

# Secession, the State, and the Immigration Problem

by Hans-Hermann Hoppe

## I

Human cooperation is the result of three factors. First, the fact of differences among men and/or the geographical distribution of nature-given factors of production. Second, the fact of higher productivity achieved under the division of labor based on the mutual recognition of private property (the exclusive control of every man over his own body and his physical appropriations and possessions) as compared to either self-sufficient isolation or aggression, plunder and domination. And third, the human ability to recognize this latter fact. But for the higher productivity of labor performed under division of labor and the human ability to recognize this fact, explains Ludwig von Mises, "men would have forever remained deadly foes of one another, irreconcilable rivals in their endeavors to secure a portion of the scarce supply of means of sustenance provided by nature. Each man would have been forced to view all other men as his enemies; his craving for the satisfaction of his own appetites would have brought him into an implacable conflict with all his neighbors. No sympathy could possibly develop under such a state of affairs." [Human Action, 144]

The higher productivity achieved under the division of labor and the human ability to recognize this fact explains the origin of the most elementary and fundamental of human institutions: the family and the family household. Second, it explains the fact of neighborhood (community) among homogeneous people (families, clans, tribes): of neighborhood in the form of adjacent properties owned by separate and equal owners and neighborhood in the unequal form of the relationship characteristic of a father and his son, a landlord and his tenant, or a community founder and his follower-residents. Third and most important for our purposes, it explains the possibility of the peaceful coexistence of heterogeneous and alien communities. Even if the members of different communities find each other physically and/or behaviorally strange, irritating, annoying or worse, and do not want to associate as neighbors, they may still engage in mutually beneficial trade if they are spatially separated from each other.

Let me clarify this picture and assume the existence of different races, ethnicities, languages, religions, and cultures (henceforth summarily: ethno-cultures). Based on the just mentioned insight that "likes" associate with other likes and live spatially separated from "unlikes," the following picture emerges: People of one ethno-culture tend to live in closer proximity to one another and spatially separated and distant from people of another ethno-culture. Whites live among Whites and separate from Asians and Blacks. Italian speakers live among other Italians and separate from English speakers. Christians live among other Christians and separate from Muslims. Catholics live among Catholics and separate from Protestants, etc. Naturally, some "overlap" and "mixing" of different ethno-cultures in various "border-territories" exists.

Moreover, as centers of interregional trade, cities naturally display a higher degree of ethno-cultural heterogeneity. This notwithstanding, however, every neighborhood and community is internally homogeneous (uni-cultural). In fact, even in border territories and cities the spatial association and separation of likes and unlikes to be found in the macrocosm finds its microcosmic equivalent. Nothing like a society where members of different ethno-cultures live as neighbors or in close physical proximity to each other (as propagated by some American multiculturalists) will emerge. Rather, the emerging multiculturalism is one in which many distinctly different ethno-cultures coexist in physical-spatial separation and distant from one another, and trade with each other from afar.

Let us take one more step and assume that all property is owned privately and the entire globe is settled. Every piece of land, every house and building, every road, river, and lake, every forest and mountain, and all of the coastline is owned by private owners or firms. No such thing as "public" property or "open frontier" exists. And let us take a look at the problem of migration under this scenario of a "natural order."

First and foremost, there is no such thing as "freedom of migration" in a natural order. People cannot move about as they please. Wherever a person moves, he moves on private property; and private ownership implies the owner's right to include as well as to exclude others from his property. Essentially, a person can move only if he is invited by a recipient property owner, and this recipient-owner can revoke his invitation and expel his invitees whenever he deems their continued presence on his property undesirable (in violation of his visitation code).

There will be plenty of movement under this scenario, because there are powerful reasons to include: to open access to one's property; but there are also

reasons to exclude: to restrict or close access. Those who are the most inclusive are the owners of roads, railway stations, harbors, and airports, for example. Interregional movement is their business. Accordingly, their admission standards can be expected to be low, typically requiring no more than the payment of a user fee. However, even they would not follow a completely non-discriminatory admission policy. For instance, they would exclude intoxicated or unruly people, beggars, and bums from their property, and they may videotape or otherwise monitor or screen their customers while on their property.

The situation for the owners of retail establishments, hotels, and restaurants is similar. They are in the business of selling and renting and thus offer easy access to their property. They have every economic incentive not to discriminate unfairly against "strangers" or "foreigners," because this would lead to reduced profits, or losses. However, they must be significantly more circumspect and restrictive in their admission policy than the owners of roads or airports. They must take into account the local-domestic repercussions that the presence of strangers may have. If local-domestic sales suffer due to a retailer's or hotel's open admission policy vis-a-vis foreigners, then discrimination is economically justified. In order to overcome this possible problem, then, commercial establishments can be expected to require of their "foreign" visitors at a minimum adherence to local standards of conduct and appearance.

