

FOR (SOME) IMMIGRATION RESTRICTIONS

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Abstract: According to many philosophers, the world should embrace open borders – that is, let people move around the globe and settle as they wish, with exceptions made only in very specific cases such as fugitives or terrorists. Defenders of open borders have adopted two major argumentative strategies. The first is to claim that immigration restrictions involve coercion, and then show that such coercion cannot be morally justified. The second is to argue that adopting worldwide open borders policies would make the world a much better place, particularly by improving average well-being. This essay contends that both of these argumentative strategies fail. Some immigration restrictions are not only morally justified, but morally required.

1 The Coercion Based Argument

Many philosophers think that immigration restrictions involve coercion. That is, controlling the movement of people across national borders involves making people do what they don't want to do – namely, stay where they are geographically – by threat of force. Where the state shares a land border with a source of potential immigrants, it may use border guards to deter or forcibly repel potential immigrants who lack the needed documents. When it comes to airports, it is typically not possible to board a plane headed to a country without the required documentation – any attempts to do so are typically met with expulsion by security guards. Furthermore, if any such attempts succeed, and a potential immigrant reaches an airport located in the said country, he will usually be repatriated unless he can claim asylum or some other legal status.¹

Some philosophers see this coercion as being deeply problematic. What gives states the right to coerce foreigners in this way? The question here is not merely about states having the right to exclusive legal power over a territory. For even if you think that states have the right to be the sole lawmakers and enforcers on a piece of land, it still doesn't follow that this gives them the right to exclude foreigners from entering and settling on that land. Indeed, there are many things states may not do even if they are the sole arbiters of justice – they may not arbitrarily arrest, torture, or kill their citizens, for example. Likewise, is coercively preventing foreigners from settling on the territory over which a state has dominion something a state may not do?

A major theme in the recent literature making such a case is that we should think of non-coercion as the moral default – and thus state coercion always stands in need of justification. In other words, the state shouldn't force people to behave in particular ways unless there are

strong reasons for interfering with people's freedom. Different writers then go on to make substantive cases for why such coercion is not ultimately justified.²

In what follows, I consider a variety of purposes for which it's plausible that state coercion is justified. I then argue that if such state coercion is justified, then the coercion involved in certain immigration restrictions is justified as well. The reader, in the end, might of course deny that state coercion is justified in the examples I point to below – but then she is committed to a radical rethinking of much of our current policies on a host of issues. So if you think immigration restrictions are unjustified because they are coercive, you will be committed to thinking there should be drastically less state intervention in a host of other domains.

Even the most liberal modern states coerce us in many ways. The main way they do so is by stopping us from, or punishing us for, directly infringing on the (negative) rights of others. If you assault someone, the state puts you in jail, for example. But there are many other purposes for which coercion is used. For instance, whether justified or not, taxation is coercion. You don't have the option as to whether to pay your taxes. The state uses threats of force, including jail-time, to make sure people pay what taxes it assigns to them.

Coercion is also often used for the purpose of protecting the interests of the domestic population with low socioeconomic status. Consider for example, minimum wage regulations. Such regulations are coercive – if A is willing to pay B \$X/hour and no more, and B desires to accept this offer, the state forbids this transaction with threat of force if X is lower than the minimum wage set by law. Furthermore, there can arise cases where high enough minimum wages are compatible with low unemployment only in the presence of trade restrictions, another form of coercion, so that cheap goods cannot be imported from elsewhere. While experts may debate the desirability of such policies, most seem to think that the state is at least within its rights to enact them.

Coercive laws are also employed to protect things we deem valuable in and of themselves. States seem to be within their rights to prohibit certain activities with respect to national parks containing valuable ecosystems – most people think it's fine for the state to forbid logging or hunting within such parks, for example.

Lastly, coercion is also legitimately used to prevent what economists call negative externalities. Consider the case of a cheap battery manufacturer. The manufacturer and consumers both benefit from his being able to use cheap toxic chemicals in the process and dumping them in the nearby river. But the state may legitimately prevent this mutually beneficial transaction, because the costs involved are not entirely internalized by the parties.

