CHAPTER TWENTY-FIVE

The Case for Open Immigration

Chandran Kukathas

People favor or are opposed to immigration for a variety of reasons. It is therefore difficult to tie views about immigration to ideological positions. While it seems obvious that political conservatives are the most unlikely to defend freedom of movement, and that socialists and liberals (classical and modern) are very likely to favor more open borders, in reality wariness (if not outright hostility) to immigration can be found among all groups. Even libertarian anarchists have advanced reasons to restrict the movement of peoples.

The purpose of this chapter is to make a case for greater freedom of movement or, simply, freedom of immigration. Its aim is to defend immigration against critics of all stripes, and also to defend immigration against some of its less enthusiastic friends.

To put a case for free immigration is not easy. Though it may be simple enough to enunciate political principles and stand doggedly by them, in questions of public policy coherence and consistency are merely necessary, but not sufficient, virtues. The feasibility of any policy proposal is also important, and political theory needs to be alive to this. "How open can borders be?" is an obvious question that it may not be possible to evade. The defense of free immigration offered here is, I hope, sensitive to this requirement. Nonetheless, it is an important part of its purpose to suggest that, in the end, political theory needs also to be suspicious of feasibility considerations, particularly when they lead us to morally troubling conclusions.

Before proceeding to the defense of free immigration, however, it will be important to understand what precisely immigration amounts to, and to recognize the nature of the *problem* of immigration as it exists in the world today. This is the task of the first section of this chapter. The second section defines and offers a short defense of free immigration. The three sections that follow then consider various challenges to the principle of free immigration coming from economic, national, and security perspectives, and argue that each challenge can be met. The final section offers some general

Contemporary Debates in Applied Ethics, Second Edition. Edited by Andrew I. Cohen and Christopher Heath Wellman.

reflections on the dilemmas of contemporary immigration policy, before restating more forcefully the case for the free movement of peoples.

The Problem of Immigration in the Modern World

Toward the end of the twentieth century, more than 100 million people lived outside of the states of which they are citizens (Trebilcock, 1995, p. 219). But this figure does not come close to identifying the numbers of people who are moving about from country to country across the globe. Many people move between countries as tourists, businessmen, sportswomen or performers without ever stopping to "live" in a country – let alone with any intention to settle in a foreign land. Global human movement is a fact of life, as it has been for centuries, if not for all of human history. This has always had its own difficulties. But the problem of immigration is a problem of a particular kind, for immigrants are people who aim to stop rather than simply to pass through – though, as we shall see, the definition of "stopping" is not an easy one to establish. The migration of people is a problem in the modern world because that world is a world of states, and states guard (sometimes jealously) the right to determine who may settle within their borders. Immigration may be defined as the movement of a person or persons from one state into another for the purpose of temporary or permanent settlement (Kukathas, 2002).

Modern states are reluctant to allow people to enter and settle within their borders at will for a variety of reasons. Security is one important consideration, though different states have different security concerns. The United States at present fears terrorist attacks and has tightened its immigration laws in part because of concerns for the safety of its citizens. China, on the other hand, has different security concerns since its political system does not permit much internal freedom of movement and could not tolerate an uncontrolled influx of foreigners into a population that harbors dissidents who would challenge the authority of the government. For states such as Israel, security is a prominent concern, but perhaps one no more important than the desire to preserve a certain cultural integrity. A state founded as a Jewish homeland cannot allow immigration to transform it into a multicultural polity.

For modern liberal democratic states, however, there are a number of important reasons why immigration is problematic. These states, including Canada, the United States, Australia, Britain, and several countries in Western Europe, are particularly popular destinations for immigrants, whether because they are refugees seeking safe havens, or simply people looking to improve their prospects of a better life. One important reason why immigration is a problem in these cases is that immigrants impose costs on society even as they bring benefits. While economists tend to agree that the consequences of free movement are generally positive, since competitive labor markets make for a more efficient use of resources (Simon, 1990; Sykes, 1995, pp. 159–160), not all nations may benefit immediately from an influx of immigrants. Nor do the burdens of accommodating or adjusting to immigrants fall equally on all within a society – much will depend on who the immigrants are, where they settle, and with whom they end up competing for jobs, real estate, and public facilities. Even if the benefits of immigration outweigh the costs to the nation, those who are adversely affected by an influx of settlers will object; and in liberal democratic states this will translate into electorally significant opposition.

