

Refuge and Aid*

VICTOR TADROS

Law, University of Warwick

HORRIFIC scenes of needy migrants attempting to enter wealthy countries, often after expensive, arduous, and dangerous journeys, move many to believe that more such migrants should be permitted to enter and reside. But there are also horrific scenes of desperately needy people at a distance from wealthy countries—the distant needy—who are persecuted by their states, internally displaced due to armed conflict, or who suffer from preventable disease, insecurity, malnutrition, homelessness, and poor education. Wealthy countries could use resources under their control to assist these people. Just migration policies are part of a more general scheme of international justice owed to needy migrants and the distant needy.

One question concerns the overall stringency and source of duties of the duties wealthy countries owe to the needy. Many will agree that they do too little. These obligations arise because wealthy countries exploit poorer countries by misusing economic and military power; or they have benefited from the historic unjust exercise of colonial power and economic exploitation; or the norms of distributive justice that apply due to (or independently of) global economic or institutional integration; or simply because of the general duty to assist those in need.

I explore the distinct issue of the comparison between duties owed to needy migrants and the distant needy. International law prioritizes at least some needy migrants over the distant needy. Some needy migrants have refugee status, resulting in legal obligations to protect them. But states owe no general legal obligations to assist the distant needy, even those facing identical threats to needy migrants. Needy migrants also figure more vividly in the popular imagination than the distant needy, leading people to fight more vociferously for improving immigration rights than for increased international aid.

I focus on cases where it is costly to assist needy people. I assume that wealthy countries have duties to impose costs on their citizens to assist needy people, and that particular wealthy countries are not required to assist all the needy people they can assist. Given this, who should be prioritized?

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Section I briefly explores three factors that might seem relevant: distance, identity, and risk. Without exploring these issues in depth, I argue that they are unlikely to justify systematic prioritization of needy migrants over the distant needy. Section II explores whether needy migrants should be prioritized either because they are easier to assist or because the threats of wrongdoing that they face are especially grave. Neither factor typically supports assisting needy migrants over the distant needy. Sections III and IV consider whether duties to needy migrants are more stringent than duties to the distant needy because, unlike the distant needy, needy migrants will be harmed (or its moral equivalent) if they are prevented from making themselves safe by being excluded from territory controlled by wealthy states. This idea is forceful, but applies only to those needy migrants who do not rely on resources generated either by the wealthy state or by others. Section V explores whether wealthy states violate the rights of needy migrants because they fail to fulfil their duties to the distant needy. They do violate those rights, and this justifies fighting for more expansive immigration rights in non-ideal circumstances such as ours.

I. STRIVING, DISTANCE, IDENTITY, AND RISK

One argument for prioritizing needy migrants is that they have made costly efforts to get to wealthy countries. This can make a derivative difference. For example, prioritarians plausibly believe that duties to assist those who are worse off are stronger than duties to assist those who are better off. The fact that migrants have borne costs makes them worse off than some of the distant needy, so prioritarianism favours assisting them.

Some might argue that their being badly off is less significant because they chose to migrate. But many needy migrants act with inadequate information in the face of pressure and threats. Given that, their choices have relatively little importance in limiting duties owed to them. Nevertheless, this consideration does not typically favour prioritizing needy migrants. Even given migration costs, many needy migrants are no worse off than many of the distant needy.¹

Some might argue we have more stringent duties to assist those who are striving to escape threats than those who passively accept those threats. We should reward their effort or help them to complete their valuable plans. Here are two reasons to doubt the significance of this. First, many of the distant needy are also strivers. They just don't strive to get to the shores of wealthy countries (or fail to get there). Furthermore, it is doubtful that striving is very significant in the real world, even if it matters in some ideal circumstances. Strivers often strive due to advantages that they have over non-strivers. People often don't strive because

¹It has often been noted that the poorest of the poor are unable to migrate, or to migrate far, due to the high costs of migration and lack of information and support. Many of the poorest either do not migrate, or migrate to neighbouring countries which are often also relatively poor. See, e.g., N. Van Hear, O. Bakewell, and K. Long, 'Push-pull plus: reconsidering the drivers of migration', *Journal of Ethnic and Migration Studies*, 44 (2018), 927–44.

they find their circumstances hopeless, or because their confidence in success has been undermined by social injustice. When the contrast between strivers and non-strivers is explained in that way, it is at best much less important.

Here are three more arguments for prioritizing needy migrants. First, we have stronger duties to assist those near to us, and needy migrants are nearer than the distant needy. Second, we have stronger reasons to assist identified individuals than anonymous individuals, and needy migrants are identified individuals whereas the distant needy are not. Finally, because they have been identified, officials are aware that particular needy migrants face high risks of being harmed if nothing is done, whereas officials are not aware of particular needy non-migrants facing high risks of being harmed.

I cannot tackle the deeper issues involved in these arguments here. I am at least tempted by the view that none of these things is very significant. I doubt that considerations of distance and identity are morally important. And even if they are, it is questionable that they have political significance—any relevance they have might be more important in interpersonal moral relations than the relationship between states and individuals. And although I think that risk distribution is morally significant in itself, it is typically dwarfed by the significance of the outcomes that different risk profiles will bring about.

Rather than defend these views, I argue that these factors do little to support prioritizing needy migrants in practice, even if they are important in principle. One general reason is to do with the structure of political assistance for needy migrants and the distant needy. The ability of ground-level officials to assist different people depends on resource allocation at the policy level. When policy-makers decide how to allocate resources between the distant needy and needy migrants, though, the three factors under consideration do not favour needy migrants over the distant needy. The allocation of resources occurs in advance of conflicts between identifiable needy people without knowledge of different levels of risk faced by different people.

It might be objected that decisions of high-level policy-makers should depend on the duties officials on the ground will have given the circumstances they will face. Suppose that we have stronger duties to assist those who are nearby, for example, and that officials will be nearer to needy migrants than to the distant needy. Policy-makers who are equally distant from both groups should divert resources to assist needy migrants so that officials on the ground can satisfy their duties.

Even if this is right—and it is contentious—it doesn't normally favour needy migrants. Where officials and needy people will meet, who the officials are, and who the needy people are, depend on high-level policy decisions. For example, diverting resources to assist needy migrants rather than the distant needy results in the recruitment of many more people to assist needy migrants. These policies determine who is recruited. Furthermore, policies to assist needy migrants determine who will travel where: people are more likely to attempt to migrate

to countries with more relaxed immigration policies. So, there will be more immigration officials near to more needy migrants.

But diverting resources to assist the distant needy will result in recruiting officials who will travel abroad to assist the distant needy. They will be nearer to the distant needy than to needy migrants, they will be more likely to be acquainted with the former, and the latter will be at significant risk from the epistemic perspective of these officials. So, overall, how resources are allocated determines who are identified, nearby, and (from the epistemic perspective of officials) at high risk. It is then hard to see how any more stringent duties owed based on these facts can have a profound effect on how resources must be allocated. Perhaps distance, identity, and risk matter. But they do not support policies prioritizing needy migrants.

