natives, the incentives also have a positive side effects. Consider for example the effects of a longer parental leave for men. Not only will this give male parents the opportunity to contribute to the care of their child, it will also make the role-division in parenting more equal (de Jong, 2017 April 26). Moreover, it tends to improve the chances women have on the employment market and reduce the discrimination they face when they become pregnant. This is another thing to keep in mind when arguing for the legitimacy of incentives.

To summarize the effects on parents. First and foremost, incentives do not affect the negative liberty of parents. They even increase the effective freedom of some parents. However, incentives reify a pro-natalist norm in society and therefore they can challenge the positive liberty of some parents. Incentives do not affect the autonomous capacities of parents in other ways. Moreover, as discussed before, some of the incentives have positive side effects. In terms of redistribution through taxes, incentives may not be as legitimate, but admittedly this claim needs more research.

3.1.2 Incentives and children

We can also wonder whether the state may use children as a means to mending problems caused by a non-replacement fertility rate. Yet, it seems wrong to pose the question: may a country produce children with a certain end in mind? It is not the state that ultimately decides to have children. For this reason, we should *also* look at the morality of decisions made at the level of parents, because it is them who respond or do not respond to the incentives.²¹

For the simple reason that a baby cannot choose to be born, nor has a capacity for autonomy, the deliberations of parents are even more important. Parents are generally responsible for the wellbeing of their children, except in some cases (Wissenburg, 2011). In absence of the child's autonomy, however, it is nevertheless important not to instrumentalize the child in a decision to have children. On the other hand, no baby is brought into existence for its own sake.²² In spite of this

²¹ Assuming they are truly free to respond as they wish.

²² This topic is complicated by problems of non-existence, that will be elaborated on later in this section

fact, Tina Rulli (2016) thinks we can and should still take the child's developing autonomy into account and meet his or her needs. Treating the child this way is treating it as an end in itself too.

As discussed at the beginning of the chapter, installing a high value of direct monetary incentives could unfortunately also lead some parents to 'produce' children in order to claim those incentives. In first instance, those parents create their children with an end in mind. People who have children solely for profit may not be interested in investing in their upbringing. But this is not a rule that is set in stone. The parents could redeem themselves and display the right intentions after all. At the same time, the quality of life of some children improves compared to the quality of life they would have had in a state without incentives. These are the children of parents who did not have the means to have a child, but had it anyway.

In addition to a change in quality of life, the incentives can also influence the existence, number and identity of future people (children)(Meyer, 2016). According to Derek Parfit (1982) there is an infinitely large number of factors that can change the identity of the child who will be born. Most changes in timing of conception will make sure that the combination of genes has changed enough to change the identity of the person that will be conceived. A population policy like the one proposed will have a large impact on the identity of the persons who will exist in future generations. Moreover, when incentives make it possible for individuals to have children, whereas otherwise they would not have had that option, the aggregate number of humans who will live increases.

Fortunately, we cannot straightforwardly interpret an increase in individuals on this earth as good or bad. Considering that the children do not yet exist, the interpretation is possibly affected by 'futurity problems' such as the non-identity problem and non-existence (term coined by Heyd, 1988).

3.1.2.1 Non-identity

A slight change in events can change the genetic identity of a future child (Parfit, 1982; Heyd, 1988; Harman, 2004; Weinberg, 2014; Meyer, 2016). In response to the incentives some parents will make an explicit choice to have their child now rather than later. Consequently, those children are different from the ones who would have been born later, had their parents had no incentives to have them now.

Derek Parfit (1982) detects a problem in our moral intuition of harm when we try to compare the lives of future people who would have existed as result of one type of policy with the lives of people who would have existed as a result of a second type of policy. Think for example of a first scenario where a teen mom has a child, whom she really cannot provide for. In the second scenario she has a child at an age where she is able to care for the child. According to our intuitive notion of harm it would be better for the child if the parent had waited. When reaching this conclusion, one overlooks the fact that the first child would not have existed in the second scenario, and thus cannot be said to be better off. The postponed child will exist in his or her stead.²³

Now, the notion of harm that Parfit (1983) uses in first instance is a person affecting principle of harm: there is no harm when there are no persons harmed. He tries to solve the non-identity problem by finding alternatives to this principle of harm. Following our intuitions about harm we can look at harm in isolation from the identity of persons who will actually exist and could be affected by

²³ In all the examples Parfit does assume that no-one is affected so badly as to have a life not worth living.

our policy. We should not compare the amount of harm done, or utility generated per person. Instead, we should compare situations: a situation where a person is well taken care of and a situation where the person is neglected, no matter the identity of the people who live in those situations (Benatar, 2006). Thus, the impersonal notion of harm that Parfit proposes is the following: 'It is bad if those who live are worse off than those who might have lived' (Parfit, 1983, p.174).

Even if future people are involved in the effects of the incentivising population policy, non-identity problems only occur when a choice in policy affects both the quality of life of future persons and their identity. Whether parents raise a child now, with the assistance of incentives, or later when their own resources are sufficient, does not per definition make a significant difference in the child's quality of life. In that case the non-identity is of no concern to us. As we have discussed above, there is a slight chance that people will have children solely for the benefits of incentives, not because they want to have a child. Here the non-identity principle does apply. The quality of life of children born to those parents could be worse than it could have been, but they would not have existed in the first place had there been no incentives. In this case the objection to the immoral behaviour of the parents could also be phrased in terms of the Kantian objection of using people solely as a means.

3.1.2.2 Non-existence

If the incentives have the intended effect, children will be born whereas otherwise they might not have been. What value does being born have for a person? There has been some discussion on the question whether a possible child has an interest in being brought into existence. Is coming into existence a good in itself? Does it harm possible²⁴ persons to be brought into existence or does it harm them not to be born? That is what this section must discuss before interpreting the effects that population policy, or the absence of it, has on children.