The situation is similar for local employers. They prefer lower to higher wage rates; hence, they are not predisposed against foreigners. However, they must be sensitive to the repercussions on the local labor force that may result from the employment of foreigners; that is, they must be fearful of the possibility that an ethno-culturally heterogeneous work force might lead to lower productivity. Moreover, employment requires housing, and it is in the residential housing and real estate market where discrimination against and exclusion of ethno-cultural strangers will tend to be most pronounced. For it is in the area of residential as contrasted to commercial property where the human desire to be private, secluded and protected and undisturbed from external events and intrusions, is most pronounced. The value of residential property to its owner depends essentially on its almost total exclusivity. Only family members, and occasionally friends, are included. And if residential property is located in a neighborhood, this desire for undisturbed possession - peace and privacy - is best accomplished by a high degree of ethno-cultural homogeneity (as this lowers transaction costs while simultaneously increasing protection from external disturbances and intrusions). In renting or selling residential property to strangers (and especially to strangers from ethno-culturally distant quarters)

heterogeneity is introduced into the neighborhood. Transaction costs tend to increase, and the peculiar peace-and-privacy-security - the freedom from external, foreign intrusions - sought and expected of residential property tends to fall, resulting in lower residential property values.

Under the scenario of a natural order, then, it can be expected that there will be plenty of interregional trade and travel. But owing to the natural discrimination against ethno-cultural strangers in the area of residential housing and real estate there will be little actual migration, i.e., permanent resettlement. And whatever little migration there is, it will be by individuals who are more or less completely assimilated to their newly adopted community and its ethno-culture.

## II

Let me now introduce the institution of a State. The definition of a State assumed here is rather uncontroversial: A State is an agency which possesses an exclusive monopoly of ultimate decision-making and conflict arbitration within a given territory. In particular, a State can insist that all conflicts involving itself be adjudicated by itself or its agents. And implied in the power to exclude all others from acting as ultimate judge, as the second defining element of a State, is its power to tax: to unilaterally determine the price justice seekers must pay to the State for its services as the monopolistic provider of law and order.

Certainly, based on this definition it is easy to understand why there might be a desire to establish a State. Not, as we are told in kindergarten, in order to attain the "common good" or because there would be no order without a State, but for a reason far more selfish and base. For he who is a monopolist of final arbitration within a given territory can make and create laws in his own favor rather than recognize and apply existing law; and he who can legislate can also tax and thus enrich himself at the expense of impoverishing others.

I cannot cover here the fascinating question of how such an extraordinary institution as a State with the power to legislate and tax can possibly arise, except to note that ideologies and intellectuals have a lot to do with it. Rather, I will assume states as "given" (as in fact they are) and consider the changes as regards migration that result from their existence. First, with the establishment of a state and territorially defined state borders, "immigration" takes on an entirely new meaning. In a natural order, immigration is a person's migration from

one neighborhood-community into a different one (micro-migration). In contrast, under statist conditions immigration is immigration by "foreigners" from across state borders, and the decision whom to exclude or include, and under what conditions, rests not with a multitude of independent private property owners or neighborhoods of owners, but with a single central (and centralizing) state-government as the ultimate sovereign of all domestic residents and regarding all of their properties (macro-migration). Now, if a domestic resident-owner invites a person and arranges for his access onto his property but the government excludes this person from the state territory, this is a case of forced exclusion (a phenomenon that does not exist in a natural order). On the other hand, if the government admits a person while there is no domestic resident-owner who has invited this person onto his property, this is a case of forced integration (also non-existent in a natural order, where all movement is invited).

### III

In order to comprehend the significance of this change from decentralized admission by a multitude of property owners and owner-associations (micro-migration) to centralized admission by a state (macro-migration), and in particular in order to grasp the potentialities of forced integration under statist conditions, it is necessary first to briefly consider a state's policy of domestic migration. Based on the state's definition as a territorial monopolist of legislation and taxation and the assumption of "self-interest," the basic features of its policy can be predicted.

Most fundamentally, it can be predicted that the state's agents will be interested in increasing (maximizing) tax revenues and/or expanding the range of legislative interference with established private property rights, but they will have little or no interest in actually doing what a state is supposed to do: protecting private property owners and their property from domestic and foreign invasion.

