Comments on "Changing Sovereignty Games and International Migration"

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Globalization has at least five separate and distinguishable meanings, which I will label as follows:

(1) the existence of a *global infrastructure*;
(2) global *harmonization or convergence* of some important characteristic feature;
(3) *borderlessness*;
(4) global *diffusion* of some initially localized phenomenon; and
(5) geographical *dispersion of core competences* in some highly desirable activities.

Global infrastructure is a minimalist form of globalization, where the presence or absence of a matrix for interconnecting all regions is the key criterion for globalness. The literature on the creation of global trading networks with the invention of ocean-going sailing ships provides examples of this conceptualization of globalization processes. In more recent work, the existence of global telecommunications networks is cited as evidence for the existence of global markets.

Economists often use the movement toward the equalization of factor prices (controlling for risk) or toward harmonization of economic policies across a given set of countries as evidence of movement toward a unified market. To the extent that this occurs globally, it might mean that world markets have become more "global." Similarly, some scholars have argued that a widespread tendency of national governments to adopt liberalization policies for domestic markets is evidence of globalization of a specific kind (e.g., the globalization of a liberal world economy). In a more limited sphere, there has been speculation about the pressures of international competition creating more harmony in national policies, tending away from the use of State enterprises in heavy industry and State monopolies to provide telecommunications services.

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Borderlessness is an ambitious form of globalization. For a process to qualify as fully globalized, there must be evidence that the existence of national or other important boundaries has become irrelevant. A borderless international economic system behaves as a single, unified economic system despite the continued existence of formal boundaries. This is clearly the core idea behind the unification of the internal market, which is the goal of the Europe 1992 process within the European Union (EU).

Global diffusion is the degree to which an initially localized practice spreads throughout the globe. The item being diffused can be anything that is initially localized: a technology, a cultural artifact, a social practice, a disease, etc. An example might be the use of telephones. As the use of telephones diffuses from country to country and within each country to more and more of the population, one can speak of the globalization of telephone adoption or usage. Of course, even if all people in the globe have access to a telephone, they might not have access to each other via the telephone unless the telephone networks are sufficiently interconnected. Another example would be the spread of reggae music via the various diffusion channels for popular music. Reggae becomes a global phenomenon to the extent that one can hear it anywhere in the world. The degree of globalness depends on the extent to which the item has diffused globally.

Globalization as dispersed core competences deals with the question of where key technological capabilities are initially created and whether they can be brought to bear quickly in solving problems outside the region where they are created. The reason that dispersed core competences are important for globalization is that they create incentives for business enterprises to adopt strategies to take advantage of the dispersion of competences. Global corporations are likely to be more internationally competitive than national or regional ones wherever core competence is sufficiently dispersed. For example, companies like Hewlett-Packard, Siemens, and Sony may have to have global strategies for obtaining access to the necessary skills and information to compete in the markets for the information-intensive products and services they provide. Thus, dispersed core competences are a key explanation for the necessity of global business strategizing, and may be an important way of thinking about the globalization of business.

In the literature on the globalization of business, there is the interesting idea of "global localization," advocated especially by Kenichi Ohmae, which refers to the need of businesses to think and strategize globally while

serving the distinctive needs of local markets.[1] For example, IBM or Honda may not sell the same computers or cars in all the different markets they service, but there are still major benefits to be derived from looking for common underlying technologies for geographically specialized products.

There is another side to local globalization, however, which is more directly legal or political. That is, many nation-states have distinctive regulatory environments for business and may be more or less discriminatory in their policies toward foreign-owned businesses. In order to avoid discrimination, multinational corporations may choose to assume the role of "good national citizen" in all of the countries in which they have major operations. Firms that play this role strive to hire and promote nationals of the home country. They attempt to maximize the local content of products and services. They establish research and development facilities to supplement their manufacturing presence. Thus, it will be easier for IBM to be treated like NEC would be treated in Japan, or Honda like GM in the United States, because it is hard for politicians and bureaucrats to argue credibly that their behavior is different. This sort of national blending-in expands on what most people mean by globalization, but it is an important trend in the world of global business.