David Benatar (2006) takes a controversial stance in this matter. Living, for Benatar, means a serious risk of being harmed. In a state of non-existence, pain and pleasure are absent. The absence of pain is good. The absence of pleasure, however, is not good, but not bad either, because there is no subject to suffer the deprivation (Benatar, 1997). If an absence of pleasure was bad, this would mean we should have all the children we can possibly have. Positive utilitarians would agree with this intuition, since they want to maximize pleasure. However, this view risks using persons merely as means to achieving a higher aggregate happiness and is comparable to Parfit's Repugnant Conclusion. The Repugnant Conclusion states that the mere addition of a person to a society would lead to a better society, even if the life of this person is only just worth living. Comparing the absence of pleasure and pain to the presence of pain and pleasure in existence Benatar thus concludes that there is nothing bad about never coming into existence, but there is something bad about coming into existence. Benatar denies the duty to bring happy people into existence, whilst he does think there is a duty to avoid bringing suffering people into existence. Benatar grants that there are other reasons for bringing children into existence, but they may not be brought into existence for their own sake.

Christine Overall (2012) responds to Benatar's theory by offering four plausible critiques that make her conclude that: 'People are not harmed by the mere fact of coming into existence, but, I suggest, people are not benefited either.' (Overall, 2012, p.116). First, she thinks non-existence is too high a price to be paid for the avoidance of pain or harm. Non-existence is not only the absence of harm,

²⁴ The person that could become real, but is merely a possibility at the point before existence.

but also of pleasure. Benatar assumes people are highly risk averse about coming into existence. Second, she argues that it can intuitively be bad when a capacity for happiness is not fulfilled²⁵. She takes her readers with her to a world where a God creates 5 million suffering people and 5 million thriving people. In response to the complaints of the miserable he²⁶ rolls back time and never creates any of the people. She explains the remorse we might feel over God's decision not to recreate the individuals that thrive as the intuition that the absence of good can be bad in some cases. This is not her strongest argument, because she is guilty of the same fallacy Benatar commits. In the example she confuses the good or bad of a situation with the good or bad of a situation *for* someone (Rulli, 2016). From an outsider point of view it might seem better if those 5 million thriving people had existed. From the perspective of the world in the example, however, there is no-one there to regret the absence of the 5 million non-sufferers. Overall opposes this fallacy in Benatar's reasoning; with regard to coming into existence the absence of harm is not good, because there is no one to enjoy that good.

Fourthly, and most importantly, it is not sure that people are harmed by coming into existence *per se*, instead Overall calls coming into existence the necessary condition for any experience. A key question here is, whether harm is a morally bad experience, and what positive experiences would mean without negative ones. Should anything bad be prevented? Like Benatar, however, she thinks there are reasons other than the supposed harm of coming into existence that will sometimes obligate future parents not to procreate.

Parfit's (1982) argument corresponds with Overall's idea that value cannot be impersonal. Non-existence is neither better nor worse than existence for the person in question. He argues that someone's existence cannot be compared to non-existence, but a life can be judged to be either worth living or not worth living. Therefore, life cannot be said to be better or worse than non-existence, but it can be good or bad. Yet, '[this does not] imply that, if he [or she] had not been caused to exist, this would have been bad for him [or her]. We are not claiming that it is bad for possible people if they do not become actual.' (p. 135-136). Parfit's analysis differs from Benatar's analysis in the sense that he does not consider non-existence to be a state that can be valued, whereas Benatar does. Parfit concludes that coming into existence can lead to good for that person, but that never coming into existence is neither good or bad for a possible person.

In conclusion, being brought into existence is not a harm *per se*, if one accepts that it is the necessary precondition for any pain or pleasure. Moreover, not being brought into existence does not harm the possible person. So, the non-existence problem does not contribute to our judgement of a population policy that incentivises bringing more people into existence. Population policy in the form of incentives to have children does not harm them *per se*. Only in a small amount of cases, the lives of children will not be as good as they should have been. The creation of children just to reap the benefits of incentives is complicated by the non-identity problem, but can be objected morally on the account of the deontological imperative of not using a human being only as a means to an end. For some children the quality of life will even be improved by incentives. These are the children whom parents had in spite of any incentives. Even if their parent's decision was not influenced by the state policy, the children can still reap the benefits.

²⁵ Although Overall would never imply that women should have as many children as they can, because this would violate the reproductive rights of women.

²⁶ She assumes God is a he.

3.2 Scenario two: immigration policy

Now let us return to the living and take a look at the second scenario, where immigrants are allowed to enter, but there is no policy stimulating procreation. I have argued in the introduction that the number of immigrants who are allowed into the country should at least be the same as the number of children who would have been added to the national population had the incentives been effective. In this section we will assume this and focus our attention to the effects of the immigration policy on the immigrants themselves.

Strangely, there is no comprehensive overview of literature of the interests of immigrants in entering a western-European state. Most writings approach the issue of immigration from the standpoint of the host-country. The origin of this gap in the literature is probably that any author would first have to venture into the effort of differentiating between the different types of immigrants. This would explain their backgrounds and thus explain the divergent interests that various types of immigrants have in citizenship in a western-European society. The UNHCR (2017) distinguishes between immigrants and forcibly displaced persons, who can be internally displaced persons (and technically are not immigrants), refugees (persons fleeing armed conflict or persecution that cannot safely return) and stateless people (who do not formally poses any recognised nationality or citizenship).

A large range of goods can be at stake for different types of immigrants. Citizenship in general provides them with a formal equal status and a claim to public goods (Miller, 2008a). Other interests that can be at stake are the protection from persecution for reasons of gender, race, religion, nationality, political opinion or membership of a particular social group; protection of violence or war; freedom from famine; an opportunity for employment and financial prospectives; the provision of adequate medical services; access to education and housing or being reunited with family that has already migrated. From the literature I distilled at least four different ways of theoretically approaching the interests that immigrants have in entering a western-European society.

