

The Liberal Defense of Immigration Control

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Abstract: Contemporary liberal theorists generally support open borders and some argue that liberalism is incompatible with substantive immigration control. We argue that it has not been shown that there is an inconsistency in the idea of a liberal state enforcing such controls and that it may be obligatory for a liberal state to impose substantive restrictions on immigration. The immigration control on which we focus is that concerning people from societies that resemble closed societies, particularly those in which Islamic fundamentalism is endemic. We suggest that, if the threat we envision is real, then a liberal state has a right to limit immigration from such societies.

Keywords: Closed society; immigration; Islamic fundamentalism; liberalism; freedom; sovereignty.

1. INTRODUCTION

There is a vast literature on the ethics of immigration, much of it written by classical liberal or libertarian scholars, henceforth referred to as ‘liberals’. Liberalism is a philosophy of freedom in which a—or the—primary obligation of the state is to protect the freedom of persons. From a liberal point of view then, the following proposition may appear to be internally inconsistent:

(P) a liberal state is entitled to enforce substantive immigration controls.

Thus, many liberals hold that substantive immigration restrictions are unjust because they violate the rights of citizens to invite foreigners to visit their private property as well as the rights of individuals to freedom of movement. Christopher Freiman and Javier Hidalgo argue that ‘you can accept liberalism or substantive immigration restrictions, but not both’.² A substantive control on immigration is one that goes beyond excluding international terrorists or fugitives from the law.³

We explain why the arguments that are intended to show that (P) is internally inconsistent are invalid. Thus, whether or not (P) is true appears to be an empirical matter: whether the state’s obligation to protect freedom can best be met by controlling immigration depends upon empirical facts about immigration. Further, we note that recent experience of immigration in Europe suggests that there are some types of immigrant whose admission in large num-

bers would lead to a substantial diminution of the freedom of the persons living in the territory of the state. If that is so, then (P) may be true, since substantive state controls on the numbers of such immigrants, rather than being inconsistent with a liberal state's duty to protect or promote freedom, would be required by that duty. We therefore propose the following hypothesis to be tested empirically:

- (H) immigrants from societies that closely resemble closed societies, including societies in which Islamic fundamentalism is endemic, if admitted in large numbers, will reduce the freedom of persons in the host society.

We suggest some specific questions to be answered by social-scientific research in order to test (H). We note that, despite a good deal of social-scientific research into the impact of immigration on immigrants and on the societies to which they immigrate, the specific questions that we pose have not yet been investigated.

Like Freiman and Hidalgo⁴, and Michael Huemer⁵, we do not specifically address the moral status of refugees. The right to freedom of movement of those in deadly peril poses a complex question: on the one hand, they are in more exigent circumstances; on the other, they may be aided by means other than migration, and there may be ethical and practical reasons for favoring closer destinations if relocation is unavoidable.

In section 2 we give a brief summary of liberalism as a philosophy of freedom. We consider a putative liberal defense of immigration control that likens the state to a voluntary association. We reject that defense after summarizing the arguments against it. In section 3 we set out a liberal account of the function of the state and we explain how (P) could be true. The explanation depends upon the possibility of there being a type of immigrant such that the freedom of the persons in a liberal state would be diminished if immigrants of that type were admitted in large numbers. In section 4 we expound, criticize, and reject the arguments of Huemer, and of Freiman and Hidalgo, that are intended to show that (P) is internally inconsistent. In section 5 we summarize some information which suggests that immigrants from some Islamic societies may instantiate the type of immigrant whose admission would undermine freedom in the host society. In section 6 we explain our hypothesis (H) and we make proposals for testing it. In section 7 we suggest the sorts of controls on immigration that may be appropriate if (H) survives testing. In section 8 we rebut some objections to our proposals. In section 9 we conclude.

2. LIBERALISM

The two guiding principles of liberalism are freedom and equality. The idea is that every person has the right to direct her own life, so no person has an inherent right to direct any other. The freedom at issue, then, is the freedom to direct one's own life. However, since a person's goals in life may conflict with the goals of other persons, and since each should have the freedom to direct her own life, then liberalism demands the maximum freedom of each person that is compatible with the equal freedom of all persons. Liberals accept restrictions on individual freedom if they are required to secure the maximum of individual freedom attainable.⁶ A substantially similar account of liberalism is given by Freiman and Hidalgo.⁷ Differences between liberals emerge, however, with regard to the question of the state.

The liberal commitment to the maximum freedom of each individual to direct her own life may be expressed as 'individual sovereignty'. This equal moral status that liberalism accords to persons is grounded in the facts that:

- persons have the reflective capacity to direct their own lives;
- the flourishing of persons depends upon their freedom to exercise that capacity.⁸

Individual sovereignty may seem to imply anarchism, which some liberals accept. Other liberals, however, equate anarchy with lawlessness, chaos, or the violation of the weak or the good by the strong or the bad. If these latter liberals are right, which we simply assume here, then the freedom and the flourishing of persons depends upon a *liberal state*, that is, a state that has the *duty* to secure the maximum equal freedom of the persons under its jurisdiction, whoever those persons happen to be, and the *right* to impose on those persons laws that secure that maximum equal freedom.⁹ That is so whether one takes a deontological or natural rights view of the freedom of persons to direct their own lives or, instead, grounds that freedom in the flourishing of persons. Just as maximum equal freedom requires the sovereignty of each person to be limited by the sovereignty of each other person, so it also requires the sovereignty of each person to be limited by the sovereignty of a liberal state. However, the sovereignty of a *liberal state* extends no farther than its right to maintain the laws and other conditions required to secure the maximum equal freedom of the persons under its jurisdiction.

In political theory it is often assumed that the state is an ensemble of individuals. In fact, the state is an *institution* that is constituted by a set of relations that exist between individuals, a relational structure that continues to exist even when specific individuals are replaced by others (as, over time, they all are). The state has a characteristic set of rights and duties, including the duty to maximize the equal freedom of the persons within its jurisdiction; and those rights and duties are *realized* in a structure of offices or roles which bestow more specific rights and duties on the persons who occupy them *insofar as* they occupy them.¹⁰ The distinctness of the state from every person means that the sovereignty of the state, which gives it a (limited) right to direct the lives of others, is consistent with the *equal* sovereignty of all the *persons* under its jurisdiction.

That a liberal state has the duty to safeguard individual freedom *seems* to imply that it has the duty not to interfere with individuals' freedom of movement.¹⁰ That in turn seems to imply that, if more than one state exists, then a liberal state has the duty to maintain open borders so that persons can exercise their freedom of movement by immigrating or emigrating freely. So it may seem inconsistent to maintain that a liberal state has the right to impose substantive controls on immigration. However, two points must be noted.

