RESEARCH NOTE

Immigration and freedom of movement

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Abstract
In this paper I focus on one very influential argument for open borders, the freedom of movement argument, which says that if we value freedom of movement we must demand open borders. I begin the paper the paper by discussing Joseph Carens' well known version of the argument. I then consider, and reject, David Miller's response to that argument. Finally, I develop my own reply to Carens. Both Carens and Miller, I argue, are mistaken about the proper grounds for freedom of movement. Once we see this, it is clear how we can value freedom of movement without being committed to open borders.

Keywords: political theory; philosophy; ethics

The conventional view about immigration is that it is permissible for states to limit entry into their territory. States are generally allowed to forcibly exclude people who want to immigrate, except in special cases, such as where the people trying to enter are refugees. Some philosophers have argued that this view is radically mistaken: states are in fact required to have ‘open borders’ allowing unlimited immigration except, perhaps, where restrictions are needed to protect security or prevent emergencies.

In this paper I am going to discuss one very influential argument for open borders: the freedom of movement argument. I will focus in particular on a version of the argument according to which anyone who thinks that there should be freedom of movement within nation states should also endorse freedom of movement between them (and thus open borders). As we will see, this version of the argument is especially powerful because it seems to be capable of justifying open borders even in the face of a strong interest states have in limiting migration: their interest in political self-determination.

I begin the paper by considering Joseph Carens’ well known discussion of this argument. I then consider, and reject, David Miller’s response to it. Finally, I develop my own reply to Carens.

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CARENS’ FREEDOM OF MOVEMENT ARGUMENT

Carens argues that we should have open borders on the grounds that people have a right to move freely between different nation states. If they have this right, then a nation state that forcibly excludes someone trying to immigrate does a serious wrong to that person. Thus, a right to freedom of movement would be a very strong presumption in favor of open borders. In this section I will explain one of Carens’ influential arguments that there is a right to freedom of movement across borders. I will then show how this argument can be used to justify open borders even though we value political self-determination.

People in liberal democracies share a belief that individuals have a right to certain fundamental liberties such as freedom of speech, freedom of religion, and so on. They also typically believe that there is a right to travel *within* a nation state, for instance the right to move from Northern England to London or from Massachusetts to Kentucky. I will call this ‘freedom of intranational movement’.

The ground of all of these liberty rights, Carens claims, is that they promote each individual’s autonomy, understood as the opportunity to pursue their plans. For instance, the right to religious liberty, in his view, secures the opportunity to build churches, observe various rituals, and so on as needed to pursue her religious projects. Similarly, Carens suggests, the justification for the right to freedom of movement within a state is that it enables someone to travel as needed to carry out their plans. For instance, perhaps I want to work in design but creative industries only exist in London, not York; or maybe I want to play in a bluegrass group, but can only find one in Kentucky, not Massachusetts.

These reasons for ensuring that people can travel within a state, and for protecting the other fundamental liberties, also support a right to freedom of movement *between* nation states, what I will call ‘freedom of international movement’. Freedom of international movement would enable people greater opportunity to carry out their projects. For instance, ‘one might want a job; one might fall in love with someone from another country; one might belong to a religion that has few adherents in one’s native state and many in another; one may wish to pursue cultural opportunities that are only available in another land’. Just as being able to move within a nation state, and having religious liberty, would increase my opportunities so too would being able to move to other nation states. Thus, we should agree that there is not only a right to freedom of intranational movement but also a right to freedom of international movement.

This argument for open borders is powerful in part because it suggests a reply to one strong reason for limiting migration: namely to protect the political self-determination of states. According to a number of prominent accounts, states have good reason to limit the number of people who can enter their territory, because in order to be self-determining they need to be able to control their membership. Changes in membership can affect the local economy, culture, population density, and so on, and also who is able to participate in, and thus determine the outcomes...
of, elections. Hence, a political community cannot be fully in control of the territory it is supposed to be sovereign over unless it is able to maintain control of its membership.