Another important reason why immigration is a problem in liberal democratic states is that these states are, to varying degrees, welfare states. The state in such societies provides a range of benefits, including education, unemployment relief, retirement income, medical care, as well as numerous programs to serve particular interests. Immigrants are potential recipients of these services and benefits, and any state considering the level of immigration it will accept will have to consider how likely immigrants are to consume these benefits, how much they might consume, whether or not they are going to be able to finance the extra costs from the lifetime tax contributions of these immigrants, and what are the short-term implications of accepting immigrants who begin by consuming more in benefits than they pay in taxes. Consequently, such states are reluctant to accept immigrants who are infirm, or too old to contribute enough in taxes in their remaining working lives to cover the costs of medical care and retirement subsidies.

Under these circumstances liberal democratic governments will go to great lengths to limit immigration, though they will face pressures both to admit and refuse entry to applicants seeking to enter their countries. The pressures to admit will come from businesses looking for cheaper labor, from humanitarian groups calling for the admission of refugees, and from families and ethnic communities pressing to have relatives join them from their countries of origin. The pressures to refuse entry will generally come from labor unions, from "nativist" groups, and from conservatives concerned about the cultural and economic impact of settlers, particularly if the settlers are predominantly from ethnically different countries. The lengths to which liberal democratic states might go to discourage immigration is well illustrated by the reaction of the Australian government in August 2001 to the appearance near its coastal waters of a Norwegian merchant vessel, *The Tampa*, bearing refugees rescued at sea. The vessel was denied permission to enter Australian waters and to offload its human cargo, which was shipped to the island of Nauru to prevent the refugees from appealing for asylum in Australia (Marr and Wilkinson, 2003). More recently, the United States responded to the crisis in Haiti in February 2004 by intervening to encourage the departure of President Aristide, and to restore some degree of order, because it feared an exodus of Haitian refugees making their way to Florida.

Immigration is a problem largely because of the nature of the modern state. Most states, and certainly all liberal democratic states, regard their people as "citizens" or "members" of the state. Membership is not standard, and the nature of membership has a substantial bearing on the rights that individuals have within a state. Full membership might amount to citizenship and include the right to vote and stand for public office. (Though it is worth noting that in the United States, for example, even full citizenship does not entitle a member to stand for the office of President if he or she was not born in the country.) "Permanent resident" status might give one the right to work and to change employer at will, and also to draw on health, education, and welfare services, but not provide security against deportation. Status as a "guest-worker" or temporary resident might provide fewer rights still. Modern states restrict immigration because they must manage access to the goods for which immigrants and natives would compete. Modern states are like clubs that are reluctant to accept new members unless they can be assured that they have more to gain by admitting people than they have by keeping them out.

In Defense of Free Immigration

Given that immigrants will compete for goods and resources with natives, why should states open their borders when it is their task to manage affairs within their domains? Does the idea of open immigration not go against the principles of good husbandry?

There are many reasons why borders should be open and the movement of people should be free. But before considering these reasons more closely, it should be admitted that the prospect of states opening their borders completely is a remote one. Even as the European Union expands its membership and facilitates freer movement among its denizens, to take one possible counter-example to this claim, it continues to control entry into Europe – and is feeling the pressure from member states to tighten restrictions on entry from refugees and displaced people. "Open borders" is not a policy option currently being considered by any state. Nonetheless, the case for open borders should be considered, though in the end, as we shall see, it cannot be defended without rethinking the idea of the state.

There are two major reasons for favoring open borders. The first is a principle of freedom, and the second a principle of humanity.

Open borders are consistent with – and on occasion, protect – freedom in a number of ways. The first, and most obvious, is that closed borders restrict freedom of movement. Borders prevent people from moving into territories whose governments forbid them to enter; and to the extent that they cannot enter any other territory, borders confine them within their designated boundaries. This fact is not sufficient to establish that so confining people is indefensible; but if freedom is held to be an important value, then there is at least a case for saying that very weighty reasons are necessary to restrict it.

