

Immigration

1. Introduction: Right now, there are around 11 million immigrants living in the United States without authorization or citizenship. Each year, the U.S. government forcibly expels around 100,000 undocumented immigrants who are within our borders (called “interior removals”), and around 150,000 more *at* the border (“border removals”).

Obama Administration

Avg. Interior Removals, 2009-2016

155,311 per year

Avg. Border Removals, 2009-2016

188,403 per year

Trump Administration

Avg. Interior Removals, 2017-2020

81,415 per year

Avg. Border Removals, 2017-2020

152,415 per year

Perhaps you have never questioned this assumption that all nations make: That it is morally permissible to forcibly remove these non-citizens from our nation’s territories.

However, Michael Huemer argues that forcibly expelling immigrants is actually *prima facie* morally WRONG.

[“Prima facie” wrongness: Remember that an action is “prima facie” wrong if it has some morally bad feature, or moral strike against it. Note that an action that is “prima facie wrong” is not ALWAYS (or “absolutely”) wrong. An action that is prima facie morally wrong can still be morally permissible in certain circumstances (i.e., when its bad feature or moral strike against it is overridden by competing factors).]

Huemer points out that expelling immigrants is both (i) coercive and (ii) harmful.

- (i) **Coercion** is the act of forcing someone to do something under the threat of violence or some further harms.
- (ii) **Harm** is generally defined as making someone worse off than they otherwise would have been.

Undoubtedly, undocumented immigrants are forced to leave our country under the threat of violence or imprisonment, and this presumably makes them worse off (since they clearly deem it better to be in the U.S. than their home nation). Huemer claims that **any act that is both coercive and harmful is prima facie morally wrong.**

To support this claim, he tells a story of Sam, who forcibly prevents Marvin from entering the store to buy bread, even though Marvin is starving. Marvin then starves to death. This act was both coercive and harmful, and it was clearly wrong of Sam to do so.

(But, note that it was only PRIMA FACIE wrong. We might think that such wrongness could be overridden if, say, Marvin's entry into the store would have set off a bomb that killed 10 million people; i.e., it seems permissible for Sam to prevent Marvin from entering if doing so saves millions of lives).

So, forcible deportation is at least prima facie morally wrong. Therefore, those who wish to defend such a practice as morally permissible will need to offer reasons for why this prima facie wrongness is overridden. So, we must ask:

WHY is it morally permissible to forcibly remove immigrants from our nation?

Here are some plausible answers:

- (1) We have a right to protect ourselves from certain harms. Immigrants take jobs away from our citizens, and place significant burdens on our citizens by benefitting from our tax dollars in the form of welfare, etc. (Allowing too many immigrants into our nation might even result in an economic, environmental, and/or social COLLAPSE.)
- (2) We have a right to maintain the integrity of our nation's culture (which too much immigration would threaten).
- (3) Nations, like clubs, have the right to deny some individuals membership.

Mike Huemer rejects each of the reasons above. We will look at each in turn.

2. Economic Reasons: Many claim that immigration harms our own citizens because immigrants take their jobs and also drive down wages because they are willing to perform the same jobs for less money.

Let us assume that this is true; i.e., assume that at least some U.S. citizens are harmed by immigration because it causes them to not get jobs, or be paid less. Huemer points out that this certainly would not justify coercive harm on an individual level. Consider:

Bob and the Job Bob and I have applied to the same job. Because Bob is willing to work for less than I am, I know that Bob will get the job and I will not. So, I coercively restrain Bob from going to his job interview. I get the job.

Clearly, my action is not morally permissible in this case. Applying this to immigration, Huemer states:

The claim seems to be that we are justified in forcibly preventing individuals—many of whom are seeking escape from dire economic distress—from entering the American labor market, because American workers would suffer economic disadvantage through price competition. No one claims that American workers

would be disadvantaged to anything like the degree that potential immigrants are disadvantaged by being forcibly excluded from the market. Nevertheless, the prospect of a modest lowering of American wages and narrowing of employment opportunities is taken to either suspend or outweigh the rights of needy foreigners. The ethical principle would have to be that a person's right to be free from extremely harmful coercion is sometimes held in abeyance simply by virtue of the fact that such coercion is necessary to protect third parties from modest economic disadvantage resulting from marketplace competition. The implausibility of this principle is shown by the [example] of Bob ... above.

But, perhaps such a practice is justified on a national level, since the government has a duty to protect its citizens from harm (and no such duty to foreigners)?

Furthermore, not only do immigrants take jobs from U.S. citizens, and cause wages to be kept low, they place other economic burdens on our country as well: For instance, by using public education, health care, law enforcement, and other public goods—all paid for by the tax money of U.S. citizens.