II. EASE OF ASSISTANCE AND THE SIGNIFICANCE OF INJUSTICE

Perhaps needy migrants should be prioritized because it is easy to help a person at the border, much more difficult to help those far away. One countervailing reason is that needy people might prefer to be assisted in their home country rather than having to migrate.² This consideration, while significant, is only relevant when we are concerned with two different ways of assisting the same people. Normally, though, the choice is between helping some needy migrants or helping other distant needy people.

A. THE GREATER NUMBER

Assisting some needy migrants is costless overall: integration costs are offset by contributions of needy migrants. In deciding when this is true, we should attend not only to financial costs, but also to ways in which migration may advance or hamper the ability of others to develop valuable goals and to establish and sustain just institutions. A more controversial set of questions is whether we should regard limitations on freedom of association,³ or loss of control over the culture of a state,⁴ as costs. I doubt both ideas, given the duty to shape state policies to respect the different attitudes and values of members of the political community,⁵ but take no stand on these issues here. I will speak generically of ‘costs’ without specifying what this includes.

²See, especially, K. Oberman, ‘Immigration, global poverty, and the right to stay’, *Political Studies*, 59 (2011), 253–68.

³For arguments for restricted migration based on freedom of association, see C. H. Wellman, ‘Immigration and freedom of association’, in his *Liberal Rights and Responsibilities: Essays on Citizenship and Sovereignty* (Oxford: Oxford University Press, 2014).

⁴See, e.g., D. Miller, *Strangers in Our Midst: The Political Philosophy of Immigration* (Cambridge, MA: Harvard University Press, 2016).

⁵Here, I am broadly sympathetic to the liberal views defended in, e.g., A. Stilz, *Territorial Sovereignty: A Philosophical Analysis* (Oxford: Oxford University Press, 2019), ch. 7; and A. Patten, ‘The idea of Israel as a Jewish state’, *Theoretical Inquiries in Law*, 21 (2020), 531–9.

When considering the costs of admitting needy migrants, we must also find the appropriate comparison; not the alternative of admitting no migrants, but rather other immigration policies based on, for example, skills. Finally, assisting the distant needy is sometimes costless too: costs borne may be offset by the contribution that others make to wealthy countries due to trade and investment opportunities with countries where assistance is given. And assisting the distant needy might reduce the extent to which desperate people migrate, which inevitably generates costs to others.

One challenge to cost-based arguments for prioritizing needy migrants is that there is no basic duty to prioritize those who are easier to help, nor a general duty to assist people at a lower cost to oneself. If two people need help, I have good reason to prioritize rescuing the one I can rescue at less cost, but no duty to do so.

Things are otherwise, though, if others have claims on the resources that I will use. Suppose I can use resources to rescue more members of one group than another, because the members of the first group can be rescued at less cost. Then I must rescue those whom I can rescue at less cost. That is so assuming the contested, but highly plausible, principle that we are required to rescue the greater number other things equal. This already suggests that states lack significant latitude in the decision whether to assist people either through international aid or through migration, as some have claimed⁶—other things equal, they must do what is most effective in meeting need.

Some arguing for more expansive migration rights express scepticism about the ability of wealthy countries to assist needy people through international aid. This is not the place to assess the difficult empirical questions about methods of assisting the distant needy. If it turns out that the best way to do this is to admit needy migrants, there is no conflict between assisting the distant needy and assisting needy migrants. And assisting needy migrants might also assist the distant needy—migrants to wealthy countries may send remittances home, or may eventually return with new skills that aid development.

But it is hard to believe that it is always more efficient to aid needy migrants. Aid sceptics claim that international aid is unlikely to eliminate poverty, or that efforts to stimulate economic growth have not typically been effective.⁷ But that doesn't show that international aid is ineffective, only that economic interventions

⁶See, e.g., M. Blake, 'Discretionary immigration', *Philosophical Topics*, 30 (2002), 273–89, at p. 281; C. Wellman, 'Immigration and freedom of association', *Ethics*, 119 (2008), 109–41, at p. 127.

⁷See, e.g., R. Pevnik, *Immigration and the Constraints of Justice: Beyond Open Borders and Absolute Sovereignty* (Cambridge: Cambridge University Press, 2011), p. 90; Stilz, *Territorial Sovereignty*, p. 173. Perhaps the most influential aid-sceptical discussion is A. Deaton, *The Great Escape: Health, Wealth, and the Origins of Inequality* (Princeton: Princeton University Press, 2015). For doubts, see R. C. Riddell, 'Does foreign aid really work? An updated assessment', Discussion Paper 33 (Australian National University, Development Policy Centre, 2014). For a recent overview of the economic debate, focusing on the significance of institutional quality, see M. A. Kabir, 'Foreign aid effectiveness: evidence from panel data analysis', *Global Journal of Emerging Market Economies*, 12 (2020), 283–302.

are often imperfect. There is a strong case that targeted economic aid programmes are effective.⁸ Furthermore, the economic data tell us nothing about, for example, the effects on life expectancy and welfare of large-scale efforts to invest in developing basic resources that assist the distant needy, such as cheap and effective medicines, sanitation products, technology, and educational resources. Furthermore, unlike some traditional aid, these methods of assistance are less likely to cause harm than direct interventions.⁹

Even if the sceptics are right that previous efforts to assist the distant needy through direct aid have, overall, failed (a big if), it is hard to believe that there is nothing significant that wealthy countries can do to assist the distant needy.¹⁰ We should also be cautious about drawing conclusions about the potential for international aid by reflecting on current and historic practice, where a tiny fraction of the resources that wealthy states are required to provide are spent on aid, and where that spending is often tied to strategic goals of wealthy countries.

There are also some doubts that a significantly expanded migration policy is a good substitute for carefully targeted international aid. A central part of the case for migration as a way of addressing global poverty is based on remittances, which contribute significantly to the resources of poor countries. But the empirical case for remittances is as contested as that concerning international aid. Remittances are distributed unevenly, and may not go to those most in need. And they can result in the kinds of dependency that critics of aid are concerned about.¹¹ Overall, while the empirical picture is contested, there is at least some reason to think that there are better ways to assist the distant needy than by helping needy migrants.

Perhaps people prioritize needy migrants because of the kinds of threats they face. The 1951 Convention Relating to the Status of Refugees grants refugee status to a person who ‘is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’. It is often dangerous, difficult, and expensive to ameliorate or eliminate threats of persecution in the countries where the persecution occurs; much easier to assist those who have escaped.

But now consider the large class of people who will suffer serious harm without assistance. Some are persecuted. Others are systematically discriminated

⁸See, e.g., E. Anderson and H. Waddington, ‘Aid and the millennium development goal poverty target: how much is required and how should it be allocated?’, *Oxford Development Studies*, 35 (2007), 1–31.

⁹For discussion of the problem that aid sometimes causes harm, see C. Barry and G. Øverland, *Responding to Global Poverty: Harm, Responsibility, and Agency* (Cambridge: Cambridge University Press, 2016); L. Temkin, *Being Good in a World of Need* (Oxford: Oxford University Press, 2022).

¹⁰See also Barry and Øverland, *Responding to Global Poverty*, p. 74; Temkin, *Being Good in a World of Need*, pp. 342–9.