Carens points out that distinct political communities also exist at the sub-national level. For instance, within the United States, there are the individual states of Texas, Kentucky, Massachusetts and so on. Each of these places has local political and legal institutions and we place some value on these communities being self-governing. Migration between the states can interfere with this capacity. For instance, Kentucky and Massachusetts have very different cultures, which they wish to maintain, and migration between North and South may make this difficult. Or economic migrants from one state to another may place burdens on local welfare institutions that the community would prefer to avoid. Yet we still insist, Carens points out, on the importance of intranational travel and consider it an essential right. We place enough value on autonomy, Carens concludes, that we are willing to insist on a right to travel between sub-national units even where that upsets their ability to be self-governing. Similarly then, Carens argues, we should value autonomy enough to insist on a right to travel internationally even where that travel might interfere with the ability of nation states to be self-governing.

**MILLER’S REPLY**

I will now explain David Miller’s well known response to Carens’ argument for a right to freedom of movement across borders. Miller argues that Carens has misunderstood the grounds and content of the right to freedom of movement. Once we recognize the proper grounds and content of that right we will see that right to freedom of intranational movement within a state can be endorsed without committing us to a right to freedom of international movement.

Here is Miller’s alternative account. Miller concedes that people often have an interest in moving to other countries. But not all interests are sufficient to generate rights, which would in turn generate obligations on the part of other people to satisfy them. For instance, perhaps you have an interest in getting a ticket to the cricket match at Lords tomorrow but that does not mean you have a right to one or that I ought to get you one. People only have rights, Miller proposes, to what they need to lead a decent life. Thus, there is no right to the cricket ticket, which is clearly not needed to lead a decent life, whereas there is a right to, say, practice one’s religion, which is needed to lead a decent life.

Miller agrees with Carens that people have interest in autonomy: in being able to lead a life of their own choosing. But it does not follow, he suggests, that they have a right to be maximally autonomous. They only have a right to enough autonomy to lead a decent life. Securing maximal autonomy for someone would require giving them as many options as possible to choose from. To have enough autonomy to lead a decent life they just need a reasonable range of options to choose from. People should not be stuck with just one possible profession, one possible cultural pursuit,
and so on. But as long as they as they have several possibilities, they can exercise a meaningful choice about how to live, and thus lead a decent life.

Thus, nation states should ensure that people can move to different parts of their own territory, so that they have access to an adequate range of options for work, cultural pursuits, and so on. Once they have done so, individuals will have sufficient freedom of movement to lead decent lives. So, if states were to open their borders, allowing international movement, individuals would have even more options, but they do not have a right to these additional options. Thus, individuals do have a right to move freely to different parts of their own country but they do not have a right to freedom of movement beyond the border of the nation state. Contrary to Carens, we can endorse a right to freedom of intranational movement without endorsing a right to freedom of international movement.

RESPONSE TO MILLER

I will now explain a serious difficulty for Miller's alternative account. Suppose that someone lives in Ireland and is able to move freely around that country. Miller says that this person has sufficient options to lead a decent life and that seems plausible: Ireland seems large enough and sufficiently diverse that this person has access to a reasonable range of options for work, cultural activity, and so on; enough to lead a decent life. Thus, on his account, this person's right to freedom of movement is satisfied by their opportunity to move around Ireland. Now consider someone in Texas. Texas is about eight times the size of Ireland and substantially diverse (Austin is very different from Dallas, which is very different from El Paso, and so on). So if someone able to move freely around Ireland has enough options for a decent life then so too does someone who is able to move freely around Texas. Thus, Miller should agree that someone who is able to move freely around Texas has their right to freedom of movement satisfied.

This raises a problem for Miller's account. Suppose the other states pass laws which prevent someone moving from Texas to other parts of the country. As we saw earlier, these states may have strong reasons of self-governance to put these restrictions in place, such as maintaining control over their local culture, economy, and so on. Yet we would find the restrictions highly unacceptable, would consider the laws to be rights violations, and Miller would too. Can he account for why the restrictions would be seriously wrong? Miller claims that such laws would be in conflict with the right to freedom of movement. But, as we have seen, on his account someone who can move freely just within Texas already has their right to freedom of movement satisfied, so he cannot say that their right to freedom of movement is being violated if they cannot move to another part of the country.