Several other considerations suggest that such reasons would have to be weighty indeed. First, to keep borders closed would mean to keep out people who would, as a consequence, lose not only the freedom to move but also the freedom they might be seeking in an attempt to flee unjust or tyrannical regimes. The effect of this is to deny people the freedom they would gain by leaving their societies and to diminish the incentive of tyrannical regimes to reform the conditions endured by their captive peoples. Second, closing borders means denying people the freedom to sell their labor, and denying others the freedom to buy it. Good reasons are needed to justify abridging this particular freedom, since to deny someone the liberty to exchange his labor is to deny him a very significant liberty. Third, and more generally, keeping borders closed would mean restricting people's freedom to associate. It would require keeping apart people who wish to come together whether for love, or friendship, or for the sake of fulfilling important duties, such as caring for children or parents.

Now, to be sure, defenders of restricted immigration do not generally argue that borders should be completely sealed, or that no one should be admitted. Many concede that exceptions should be made for refugees, that some people should be allowed to come into a country to work, and that some provision should be made for admitting people who wish to rejoin their families. Those who want restricted or controlled immigration are not indifferent to freedom. Nonetheless, even those who argue for generous levels of immigration by implication maintain that people should be turned away at the

border. This in itself is a limitation of liberty, for which good reasons must be given. In the end, or so I will argue, the reasons that have been offered are not weighty enough to justify restricting freedom even to a limited degree.

The second reason for favoring open borders is a principle of humanity. The great majority of the people of the world live in poverty, and for a significant number of them the most promising way of improving their condition is to move. This would remain true even if efforts to reduce trade barriers were successful, rich countries agreed to invest more in poorer ones, and much greater amounts of aid were made available to the developing world. For even if the general condition of a society were good, the situation of particular individuals would often be poor, and for some of them immigration would offer the best prospect of improving their condition. To say to such people that they are forbidden to cross a border in order to improve their condition is to say to them that it is justified that they be denied the opportunity to get out of poverty, or even destitution. And clearly there are many people who share this plight, for numerous illegal immigrants take substantial risks to move from one country to another – courting not only discomfort and even death by traveling under cover in dangerous conditions, but also punishment at the hands of the authorities if caught.

A principle of humanity suggests that very good reasons must be offered to justify turning the disadvantaged away. It would be bad enough to meet such people with indifference and to deny them positive assistance. It would be even worse to deny them the opportunity to help themselves. To go to the length of denying one's fellow citizens the right to help those who are badly off, whether by employing them or by simply taking them in, seems even more difficult to justify – if, indeed, it is not entirely perverse.

Not all people who look to move are poor or disadvantaged. Nor do all of them care about freedom. But if freedom and humanity are important and weighty values, the prima facie case for open borders is a strong one, since very substantial considerations will have to be adduced to warrant ignoring or repudiating them. I suggest that no such considerations are to be found. But to show this, it is necessary to look more closely at arguments that restrictions of immigration are defensible, and indeed desirable.

Economic Arguments Against Open Borders

It is sometimes argued that there are strong economic arguments for limiting immigration. There are two kinds of concern here. The first is about the impact of migrants on the local market economy: large numbers of people entering a society can change the balance of an economy, driving down wages or pushing up the prices of some goods such as real estate – to the disadvantage of many people in the native population. The second is about the impact of migrants on the cost and availability of goods and services supplied through the state: education, healthcare, welfare, and the publicly funded infrastructure of roads, parks, and other non-excludable goods. Do these concerns warrant closing borders to immigrants?

In the end, the answer must be that they do not. But the reasons why are not as straightforward as might be anticipated. If our concern is the impact of migrants on the local market economy, one argument often advanced by economists is that, on balance, the net impact of immigrants is mildly positive. While immigrants do take jobs

that might have gone to locals and drive down wages, while driving up some prices, they also have a positive impact on the economy. Migrants expand the size of the workforce and extend the division of labor, so society gains from the benefits this brings. As new consumers, they expand the size of the domestic market and help to lower prices for many goods. Measuring the precise impact of any cohort of immigrants is difficult; but the overall impact is, at best, positive and, at worst, only mildly negative – even with respect to employment. Moreover, the global effect of migration is positive, as it involves a movement of people from places where they are less productive and often unable to make a living to places where they are both more productive and better off – and in many cases no longer a burden on their societies.