¹¹See, e.g., K. Tsaurai, ‘The impact of remittances on poverty alleviation in selected emerging markets’, *Comparative Economic Research*, 51 (2018), 51–68, for an overview of the literature.

against without being persecuted—they are neglected without being persecuted. Some governments fail in their basic duties of justice to prevent harm to others by providing adequate security, food, education, housing, or health with or without discriminatory impact. Many needy people are victims of international injustice—they will be harmed due to failures of the international community to provide them with adequate resources or political structures, or they are victims of historic international injustice due to colonialism. Finally, some people are in need simply due to natural sources, and not due to injustice (though in the real world, few people fall into this group). There are plenty of needy people, many of whom face unjust threats, who can easily be helped.

B. HARM AND INJUSTICE

It might be argued that needy migrants should be prioritized because they face threats which are especially gravely unjust. To assess this, we need to know whether the strength of our reason to assist people depends on the gravity of the threats they face.

My response is illuminated by three scenarios:

Natural Harm. Group X faces a threat of harm from a natural source that can be averted.

Late Intervention. The wrongful acts of Group W results in Group Y suffering a threat of harm that can be averted.

Early Intervention. Group N will form wrongful motivations which will result in their harming Group Z if nothing is done. This threat can be averted by persuading Group N not to form these motivations.

Which group should be prioritized? The reasons to rescue Group X over Group Y are weak. Those who think otherwise might draw on the idea that it is worse for a person to be a victim of injustice than to be a victim of natural disaster.¹² This is controversial, but even if it is true, it does not have the implication suggested. First, the difference might be too trivial to determine whom to save from serious harm. It seems wrong to decide whom to save from a life-threatening illness, for example, by prioritizing those who are ill because they have been unjustly treated.¹³

Second, if Group X is rescued, Group Y will be victims of injustice. But if Group Y is rescued, Group X will be victims of injustice—the wrongful conduct of group W results in Group X not being saved. Wrongdoing thus inevitably causes harm whatever is done. The only difference is the kind of injustice that Group X and Group Y will suffer.

¹²See, e.g., Z. Stemplowska, 'Should coercive neurointerventions target the victims of wrongdoing?', D. Birks and T. Douglas (eds), *Treatment for Crime: Philosophical Essays on Neurointerventions in Criminal Justice* (Oxford: Oxford University Press, 2018), pp. 338–50. For doubts, see, e.g., D. Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), p. 47; V. Tadros, *Wrongs and Crimes* (Oxford: Oxford University Press, 2016), pp. 162–6.

¹³See V. Tadros, *The Ends of Harm* (Oxford: Oxford University Press, 2011), p. 106.

Furthermore, nothing can be done about the wrongful attitudes of Group W or their realization in action. Only their consequences can be averted. But Group X will suffer similar consequences if they are not rescued. It might be argued that there is a distributive reason to rescue Group Y rather than Group X. If Group X is rescued, all of the evil—the attitudes and the bad consequences—is focused on Group Y. If Group Y is rescued, the evil is more evenly distributed between Group X and Group Y—Group Y are victims of Group W's bad attitudes; Group X victims of their consequences. Perhaps this provides a reason to rescue Group Y over Group X, but that reason seems weak.

A further issue concerns reasons to rescue Group Y over Group X that centre on the wrongdoers—Group W. It is valuable for a person not to be a wrongdoer, and it might be argued that if Group Y is saved, Group W will be prevented from wrongfully harming others. However, similar considerations to those offered above suggest these wrongdoer-centred reasons are weak. It is impossible for the rescuer to ensure that Group W's wrongful conduct does not result in someone suffering harm. There is only a question of how direct the relationship is between Group W's conduct and the harm.

There are stronger reasons to rescue Group Z over either Group Y or Group X—both victim-centred and potential-wrongdoer-centred reasons.¹⁴ Unlike rescuing Group Y, rescuing Group Z eliminates wrongdoing, which is powerfully in the interests of both potential wrongdoers and their victims. We have an interest in living in a world where others recognize our moral significance and act accordingly. And people have a powerful interest in not being wrongdoers. That interest can ground duties of justice.¹⁵ If Group Z is rescued, Group X are not victims of actual wrongdoing. They are victims of the fact that Group Z will otherwise be wrongdoers. But it is not as bad to be victims of this fact.

What implications do these ideas have for our main topic? Needy migrants are almost all victims of injustice. In some cases, helping them will prevent unjust harm occurring without preventing the conduct that led to the threat of harm. That will be so, for example, for migrants whom wealthy countries turn away and who are harmed without their returning to their home country—those who will die at sea, for example. Their case is a late intervention case, and so the arguments in this section provide little reason to prioritize them.

In other cases, if migrants are turned away, they will be returned to their home country, where they will be persecuted. Their case may seem more like early intervention. But even in their case, helping them will not alter the motivations and plans of the wrongdoers—for example, to persecute people of a certain religion or race. They will just lack plans about the particular individuals who

¹⁴For more argument in favour of this view, see Tadros, *Wrongs and Crimes*, pp. 162–6. For a contrary view, see Parfit, *Reasons and Persons*, p. 47.

¹⁵See, for a more sustained argument for this view, V. Tadros, 'Distributing responsibility', *Philosophy and Public Affairs*, 48 (2020), 223–61. The view that people's life goes worse as a result of acting wrongly is also explored in D. Parfit, *On What Matters*, vol. 3 (Oxford: Oxford University Press, 2017), pp. 400–6; Tadros, *Wrongs and Crimes*, pp. 1–2.

have migrated, or they will not be able to execute them. Potential victims cannot live in a world where others lack wrongful motivations about them. That suggests that the reasons for rescuing people in typical early intervention cases do not apply, or do not apply strongly, to many needy migrants.

The distant needy will almost all be victims of injustice if they are harmed. However, some development aid amounts to early intervention: that which sustains justice programmes that result in people not forming unjust motivations, preventing wrongful harm as a result. For example, post-conflict development aid often focuses on fostering and sustaining justice and reconciliation programmes that aim at altering the motivations, attitudes and cultures that led to serious harm. If successful, such programmes are genuine early intervention programmes, and ought to be prioritized. If anything, then, reasons to prevent wrongful harm do not significantly favour assisting needy migrants over the distant needy. They may favour the opposite view, depending on the potential of early intervention justice programmes.

III. DOING, ALLOWING, AND PREVENTION

It is sometimes argued that restrictions on migration are less significant, and need not be justified on a democratic basis, because these restrictions prevent a person from securing a benefit rather than coercing them.¹⁶ This view treats coercion as especially hard to justify.¹⁷ The more important contrast, though, is between harming and failing to benefit.

A. DOING AND ALLOWING

Suppose this plausible and widely accepted principle (or something like it):

Doing and Allowing. There is a more stringent duty not to inflict harm on others without consent than to fail to prevent others from suffering harm without consent.