3.2.1 Democratic theory

The first way of approaching the interests of immigrants is by reasoning from a democratic theory perspective. According to this theory, the state owes legitimation towards anyone that is the subject of a policy. In a democracy, normally this legitimacy is arranged in a procedural way. However, immigrants that are located outside of the country cannot participate in that democracy and yet are subject to its immigration policy. This theory is supported by Walzer's (1983) argument for citizenship rights for guest workers. For him the type of consent present in the relationship with the host state is not enough for a democratic politics: '[I]ndeed, the purpose of their (the guest workers') status is to prevent them from improving their condition' (1983, p. 59). This affects the autonomy of immigrants (both those outside the country and guest workers) in the sense that they cannot influence the rules that regulate their lives.

3.2.2 Autonomy

Second, we can evaluate the effects of immigration policy on autonomy. Just like population policy, immigration policy has an end in mind. Although, in this thesis immigration has deliberately not been framed as a solution to problems with a sub-replacement fertility rate, this can be its intended effect. Is a state morally allowed to use immigrants as a means to mending the problems of a sub-replacement fertility? How does a immigration policy affect the autonomy of immigrants?

Brenny Nguyen (2014) argues with Arash Abizadeh that immigration control affects the autonomy of immigrants through restrictions on their freedom of mobility. For Abizadeh, who adopts Joseph Raz's conception of autonomy, the acts of creating and maintaining borders subjects non-members to coercion. This concept of autonomy is threefold: it requires certain mental capacities to make rational decisions, adequate valuable options, and independence (not being subjected to another person's will). According to Abizadeh the immigrants' mental capacities and valuable options might be affected minimally, but independence is always diminished. Raz's first part of the definition is most like Kant's notion of autonomy, which is not necessarily affected by immigration policy. The second part of Raz's conception of autonomy is more like effective liberty, which is of course limited by a restriction on the freedom of movement. Moreover, freedom of movement can be seen as a prerequisite for meaningful equality of opportunity and an instrument of distributive justice (Bader, 2005). For Nguyen and Abizadeh, that closed borders are invasive on the autonomy of outsiders means they need to be justified to them.

3.2.3 Statelessness

Hannah Arendt and subsequently Giorgio Agamben identify another problem with immigration. Immigrants who are in-between states are in a condition of statelessness²⁷(Owens, 2009) and sometimes the stateless can even reside in a state, but have no passport. The latter match the *de jure* definition that the UNCHR attaches to statelessness; those who actually do not have a nationality and as such are not in possession of a passport (Mancheno, 2016). To make the argument more nuanced we have to differentiate between immigrants that are in a prolonged state of statelessness: the stateless as defined by the UNCHR, and those that are (hopefully) in a temporary state of statelessness: refugees. Note that economic immigrants are not stateless.

Statelessness is a grave condition, because the stateless lack political life: bios (Owens, 2009). Among these stateless are refugees in asylum or refugee camps. Those refugees have no access to public life and citizenship, which is detrimental to their human condition. Refugees are often only left with *zoē*: bare biological life. Hannah Arendt's concept of humanity explains why she thinks statelessness is such a grave condition. She defines humanity differently from Kant, who focuses on autonomy, and is convinced that to live a human life is to live a political life; to be part of a shared, common and public world (Borren, 2008). Moreover, the stateless lack the right to have rights.²⁸

In this sense, even internally displaced people may be stateless if their state, in addition to not being able to provide them with security, cannot protect their human condition. Therefore, belonging to a state as opposed to statelessness cannot be equated with having a nationality (Borren, 2008). This is where Hannah Arendt's notion of statelessness is different from the one that the UNHCR applies. One can have a passport, but still have no access to political world and as such be stateless (Mancheno, 2016).

From a communitarian perspective and also in line with Hannah Arendt, Matthew Gibney (2015) stresses that being a refugee is not just about being robbed of some basic rights, 'it is to be someone deprived of her social world. It is to be someone who has been displaced from the communities,

²⁷ Even if they still hold their official nationality from the state of origin, they cannot effectively make use of this citizenship. Economic immigrants are not stateless in the sense of Hannah Arendt, because they can still return to their country and have a meaningful public life.

²⁸ The meaning of the right to have rights is thoroughly explained by Nanda Oudejans (2014)

associations, relationships and cultural context that have shaped one's identity and around which one's life plan has hitherto been organized' (p. 460). I think that this can be the case, not only for refugees, but also for immigrants who voluntarily chose to immigrate. Being disconnected from the social networks that one was involved in before, ranging from being away from family and friends to their fellow countrymen, is one of the negative sides of immigration for those immigrating. Most immigrants' sociological realities eventually exist in the transnational, with ties to their country of origin as well as their host-country (Bauböck, 2002).

In conclusion, although differing per immigrant, the gains of coming to a western-European country and being provided with citizenship rights can be significant. Refugees and stateless individuals have the most pressing needs and interests, because of their loss of 'world'. For all immigrants, effective freedom is reduced through restrictions on freedom of mobility, although this does not affect the Kantian notion of autonomy. Whenever one does apply restrictions to immigration, he or she should be critical of the effect it has on the autonomy of immigrants, so as not to instrumentalize the immigrant. Finally, some people would argue for a way of legitimizing any restriction that affects immigrants. For our thesis, this implies that we should at least have to consider the interests of immigrants when maintaining exclusionary policies.

3.3 Conclusion

We have seen how incentives do not affect the negative liberty of parents. They even increase the effective freedom of some parents. However, incentives reify a pro-natalist norm in society and thus challenge the rational capacities of parents and their autonomy. Incentives do not affect the autonomous capacities of parents in other ways. Moreover, some of the incentives have positive side effects, such as creating more equal parental roles and limiting the possibilities for discrimination of women. In terms of redistribution through taxes, incentives may not be as legitimate, but admittedly this claim needs more research.

