

# The American Century? Migration and the Voluntary Social Contract

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*This piece argues that free migration was a central if implicit part of the liberal social contract and that America's founders were both aware of this and exploited it to legitimate their new state. The piece begins by describing this uniquely American contribution to liberal political thought. It then juxtaposes this contribution against the nature of our own international order, to show just how foreign the American Century has become. The piece closes with a short depiction of what an American Century would look like today—were it true to this early ideal—and comments on its feasibility.*

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## INTRODUCTION

It is not uncommon to refer to the past century as “the American Century.”<sup>1</sup> It cannot be denied that American cultural, political, and economic influence stretches wide and pushes deep across the globe. Indeed, for many of us, the terms *globalization* and *Americanization* have become synonymous. But in at least one significant way, the twentieth century was a very un-American century.

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After all, it might be said that America's most enduring and unique contribution to modern politics is an explicit recognition of the need to build political communities on the consent of free individuals (in theory at least, if not always in practice). This legacy was inherited from an earlier (1688) revolution in England, as broadcast by—among others—John Locke. The catchword of this new liberal order was *freedom*, and its echo was heard across Europe and the rest of the world in the decades and centuries that followed. The American Revolution and its consequent Constitution signaled concomitantly the summit of radical individualism and the nadir of state authority.

By contrast, the contemporary international order rests on a legal and moral foundation that limits the scope of individual freedoms and submits them to the needs of the state. We live in a time when one of the most important and practical of human liberties is restricted—the freedom to escape from a repressive community and to move to another of one's choosing. In light of its own history and contribution, it is odd that the American Century should be associated with such an illiberal international order.

This is a radical and normative argument that will require some elaboration. It begins by briefly sketching out the role of individual consent in the liberal social contract—a contract that clearly inspired the American political experiment at the end of the eighteenth century. It then shows how America's founding thinkers were aware of the important role that free movement played in securing a new political community in the United States, but also contributed to liberalizing other regimes. The third section returns to our own time to reflect on the nature of the current international system and shows how it limits individual freedoms and the individual's right of expatriation.<sup>2</sup> This international order reflects traditional European conceptions of obligation and is antithetical to the uniquely American contribution to political thought and practice. In juxtaposing these early ideals and contemporary practices, the reader is left with two daunting questions, which the fourth section aims to address: What would a truly American century look like, and is such an institutional arrangement feasible as we enter deeper into the twenty-first century?

#### LIBERAL CONTRACT THEORY

Liberal social contract theory from the late seventeenth century was conceived as a means to justify political authority (and the political obligations it entails) with reference to the willful consent of free individuals.<sup>3</sup> It began with man in an imagined state of nature (devoid of political authority) and considered the types of contract that could entice him out of that state and into a political community with its inherent obligations.

In effect, the social contract provides liberal thought with both a mechanism and a justification for linking the one to the many, from the *unum* to the *pluribus*.

In the doing, a new type of political community was created—one based on the voluntary actions of its inhabitants. It was this shared purpose and vision among consenting individuals—rather than tradition, authority, or obligation—that was seen to glue the community together.

This liberal contract emerged out of a tradition of radical individualism. By assuming that the individual was analytically prior to the community, and by recognizing that life in a community required certain constraints on individual freedoms (e.g., “I promise not to kill you if you promise not to kill me”), liberal contract theory aimed to lay out the conditions under which an individual would willingly join a political community that would (necessarily) circumscribe his autonomy and freedom.

The accepted solution to this tricky trade-off was to recognize the shortcomings and dangers lurking in an imagined state of nature. To escape the injustices that characterized that state of nature, individuals might be willing to volunteer a small part of their individual autonomy and freedom in exchange for the comforts and protection of political community. This *original* contract captures the unique terms by which individuals willfully enter into a given community (the terms of which vary from community to community). Of course, most contract theorists were aware that such an original contract did not exist in history; it was used instead as a thought experiment for examining the ideational foundations of political community.

