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## Chandran Kukathas: Controlling Immigration Means Controlling Citizens

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**Virgil Storr:** Good afternoon, all. Welcome to the 2017 Hayek Lecture by Chandran Kukathas. My name is Virgil Henry Storr; I'm the senior director of Academic and Student Programs for the Mercatus Center. Mercatus is a George Mason University–based research center that attempts to advance knowledge about how markets work to improve lives by training graduate students, conducting research of consequence, and applying economics to offer solutions to society's most pressing problems. The annual Hayek lecture is the signature event of Mercatus's F. A. Hayek Program for Advanced Study in Philosophy, Politics, and Economics.

That program and this lecture attempt to advance the legacy of F. A. Hayek, a Nobel Prize–winning economist whose work in political economy and social philosophy has considerably added to our understanding of the importance of freedom to our ability to build prosperous and fulfilling lives. It's deeply fitting that Chandran is delivering this year's Hayek lecture. Chandran's first book, *Hayek and Modern Liberalism*, is a critical but important text in the development of Hayekian social philosophy. [i] Likewise, Chandran's *The Liberal Archipelago* is a modern classic in classical liberal thought and is a robust defense of both liberalism and multiculturalism. [ii] Chandran is the chair in political theory and the head of the Department of Government at the London School of Economics. Please join me in welcoming this year's Hayek lecturer, Chandran Kukathas.

**Chandran Kukathas:** Thank you very much, firstly, Virgil, for that kind introduction, and to the Center for bringing me here and hosting me. I'm delighted to see so many people here. Let's get down to business. The title of my talk is "Immigration and Freedom," so maybe I should begin by saying what the take-home message is. One often hears an argument in favor of restricting or controlling or limiting immigration, which says something like, "It's important to protect our values. We need to control immigration in order to protect the values that are important to a modern liberal democratic society in particular." And I want to say, yes, that is the issue—it's protecting our most important values. And I think the most important of these values are freedom and, to that extent, also equality because without some kind of equality, freedom is just a privilege. So we want freedom for everyone. That's what a liberal democratic society means.

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But what I also want to suggest is that immigration control is the danger to freedom. It's not immigration that's the worry, it's the control. The basic message of the talk I want to present is to suggest that it's the attempt to control outsiders that is the danger because you can't control outsiders without controlling insiders. What

immigration control is about, ultimately, is not the control of immigrants—it's the control of citizens and residents. It's about the control that's exercised over ourselves. And this, I want to suggest in this talk, is something that we should be much more concerned about.

In order to understand this, what we need to do is to take a little stock, to try to understand a few of the components of the argument about immigration, beginning, perhaps, with the thought that when we're bringing in people into a society, what we're bringing in are not factors of production. We're not bringing economic units. We're bringing in people. We often miss this because so much of the discussion about immigration is about markets. They're about labor markets in particular. But, in fact, people come into any society with a certain amount of baggage. They come in, not as units of production, they come in as human beings. They have families, very often, either with them or back from where they've come. They have ailments, they have aspirations. They make connections with people, they fall in love. All of these things matter. But too much of our discussion of immigration talks about immigrants as if they're a natural kind, and this natural kind is simply an economic unit.

But they're not natural kinds. They're human beings, and the way in which we categorize them depends very much, in fact, on political circumstance. The definition of an immigrant is, in fact, a political definition, just as the definition of a boundary is also a political definition, as I'll try to show shortly. These two things, which we think are independent variables, are actually not. They're interrelated. What is an immigrant depends on how one thinks about the border or the boundary. What is the nature of the border or the boundary depends upon how we think about the units, if you like, that cross or traverse it. These things are very, very under-theorized in discussions of immigration, and this is one of the things that I would like to correct.

The talk I'm giving to you today is a distillation of a book I'm in the process of writing. It's a long process because I'm also a head of department, which means that time is a little precious. This should've been done many years ago, but thanks to cooperative colleagues, I've extended the joy of writing it. The book is really divided into two parts. In the first part what I want to do—and this will be the first part of the lecture—is say something about why immigration is something that raises the question of freedom. And I want to show how it is that immigration control poses a danger or a threat to individual freedom for people within a society. In the second half of this lecture—and of the book—I want to consider the response that says, "Well, that may be the case. Perhaps it is a problem for freedom, but it's worth it because there are gains to be made from controlling immigration. Economic gains, perhaps, or cultural gains, or gains in terms of self-government." And I want to show in the second half that these gains are, at best, illusory.