Any account which, like Miller's, grounds the right to free movement in the importance of having a sufficient range of options to lead a decent life will face a problem of this kind. It is plausible that in many cases someone could have enough options to lead a decent life just by being able to move within the subsection of the
country she lives in. Thus, on these accounts, her right to freedom of movement has been satisfied. So these accounts cannot fully explain why it would be a rights violation to restrict someone’s ability to travel to different parts of the country that they live in.

**AN ALTERNATIVE APPROACH**

Thus, Carens’ basic challenge remains. Why do we think it would be wrong for there to be a blanket restriction on which parts of the country an individual can go to, such as restrictions on the number of Texans that can migrate to Georgia? Is there a way of explaining why these restrictions would be wrong that does not also generate a right to freedom of international movement?

In what follows I will defend a different reply to Carens. My reply has two parts. Firstly, I will grant the assumption, which Carens and Miller share, that the sole consideration grounding freedom of movement is the interest people have in autonomy. Even granting this assumption, I argue, we can justify requiring freedom of movement between parts of a nation state without having to accept freedom of movement between nation states. Secondly, I will argue that considerations of autonomy are likely only one of a number of important considerations that justify freedom of movement within a nation state. These other considerations, I argue, can only be used to support freedom of movement within nations and not between them. As an example, I will focus on the United States. My argument suggests that whether we focus on autonomy or on other values Carens’ challenge can be answered: we can justify requiring only freedom of movement within nations and not between them.

So let us suppose that the reason we require freedom of intranational movement, even in federal nation states, is to enhance the autonomy of their members. Shouldn’t we also, then, demand freedom of movement between nations?

It will help to consider again, for a moment, freedoms other than freedom of movement, such as freedom of religion, speech, and so on. We are usually quite willing to allow a federal government to intervene in the affairs of sub-units in order to promote these freedoms as it sees fit. For instance, most of us think it would be permissible for a federal government to intervene if a subunit was not granting sufficient rights of free exercise to a religious minority. Yet, we are much less willing to let national governments intervene in the affairs of other national governments just to promote individual liberty. The degree of religious repression that would be required to justify intervening in another national government’s affairs is much greater than the degree that would be required to justify intervening in the affairs of a sub-unit. Yet in both cases we would be placing limits on self-governance: either that of the sub-unit, or that of the other nation state.

It thus seems that in general we are more willing to allow limiting the self-governance of sub-units for the sake of promoting autonomy than we are to allow limiting the self-governance of nation states for the sake of autonomy. So it is not
surprising that we are more willing to limit the self-governance of sub-units for the sake of greater freedom of movement than we are to limit the self-governance of nation states for the sake of greater freedom of movement. The different way we treat them seems much less ad-hoc when we see that it is part of a much broader pattern of distinguishing between sub-units and nation states when we are thinking about ways of enhancing autonomy. But can we justify even this more general attitude? Can we explain why it is permissible to limit the self-governance of sub-units for the sake of autonomy to a much greater degree than the self-governance of nation states?

The obvious difference to point to between sub-units and nation states is that the former are under the jurisdiction of a larger political entity, the federal government, whereas the latter are not. Why does this matter? A plausible and intuitive answer is that the federal government has a responsibility to promote the freedom of its citizens whereas there is no broader political entity with the same responsibility to intervene in the affairs of nation states. We think that federal governments may limit the self-governance of sub-units in order to carry out their responsibilities. It is thus permissible for a federal government to require sub-units to open their borders because doing so is a means of promoting the autonomy of individual members and the federal government has a responsibility to protect that autonomy. By contrast, there is no entity that can justify requiring nation states to open their borders as part of its mandate for protecting individual liberty.