First, the question of where one person's freedom ends and another's begins is a notoriously difficult one, due to the existence of 'negative externalities', that is, by-products of an action of one person that have a negative effect on other persons, such as pollution or exposure to risks.¹¹ For example, it might seem that my freedom of movement entitles me to run on the spot for exercise. But by exercising in that way at 3:00 a.m. I may prevent my downstairs neighbor from sleeping, thereby encroaching on her freedom to sleep at night. Therefore, the *seeming* inconsistency of a liberal state interfering with individuals' freedom of movement will not be a *real* inconsistency if such restrictions on movement or migration are required to ensure maximum equal freedom.

Second, when a question of consistency arises, the onus is always on the person who alleges *inconsistency* to make her case. The reason for that is that consistency cannot be proved. Russell's Paradox showed that a proposition that seemed to be self-evident (Frege's fifth axiom for arithmetic) could actually be demonstrated to be internally inconsistent.¹² So, a claim that a theory is self-evidently consistent is worthless. Further, any attempted proof of consistency is question-begging because it can succeed only if the premises of the proof and its rules of inference are consistent: in short, any attempt to prove that a theory is consistent assumes the consistency of some propositions the consistency of which is open to doubt. Since the consistency of a theory cannot be shown, it is up to those who allege that a particular theory is inconsistent to make their case by deriving a contradiction from the theory.

Such a case can sometimes be plausibly made. For example, some theorists have argued that the citizens of a liberal state have a collective right of self-determination that entitles them, through the democratic process, to control immigration. That may be done to preserve the culture or to control its development or to protect sectional economic interests (such as the low-paid or net taxpayers), or for some other reason that appeals to the majority of citizens.¹³ However, changes to the culture, and changes to the relative for-

tunes of sectional groups, are often brought about by a state's own citizens acting in new ways without anyone, or any group, having overall control of what results. A state that tried to prevent such change would not be a liberal state because it would have to stifle innovation thereby substantially encroaching on the freedom of its citizens. Further, whilst a voluntary association, such as a club, might collectively agree that its members refuse to eat vegetables or refrain from expressing political opinions, a state (even a democratic one) that imposed such conditions on its citizens would not be a liberal state. Accordingly, a theory of the liberal state that endorsed state control of immigration *on such grounds* would be a theory of a non-liberal state; it would thus be self-contradictory.¹⁴

David Miller suggests that the contradiction may be avoided by accepting that a liberal state may permissibly resist *externally generated* cultural change and use immigration control to do that.¹⁵ Freiman and Hidalgo rebut the suggestion: such a state could achieve its aim only by preventing its citizens from adopting, adapting, imitating, or even just taking some form of inspiration from, ideas and practices that originate abroad; it would therefore stifle the freedoms of its citizens.¹⁶

These arguments of the advocates of open borders seem strong. They are not formally valid derivations of a contradiction, but they do make a plausible case that it is inconsistent to maintain that the citizens of a liberal state have a collective, democratic right to impose substantive immigration controls to protect the culture or sectional interests or any purpose that undermines the maximum equal freedom of the persons under the state's sovereignty. In the next section we offer an account of a liberal state restricting immigration and we explain away what may appear to be inconsistencies.

3. LIBERALISM AND SUBSTANTIVE CONTROLS ON IMMIGRATION

A liberal state, we noted, has the *duty* to secure the maximum equal freedom of the persons under its jurisdiction, whoever those persons happen to be, and the *right* to impose on those persons laws that secure that maximum equal freedom. Reciprocally, persons within the territory of a liberal state have the duty to obey the laws of that state, at least to the extent that the state, in making those laws, has not defaulted on its duties. Each state, like any other moral agent, has the duty not to violate the rights of *any* persons, whether those persons are in its territory or not. But if persons outside of the state's territory are suffering suppression of their freedom by other states, it is not immediately clear what, if any, duties the liberal state has to redress that inequality of freedom. It might help to resolve the problem if we consider a simpler case.

Suppose that the world is governed by a single liberal state the laws of which are administered locally at country-sized territories. The administration of territory *L* is efficient and effective; and the persons in the territory enjoy maximum equal freedom. The administration of territory *D* is corrupt and despotic; and in consequence the freedom of the persons in the territory is severely curtailed. The administration of *D* is perpetrating an injustice upon the persons in its territory. Until the injustice is rectified, there may be a large migration of people from territory *D* to territory *L*; and the administration of *L* is duty-bound to permit it, since (we can suppose) the world-state, being a liberal one, guarantees freedom of movement within its territory (the world). The administration of *L* has no duty to rectify the injustice being perpetrated by the administration of *D*. That is the duty of the world-state, which is a consequence of its duty to secure maximum equal freedom of *all* persons.

We approach our actual situation by removing the world-state, so the administrations of *L* and *D* become the *states* of those territories. Each still has the duty to secure maximum equal freedom for the persons within its territory. But there is no overarching state that has the duty to secure the maximum equal freedom of *all* persons and the consequent duty to reform states that suppress the freedom of persons in their territories. Those duties cannot simply devolve to the territorial states, because 'ought' implies 'can'. A single state, typically, would not have the power to do what the duties require. We may consider three possibilities:

- a) each liberal state has the duty to secure the maximum equal freedom of the persons within its territory and no duties with regard to alleviating deprivations of freedom of persons outside of its territory;
- b) each liberal state has the duty to rectify all deprivations of freedom perpetrated on persons outside of its territory to the extent that that is consistent with fulfilling its duty to secure the maximum equal freedom of the persons within its territory;
- c) each liberal state has the duty to secure the maximum equal freedom of the persons within its territory *and* the duty to rectify all deprivations of freedom perpetrated on persons outside of its territory, and when the two duties conflict the first may sometimes be overridden by the second.

Option (a) seems borderline incoherent. The ideal of liberalism is maximum equal freedom, so a state that has *no* duties to rectify or alleviate suppressions of freedom outside of its territory hardly seems liberal. Option (c) seems incoherent because it implies that a state may be liberal while failing to secure the freedom of the persons in its territory, thereby being illiberal. That leaves us with option (b). The question of how far a liberal state can go in assisting the freedom of foreigners without reducing the freedom of the persons within its territory is a complex one. For example, such a state has the duty to use force to defend the persons in its territory from military aggression; but waging wars against despotic states that are not threatening its citizens will be ruled out normally but perhaps not always. However, we can put such complex issues on one side because our concern here is just immigration.