## Defining Immigration

Let me begin with the first part of the discussion by talking about the case for thinking that immigration control is a danger to freedom. I should begin in that regard with some definitions or, at least, addressing some definitional questions because I said at the outset that the question of what is an immigrant, or what

is migration, is under-theorized in our examinations, in our analysis. So let me start with this question of what exactly is an immigrant? The first thing that I want to say, and just repeat what I said before, is that this is not a natural kind. You can't identify an immigrant by just looking at someone. Being an immigrant is a matter of the kind of status that you've got. It's, to some extent, a matter of the kinds of rights that you've got or the entitlements that you have. Here's what the UN definition of an immigrant says roughly. It says, "You're an immigrant if you live in a country not of your own origin for more than one year."

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The British understanding of immigration is very, very similar, although they don't have an actual definition of immigration anywhere. But when they try to assess the amount of net immigration to the UK, they use this general understanding. But why one year? Here's a way for Mrs. May to reduce the amount of immigration to the UK overnight. Let's make it two years. You're not an immigrant unless you've come for two years. If that's the case, well there are a lot more people who will simply be categorized in some other way, as tourists or students. And almost as if to back up this point, just last week the British government decided that they would no longer count students as immigrants. And this had the very salutary effect of dramatically reducing the immigration numbers, which they've been trying to bring down unsuccessfully for years.

They set this target of 100,000 per year, and they were going well over 300,000. Now, they just stopped counting the students and things look a lot rosier. But there isn't a single fewer person coming to the UK as a result of this. So the definition is a matter of politics. It's a legal matter, but it's a political matter as well. How you categorize someone is entirely a matter of your preference because if you want to categorize a tourist as an immigrant, you could. Someone coming for a day could be an immigrant. Or if you want to, say, go to the other extreme, you're not an immigrant unless you really die here. That would be one way, too, and that would really cut your numbers. So how do you decide what is the number you're going to use? There isn't a way. It comes into the category of "we make stuff up." And, of course, this is not to say we shouldn't do it, because there are all kinds of reasons why we need to devise categories and count things.

But in this particular case, one has to be wary because numbers are extremely dubious and extremely misleading. That's the first thing I want to say: that the definitional question is a real question for people wanting to look at immigration. The other question, though, is the question of the border. Many people argue for something like open borders. And there are many people who think that if we want to control immigration, what we've got to do is control those borders and perhaps even close them. Now the reality is that very, very few people are advocates of completely open borders, and very, very, very few people are advocates of completely closed borders because, if borders were completely closed, I'm not sure what you can do about flight attendants. Would they have to stay on the plane when they arrive from a foreign country? It's clearly not possible. Even North Korea does not have completely closed borders.

It's a matter of degree. I want to push this analysis a little bit further to say, well actually, how is the openness of a border to be understood? Because a border is not just an imaginary line. A border is a political construct. It's something that divides people—not according to where they stand physically, although it might look like it—it's something that determines what kinds of rights you have. It's something that's, in fact, shaped by the kinds of rights you have as a result of legal and political decisions that are taken. Someone who comes into a country who is subject to immigration control is subject to that control, not just because they've been permitted or forbidden to come into the country.

They're subject to immigration control because their rights, once they've entered the country, are limited or restricted in some way. That's the crucial thing. What can you do? Immigration control is mostly not about stopping you from crossing the border. In 2013, for example, over 360 million people crossed the border between the United States and the rest of the world. Many of these were Americans, of course, but I'll come back to this issue. Millions of people cross the American border every year. More than 20 million containers on ships came into the United States in that year. Hundreds and hundreds of thousands of trucks crossed that border. Border control is not all there is to immigration control, because if it were, you'd say, "Look, this is out of control. Look at all these people coming in."