¹⁶For example, David Miller argues that mere prevention does not amount to coercion, and so need not be democratically justified by including potential migrants in democratic decisions, whereas Arash Abizadeh argues that restricting migration is a form of coercion and needs to be democratically justified. For the debate, see A. Abizadeh, 'Democratic theory and border coercion: no right to unilaterally control your own borders', *Political Theory*, 36 (2008), 37–65; D. Miller, 'Why immigration controls are not coercive: a reply to Arash Abizadeh', *Political Theory*, 38 (2009), 111–20; A. Abizadeh, 'Democratic legitimacy and state coercion: a reply to Miller', *Political Theory* 38 (2010), 121–30. These debates rest on controversial (and I think implausible) assumptions about the relationship between democracy and coercion that I cannot consider here. But, if there is such a relationship, my arguments tend to support Abizadeh's view.

¹⁷An alternative idea is that if wealthy countries turn needy migrants away, they will be complicit in the violation of their rights. See, e.g., J. Carens, *The Ethics of Immigration* (Oxford: Oxford University Press, 2013), pp. 202–3; Pevnik, *Immigration and the Constraints of Justice*, pp. 89–91; Stilz, *Territorial Sovereignty*, p. 173. But they are complicit only if what they do is harmful, rather than a failure to benefit—we are not normally complicit in a wrong simply by failing to prevent it. And it isn't clear why the restriction on harming, if there is one in this context, is limited to cases involving wrongdoing rather than natural threats. So, focusing on complicity is both non-fundamental and too narrow.

I will assume two complementary rationales for this principle, with overlapping but distinct implications.¹⁸ One way to understand the distinction between these rationales is to think about two sides of the principle. First, reasons why harming is especially bad, or hard to justify; second, reasons why failing to save is not especially bad, or easier to justify.

The first rationale—*non-involvement*—is that the causal nexus between the person inflicting harm and the person suffering it makes it harder to justify. For example, it would sometimes be wrong for me to divert a threat of harm from one person to another, even where the other will suffer less harm, because of my causal involvement in the harm that the second person suffers.

The second rationale—*liberty*—focuses on the badness of a person lacking moral control over the ends to which her personal resources are used. This rationale, unlike the first, is especially concerned with cases where a person can rescue others only by using her personal resources. There is, then, a question, which we will come to, about what resources are personal in a way relevant to *Doing and Allowing*.

B. DOING, ALLOWING, AND PREVENTION

Suppose that a person arrives at a wealthy country and will be harmed if she is not permitted to enter. Here is an argument why keeping her out is hard to justify. Doing this prevents her from protecting herself against harm. Preventing a person from protecting herself against harm is morally equivalent to harming her. Harming others is hard to justify. Therefore, it is hard to justify preventing needy migrants entering the territory of wealthy countries. In contrast, withholding aid does not harm the distant needy. Therefore, needy migrants must be prioritized over the distant needy. If this argument succeeds, it applies not only to preventing entry at the border, but also to disincentivizing travel.¹⁹

To assess this argument, consider whether preventing a person from protecting herself against harm is morally equivalent to harming her. I first focus on cases where the person could protect themselves using resources no one has a special claim to. Consider:

Averting a Threat. Villain credibly threatens Renee that she will kill thousands of people unless Renee does one of two things: a) poisons Alf, causing his death; or b) prevents Bill getting to a naturally growing plant that will provide him with an antidote to the poison he has just accidentally ingested. Renee can prevent thousands of people from being killed only by doing one of these things.

Suppose Renee is required to pick one of a) or b) to save thousands of people. These options seem morally equivalent. Even if there is some difference between them, that difference is slight. This supports the idea that preventing a person from protecting herself from harm is morally equivalent to harming her.

¹⁸See V. Tadros, *To Do, to Die, to Reason Why* (Oxford: Oxford University Press, 2020), ch. 5.

¹⁹I am grateful to Zosia Stemplowska for encouraging me to emphasize this idea.

Now consider:

Averting a Threat II. Villain credibly threatens Renee that she will kill thousands of people unless Renee picks one of these options: a) prevent Bill getting to a naturally growing plant that will provide him with an antidote to the poison he has just ingested; or b) refrain from providing Cecil with a different naturally growing antidote that will cure him from being killed by a different poison that he has just accidentally ingested. Cecil cannot get to that antidote himself, and no one is responsible for that. Renee can prevent thousands of people from being killed only by picking one of these options.

Intuitively, Renee should pick b). Preventing Bill from getting to his antidote and then providing Cecil with the antidote that he needs is morally equivalent to harming Bill to protect Cecil.

We thus have intuitive support for the idea that preventing a person from saving herself from harm is morally equivalent to harming. Which rationale for *Doing and Allowing* best explains these intuitions? It might be thought that *liberty* has bearing. In *Averting a Threat II*, Renee will use her personal resources to save Cecil if she picks b), and she will be causally involved in harming Bill if she picks a). But *non-involvement* is more important for two reasons. First, if Renee picks b), she wrongs Bill. The idea that Renee should be free to use her personal resources as she wishes cannot explain this. Her freedom to use her personal resources would give rise to a permission to pick either a) or b) rather than a duty to pick a).

Second, although Renee will use personal resources to rescue Cecil if she picks b), she will do so at no significant cost to herself. Normally, a person is required to assist others at no cost. Furthermore, considerations of justice and equality normally constrain a person's choices in such cases, even where there is nothing to choose between whom to rescue. We can see this from the fact that a person is not permitted to decide whom, between equally needy people, to save based on morally insignificant personal preferences. She must find some fair and impartial mechanism. Thus, if Renee is permitted or required not to save Cecil, and to refrain from preventing Bill from saving himself, rather than using some impartial method such as a coin flip, that must be explained by the involvement that she will have in Bill's death.

Some may object to the idea that Renee is required not to assist Cecil for the following reason. Suppose that Renee is required to do this. Bill then makes Cecil worse off. For Renee is required not to rescue Cecil because of Bill. That is morally equivalent to Bill harming Cecil. Thus, Renee ought to flip a coin: whichever option she picks, one person will have done something morally equivalent to harming the other; Renee's two options are thus morally equivalent; and she should therefore find a fair way to settle which option to pick.

This illuminates a similarity between cases involving conflicts between whom to save, where no one is responsible for needing to be saved, and some cases of non-responsible threats—those where one person is not responsible for threatening

another, but a third party, rather than the person threatened, can avert the threat by harming the non-responsible person. Suppose that D can only save X or Y, and neither X nor Y is responsible for needing to be saved. The fact that X is in need is a threat to Y being saved in that if D saves X, Y is made worse off due to X's need, and X is not responsible for Y being worse off in that way. And vice versa. These cases are like cases involving third parties, in that there is a person who is deciding whom to prioritize who is not threatened with harm either way.

The proper assessment of non-responsible threats is heavily disputed in the literature.²⁰ However, here is a clean case that powerfully supports the view that it is wrong for a third party to harm a non-responsible threat to save a potential victim:

Flip. Threat has been blown down a vertical metal tube by a large gust of wind. Victim is at the bottom of the metal tube on a mattress. As soon as Threat has entered the tube, the lid on the tube shuts firmly. If nothing is done, Threat's body will kill Victim. A neutral third party, Bystander, has seen what has happened. The only thing that he can do to save Victim is to flip the tube upside down. But Threat will then be at the bottom of the flipped tube on the lid, which also has a mattress on its underside. Victim will be saved but will then be unable to avoid falling on Threat and Threat will be killed. Neither Threat nor Victim can communicate with Bystander.