If every state in the world were a liberal state that fulfilled its duty and did only what it had a right to do, it might be the case that substantive state controls on immigration were impermissible. However, in our actual circumstances, none of the states in the world is a (fully) liberal state and there are only a small number that approximate the liberal ideal. On the liberal view, of course, those states, and all others, *ought* to secure the maximum equal freedom of the persons under their sovereignty. In fact, many states fail very badly to do what they ought: they are highly illiberal.

Let us, to avoid circumlocution, say that the laws that are required to secure the maximum equal freedom of the individual persons under a state's sovereignty are 'just laws'. Just laws are ones that the state has a right to enforce within its territory and that the persons in its territory have a correlative duty to obey. If a person moves from one state's territory to that of another, he loses the duty to obey the just laws of the former state and he acquires the duty to obey the just laws of the latter state. If the latter state has a just law prescribing that any immigrant of a specific type who enter the jurisdiction without permission must leave, then any immigrant of that type who has entered the state's jurisdiction without permission has a duty to comply with that law, and thus to leave. Therefore, so long as the state is entitled to exclude immigrants of a specific type, the state's enforcement of that control does not violate the rights of those who are excluded. Even advocates of open borders seem to admit as much insofar as they deem it permissible for a state to bar or expel persons who are international terrorists or fugitives from the law.

Our question is whether a liberal state has the right to implement immigration controls that go beyond that. If it has, then such controls do not violate the rights of the would-be immigrants who are thereby excluded. Such controls will restrict the freedom of the persons within the state's jurisdiction who will, for example, be prevented from inviting some foreigners to become employees. But, again, so long as the state has the right to implement the controls, the rights of the persons in the state's jurisdiction will not be violated: the restrictions of particular freedoms will be necessary to secure maximum equal freedom overall. In other words, if substantive controls on immigration are just, then such controls do not violate anyone's rights.

4. THE CHARGE OF INCONSISTENCY

In section 2 we conceded that the idea of a liberal state substantively controlling immigration in order to secure putative benefits other than the protection of freedom has been shown to be inconsistent by advocates of open borders. In this section we show that the arguments of those advocates do not succeed in showing

an inconsistency in the idea of a liberal state enforcing substantive controls of immigration for the protection of freedom.

Huemer initially¹⁷ poses the question of substantive immigration control in terms of harm: how can it be right to exclude people who are simply seeking a new home and a better life, when such exclusion causes them harm? However, he later recognizes that there are many actions that cause harm to others that are permissible, as when a person obtaining a job harms the other people who also applied for it,¹⁸ so it becomes clear that his objection to substantive immigration controls is that they cause harm *in an impermissible way*. He tries to substantiate that by drawing analogies between immigration control and actions that advocates of such control deem impermissible. As he explains it, his method is ‘to describe a case in which nearly everyone will share a particular, clear intuitive evaluation of some action, and then to draw a parallel from the case described to some controversial case of interest’.¹⁹ He hopes thereby to convict of inconsistency any liberal theory of substantive immigration control.

Huemer’s method is flawed. Whether one classifies one particular case in the same way as one classifies another depends upon what theories one holds: without theories, or ‘conceptual frameworks’, we could not classify at all.²⁰ When a particular case is controversial, it is because its classification is disputed, which is in turn due to the parties to the controversy holding rival theories. Finding cases that are classified the same way by the rival theories can be of no assistance in reaching agreement on cases which the rival theories classify in different ways. Huemer’s procedure amounts to this: ‘we agree that case *A* is impermissible; but, according to *my* moral theory, case *A* is of the same type as case *B*; therefore, you are being inconsistent if you deny that case *B* is impermissible’. It is question-begging because his interlocutor holds a rival moral theory according to which case *A* is relevantly dissimilar to case *B*. The following is Huemer’s most relevant example.

Marvin is in desperate need of food but Sam forcibly prevents him from going to the market to buy some, as a result of which Marvin suffers malnutrition or starvation. In the absence of some unusual circumstances, Sam’s harmful coercion impermissibly violates Marvin’s rights. Therefore, says Huemer, a state preventing a foreigner from entering its domestic market, as a result of which the foreigner suffers serious harm, is also an impermissible rights-violation.²¹ However, the two cases are not at all parallel: Sam is just an individual, not a state; Marvin resides under the state’s jurisdiction, not outside of it; and the state may have a duty to keep out foreigners of some types if that is required to safeguard the equal freedom of the persons under its jurisdiction.²²

Huemer’s flawed method is endorsed by Bas van der Vossen and Jason Brennan, who employ his example of Marvin and offer some variations on it.²³ They do, however, go beyond Huemer in raising the question of whether restrictions on immigration enforced by a state differ from restrictions on freedom of movement enforced by an individual. Noting that it is sometimes supposed that states are agents of their people, they say that an agent derives its powers from its principal(s), and a group of individuals has no more right to restrict Marvin than an individual has. That fact is not changed if the group makes its decisions democratically. We agree that the legitimacy of state control of immigration cannot derive from individual rights to restrict freedom of movement. But, as we explained in section 2, individuals do not stand to the state as principals to agent.

Freiman and Hidalgo maintain that freedom of movement is a constituent part of some ‘basic liberties’ that a liberal state is obliged to protect, such as freedom of occupation and freedom of association.²⁴ They then adopt Huemer’s faulty strategy by claiming that, if it is wrong for a liberal state to interfere with domestic freedom of movement, then ‘it is hard to see why’²⁵ it would be permissible for such a state to restrict movement across borders. It is odd that they commit that fallacy because they acknowledge²⁶ that some state restrictions on basic liberties are permissible: for instance, the state may permissibly forbid ordinary citizens from entering a military base or impose some restrictions on freedom of speech.²⁷ So, even if we accept that freedom of movement is a basic liberty, that leaves open the question of what, if any, particular limitations may need to be imposed on freedom of movement for the sake of the maximum attainable equal liberty; so it may be that a liberal state may restrict individuals’ freedom to migrate.