It thus seems that most people are committed to the view that states may legitimately use coercion to prevent negative externalities, promote the interests of their low socioeconomic status residents, and protect the existence of valuable things. If this is right, then there arises the possibility that the coercion involved in immigration restrictions is justified for these reasons, depending on what the empirical facts look like.

Let's take the case of negative externalities first. Whether or not, and to what extent, a particular immigration policy creates negative externalities on the existing population of a country is an empirical question, the answer to which cannot be determined from the armchair. It also plausibly can vary greatly based on the specifics of the immigration policy – most importantly, the characteristics and numbers of the immigrants admitted.

The recent immigration policies of Sweden and Germany, for example, which have ostensibly focused on helping large numbers of asylum seekers (though what percentage have actually been economic migrants is a topic of controversy), have arguably involved significant negative externalities though they have no doubt benefited the asylum seekers themselves. Tino Sanandaji, an economist at the Stockholm School of Economics, has documented in detail the sorts of problems that Sweden's policy in particular has invited. Among the most striking facts is that while foreign-born people compose 17% of the Swedish population, they receive 60% of the welfare expenditures. 76% of members of criminal gangs have immigrant backgrounds. A recent government commissioned study from the Zurich University of Applied Sciences has noted a surge in crime following Angela Merkel's decision in 2015 to open doors to a large number of asylum seekers. For example, in Lower Saxony, violent crime had decreased between 2007 and 2014, but was up by 10.4% by the end of 2016. 92.1% of the increase, among the solved cases, is attributable to newcomers. And while most of the murder victims were migrants themselves, 70% of robberies and 58.6% of sexual assault cases had German victims. A different report, released by the German Ministry of the Interior, found that the rate of violent crime in general and for sexual assault and rape is about 5 times higher among foreigners as compared to native Germans, and about 15 times higher among asylum seekers.³

Given these negative economic and social externalities, it is plausible to argue that border coercion is justified. Moreover, these unpleasant facts demonstrate that immigration decisions, even if they are beneficial to parties who want to associate with potential immigrants such as family members and employers, may not always be a net positive for the welfare of the rest of a country's residents.

Consider now the second point, namely that coercion is justified in protecting the interests of a country's less well off. One foreseeable impact of having fully open borders is that it will drive wages down for less skilled workers. This is just a function of supply and demand – a large influx of less skilled workers from poor but populous countries will increase the number of people willing and able to do retail, agricultural, and fast food jobs, for example. This will push the wages down for this type of work, thus adversely affecting the well being of less skilled workers already in the country.⁴ For this reason, some progressive philosophers who think we have weighty special obligations to the domestic needy oppose open borders.⁵ Of course, libertarians may not be convinced by this reasoning. Hence let me pose this as an if-then claim: if you think that we have special obligations to the domestic needy that justify coercion, then you should be wary of open borders proposals. Notice how radical denying such special obligations is, however. It would mean either that redistributive taxation is simply unjustified, or that rich

countries should spend virtually nothing on their domestic needy, sending much of their tax collections abroad, since each dollar, euro, or yen goes much further in Bangladesh or Kenya.

Lastly, as is evident in the case of national parks, coercion seems to be justified in preventing the destruction of something of value. Now, presumably liberal, high-trust societies are intrinsically valuable. Such societies embody valuable relationships among their residents, which are valuable in a way akin to the way that friendships are valuable. Liberal societies are also uniquely suited to human flourishing, for individuals there have the relatively robust ability to speak their minds, explore new ideas, create challenging writing and art, and so on.

If liberal societies are valuable in roughly these ways, and if having a regime of open borders would put the existence of such societies at risk, then there may be a further justification for border coercion. It is not unreasonable to think such a risk is substantial. Societies around the world differ not only with respect to superficial customs of dress and cuisine, but also with deeply held moral beliefs and social norms. Furthermore, some very populous countries have norms that are by any standard in tension with the norms of liberal society.