The problem, however, is that whatever the overall impact of migration, particular persons will do badly out of it. An influx of cheap labor may be good for society overall, but bad for those who are put out of work or forced to accept lower wages. It is to these people that the critic of open borders will point to illustrate the economic costs of immigration. Why should *they* bear the costs? Equally, why should other societies be happy about the brain-drain that is also an aspect of immigration, as skilled people leave their native countries for better opportunities abroad?

While it is true that the burdens and benefits of immigration do not fall evenly or equitably on all members of a host society, open borders are defensible nonetheless for a number of reasons. First, it has to be asked why it must be assumed that locals are entitled to the benefits they enjoy as people who have immediate access to particular markets. As residents or citizens, these people enjoy the rents they secure by virtue of an arrangement that excludes others from entering a particular market.[1] Such arrangements are commonplace in every society, and indeed in the world as a whole. Often those who find a resource to exploit, or a demand which they are particularly able to fulfill, are unable to resist the temptation to ensure that they enjoy the gains to be had in exploiting that resource or fulfilling that demand by preventing others from doing the same. Yet it is unclear that there is any principle that can justify granting to some persons privileged access to such rents. To be sure, many of the most egregious examples of rent-seeking (and rent-protecting) behavior are to be found in the activities of capitalist firms and industries. But this does not make such activity defensible, since it serves simply to protect the well-off from having to share the wealth into which they have tapped with those who would like to secure a little of that same wealth for themselves.

If we are considering labor markets, there is no good reason to exclude outsiders from offering their labor in competition with locals. While it may disadvantage locals to have to compete, it is equally true that outsiders will be disadvantaged if they are forbidden to do so. Also, locals who would benefit from the greater availability of labor would also be disadvantaged by the exclusion of outsiders. To prevent, say, firms from hiring outside labor would be no more justifiable on economic grounds than preventing firms from moving their operations abroad to take advantage of cheaper or more productive labor in other countries.

The same arguments hold if we are considering the case of people who wish to move to a different country to sell not their labor but their wares – perhaps by setting up a business. There is no more a justification for preventing them from doing this than there is for preventing them from trading their goods from abroad. Restricting access to markets certainly benefits some people, but at the expense of others, and generally to the disadvantage of all. If particular privileges should be accorded to some because

of their state membership, the justification cannot be economic in the first of the two senses distinguished.

In the second sense of economic, however, the argument for restricting immigration is not that access to particular markets should be limited, but that the economic benefits dispensed by the state must be limited if economic resources and indeed the social system more generally are to be properly managed. Immigration dulls the edge of good husbandry. For some libertarians, the concern here is that open borders – or even increased immigration – will impose a greater tax burden on existing members of society as the poor and disabled move to states with more generous welfare provisions, as well as subsidized education and healthcare. Indeed, a number of libertarians have argued that until the welfare state is abolished, immigration will have to be tightly controlled in countries like the United States (Hoppe, 1998).

Here it would not be enough to point out that, to the extent that immigrants join the workforce, they would also contribute to the revenues of the state through taxes, even as they consume resources dispensed by the state. Open immigration might well encourage people to move with the intention of taking advantage of benefits that exceed their tax contributions. People on low incomes and with children or elderly or infirm dependents would find it advantageous to move to countries with generous public education and healthcare. This could impose a significant additional burden on taxpaying individuals and firms, or pressure a state with fiscal problems to reduce the quality of its services. Immigration is a problem for welfare states – understanding welfare in its broadest sense to include health and education services as well as unemployment relief and disability benefits.

The problem here is a significant one. But it should be noted that it is not a problem that results from the movement of the rich or able, only one that results from the movement of the poor. The independently wealthy, and the well-off moving into well-paying jobs, will contribute to the state's coffers through direct and indirect taxes, and may well pay for more than they consume. The poor will in all likelihood be net consumers of tax dollars – at least at the outset. An important purpose of closed borders is to keep out the poor.

If the concern is to preserve the integrity of the welfare state, however, the most that could be justified is restricting membership of the welfare system. The movement of people into a country could then be free. Such restricted forms of immigration would still impose serious disadvantages upon poorer people, for whom the attraction of immigration would diminish if they were obliged to fund their own healthcare and pay for the education of their children. Yet for many it would be better than no opportunity to move at all. Certainly, immigration with limited entitlements would be attractive to young and able people with dependents, since the opportunity to work abroad and remit money home might significantly improve all their lives.