Consequently, the individual member of an existing political community is faced with an acute dilemma. After all, most of us were not lucky enough to participate in an original contract, and few of us feel bound by previous (political) commitments made by our parents and forefathers. Yet we share with the original generation a need to protect our individual liberties and a desire to enjoy the fruits and protections provided by the larger community. To escape this dilemma, it was necessary to develop a theory that also applied to subsequent (nonoriginal) contracts.

In the liberal tradition, this is done with consent. Following Locke (who drew from Hobbes), it is common to distinguish between two types of consent: explicit and tacit. Among these, explicit consent is the strongest, and with it liberal states are clearly free to extract permanent obligations from their explicit trustors. Locke was clear on this point:<sup>4</sup>

Whereas he, that has once, by actual Agreement, and any *express* Declaration, given his *Consent* to be of any Commonweal, is perpetually and indispensably obliged to be and remain unalterably a Subject to it, and can never again be in the liberty of the state of Nature; unless by any Calamity, the Government, he was under, comes to be dissolved.

When individuals provide their express consent to a social contract there can be little doubt about their willingness to abdicate a certain (and explicit) share of their individual freedom in exchange for the protection and promise offered

by government. The problem with express consent is—of course—its remarkable paucity; express consent does happen, but it happens rarely.<sup>5</sup> This means that most of the heavy lifting in liberal contract theory has to be done by tacit consent, and this has proven to be problematic.

On the surface, tacit consent looks like a panacea. Generally, the idea is that individuals living in a community consent to that community (tacitly) if they are not actively conspiring against it. By respecting (and thereby benefiting from) the laws of political authority, individuals are said to accept them tacitly. The problem with tacit consent is its ubiquitous nature—and this shortcoming can be traced all the way back to Locke:<sup>6</sup>

Every Man, that hath any Possessions, or Enjoyment, of any part of the Dominions of any Government, doth thereby give his *tacit Consent*, and is as far forth obliged to Obedience to the Laws of that Government, during such Enjoyment, as any one under it; whether his Possession be of Land, to him and his Heirs for ever, or a Lodging only for a Week; or whether it be barely travelling freely on the Highway; and in Effect, it reaches as far as the very being of any one within the Territories of that Government.

As Hanna Pitkin, among others, has made abundantly clear: this notion of tacit support is so vague as to make it “almost unrecognizable.”<sup>7</sup> It would mean, in effect, that one’s attempt to satisfy basic and necessary human needs (e.g., buying food, traveling to work, etc.) in the world’s most totalitarian state provides tacit support for that state. For liberals, this is clearly insufficient as a basis for consenting to political authority and its inherent obligations. As a consequence, Locke’s liberal critics have questioned the utility of a tacit consent that is so poorly defined and delineated.

Indeed, it is over this issue that one can see a cleavage developing between American and European thinkers at the end of the eighteenth century. In the established communities of Europe, liberal thinkers abandoned tacit consent and developed allegiance- and/or interest-based arguments for justifying political authority in its stead. It is possible to distinguish three forms of this European response: (1) David Hume questioned the historical basis of the original contract and argued that it was necessary to shift our justification for political authority toward a notion of obligation based on *habit* and *interest*; (2) William Blackstone elaborated on the need to focus on interest and *allegiance*; and (3) Jeremy Bentham argued for legitimating government authority on the basis of *utility*.<sup>8</sup> Each of these liberal critiques was anchored in practical and empirical experience, and each was responsible for helping to move European liberalism away from tacit consent and into the arms of alternative, more practical, means of justifying political authority.