Consider the case of just one such country – Pakistan. A PEW Research survey published in 2013 found that the majority of people in the country believed that women should not have the choice as to whether to veil, that wives should always obey their husbands, that the death penalty is appropriate for apostasy, and that adulterers ought to be stoned.⁶ Now, Pakistan has a population in excess of 200 million. Suppose Denmark, a broadly liberal society with a population of less than 6 million, is deciding whether to have an open borders regime or not. It seems reasonable for one to worry whether Denmark's liberal norms can survive a large enough movement of the representative citizen of Pakistan into its territory.

The issue is especially challenging given the fact that Denmark's per capita GDP is more than 10 times as large as that of Pakistan, even after adjusting for purchasing power. Thus if Denmark were to announce a fully open borders policy, it's not unreasonable to expect many millions to move to the country seeking out better economic opportunities.⁷ And if large enough numbers of people move, it's not unreasonable to expect that many of their social norms will remain largely intact. People don't change overnight, and they are less inclined to change if surrounded by large enough numbers of like-minded people. Of course, we don't have random controlled experiments involving such large movements between such diverse countries to make a definitive call.

But what should we reasonably expect to happen if a representative sample of 20 million people from Pakistan were to move to Denmark over the course of less than 5 years? Plausibly, informal social norms would move in the illiberal direction. The problem would be compounded by the eventual granting of voting rights – people will likely vote according to their antecedently held values, and it would not be unreasonable to expect newly elected politicians to enact illiberal laws. Such worries would be partially addressed by making newcomers ineligible to vote, perhaps for a long period of time. But whether this is itself consistent with liberalism is not

obvious. Moreover, it's not obvious that such a policy would be feasible – disenfranchisement of large chunks of the population tends to invite social strife.

Now, I have used the case of Denmark and Pakistan to illustrate an extreme possibility. In reality there are several more roughly liberal societies besides Denmark, which are also more populous. Nonetheless, there are many societies that adopt illiberal norms on the whole as well, and several of these have rapidly growing populations.

All that is said in the preceding paragraphs applies of course to open borders policies, which by definition would not filter potential immigrants. If there is a good way for Denmark to filter immigrants from Pakistan, perhaps by using proxies like education, so that the representative immigrant from Pakistan to Denmark is not likely to continue to embrace the significantly illiberal norms accepted by the average resident of Pakistan, then the worries above will not apply for those immigrants. Furthermore, numbers will matter: if the stream of migration from broadly illiberal societies to broadly liberal ones is small enough, then some degree of assimilation is to be expected, depending on the specific context. The argument thus shouldn't be taken to suggest that Denmark is justified in admitting zero immigrants from Pakistan for this reason.

One way to resist these conclusions is to say that coercion is sometimes justified, but the bar for justification is very high – high enough that the sorts of considerations brought up earlier don't justify border coercion. The task for the defender of this position is to explain why the kinds of coercion that occur in non-immigration contexts – taxation, minimum wages, national parks – are justified. Of course, a philosopher arguing from anarcho-libertarian commitments may reject these forms of coercion as well. But if the only way to defend open borders is to adopt such a radical view of political philosophy, which in practice has very few adherents, then I consider the case for some immigration restrictions to stand on very solid ground.

2 Consequentialist Arguments

The preceding section considered open borders arguments that take deontological form – they start from the prima facie impermissibility of coercion, and argue that the prima facie case withstands scrutiny. I have claimed that the argument doesn't withstand scrutiny, given the empirical facts, and given the permissibility of state coercion in other contexts.

A separate case for open borders can be made on consequentialist grounds. In a widely cited paper, economist Michael Clemens argues that allowing for free migration would likely double world GDP. Doubling world GDP would mean lifting hundreds of millions of people out of poverty, particularly since those who would benefit most would be the global poor who would be able to move in search of better economic opportunities.⁸ In light of this enormous potential good, it seems there better be very good reasons to keep immigration restrictions in place. And perhaps, some will argue, given this enormous upside the sorts of considerations marshaled earlier are not adequate to justify immigration restrictions.