Immigration control is mostly about controlling what you can do once you're in the country. It's about making sure that you can or cannot work, or reside for longer than a certain amount of time. You cannot set up a business. You cannot go to school. You cannot hire somebody. You cannot trade in various ways. Maybe you cannot marry. That's what immigration control is about. It's about controlling what people do. That's what immigration control has as its core, and different societies have different ways of controlling this, and control this to different degrees. Some societies make it very difficult for you to enter the society. Some countries make it easy for you to enter, but hard for you to participate in the society. It might be very difficult, for example, to get a job or to rent a house. But you can still enter as a tourist. Others might make it difficult for you to enter, hard for you to participate in some way, but almost impossible to become a citizen. Very, very difficult to become a citizen of Japan, but pretty easy to enter Japan just for the purposes of tourism, and even to work may not be all that difficult.

Here's one way of looking at this. You can imagine different scenarios where, in a society, it's possible to enter. Yes, you can enter. Yes, you can participate, get a job. Yes, you can become a member or a citizen. At the other extreme, you could imagine a society which says, "No, you may not enter. No, therefore you may not work, and no, therefore you may not become a citizen." But it's also possible to have these eight different combinations. You can therefore have a society that has open borders in all kinds of different ways. The openness of a border is not just a matter of whether you can cross. It's a matter of what you can do. If you want to open the borders of a society, or close it, there are all kinds of ways in which you can do it. You can do it by saying, "Yes, you can come in as a tourist, but no, you can't work." That's closing the border a little bit. But if you say, "You're already here and you're allowed to work 20 hours a week, as a maximum"—which is the case for many students—that's a little bit of an opening of the border.

Let's make it 20 hours and 20 minutes. Well, to my way of thinking, this is opening the border a little bit. Or if you say, "Yes, if you come, you can work 20 hours a week, and if you're married, your partner can as well, on your visa," that's opening the borders up a little bit more because the opening of the borders is not just about crossing the border. It's about what kinds of rights you have to work, or live, or open a bank account, or participate in various ways. This is very important because this is really what's going to determine how open a border is. If you can think about three different societies, you can imagine a country which has very, very easy entry, very, very difficult participation obstacles, and then impossible membership criteria, such as, for example, Japan. You could imagine a very different combination, where it's hard to get in, very hard to get a right to work, but then, once you're there, they're all too happy to allow you to become a citizen.

Australia's a case like this. It's difficult to get into Australia because you need a visa, even if you're British. John Blundell, a good friend who passed away recently, a good friend of Mercatus and IHS [the Institute for Humane Studies], told me once that he, on a visit from New Zealand, returning to the UK, stopped off in Australia and thought he'd spend a few hours in Sydney, and was told, "No, you haven't got a visa." He spent 12 hours in a very, very nice airport in Sydney because even the Brits were not allowed in Australia. Probably especially the Brits, but in any case . . . So, the nature of the border is dependent upon, not the ease of crossing. It depends upon the kinds of rights that you've got. In Australia, once you've crossed the border and come with a visa that allows you to work, and you stay for a few years, they really want you to become a citizen. They really put pressure on permanent residents to become citizens. Interestingly, the ones who are least likely to become citizens are the Brits. They've been staying there for years without taking up citizenship. Whereas the Cambodians and the Malawians and the French—if they move to Australia and work and stay—they become citizens very quickly. But the Brits just somehow . . . Maybe they've had John's experience some time back in the past.

If you think about immigration and what it means, and what immigration control means, it really means controlling what people do. It means that the openness of a border is not dependent upon the ease of crossing. It depends on the kinds of rights that you might have, which brings me then to the more broad question of immigration control. What is immigration control? It's about controlling, not just border crossing, but the kinds of rights people have, determining what kinds of things people may and may not do. In this case, the point I want to make is that if you want to control what immigrants and would-be immigrants do, the controls you have to exercise are ultimately not simply controls on would-be immigrants, but controls on citizens. Now, why is that the case? Well, if you want to control immigration,

what you want to control, as I've said, is not just entry, but participation, residence, involvement in the society more generally.

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You want to make sure that the hotels are full, but you want all your neighborhoods nice and quiet because people are just coming there as tourists and then leaving. You don't want them to work. You don't want them to set up business. You don't want them to stay for longer than they're permitted. There are all kinds of things you want to stop them from doing. You want to stop them from doing all kinds of things. Now, the problem is that in a free society, at least, your citizens are generally going to be pretty uncooperative because, as we know, people are all too ready to hire people, to teach them, to let them enroll in school, to trade with them in various ways, to sell stuff to them, to rent properties to them, to fall in love with them—even the Brits.