Children do not have a choice in coming into existence and do not yet express autonomy in the Kantian sense. This does not mean that we should not treat them as ends in themselves too. I have concluded that the interests of possible children are not harmed by not coming into existence and that a child is neither harmed nor benefitted by being brought into existence. One can say, however, that the lives of at least some children will be improved; those children of parents who had children regardless of the policy. On the other hand, the lives of some children, who would otherwise not have existed, are possibly damaged by an immoral disposition of their parents. They could be brought into existence merely for the gain the incentives bring to their parents. This possibility is fraught by the non-existence problem as defined by Parfit, but can be solved by an appeal to Kant's categorical imperative. With this exception and the exception of questions of distributive justice, there are no compelling arguments for prima facie dismissing the incentivizing policy as illegitimate. Children that are merely possible and do not come into existence if there are no incentives for their parents to respond to, are not harmed or benefitted by not coming into existence. This can lead us to conclude that there are no objections to prioritizing the interests of the existent over the non-existent. Consequently, what should count for our conclusions are the interests of already existing children, children who will certainly exist, immigrants and parents.

A combination of the two population policies seems to satisfy most interests and a degree of both immigration policy and incentivizing policies are likely to exist in all countries. The choice that we make regarding the combinations of policy is not an either-or-choice, although admitting both a number of immigrants and providing incentives is more expensive than just adopting one type of policy. From some democratic perspectives immigration controls should always be justified to immigrants, which is why we should at least take their interests into account. The interests that immigrants could have in citizenship in a western-European country are very diverse. This depends on the situation they were in before immigrating; their situation zero. It also depends on the treatment they will get after admission. I have also identified the dire state of statelessness and how some types of immigrants are at risk of being reduced to bare life, void of political life, which is comparable to a type of non-existence. If one accepts Hannah Arendt's view of humanity there may be much to gain for them by full membership in any host-state.

To conclude chapter 3: at this point, none of the policies can be dismissed by an appeal to different types of freedom or by the way they affect the interests of actors involved. By view of what can be gained, a combination of the two policies thus seems to be preferable, but the interests of refugees and the stateless are most pressing and should always be taken into account. However, the next chapter will widen the scope of moral actors that are affected by the incentives even more, by adding the condition of global population growth to the equation.

4. Shrinking nations and global growth

The previous chapter evaluated how the interests and rights of parents, children and immigrants are affected differently by three ways of combining of policy. Most individuals' interests are satisfied by a combination of incentives for procreation and the entrance of immigrants. Note that this conclusion does not take into account any possible clashing interests as discussed in Chapter 2. Incentives raise the effective freedom of individuals who want to have a child or additional children, but do not have the means to have that child. Similarly, incentives can improve the quality of life for children who are born to parents that are less well-off and had the child regardless of their situation. Recall that, incentives will influence the choice of prospective parents. They will decide to have their child(ren) now instead of later, or now instead of never.

In the latter case, incentives will increase the size of the population present on earth. Some writers are convinced of the negative effects of global population growth and others argue it will eventually lead, or has already led to overpopulation. Overpopulation, however, is not a statistical fact, but a normative concept (Ryberg, 1998)²⁹. The concept does not mean to convey that the population cannot practically grow any further, but instead that it *should* not grow any further, because of negative effects. Consequently, whether there is overpopulation cannot be deduced from mere numbers on population size, growth or density. To be able to conclude that there is overpopulation one needs a standard, such as survival of the human species³⁰ or a certain quality of life. Jesper Ryberg (1998), for example, has listed standards for optimum population size that have been considered in the literature, such as military power, ecological integrity and social harmony. This chapter will provide clarity about the causal mechanisms between population growth and the negative effect on any chosen standard.

Although, intuitively, it is likely that there will be a global population size that is too large for this earth to sustain (Benatar, 2006) this chapter will not focus on overpopulation, but on population growth. Additionally, the question that needs to be answered in this chapter is: why should countries that have a below-replacement fertility rate care about global population growth? This chapter thus moves to a qualified understanding of the global impact of local incentives. If the impact is substantially negative this will influence the legitimacy of the incentivizing policy of western-European countries.

4.1 Population growth

At this period in time, the number of people inhabiting the earth exceeds 7 billion (Dawson and Johnson, 2017). In a recent adaptation of the 2012 UN projection of world population, Patrick Gerland et al. (2014) estimate that the world population is unlikely to stop growing this century and at the beginning of the twenty-second century population will have grown to around 9 - 13.2 billion people. Indeed, projections by Skaykeeva et al. (2016), predict a world population of 10.3 billion as

²⁹ Consider the following scenario: birth-rates start to fall in the continent of Africa, as they already have in China. In both China and Africa there are no pensions systems remotely similar to those in western-Europe in place. Would we call this global underpopulation, even if their aggregate numbers are high?

³⁰ John Robinson (2015) has argued that human survival cannot be accepted as that standard unconditionally. '[T]he species would survive even if humans procreated freely', even if many would die.

soon as 2050. These numbers show a large predicted growth in world population, especially considering there were only 1 billion people in the nineteenth century (Roser and Ortiz-Ospina, 2016). Population growth, however, is not morally problematic by itself.

Some writers think population growth is not a problem at all, or at least not a moral problem. Thomas Malthus for example, thought it was a problem that would fix itself. Others are critical of the use of demographic projections (Mountford and Ropoport, 2016). Most authors writing about population growth simply assume population growth will have negative effects in the next century, starting their arguments from this assumption (Overall, 2012; Benatar, 2006; Cripps, 2015). Their assumption usually consists of the following premises: there is a worldwide population growth, which has negative global effects and which cannot be mediated, meaning we have to reduce global population. Arguments range from crisis writers, who argue that population growth will lead to catastrophes with the result of great human loss; to quality of life writers, who suppose that even if survival is possible the quality of life will deteriorate in such a way that population growth is still a moral problem (Green, 1976). From a sizeable body of literature Dawson and Johnson (2017) have made an inexhaustive summary containing the following possible effects of population growth:

‘(i) climate change due to increased CO₂ emissions, (ii) ecosystem damage and accelerated species extinction resulting from the conversion of bio-diverse areas into urban and agricultural land, (iii) food, water, and energy shortages due to increased consumption demands and the depletion/mismanagement of finite resources, (iv) increased violent conflict and rapid migration resulting from greater competition for resources, (v) persistent and/or higher levels of poverty due to increased competition and/or inequitable distribution of resources, and (vi) more deaths and injuries from man-made and natural disasters as greater numbers of people are exposed and opportunities to avoid living in disaster-prone areas are reduced’ (Dawson and Johnson, 2017, p. 66).