In what follows, I will tackle the consequentialist argument head-on by challenging the claim that in the long run the world would be a better place if open borders were instituted as a general rule. But before doing so, I will sketch the models and assumptions economists use when they make claims about dramatic potential increases in world GDP. I will then argue that such reasoning ignores worries about the potential long term effects of migration.

Economists arguing for open borders start by observing that workers in different countries have vastly different productivity. Workers in the developed world are much more productive than workers in the developing world, even when controlling for the level of skill. Hence, someone moving from a poor enough country to the U.S. will likely experience a massive increase in productivity as well as wages. This observation is hard to dispute and is borne out by standard economic theory and available data.⁹ The explanations for this change in productivity appeal to things like the infrastructure and amount of capital available in the U.S., which in turn are maintained by its relatively good economic institutions.

But if this is right, then isn't allowing for free movement a way to massively increase world GDP and living standards for the global poor? How productive you are depends not only on you, but on the institutional context you find yourself in. Some countries have better economic and political institutions than others. So, instead of keeping some people stuck with bad institutions where they're less productive, shouldn't we move them to places with better institutions? Even if there are some net losers overall (for example the poor in the developed countries), this seems to be a way to promote great good for the majority of the world population. The core proposal behind consequentialist open border thinking can be summed up thus: let's move people from places with bad institutions to places with good institutions. In so doing, we'll be helping the global poor help themselves, as well as most of the rest of us, given increases in worldwide productivity. Hence, the average person will be much better off with open-borders.

The problem with this reasoning is that it makes a crucial unfounded assumption: that the different sorts of institutions we see in different countries are fixed. But what if, as a result of large migrations, the institutions of the receiving countries themselves change? And what if they change for the worse in the long run? This possibility throws a huge wrench in the model. If we don't assume institutions are fixed, all bets are off – it may well even turn out that in the long run, open borders will result in aggregate world GDP being lower than it would otherwise been with some restrictions in place.

The worry that a country's institutions will change in the long run, depending on the numbers and average characteristics of the immigrants it accepts, is not unfounded and there is mounting evidence to the effect. For one, new voters mean new policies, and new policies can affect long run productivity.¹⁰ Second, informal institutions and family relationships can travel with people as they move, and such institutions are important for economic performance.¹¹ In addition, trusting behavior among immigrants and its transmission to younger generations can depend significantly on the country of origin.¹² Importantly, trusting behavior affects economic growth – high trust societies are able to grow faster and maintain higher levels of prosperity. Recent work in economics and behavioral science has also found that corruption tends to travel with people

as they relocate.¹³ A new paper by economist Eugen Dimant and colleagues estimates that immigration from highly corrupt countries to the OECD (Organization for Economic Co-operation and Development, a group of 35 fairly developed countries) dramatically raises corruption in host countries. Their models indicate a rise of almost 1 point out of 7, for every 100 immigrants from highly corrupt countries per 1000 citizens. A striking result is that regardless of the econometric methodology they applied, the researchers found that movement of people from high-corruption countries boosts corruption in the host country. This is very important to keep in mind because some of the world's poorest countries, and hence those which will experience the greatest emigrations in an open borders regime, are also among the most corrupt.^{14,15} Lastly, in a paper for the prestigious *Journal of Economic Literature*, economists Enrico Spolaore and Romain Wacziarg provide strong reasons to think that prosperity has "deep roots." They write that a growing body of evidence in the economic development and history literature "suggests that economic development is affected by traits that have been transmitted across generations over the very long run."¹⁶

A key finding in this literature is that a country's migration-adjusted quality of institutions at 1500 AD strongly predicts the quality of current institutions and GDP per capita. That is, if you look at institutional quality of various places in 1500 AD, and then take into account where people moved since then, you can predict with fairly good accuracy the institutional quality of a country today. Economist James Ang writes "These findings suggest that a country that has more ancestors who lived in prosperous places tends to have better institutions today."¹⁷ People, it seems, have tended to carry their institutions with them. And if they have generally done so in the past, what reason is there to think current movements will prove an exception to this centuries-long pattern?

