

## « Laissez-Passer » As a Moral Imperative: The Liberal Case For Open Borders

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Imagine the following scenario:

You are looking down on a playing field that looks like some sort of roulette table. The large field is divided into smaller units, rectangles in all different shapes and sizes. Further, there is a huge amount of poker chips that is unequally distributed amongst the different areas: in some of the fields there are huge stacks of chips, while others contain only very few – if any. All players are provided with one figurine that is randomly placed in one of the rectangles. Like the ones of many others, our figurine ends up in one of the rectangles with very few poker chips. After all the chips in the field are slit up evenly, there will be only a tiny fraction left for us. Right next to our field, the tokens pile up to the sky.<sup>2</sup>

It might not be very difficult to anticipate what I would like to suggest with this short thought experiment. I believe that our current world order looks rather similar to the playing field and the hypothetical game – at least in abstract terms. In fact, virtually nobody would argue against the fact that life prospects heavily depend on the location of our birth and therefore on factors that are outside of an individual's control and choice. It seems also to be a consensus amongst liberals that such arbitrary factors of life shouldn't carry any moral weight and thus liberals righteously oppose things such as gender inequality or racial discrimination. However, liberals of all traditions – from Rawls to Nozick – also do not get tired of pointing out that looking at a distribution of goods at a certain time slice does not suffice to make an informed judgment about justice.<sup>3</sup> Famously, Robert Nozick stated that one needs a historical account of justice in order to

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<sup>2</sup> I would like to credit Lomasky (2007) for the inspiration to develop this analogy.

<sup>3</sup> An excellent overview can be found in Schmidtz (2005).

make claims about equity and desert.<sup>4</sup> Without any doubt, the unequal distribution of poker chips in this stylized example aims at provoking certain feelings regarding the fairness of this game but after all we can hardly evaluate the fairness of this distribution. However, I do not attempt to make claims about justice in this case. I rather want to use this thought experiments as a starting point for another discussion that seems to be even more pressing: on which ground might liberals be able to prevent a figurine from leaving its initial assignment and move towards a more prosperous area of the playing field? Or: how can we justifiably exclude human beings from our community? – And therefore: the issue of free migration.

It has become a worldwide phenomenon that humans die on a daily basis at their attempt to cross borders – to improve their situation and pursue their very own good. Actually, about a quarter of the world's population would be willing to move to another country on a permanent basis if they would allow them to do so.<sup>5</sup> And that does not seem completely unreasonable: a waged worker from Haiti would make up to 20 times (2000%!) more money when working the same job in the United States.<sup>6</sup> Further, economists continuously highlight that abolishing borders would simply double the world's GDP and therefore would make everyone on this planet better off.<sup>7</sup> Obviously, there is much more to say about the economic argument in favor of open borders. This essay, however, is a moral examination of the restrictions on free movement. My argument shall proceed as follows: first, I will show that borders violate *prima facie* rights of individuals by imposing harmful coercion on them. Second, I will evaluate possible justifications for such rights violations and argue that only very little can be brought forward against migration for morally innocent intentions.

### **Open Borders As Liberal Default**

In the initial thought experiment, the solution to poverty seems rather easy: one just moves her figurines to a field with an abundance of chips. Reality is much more complex than this. In a world with (more or less) defined property rights, democracy, cultural norms and established welfare states, simply changing one's location does not seem to be an easy way to escape economic hardship. This might hold especially true for any liberal utopia since liberals tend to be

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<sup>4</sup> See Nozick (1974).

<sup>5</sup> See Torres and Pelham (2008).

<sup>6</sup> See Caplan (2012).

<sup>7</sup> See Clemens (2011).

particularly skeptical of *a priori* entitlements to the world's resources or other people's assistance.<sup>8</sup> However, liberals also acknowledge the importance of free trade and the creation of wealth through the mutually beneficial nature of purposeful human action. Therefore, liberals have always been at the forefront of defending the individual right to trade and choose one's trading partners in an unrestricted manner. Borders, however, interfere with this right to improve one's own position through commercial exchange and therefore seem to be contradictory to liberal thought. Further, I would argue that immigration restrictions are not only in conflict with liberal beliefs but also with common sense morality. Let me explain:

Suppose that Pedro is not only born poor and without any assets, he is also in a desperate state of hunger. Since he has nothing else to offer than his labor, he is very glad to finally find some trading partners willing to exchange some food for his work. On his way to the market place where goods of this sort are traded, Pedro encounters Ben who prevents him through coercive means to enter the market place. Since Pedro has no other way of providing for himself, he dies of starvation soon after.<sup>9</sup>