Clearly, Bystander ought not to flip the tube. And, though this is somewhat less clear, she ought not to flip a coin to give each person an equal chance of both surviving and killing the other, for she will cause a death if, after the coin flip, she flips the tube, where if she does nothing, she will not be causally involved in anyone's death.

A similar thing is true in *Averting a Threat II*. If Renee does nothing, she is not causally involved in either death. She merely allows Cecil to be harmed. Bill makes Cecil worse off. But Renee's only other option is to harm Bill. As there is nothing else relevant to her choice, she should do nothing rather than intervening. Thus, preventing a person from rescuing herself from harm is best explained by something like the causal involvement that the preventer has in the harm that the person will suffer.

C. RESOURCES, ENTITLEMENTS, AND PREVENTION

This argument may seem to favour prioritizing needy migrants. And it does, but only in a narrow set of cases. In *Averting a Threat II*, Bill and Cecil each need a different resource to avert harm, and no one has any special claim on that resource.

In cases of migration, though, different people often have different claims on resources. A standard presupposition is that those in wealthy states have special connections with the resources of those states, and that outsiders lack those

²⁰For a more extended analysis, see Tadros, *To Do, to Die, to Reason Why*, ch. 9.

connections, so that those in wealthy states have stronger rights to those resources than outsiders. Some think that citizens of wealthy states acquire property-like rights over territory, or over resources produced on that territory, that arise through production. We will critically explore that presupposition. But let us assume it for the moment. Needy migrants typically have no stronger connections to those resources than the distant needy.

What difference does it make that the person or group allocating a resource has a special connection to it? A simple case involves a person who produced the resource under fair conditions, was not required to produce the resource for others, and had no assistance from others. That, we can plausibly suppose, can ground a right to the resource.

Even then, the person's actual rights depend on claims of others. Consider simple desert island cases, such as:

Protection. Fred and Lucy are independently marooned on a desert island. Neither can help the other at the outset. Each has equal access to natural resources. Risk-averse Fred invests time and effort in protection from wild animals, and so doesn't have time to forage. He eats bland food as a result. Risk-taking Lucy invests less time and effort into protection from wild animals, allocating more time to foraging for delicious food. Wild animals attack. Fred has built a hut for protection that will protect only Fred or Lucy. The other will be harmed.

Fred is permitted to realize the value that governed his earlier choice by protecting himself rather than Lucy. That permission properly respects the different ambitions that the two had at the outset.²¹

Nevertheless, Fred may sometimes owe a duty to allow Lucy to use the hut for protection—if he can do this at little cost to himself, for example. It is difficult to assess the extent of his latitude to protect himself rather than Lucy. Doing so involves comparing the value of ambition sensitivity against worse outcomes, and the role of attitudes towards risk in determining how to distribute resources. We need not explore these complex issues here.²² Assuming a normal range of attitudes to risk, some intermediate position must be right—Fred may prioritize himself over Lucy where things are equal, and even if they are a bit unequal, but not where things are very unequal—for example, where the threat to Fred is trivial and the threat to Lucy grave.

Things are different where Fred has better opportunities than Lucy. Suppose that Fred had access to more resources than Lucy, and Lucy was disposed to protect herself had she had the resources available to Fred. Then Fred's case for prioritizing himself is weaker than in *Protection*. This is typical of both needy migrants and the distant needy when compared with citizens of wealthy countries.

²¹For the importance of ambition sensitivity, see, especially, R. Dworkin, *Sovereign Virtue* (Cambridge, MA: Harvard University Press, 2000).

²²For a good recent discussion, see T. Parr and A. Williams, 'Fair insurance: defended, amended, and extended', D. Sobel and S. Wall (eds), *Oxford Studies in Political Philosophy*, vol. 8 (Oxford: Oxford University Press, 2021).

Even then, Fred may have some latitude to prioritize himself over Lucy, because if Lucy uses Fred's resources, she uses his labour, or its fruits, in a way that harms Fred (or does something equivalent to harming Fred). Perhaps this is somewhat equivalent to using Fred for her sake.²³ And that is hard to justify.²⁴

Suppose that Fred is entitled to prioritize himself on this basis, but his latitude to do this is weaker than it is in *Protection*. Our question is not about the priority that people are entitled to give to themselves, but about the interaction between their special connection to resources and the duties they owe to others.

To evaluate this, consider:

Protection or Help. Fred, Lucy, and Mehdi are marooned on a desert island. Fred uses resources he finds to develop two different kinds of protection: a hut to protect himself against wild animals, and medicine. Lucy and Mehdi lack the ability to secure these resources, and not because of Fred. Lucy is attacked by wild animals and can save herself by entering Fred's hut if he lets her. Mehdi needs Fred to send him medicine to rescue him. Fred cannot rescue himself. These things would each be costly to Fred to degree n , together resulting in his bearing $2n$.

Suppose that Fred need not bear $2n$ for the sake of both Lucy and Mehdi, but must bear n to rescue one of them. Must Fred allow Lucy to enter his hut, rather than positively assisting Mehdi?

In analysing *Averting a Threat II*, I suggested that it is harder to justify preventing a person from helping themselves than refraining from actively helping a person. But things are different in *Protection or Help*. Here is why. If Fred prevents Lucy from entering the hut, he prevents her from helping herself by using resources that Fred has produced. This is morally equivalent to refraining from helping her. So, Fred need not prioritize Lucy over Mehdi.

That view is supported by an *ex ante* variation on *Protection or Help*:

Advance. Fred, Lucy, and Mehdi are marooned on a desert island. Fred can develop two different kinds of protection: a hut to protect himself against wild animals, and medicine. He realizes that Lucy will be attacked by wild animals and Mehdi will need medicine. Fred will also need the medicine and the hut, and will bear a cost, n , if he lacks either of these things, and $2n$ if he lacks both. He could a) make the medicine, give it to Mehdi, and make the hut in a way that makes it impossible for Lucy to enter; b) make the hut, allow Lucy to enter, and keep the medicine for himself.

²³This way of formulating the idea has parallels with a particular way of understanding the means principle, where that principle does not depend on the intention to harm, but rather the intention to use another in a way that will in fact harm them. That formulation was first defended in W. Quinn, 'Actions, intentions and consequences: the doctrine of double effect', in his *Morality and Action* (Cambridge: Cambridge University Press, 1993). For further defences of that idea, see D. Nelkin and S. C. Rickless, 'Three cheers for double effect', *Philosophy and Phenomenological Research*, 89 (2014), 125–58; V. Tadros, 'Wrongful intentions without closeness', *Philosophy and Public Affairs*, 43 (2015), 52–74; K. Ramakrishnan, 'Treating people as tools', *Philosophy and Public Affairs*, 44 (2016), 133–65.

²⁴As Parr and Williams recognize, there are deontological limits on the implications of what people would agree to behind a veil of ignorance; see 'Fair insurance'. This may be one such limit.

Suppose, again, that Fred is required to help either Lucy or Mehdi, but not both. Lucy's ability to help herself once the resource is produced does not require Fred to pick b) over a). It is hard to believe *Advance* is morally different from *Protection or Help*.