One of the reasons globalization is important is that the possibility of a mismatch arises between the way the global political system is organized—that is, mainly on the basis of national sovereignty—and the way the global economy is organized. If the mismatch is extreme, then one would expect the national governments' abilities to control what occurs within their borders, and what crosses their borders, to be undermined.

This mismatch is perhaps the key issue in discussions of international migration, and particularly illegal immigration. The world economy creates major incentives for the movement of people from low-wage regions of the world to higher-wage regions, and from oppressive political systems to less oppressive ones, but governments want to control the movement of people across borders, especially in an inward direction. This creates the potential for problems of illegal immigration, problems that have now spread even to formerly communist countries, Russia in particular.

Professor Zolberg's paper and Professor Dennis Conway's commentary[2]

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1. *See* KENICHI OHMAE, THE BORDERLESS WORLD: POWER AND STRATEGY IN THE INTERLINKED ECONOMY 93 (1990).

2. Dennis Conway, *Are There New Complexities in Global Migration Systems of Consequence*

assert that there has been a global diffusion of norms concerning migration policies from the United States.[3] In particular, Zolberg traces changes in ideas about migration from the absolutist and mercantilist regimes of seventeenth and eighteenth century Europe to the liberal democratic regime of the United States.[4] The absolutist systems considered emigration to be treasonous because they viewed their citizens (actually subjects) as part of the patrimony of the State. They encouraged immigration for this same reason, the desire for subjects.

The United States of the eighteenth and nineteenth centuries favored immigration because of the need for European workers to populate the territory captured from the indigenous populations. But the United States, unlike the absolutist regimes, defended the right of its citizens to move freely around the world and even to emigrate if they so chose. Professor Zolberg saw support for this view in the ideas of the French Revolution and the Declaration of the Rights of Man,[5] but it is quite likely that U.S. thinkers also took their cues from contractarians, like John Locke, who argued that revolution was a legitimate recourse for victims of tyranny.[6] The colonial citizens of the United States, after all, had broken their ties with England at the time of the Revolution, so this argument was bound to strike a chord among them.

Because the United States has dominated the world capitalist economy since World War II, and because the world economy has prospered on the relatively unfettered movement of goods, services, and capital across national boundaries, the U.S. regime of an "unfettered right to leave" has come to be adopted in many places around the globe. The world capitalist economy depends rather heavily on the movement of people for commercial purposes via passenger shipping, airlines, and land transportation, so the tendency of some emigrants to overstay their legal visits, thereby becoming illegal immigrants, is condoned as long as it does not reach heroic

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for the United States "Nation-State"? 2 IND. J. GLOBAL LEGAL STUD. 31 (1994).

3. Aristide R. Zolberg, *Changing Sovereignty Games and International Migration*, 2 IND. J. GLOBAL LEGAL STUD. 153 (1994).

4. *Id.* at 154-62.

5. *Id.* at 156.

6. Locke was careful to argue that such emigration, even to escape tyranny, should not be undertaken lightly, and that once an individual had moved to a new polity that individual was bound to accept the terms of the prevailing social contract of his or her new home. *See* JOHN LOCKE, TWO TREATISES OF GOVERNMENT 349 (1988 ed.).

proportions. Very strict border-entry controls have not been considered an attractive alternative, with a few notable exceptions.

At the same time, most countries also share the recent U.S. tendency to restrict legal immigration. So, there is a growing mismatch between the desire and ability of people to leave their "homelands" and the availability of new homelands to receive them as citizens. This phenomenon is the core irony of Professor Zolberg's paper, and it is a compelling one indeed.[7]

There is also much interesting material in Zolberg's paper about the variations in legal regimes for immigration and naturalization.[8] These regimes spring from rather different notions of what it takes to be a citizen of a given country. It strikes me as incredibly ironic that the consanguinity criteria for citizenship in Germany closely resemble those in Israel. These variations in citizenship requirements create difficult problems for individual countries. Professor Delbrück's paper suggests, through the "Open Republic," a possible means of creating greater harmony across nations in the treatment of long-term residents who are not currently allowed to be citizens.[9] Such harmonization would be another step in the internationalization of law that facilitates the maintenance of a liberal world economy. Nevertheless, the norms of global capitalism are considerably less popular than those of economic nationalism, and hence one can expect considerable resistance to harmonization.