More specifically, because taxes and legislative interference with private property rights are not paid and accepted voluntarily but are met with resistance, a state, to assure its own power to tax and legislate, must have an existential interest in providing its agents access to everyone and all property within the state's territory. In order to accomplish this, a state must take control of (expropriate) all existing private roads and then use its tax revenue to construct more and additional "public" roads, places, parks and lands, ultimately until

everyone's private property borders onto or is encircled by public lands and roads.

Many economists have argued that the existence of public roads indicates an imperfection of the natural - free market - order. According to them, the free market "under-produces" the so-called "public" good of roads; and tax-funded public roads rectify this deficiency and enhance overall economic efficiency (by facilitating interregional movement and trade and lowering transaction costs). Obviously, this is a somewhat starry-eyed view of things. Free markets do produce roads, although they may well produce less and different roads than under statist conditions. And as viewed from the perspective of a natural order, the increased production of roads under statist conditions represents not an improvement but an "over-production" or better yet "mal-production" of roads. Public roads are not simply innocent and harmless facilitators of interregional exchange. First and foremost they are facilitators of state taxation and control. On public roads the government's taxmen, police, and military can proceed directly to everyone's doorstep.

In addition, public roads and lands lead to a distortion and artificial break-up of the spatial association and separation characteristic of a natural order. As explained, there are reasons to be close and inclusive, but there are also reasons to be physically distant and separated from others. The over-production of roads occurring under statist conditions means on the one hand that different communities are brought into greater proximity to one another than they would have preferred (on grounds of demonstrated preference). On the other hand, it means that one coherent community is broken up and divided by public roads.

Moreover, under the particular assumption of a democratic state even more specific predictions can be made. Almost by definition, a state's territory extends over several ethno-culturally heterogeneous communities, and dependent on recurring popular elections, a state-government will predictably engage in redistributive policies. In an ethno-culturally mixed territory this means playing one race, tribe, linguistic or religious group against another; one class within anyone of these groups against another (the rich vs. the poor, the capitalists vs. the workers, etc.); and finally, mothers against fathers and children against parents. The resulting income and wealth redistribution is complex and varied. There are simple transfer payments from one group to another, for instance. However, redistribution also has a spatial aspect. In the realm of spatial relations it finds expression in an ever more pervasive network of non-discriminatory "affirmative action" policies imposed on private property owners.

An owner's right to exclude others from his property is the means by which he can avoid "bads" from happening: events that will lower the value of his property to him. By means of an unceasing flood of redistributive legislation, the democratic state has worked relentlessly not only to strip its citizens of all arms (weapons) but also to strip domestic property owners of their right of exclusion, thereby robbing them of much of their personal and physical protection. Commercial property owners such as stores, hotels, and restaurants are no longer free to exclude or restrict access as they see fit. Employers can no longer hire or fire who they wish. In the housing market, landlords are no longer free to exclude unwanted tenants. Furthermore, restrictive covenants are compelled to accept members and actions in violation of their very own rules and regulations. In short, forced integration is ubiquitous, making all aspects of life increasingly unpleasant.

#### IV

Before this backdrop of domestic state policies we can return to the problem of immigration under statist conditions. It is now clear what state admission implies. It does not merely imply centralized admission. By admitting someone onto its territory, the state also permits this person to proceed on public roads and lands to every domestic resident's doorsteps, to make use of all public facilities and services (such as hospitals and schools), and to access, protected by a multitude of non-discrimination laws, every commercial establishment, employment, and residential housing.

Only one more element is missing in my reconstruction. Why would immigration ever be a problem for a state? Who would want to migrate from a natural order into a statist area? A statist area would tend to lose its residents, especially its most productive subjects. It would be an attraction only for potential state-welfare recipients (whose admission would only further strengthen the emigration tendency). If anything, there is an emigration problem for a state. In fact, the institution of a state is a cause of emigration; and indeed, it is the most important or even the sole cause of mass migrations (more powerful and devastating in its effects than any hurricane, earthquake or flood).

What has been missing in our reconstruction is the assumption of a multitude of states partitioning the entire globe (the absence of natural orders anywhere). Then, as one state causes mass emigration, another state will be confronted with the problem of mass immigration; and the general direction of mass migration movements will be from territories where states exploit (legislatively

expropriate and tax) their subjects more (and wealth accordingly tends to be lower) to territories where states exploit less (and wealth is higher).