Why is it that federal governments have these responsibilities? A long tradition in political philosophy has it that political institutions which exercise authority over individuals must accept responsibilities to those same individuals. Thus, the federal government of the United States has responsibilities to the individual citizens of the US because of the authority it exercises over their lives. The federal government imposes penalties on individual citizens, raises taxes from them, and so on and thus is required to promote their interests, including their interests in autonomy. This explains why we are willing to allow the federal government to intervene in states where it judges that this is needed to promote individual freedom. For instance, we think it was appropriate for the federal government (in this case the federal judiciary) to demand that Texas abandon its anti-sodomy laws and thus promote the freedom of gay Texans. Similarly, the federal government may insist that individual states accept migrants from other states, and not try to deter their entry, because this is a means of enhancing the autonomy of those migrants. By contrast, there is no broader entity with a responsibility to promote the autonomy of Canadians and Americans and thus no broader entity which can demand that Canada and the US allow migration between their territories.

BEYOND AUTONOMY

I have argued that even if the basis for requiring freedom of movement within nation states is to promote individual autonomy we do not have to demand freedom of
international movement. In this section I will argue that in fact autonomy considerations are just one reason why we require freedom of intranational movement. The values of democracy and equality before the law, what I will call ‘political equality’, are also important in explaining our commitment to freedom of intranational movement.9

Carens assumes that all basic freedoms in liberal democracies are grounded solely in the importance of autonomy. If that were true then it would be surprising if freedom of movement were not also explained in just this way. But in fact other central freedoms plausibly have a large part of their justification in considerations other than autonomy. Consider, for instance, freedom of speech, which Carens assumes serves only the interest that individuals have in expressing themselves and thus enhancing their autonomy. This is one reason for protecting speech, but other reasons play a substantial role. For instance, an explanation is needed for why we place special emphasis on protecting freedom of political speech, which discusses policy issues, candidates for political office, and so on. A standard explanation is that such speech plays an essential role in maintaining a functioning democracy by ensuring that the electorate is exposed to all available ideas and positions. Thus, we protect an individual’s opportunity to contribute not just for her own sake but also for the sake of society as a whole. Here, as elsewhere, freedoms are protected for reasons that go beyond the importance of individual autonomy and I will argue that the same is true of freedom of movement.

It seems me that freedom of intranational movement cannot be solely grounded in the importance of autonomy. Several considerations suggest this.

Firstly, while having more options enhances people’s autonomy, the gains in autonomy of an additional option likely have diminishing marginal returns. For instance, suppose that someone already has available to them a wide variety of jobs that they could take. Having one more job option will likely have a relatively small impact on her autonomy. Similarly, while being able to travel to more places enhances someone’s autonomy it only does so relatively weakly if they already have many places that they could travel to. For instance, if you can already travel to the rest of the United States the additional value of being able to travel to, say, Kansas, is quite limited. And yet we think it essential that citizens be able to travel to any part of the US that they wish. If autonomy were the sole value at stake here it would be surprising that we put so much value on someone being able to travel to every last sub-unit of a nation state, even in a large country such as the US.

Secondly, as Miller points out, although we affirm a commitment to freedom of intranational movement we in fact allow a great many restrictions on where people can go with a nation. We think governments have substantial latitude to take steps that seriously limit people’s ability to travel. Public ways are substantially regulated and may often have tolls. Airports may be closed in order to prevent pollution or aggravation of local communities.10 And most strikingly, as Miller says, we think it permissible for the government to convert large parts of the country into private property, making it a crime of trespass for people to enter those areas at all.
These policies all put substantial limits on people's ability to travel and thus their autonomy. And it is implausible to think that in these cases individual interests in autonomy are simply being overridden by some very compelling governmental interest. The acceptable justifications for these policies include not just, say, averting disasters but also comparatively modest justifications, such as preventing eyesores or spurring economic growth.

Thus, we do not think that the government has to allow people every possible opportunity for travel just because these opportunities might enhance their autonomy. What we seem to be especially concerned about is that there be freedom of movement between different subunits, such as the states of a federation, rather than the ability to travel just anywhere. In the United States, for instance, freedom of movement between the federal states has a much more secure constitutional status than freedom of movement within individual states. Something other than the value of autonomy is needed to explain why our concern with freedom of intrastate movement takes this form.

DEMONCRACY AND POLITICAL EQUALITY AS GROUNDS FOR FREEDOM OF MOVEMENT

I have argued that values other than individual autonomy are needed to explain both the strength and the nature of our commitment to freedom of intrastate movement. In this section I'm going to argue that the needed values are associated with democracy and political equality.