What these emerging literatures point to is that assuming a country's institutions will remain fixed in the long run in the presence of open borders is a huge mistake. A polity's institutions don't fall down from heaven; they are a function of the residents and voters of the polity. So where does this leave us in the consequentialist calculus? Plausibly, it means we should be extremely wary of open borders. The main reason is that even if you're a utilitarian – so that you care about total well-being around the world rather than in a specific country or set of countries – you want there to be some countries with relatively good institutions. For, these are the countries which generate much of the important scientific and technological innovations that enormously benefit the global poor. Just think of how much the global poor have benefited from antibiotics, the polio vaccine, light bulbs, fertilizers, cell phones, and so on – all of which have been invented in the developed world, thanks to its good institutions. Reducing the quality of developed world institutions through open borders may be good, in the long run, for neither the host nations nor the global poor themselves.¹⁸

3 Conclusion

If you are convinced by the arguments of this paper, what kinds of immigration restrictions should you support? Would it be desirable or justifiable for developed countries to have a policy of admitting zero immigrants from poorer countries? I do not think so. Rather, what the

arguments of this essay point towards is a policy of filtered restriction. Developed countries should find a way of creating filtering mechanisms when admitting citizens from countries with corrupt institutions or illiberal norms. They should find a way to admit as many immigrants as possible in a way that doesn't threaten the quality of their institutions in the long run and doesn't impose significant negative externalities on their citizens. After all, I have not denied that immigration restrictions involve coercion and that coercion should be avoided as a moral default. Moreover, freer immigration regulations with appropriate filtering mechanisms may indeed make the world a much better place.

What an adequate filtering mechanism will ultimately look like is an empirical question. Determining what the relevant and best available proxies are will require detailed social scientific research. If it turns out that highly educated immigrants are more likely to adopt liberal norms and less likely to increase the host country's corruption levels, for example, that's a reason to prefer highly educated immigrants, unless a better proxy can be found. Importantly, a just policy will involve making distinctions between different kinds of immigration, rather than treating it as an all or nothing issue. In the end, it will likely turn out that some kinds of immigration are to be allowed, and perhaps even encouraged, while others are not morally justified.