Before addressing this, first note that, just because one has a STRONGER duty to a particular person does not entail that they have NO duty to others. Since they are people with moral status, the U.S. surely has SOME moral duty to them. For instance, it would not be morally permissible for the U.S. to just murder or steal from foreigners for no reason. That being said, Huemer suggests that having a special, stronger duty to some individuals does not justify coercive harm to others. Consider:

Sam and Marvin Marvin is starving to death and wants to enter the store to buy the last loaf of cheap bread. Sam's daughter is planning on going to the store later in the day to buy cheap bread. If Marvin buys it, Sam knows that his daughter will have to pay more for a more expensive loaf. Knowing this, he forcibly prevents Marvin from entering the store. Marvin starves to death.
(Or imagine instead that I coercively prevent Bob from interviewing in order to ensure that my daughter will get the job instead.)

Most people agree that we have special, stronger duties to our own children than we do to others. Even so, this does not justify coercively placing significant harms on others in order to avoid some minimal harm to our own children.

Within the context of immigration, Huemer argues that coercive harm to immigrants is not justified in order to prevent minor economic losses to some. At best, he suggests, it would only justify either (i) requiring non-citizen immigrants to waive their right to certain public goods, or (ii) requiring them to pay higher taxes to offset the financial burdens they place on our nation. It would not justify coercive expulsion.

3. Total Collapse: Still, there may be a worry that, if ENOUGH immigrants flood into our country, there would be a total collapse. For instance, if one billion people immigrated to the U.S., we might expect extreme over-crowding, environmental devastation, and economic collapse. So, even if minor harms to U.S. citizens raised above do not justify coercive harm to immigrants, surely DEVASTATING harms would!

Huemer agrees with the claim that coercive harm is justified if it prevents severe harm to one's self. But he takes issue with the claim that the impact of open immigration would actually be devastating. Consider:

- (1) How many people would actually move to the U.S.? In the U.S. the majority of people never leave their home state. In fact, the poorer they are, the less likely they are to ever move from their home town. But, doing so would be relatively easy: They could speak the same language, live in roughly the same culture, and not be terribly far from friends and family, etc. Simply put: Most people have a special attachment to their home town, do not want to leave family and friends, typically avoid the burdens of moving, and/or cannot afford to pack up and move. For these reasons, Huemer suspects that the influx of immigrants would be nowhere near one billion people (one billion people would require one in every seven foreigners to move here!).
- (2) Would we really be over-crowded? China, which is a tiny bit smaller than the U.S. (the U.S. is 1.02 times the size of China), has 1.4 BILLION people. That's about 1.1 billion more people than the U.S. In other words, even if ONE BILLION people moved to the U.S., we would still have a lower population density than China. Furthermore, even if 100 MILLION people moved to the U.S., our country would still be significantly below the average world population density. In short, Huemer rejects the idea that an open immigration policy would lead to over-crowding.

Ultimately, though, since we cannot know for sure whether the impact would be severely harmful, Huemer recommends a modest approach: Slowly increase the number of immigrants allowed into the country by one million per year until either (a) the demand for further immigration ceases, or (b) we begin to observe significantly harmful impacts to the American people. He suspects that (a) would occur first.

4. Cultural Preservation: Some suggest that an influx of immigrants will disrupt our nation's culture, and that we citizens have a right to preserve our culture and way of life. Huemer notes that there are actually two claims here:

- (1) American culture would be diminished or destroyed by immigration.
- (2) The need to preserve one's culture can justify coercive harm to others.

First, claim (1) is doubtful. Huemer points out that the real danger is American culture infiltrating others, not vice versa. American corporations, entertainment, and so on are found in nearly every nation on the planet. For instance, you can view the pyramids of Egypt from the comfort of a Pizza Hut/KFC:



But, let's focus on claim (2), the moral claim. Let us grant (for the sake of argument) the claim that American culture will be significantly altered by immigration. Huemer points out that, even if one has a strong interest in something supported by a moral right, this does not automatically justify harmful coercion. For instance, if I am in need of a kidney transplant, I have a strong interest in obtaining one, and I have a right to life, this does not make it morally permissible to forcibly take someone else's spare kidney.

In the Sam/Marvin case, imagine that Marvin wears exotic clothing, eats exotic foods, speaks an exotic language, practices an exotic religion, celebrates exotic holidays, and so on. Even if Sam is confident that Marvin's presence in the marketplace will heavily influence the people there (maybe some of them convert to Marvin's religion, or begin wearing the sort of clothing Marvin wears, or getting recipes from Marvin, etc.), this would not make it morally permissible for Sam to forcibly prevent him from entering the market.