Members of a unitary or federal state share an overarching government. They need to be able to make collective decisions together at election time and to engage in other forms of political participation outside of the election season. In a democracy we assume that for this decision making and participation to be successful and legitimate it needs to be possible for citizens to debate together the issues at hand. Individual citizens need to be able to participate in this debate and to hear what others have to say. This can only happen if there is freedom of movement between different parts of the country.

To see this, first consider an extreme case. Democracy requires, minimally, that citizens have the opportunity and ability to participate in elections. Suppose that candidates for the presidency, their aides and so on were unable to travel to different parts of the country, being required by law to stay within their home communities. In that case there would be a serious problem for the candidates of informing voters about their program and trying to convince voters of their suitability for office. Of course, in the modern world some of this can be done by using the mail service, the internet and so on. But it still seems that there would be a substantial democratic loss if candidates were not able to interact with the public through stump speeches, and so on, because voters would lose an important opportunity to gain information about the candidates. There would also be a loss in the opportunity for citizens to participate in politics by relating their concerns and ideas to the politicians.
Most prominent theories of democracy assume that a well functioning political system allows citizens not only the chance to interact with politicians but also the opportunity to share ideas and arguments with one another. This is one reason liberal democracies typically have strong protections for political speech. For there to be a free flow of ideas between people in different parts of the country we need to have not just freedom of movement for politicians and their aides but for citizens more generally. Again to some extent this exchange of ideas can happen without people actually traveling to different parts of the country to interact, but again it seems that a good deal would be lost if there were no opportunity for people to meet face-to-face. For instance, people from different states of the US would be unable to attend the annual ACLU conference together to discuss shared ideas.

Another reason why freedom of movement between sub-units serves democracy is that it encourages solidarity and mutual understanding between people who live in different parts of the country. The citizens of a federal government will need to vote in a way that takes into account the common good of the entire federation. This means that they will need to be able to identify what that common good consists in and be motivated to care about it. In order to identify the common good they will need to have sufficient understanding of the interests of people who live in other states. For instance, people in Massachusetts will need to be able to appreciate the special problems faced by people in border states and people in Kansas will need to be able to appreciate the problems of hurricanes and flooding that face gulf states. Freedom of movement between states encourages the sharing of experiences and this in turn helps people to understand the interests and predicaments of those in other states. The sharing of experiences is also a means of creating bonds of sympathy between members of different states and these bonds will help to create the needed motivations for people to be concerned with the common good of the entire nation.

Now, it is helpful here to distinguish between two types of right to freedom of movement: ‘pass-through rights’ and ‘resettlement rights’ (as I will call them). The former establish only the right to visit an area for a limited time period, whereas the latter establish the right to move to a place and start a new life there, working and living in the new area. The information and solidarity arguments I just mentioned seem to establish at least pass-through rights of free movement, but it is less clear that they establish resettlement rights. It seems plausible that people will share enough information and experiences to sustain a democratic community if they just visit other states rather than immigrate to them. Ultimately, it seems to be an empirical question, on which more work is needed, whether democratic accountability, and sufficient bonds of solidarity, can be ensured by granting just pass-through rights or whether resettlement rights are also needed.

Some other considerations seem to support more robust resettlement rights. These reasons for having freedom of movement within a country arise from the requirement of political equality: that the central government must favor all members equally. Firstly, this requirement of equal treatment demands that the government not show favoritism toward people living in particular parts of the country. For instance, the federal government of the USA must not favor Northern states in assigning grants for
education. Having freedom of movement across the country puts a check of some degree on this sort of corruption. If the government is consistently biased toward people in one part of the country, then people from other parts can at least move there to take advantage of the benefits the government is assigning. Without freedom of movement, the government can consistently benefit people in particular areas whilst excluding others entirely from those benefits.