Nonetheless, it would not do to be too sanguine about the possibility of such an arrangement. Most states would baulk at the suggestion of such arrangements, and even advocates of open immigration may reject the idea of different classes of membership. Moreover, immigrants paying taxes may feel disgruntled if their taxes do not buy them equal entitlements. In the end, it may be that the existence of the welfare state makes open borders, or even extensive immigration, very difficult – if not impossible. From the perspective of a principle of freedom, or a principle of humanity, I suggest, the standard of open borders should prevail. To defend closed borders a principle of

nationality would have to take precedence. We should turn then to look more closely at the argument from nationality.

Nationality and Immigration

Implicit in most arguments for closed borders or restricted immigration is an assumption that the good or well-being of the members of a polity should take precedence – to a significant degree, even if not absolutely – over the good of outsiders. From this perspective, that one of my fellow countrymen is harmed or made worse off is a weighty consideration when assessing any policy, in a way that the impact of that policy on foreigners is not. Defenders of this perspective may disagree about the extent to which the interests of outsiders should be discounted; and indeed some may hold that rich nations owe substantial obligations of justice to the world's poor. But they are agreed that something more is owed to one's own country and its people. And this justifies protecting one's nation from the impact of open or substantial immigration. (For contrasting views see Goodin, 1988; Miller, 1988.)

Immigration, on this view, may be damaging for a number of different reasons. We have already considered some of the economic consequences of immigration; but there are other problems as well. First, immigration in substantial numbers, even if it takes place over a long period of time, "has the effect of changing the recipient area" (Barry, 1992, p. 281). The influx of Indian workers in the nineteenth century changed Fiji from an island of Polynesian people to one that is bicultural, just as the movement of Indians and Chinese to Malaya turned that society into a multicultural one. The fear of many people is that immigration will change a society's character, and perhaps undermine or displace an ancient identity (Casey, 1982). The cultural character of Britain or France cannot remain the same if substantial numbers of people move there from Africa or Asia.

Second, immigration from culturally different people may be damaging to wealthy countries to the extent that their wealth is dependent upon the existence of a political culture, and economic and social institutions, that are especially conducive to wealth-creation. Immigration from people who do not share the same values, and who would not help to sustain the same institutions, may ultimately undermine those institutions (Buchanan, 1995). If so, this may be good reason to restrict immigration not only by number but also by culture.

Third, immigration may make it very difficult for a society to develop or sustain a level of social solidarity that is necessary for a state to work well, and particularly for it to uphold principles of social justice. This argument has been developed especially forcefully by David Miller, who suggests that if immigration exceeds the absorptive capacities of a society, the bonds of social solidarity may break down. The nation is a natural reference group when people ask whether or not they are getting a fair share of society's resources. If people have different understandings of what their rights and obligations are and disagree about what they may legitimately claim, it may become impossible to establish and operate appropriate standards of social justice (Miller, 1995, 1999a). For all of these reasons, then, open borders cannot be justified. Or so it is argued.

While all of these considerations are weighty, they do not suffice to warrant limitations on freedom of movement. First, while it is true that immigrants do change the

character of a place – sometimes dramatically – it is not evident that this is necessarily a bad thing. More to the point, it is difficult to know how much change is desirable, partly because the results will not be known for some time and partly because different people – even in relatively homogeneous societies – want different things. It is perfectly understandable that some people want things to remain the way they have been during their lifetimes. Yet it is no less understandable that others want changes they regard as improvements. The Know-Nothings of nineteenth-century America were completely hostile to Catholic, and especially Irish, immigration; though Irish Americans were all too ready to welcome to the United States even more settlers from Ireland. In the end, our capacity to shape society or preserve its character may be as limited as our capacity to know how much (or how little) change is really desirable – even if we could agree on what sort of character we would like our societies to have.

