

A LIBERTARIAN CASE AGAINST MASS IMMIGRATION

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Government Property is an Oxymoron¹

The consensus among modern libertarians seems to be that free immigration is the only libertarian stance possible in this debate because of the ‘economic benefits’ and that those who oppose free immigration are just statisticians who want the government to control who can and can’t move about from here to there. Conversely, it is my opinion that a state policy of open borders amounts to an infringement of property rights and that, consequently, border controls tighter than those currently in force are perfectly compatible with propertarianism, though certainly not compatible with the modern, vile, Marxist flavour of libertarianism to which many of us have become accustomed.

The United Kingdom Independence Party (UKIP) is a right-wing, populist party which advocates a reduction in taxes, exit from the European Union, and full control of UK borders by the UK government. On the whole, I think the way to summarise UKIP’s stance on the topic in question is: an end to multiculturalism and allowing people to enter the country only on a work-permit basis. Those libertarians who consider themselves cosmopolitan and tolerant may cry ‘racist’ and ‘far-right’ at such policies, but I wholeheartedly support them. Hoppe did advocate something similar to UKIP in his 1999 article, which was “...requiring an existing employment contract with a resident citizen” for any immigrant.

It does not help the libertarian movement in the UK when self-proclaimed libertarians like Sam Bowman, of the Adam Smith Institute, write such things as “...immigrants bring new skills to the country, allow for more specialization, tend to be more entrepreneurial than average, pay more in to the welfare state than they take out, and make things cheaper by doing the jobs that Britons won’t.”² This is true, yet Bowman is only arguing from an Austrian economist’s viewpoint with no conception of absolute rights. Yes, real incomes may well increase as a result of mass immigration, but the answer to the immigration question is not that simple. As libertarians, we must take into account the rights of individuals: property rights.³

Indeed, Hans-Hermann Hoppe, a sound Austrian economist himself acknowledged all of the arguments made by Bowman and more in his 1999 article on Immigration:

“The classical argument in favor of free immigration runs as follows: Other things being equal, businesses go to low-wage areas, and labor moves to high-wage areas, thus affecting a tendency toward the equalization of wage rates (for the same kind of labor) as well as the optimal localization of capital. An influx of migrants into a given-sized high-wage area will lower nominal wage rates. However, it will not lower real wage rates if the population is below its optimum size. To the contrary, if this is the case, the produced output will increase over-proportionally, and real incomes will actually rise.”⁴

However, Hoppe – who helped to change my mind on immigration – still does not support a policy of mass immigration. In fact, Hoppe calls for a return to the time when monarchs would take it upon themselves to take out the ‘human trash’ and argues the case for near-closed borders. For the remainder of this essay, it is my attempt to explain my position in terms of property rights and justice rather than the laws of economics.

Ignore governments for a moment. Abandon any thoughts of a state existing and forget any such talk of ‘immigration policy’. Let’s now talk purely and simply about our ‘rights’ to ‘move’ within this free society. For example, do I have any right to move onto my neighbour’s property without his consent?

Furthermore, even if we call it migration, do I have a right to burgle a house? All rights we have stem from our rights to the property that we have acquired or been granted use of and thus it is plain wrong – and stupid – to talk of any ‘rights’ to move onto anyone else’s property without negating the concept of exclusive rights to property itself. Even if, while I break into your house to steal your television, I empty my wallet onto your couch to compensate for the robbery before I quietly leave, it can’t be said that I ever had any right to break in in the first place.

But government blurs the issue beyond recognition. Firstly, we are so used to and comfortable with the idea of an ‘immigration policy’ – meaning merely the government’s interference in the movement of people from one person’s property to another – and secondly, the government has ‘acquired’ property which it calls its own. To be sure, no consistent libertarian can think of ‘government property’ as anything other than an oxymoron; the state has no just property and all that it possesses belongs to its original appropriator or his heirs. And there are only two ways in which an immigration policy can unfold: either it becomes forced integration or it becomes forced segregation.

Accordingly, then, we must choose between the lesser of the two evils. Forced integration can be viewed as nothing less than the government allowing swathes of burglars into one’s home; nobody, but the state which is a criminal, gave the immigrants permission to enter ‘their’ property. As the state has decided to assume that it owns the borders and most of the country, it can be further said that the present population of the country must consent to further entrances to it. Anything less than a total consensus on free immigration from the present citizens is unsatisfactory as everyone has absolute property rights which can’t be violated – not even by majority consent.