## Domestic Troubles

So it's a problem for anyone wanting to control immigration that you've got essentially a recalcitrant population. They may have all kinds of motives for being recalcitrant. They may want to hire people because the labor is cheaper, or they may have more noble motives. Churches, for example, are always keen to welcome refugees, to help the distressed, and so on. But if you're going to control immigration, it's not those who've been turned away at the border that are the problem. It's those who might have entered. And to control them, you have to control your own citizens.

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You have to *stop* them from trading with them, you have to *stop* them from hiring them, you have to *stop* them from renting to them. And this is really what immigration control amounts to. And the more seriously you try to control immigration, the more seriously you will have to control all these aspects. You will have to regulate your employers. But if you regulate your employers, you will have to establish institutions and bureaucracies and police to monitor them because if you don't, they will find ways around this. But then it gets more difficult because, if even after doing this you find that people are still interacting and engaging with other people from abroad, you may have to look for tougher ways of controlling this.

Maybe what you'll have to do is, as the prime minister of Great Britain put it, find ways of controlling the internal borders of a society. Here's what David Cameron said: "Since I've become Prime Minister, we have made it harder to get a driver's licence, to get a bank account, to get a council house. We've removed more people. All of these actions, the internal border matters as it were, as well as the external borders."

[iii] He couldn't have made my point better. What you have to do is, you have to bring the enforcement procedures internally. You have to start, for example, regulating your landlords. In the UK now, landlords are obliged to check on the visa status of anyone that they rent to. Of course, if this person is an immigrant, the problem for the landlord is, he's not only got to make sure that the visa is valid, but six months down the track, that migrant has to be clearly someone whose visa has not expired or the landlord gets into trouble. But the other impact is on other citizens because he's got to check not only on the visas of immigrants, but of everybody.

Because how does he know if someone's an immigrant? If you turn up and say, "No, I'm just British" or "I'm just British," it's not going to wash; you've got to provide documentation. Of course, the last people who will have any useful documentation will be native-born citizens, because why would they have documentation? So these impacts are going to be felt all across the society, and the more seriously you try to control immigration, the more seriously will you feel that particular impact. Let me give you a very practical example—it's close to my own circumstances. I'm the warden of a university college of residence; I have about 450 students. Like every university residence at the [London School of Economics], the students have a social committee. They have a president, they have a social secretary, and they have a treasurer.

The problem is that, unless someone who is British-born or a British citizen actually applies to become treasurer, the committee can't run because the immigrant students—the non-British students—cannot open a bank account in this relevant form to be able to serve as treasurer. Every year around about December, there is a crisis because we haven't had enough British volunteers in a university that is an international university. So this is a way in which these regulations do impact, not just on immigrants or would-be immigrants, they impact on people who live there. It impacts them because regulation takes place with respect to employment. It also takes place with respect to education, and more broadly, what it creates is a society in which surveillance becomes the norm.

For example, in the UK just a few years ago, London Metropolitan University found itself suddenly unable to admit any more students because it had been in violation of the visa regulations, which stipulated that they must keep vigilant records of their students, that is to say, keep records of attendance and report this back to the Home Office. Because they fell down in this way, they were not only debarred from admitting any more foreign students, but they were actually closed to the extent that all of their foreign students had to be farmed off to other universities in the UK which had the valid rights to host international students. This meant that, not only did this affect those foreign students, but all the students in those classes which had many foreign students in them suddenly found themselves without a class or without a lecturer.

So the impact on the domestic population is significant, and this is the point that I really want to try to bring home. It brings with it a culture of surveillance, a practice of surveillance, which has its costs. Here's an analogy I sometimes make to try to account for what this means. This is something I call the apartheid analogy. Now just to be clear, I'm not trying to suggest that any country that has immigration controls of any sort is like apartheid South Africa—far from it. Like any analogy, it's limited, but I think it's instructive. So, under apartheid, South Africa tried to keep the black population separate from the white population. The problem was, in part, that they needed workers. They didn't need people, they thought, they just needed workers. As one of the commissioners in the history of South African political development noted many years ago, "A man cannot go without his wife and children and his goods and chattels onto the labour market, he must have a dumping ground. Every rabbit must have a warren where he can live and burrow and breed, and every native must have a warren too." [iv]