We have finally arrived in the present, when the Western world - Western Europe, North America, and Australia - is faced with the specter of state-caused mass immigration from all over the rest of the world. What is being - and what can be - done about this situation? Out of sheer self-interest states will not put up no defense at all against uninvited intruders (that is: declare an "open border" policy). Otherwise, the influx of immigrants would quickly assume such proportions that the domestic state-welfare system would collapse (apart from other problems such as popular resistance and unrest). On the other hand, the Western welfare states do not prevent tens or even hundreds of thousands (and in the case of the United States well in excess of a million) of uninvited foreigners per year from entering and settling their territories. Moreover, as far as legal (rather than tolerated illegal) immigration is concerned, the Western welfare states have adopted a non-discriminatory "affirmative action" admission policy. That is, they set a maximum immigration target and then allot quotas to various emigration countries or regions, irrespective of how ethno-culturally similar or dissimilar such places and regions of origin are, thus further aggravating the problem of forced integration. In light of the unpopularity of this policy, one might wonder about the motive for engaging in it. However, given the nature of the state it is not difficult to discover such a rationale. States, as will be recalled, are also promoters of forced domestic integration. Forced integration is a means of breaking up all intermediate social institutions and hierarchies (in between the state and the individual) such as family, clan, tribe, community, and church and their internal layers and ranks of authority. In so doing the individual is isolated (atomized) and its power of resistance vis-a-vis the state weakened. In the "logic" of the state, a good dose of foreign invasion, especially if it comes from strange and far-away places, is reckoned to further strengthen this tendency. And the present situation offers a particularly opportune time to do so, for in accordance with the inherently centralizing tendency of states and statism generally and promoted here and now in particular by the U.S. as the world's only remaining superpower, the Western world - or more precisely the neoconservative-socialdemocratic elites controlling the state governments in the U.S. and Western Europe - is committed to the establishment of supra-national states (such as the European Union) and ultimately one world state. National, regional or communal attachments are the main stumbling block on the way toward this goal. A good measure of uninvited foreigners and government imposed multiculturalism is calculated to further weaken and ultimately destroy national, regional, and communal



identities and thus promote the goal of a One World Order, led by the U.S., and a new "universal man."

## V

What if anything can be done to spoil these statist designs and regain security and protection from invasion, whether foreign or domestic? Let me begin with a proposal made by the editors of the Wall Street Journal, the Cato Institute, and various left-libertarian writers of an "open" or "no" border policy - not because this proposal has any merit. To the contrary, it helps to bring out clearly what the problem is and what needs to be done to solve it.

It is not difficult to predict the consequences of an open border policy in the present world. If Switzerland, Austria, Germany or Italy, for instance, freely admitted everyone who made it to their borders and demanded entry, these countries would quickly be overrun by millions of third-world immigrants from Albania, Bangladesh, India, Nigeria, for example. As the more perceptive open-border advocates realize, the domestic state-welfare programs and provisions would collapse as a consequence. This would not be a reason for concern; for surely, in order to regain effective protection of person and property, the welfare state must be abolished. But then comes the great leap - or the gaping hole - in the open border argument. Somehow, out of the ruins of the democratic welfare states, we are supposed to believe, a new natural order will emerge.

The first error involved in this line of reasoning can be readily identified. Once the welfare states have collapsed under their own weight, the masses of immigrants who have brought this about are still there. They have not been miraculously transformed into Swiss, Austrians, Bavarians or Lombards, but remain what they are: Zulus, Hindus, Ibos, Albanians, or Bangladeshis. Assimilation can work when the number of immigrants is small. It is entirely impossible, however, if immigration occurs on a mass scale. In that case, immigrants will simply transport their own ethno-culture onto the new territory. Accordingly, when the welfare state has imploded there will be a multitude of "little" (or not so little) Calcuttas, Daccas, Lagos' , and Tiranans strewn all over Switzerland, Austria and Italy. It betrays a breathtaking sociological naivete to believe that out of this admixture a natural order will emerge. Based on all historical experience with such forms of multiculturalism, and given the existence of a state that intrudes into every aspect of social and economic life, it can safely be predicted instead that the result will be civil

war. There will be wide-spread plundering and squatting leading to massive capital consumption, and civilization as we know it would disappear from Switzerland, Austria and Italy. Furthermore, the host population will quickly be outbred and ultimately physically displaced by their "guests." There will be still Alps in Austria and Switzerland, but no Austrians or Swiss.

However, the error of the open border proposal goes further than its dire consequences. The fundamental error of the proposal is moral or ethical in nature and lies in its assumption. It is the underlying assumption that foreigners are "entitled," or have a "right," to immigrate. In fact, they have no such right whatsoever.