It is also worth bearing in mind that many societies have experienced significant cultural or social transformations and not only survived but prospered. The United States in the nineteenth century welcomed immigrants from all over the world, incorporated large parts of what was once Mexico into its territory, overturned a three-century-old tradition of slavery and yet began the twentieth century a prosperous and vibrant democracy. Canada and Australia have seen their societies transformed by postwar immigration into multicultural polities, while continuing to enjoy economic growth and social stability. And the European Union continues to expand its membership by admitting states from Eastern Europe – and perhaps, eventually, Turkey – in a way that makes it possible for peoples from diverse ethnic, religious, and political traditions to move freely from one end of the continent to the other, without fearing a loss in prosperity; though there can be no doubt that this development will bring with it significant cultural changes to many of Europe's communities.

Social and cultural change can be effected by large-scale immigration, and its significance should not be discounted. But neither should it be overestimated. Nor should too much weight be given to the possibility that immigration from poor nations to rich ones will undermine the institutions of wealth-creation – though it is surely a possibility. If anything, it is perhaps more likely that immigrants who move to wealthy countries will do so because they want to take advantage of the opportunities it offers, and that they will assimilate by adopting the practices that bring success to the natives. In any case, if our interest is in wealth-creation, it is more likely that this skill will be taught to those who enter a rich country than that it will be exported successfully to some countries that are poor.

The most challenging argument against open immigration, however, is that institutions of social justice can only be built if social solidarity is preserved – and that immigration may undermine that solidarity if it is not appropriately restricted. If we accept that social justice is an important concern, then Miller's analysis and argument are powerful and convincing. The only way to resist them is to question the very idea that the nation-state is the appropriate site for the settlement of questions of distributive justice. And indeed that is what we need to do.

There are a number of reasons why we should be suspicious of the idea that the nation-state is the site of distributive justice, but the most powerful have been advanced by Miller in his own critique of the idea of global social justice. Miller maintains that principles of social justice are always, "as a matter of psychological fact, applied within bounded communities" (1999a, p. 18). It is easier for us to make judgments of justice

in small communities such as workplaces, but difficult in units larger than nation-states. We make such judgments by comparing ourselves with others. But it is difficult for us to compare ourselves with people who are remote from our own circumstances, such as people in other countries. We can more readily make judgments based on comparisons with people who belong to our own reference group – people with whom we are likely to share some common conceptions of value. When conceptions of the value of a resource differ, it becomes very difficult to establish common standards of distributive justice, since the very question of what counts as a resource to be distributed may be impossible to settle. And when we consider that different communities have conflicting views about how trade-offs should be made, for example, between the consumption of what the earth will produce and the preservation of the natural environment, it would be difficult for one community to demand a share of another's resources on the basis of its own determination of the "true value" of those resources (Miller, 1999b, pp. 193–196). Global social justice is difficult to defend.

Yet all the things that make global justice problematic also go to make problematic social justice *within* the nation-state. Certainly, some nation-states are so large that it is difficult to see how they could really share a single conception of social justice. China and India between them hold more than a third of the world's population, and harbor different languages, religions, and customs. Even the United States, though much smaller, is sufficiently diverse that there are noticeable differences among significant groups about morality and justice – from California, to Utah, to Louisiana. Britain and France are smaller still, but are home to a diversity of religions and ethnicities. If the preservation of a shared ethos or sense of social justice is an important reason to restrict immigration, then, it might be defensible if we are considering small, homogeneous nations such as Iceland or Tahiti. It might also be defensible for a state such as Israel, though it might be more difficult to make this case the more it is a multicultural (or bicultural) state. But in larger states, which are diverse and already have a long history of immigration, the idea of a shared conception of social justice might be too much to hope for. Certainly, the vigorous debates among philosophers about social justice suggest that there is no substantial agreement on this question even among a group as homogeneous as the academy. Miller's point about the nature of social justice is a telling one; but it also tells against his own defense of restricted immigration. (For a fuller critique of Miller's view, see also Kukathas, 2002.)

Even if states were plausible sites of social justice, however, there is another issue that has to be raised. Is it right that the preservation of local institutions of social justice take precedence over the humanitarian concerns that make open immigration desirable? As was noted earlier, immigration barriers operate largely to limit the movement of the world's poor. It seems odd to suggest that this can be defended by appeal to the importance of social justice. If the price of social justice is exclusion of the worst-off from the lands that offer the greatest opportunity, this may be a mark against the ideal of social justice.

