

Immigration and Libertarianism: Open Borders versus Directionalism¹

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Abstract

There is a long and continuing debate on the correct libertarian approach to immigration. This essay first imagines a minimal-state libertarian UK, and then the introduction of several relevant anti-libertarian policies and their increasingly disastrous effects. It is argued that 'reversing' these imagined policies, as far as is politically possible, would be the correct way forward. Several open-border texts are then criticised, mainly for overlooking the likely huge scale of immigration. The conclusion outlines three broad options on immigration and suggests that directionally-libertarian policies are far more libertarian and practical than open borders.

1) Introduction

There has long been a debate in the libertarian literature as to the correct policy on immigration. This essay primarily compares directionally-libertarian policies with the open-borders option.

2) Working backwards from an imagined solution

Imagine that the UK has become a rapidly-developing, minimal-state, libertarian country. This includes the airports, ports, and all of the roads being privately owned, maintained, operated, and policed. Some roads have fairly indiscriminating access, especially where they have retail outlets that want to attract custom. Many roads are gated and guarded because the owners don't want the nuisance or security-risk of people coming in uninvited. Thoroughfares have been negotiated, or court-imposed on liberty-theory² principles, to ensure access around the country.

Many people around the world want to move to libertarian-UK. Some of these people are invited to come to specific places in order to work. Other people meet the residency requirements to move into certain areas. And some come in as sponsored guests or tourists with personal or business guarantors that are liable for any necessary security costs or fines if leave-dates are exceeded. There is a wide variety of similar options.

However, there are many more people who would like to move to libertarian-UK but they haven't been invited. Consequently, there are private barriers and security measures to stop them. These are at airports, ports, along the coast, and as elaborate as seems desirable. A

¹ Comments from Mark Brady and David McDonagh have improved this essay. No blame can be attached to them for any remaining faults.

² On the abstract theory of libertarian liberty and how it implies property rules, see the relevant chapters of J. C. Lester, *Escape from Leviathan: Libertarianism Without Justificationism* (Buckingham: The University of Buckingham Press, [2000] 2012); J. C. Lester, *Arguments for Liberty: a Libertarian Miscellany* (Buckingham: The University of Buckingham Press, [2011] 2016); J. C. Lester, *Explaining Libertarianism: Some Philosophical Arguments* (Buckingham: The University of Buckingham Press, 2014).

relatively small number of people do still manage to sneak in by some means; but it's not worth increasing airport and border security beyond a certain economic point. In any case, even after gaining entry, those people find that they still cannot go or live just anywhere they choose because there are private gates, barriers, and security systems across the entire country. So they either tend to be caught eventually (and fined, or put to work in prison to pay the fine, before being expelled) or they manage to become unobtrusive, productive members of the areas that allow them in. Peace, security, and ever-increasing abundance pervade the land. This is a model society—if not yet an anarchy—that the rest of the world can observe and, if they wish, emulate.

Then something unforeseen happens. The government decides to compulsorily purchase all of the roads, ports, airports, and coastal security in order, says the prime minister, to “hold and maintain them in trust for the citizenry”. He assures us that a very modest initial increase in overall taxation (currently at around 5% of GNP) is all that is needed to cover their upkeep and operation at current standards. He confidently predicts that there will be “economies of scale due to having sole public ownership” (i.e., a state monopoly); hence “everyone will be better off quite soon”. Many people have their doubts that the free market has missed such alleged “economies of scale”, but it doesn't seem worth most people's while to campaign against this and they think that just maybe they will save some money eventually.

After a few years the additional overall taxation has risen and that still doesn't appear to be enough (quelle surprise!). Rather than try to raise taxes further, the prime minister announces that “in the interests of economy and the free movement of UK residents” he will be removing all of the gates and guards from UK roads. Many people are unhappy about this. Some of them observe that similar arguments could be used to remove people's front doors so that anyone might enter their homes. There is a significant increase in various crimes now that no UK resident can be denied access to any street in the country—with the mysterious exception of Downing Street; which remains gated and policed.

After a few more years the prime minister announces that “in the interests of economy and freedom of migration” he is removing all relevant border security from around the country, and its ports, and airports. In the ensuing months many millions of people from around the world flood into libertarian-UK. (According to Gallup data,³ around 45 million people would come to the UK as a first-choice now; presumably that number would increase significantly were the UK even richer, thanks to being libertarian, and the only desirable country with an open border). As economics implies, people inevitably keep on arriving up to the point that the UK is no better—all things considered—than the places from whence they come; and many of those places are awful. All of the country's parks and squares have become shanty towns. All kinds of crime are rife and increasing (far exceeding any problems that have actually been seen in Germany and Sweden, for instance, with relatively tiny recent immigration increases). Many native people have left and more are preparing to leave. Someone shot dead the prime minister, and the remaining native population celebrated. But there is no going back.