With hindsight, it is clear that the European vision of political community came to dominate, and we shall soon see how this perception of political community implicitly informs our own (contemporary) international order. In more

modern garb, the argument can be found in thinkers such as H. L. A. Hart, who suggests that the basis for obligation is fairness: citizens owe an obligation to obey the state because of the sacrifices made by fellow citizens.<sup>9</sup> Likewise, Hanna Pitkin returns us to the ambiguity in Locke to suggest an alternative “doctrine of hypothetical consent.”<sup>10</sup> In this doctrine, our obligation to political society relies on the nature of the government itself. “If it is a good, just government doing what a government should, then you must obey it; if it is a tyrannical, unjust government trying to do what no government should, then you have no such obligation.”<sup>11</sup>

In short, the modern liberal legacy is derived from this European tradition and shares a willingness to downgrade the autonomy of the individual, relative to the community. This new priority is most explicit in Pitkin’s formulation:<sup>12</sup>

I suggest that traditional contract theory is defective, for it directs such a man’s attention to the wrong place. It teaches him to look at himself (for his own consent) or at the people around him (for theirs), rather than at the merits of the government.

The individual’s position is undercut by the fact that he or she is no longer equipped with the means to provide active consent for the political authority to which he or she must yield. Instead of consenting to political authority, individuals are now expected to respond defensively to the shortcomings of existing government. We are thrown into a government, without our consent, and are told that we—as individuals—are free to resist or protest the individual “merits of the government.”

I have now wandered too far ahead of my own story; I’m revealing the way in which consent was to be jettisoned in exchange for more allegiance- and interest-based approaches. This path should be familiar, as it is the one that leads us to our contemporary understanding of political authority. However, this was only one trajectory of late eighteenth-century thought. An alternative course was being charted in America, where a new social contract was being acted out in practice and where the role of tacit consent was explicitly linked to the possibility of exit from the political community.

#### THE EARLY AMERICAN CONTEXT

At the very moment when contract theory was being challenged for being too vague and historically inaccurate—and was being replaced by approaches that relied on tradition and allegiance—Americans were asserting their right to transform subjects of European monarchs into republican citizens, and thereby free themselves of any allegiances and obligations to their erstwhile rulers. At the core of this assertion was the recognition of a *right of expatriation* as a means for signaling consent. For eighteenth-century Americans, the existence of such a right challenged the existing law of nations as well as the common law

doctrine of “perpetual allegiance” (as exemplified, e.g., by Blackstone). The American focus on the right of expatriation was entirely consistent with the radical individualism inherent to traditional liberal thought and became “a key element in the emerging American doctrine of citizenship by consent.”<sup>13</sup>

For Americans, the right of expatriation provided tacit consent with the sort of bite that European thinkers felt it lacked. By choosing to leave a given political community, one is clearly (if tacitly) retracting one’s consent for its underlying contract. But the act of emigration brings with it a corresponding act of immigration, which includes three related benefits (with respect to the social contract). First, immigration provides an opportunity for explicit consent in the form of a naturalization process. This, as we have already seen, provides the strongest foundation for liberal government. Second, the act of migration signals an unequivocal (if tacit) consent for the political community to which the immigrant joins. At the risk of sounding ridiculous: people do not freely join political communities they do not wish to join. Finally, the real (and continual) threat of exit<sup>14</sup> from a given political community has the effect of amplifying an individual’s tacit consent for that community.<sup>15</sup>

This third benefit—that a sort of implicit consent lies embedded in the freedom of exit—has deep roots in Western political theory. After all, in the closing passages of Plato’s *Crito*, we find Socrates and the laws of Athens arguing eloquently for the role that freedom of exit plays in securing consent. In particular, the laws explain how an ordinary citizen can signal an agreement to obey in the absence of his explicit consent. He does this by *not* leaving (voluntarily) the political community into which he is born.

[The laws] further proclaim and give the right to every Athenian, that if he does not like us when he has come of age, and seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him; and none of us laws will forbid him or interfere with him. Any of those who do not like us or the city, and who want to go to a colony or to any other city, they may go where they like, and take their goods with them. But anyone who has experienced how we order justice and administer The State, and still remains here, has entered into an implied contract that he will do as we command.<sup>16</sup>

Early Americans took advantage of their unique historical, political, and territorial position to exploit the benefits of this new type of tacit consent (in the form of free migration). Indeed, in the formative years that bracketed the Revolution, Americans justified their own nascent political community by reference to the injustices of existing communities in Europe (a claim that was supported by the fact that people were fleeing them—thus withdrawing their consent). For the right of expatriation to function in practice, however, it required the willingness of at least one state in the international community to welcome newcomers. America was willing to play that role in the late 1700s.