Freiman and Hidalgo consider whether a theory of a liberal state enforcing substantive immigration controls can avoid contradiction by appealing to differences between freedom of movement and other basic liberties. It cannot be evaded by claiming that other basic liberties are more important to persons than is the liberty to migrate. For, the importance of a liberty to a person varies with the person and her circumstances.²⁸ For instance, when a person is seeking work, she may regard freedom of occupation as more important than freedom of speech; but when she has a job she may regard freedom of speech as more important. It cannot be evaded by claiming that states have weaker obligations to foreigners than to their own citizens, for three reasons. First, immigration restrictions curtail the liberties of a state's citizens (for example, the liberty to employ immigrants) as well as the liberties of foreigners. Second, a state's obligations not to violate 'negative liberties' are just as stringent in the case of foreigners as in the case of its own citizens.²⁹ Third, if it is claimed that a state has stronger obligations to its citizens than to foreigners with regard to positive duties to provide resources or assistance, and that the costs imposed on citizens by immigration mean that these positive duties owed to citizens outweigh the negative duties owed to foreigners, it may be retorted that negative duties to foreigners normally override positive duties to compatriots.³⁰

We accept those arguments (though we would express them differently). However, proposition (P), that a liberal state is entitled to enforce substantive immigration controls, does not imply a differential importance of freedom of movement vis-à-vis other freedoms, and it does not imply that the state gives greater weight to its duties to its own citizens vis-à-vis foreigners. It requires only that all persons, indigenous or foreign, have the duty to obey the laws of a liberal state if they are under its jurisdiction and that a liberal state may have a law excluding foreigners of some types.

Therefore, the advocates of open borders have failed in their attempts to show that there is an inconsistency in a liberal state enforcing substantive immigration controls.

5. THE STORY FROM WESTERN EUROPE

That there may be some types of immigrant the numbers of which a liberal state may be obliged to control is suggested by experiences in Western Europe, which in recent years has accepted a large influx of immigrants from Islamic societies. According to polling conducted by the Pew Research Center, 99 percent of Afghans favor making Sharia the official law of their country; 94 percent completely or mostly agree that a wife must always obey her husband; 85 percent favor stoning as a punishment for adultery; 79 percent favor the death penalty for converts. The data from Pakistan, Bangladesh, Iraq, Egypt, and other major Muslim-majority states are only slightly more encouraging.³¹ A poll carried out for Channel 4 in Britain in 2016 indicated that high proportions of British Muslims have similar views: 52 percent do not believe that homosexuality should be legal in Britain, 39 percent agree that wives should always obey their husbands, 32 percent refuse to condemn those who take part in violence against those who mock the Prophet, and 23 percent support the introduction of Sharia Law in Britain.³²

In recent years, people in Western Europe who do not conform to the norms of the Islamic societies from which the immigrants hail have suffered a substantial increase in intimidation and violence perpetrated by such immigrants who, often in groups, abuse, threaten or physically violate people. Victims include females who subscribe to Western mores (including underage girls subjected to rape and molestation),³³ people who are openly homosexual or transgender,³⁴ as well as journalists, entertainers, artists, novelists and politicians who may decline to express themselves freely out of fear of being victims of violence.³⁵ Additionally, in many urban centers in France,³⁶ Germany,³⁷ England³⁸ and elsewhere, there has been over the last decade or so an alarming rise in the vandalism of Jewish-owned property; harassment and intimidation of Jewish children in the public schools, compelling many thousands to withdraw; and physical assaults on identifiable Jews, up to and including murder.³⁹ Such hate-crimes do not victimize only those who are directly harmed: entire communities may live with fear and anxiety. As a consequence, tens of thousands of Jews have relocated internally or have left their homelands for Israel, the U.S., or other nations.

One has, of course, to be careful in interpreting poll results and reports in the press and other media. Indeed, one may be inclined to dismiss such purported evidence as ‘anecdotal’. It does, however, suggest a hypothesis that can be subjected to empirical testing.

6. OUR HYPOTHESIS

Our hypothesis concerns immigrants from societies that are so illiberal that they closely resemble what Karl Popper calls ‘closed societies’.

A closed society is like a herd or a tribe whose members are held together by ties of kinship, living together and sharing efforts, dangers, joys and distress. The members of a closed society have a magical or irrational attitude towards social customs, which they do not distinguish from the regularities found in nature, regarding both type of regularity as enforced by a supernatural will. The customs are consequently rigid. They are also very restrictive: all aspects of life are regulated by taboos that leave few loopholes, so the right way of acting is almost always specified; though, in difficult situations, doing what is deemed right may demand courage or other virtues. The society’s institutions, including its castes, are sacrosanct. The rigidity of social structure and customs mean that competition for status among the society’s members is limited. Changes in the tribal ways of life are relatively infrequent and when they happen, they have the character of religious conversions rather than rational attempts to improve social conditions.⁴⁰ In a closed society, the tribe is everything and the individual nothing.⁴¹

In contrast, in an open society many people strive to rise socially, to take the places of other members, or to define a social place for themselves which is different to the one in which they find themselves. Open societies function largely by way of abstract relations, such as exchange or co-operation, and the social groups they contain typically do not provide for a common life.⁴² An open society is characterized by individual initiative and self-assertion, interest in the human individual as individual, and not only as tribal hero and savior, and the belief that there is nothing more important in human life than individual persons.⁴³

Contemporary Western societies are more or less open societies. Some contemporary non-Western societies, while they are not closed societies as described by Popper, nevertheless closely *resemble* closed societies. Notable amongst such societies are those that are permeated by Islamic fundamentalism. For example, we expect that most, if not all, readers of this paper will find appalling the sorts of views attributed to people in such societies in the Pew Research reported in Section 5; but what distinguishes a closed society is not the barbarity of its prevailing views but the fact that its members do not hold those views open to criticism and are intolerant of dissent. Attempts to criticize those views, or even just to deny them, are not rebutted by argument but are met with some form of sanction, often a severe one, such as ‘the death penalty for converts’.

Open societies evolved gradually from closed societies under the stimuli of trade and colonization, which brought people into contact with differing views and customs.⁴⁴ It therefore seems reasonable to assume that in relatively small numbers, people from societies that resemble closed societies can be absorbed into more-or-less liberal societies, learn to tolerate the existence of views that differ from their own and even, over time, listen to criticism of their own views and amend them in the light of argument. That can be expected to happen through the immigrant mixing with the indigenous population who are neighbors or other members of the local community and, more particularly, those who are customers or colleagues.