What are we to make of this thought-experiment from a libertarian viewpoint? Everything the imagined government has done has been a move away from a libertarian society. This appears to suggest that the full libertarian policy now, in our real not-so-bad situation, should

³ Jon Clifton, “150 Million Adults Worldwide Would Migrate to the U.S.”, *Gallup.com* (2012). <https://news.gallup.com/poll/153992/150-Million-Adults-Worldwide-Migrate.aspx>

be to do the reverse of this thought-experiment and privatise everything among the existing population. But clearly that is not yet politically possible. Currently, all the roads, immigration control, etc., are in effect held in trust (and maintained and operated at taxpayer expense) by the state on behalf of the existing citizens; or, at least, that is the only reasonable excuse the state could offer for its monopoly of these things. And, as opinion polls consistently show, the overwhelming majority of the existing citizenry want controlled immigration. So on no libertarian-account should the state do the very opposite of this and open the borders. It's hard to see how allowing the country to fall to third-world standards—as opening the borders would ineluctably, eventually, cause—could have good long-run consequences even for most of the new immigrants or the rest of the world. This is especially so because there is the very obvious libertarian alternative of practicing full free trade with the poor regions of the world and thereby raising their living standards to something that would relatively soon approach that of wealthier countries, and maybe even exceed it if they were themselves to become more libertarian than we currently are—which is not a very high bar to reach.

All of this might seem fairly obvious to most libertarians. However, some libertarian texts argue that the state should have open borders (no immigration restrictions) for libertarian and humanitarian reasons. A variety of criticisms of open borders are dealt with in these texts. And many of the given answers are to varying degrees adequate. However, they don't deal with the disaster scenario explained here. A few conclusions from some of these texts will now be criticised.

3) Responses to some Open-Border Advocacies

Block 1998:⁴

... either migration is totally legitimate, in which case there should be no interferences with it whatsoever, or it is a violation of the non-aggression axiom, in which case it should be banned, fully. I have argued in this paper that the former position is the only correct one. (185)

Immigration, in particular, is neither “*totally* legitimate” (in libertarian terms) nor *totally* a “violation”. In a fully libertarian society, there would be no state borders and so no overall immigration control as such; there would be only private-owner control of entry. But when we have the state owning the roads, etc., supposedly on behalf of the existing population—as we currently do—then a compromise is all that is possible in practice. And given the utter disaster for the existing population of open borders, having some restrictions on immigration is more libertarian however imperfect this is compared to a fully libertarian ideal.

Block and Callahan 2003:⁵

the profit motive, if nothing else, will lead to the mass invitation of foreigners to our shores. (67)

⁴ Walter Block, “A Libertarian Case For Free Immigration”, *Journal of Libertarian Studies* 13:2 (Summer 1998): 167–186.

⁵ Walter Block and Gene Callahan, “Is There a Right to Immigration?: A Libertarian Perspective”, *Human Rights Review*, October-December 2003: 46-71.

“Mass invitation of foreigners” into private property is not the problem. The problem is a devastating deluge of uninvited foreigners coming into territory held in trust for the existing population.

Hoppe maintains that in the present context the U.S. government is in effect a manager for the private property owners who live within the borders of the country. We maintain, in contrast, that the state cannot properly take on any such role. (67)

Correct, it cannot do it “properly”, i.e., efficiently and according to libertarian principles. But it can do a better job or a worse job, and allowing unlimited immigration is close to doing the worst possible job.

States Higgs in this regard: “[...] If the state cannot legitimately create borders in the first place, because its very existence is illegitimate, then it manifestly cannot promulgate just rules with regard to how open or closed any such borders will be.” (67-68)

Correct, the state cannot provide *fully* “just rules”. But open borders are even more unjust than restrictions that prevent a libertarian and welfare disaster.

Gregory and Block 2007:⁶

Because of the socialist economic calculation problem, there is no way for government immigration controls to keep out the “uninvited,” let in the “invited,” or even determine who would fall into each category. The state simply cannot mimic the market, and directing its coercive mechanism in such an attempt will prove ineffective in achieving desired goals, wasteful of wealth created in the private sector, and destructive to liberty. (25)

All completely true. But it misses the big picture, which is one of utter libertarian and welfare disaster. The state can, and currently does, protect us from that.

Inevitably, of course, immigration controls violate the property rights of those inside, as well as outside, [...] who wish to exchange with each other, and who can indeed maintain the costs of the immigrant’s stay. (38)

Then sponsorship is one more-libertarian way to deal with that. “Inevitably, of course, [having no] immigration controls violate the property rights of those inside”—up to the point of national disaster (i.e., a disaster for the people that comprise the actual nation, not a disaster for the state).