What though, really, is forced segregation, then, other than a protection of the rights of those who do not consent to a policy of free immigration? We forget, all too often, that the state cannot legitimately be seen to be the owner of the roads, the streets, the shores and our ‘borders’. Somebody though, must own them because, where there has been use of a resource, there has been an owner of that resource. Now, due to the difficulties of tracing the real owners of these pieces of land, we may say that they are either ‘unowned’ or, for the time being, owned by the public from which they were seized.

Further to this, I can honestly say that there is nothing, by my standards, wrong with ‘transportation’ of murderers. While I would object to dumping them in another country without the consent of the inhabitants of that country, I would not object to placing murderers – a perfect example of ‘human trash’ – on a boat and giving it a little push. Under a proper theory of punishment, a murderer may be subject to any punishment since he cannot, in the course of argumentation, erase the fact that he demonstrated a preference for murder when he committed his crime. There is, therefore, no upper boundary for his punishment other than his own death. In addition, if no member of the present population is willing to allow them to access to their property then a useful job for the state to do

would be to kick such undesirables out instead of pampering them in prisons at the expense of the law-abiding folk.

Public Property is Owned

The first point I will resolve, in response to Sam Bowman's brief response, is this ludicrous idea that government property is unowned. Bowman writes, "You say that "Somebody though, must own them". However, you give no justification for this. As we've seen above, in most cases where there is no clear owner we treat things as being unowned." Public property is not, though, yet to be homesteaded. It has been used for years and it is clear from whom the state has confiscated the property and equally it is clear from whom the state has not confiscated it. In addition to the expropriation of the land itself, taxation pays for its upkeep; may we not say that those who have been taxed have a claim to public property, or is taxation perfectly just? It is much better to think of public property as that of a criminal's property rather than that of virgin land that humans are yet to discover. Indeed, to resolve this misunderstanding I can do no better than to quote Hans-Hermann Hoppe:

*"...this analogy between public property and unowned resources is mistaken. There exists a categorical difference between unowned resources (open frontier) and public property. Public property is the result of state-government confiscations – of legislative expropriations and/or taxation – of originally privately owned property. While the state does not recognize anyone as its private owner, all of government controlled public property has in fact been brought about by the tax-paying members of the domestic public. Austrians, Swiss, and Italians, in accordance with the amount of taxes paid by each citizen, have funded the Austrian, Swiss, and Italian public property. Hence, they must be considered its legitimate owners. Foreigners have not been subject to domestic taxation and expropriation; hence, they cannot be assumed to have any rights regarding Austrian, Swiss or Italian public property."*⁵

And probably the most important public property is that of the roads. Roads can pretty much take you to every house in the country and most citizens have equal access to them. Economists love them; roads facilitate interregional trade and lower transaction costs and, of course, they are the ultimate public good. A few little inconveniences are caused by them though as they can either act as a barrier between two homes or as a way of keeping homes closer together. Potholes and speed bumps are tiresome too.

But roads are, contrary to the popular belief of economists and statist, just one part of a greater and more sinister plan. As well as allowing the state and its agents the equal access that it wants to your home and your neighbour's, the over production of roads, mass-immigration and anti-discrimination laws are all inter-linked. They all comprise some great plan of the ruling class to Balkanise the people – that is, to ensure that they are successfully turned against each other, for example women versus men, blacks versus whites, gays versus Christians ad infinitum. Balkanisation is the word used by Sean Gabb, Director of the Libertarian Alliance, in a speech of his. Gabb says that "they [the state and its agents] wish to Balkanise England into groupings more suspicious of each other than willing to combine against the ruling class. State-sponsored mass immigration has been the most obvious evidence of this desire. Filling the country with people of different colours and with different ways, who do not like each other, and do not like and are not liked by the natives, is ideal Balkanisation."⁶ This idea also features in Hoppe's works, though he uses the term 'atomisation' to describe the weakening of the people against the state. Hoppe writes that,

"Forced integration is a means of breaking up all intermediate social institutions and hierarchies (in between the state and the individual) such as family, clan, tribe, community,

*and church and their internal layers and ranks of authority. In so doing the individual is isolated (atomized) and its power of resistance vis-à-vis the state weakened."*⁷

It is not statist or fascist to make the point that some peoples are obviously incompatible. Yes, differences between nationalities do exist and libertarians all too often ignore this fact. Accepting this does not weaken our argument in the slightest, although this is what the 'modal libertarian' – to use Rothbard's term – would have us believe. No, it is only by applying our philosophy to the real world that we will ever make progress. To acknowledge that a state exists and that there is a need for a policy on borders is not to devalue libertarianism, but rather to present a problem which libertarianism can then try to solve.