To be fair, however, it should be acknowledged that defenders of social justice or the primacy of membership (Walzer, 1983) generally acknowledge the need to make special provision for the world's poor. In this regard, they suggest that refugees may have a special claim to be allowed to immigrate and resettle to escape persecution. But here a number of problems arise. First, the line distinguishing a refugee and what we might term an "economic migrant" is a very fine one. As it stands, the 1951 United Nations

Convention relating to the Status of Refugees adopts a very narrow definition of refugee to include only persons with a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion. Those people fleeing war, natural disaster, or famine are, on this definition, not refugees. Second, even on this narrow definition, at the start of the twenty-first century, there are more than 20 million people in the world who count as refugees who have yet to be resettled. The problem these two points pose is that making an exception for refugees requires a very significant increase in immigration – even if the narrow definition of refugee is used. If a more humane definition were adopted – one that recognized as refugees people fleeing war zones, for example – an even greater number of immigrants would have to be accepted. Yet then, if the standard of humanity is the appropriate standard, it is difficult to see why any sharp distinction should be made between the desperate fleeing war and the destitute struggling to make a living.

It would perhaps be too much to hope or expect that states – especially wealthy ones – will readily lower the barriers to the free movement of peoples. As it stands, the world of states has struggled to relocate the refugees for whom it has acknowledged responsibility. Indeed, it is sobering to remember that immigration controls were tightened with the invention of the passport during the First World War precisely to control refugee flows. Nonetheless, on this much at least, both the defenders of open borders and the advocates of restrictions can agree: that at present the borders are too securely sealed.

Immigration and Security

One reason for greater restriction of immigration, which clearly has assumed enormous significance in recent times, is the need for security. Can immigration be free in an age of terror?

Security from terrorist attack, it should be noted, is only one kind of security. Even before terror became a serious concern, modern states have been anxious about the security of political systems from foreign threats, and the security of society against international criminal organizations. Smugglers, traffickers in illegal goods (from drugs to rare wildlife to historical artifacts), and slave-traders of various kinds operate across boundaries to violate the laws of host states. Nonetheless, the threat of terror has added significantly to the security concerns of a number of western states. Does this give us greater reason to restrict immigration, or show that the idea of open borders is simply untenable?

In the end, I suggest that security concerns do not do much to diminish the case for open borders. This is not to say that security concerns are unfounded or should not be addressed. But it is to say that immigration controls are not they key. There are a number of reasons why. First, while it is easy to restrict legal immigration, it is another matter to control illegal immigration. Limiting legal immigration is unlikely to deter either criminals or subversive agents from moving between states. Borders are porous even when they are closed. Second, limiting immigration seldom means limiting the movement of people more generally, since many more people move from one country to another as tourists, or students, or businessmen, or government officials than they do as immigrants intending to settle in a new land. If security is a concern, tourism should be more

severely limited in many countries than it presently is. If a person is likely to pose a threat to a country's security, it would be odd to think it acceptable for him to be granted a tourist visa for one, three, or six months. Equally, if a person is considered safe to be awarded a three-month tourist visa, it is hard to see why he should be denied the right to permanent residence *on security grounds*. It might well be that in times of insecurity greater vigilance is necessary: greater scrutiny of many aspects of the behavior of people – including travelers – may be warranted, just as one would expect the police to establish road blocks and search cars when there is an escaped criminal in the vicinity. It is not evident, however, that this would justify further restrictions on immigration rather than simply greater effort to discover who poses a threat to society, to try avert the threat, and to apprehend the particular persons who are menaces.

There are, however, reasons not to place too much weight on the importance of security, for like all things, the search for security comes with costs of its own. In the case of the search for security through immigration controls, the cost is borne not only in the financial expense that is incurred but also in the impact that controls on immigrants and immigration have on society more generally. Immigration control requires the surveillance of people moving in and out of the country, and to some degree of people moving about within the country. But it is not possible to do this with immigrants or outsiders generally without also placing one's own citizens under surveillance. In dangerous times this may be unavoidable, at least to some degree. But the risks it brings are substantial. Even if the burdens imposed upon citizens and residents are trivial, they may be burdens all the same – and for some more than others. Furthermore, there is always a risk that impositions designed to meet a particular danger will remain in place long after the danger has passed. (Malaysia's Internal Security Act, which, among other things, sanctions arrest and detention without trial, was passed at the height of the communist insurgency in the 1960s, but remains in place 25 years after the emergency ended.) Liberal democracies, in particular, should be wary of state controls advocated in the name of national security – particularly since the trade-off is a loss of liberty.