All of these effects are not purely due to population growth and there are many intermediating mechanisms. The next sections will elaborate on these points.

4.1.1 Climate change

Philip Cafaro (2012) has examined the causal relationship between population growth and climate change. ‘Anthropogenic climate forcing’ (a term coined by the Intergovernmental Panel on Climate Change) consists of greenhouse gas emissions and deforestation and the conversion of land to arable land. Climate specialists identify four primary factors which determine such gas emissions: economic output per capita, total population, energy used to generate each unit of GDP, and for each unit of energy used the amount of greenhouse gas that was emitted. For CO₂, which is only one of the greenhouse gasses, from 1970 to 2004 there has been 1.9% growth in emissions each year, which can be accounted for by a 1.6% growth in population, an increase in economic output per capita of 1.8%, a 1.2% decline in energy used to for economic output, and a small decrease of 0.2% in CO₂ emissions per energy unit. In order to keep average global warming below the two degrees limit³¹, scientists have established we need to reduce greenhouse gas emissions by 60 to 80% over the next 40 to 50 years (Cafaro, 2012, p.48). Whatever this two degree warming could entail can be read in the IPCC report (IPCC, 2013). In absence of limits to population growth, it is not likely we can offset

³¹ Note that the average rise of two degrees Celsius is an average and could entail a local temperature rise of more than two degrees, with the accompanying effects.

greenhouse emissions growth by technological improvements and efficiency gains (Cafaro, 2012; Goodwin, 2012; Kates, 2004; Mora, 2014). Climate change will impact on agricultural production too, but this is not always negative. In some places a one to three degree increase in temperature will lead to higher productivity, whereas in other countries it has significant negative effects on the food production.

4.1.2 Food security

The relationship between food security and population growth is a complex one. Food security is commonly defined as 'the physical, social and economic ability to access sufficient, safe and nutritious food' (Charlton, 2016, p.3). This definition already indicates that food security cannot be reduced to mere global food production. Nor can it be reduced, as is often done, to the amount of land available for agriculture.

In the mid-1970s, Ronald Green (1976) noted that most crisis writers are concerned with 'the food issue'. Crisis writers draw on Thomas Malthus' positive checks on population growth: famine, pestilence and war, to show that there are limits to population growth. Of course, Malthus was not primarily interested in the limits to population growth as a problem that should be solved by human action. Malthus points to rules similar to laws of nature to conclude that nature is bounded by this world, and since humans depend on nature for food our numbers are restricted too (Malthus, 1798). When population size grows in an uninhibited manner, it will eventually fall through preventive and/or positive checks. Either the population will intentionally restrict its procreational behaviour, or it will diminish through malnutrition, disease, famine and conflict resulting from competition for subsistence. These negative effects of population growth have yet to occur on a large scale. Instead, technological change has made sure that increases in population growth did not decrease income per capita (Galor and Weil, 2000). Ester Boserup interpreted this technical progress as a result of a growth in population. Population pressure leads to more intensive ways of farming, it provides more labour, which in turn results in specialisation and technology. Both theories are hopelessly out-dated and criticized, but they show how diverse the interpretations of the population growth-food production nexus are (Soby, 2017; Morris, 2009).

With the current flaws in the food system it will be difficult to feed a minimal extra 2 billion people in 2100, or to do so without negative side-effects (also reviewed in an ad-hoc way by Charlton, 2016). The United Nations predict that the global food production needs to rise by 70-100%, but we should not focus solely on increasing the output per acreage. The food system is in need of reform. There is no room for a complete analysis of (global) food chains here, but I will briefly sum up some of the flaws of the global food system as is. A well-known flaw in current food chains is their wastefulness. There is dispute over whether the globalization of most food chains creates an efficiency benefit with regards to the environment, or if this efficiency effect is offset by transportation costs (Oosterveer and Sonnenfeld, 2012). Changing dietary preferences, such as an increased preference for eating meat, are less sustainable and take up more natural resources per intake (Charlton, 2016). Moreover, in the current food systems, food empires led by retail chains, have serious power (resembling monopolies). Indeed, together with the industrialisation of agriculture and globalisation of food markets, food empires have led to low food prices and high debts for farmers, squeezing many of them out of the business (van der Ploeg, 2010).

Some demographic areas are more prone to food insecurity than others. Even in countries where there is an abundance of food, there can be so called food deserts, where people simply do not have access to (nutritious) food³². This underlines that we should not be blindfolded by aggregate numbers of food production, but also bear local distribution in mind. In a similar manner, famines can take place when there could have been sufficient supply. Something Ehrlich and Ehrlich failed to recognise in 1968 was that famines often have other causes than a low food supply (Sen, 1981). Although, to give them credit, they did recognise that the quantity of available food was in principle enough for an adequate diet for everyone had it been distributed by need (Ehrlich, 2009).

This is only a small excerpt of the problems that need to be addressed in order to increase the likelihood that food security can be guaranteed for all the minimally projected 9 billion people in 2100³³. These problems with the global food system show that in order to provide for future generations we should not just focus on output, but also on distribution and the sustainability of the current food system. Meanwhile, every extra person on this earth will make the demand for solutions for different food problems more stringent.