Furthermore, we are not still talking about the settlement of small numbers of people from Ireland, but we are talking about an unprecedented flow of people from all over the world. And though our supposed aim, as libertarians, is to loosen state controls, it should also be a priority to try to ensure that whole areas of the country do not fall into the hands of those who wish to disintegrate our ways. As we live in the reality of a statist world, it is incredibly difficult to realise the goal of liberty simply by sitting back and doing nothing.⁸

The goal of libertarianism is not just 'to maximise freedom' as we must then ask 'whose freedom?' and 'why and when do we grant such freedom?' It would surely maximise the freedom of a criminal if he was not brought to justice and it would maximise the freedom of a businessman if he was granted immunity from the law while his competitors were not. The complex issue of immigration is rather similar to that of whether or not we should, as libertarians, regulate Royal Mail – or the Post Office for the benefit of any American readers. If we allow the company (which has a state enforced monopoly) to charge whatever prices it wants for stamps or mail delivery then it will certainly make more profits and it will be much freer to do what it wants. However, this is clearly not the libertarian solution; the libertarian solution is to remove the state entirely from the area of mail delivery and to rid the market of artificial monopoly and not to merely allow the current monopoly to usurp its power even more. But, if that can't be done immediately, then we must not settle for a policy that will sanction even more aggression, i.e. allowing the monopoly to increase its prices. We can think of it as a trade-off between two evils: either we continue to regulate the state monopoly or we allow it more 'liberty' to charge higher prices on the exploited customers. And I know which I prefer of the two policies.

Putting Theory into Practice

How does this apply to the immigration debate? Well, again, ideally the solution is to remove the state completely and to allow 'immigration' to be dealt with by the tiny decision-making units known as individuals. But, while this is not an option, there must surely be a policy which will not merely maximise 'freedom', but which will reduce the scale of the violations of the property rights of the public to public property. It is particularly important not to see and treat the country in which we live as if it were a stateless society – it is not. There exist many questions which we as anarchists wish we did not have to answer: for as long as a state education curriculum exists, while ultimately advocating its abolition, the anarchist will still have to consider its content. For example, though we might not like the idea of the national compulsory curriculum, we can still suggest that certain things are taught to children (Mathematics and Logic) and that certain other things (Advanced Voodoo) are not. I think that this is basically what Murray Rothbard is saying when he writes,

"the libertarian, especially of the anarcho-capitalist wing, asserts that it makes no difference where the boundaries are, since in a perfect world all institutions and land areas would

be private and there would be no national boundaries. Fine, but in the meantime, in the real world, in which language should the government courts hold their proceedings? What should be the language of signs on the government streets? Or the language of the government schools? In the real world, then, national self-determination is a vitally important matter in which libertarians should properly take sides.”⁹

There are, broadly speaking, two ways in which immigration policies have been observed to have worked throughout history: one policy is that of a monarchy and the other is that of the present day democratic egalitarian states. In a monarchy, the king or queen acted as if he or she owned the country and would therefore act in order to maximise property values. In a democracy, the ruler is only in an interim position – that is, he is only the caretaker of the country – and so he has little concern for the long-term prosperity of the country, as can be seen in the reckless actions of central bankers who are all too happy to induce a credit-fuelled boom which will end in a bust. The sort of immigration policy which a monarchy would set is likely to be one of strict discrimination against anybody who might lower the value of ‘his’ property whereas, conversely, a democratic ruler is more likely to want uneducated bums to settle in the country as they are much more likely to support his egalitarian measures. It could be said that a monarchy attempts to emulate how private property owners would exercise their rights to association in order to maximise wealth and reduce the probability that people will come into conflict with one another – monarchies were certainly not egalitarian, nor, coincidentally, did monarchies care about political correctness. Anti-discrimination laws and mass-immigration alike did seldom feature in a monarchy.

I am very happy to say that I support a very anti-democracy and un-majoritarian solution to the problem of immigration: a swift programme of secession, decentralisation and devolution to the point where only tiny decision-making units remain that can then decide who may or may not enter their village, hamlet or cul de sac. This will allow private property rights to one day be easily assigned to public property which will finally get to the nub of the issue. As de Soto writes “...conflicts would be minimized precisely to the extent that private property rights became effective and were extended to include resources at present considered to be publicly owned. Until total privatization can take place, the use of public goods must be regulated...”¹⁰ And so, until the day when the amount of public property that exists is negligible, the state should regulate the use of them, rather like the state regulates the activities of state enforced monopolies like the police and Royal Mail instead of letting them do as they please.