The problem was trying to make sure that that warren was outside of the society because if you kept it outside, this was inconvenient, not just for the workers who were coming in to work in the white areas, but also for white people because that meant that people had to go home after a certain amount of time. By six o'clock, there was no one there to help with industry, in the home, and so on. So laws were passed to allow them to come in and stay but in ways that limited their capacity to interact with people, [such as] separate facilities characteristic of apartheid South Africa. But then the problem was, how do you keep control of these people? Because they might end up interacting with the white people, who, again like any population, is full of recalcitrants who won't obey the law and will start interacting with people

inappropriately, and passing of laws that forbade intermarriage and so on. But then—once you passed laws that required black people to indicate that they had the legitimate right to travel and they could be stopped at any time—you then find yourself in a situation where that was not going to be enough because what do you do about the white population that's not compliant?

So eventually what you needed was, pass laws and other forms of restrictions on white behavior to make sure that they also were compliant with the law. But even that was not enough because then the population starts getting testy about this, or at least some parts of it. So you bring in more and more regulation and surveillance and restrictions to try to make sure that the white population is itself compliant with the laws of apartheid. And even that's not going to be enough because they might resist this. So what you needed was also the fomenting of an ideology of apartheid. You needed to now convince people that this was the right way to see the world. You needed propaganda to try to make people buy into the whole apartheid story, into the ideology of apartheid. And this is simply a consequence of trying to control the labor market. This is what it all comes down to. And you think you can do so just by treating people as if they're units of production, but you can't. Neither the outsiders nor the insiders are like that. They're human beings, they behave not like the man of system thinks, as pieces on a chessboard. They behave with their own laws of motion.

If you want a very nice account of some of this, I strongly recommend the movie of a few years ago called [*Searching For*] *Sugar Man*. [v] I won't say too much of it—some of you may have seen it—but it gives a very, very nice account of the development of this kind of surveillance in apartheid South Africa, in a world in which the white population was itself to some degree controlled and surveilled in order to perpetuate a certain kind of ideology that wanted to keep people apart. That's one of the concerns that I have about immigration control: that it's restricting of freedom in a very, very significant way. But there's another aspect to it that I think also bears examination and discussion, and that's the implication of immigration control for equality and the Rule of Law.



### The Cost of Control

The problem here is that, once you start trying to control immigration and you have a recalcitrant population, what you need to do is to resort to the legal process in order to try to limit and control both your own population as well as the population of outsiders. You need to do various things, you need to control and surveil your employers, for example, but you may also need to start deporting people if they're noncompliant. And here the problem is that doing this is going to be extremely resource intensive. And the more seriously you try to control immigration, the more resource intensive it's going to become, the more people you'll need to be involved in this, but also the more you will clog up the courts, the police forces, the bureaucracies in order to deal with all of this. The first danger that comes with this is that, when you

find that you haven't got the resources to do this through the law, you'll look to find ways of going around the law to achieve your objectives.

Whenever you are driven by policy with particular end goals and you find that you cannot meet those goals, one of your first temptations will be to find ways around the law. And this is simply what has happened throughout history when we look at immigration control. Let me just give you one very, very dramatic example, thinking about citizen deportations. Between 1930 and 2005, the United States deported two million people, one million of whom were American citizens. They were not outsiders, they were not people who were illegal entrants. They were American citizens, many of them native-born Americans, many of them who had been Americans going back several generations. The reason they were deported, for the most part, is that, when various attempts were made to bring down the rate of immigration or to deport, in particular, Mexican people, the government launched a series of sweeps, particularly in the 1950s, known by the name of Operation Wetback, not a term you would probably use today. The consequence of *this* was that various police units and state bureaucracies were under great pressure to meet their own targets. So they sent sweeping operations throughout various communities and picked up people who looked like they were illegal immigrants and deported them, mostly to Mexico.