Of course, this is a stylized and constructed thought experiment. Nevertheless, it does not only extract the moral dilemma of establishing borders, it also triggers important intuitions about the injustice of this situation. I suppose, only very few people (of questionable motivations) will defend Ben's behavior. Even if we assume that Ben is not in any way linked to Pedro's desperate situation and even if we grant that Ben does not have any moral obligation to help Pedro to overcome his severe state of hunger, we cannot neglect that Ben forcefully prevented Pedro from alleviating his hunger. Thus, Ben does not only use force against Pedro, he also harms him through his behavior so that Pedro ultimately dies of starvation. As Michael Huemer correctly notes, one does not even need any underlying, specific moral theory in order to spot the moral wrong of this situation.<sup>10</sup> It seems to be a clear case of wrongdoing – even if Pedro wouldn't die but solely suffer from a less severe misery.

Let's move from the case of Pedro to more abstract implications. Since Ben's behavior is morally objectionable we seem to be able to make a similar argument against border restrictions in general. After all, it is the job of border patrols to prevent people like Pedro from immigrating. Similar to Pedro, most migrants suffer from immense poverty, unbearable economic situations, and personal hardship. As Pedro, they most likely have nothing else to offer than their very own labor and since wages in most developed countries would actually suffice to lift them out of poverty and enable a life of decency, they prefer moving to those countries – besides all the

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<sup>8</sup> Note that I am *not* saying that all liberals are skeptical of such things. There are certainly thinkers within the liberal tradition, who endorse welfare benefits, entitlements to the world's resources, or certain positive rights. For the purpose of this essay however, I will assume the least controversial position.

<sup>9</sup> This is a variation of "Starving Marvin", Huemer (2010).

<sup>10</sup> See Huemer (2010).

obstacles. Most (if not all) nation states forbid such behavior through coercive means and therefore convict the same moral wrong as Ben did in our hypothetical thought experiment.

Note that I do not claim that Pedro has an absolute right to move to another country, I simply claim that he shouldn't be forcefully prevented from engaging in voluntary trade with other individuals – at least unless there is a very good reason to do so. In philosophical terms, Pedro (as any other individual) has the *prima facie* right not to be harmfully coerced.<sup>11</sup> This means that unless there are very good reasons to outweigh this right, this should be considered as the standard of our moral code. For example, the right to bodily integrity seems to be another, very uncontroversial *prima facie* right. In the case of an emergency operation, however, it does not seem blameworthy to perform a surgery without the patient's consent. On the contrary, it is widely considered as praiseworthy since *all things considered* there are sufficient reasons that outweigh the concerns regarding the patient's *prima facie* right to bodily integrity. So to speak, in a liberal society free migration has to be the default setting of any immigration policy and the burden to proof lies on the party aiming at restricting this form of *laissez-passer*.

By now, I have argued and established the gold standard of migration in any liberal utopia: open borders. In the next section, I will deal with argument favoring a deviation from this default setting and therefore with reasons to override the *prima facie* right of individuals to be free from any form of harmful coercion.

### **Debunking Arguments Against Open Borders**

If my rationale succeeds, it is *prima facie* wrong to restrict individuals in their attempt to escape economic hardship by engaging in commercial activities abroad. However – and as noted above – this right could theoretically be overridden by other, more important considerations. Therefore, I will now turn to the most common arguments against an open border policy: (1) harmful effects on the local workforce, (2) problems concerning the welfare state, and (3) undermining the rule of law.<sup>12</sup> Although I believe that all of these issues are valid concerns, I will ultimately argue that these objections do not succeed in presenting sufficient grounds to override the individual pursuit of happiness and therefore free migration.

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<sup>11</sup> Note that coercion is not necessarily harmful. Paternalistic policies (e.g. seatbelt laws) are often raised as an example of non-harmful coercive measures.

<sup>12</sup> There are other concerns that might be present in the popular debate, such as e.g. increase in crime or the potential risk of terrorism. Since this essay is only concerned with the philosophical paradigm case of a right to migrate for *morally innocent reasons*, I will not engage with these concerns.

*Harmful Effects on Local Workforce*

One of the most common objections open borders advocates are facing is the one regarding the effects of lax immigration policies on the local workforce. Evidently, this argument is driven by nationalistic and protectionist resentments, but it certainly also draws upon a worry that liberals should not neglect too easily: harmful externalities. Although commercial activity and exchange seem to be amongst the most basic individual rights, not all such endeavors are unobjectionable. If one's trade contains a lot of noise or other pollution, only very few liberals would grant an absolute right to impose these harmful externalities on other people. On similar grounds, one might then argue that a liberalization of migration policies would harm locals by significantly lowering their wages due to an oversupply in human labor.