5. Club U.S.A.: Many will feel uncomfortable with the line of reasoning so far. Surely, exclusion is justified in many cases. For instance, if you and two friends want to start a club, and deny membership to a fourth member for no particularly good reason, it is well within your rights to do so. Many claim that immigration restrictions are just as innocent as that. It is well within our rights to deny membership (or, citizenship) to anyone we want to, and for no particularly good reason.

Disanalogies: Huemer replies by pointing out that this analogy between U.S. citizenship and membership in a "club" is misleading, due to several disanalogies:

- (1) Everyone MUST be a citizen of some nation, but being a member of a club is optional.
- (2) A nation's effect on its citizens is of much greater consequence than a club's effect on its members. Some nations are much better than others for their citizens, and some clubs are much better than others for their members. But, being a citizen of a "bad" nation can result in severely diminished well-being, including lifelong deprivation and oppression.
- (3) Exclusion from a nation entails exclusion from interacting with its people. This is not true of clubs.

In order for clubs to be more analogous to nation states, Huemer says, they would need to be more like the following clubs:

Water Clubs Suppose there is an island, on which each individual belongs to one of several "water clubs." The water clubs procure water for their members, and all water on the island (including rain) is controlled by the clubs. Everyone is forced to belong to at least one club, and no one can obtain water except through a water club. Furthermore, some clubs are much better at managing their water, or simply have control of more and better quality water, than others. As a result, many individuals on the island suffer from chronic thirst and water-borne illnesses. Many of these individuals attempt to join better water clubs, but the privileged members of the latter clubs refuse to admit them. Some members of the high-quality water clubs want to admit the less fortunate, thirstier people, but they are outvoted by other members. Furthermore, these privileged water clubs pass rules prohibiting any of their members from sharing water with thirsty people who do not belong to the club, and even from socializing with or doing business with such thirsty people. These rules are enforced through threats of violence.

Once we consider a club that no longer has the three disanalogies with nation states listed above, it is no longer clear that members of the high-quality water clubs are morally permitted to exclude members of the low-quality water clubs from joining.

Reductio Ad Absurdum: Furthermore, Huemer says, if the club objection were correct, then it would lead to absurd conclusions. The form of the argument behind that objection seems to be the following:

1. Clubs are analogous to nations.
2. Clubs are permitted to enforce action X.
3. Therefore, nations are also permitted to enforce action X.

The action, X, in question is forbidding outside people from joining them. But, consider some other things that we might substitute for X:

- (a) Everyone must eat only vegetables.
- (b) Everyone must flush \$1000 down the toilet.
- (c) Women must refrain from voting.

It seems permissible to start a club that has these rules; and if a member does not comply, it would be permissible to revoke that person's membership. But, surely these things are not also enforceable by nations? (i.e., cannot permissibly revoke the citizenship of someone who doesn't follow these sorts of rules)

Thus, Huemer concludes, we have good reason to believe that premise 1 is false.

6. Conclusion: Huemer concludes that the practice of forcibly denying immigrants residence within our borders is not morally justified. In argument form:

Argument Against Border Enforcement

1. Our present border enforcement practices are prima facie morally wrong (because they are an instance of coercive harm).
2. There are no competing moral reasons which override this prima facie wrongness.
3. Therefore, our present border enforcement practices are morally wrong.

Why, then, are they so universally accepted? Huemer suggests that the answer may have to do with bias and discrimination. Members of a nation tend to see themselves as "better" than members of other nations, and therefore tend to overlook the needs or interests of those others. Just as the racist view that white people are superior led to black people's interests being ignored, or the sexist view that men are superior led to women's interests being ignored, perhaps in the same way a nationalist view that Americans are superior leads to foreigner's interests being ignored. This hypothesis is supported, he says, by the fact that nearly all defenders of immigration restrictions focus on what effect immigration will have on OUR people or OUR economy, with never a mention of what effect it will have on others. [*Do you agree?*]

[Final thought: How strong is Huemer's conclusion? Even if his argument is successful, has he defended an entirely OPEN border policy? He often seems to rely on the claim that denying potential immigrants residence will result in something very bad for the immigrant—e.g., deprivation and oppression. But, what of those for whom this is not true? For example, are the members of the high-quality water clubs morally obligated to allow members of other high-quality water clubs to join them? In fact, we have a different term for people who are attempting to enter a country in order to escape dire, harmful circumstances: They're called REFUGEES, not immigrants.]