The problem with this, of course, is that the people who are least likely to have any papers to prove that they were citizens, were citizens. And the more of a citizen you were—the more you were born and bred here—the less likely you were to have any papers. A million people is a lot of people. Arguably, one citizen deported wrongly is one citizen too many, but a million is a lot. But this is an inevitable consequence of immigration control. The more seriously you try to control it, the more you'll have an impact on your own people. And just to be clear, this is not something that has stopped. There is still, on a continuing basis, the deportation wrongfully of American citizens to countries, in many cases, they've never been to. They've been mistakenly sent back somewhere else that they have no idea about. This is not peculiar to the United States, incidentally. It's happened in Australia, in Britain, and in many parts of the world.



## Protecting Values

One of the casualties of immigration control is inevitably going to be the rule of law. The pressure to meet immigration targets has everywhere led to the rewriting of legislation, the pressuring of courts, the pressuring of police to act in ways that get around the legal process in order to achieve particular objectives. Immigration control isn't the only area of the law where this might be the case, but it's a very important one, and it's one that we really ought to be aware of and take very seriously. Now all of that said, someone might say, "Well, OK, we understand that there are these risks that come with immigration control, but nonetheless we need to control immigration because there are, at least, significant benefits to



be had from controlling immigration. There are economic benefits, there may be cultural benefits, and ultimately there may be benefits in terms of protecting our own society and enjoying a measure of self-determination.”

"[O]ne of the casualties of immigration control is inevitably going to be the Rule of Law."

Do any of these arguments stand up? Should we dismiss, or at least play down, the concerns about freedom because of the gains that come from immigration control? I want to suggest these arguments don't stand up, and I'm going to run through them very, very quickly. In the first instance, let me look at economic arguments, which are probably the arguments that you're most familiar with. Here, the arguments are, firstly, that immigration control is important because the economic benefits of reduced immigration are significant and perhaps outweigh any losses that you might have economically. Here, the general consensus among economists who study immigration and labor markets is that this just does not stand up. This is not to say that it's uncontroversially the case that immigration brings with it enormous benefits. They may to some people—that's true—but whether it's overall a benefit to society in terms of the wealth that is generated, it's, in the economics literature, a bit of a wash. Some economists think it's marginally improving, some think it's marginally costly. No one thinks that there's a massive loss that comes with immigration.

But what *is* more often argued is that immigration has deleterious effects for certain groups within society, in particular for the poor, those who are out-competed for work by immigrants, and especially those who are on the lowest rung of the ladder. This is an argument that needs to be taken a bit more seriously, but there are two responses here that are important to make. One is an argument that Bryan Caplan has made very effectively, that if there is a small group of people who are disadvantaged by economic migration, perhaps what we need are something like keyhole solutions. [vi] Let's address the problems faced by those people rather than use this very, very clumsy tool of complete immigration restriction *just* in order to take care of some people who are doing poorly as a result of immigration.

But the other thing I would point out also is that one of the benefits of immigration that is less contested overall is that, in the long term, immigration has very, very positive benefits. It raises GDP, it increases the level of wealth in society, it increases incomes. The objection that this is not helping the current poor is a limited argument because what is not taken into account is the gains made by the future poor. What you're really saying is, “Well, we realize that many people will be gaining by immigration. We realize that many people in the future, including the very poorest, will be much better off as a result of immigration. But we're going to only take into account the fact that, among the current poor, there is a small cohort that are going to do really badly out of immigration.”

Why is it that you're discounting your future Americans because you want to protect some contemporary poor Americans? Because they're both people who will be in the lowest rung. So the distributional argument has relatively limited application. Keyhole solutions would be better. And it's not clear why it is that you want to favor one particular class of people to the detriment, not only of the well-to-do in society, but of other people who are poor. There's much more to be said on this economic issue because it's a complicated question which has many dimensions to it. I haven't got the time or space to go into all of these arguments now, but these are the two central ones that I want to draw your attention to.

A very different kind of argument, though, is one that says, “No, it's not about the economics. The problem with immigration is that it's something that threatens the integrity of our culture.” The reason for immigration control is, in a sense, cultural preservation. There are a couple of dilemmas that then arise. If what you want to do is to preserve cultural integrity, the question is, what kind of degree of cultural integrity do you want? If you want to preserve your national identity, for example, what kind of conception of national identity or of your culture are you going to go with? Because, especially in a country like the United States, or Australia, or Britain, or France, you've got a very diverse society. Different religions, different ethnicities, different ethical views. What is the conception of national identity or culture that you're going to work with?