However, we conjecture that a large and rapid influx of migrants from societies that resemble closed societies can lead to the development within a more-or-less liberal society of illiberal and intolerant enclaves. That may happen when the clustering of such immigrants frustrates the process of assimilation. In such an environment, immigrants need not have many interactions with the indigenous population: they may run or work for businesses that serve largely or entirely the local immigrant community, or that sell goods or services online, so that the people in the business have little personal contact with people who are outside of their community. If large numbers of them have immigrated simply because they want to be bet-

ter off materially, they may retain a preference for living under the restrictive norms to which they are accustomed. Even those of them who would prefer to live according to the norms of the host society (which may for them have been one attraction of migration) may have difficulty shedding their inherited norms when the people in their immediate vicinity are endorsing or enforcing them. It is possible that members of those illiberal enclaves might try to impose their restrictive norms not only within their enclaves but also on the wider society or on the parts of it with which they come into contact. That could lead to intimidation and violence perpetrated against people who do not conform to the closed-society norms, such as gays, or Jews, or women who dress and behave appropriately to Western mores. As a consequence, persons would suffer substantial curtailment of their freedom to express publicly (verbally or by means of dress or behavior) their identities, in their preferred but peaceful ways, and thus also serious truncation of their freedom to discover and associate with persons with similar or complementary identities. In short, the freedom of persons to direct their own lives would be subverted.

It could also lead to premeditated acts of terrorist murder. We are familiar with the existence of disturbed or disaffected people, often young men, who want to wreak vengeance on the world and who may become serial killers or school shooters or terrorists, depending on their circumstances. It seems that one thing that often plays an important part in their development is the existence of a narrative containing the role of violent hero or avenger that appeals to them, whether it be the Joker in *The Dark Knight* or the revolutionary of Marxist-Leninist theory or the kamikaze of Islamic fundamentalism. Such disturbed people arise in probably every culture but one would expect that whether they develop into terrorists depends in part upon the features of the culture they inhabit. The culture of an illiberal enclave that has a tradition of celebrating violent kamikazes may be expected to produce more terrorists per head of population than a liberal culture, even if both cultures have the same proportion of disturbed or disaffected individuals who have the potential to develop in that way.

It may, contrarily, be the case that the development and persistence of illiberal enclaves is, at least in part, attributable to dysfunctional regulatory and welfare policies that permit or compel immigrants to become welfare dependants living in ghettos. A liberal state would not have such regulatory and welfare policies, as it would enforce laws protecting the freedom of the people under its jurisdiction.

Although there is a good deal of social scientific research on issues of immigration and integration, the following questions, raised by our hypothesis, seem not to have been addressed directly.

- Does a large and rapid influx of immigrants from societies that closely resemble closed societies inevitably lead to clustering?
- Does such clustering tend to result in illiberal and intolerant enclaves?
- Is the existence of such enclaves strongly liable to lead to intimidation of, and violence against, persons outside of the enclaves?
- Are such enclaves more than usually liable to engender terrorists?
- To what extent, if any, are the above problems remediable by abandoning dysfunctional regulatory and welfare policies?

For example, in a discussion that covers a rag-bag of issues, obscurely related, Paul Collier⁴⁵ raises concerns about immigrants, including some Muslims, who do not assimilate and thereby have a detrimental effect on the culture of the host society, primarily its national identity and traditional mores. He suggests a model according to which the unassimilated immigrants attract from their home countries further immigrants who desire to live in a more prosperous country without adapting to its mores. He does cite an empirical study, conducted by Harvard political scientist Robert Putnam, that suggests a link between higher levels of immigration and lower levels of social trust. But he cites no social-scientific studies, conducted by himself or others, that examine a relationship between large-scale immigration from intolerant communities and a reduction of freedom consequent upon an increase in intolerant violence or intimidation. He does not even raise that question, at least, not explicitly. Similarly, in their rebuttal of Collier's claims, Mi-

chael Clemens and Justin Sandefur do not raise that question or report any social-scientific findings on the matter.⁴⁶

Some research has indicated, what is hardly surprising, that second-generation immigrants inherit, via their parents, aspects of the culture of the society from which the parents migrated.⁴⁷ Consistently with that, other research has indicated that tolerance of homosexuality, and positive attitudes towards women working, are lower amongst second-generation immigrants in Europe the greater the proportion of Muslims in the countries from which their parents migrated.⁴⁸ However, the research did not investigate whether the immigrants would be inclined to use, or to favour, intimidation or violence against homosexuals or working women or people who advocate equality for homosexuals and women. For instance, tolerance of homosexuality was measured by responses to the statement, 'gay men and lesbians should be free to live their own life as they wish.' A person who responds negatively to that statement need have no inclination to perpetrate intimidation or violence against homosexuals or their advocates. What diminishes the freedom of persons in a liberal society is illiberal behaviour, not illiberal views.

A liberal state has the duty to enforce laws that safeguard the maximum equal freedom of the people under its jurisdiction. If a rapid and large influx of immigrants from societies that resemble closed societies would make it more difficult for a liberal state to enforce its laws and would prevent or inhibit the people under its jurisdiction from exercising their freedom to direct their own lives, then one of the laws that the state ought to enforce will be a law specifying controls on immigration from societies that resemble closed societies. If it does not enforce such a substantive control on immigration, then the freedom of persons under its jurisdiction will be compromised and the liberal state will fail to fulfill its duty. That sort of control of immigration is substantive in that it is not focused on known or suspected criminals: it discriminates against people on the basis of their culture. Such a control will be just where the persons in the state's territory lose less freedom from its implementation than they would lose from not implementing it.

7. OPTIONS FOR IMMIGRATION CONTROL

If our hypothesis survives testing by social-scientific research that yields answers to the list of questions in section 6, there seem to be three options for the appropriate immigration control.

The first option is to exclude all immigrants from societies that resemble closed societies. The second is to set a limit for the number of such immigrants. The third is to admit only those of such immigrants who pass tests that are designed to weed out people who are likely to intimidate or violate people with whom they disagree. We believe the second option should be effective since we assume that so long as their numbers are kept relatively small, closed-minded and intolerant immigrants can be assimilated by a liberal society and liberated from their closed-society mindset through peaceful mutual learning and acculturation. That seems to rule out the first option, since its benefits could be achieved by the second with fewer restrictions of the freedom of people under the state's jurisdiction to invite immigrants to join them. The choice, then, is between the second and third options.

The third option might allow more immigrants by excluding only those who are likely to cause a problem. But it is doubtful that social science is sufficiently advanced to enable identification of the problematic people. Part of the difficulty is that how a person behaves depends not just on his views and psychological traits but also on his social circumstances. Thus, a potential immigrant currently immersed in a closed society may be identified as problematic even though he would be assessed differently after being transplanted to a liberal society. There is a similar difficulty with the second option, in that arriving at a suitable number of potentially problematic immigrants to admit will inevitably be a matter of guesswork. However, the third option compares unfavorably with the second in that detailed screening using reputable social-scientific techniques seems likely to be expensive.