Although it is often claimed that immigration significantly increases overall wealth, I will grant the premise that certain people will end up worse off after immigration restrictions have been lifted. After all, certain data already suggests that especially low-skilled workers suffer some kind of drawbacks from moderate immigration.<sup>13</sup> However, in order to prohibit the right violation of harmfully coercing immigrants, we need to check whether worsening the situation of a few local workers might provide sufficient grounds for doing so. Suppose now that Pedro and Ben are competing for the same job. Ben forcefully prevents Pedro from leaving his flat in the morning to show up for the job interview; as a result, Ben will not only get the job, he will also receive a higher wage than he would have if Pedro had showed up. Would this outcome justify Ben's behavior? – Certainly not. Analogously, even if some local workers are made worse off through immigration, liberals do not see the regular course of market forces as a possible excuse for consequent rights violations. It rather reveals the protectionist benefits low-skilled workers in developed countries are currently enjoying – privileges that are intentionally withheld from the global poor!

*Incompatibility with the Welfare State*

Milton Friedman, and therefore one of the famous liberal frontrunners of laissez-faire capitalism, is often quoted in the context of this debate since he famously said that “you cannot simultaneously have free immigration and a welfare state”.<sup>14</sup> Although this might sound plausible at first glance, the actual data seems to be more controversial. While some studies claim that

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<sup>13</sup> See Borjas and Katz (2005).

<sup>14</sup> Milton Friedman's session at the 18th Annual Institute for Liberty and Policy Analysis (August 20–22, 1999).

immigration will create net benefits to local taxpayers, other studies show the opposite.<sup>15</sup> Evidently, in most developed societies most of welfare is spent on the older and sick population, immigrants however tend to be young and healthy – and thus actually might help to overcome current budgetary imbalance.<sup>16</sup> I do not aim to take a stand at this empirical question; I rather would argue that this debate is a so-called *straw man* that aims at shifting attention away from the core of the argument, namely the right not to be harmfully coerced. The migrants we are concerned with in our case are the ones that seek economic improvement and thus have innocent intentions. These individuals do not seem to strive for a *soziale Hängematte* or the sole extraction of social benefits. Hence, this sort of objection uses a misinterpretation of the opponent's argument by presupposing that all open border policies necessarily contain entitlement. It would rather be more sensitive to assume that potential immigrants would happily – and without hesitation – waive any claim to welfare entitlements in order to be able to compete in the local market place. If we do not grant them this option, refusing their rights on these grounds can be considered as unjustifiable and objectionable.

Some might even extend this argument from social benefits to the governmental provision of goods in general. After all, immigrants will use publicly provided infrastructure for their economic undertakings. Although this is certainly true, this also holds true for any other goods that are part of economic trade. Imported fruits do not magically appear on supermarket shelves but need to be shipped on public roads. Evidently, the foreign exporters did not pay any taxes for the provision of public infrastructure in the country they are selling to. Hence, if one is willing to make this argument, she also needs to expand the rationale from human labor to all over traded goods and ultimately oppose free trade.

This also raises the question how a society based on such principles would deal with citizens who have never been able to provide for themselves and therefore depend on social welfare. Since these people have not paid any taxes, a proponent of such a public goods rationale must ultimately endorse the deportation of such citizens!

### *Undermining the Rule of Law*

Opponents of open borders often raise concerns regarding culture and how free immigration would undermine long-lasting cultural values. Liberals do not seem to be concerned with the superficial notion of this objection; after all, liberals do not advocate for some sort of cultural

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<sup>15</sup> See Kerr and Kerr (2011) for rather positive, Borjas and Trejo (1991) for rather pessimistic calculations.

<sup>16</sup> Caplan (2012) makes a similar argument.

hegemony and acknowledge that the strongholds and drivers of modern culture seem to be bonded to areas with histories of strong migration.<sup>17</sup> However, I would argue that liberals should be concerned with cultural values in a broader sense. Immigration could seriously undermine established cultural traditions that are far off music, art or popular culture. Adam Smith and very prominently F.A. Hayek understood cultural practices as social artifacts that establish solutions to everyday problems of common life.<sup>18</sup> The sum of these established practices is most often referred to as the *rule of law*, which is one of the (if not the main) drivers in the worldwide competition for prosperity. In this case, it seems not unreasonable to assume that immigration might undermine and erode these elements of social life. Migrants from corrupt countries might for example be prone to solve problems through bribery, while migrants from very religious countries might seek for religious codes to overcome societal obstacles. Eventually, migrants escape their home countries for good reasons: bad governance, violence, oppression, economic illiteracy, or beliefs of cultural, racial or religious superiority. Most of these societies might therefore be considered as *backwards* from a liberal perspective. Since we cannot reasonably expect that all migrants might revise their personal views after moving to a liberal society, they might impose their backwardness, intolerance or ignorance unintentionally upon others through these informal elements of human interaction. On the other hand, it might be argued that migrants are more progressive than their peers (after all, they decided to leave for a reason!), they are not prone to status quo biases unlike local citizens, and value liberty and free trade more since they experienced them first hand.<sup>19</sup>