Increasingly, people are leaving their native countries in order to pursue economic opportunities, even as illegal immigrants to an unwelcoming country. In the U.S. immigration regime, victims of oppression are accorded greater rights than those merely desiring to better themselves. This is strange, given the general tendency of global capitalism to promote free movements of goods, services, capital, and people across borders and the tendency of the United States to defend the norms of global capitalism. But it is certainly consistent with the origins and history of the U.S. migration regime and with the continuing appeal of economic nationalism. Still, one wonders whether this historical experience is somehow blinding us to the incredible incentives that now exist for economically-motivated migration.

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7. Zolberg, *supra* note 3, at 162-69.

8. *Id.*

9. Jost Delbrück, *Global Migration—Immigration—Multiethnicity: Challenges to the Concept of the Nation-State*, 2 IND. J. GLOBAL LEGAL STUD. 45, 57-64 (1994).

To illustrate, I would like to recall a story I heard on National Public Radio (NPR) a few weeks ago. The NPR reporter was narrating the story from an observation point manned by officers of the U.S. Immigration and Naturalization Service (INS) just north of the U.S.-Mexico border between Tijuana and San Diego. The landscape was described as desert canyon. The officers were on an overpass just a few feet above the heads of streams of Mexicans and other Latinos making their way slowly north through the California night. The INS officers used megaphones to tell these immigrants to return to Mexico or be expelled later, but apparently to no effect. When the NPR reporter asked the INS officers why they did not just stop the people, the officers replied that to do so would simply cause an increase in the flow of people at some other point on the border where the possibilities of riot and violence were much greater.

This story fits nicely with Professor Zolberg's notion of immigration as a global pressure valve for international economic forces.[10] The U.S. response to such pressures from the south has been to encourage the building of factories in northern Mexico to create jobs for potential immigrants under the Maquiladora Program. The North American Free Trade Agreement can be viewed as a continuation and amplification of the Maquiladora Program. Similar pressures are being felt in Europe and Asia, with similar responses by the high-wage, industrialized countries of those regions. In short, the best way to deal with the economic incentives to migrate is to generate jobs and higher wages in the countries from which the immigrants are coming. Many immigrant-generating countries will be unable to do this any time soon, so there will continue to be relatively heavy migratory flows.

My intuition is that these economic pressures have been greatly increased by the globalization of print and electronic media. The increasing domination of global journalism by news agencies headquartered in the northern hemisphere (e.g., the Associated Press, Agence France Presse, and Reuters) and of global television by media multinationals (e.g., Rupert Murdoch's News Corporation, Time-Warner, and Hachette) makes it more and more likely that people in the Third and Fourth Worlds will have accurate information on the gap between their living standards and those of people living in more industrialized countries.

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10. Zolberg, *supra* note 3, at 162.

The bleak vision of recent science fiction novels like Neal Stephenson's *Snow Crash*[11] and Bruce Sterling's *Islands in the Net*[12] reflects these same concerns. In *Snow Crash*, the flow of people via small boats away from oppressive regimes without any prospect for entry into a new country is dealt with by the creation of a Sargasso Sea-like floating city of misery drifting across the world's oceans. In *Islands in the Net*, a similar solution is found to the problem of international homelessness. Current reality is not yet this bleak, so perhaps it is not too late to prevent these visions from being realized. The main point I want to make here, though, is the linkage between pressures for migration and international economic inequalities. Focusing only on national migration policies is bound to produce only "band-aids" rather than global solutions to this serious global problem.

11. NEAL STEPHENSON, SNOW CRASH (1992).
12. BRUCE STERLING, ISLANDS IN THE NET (1988).