Foreigners would have a right to enter Switzerland, Austria or Italy only if these places were uninhabited (unowned) territories. However, they are owned, and no one has a right to enter territories owned by others (unless invited by the owner). Nor is it permissible to argue, as some open border proponents have done, that while foreigners may not enter private property without the owner's permission they may do so with public property. In their eyes, public property is akin to unowned property and thus "open" to everyone, domestic citizen and foreigners alike. But this analogy between public property and unowned resources is mistaken. There exists a categorical difference between unowned resources (open frontier) and public property. Public property is the result of state-government confiscations - of legislative expropriations and/or taxation - of originally privately owned property. While the state does not recognize anyone as its private owner, all of government controlled public property has in fact been brought about by the tax-paying members of the domestic public. Austrians, Swiss, and Italians, in accordance with the amount of taxes paid by each citizen, have funded the Austrian, Swiss, and Italian public property. Hence, they must be considered its legitimate owners. Foreigners have not been subject to domestic taxation and expropriation; hence, they cannot be assumed to have any rights regarding Austrian, Swiss or Italian public property. The recognition of the moral status of public property as expropriated private property is not only sufficient grounds for rejecting the open border proposal. It is equally important for combatting the present semi-open "affirmative action" immigration policies of the Western welfare states.

Until now, in the debate on immigration policy too much emphasis has been placed on consequentialist (utilitarian) arguments. Apologists of the status quo have argued that most immigrants become productive and work and hence immigration contributes to rising domestic standards of living. Against this critics have argued that the existing state-welfare institutions and provisions

increasingly invite welfare-immigration, and they have warned that the only advantage of the current policies over the open border alternative is that the former will take decades until leading ultimately to similarly dire effects as the latter will produce within years. As important as the resolution of these issues is, however, it is not decisive. The opposition against current immigration policies is ultimately independent of whether immigration will make per capita GDP (or similar statistical measures) rise or fall. It is a matter of justice: of right and wrong.

Understandably the democratic welfare states try to conceal the source of public property (i.e., acts of expropriation). However, they do acknowledge that public property is "somehow" the property of the citizens and they are their citizens' trustees in regard to public property. Indeed, the state's legitimacy is derived from its claim to protect its citizens and their property from invaders, intruders, and trespassers domestic and foreign. Regarding foreigners, this would require that the state act like the gatekeepers in private gated communities: to check every newcomer for an invitation and monitor his movement on route toward his final destination. When it is pointed out and made clear that, contrary to this, the government instead tolerates or even promotes the intrusion and invasion of masses of aliens who by no stretch of the imagination can be deemed welcome or invited by domestic residents, this is or may become a threat to a government's legitimacy and exert enough pressure for it to adopt a more restrictive and discriminatory admission policy. But this can only be the beginning, for even if public opinion induced the state to adopt an immigration stance more in accordance with popular sentiments and justice, this would not change the fact that the interests of private property owners and those of the state as a territorial monopolist of legislation and taxation are incompatible and in permanent conflict with each other. A state is a contradiction in terms: a property protector who may expropriate the property of the protected through legislation and taxation. Predictably, a state will be interested in maximizing tax revenues and power (the range of legislative interference with private property rights) but disinterested in protecting anything except itself. What we experience in the area of immigration is only one aspect of a general problem. States are also supposed to protect their citizen from domestic intrusions and invasions; yet as we have seen they actually disarm them, encircle them, tax them, and strip them of their right to exclusion, thus rendering them helpless. Accordingly, the solution to the immigration problem is at the same time the solution to the general problem inherent in the institution of a state and public property. It involves the return to a natural order by means of secession. To regain security from domestic and foreign intrusion and invasion, the central

nation states will have to be decomposed into their constituent parts. The Austrian and the Italian central state do not own Austrian and Italian public property. Supposedly, they are its citizens' trustees. But they do not protect them and their property. Hence, just as the Austrians and the Italians (and not foreigners) are the owners of Austria and Italy, so by extension of the same principle do the Carinthians and the Lombards (in accordance with individual tax payments) own Carinthia and Lombardy, and the Bergamese Bergamo (and not the Viennese and the Roman government). By means of secession, the central state's public roads and lands are repossessed by their genuine owners: provinces, cities, towns, villages, neighborhoods, and ultimately private property owners and ownership associations. The central state, stripped of its public property, has no longer access and its laws no longer apply anywhere. At the same time, the right to exclusion inherent in private property and essential for personal security and protection is returned into the hands of a multitude of independent private decisionmaking units.

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