We tend therefore to favor the second option of simply limiting the numbers from societies that resemble closed societies. That raises the question of how the selection could be made from among all the potential immigrants from societies that resemble closed societies. The state might, for example, prefer those ap-

plicants with genuine offers of gainful employment or who have gained admittance to domestic institutions of higher learning. In those cases, denial of entry would frustrate not only the would-be immigrant but also the domestic employer or college. Assuming that the number of immigrants admitted on these grounds would be smaller than the overall number to be admitted, how could the further selection be made?

It might seem reasonable to admit those applicants who have academic accomplishments or relevant vocational training or demonstrable professional skills, that is, those likely to make a valuable economic contribution. However, no one has privileged knowledge about what skills or abilities will be most valuable to an economy. Every economic actor (person, firm or other organization) makes its own guesses about future consumer wants and makes its purchases, hiring and firing decisions accordingly; but only future market success or failure reveals who was right. Attempts by governments to forecast future public wants have been generally unsuccessful and often catastrophically wrong.⁴⁹

It would seem sensible for the state to prefer those who can speak the dominant language in the host society, those who are familiar with the traditions and mores that are dominant in the state's jurisdiction (though familiarity does not imply endorsement), and family members of those who have already immigrated. If further selection needed to be made amongst potential immigrants who qualify on these grounds, perhaps a lottery would be the fairest means.

There appears, then, to be no inconsistency in a liberal state instituting substantive immigration controls; but only so long as they are necessary to safeguard the freedom of the persons under the state's jurisdiction to direct their own lives. It is at least possible that a large and rapid influx of immigrants to a liberal polity from those that resemble closed societies would diminish the freedom of persons in the host society. If such a threat eventuated either under present circumstances or future ones, a liberal state would be required to institute substantive immigration controls, perhaps of the kind we have discussed. However, a liberal state may not institute such controls in order to safeguard other putative benefits of persons under the state's sovereignty, such as preserving the culture or protecting the incomes of the low-paid.

8. OBJECTIONS

We noted above that the questions we have raised about the possible negative impacts on freedom of a large and rapid influx of immigrants from societies permeated by Islamic fundamentalism have yet to be taken up by social-scientific researchers. Although philosophers sometimes acknowledge questions of that type, they tend to be dismissive of them. For example, van der Vossen and Brennan acknowledge that there is a concern in European countries that the high levels of criminality, and low levels of employment and education exhibited by Muslim immigrants from Northern Africa, is a consequence of their culturally inherited lack of support for the rule of law, democracy, and freedom. Such immigration therefore seems a threat to Europe's liberal values and institutions (they cite Collier's book, discussed earlier).⁵⁰

In an attempt to undermine such concerns about the failure of some Muslims to integrate, van der Vossen and Brennan cite two pieces of empirical evidence, each of which appears to be irrelevant.⁵¹ First, they say that immigrants often absorb the norms of their host countries and take them with them when they return home. But the problem at issue concerns immigrants who do *not* absorb the norms of their host countries. Second, they say that immigrants today integrate better than those in recent past decades. But, even though their earlier expressed concern relates to the integration of Muslim migrants into *European* societies, the evidence they cite concerns *America*, which has not experienced the same level of such immigration as has Europe, and where in any event immigration is far lower than it would be under open borders.

In addition to that unsuccessful attempt to dismiss the problem, van der Vossen and Brennan offer a counter-argument which is similarly wide of the mark.⁵² They express the 'loss of liberal values' in terms of money. Suppose, they say, that everyone in country *A* has an annual income of \$1,000, that everyone in country *B* has an annual income of \$50,000, and that immigration from country *A* to country *B* would make the annual income of everyone in country *B* \$30,000. Then such immigration would make the people of *B* \$20,000 a year worse off (or the equivalent loss of liberal values) but the immigrants from *A* \$29,000 a

year better off. They ask, rhetorically: why do the *people* in *B*, or the *state* of *B* (van der Vossen and Brennan conflate the two), have a right to exclude the people from *A*, that is, a right to prioritize *B*'s standard of living over *A*'s?

The problem, recall, is that immigration from country *A* reduces the *freedom* of the people in country *B*. By expressing the change in terms of money, van der Vossen and Brennan risk diverting attention to the different question (the one they actually pose) about the justice of a state restricting immigration in order to protect the *standard of living* of its inhabitants. But the question at issue is that of the justice of the state of country *B* restricting immigration from country *A* in order to prevent a reduction in the *freedom* of the inhabitants of country *B*. The justice of such restrictions follows immediately from the characteristic duty of a liberal state to secure the maximum equal freedom of the people under its jurisdiction. If the state of *B* permitted immigration from country *A*, it would bring about a reduction of the freedom of the people within its borders; but a liberal state is duty-bound not to do such a thing.

In short, the discussion of the concerns about Muslim immigration by van der Vossen and Brennan is unhelpful because it cites empirical evidence that is irrelevant and it ignores the duty of the liberal state to protect the freedom of its lawful residents.

Hrishikesh Joshi⁵³ contends that whether or not liberalism requires open borders depends upon whether it is possible that a large and rapid influx of illiberal immigrants would undermine a liberal society. If it is, he says, then substantive immigration controls can be defended, first, by appeal to the sorts of intrinsically valuable relationships between people, and the scientific and cultural achievements, that a liberal society allows and fosters. Second, he says, the preservation of the liberties enjoyed by people in the host society provides a 'liberty-based reason' for substantive immigration controls.

Joshi's first sorts of reason offer a defense of liberty in terms of other values; so they do not amount to a strictly liberal defense of substantive immigration controls. Joshi's appeal to them does not attempt to rebut Freiman and Hidalgo's contention that liberalism, understood as a philosophy of freedom, is inconsistent with substantive immigration controls. His second sort of reason is the one that we offer; but, unlike us, Joshi does not relate it to the characteristic duty of a liberal state. Instead, he says that the value of retaining a liberal democracy trumps the value of unrestricted immigration. That seems to be an alternative way of showing that liberalism is compatible with substantive immigration controls.

Of course, it is possible that dire circumstances could arise, such as an impending natural disaster, in which millions of people from a society that resembles a closed society will die unless they are admitted to a particular liberal state permanently, rather than for temporary asylum. In that case, that liberal state may have the duty to admit the immigrants and consequently become, by degrees, unable to fulfill its duty to secure freedom within its territory. But that does not show that a liberal state cannot, consistently, impose substantive immigration controls; it shows, rather, that there may arise circumstances under which it is a moral requirement to give up liberalism for the sake of avoiding a monumental catastrophe.