Concluding Reflections

Whatever the merits of the case for open borders, it is highly unlikely that we will see an end to immigration controls at any time soon – for reasons that were canvassed at the beginning of this chapter. In one important respect, free migration is entirely unfeasible: it is politically untenable.

One reason why it is politically untenable is that most voters in wealthy countries do not favor immigration, particularly by the poor. Another is that states themselves do not favor uncontrolled population movements. In a world order shaped by the Westphalian model of states operating within strict geographical boundaries, and dominated by the imperative to secure the welfare of members, the free movement of peoples is not a strong possibility. The inclination of most people to hold on to the advantages they possess also makes it unlikely that nations will open up their borders to allow others to come and take a greater share of what they control.

Yet if the free movement of peoples is not politically feasible, how can there be a case for open borders? Surely, political theory, in considering issues of public policy, should keep its focus on the world of the possible rather than on impossible ideals.

There is a good deal of truth to this. But there is, nonetheless, good reason for putting the case for open immigration. One important consideration is that many feasibility problems have their roots not in the nature of things but in our way of thinking about them. Many of the reasons open immigration is not possible right now have less to do with the disadvantages it might bring than with an unwarranted concern about its dangers. Even to the extent that the source of the problem for open immigration lies in the nature of things, however, it is worth considering the case for open borders because it forces us to confront the inconsistency between moral ideals and our existing social and political arrangements. One of the reasons why open immigration is not possible is that it is not compatible with the modern welfare state. While one obvious response to this is to say, "so much the worse for open immigration," it is no less possible to ask whether the welfare state is what needs rethinking.

Note

1 "Rent" is money someone pays to have access to some capital asset (such as land, a dwelling, or a means of transport) that he or she does not, or cannot, own outright. Persons who engage in "rent-seeking" seek money from rents instead of from profits or wage income.

References

Barry, B. (1992) The quest for consistency: a sceptical view. In *Free Movement: Ethical Issues in the Transnational Migration of People and Money*, ed. B. Barry and R.E. Goodin, pp. 279–287. University Park, PA: Pennsylvania State University Press.

Buchanan, J. (1995) A two-country parable. In *Justice in Immigration*, ed. W.F. Schwartz, pp. 63–66. Cambridge: Cambridge University Press.

Casey, J. (1982) One nation: the politics of race. *Salisbury Review* 1: 23–28.

Goodin, R.E. (1988) What's so special about our fellow countrymen? *Ethics* 98 (4): 663–686.

Hoppe, H.H. (1998) The case for free trade and restricted immigration. *Journal of Libertarian Studies* 13 (2): 221–233.

Kukathas, C. (2002) Immigration. In *The Oxford Handbook of Practical Ethics*, ed. H. LaFollette, pp. 567–590. New York: Oxford University Press.

Marr, D. and Wilkinson, M. (2003) *Dark Victory*. Crow's Nest, NSW, Australia: Allen & Unwin.

Miller, D. (1988) The ethical significance of nationality. *Ethics* 98 (4): 647–662.

Miller, D. (1995) *On Nationality*. Oxford: Clarendon Press.

Miller, D. (1999a) *Principles of Social Justice*. Cambridge, MA: Harvard University Press.

Miller, D. (1999b) Justice and global inequality. In *Inequality, Globalization and World Politics*, ed. A. Hurrell and N. Woods, pp. 187–210. Oxford: Oxford University Press.

Simon, J. (1990) *The Economic Consequences of Immigration*. Oxford: Blackwell.

Sykes, A.O. (1995) The welfare economics of immigration law: a theoretical survey with an analysis of US policy. In *Justice in Immigration*, ed. W.F. Schwartz, pp. 158–200. Cambridge: Cambridge University Press.

Trebilcock, M.J. (1995) The case for a liberal immigration policy. In *Justice in Immigration*, ed. W.F. Schwartz, pp. 219–246. Cambridge: Cambridge University Press.

Walzer, M. (1983) *Spheres of Justice: A Defence of Pluralism and Equality*. Oxford: Martin Robertson.

Humanitarian intervention