As Hoppe says, these ‘regulations’ relating to immigration would take the following form:

“...distinguishing strictly between “citizens” (naturalized immigrants) and “resident aliens” and excluding the latter from all welfare entitlements. It means requiring as necessary, for resident alien status as well as for citizenship, the personal sponsorship by a resident citizen and his assumption of liability for all property damage caused by the immigrant. It implies requiring an existing employment contract with a resident citizen; moreover, for both categories but especially that of citizenship, it implies that all immigrants must demonstrate through tests not only (English) language proficiency, but all-around superior (above-average) intellectual performance and character structure as well as a compatible system of values – with the predictable result of a systematic pro-European immigration bias.”¹¹

Finally, the idea that the logical conclusion to be drawn from my argument is that Christians can legitimately remove non-Christians from the streets and roads stems from my statement that all taxpayers are absolute owners of government property. This statement is rather vague and simplistic; what I will say in order to rectify that is

that all those who have paid taxes are the owners of the property in question. I concede that the idea of multiple absolute owners is contradictory; however, the state itself is a contradiction. To use Hoppe’s words, the state is “a property protector who may expropriate the property of the protected through legislation or taxation.” Thus, when dealing with the state we must expect a good deal of contradiction and impossibility. And so, in response to Allrik Birch,¹² yes they are both absolute owners (the hypothetical Christians and non-Christians) and I stand by that not in spite of it leading to odd conclusions, but because it demonstrates that a state must necessarily complicate philosophy so as to make contradictions frequent and inescapable. It is because of this, my belief that any tax-payer can simultaneously be the owner and not-the-owner of public property, that I would say that non-taxpayers who have never been citizens of the country in question are certainly not the owners and have no claim to public property whatsoever. Murray Rothbard was definitely correct when he said that “apparently many libertarians aggressively overlook the obvious.”¹³

Notes

(1) Much of this piece first appeared in Keir Martland, ‘Roads, Balkanisation and Regulation of Monopolies’, *The Libertarian*, 6th April 2013, retrieved 16th May 2013, <http://the-libertarian.co.uk/roads-and-immigration/>

(2) Sam Bowman, ‘Abandon hope all ye who enter this immigration debate’, Adam Smith Institute, 25th March 2013, retrieved 16th May 2013, <http://www.adamsmith.org/blog/economics/abandon-hope-all-ye-who-enter-this-immigration-debate>.

(3) The arguments made by my opponents are mostly consequentialist. I don’t deal in terms of utility maximisation but instead I seek justice. However, while I’m not at all an expert on sociobiology, I am told, that the more homogeneous a societal group is or the lower the amount of diversity in a group’s ethno-culture, the more stable and happy and wealthy it will be. It seems to me that history would back this statement up too. Though, please don’t make the mistake that I believe that these are arguments for restrictions on immigration; I still only take rights into consideration.

(4) Hans-Hermann Hoppe, ‘On Free Immigration and Forced Integration’, Lew Rockwell, 1999, retrieved 16th May 2013, <http://www.lewrockwell.com/orig/hermann-hoppe1.html>.

(5) Hans-Hermann Hoppe, ‘Secession, the State and the Immigration Problem’, Lew Rockwell, 2001, retrieved 16th May 2013, <http://www.lewrockwell.com/orig/hermann-hoppe3.html>.

(6) Sean Gabb, ‘In Defence of English Civilisation’, Libertarian Alliance, 2012, retrieved 16th May 2013, <http://www.seangabb.co.uk/?q=node/652>.

(7) Hans-Hermann Hoppe, 2001, *op. cit.*

(8) I owe all of the ideas in this paragraph to Sean Gabb who is one of the few libertarians on the right side of this argument.

(9) Murray N. Rothbard, ‘National Self-Determination’, Lew Rockwell, 1990, retrieved 16th May 2013, <http://www.lewrockwell.com/rothbard/rothbard134.html>.

(10) Jesus Huerta de Soto, ‘A Libertarian Theory of Free Immigration’, *Journal of Libertarian Studies*, Summer 1998, retrieved 16th May 2013, http://mises.org/journals/jls/13_2/13_2_5.pdf.

(11) Hans-Hermann Hoppe, 1999, *op. cit.*

(12) Allrik Birch, ‘Curbs on Migration are Curbs on Our Freedom’, Adam Smith Institute, 2nd April 2013, retrieved 16th May 2013, <http://www.adamsmith.org/blog/liberty-justice/curbs-on-migration-are-curbs-on-our-freedom>

(13), Murray N. Rothbard, 1990, *op. cit.*