Secondly, the requirement that the central government favor all members equally also plausibly supports a requirement of equality of opportunity. Jobs, political offices and so on have to be equally open to all members of the political community. There are disagreements about the exact meaning of equality of opportunity, but minimally it requires that there be no legal obstacles to an individual obtaining a position, and it is also typically thought to require that similarly motivated and talented individuals have similar chances of obtaining positions. This requirement is clearly flouted if an individual is unable to take a job because she is prohibited from traveling to the part of the country where that job is offered. Without freedom of movement, the people who happened to live in their vicinity can hoard opportunities.

Thus, the values of democracy and political equality both support freedom of intranational movement. These values do not seem to demand similarly extensive freedom of international movement (though I will qualify this point below). In the absence of a world government there is no shared political institution whose decision making everyone on Earth must participate in together. Similarly, in the absence of a world government there is no institution that is required to favor equally every individual on Earth.

The argument I have made assumes that those who have a right to participate in federal political decision making and to receive equal concern from the federal government are existing citizens and residents. This is surely the common-sense view about democracy and political equality. And several philosophical justifications can be given to support it. The most familiar justification, which I mentioned earlier, is that people only gain a right to participate in political institutions, and to equal concern from those institutions, if they are subject to the authority of those institutions.13 Now, many philosophers have of course resisted these common-sense claims about democracy and political equality and readers will note that defenders of open borders on grounds of freedom of movement are typically among those philosophers. Defenders of open borders offer, in additional to the freedom of movement, a democratic argument and egalitarian argument for open borders.14 According to the democratic argument for open borders the right to participate in political decision making extends to people who live in other countries and according to the egalitarian argument governments ought to show equal concern even for non-residents. Thus, people who endorse the democratic and egalitarian arguments for open borders will resist some of the premises of my reply to the freedom of movement argument.

It would take us well beyond the scope of this paper to address the democratic and egalitarian arguments for open borders. But even though the premises I have relied on will be resisted by many of my opponents significant progress has still been made.
Philosophers who argue that we should have open borders take the freedom of movement argument to be an independent argument for open borders, distinct from the democratic and egalitarian arguments for open borders. They think that it is possible to defend the freedom of movement argument without relying on the radical views of democracy and equality asserted in the democratic and egalitarian arguments. In their view, even if we set aside considerations of democracy and political equality, open borders can be defended, because the autonomy considerations that support freedom of intranational movement also support freedom of international movement. We have seen that this approach cannot be sustained. The freedom of movement argument for open borders can only be defended by also defending the radical theses about democracy and equality that support the democratic and egalitarian arguments for open borders. This is a significant result because it shows that the freedom of movement argument cannot provide the independent support for open borders that it is commonly thought to.

Finally, while I have argued that the freedom of movement argument does not support open borders at present, my approach does suggest that we are moving closer to a situation where the considerations that support freedom of international movement also support greater freedom of international movement. We do not yet have a world government but we do have political institutions which make international decisions, such as the WTO, IMF, and so on. As these institutions grow there will, arguably, be a greater need for global involvement in their decision making in order to make them accountable. This, in turn, may require greater sharing of information and experiences across borders and thus more freedom of movement. But we should not jump too quickly from the existence of international institutions to the conclusion that fully open borders are required. As in the domestic case, it may be that we can ensure sufficient interaction through more limited free movement, such as by granting some limited pass-through rights. Full resettlement rights between different areas, I argued, are only required where there is a strong central government which owes equal concern to individuals in the various areas, and we do not have that at the global level right now. Of course, there is more to be said about this but my main point here, again, is that the freedom of movement argument does not provide the independent support for open borders that it is usually thought to: we end up returning to familiar debates about the connection between free movement, democracy, and equality.

CONCLUSION

According to Carens, freedom of intranational movement is supported by considerations of individual autonomy. Thus, he argues, anyone committed to freedom of intranational movement is committed to open borders, which would also promote autonomy. I have argued, firstly, that even if freedom of intranational movement is justified by the importance of autonomy this does not show that freedom of international movement is required. And, secondly, I have suggested that the main
grounds for freedom of intranational movement do not in fact concern individual autonomy but, rather, democracy and political equality. These other considerations, I suggested, do not seem to support open borders under present conditions, though they might tell in favor of more limited freedom of international movement. To defend more extensive freedom of international movement one would have to rely on radical views about democracy and political equality that the freedom of movement argument is not usually thought to rest on.