4.1.3 Biodiversity and resources

The editor of the *American Journal of Economics and Sociology* (AJES, 2016) emphasizes the extinction of species associated with population growth. There has always been, and always will be, discussion on why a loss of biodiversity is something to be regretted. From an anthropocentric starting point the accelerating and irreversible extinction of plant and animal species could lead to 'wholesale ecosystem collapse' (Brown, 2000, p.8 in Kates, 2004). But how are population growth and the extinction of species connected? Historically, we can see how humans have taken up more and more habitat for animals, but since our population is already so large, does it matter how much larger we become? The editor of AJES notes that changes in and human contact with ecosystems could lead to the spread of animal-human transferable diseases. Furthermore, biodiversity is affected by a need for arable land, monocultures, hunting, the use of unsustainable chemicals, unsustainable management of the commons such as overfishing, and so forth. Altering any of these causes does not necessarily call for a reduction in population growth.

In a similar manner, growth in world population seems to affect the management of resource bases. In general terms, more people consume more resources. Some of these resources, such as fossil fuels are non-renewable or semi-renewable (Robinson, 2015). Others are fixed, meaning their total mass cannot be increased or decreased, such as freshwater (Mora, 2014). Camilo Mora also briefly mentions that resources such as metals³⁴, fuels and minerals become scarce by an increased demand. Some fuels can be replaced by other more sustainable sources of energy. Technological

³² Food deserts are often found in large cities.

³³ We have to be critical of framing technology as the solution to all problems in agriculture. Chemical fertilizers, pesticides and super seeds cannot be exported throughout the world in answer to food shortages. Instead of looking at technology in isolation, we have to keep in mind that technology is used and produced by actors and is not a neutral concept. Technology is portrayed to be modern, whilst whereas local peasant knowledge and instruments are seen as backward, this is also a type of technology. We have to be careful not just to reason from within the industrial agricultural paradigm. For more on this topic I will refer you to Jan Douwe- van der Ploeg's writings.

³⁴ Goklany (2009) has concluded, on the contrary, that finite resources such as metals have not become more scarce, by an analysis of the affordability of these resources.

progress will thus mitigate some of the effects of resource depletion (Ryberg, 1998). Whether these technologies will be developed and employed is subject to power-struggles and whether development is in the interest of dominant and influential groups.

4.2 Correlation

It is not hard to draw the wrong conclusions from these observations. At this point, it is definitely not possible to draw the conclusion there is or will be overpopulation. Nor is it possible to argue there is a direct, unmediated causality between population growth and negative effects on the environment, other species, resource availability and food security.³⁵

When talking about the effects of global population growth most authors reason from the current context. However, they do not factor in possible changes besides population growth. As shown in the previous sections, the correlation can, for better or worse, also be affected by social structures, by consumption and waste patterns, and by the availability of technology. These factors play a role in determining whether and when population growth has negative effects. Which region it will affect the most, is mediated by the resilience of individuals and societies. Improvements in these mediating variables can postpone the points at which population growth has negative consequences. Consequentially, in reasoning about population growth we cannot hold them constant (Heyward, 2012).

When there is still a possibility to ‘change business as usual’ in order to avert ‘disaster’³⁶, this can be called the ‘soft limit’ to population size (Ord 2014, p.57). Most authors confuse the soft limit with the ‘hard limit’, where despite change in business as usual and using all possible measures, the population size will bring ‘disaster’. Indeed, changing structures, consumption patterns and technology will cost us, but not changing them will cost us, or others too. Importantly, this does not imply that endless change to facilitate population growth is possible; nor does it follow that when there is no population growth there is no need for change.

4.3 Future generations

One of the few things that can be stated with certainty regarding global population growth is the faster it increases, the sooner we will need solutions to problems that mediate in the effects of population growth. If the growth rate is slowed down, we buy ourselves and future generations some time^{37 38}. The effect of using incentives for having babies does the opposite. It accelerates the need for a reform of systems, technological inventions and change of consumption patterns. On the other hand, these incentives enhance the effective freedom of some individuals who are waiting to have children until they have the means to provide a good life for children. Some children will have an improved quality of life due to the incentives, since their parents had them in spite of a shortage of means.

³⁵ Or other even more remote issues, such as human conflict over increasingly scarce resources.

³⁶ Disaster is the term Toby Ord uses, I would rather use ‘negative effects’.

³⁷ It is nearly impossible to predict the soft and hard limits of population growth and when negative effects of global population growth will come into being. This might take place in this generation, or future ones.

³⁸ Assuming future generations can be affected (non-identity problem) and we need to take heed of future generations.

We are faced with the difficult task of weighing the added effective freedom for some parents and the improved quality of life for some children, against the less concrete ills that could befall future generations. If, as many have accepted, we believe everyone has a procreative right, we are inclined to choose for incentives. However, it is often misunderstood what this right entails. Does it mean everyone should be able to have children, or indeed have a right to a baby, no matter the cost? (Overall, 2012). Not many would endorse this view, since this could argue for a distribution in children. Not implementing incentives does not limit a parents' formal freedom to have children. It does respect parents' negative right to have children. A negative right does not imply any positive duties on behalf of other actors such as the state to improve the life of others; just that others should not interfere or hinder.

4.4 Why us?

Whereas there may not be an unmediated causality between population growth and its alleged effects, there is a direct causality between incentivising policy in western-European countries and increases in world population growth, however small that contribution may be. The causal responsibility lies with the parents, because societies do not have children, individuals do (Overall, 2012; Wissenburg, 2010). Who is morally responsible is a more difficult question. For example, how morally responsible is a farmer in a poor country, whose only option of a secure old age is to have as many children (preferably boys) as possible to support the farm and family when he or she ages? The relationship between the responsibility of individuals and the state is also a matter of degree (Miller 2008b). In addition, when an action is involuntary or unintentional or it clashes with fundamental interests, this takes away from the moral responsibility for that action. Clare Heyward (2012) discusses internalisation and externalisation of, and thus responsibility for, costs of additional children with regard to climate change. She aptly argues that there is a collective duty to try to accommodate the costs or impact of each extra child (externalisation). Moreover, any action to try to reduce population growth can only legitimately occur in a 'just society', where population growth is the 'result of reasonable choices of citizens able to make those decisions' (Heyward 2012, p. 724). The lack of redistributive justice for the poor farmer would mean the costs for his children may be externalised and moral responsibility shared. In a more just society, there is a collective duty to question prevailing cultural norms related to procreative decisions and consumption patterns (Heyward, 2012).