Caplan 2012:⁷

Proponents of immigration restrictions have to show why, moral appearances notwithstanding, immigration restrictions are morally justified. (20)

⁶ Anthony Gregory and Walter Block, “On Immigration: Reply to Hoppe” *Journal of Libertarian Studies*, 21: 3 (Fall 2007): 25–42.

⁷ Brian Caplan, “Why Should We Restrict Immigration?” *Cato Journal*, 32:1 (Winter 2012): 5-24.

As all arguments rest on assumptions, and thereby amount to assumptions, there are no supporting justifications. However, immigration restrictions here appear to be moral because they avoid a national disaster. Therefore, “proponents of [abolishing] immigration restrictions have to show why, moral appearances notwithstanding, immigration restrictions are [not] morally [defensible]”.

Most Americans benefit from immigration, and the losers don’t lose much. (20)

Because the unlimited deluge of immigrants is not allowed.

Immigration restrictions are not necessary to protect American culture. ... [or] to protect American liberty. (21)

Unless the deluge occurs—and then it will be too late.

Even if all these empirical claims are wrong, though, immigration restrictions would remain morally impermissible. Why? Because there are cheaper and more humane solutions for each and every complaint. If immigrants hurt American workers, we can charge immigrants higher taxes or admission fees, and use the revenue to compensate the losers. (21)

Presumably any “admission fees” are payable at some time *after* entry (in which case the immigrants might be untraceable); otherwise they *would* be a form of immigration restriction.

If immigrants burden American taxpayers, we can make immigrants ineligible for benefits. If immigrants hurt American culture, we can impose tests of English fluency and cultural literacy. (21)

Presumably these “tests of English fluency and cultural literacy” must be at some time *after* entry (in which case the immigrants might be untraceable); otherwise they *would* be a form of immigration restriction.

If immigrants hurt American liberty, we can refuse to give them the right to vote. Whatever your complaint happens to be, immigration restrictions are a needlessly draconian remedy. (21)

All of this simply overlooks the big picture. Assuming that there are no immigration restrictions, then all of these suggested policies—libertarian and otherwise—would simply be swept away by the tide of incoming people. The same Gallup survey as cited earlier showed around 150 million foreigners had the U.S. as their *first* preference for migration *now* (not that they might want to migrate to the U.S. at some future time if the conditions sufficiently improve in some way). And even more would initially want to come if the U.S. *alone* opened its borders. However, they would only keep arriving until the U.S. were no better, all things considered, than where they were coming from. And that might happen well before all of them were to arrive.

Heumer 2010 summarises its arguments in the conclusion:⁸

1. Individuals have a prima facie right to immigrate (that is, a right not to be prevented from immigrating).

On the contrary, in a libertarian world people would need to be invited in by property-owners. And without the state all so-called ‘public property’ would have been owned by the current citizens. So saying there is a prima facie right to come into a country sounds relevantly and sufficiently as mistaken as saying that people have a prima facie right to enter someone else’s land or even house without being invited in.

This is because:

- a. Individuals have a prima facie right to be free from harmful coercion.

This cannot be correct: it is sometimes necessary to use “harmful coercion” against violators of liberty (i.e., the violators are *reactively* made worse off by the use of force or the threat of force). What individuals “have a prima facie right to be free from” is *proactive* interference with their person or libertarian property.

- b. Immigration restrictions are harmful and coercive.

One is not *proactively* interfered with by being denied access to things that other people own, or should rightfully own, however much one needs them. And immigration controls are (by general intention, at least, and however imperfectly) *reactively* coercive. Such reactive coercion is defensive and thereby libertarian.

The argument for free immigration ought to be persuasive to nearly everyone, regardless of ideological orientation.

The argument ought not to be persuasive even to most libertarians; and not to any welfare consequentialists either.

4. Conclusion

Consider three broad options on the issue of immigration. 1) Privatise everything along libertarian lines among the existing national citizens (who would already own it all, but for the state), and then let liberty and free markets sort things out: this is the only fully libertarian and economically efficient option; but it’s not going to happen before most intellectuals become libertarians. 2) Open the borders and let unlimited numbers of people enter: this would be a libertarian and welfare disaster; but it is so obviously awful (except, apparently, to some well-known libertarians) that it’s never going to happen. 3) Have state controls on immigration: this is highly imperfect as regards liberty or welfare; but at least it avoids a national disaster and it can slowly be moved in a libertarian direction. And that is what libertarians should be promoting: specific, practical, immigration policies that increase people’s liberty and thereby also their welfare.

⁸ Michael Heumer, “Is There a Right to Immigrate?”, *Social Theory and Practice*, 36:3 (2010): 429-61. Quotations are from the online version, which has no pagination: <http://www.owl232.net/papers/immigration.htm>