This has important implications for the duties owed to needy migrants and the distant needy. Duties not to block needy migrants from using resources produced in wealthy countries that these migrants need are no more stringent than duties to assist the distant needy. *Doing and Allowing* thus does not require prioritizing migrants when it comes to the use of such resources.

IV. NATURAL RESOURCES, PRODUCTION, AND HISTORY

We have seen that the origins of resources that assist different needy people make a significant difference to whom to prioritize.

A. PURE NATURAL RESOURCES AND PRODUCTION

But there is more complexity in the real world. In the simplest case, a needy migrant does not need, and will not use, resources produced by others. Then, we have seen, the needy migrant ought to be prioritized, for if they are denied entry, they are harmed (or its moral equivalent).

In a more complicated case, a needy migrant would have been fully self-sufficient had the territory of the wealthy country been unoccupied, but she will use manufactured resources. This case is more realistic. Consider a group of migrants who are threatened with death and who would be able to prevent themselves from being killed by establishing a homeland in unoccupied territory were one available. Because there is no such territory, they enter an occupied territory.

There is no unoccupied territory available to almost all needy migrants. Nation-states occupy all, or almost all, such territory. If a group of migrants enters a nation-state, they inevitably use, and contribute to, what is there. For example, were they to enter the unoccupied territory of the UK, migrants could begin to build housing, education and medical facilities, develop security arrangements, and so on, as settlers did back in the day. But they cannot do that. If they enter the UK, they inevitably use and contribute to the medical, educational, and security facilities already in place. That is true of almost any territory.

Although the resources of wealthy states will be used, this case is morally like *Averting a Threat II*. Members of nation-states that occupy territory in a way that makes it impossible to enter without using their resources, and then exclude needy migrants, do something morally equivalent to harming. Even though these migrants use resources.

In a third kind of case, migrants need resources developed by wealthier states. This seems true of the infamous *N* case, where a Ugandan citizen applied for leave to remain in the UK because she needed drugs to combat HIV which were

unavailable in Uganda.²⁵ *Doing and Allowing* does not make her claim to those resources any stronger than claims of the distant needy. She will not be harmed if she is excluded; rather, the UK will refrain from helping her.

Perhaps it might be argued that the UK, along with other wealthier countries, prevented countries such as Uganda developing such medicines. So, providing those medicines would be a way of ensuring that they don't harm the Ugandan citizen rather than benefiting her.²⁶ But if this is true, it is also true of the distant needy. The UK's obligations to ensure that it does not harm the distant needy through its previous policies are as strong as any such obligations owed to needy migrants.

A fourth kind of case is trickier. Suppose that a needy migrant will be protected from harm because a person in the wealthy state is willing to assist them—for example, through employment. In one unrealistic variation, the opportunity offered does not depend on resources that are developed within the state, such as education, roads, and a legal system. Then, depriving a person of entry may be tantamount to harming that person—preventing a person from taking an opportunity that another is willing to provide may be morally equivalent to harming the person.²⁷

Things may be different, though, where the opportunity only arises because of state resources. Consider:

Job. Betty runs a farm on South, an island. Other islanders have developed the infrastructure of the island over time. Max and Nigel live on North, a neighbouring island, and are very badly off. Max is able to migrate to South, but Nigel is not. Betty is willing to allow Max to work on her farm. If Max does not take this opportunity, this will not affect Betty, who is able to find an equally able employee from South. However, if Max takes this opportunity, he will make another islander, Cara, worse off to degree n , and he will not be able to compensate her. Cara could also send n resources to Nigel to assist him.

Suppose that the duty to rescue would require Cara to bear cost n for the sake of Nigel were Max not to exist. But she is not required to bear cost $2n$ for the sake of Nigel and Max, so if she is required to permit Max to enter, she is not required to bear a further cost n to assist Nigel. Is Cara required to permit Max entry rather than helping Nigel, or is she permitted to prevent Max from entering and assist Nigel?

I am not completely confident about this case, but I doubt Cara must prioritize Max over Nigel. When Cara restricts his entry, she denies him a benefit that

²⁵*N (FC) v. Secretary of State for the Home Department* [2005] UKHL 31.

²⁶Thanks to Christian Barry for encouraging me to consider this possibility.

²⁷This is somewhat contested in the literature. For discussion, see, e.g., M. Hanser, 'Killing, letting die and preventing people from being saved', *Utilitas*, 11 (1999), 277–95; S. C. Rickless, 'The moral status of enabling harm', *Pacific Philosophical Quarterly*, 92 (2011), 66–86; J. Hanna, 'Enabling harm, doing harm and undoing one's own behaviour', *Ethics*, 126 (2015), 68–90. My own sympathies lie with the view that this is equivalent to harming.

arises through the efforts of the islanders, and that amounts to a failure to benefit him rather than a harm. There is then a difficult question whether and when Cara owes a duty to Betty to admit Max rather than assisting Nigel. This raises complex issues that I cannot resolve here.

B. INHERITED RESOURCES

Here is another complication. In simplified cases, such as *Protection or Help*, the person distributing the resources also produced them. Furthermore, the person who produced those resources will suffer a cost because of their allocation to others.

In the real world, many people are involved in creating basic resources, institutions, and practices that provide the infrastructure for producing further resources. Furthermore, transnational causal contributions shape their production. And national and international injustice is involved in the production of those resources. They are produced, in part at least, as a result of colonial power, slavery, unjust wars, and exploitation. Do these facts affect their status when determining whether needy migrants are harmed if they are excluded from the use of those resources? And do they make a difference to the way in which we should understand aid provided to the distant needy?

Let us start at one end of a spectrum of cases, where a country has control of resources that are produced by those who previously lived in that country, but have no special connection to anyone currently in existence. No one has any special claim on these resources. Consider:

Unconnected Ancestors. There are two countries, North and South. Southern territory was previously inhabited by a long-dead civilization that left behind infrastructure and extracted natural resources that are now within Southern territory. North is run unjustly, leaving some Northerners threatened with death. Some impoverished Northerners attempt to migrate to South and need these resources to survive. Others cannot leave, but South could send resources to them, which they also need to survive.

One question I set aside is whether Southerners have a right to prioritize themselves over Northern migrants. I doubt that they do, but nothing depends on this; our question is about the prioritization of Northern migrants over Northern remainders.

This case may seem no different from cases of purely natural resources. Excluding needy migrants from these resources may seem morally identical to excluding them from purely natural resources and is thus morally equivalent to harming them. Thus, South has a reason to admit needy Northern migrants rather than excluding them and sending resources to needy Northern remainders.

Against this, it might be argued that we should investigate the duties of members of the long-dead civilization. Suppose they were aware that, in the far future, their productive efforts could benefit either needy Northern remainders or

needy Northern migrants, but the migrants could help themselves, whereas the remainers could not. It would not have been wrong for them to ensure that these resources were divided equally between migrants and remainers. They would not have harmed remainers any more than they would have harmed migrants. The fact that they were ignorant of this fact seems morally irrelevant. So perhaps it follows that the Southerners permissibly divide the resources equally between the migrants and the remainers, for that reflects what the producers would fairly do were they able and epistemically better placed.