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NOTES

1. A note on terminology: for ease of presentation I am going to assume that states are all coextensive with particular nations so that we are always considering ‘nation states’ and not states that contain more than one nation. This is just because it will help me to distinguish federal ‘states’ from the individual ‘states’ which compose them. Thus, I will talk about the ‘nation state’ of the US and the ‘state’ of Kentucky. Nothing turns on this assumption.

2. We have these liberties, Carens says, because we think that ‘people should be free to pursue their own projects and to make their own choices about how to live their lives’. Joseph Carens ‘Migration and Morality: A Liberal Egalitarian Perspective’, in Free Movement: Ethical Issues in the Transnational Migration of People and of Money, Eds. Brian Barry and Robert E. Goodin (University Park, PA: The Pennsylvania State Press, 1992), 25–47 at 26.

3. Ibid., 28.

4. See, for instance, Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1984) and Christopher Wellman, ‘Immigration and Freedom of Association’, Ethics 119 (2008): 109.

5. David Miller, ‘Immigration: The Case for Limits’, in Contemporary Debates in Applied Ethics, Eds. Andrew Cohen and Christopher Heath Wellman. (Oxford: Blackwell, 2005), 191–206.

6. Of course, some people are not so willing to allow these kinds of interventions, especially in looser federations. But those people likely either think that the self-governance of sub-units is important enough to limit movement between sub-units, and thus are not susceptible to Carens’ challenge at all, or do not care much about autonomy in general and so their commitment to freedom of movement must be based on the considerations outlined and discussed in the next section.

7. There are in the modern world some entities which do have power over nation states, such as the European Union, but in those cases we think there is a much stronger argument for free movement between the nation states, as is the case with the Union.

8. Thus standard social contract theory grounds the requirement that the state promote the common good in the fact that individuals are expected to submit to its authority. Recent defenses of this idea can be found in Ronald Dworkin, Sovereign Virtue: The Theory and Practice of Equality (Cambridge: Harvard University Press, 2000) and Thomas Nagel, ‘The Problem of Global Justice’, Philosophy & Public Affairs 33 (2005): 113.

9. I thank the editors for reminding me that many people think that the values of democracy and political autonomy are, at the fundamental level, in some way connected to autonomy. For instance, some think that only in a democratic community can people rule themselves
and thus be autonomous. So it might seem that autonomy, democracy, and political equality are not really different values. But we can still distinguish for our purposes between concerns about enhancing people’s freedom, understood as increasing their range of options, and other concerns, such as having a fair political process and people being treated fairly by the state. This can be so even if all of these concerns are in some way ultimately grounded in the value of individual autonomy or independence. My interlocutors, including Carens, also make these distinctions.

10. I borrow this example from the oral argument of Shapiro v. Thompson—394 U.S. 618 (1969) (though it was put to different use there).

11. The Supreme Court has recognized this justification in several cases. See, for instance, Shapiro for discussion of how interstate travel helps create a ‘stronger Union’.

12. See, for instance, Elizabeth Anderson, The Imperative of Integration (Princeton, NJ: Princeton University Press, 2010) for evidence that face-to-face interactions are important for securing the mutual understanding and sympathy that are needed to sustain a democratic community.

13. See note 8 and accompanying text infra.

14. See Joseph Carens ‘Aliens and Citizens: The Case for Open Borders’, Review of Politics 49 (1987): 251 and Wellman ‘Freedom of Association’ for discussion.

15. See, for instance, Shelley Wilcox, ‘The Open Borders Debate on Immigration’, Philosophy Compass 4, no. 1 (2009): 3–4, describing the freedom of movement argument as a distinctive argument from freedom or autonomy to be distinguished from considerations of political inclusion and equality. Carens himself presents the freedom of movement argument as a freestanding argument separate from his egalitarian argument and so on.

16. See, for instance, Joseph Stiglitz, Making Globalization Work (New York: WW Norton, 2006) for a well-known argument that international institutions, especially the IMF and World Bank, ought to be made more accountable.