This study, however is not concerned with the question of responsibility per se, but with the legitimacy of pro-natalist state policy. The government establishes the incentives and creates the environment of choice, or as Clare Heyward would say: a public culture. This leaves the government at least partly responsible for the effects of the policy.³⁹ However, individuals can in principle always execute their moral autonomy by evaluating their impact and making choices regardless of state incentives. It is not immediately clear, however, why citizens and governments of 'shrinking' countries should care about world-wide population growth. Populations in Africa are growing much faster than western-European countries and it seems logical to blame them (Shaykheeva et al, 2016; Gerland et al, 2014; Kates, 2004; Robinson, 2015). In other words, why should the scope of our moral consideration be broadened to those outside the nation?

³⁹ This is where Marcel Wissenburg (2011) would disagree. Since there is still an opportunity for individuals who want to have children to be responsible, other parties (the state) may not become morally responsible.

Garrett Hardin (2001) insists that population growth is not a global problem. Instead, each country has its own population problem which should be solved locally. He even proposes that the first thing a nation should do is close its borders to immigration to make sure that countries do not export their population problem. However, I would argue that closing borders does not stop the indirect effects of population growth from being a global problem; environmental effects are global in their scope, food distribution is now mostly organised in a global manner, and most resources are traded internationally. In their own way, each person impacts the limits to population growth. For example, an ingenious scientist might find a solution which will delay the negative effects of population growth by inventing a super seed, but we cannot sit back and relax until she does, as it may never happen.

Moreover, Hardin does not acknowledge that overpopulation is also a problem that is fraught by differentiated consumption patterns. Overpopulation always implies an average worldwide overconsumption, but in 'the West' we generate much larger greenhouse gas emissions per person and consume more resources (Cafaro, 2012). According to a study by Murtaugh and Schlax (2009), American children add 9441 metric tons of carbon dioxide to the total carbon legacy of their parents, whereas Indian children on average add only 171. No numbers from the same study were available for west-European children, but carbon emissions per capita per year in 2013 were 9.3 for Germany and 10.6 for the Netherlands, in comparison to 1.6 for India and 16.4 for the United States (The World Bank 2016). These numbers do not excuse developing countries from sharing the burden of solutions, but the point is that western-Europeans cannot be excused either.

4.5 Conclusion

This chapter demonstrated the difficulty of making straightforward statements about population growth. There are numerous significant disagreements, as climate change, population growth, and associated responsibility are normative concepts which spark controversy. From the literature I cannot conclude there is or will be overpopulation. Making that statement requires affirming many normative statements.

Also, population growth is not directly tied to negative effects in the areas of resource depletion, biodiversity, climate change, food security and resulting conflicts. These areas are also affected by the mediating variables: consumption and waste patterns, the level of technology and social structures. Changing these mediating variables will cost us, but not changing them will cost us, or others too. Any increase in population growth will bring the immediacy of the need for change in the mediating variables closer, even if an ingenious scientific break-through is made with positive change as a result.

We cannot predict where the (soft) limits to population growth lie, but they are likely to affect future generations' needs for solutions (change in the mediating variables). We have determined that governments of western-European countries that implement incentivising policies are also morally responsible for the effects of the policies' outcomes (i.e. population growth) even despite a larger population growth in continents such as Africa. With incentives, on the one hand, there are gains in effective freedom for some adults, the improvements in quality of life of some children, the side effects of policies such as a longer parental leave for men and the improvement in dependency ratios of below-replacement countries. On the other hand, each child creates an increased need for improvements.

5. Conclusion

For western-European countries a sub-replacement fertility rate can be problematic. In chapter 2 I discussed arguments that a government can have for choosing to stimulate procreation among those already living in the country, instead of admitting immigrants. Some of the motivations that governments have also require the restriction of immigration in order to obtain a government's normative goals.

I started off by disqualifying racial motivations as a legitimate argument for an increase in the western-European fertility rate. Sovereignty mainly proved to be an amoral motivation for stimulating procreation and as a consequence it can also be employed as an argument pro-immigration. The motivation of self-determination as self-re-creation could legitimate incentives to increase the fertility rate, as well as a partial closure of borders to immigrants. Immigrants in sufficient numbers could overwhelm the way that a western-European state conventionally makes its decisions. This motivation reflects a conflict between national interest (self-creation as self-determination) and the interests that immigrants can have in coming to Western Europe. Furthermore, liberal values may not serve as a justification for excluding immigrants on the basis of the universalism or neutrality of these values. Their universalism can, on the contrary prove to be exclusionary of some cultures that have a different conception of the individual and the border between public and private life. I have argued for a view of liberalism as a civic culture, whereas western-European states do not express a significant national culture in any other way. Governmental argumentation that concentrates around the preservation of national culture should be attentive of not implying an essentializing notion of culture, to recognize its importance for identity, not to conflate nations and states and not to think of western-European countries as homogenous. Liberalism in Western Europe is different from less constitutional thick cultures, because it is less flexible and adaptive to outside influences. In so far as one is convinced that the thin liberal culture should continue to exist, there may be a an additional conflict of interest between the interests of the country and those of immigrants that express values that are incompatible with liberalism. The motivations for a successful cooperative society and welfare system were not convincing enough to justify the exclusion of immigrants and the 'production' of new natives. Since the overall conclusion of chapter 2 was that there is a conflict of interests, the thesis could not yet be affirmed in this chapter.