This argument has some force. I am unsure about it. On the one hand, it seems artificial to discuss the duties of a long-dead civilization to far future generations to determine the proper distribution of these resources now. On the other hand, it is not obvious why the mere passage of time, or epistemic considerations, or differences in culture, make a difference to the significance of the counterfactual duties of the long-dead civilization. And it does not seem wrong for the Southerners to prevent members of the ancient civilization from assisting Northern migrants to ensure that everyone has an equal chance of survival.

Considerations like that seem even stronger where the ancestors of the current generation of people inhabiting a country produce resources in just conditions with the intention of giving their descendants normative powers over these resources. Consider:

Connected Ancestors. There are two independent countries, North and South. The first generation of Southerners produces resources and decides to save some for their descendants. In doing so they are within the bounds of what intergenerational justice requires. At that point they are unaware of North's existence. South now has very good healthcare facilities. North is currently run unjustly and doesn't invest much in healthcare. Some ill people remain in North, because they are unable to leave. Others attempt to migrate to South to secure South's healthcare resources.

Would South have a reason to prioritize needy migrants over needy remainers, because they will be harmed if they are not permitted entry? I think not.

Here is why. The strength of people's claims over South's resources depends on the proper attitudes of the current generation to their ancestors. And that depends on the attitudes that their ancestors ought to have had were they to have been aware of the full facts. When they produced these resources, they were unaware that some of them ought to have been set aside for needy Northerners. The amount that Southerners should now set aside for needy Northerners is determined by the duties that their previous generation would have owed to these Northerners had they known of their existence.

Migrant Northerners have no more claim on the resources that the previous generation produced than remainers. The fact that these resources were

produced by a previous generation of Southerners for the sake of the current generation makes no difference to the availability of those resources for different Northerners, because our decisions how those resources should be allocated is determined by respect for the decisions, judgements, and conduct of previous generations.

Now consider variations on these cases where resources are produced as a result of international interaction, where that might be just or unjust. If no one has any special connection to the resources produced in *Unconnected Ancestors*, the case is a bit trickier. But that case is also less like the real world. Even in that case, there is some reason to think that needy migrants should not be prioritized. If either Southerners or Northerners have the kind of connection to those resources that can ground claims on them, which is more realistic, it is unfair to prioritize Northern needy migrants over the distant Northern needy.

In conclusion, the case for prioritizing needy migrants, to ensure that they are not harmed, is strong, but only in a narrow range of cases. It holds only in those cases where needy migrants either do not rely on non-natural resources, or where they rely on those resources only because the production of those resources prevented them from being able to save themselves. In those cases, preventing them from entering wealthy countries harms them. Those in destination territories ought not to prevent them from entering to benefit the distant needy other things equal. The remainder, who rely on socially produced resources, must not be prioritized over the distant needy, whether those resources are produced by the current generation or previous generations; whether they are produced justly or unjustly; or whether they are produced through national or international efforts.

V. ARE NEEDY MIGRANTS WRONGED?

It may seem from my discussion that many needy migrants are not wronged by wealthy states who prevent them from entering their territory. Particular wealthy states need not help everyone, let us assume. No particular needy migrant has a right to assistance, because no needy migrant has priority over other needy people. As no needy migrant has a right to be saved, wealthy states do not wrong any particular needy migrant by failing to save that migrant. It might also seem that the range of legal protections that wealthy countries should offer to needy migrants should be narrow—it should restrict the right to protection to those for whom access to territory is sufficient to avert the threats they face, or of whom that would be true if the territory had not been altered by the wealthy country. My arguments, therefore, might seem to support restrictive migration policies that are typically adopted and endorsed by right-wing political parties in wealthy countries. Here is why this is not so.

The view outlined only implies that wealthy countries do not wrong migrants if they fulfil duties to assist the distant needy. If wealthy countries do not do

enough to assist the distant needy, they violate the rights of needy migrants by excluding them. That has implications for how we should understand the ethics of migration, and our duty to fight for justice for needy migrants. The issue is especially important because wealthy states surely do not do enough to assist those in need, and right-wing political parties are especially inclined to this wrongdoing.²⁸

Begin with the general problem where an individual or state lacks an obligation to assist all members of a large group in need, which we are assuming of particular wealthy states. Suppose that there is some large class of people $\{X1-Xn\}$ who are identically placed. $X1$ claims a right to assistance against some individual or state, Y , where assistance is costly. The argument we are considering is:

From All to Each.

1. If $X1$ has a right of assistance against Y , each member of an identically placed group $\{X1-Xn\}$ has a right of assistance against Y .
2. If each member of $\{X1-Xn\}$ has a right of assistance against Y , all members of $\{X1-Xn\}$ have such a right of assistance and *vice versa*.
3. Assisting all members of $\{X1-Xn\}$ can be so costly that Y lacks a duty to assist all members of $\{X1-Xn\}$ even where saving any individual member would not be too costly for Y to have a duty to save any individual member taken alone.
4. A person has a right to be saved by another only if that person has a duty to save her.
5. Therefore, if Y lacks a duty to assist all members of $\{X1-Xn\}$ it is false that all members of $\{X1-Xn\}$ have a right to be saved By Y .
6. From 2) and 5), it is then false that Y has a duty to assist each member of $\{X1-Xn\}$.
7. If it is false that each member of $\{X1-Xn\}$ lacks a right of assistance, and all members of $\{X1-Xn\}$ are identically placed, no particular member of $\{X1-Xn\}$ has a right to be saved.
8. Therefore, if Y lacks a duty to save all members of $\{X1-Xn\}$ because saving all would be too costly, $X1$ lacks a right to be saved even if $X1$ would have had a right to be saved had other members of $\{X1-Xn\}$ not been present.

The action is in premise 2). Is it true that if Y lacks a duty to assist all members of some group, she lacks a duty to assist each member of that group?

Here is how we might bolster that premise. Y owes $X1$ a duty to perform some act, v , only if Y would wrong $X1$ by not performing v (at least pro tanto).

²⁸There are similarities between this issue and the question of whether we should support humanitarian wars given opportunity costs for assisting other needy people. On that, see, e.g., V. Tadros, 'Unjust wars worth fighting for', *Journal of Practical Ethics*, 4 (2016), 52–78; K. Oberman, 'War and poverty', *Philosophical Studies*, 176 (2019), 197–217; J. Pattison, 'Opportunity costs pacifism', *Law and Philosophy*, 39 (2020), 545–76.

Where rescuing all is too costly for Y to be required to do this, Y could assist other members of $\{X1-Xn\}$ without wronging X1. Therefore, Y does not owe X1 a duty to rescue her. This argument rests on a relatively uncontroversial view about duties—a person owes another a duty to v iff that person would necessarily wrong the other were she not to v .

Still, the argument can be resisted. Here is one way. Perhaps Y has a pro tanto duty to rescue each member of $\{X1-Xn\}$ that is owed to each member of that group. Y violates each pro tanto duty unless she is justified in breaching it. But she is justified in breaching it only if she *in fact* saves some other members of $\{X1-Xn\}$. Thus, X1 has a pro tanto right to be saved that is violated if Y rescues no one. Thus, Y wrongs X1 by not saving her unless Y saves sufficient members of the group so that her not bearing costs to save X1 is justified. Indeed, she wrongs all members of $\{X1-Xn\}$.