Let's say you work with a very thin one, which encompasses everybody already in the United States. That's fine, but then it's hard to see how an immigrant is going to make a difference because you've got a very, very broad conception of your culture. It's not a narrowly focused one which just picks out the fact

that, say, it's predominately Catholic or it's predominantly this or that. But let's say you say, "No, no, we're not working with a thin conception of culture. We're going to work with a robust, thick conception of culture. We're going to put some substance into the definition of what it is to be an American, or a Brit, or an Australian." If you do that, then your problem is, what are you going to put into this? If you're going to say, "We are fundamentally a Protestant country," an argument that was made for example by Samuel Huntington about 10 years ago in his book on immigration called *Who Are We?* [vii]

But I'm not sure what that means for, let's say, the Kennedys, who are Catholics. Are they not Americans? How are you going to account for the fact that you live in a society whose diversity is such that a thick conception of identity, a thick conception of what's your culture, is going to exclude them? It's going to exclude some of your own citizens. You can *do* this, but then what you're going to do is have to engage in a very, very deep culture war within your own society. This is the dilemma you face if you're going to try to control immigration and defend it by saying it's to protect our culture. What is that culture you want to protect?

But there's another aspect to this as well, which is often not noticed. If you want to preserve culture integrity, you've got two options, really, in terms of immigration control. One is to just completely cut out immigration or reduce it by numbers, and the other is to have selective immigration to preserve your culture integrity, assuming that you've solved the problem of what is the cultural content of your society. If you go for the first option—you're just going to reduce the numbers of immigrants—well, that's not going to have any impact because you'll still have the same cultural differences being repeated by the incoming immigrants because you're not being selective. You may still get people coming in from France, and Britain, and Somalia, and South Africa, and Mongolia, and so on.

You're going to get all these cultural influences. But let's say you that you decide, "No, we're going to be culturally selective." You've got two problems then. First is that, if you're going to be culturally selective in a liberal democracy and you've got strong principles of racial equality—for example, nondiscrimination—well, you're flying in the face of those principles. Do you really want to abandon those principles? That's your first dilemma. The second thing is that if you *do* do this, you'll be selectively importing immigrants, but you'll have to say to some of your people, some of your own citizens, "Look, we've decided that we're only going to restrict immigration to Western European males, so no Chinese. I know Chinese Americans have been here for hundreds of years, I know you're all Americans, but I'm afraid we can't treat you equally with your own citizens because we're going for cultural integrity." Now, leaving aside this whole question of whether we have a coherent conception of cultural integrity, using the cultural argument to defend immigration control is really going to have to mean treating your own citizens unequally.

And the question is, are you prepared to do that? If you're not, then immigration control cannot be defended by appealing to the cultural argument. What about then the final kind of argument that people might make, which is that this is an argument ultimately for national self-determination? We want to control immigration because what we want to do is, we want to be determining the future of our society for ourselves. We don't want to relinquish that power that we have. This is our society. This is what we want to control. Well, the first problem you've got here is really the question that Samuel Huntington asked but with a different kind of answer to it. Who are *we*? Who is the *we* that's going to do this controlling? It's very, very easy to assume that when you say *we*, it's easily understood by everyone what it is that is meant. But of course it's not because, if we understand the way in which national politics operates, any decision that's taken by political society is the result of a complex working of a democratic process, which has political winners and losers.

So when policy is made, it's not necessarily a reflection of what everybody wants, about what some collective *we* desires. It's the outcome of a process of bargaining in which, sometimes, one particular view simply loses out. Let me give you a kind of analogy to explain what is odd about this demand that we control our own society. The Australian senator who was strongly against Asian immigration many years ago, Pauline Hanson, once said in Parliament, "What I want to do is just say, 'I'm an Australian, and as an Australian, I should be able to say who comes into my home.'" That's what it comes down to. And I thought, "Well, that's fair enough." When I'm living in my flat by myself, I think I should have absolute

right to say who comes into my home, except maybe a fireman when there's a fire. I'll give him that. But otherwise, I think I should be completely sovereign. Now supposing I'm sharing the flat with my son, Sam, which I am now. I could also say, "Look, I have a complete veto." Actually I do, but I'm not going to say to him every time he wants to have a guest, "Look, you've got to ask my permission." I say, "Look, if you want to bring anybody home, that's fine."