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Endnotes

1. Notably, David Miller has argued that immigration controls are not coercive, by drawing a distinction between coercion and prevention. Here, I will grant defenders of open borders that immigration controls are coercive. If I can show that despite being granted this assumption, the case for open borders is flawed, that will make for an even stronger case for adopting some immigration restrictions. David Miller, "Why Immigration Controls Are Not Coercive: A Reply to Arash Abizadeh," *Political Theory* 38, no.1 (2010) :111–120.
2. For varying approaches to making the case, see: Michael Huemer, "Is There a Right to Immigrate?" *Social Theory and Practice* 36, no. 3 (2010): 429–461; Christopher Freiman and Javier Hidalgo, "Liberalism or Immigration Restrictions, But Not Both," *Journal of Ethics and Social Philosophy* 10, no.2 (2016); Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *The Review of Politics* 49, no.2 (1987): 251–273; Arash Abizadeh, "Democratic theory and border coercion: No right to unilaterally control your own borders," *Political Theory* 36, no.1 (2008). Abizadeh argues that since immigration restrictions coerce foreigners, they must be justified to them democratically. I will not examine this issue in detail here, for considerations of space, but I do want to flag that view will commit us to having to democratically justify lots of other things (e.g. trade restrictions) to foreigners, in a way that's not feasible without one central world government.
3. See: Tino Sanandaji, *Massutmaning* (Self-Published, 2016); Christian Pfeiffer, Dirk Baier, and Soeren Kliem, "Zur Entwicklung der Gewalt in Deutschland Schwerpunkte: Jugendliche und Flüchtlinge als Täter und Opfer," (Zurich University of Applied Sciences, 2018); German Ministry of the Interior, "Polizeiliche Kriminalstatistik (pks)," April 2017, https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/PolizeilicheKriminalstatistik/PKS2016/pks2016_node.html.
4. As it stands, such downward pressure is not present in the U.S. See Gianmarco Ottaviano and Giovanni Peri, "Immigration and National Wages: Clarifying the Theory and the Empirics," *National Bureau of Economic Research*, 2008. However, the U.S. is far from a fully open borders regime.
5. See, for example, Stephen Macedo, "The Moral Dilemma of U.S. Immigration Policy: Open Borders Versus Social Justice?" in *Debating Immigration*, ed. Carol M. Swain (Cambridge University Press, 2007).
6. See PEW Research, "The World's Muslims: Religion, Politics and Society," (PEW, 2013).
7. The most recent Gallup poll finds, unsurprisingly, that greater percentages of individuals from poorer countries want to migrate. There are some countries where the majority of residents wants to migrate. See Neli Esipova, Julie Ray, and Anita Pugliese, "Number of Potential Migrants Worldwide Tops 700 Million," (Gallup, 2017). Of course, such a poll may not be perfectly predictive about what would actually happen if open borders were implemented, but it gives us a very rough idea.
8. See Michael Clemens, "Economics and Emigration: Trillion-Dollar Bills on the Sidewalk?" *Journal of Economic Perspectives* 25, no.3 (2011).
9. Bryan Caplan, "Why Should We Restrict Immigration?" *Cato Journal* 32, no.1 (2012).
10. A landmark paper on this examines how U.S. government changed after women's suffrage is: John Lott and Lawrence Kenny, "Did Women's Suffrage Change the Size and Scope of Government?" *Journal of Political Economy* 107, no.6 (1999).
11. See for example, Alberto Alesina and Paola Giuliano, "Family Ties," *Handbook of Economic Growth*, ed. Philippe Aghion and Steven Durlauf (Elsevier, 2014); Claudia Williamson, "Informal Institutions Rule: Institutional Arrangements and Economic Performance," *Public Choice* 139, no.3 (2009); Claudia Williamson and Rachel Mathers, "Economic Freedom, Culture, and Growth," *Public Choice* 148 (2011).
12. Yann Algan and Pierre Cahuc, "Inherited Trust and Growth," *American Economic Review* 100, no.5 (2010).
13. Eugen Dimant, Tim Krieger, and Margarete Redlin, "A Crook is a Crook ... But is He Still a Crook Abroad? On the Effect of Immigration on Destination-Country Corruption," *German Economic Review*, 2014.
14. See Transparency International, "Corruption Perceptions Index 2017," (Transparency International, 2018).
15. An additional factor to consider here might be the finding that people with higher IQ tend to be more cooperative in repeated games -- see Omar Al-Ubaydli, Garrett Jones, and Jaap Weel, "Patience, Cognitive Skill, and Coordination in the Repeated Stag Hunt." *Journal of Neuroscience, Psychology, and Economics*, 2012. Garrett Jones applies this finding among others to argue that cross-nation differences in

IQ can thus explain part of the variance in economic productivity of countries. See Garrett Jones, *Hive Mind* (Stanford University Press, 2016)

16. Enrico Spolaore and Romain Wacziarg, "How Deep are the Roots of Economic Development?" *Journal of Economic Literature*, 2013.

17. James Ang, "Institutions and the Long-Run Impact of Early Development," *Journal of Development Economics* 105 (2013): 1–18.

18. Economist Garrett Jones argues in a yet to be published manuscript that open borders may well lead to a decrease of total world GDP for roughly these reasons. The argument is that mass-migration can significantly alter a country's Total Factor Productivity (TFP). The search for a theory of what accounts for differences in TFP across countries is a neglected research area, despite having its importance been stressed by Nobel Prize winning economist Ed Prescott. See: Edward Prescott, "Needed: A Theory of Total Factor Productivity," *International Economic Review* 39, no.3, 1998.