This view, though, runs into difficulties. People generally lack pro tanto duties to save others which are defeated by costs that they or others would bear were these people saved. Costs vitiate positive duties rather than justifying their breach. Consider a case where a person can rescue another from death, but only at the cost of her own life, such as:

Matt. Matt is drowning. I can rescue him only by pressing a button that will result in a robot pulling him out of the water. However, if I do this I will be electrocuted, and die.

I need not sacrifice my life to save Matt, let us suppose. The intuitive view is that Matt lacks a right to be saved; not that he has a right to be saved which I justifiably infringe given the costs I will face.

Still, even in that case, I may violate a person's right by not saving them. To illuminate this, consider this illustration of an increasingly familiar problem:

Matt or Cat. Pressing either of two buttons will result in my lethal electrocution. One button will result in Matt being rescued from a lethal threat. The other will result in my cat being rescued from a lethal threat. As I care about my cat more than Matt, I press the second button.

Not only do I act wrongly by pressing the second button, but I violate Matt's right to be rescued. Matt lacks a right simpliciter to be rescued in both *Matt* and *Matt or Cat*. In *Matt or Cat*, he has a right that I rescue him rather than the cat. That right is best understood as conditional on my bearing the relevant cost: if I bear the cost of rescue, I owe it to Matt that I save him rather than the cat. Similarly, in *Matt*, if I bear the cost of rescue—losing my life—I must bear it for the sake of Matt. Thus, it is wrong for me to kill myself without saving Matt.

Now consider:

Matt or Nat. There are two buttons; pressing either will result in my being electrocuted to cost n . If I press both, I will bear cost $10n$. One button will result in Matt being rescued from a lethal threat. The other will result in Nat being rescued from a lethal threat. There is no time to flip a coin to decide whom to save.

Suppose that I am required to save either Matt or Nat but not both, because I am required to bear n to save a person's life, but not $10n$ to save two lives.

Following my suggestion earlier, Matt lacks a right to be saved simpliciter. Matt has a right to be saved iff my failing to save him necessarily wrongs him. If I save Nat, I don't wrong him. Therefore, he lacks a right to be saved. But as our analysis of *Matt or Cat* shows, this does not imply that Matt lacks a right to be saved *if I save no one*. Compare *Matt or Cat*: Matt lacked a right to be saved simpliciter, in that my failing to save him does not necessarily wrong him, but he has a right to be saved *if I bear the cost of death*. Similarly, Matt lacks a right to be saved in *Matt or Nat* simpliciter, but has a right to be saved *if I don't save Nat*. The option of saving Nat makes it true that Matt lacks a right to be saved simpliciter. If I don't take this option, I violate Matt's right—his right to be saved *if I don't save Nat*.

Similarly, many needy migrants lack rights to be saved simpliciter. Wealthy countries would not wrong them were they to devote sufficient resources to assist the distant needy. But they have rights to be saved if wealthy countries do not use sufficient resources to assist the distant needy.

Some may think things are different where the distant needy have priority over needy migrants. In *Matt or Nat*, I was permitted to save either Matt or Nat. But wealthy countries are often required to spend their resources on international development aid. Does this make a difference? I think not.

Consider:

Matt or Nat II. There are two buttons; pressing either will result in my being electrocuted to cost n , and if I press them both, I will bear cost $10n$. One button will result in Matt being rescued from losing an arm. The other will result in Nat being rescued from a lethal threat.

Suppose that n is sufficiently low that I would be required to rescue Matt from losing an arm were it not for Nat; I am required to rescue Nat rather than Matt; and I am not required to rescue both. Obviously, rescuing no one wrongs Nat. But it also wrongs Matt. It is only facts about my rescuing Nat that make it true that Matt lacks a right to be rescued simpliciter. If I don't in fact rescue Nat, these considerations have no bearing on whether I have violated my duty to Matt. If I do not rescue Nat, I must rescue Matt.

Thus, even if many needy migrants lack rights to be saved simpliciter, because wealthy countries need not assist everyone, and they lack priority over the distant needy, their rights may nevertheless be violated. In the real world, where wealthy countries do too little in general to fulfil their duties of assistance, all needy people are wronged, even those who are at the back of the queue.

Suppose that this argument is resisted, perhaps because it proliferates rights violations too far. We might then retreat to a narrower view about cases where a person can help themselves to resources that are under the control of the wealthy, which the wealthy will retain, but which they are required use to help others.

Consider:

Selfish Prevention. X has control of some medicine which X can use to treat a rash. Y needs the medicine to prevent them from suffering a very serious illness that will leave them debilitated. Z needs the medicine to survive. X, but not Y, cannot get the medicine to Z. But X will not do so as they wish to treat their rash. Y attempts to take the medicine for themselves, but Z prevents them.

Suppose that X is not permitted to retain the medicine. They are required to send it to Z. Does X wrong Y by preventing Y from saving themselves? They do. X is permitted to prevent Y from taking the medicine and send it to Z. But they are not permitted to prevent Y from taking the medicine and retain it. Their preventing Y from using the medicine wrongs Y in these circumstances.

Needy migrants are in a similar position to Y in *Selfish Prevention*. They sometimes seek to escape harm in circumstances where wealthy countries could permissibly exclude them and help the distant needy. But wealthy countries will not do this, and these migrants are normally in no position to ensure that the distant needy are helped. They can only help themselves. Wealthy countries are permitted to prevent them from helping themselves in order to assist the distant needy. But they are not permitted to prevent them from helping themselves without doing this.

On this basis we might also justify campaigns to expand assistance to refugees. We know that wealthy countries are very unlikely to fulfil their obligations to assist needy people by providing sufficient development aid. So, we also know that they will violate the rights of needy migrants; even those who need access to resources developed by wealthy countries. If the prospects of securing sufficient development aid look dim, and if there are better prospects of securing assistance for needy migrants, we should fight to expand legal immigration rights, even though this will result in states acting unjustly.

VI. CONCLUSION

There is often little reason to prioritize assisting needy migrants over the distant needy, and sometimes a strong reason to prioritize the latter group. This does not imply that we should accept the status quo in refugee and migration policy

where only a narrow range of needy migrants is legally entitled to secure access to wealthy countries through restrictive refugee laws. Fighting to expand those laws is justified, if doing so will secure better protection for needy migrants, given how unlikely it is that wealthy states will fulfil their obligation to the distant needy. In doing so, we ensure that wealthy countries do not violate the conditional rights of needy migrants.

Often, there will be no conflict in our ambitions to ensure that the needy receive the assistance they are entitled to—we can support both expanded migration policies and international aid, confident that we will have made a positive contribution if we achieve anything at all. But we do sometimes face choices about what to promote—which charities to support, which policies NGOs should adopt, which questions to ask of our governments, and which injustices to highlight in our media outlets. In general, where such conflicts arise, our priority should be compelling our governments to fulfil their duties to provide international aid.