It may be objected that, quite apart from immigration, some of the citizens of liberal societies hold illiberal views, intimidate others, or assault others. Some of them even set up illiberal communities with repressive norms. When these people actually break the law, by threatening or assaulting others, they are liable to criminal penalties. Why not simply apply the same rules with the same penalties to immigrants?

Of course, that is what does happen and it is effective so long as the numbers of immigrants from societies resembling closed societies are relatively small; but it is doubtful that it is effective when those numbers are relatively large, as the story from Europe seems to attest.

It may be objected that, for most of the twentieth century, the more-or-less liberal societies of the West were permeated with large and vocal groups of people who subscribed to a political ideology, Marxism, that was opposed to liberal, open societies, and that regarded the institutions and customs of the West as decadent. Many of those people actively pursued the long-term aim of bringing the places in which they lived under a Marxist regime that suppressed freedom and the associated liberal values. Yet the more-or-less liberal societies did not succumb. Marxism, though it still has its advocates, has been defeated by argument, including most importantly the argument from experience: wherever it has been tried it has had bad, usu-

ally disastrous, outcomes. One of the *strengths* of a liberal order is that its framework of principles and values is constantly debated and tested in critical argument and stands up better to such treatment than do its rivals. So, the objection continues, liberal societies can also survive Islamic fundamentalism by remaining open. That will allow the propositions and consequences of Islamist ideology to be criticized and its bad and disastrous outcomes to be publicized and debated.

The objection fails to observe the distinction between illiberal views and illiberal behavior. For, despite the fact that the Marxists held illiberal views that they were disinclined to give up in the light of criticism, most of those present in more or less liberal societies were generally tolerant of contrary views and inclined to use argument rather than force to try to change them. There were, of course, some who resorted to terrorism, but the bulk of them were not typically so closed-minded as to use intimidation or violence against people who thought or acted differently. We acknowledge that, so long as the numbers of immigrants from Islamic fundamentalist regimes are relatively small, the presence of their illiberal views and closed-minded behaviors (so long as they fall short of intimidation and violence) can strengthen a liberal society, since they provide opportunities for criticism and learning. But a large and rapid influx of such people, especially when clustered together, might not only undermine freedom in the short term but also erect barriers to its recovery in the long term.⁵⁴

It may be objected⁵⁵ that some Islamic-fundamentalist thugs and terrorists have been home-grown, so it is at least conceivable that, at some future time, a large number of people residing under a liberal state's jurisdiction convert to some kind of closed-society ideology and pose the same threat to freedom as would a great influx of Islamic fundamentalists. If the liberal state ought to exclude the latter from entering in large numbers it ought also to expel or otherwise dispose of the internally generated, intolerant, closed-society advocates. But that would require a liberal state to have on its schedule of laws some highly illiberal measures to be imposed upon its own citizens in some emergency situations.

It may be that a rapid and large-scale conversion to some closed-society view with accompanying intolerant behavior would never happen from within a liberal state because its inhabitants have generally been brought up in a more or less liberal culture. In that case the problem raised would never have to be dealt with. But if that predicament should arise, then a liberal state can maximize the equal freedom of the persons under its jurisdiction only by enforcing laws that restrict their liberties in various ways; for example, by limiting freedom of expression or forbidding membership in certain groups on pain of incarceration or some more suitable penalty. Such an emergency measure *pertaining only to such special circumstances and only for as long as such circumstances obtain*, would certainly be less than perfect; but it may turn out to be the best that a liberal state can achieve. It would still be liberal because the restrictions of freedom would be necessary to secure the maximum equal freedom practically attainable within the territory.

9. CONCLUSION

We have shown the failure of recent attempts by advocates of open borders to demonstrate that the idea of a liberal state enforcing substantive controls on immigration is self-contradictory. What those advocates overlook is the possibility that a liberal state's duty to secure maximum equal freedom for the persons under its jurisdiction may, in some circumstances, require it to impose some substantive restrictions on immigration. We have argued that the imposition of substantive immigration controls would be a duty of a liberal state if it were faced with large-scale migration from populous and unprosperous countries that resemble closed societies, and if this circumstance posed the danger we have hypothesized. The controls would be intended to limit, but not prohibit, immigration from such societies, to prevent the freedom of the persons under the jurisdiction of the liberal state from being undermined. However, we hold that in relatively small numbers, immigrants from societies that resemble closed societies should be welcomed by a liberal state in the same way as immigrants from other parts of the world.⁵⁶