As a consequence, chapter 3 had to consider the effects of three combinations of population policy (i.e. incentives) and immigration policy on the actors involved. (Prospective) parents have most to gain by the incentives, which can enhance the effective freedom of some parents, making their chances to have children, rather than their freedom to have children more equal. In the deontological, Kantian sense, incentives do not treat parents immorally. Although they do not challenge and instead reify pro-natalist norms in society that might influence the rational capacity for making decisions. With regard to distributive justice, incentives might be perceived as the unequal distribution of resources towards those that want and can have children, as a penalty for not having children. On a more controversial note, the funds that go into incentives could have been redirected into facilitating immigrants. Children should also be treated as ends in themselves. Whereas there is a tiny chance that some children are harmed in this sense, because their parents only have them in order to reap the incentives, other children benefit from the incentives. The possible children that do

not come into existence if there are no incentives for their parents to respond to, are not harmed or benefitted by not coming into existence. Consequently, there are no objections to prioritizing the interests of the existent over the non-existent. With the exception of unfortunate side-effects and questions of distributive justice, which future research has to elaborate on, there are no compelling arguments for *prima facie* dismissing the incentivizing policies as illegitimate.

I have argued that we should take the interests of another existent (albeit on the margins of human society) group of actors in account. One of the reasons for this consideration is that the lives of immigrants are affected by the policies in a significant way, but they are imposed on them without (procedural democratic) legitimation. The interests of immigrants that want to enter a western-European country, although very divergent, are significantly affected by the absence or presence of admission policies. It is important to take their autonomy as a starting point for their treatment after admission in order not to make admission morally objectionable in the deontological sense. What all immigrants attain when they are admitted as citizens is a set of rights and the entitlement to the goods that western-European states provide for their members. Refugees have most to gain by citizenship in a western-European country. Those who have been stateless gain the right to have rights by obtaining citizenship in any country. In a compelling sense the (temporarily) stateless are non-existent too. Other things that immigrants could gain, depending on the situation in their home country are being reunited with family, freedom from famine, an opportunity for employment and financial prospectives, the provision of adequate medical services and access to education and housing.

The choice that we make regarding the combinations of policy is not an either-or-choice, although admitting both a number of immigrants *and* providing incentives might more expensive than choosing one of the policies. If interests do not clash, which in case of immigration policy sometimes occurs as we have seen in the second chapter, we are inclined to say that we should opt for the adoption of incentives *and* admission of immigrants into our country. With regard to the conflicts of interest as discussed above, we should keep the numbers and compatibility of the values of immigrants in mind. These factors might be detrimental to the preservation of the liberal civic culture and of democratic mechanisms for decision making in western-European countries. However, the conflicts in interests is not significant enough to abolish the option of immigrant admission.

In reality, whereas this thesis had to employ ideal types, states will likely adopt both types of policies to a certain extent. Few countries, for example, keep immigrants out one hundred per cent. This makes it harder for anyone to decide where the normative line is. What is considered to be a policy that stimulates procreation? As discussed, some of the proposed incentives also have positive side effects, such as a heightened gender equality. This makes it likely that the incentives will also be instated for other reasons than with the intention of increasing fertility rates. In adaptation to the operationalization in the introduction I would like to argue that if the effect of a policy (in this case incentives) is an increase in fertility rate, a state should also admit at least the same number of immigrants as the additional number of babies born as a consequence of the policy.

In chapter 4 we discussed the global effect of national incentives: the increase in global population. I was not able to sustain the normative statement that there is, or will be overpopulation. Although I have argued that there are some pressing issues in the areas of climate change, the availability and management of resources, the co-existence with other species, food production and distribution,

these are not causally connected to population growth without the mediation of other factors. The following variables interfere in these areas: consumption and waste patterns, technology development and social structures. Any increase in population growth will bring the immediacy of the need for solutions to the problems affecting those areas closer. This broadens the scope of our moral judgement of incentivizing policies to the agents expected to feel the extent of this pressure: future generations. If one acknowledges the inproportionate contribution that western-European individuals make to carbon emissions and consumption in comparison to developing countries and the global extent that having children has, western-Europeans are responsible for these effects too.

The moral scope we employed in discussing this thesis is now extended to both immigrants and future generations. This thesis started with the intuition that it seems wrong to 'create' new people in a society, when there are existing people 'at the border' waiting to take their place in that same society. On the condition that one does not arbitrarily favour the interests of present generations over future generations and the interests of co-nationals over that of immigrants, it has become a more complex picture. The fastest way of arguing for the illegitimacy of incentives without immigration would have been to argue that that type of population policy is illegitimate by definition. This research has not been able to conclude that, although it is in the interests of future generations all over the world to abstain from trying to raise the fertility rate through incentives. The paper has shown that immigrants could gain a lot by taking a spot in a western-European society that would otherwise be taken by a new-born. However, as I have argued in chapter 3, their admission has to be controlled in a way that makes sure that a conflict with legitimate, national interests and a breach of the autonomy of immigrants does not occur. However, the pressing nature of the status of refugees and stateless individuals is enough to conclude that there is no basis for the rejection of the thesis that it is not legitimate for the government of a western-European country with a sub-replacement fertility rate to implement policies incentivizing procreation while at the same time immigration to their country is restricted.

In order to confirm the thesis, more research needs to be carried out, because as mentioned in the introduction, this is the first time this thesis has been discussed in a substantive, normative way. I would like to make two larger recommendations for future research. In immigration ethics there is an extensive body of literature that focuses on immigration in a context of global inequality. It would be interesting to see which conclusions that viewpoint could add to the ones in this thesis. Moreover, I found the lack of (political, philosophical, or any) literature on the interests that different groups of immigrants have in coming to Western Europe staggering. To develop this sub-section I would encourage an engagement with sociological theories based around the 'world' of immigrants.

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