Also note that these considerations are very different from concerns regarding the democratic impact of immigration. While democracy is an institutional issue, cultural norms emerge in a spontaneous, uncoordinated manner. Hence, worries regarding the possibility that in an open society might be internally restricted through the majority vote of immigrants are addressing a concern of a very different nature. In fact, this line of argumentation seems to be rather similar to the one concerning welfare benefits; it attacks another straw man. Again, immigration and citizenship are not necessarily intertwined. It seems very likely that immigrants will very happily waive their voting rights (as their welfare entitlements) in order to be able to join the local market.<sup>20</sup> Further, there is hardly any empirical evidence that would actually suggest that migrants use the democratic system to impose their views on the rest of the society.<sup>21</sup>

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<sup>17</sup> See in particular Los Angeles or New York in the United States.

<sup>18</sup> A very good treatment of this can be found in Hayek (1973)

<sup>19</sup> See Caplan (2012).

<sup>20</sup> In fact, even if granted only very few immigrants exercise their right to vote, Caplan (2012).

<sup>21</sup> For an excellent rebuttal of such democratic worries, see Caplan (2012).

However, although this might be the most valid point against completely abolishing all borders, the empirical findings regarding this matter (and their lack) seem to be at least controversial – and most likely not strong enough to justify a harmful rights violation.

## **Conclusion**

Are open borders the solution to all oppression and economic hardship? – Most likely not, even if they would almost immediately double the available chips on the table. On the other hand, do we have any good justification to impose restrictions and thus a moral wrong on the one's seeking for a better life? – I am not sure. In this short essay, I argued in favor of establishing a *prima facie* right not to be harmfully coerced when migrating for innocent reasons. Afterwards, I showed that most objection to open borders seem to be minor *inconveniences* in comparison to the suffering of potential immigrants and therefore do not suffice to provide an all things considered justification to violate the individual right to migrate and improve one's own position. I concluded by noting that undermining the *rule of law* seems to be the only valid concern against open borders. It therefore seems to be an empirical question whether migrants are less decent people than local citizens and consequently whether a nation might be morally justified to exclude them on these grounds. Behind some sort of veil or ignorance, I do not see any good evidence why we should assume that people, who want to escape personal and economic struggle and strive for self-determination, should be treated as a threat to an open society. On the contrary, I believe that liberals should encourage this behavior of passionate self-authorship and therefore advocate for open border policies!



## Bibliography

- Borjas, G., and Katz, L. (2005): “The Evolution of the Mexican-Born Workforce in the United States”; in: G. Borjas (ed.): Mexican Immigration to the United States, pp. 13–55; University of Chicago Press; Chicago.
- Borjas, G., and Trejo, S. (1991) “Immigrant Participation in the Welfare System”; in: *Industrial and Labor Relations Review*, 44 (2), pp. 195–211.
- Caplan, B. (2012): “Why Should We Restrict Immigration” in: *Cato Journal*, 32 (1), pp. 5-24.
- Clemens, M. (2011): “Economics and Emigration: Trillion-Dollar Bills on the Sidewalk?”; in: *Journal of Economic Perspectives*, 25 (3), pp. 83–106.
- Hayek, F. A. (1973): “Law, Legislation, and Liberty”, Volume 1: Rules and Order; University of Chicago Press; Chicago.
- Huemer, M. (2010) “Is There a Right to Immigrate?” in: *Social Theory and Practice*, 36 (3), pp. 249–61.
- Kerr, S., and Kerr, W. (2011): “Economic Impacts of Immigration: A Survey”; NBER Working Paper No. 16736.
- Lomasky, L. E. (2007): “Liberalism Beyond Borders”; in: *Social Philosophy and Policy*, 24 (1), pp. 206-233
- Nozick, R. (1974): “Anarchy, State, and Utopia”; Basic Books; Chicago.
- Schmidtz, D. (2005): “History And Pattern”; in: *Social Philosophy and Policy*, 22 (1), pp. 148-177.
- Torres, G., and Pelham, B. (2008): “One-Quarter of World’s Population May Wish to Migrate”; in: Gallup; available at: [www.gallup.com/poll/108325/onequarter-worlds-population-may-wish-migrate.aspx](http://www.gallup.com/poll/108325/onequarter-worlds-population-may-wish-migrate.aspx).