NOTES

- 1 The author names are ordered alphabetically; the authors' contributions to the article are equal.
- 2 See Christopher Freiman and Javier Hidalgo, 'Liberalism or Immigration Restrictions, But Not Both', *Journal of Ethics and Social Philosophy* 10, no. 2 (2016), pp. 1-22, at p. 1, accessed online at: <https://jesp.org/index.php/jesp/article/view/99>
- 3 Michael Huemer, 'Is There a Right to Immigrate?' *Social Theory and Practice* 36, no. 3 (2010), pp. 429-61, at p. 430.
- 4 Freiman and Hidalgo, 'Liberalism'.
- 5 Huemer, 'Right to Immigrate'.
- 6 See Immanuel Kant (1797), *The Metaphysics of Morals: the Doctrine of Right*, ed. and trans. Mary Gregor (Cambridge: Cambridge University Press, 1996), pp. 24, 30-31 [6: 230, 237-38].
- 7 Freiman and Hidalgo, 'Liberalism', pp. 2-3. They cite Stanley Benn, *A Theory of Freedom* (Cambridge: Cambridge University Press, 1988); Joel Feinberg, *Harm to Others* (Oxford: Oxford University Press, 1987); Gerald Gaus, 'The Place of Autonomy Within Liberalism'. In *Autonomy and the Challenges to Liberalism*, ed. John Christman and Joel Anderson (Cambridge: Cambridge University Press, 2005); Michael Huemer, 'Right to Immigrate'; John Locke, 'The Second Treatise of Government' (1689). In *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960); John Stuart Mill, *On Liberty* (1859). In *Utilitarianism and On Liberty*, second edition, ed. Mary Warnock (Oxford: Blackwell, 2003); John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971); and Samuel Scheffler *Equality and Tradition* (Oxford: Oxford University Press, 2010).
- 8 Danny Frederick, 'Freedom: Positive, Negative, Expressive', *Reason Papers* 38 no. 2 (2016), pp. 39-63; Mark D. Friedman, *Nozick's Libertarian Project* (New York: Bloomsbury, 2011), Chapter 1; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 48-51.
- 9 See Nozick's 'framework for utopia'. In Nozick, *Anarchy, State, and Utopia*, Part III, for a stimulating version of the ideal.
- 10 Compare Dorothy Emmett, *Rules, Roles, and Relations* (London: Macmillan, 1966), pp. 1-16 and 138-48.
- 11 See Freiman and Hidalgo, 'Liberalism', 3-4.
- 12 For discussion see Ronald Coase, 'The Problem of Social Cost' and 'Notes on the Problem of Social Cost', both in Ronald Coase, *The Firm, the Market, and the Law* (Chicago: Chicago University Press, 1988), pp. 95-156 and 157-185.
- 13 Bertrand Russell, *My Philosophical Development*. (London: George Allen and Unwin, 1959), p. 58.
- 14 For varieties of that view see Peter Brimelow, *Alien Nation* (New York: Random House, 1995), pp. 178-81; Michael Dummett, *On Immigration and Refugees* (London: Routledge, 2001), pp. 50-52; Joseph Heath, 'Immigration, Multiculturalism, and the Social Contract', *Canadian Journal of Law and Jurisprudence* 10, no. 2 (1997): 343- 61, at 347-50; John Isbister, 'A Liberal Argument for Border Controls: Reply to Carens', *International Migration Review* 34, no. 2: (2000): 629-35; Stephan Kershner, 'There Is No Moral Right to Immigrate to the United States', *Public Affairs Quarterly* 14, no. 2 (2000): 141-58, at 143; David Miller, 'Immigration: The Case for Limits'. In: *Contemporary Debates in Applied Ethics* eds. Andrew Cohen and Christopher Wellman (Malden, MA.: Blackwell, 2005), pp. 193-206, at pp. 200-201; Margaret Moore, *A Political Theory of Territory* (Oxford: Oxford University Press, 2015), p. 195; Ryan Pevnick, *Immigration and the Constraints of Justice* (Cambridge: Cambridge University Press, 2011); Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), pp. 38-41; and Wellman, 'Freedom of Association', pp. 110-14.
- 15 See Huemer, 'Right to Immigrate', 437-39, 447-50, 455-58; Freiman and Hidalgo, 'Liberalism', 1, 6-9, 11-14.
- 16 Miller, 'Immigration', p. 28.
- 17 Freiman and Hidalgo, 'Liberalism', pp. 9-11.
- 18 Huemer, 'Right to Immigrate', p. 429.
- 19 *Ibid.*, 436-39.
- 20 *Ibid.*, 430.

- 21 See Karl Popper, *The Logic of Scientific Discovery*. (London: Hutchinson, 1959), appendix x; and Karl Popper, 'The Bucket and the Searchlight'. In: Karl Popper, *Objective Knowledge* (Oxford: Clarendon, 1972), pp. 344-47.
- 22 Huemer, 'Right to Immigrate', 431-36.
- 23 For more detailed criticism of Huemer's style of philosophizing, see Danny Frederick, 'Ethical Intuitionism: A Structural Critique', *Journal of Value Inquiry* 50, no. 3 (2016): 631-47. A further problem with Huemer's example is that his description of Marvin as 'starving' suggests a parallel with refugees; but as it is generally agreed that refugees are a special case, we have excluded consideration of them from our discussion. Chandran Kukathas disputes that refugees are special in 'Are Refugees Special?' In: *Migration in Political Theory*, eds. Sarah Fine and Lea Ypi (Oxford: Oxford University Press, 2016), pp. 249-68, accessed online at: https://www.academia.edu/12167749/Are_Refugees_Special
- 24 See van der Vossen and Brennan, *In Defense of Openness*, pp. 23-28.
- 25 Freiman and Hidalgo, 'Liberalism', 2-5.
- 26 *Ibid.*, 6.
- 27 *Ibid.*, 5, footnote 12.
- 28 See Mill, *On Liberty*, p. 131, for a defense of restrictions on the time, place and manner (but not the content) of speech.
- 29 Freiman and Hidalgo, 'Liberalism', 11, 15-16.
- 30 *Ibid.*, 16-18.
- 31 *Ibid.*, 18-19.
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- 36 CNN Library, '2015 Charlie Hebdo Attacks Fast Facts', December 25, 2017, accessed online at: <https://edition.cnn.com/2015/01/21/europe/2015-paris-terror-attacks-fast-facts/index.html>; *NBC News.com*, 'Van Gogh Murder Suspect Confesses to Killing', July 12, 2005, accessed online at: http://www.nbcnews.com/id/8551653/ns/world_news/t/van-gogh-murder-suspect-confesses-killing/#.WuQjXZch02w.
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- 42 *Ibid.*, p. 190.
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- 44 *Ibid.*, p. 190.
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- 46 Paul Collier, *Exodus: How Migration Is Changing Our World* (Oxford: Oxford University Press, 2013), pp. 74, 232, 242, 244, 246-47, 253-54, 257, 267-70.
- 47 Michael Clemens and Justin Sandefur, 'Let the People Go', *Foreign Affairs*, January/February, 2014, accessed online at: <https://www.foreignaffairs.com/reviews/review-essay/2013-12-16/let-people-go>.
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- 51 Bas van der Vossen and Jason Brennan, *In Defense of Openness* (New York: Oxford University Press, 2018), pp. 38-39.
- 52 *In Defense of Openness*, p. 40.
- 53 *In Defense of Openness*, pp. 39-40.
- 54 Hrishikesh Joshi, 'Is Liberalism Committed to Its Own Demise?' *Journal of Ethics and Social Philosophy* 13, no. 3 (2018): 262-66, accessed online at: <http://jesp.org/index.php/jesp/article/view/367>
- 55 A version of the last two paragraphs, jointly authored, has appeared in Danny Frederick, 'O'Hear on Popper, Criticism and the Open Society', *Cosmos + Taxis* 6, nos. 6 + 7 (2019): 43-48.
- 56 Compare Freiman and Hidalgo, 'Liberalism', 7-9, 14, and Huemer, 'Right to Immigrate', 449.
- 57 Acknowledgement: the authors would like to thank Jonathan Anomaly for helpful critical comments on a draft of this paper. We have not been able to include responses to many of the points that he raised, in part because to do so would have made the paper too long, and in part because we disagree with each other on some of the issues. We would also like to thank two referees for this journal for helpful and constructive comments and suggestions.