Supposing you're living in a house and you've got kids. Do you say to your kids, "No, no one can come to the house unless we say so"? That may be fine when they're six or seven. I don't think you want to live in a house with 18-year-olds with those rules. If you have that kind of attitude, it's going to make living a kind of unpleasant proposition. But OK, let's make this a bit more complicated. Imagine that you're living in a condo. Should you live in a condo which had a rule that everybody had a veto over who came into the condominium, I suspect that you will not have a healthy condo. It would not be a healthy way of organizing your housing. Let's extend it further. Let's say that we're not talking about a condominium, we're talking about a neighborhood. Every neighbor has a veto on who comes into the neighborhood. It's clearly going to become unworkable. And as you expand it to cities, so does it become unworkable that way. So the demand that we control who comes into our home can't mean that everybody has a veto because that simply is unworkable. If you say that there's got to be majority rule, that's actually not much better because you don't want to live in a house where that's the case, especially if you happen to be in a minority.

But when you're looking at something the size of a country, it's actually very difficult to say that, when a decision is taken to exclude or not exclude people from any kind of policy outcome, that this is actually a decision that's taken by us. It is in some formal sense, but in another sense, of course, it's not. Which is why we have institutions in a liberal democratic state that don't just make everything decided by democratic rule, by majority rule, we give people certain rights. We ensure that there are certain things that they have the right to do, regardless of what the majority think. In a certain way, that's got to be true for the way we relate to people outside of our own societies.

We need to live in a society where those of us who want to relate to people outside are able to do so without having to turn and ask for permission from our neighbors, even if they say that we need to do this in the name of self-determination because it's not any particular real self that's doing the determination. What's doing the determination is a complex and elaborate political process whose outcomes have, in a certain way, a kind of random quality to them. It'll change from generation to generation, from decade to decade, from election to election, sometimes from year to year, and even from month to month if we look at the intricacies of immigration policy. So the self-determination argument, in the end, is not one that is going to turn out to be particularly convincing.

Let me wrap up by saying that in the end, as I said before, the message I want to present here is that immigration control is control on people. But it's not just control on outsiders, it's control on insiders. To live in a society that's heavily controlled with respect to immigration will have to mean living in a society that's very heavily controlled with respect to ourselves. And one has to ask that, if we are creating a society in which we find ourselves so heavily controlled, why would you call this self-determination? It seems to me it's anything but that. This is not really an ideal that one ought to be convinced by. In the end, I think, what we see in the political world today, and perhaps this has been true for many hundred years of history, is a world in which there's a certain tension between the state on the one hand and what we could call civil society on the other.

These two aspects of our existence have very different imperatives. In the world of civil society there is, of course, conflict and disagreement, but there's also an enormous amount of cooperation. And the cooperation and the conflict take place at a certain individual level as people try to figure out how to live together. This thing called society does not exist within a state. It exists across the planet, to varying degrees, because people trade, interact, culturally exchange, write, fall in love with people from all over the place. This is the world of civil society. It's not something that's found in different clumps in different parts of the world. It's found across the world.

On the other hand, states exist as different kinds of entities with different sorts of imperatives. And their imperatives are to stay in power and to serve those constituents which allow them to continue in power.

They're important institutions because they serve particular functions, but they also have different imperatives. And sometimes they get captured by parts of society that want to gain certain benefits that they can only gain by getting access to the power that's held by these states. This is the way the world is. I don't think there's much prospect of this ever changing, and we need to accept this. But at the same time, I don't think we should therefore get confused into thinking that what the state determines, or what the state takes from those particular parts of society that are pressing a particular view, is somehow reflective of what *we* think.

Not just the *we* who happen to live within a particular society or a particular state, but the *we* in the broader sense because in the broader sense, *we* is more than just the people within a certain country. *We* is humanity. But I don't want, in the end, to make this argument in favor of a more skeptical approach to immigration control by simply saying, "Look, everybody has the right to move wherever they want to." Although I would like to see a world in which there was greater freedom of movement, that's not the point that I want to make here. My point is that we relate to one another and to people outside in ways that mean that if we want to control those interactions that exist, we will have to control people, and that means controlling ourselves as well. And this is something we should view with a great deal of skepticism. And let me leave it at that.

### *End Notes*

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