While this underlying right of expatriation lies implicit in Locke,<sup>17</sup> some of early America's most influential voices—such as those of Benjamin Franklin, Samuel Adams, Tom Paine, and especially Thomas Jefferson—made it explicit and used the right of expatriation as a means to justify a new type of political community on the distant shores of the Atlantic.

This argument was developed in three steps. The first of these was the recognition of a right to exit (emigrate). This step was necessary to break any obligatory bonds that might exist to the old country and to establish the legitimacy of a new state in the Americas. This was an argument spun from Locke and one that several American thinkers tied explicitly to the first law of nature. Thus, Samuel Adams held that:<sup>18</sup>

All men have a right to remain in a state of nature as long as they please; and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.

But Thomas Jefferson is perhaps most commonly associated with this right of expatriation. In an 1817 letter to John Manners,<sup>19</sup> Jefferson summarized his position:

My opinion on the right of Expatriation has been, so long ago as the year 1776, consigned to record in the act of the Virginia code, drawn by myself, recognizing the right expressly, and prescribing the mode of exercising it. The evidence of this natural right, like that of our right to life, liberty, the use of our faculties, the pursuit of happiness, is not left to the feeble and sophistical investigations of reason, but is impressed on the sense of every man. We do not claim these under the charters of kings or legislators, but under the King of kings. If he has made it a law in the nature of man to pursue his own happiness, he has left him free in the choice of place as well as mode; and we may safely call on the whole body of English jurists to produce the map on which Nature has traced, for each individual, the geographical line which she forbids him to cross in pursuit of happiness. It certainly does not exist in his mind. Where, then, is it? I believe, too, I might safely affirm, that there is not another nation, civilized or savage, which has ever denied this natural right. I doubt if there is another which refuses its exercise. I know it is allowed in some of the most respectable countries of continental Europe, nor have I ever heard of one in which it was not. How it is among our savage neighbors, who have no law but that of Nature, we all know.

The second step in this novel American argument is to link this right of expatriation with a negative concept of tacit consent. By moving away from a given country, one clearly withdraws consent to the authority of that community. For Jefferson, history taught that the American colonists were free of British authority by virtue of their emigration. (After all, were not the Saxons free of German rule when they migrated to England in ancient times?) Indeed, the right of expatriation challenged head-on the sort of allegiance-based arguments that Blackstone and others had been forwarding in England.

That these are our grievances which we have thus laid before his majesty with that freedom of language and sentiment which becomes a free people, claiming their rights as derived from the laws of nature, and not as the gift of their chief magistrate.<sup>20</sup>

In effect, Jefferson and his fellow colonialists came to argue that they and their ancestors had employed a natural right of expatriation. This right meant that they did not require permission from the King of England to leave; nor did they feel obliged to the English doctrine of perpetual allegiance. Jefferson's proposal for instructions to the Virginia delegates to the Continental Congress made this clear. The delegates were:

to remind him [the king] that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe and possessed a right which nature has given to all men of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies under such laws and regulation as, to them, shall seem most likely to promote public happiness.<sup>21</sup>

The colonists, by leaving England, had exercised their natural right of expatriation. In doing so, they revoked their consent to an unjust authority. They had, in effect, employed an escape clause that Locke had included in the social contract.

The third and final step in this uniquely American argument was a recognition that the right of expatriation meant little without recourse to a new political community that was willing to embrace new (volunteer) citizens. In choosing to enter such a community, the individual was providing a positive measure of tacit consent (which, as we saw earlier, often leads to explicit consent). It was this role—as the host of consenting individuals—that America was destined to fulfill, however briefly.

America's willingness to play this role is evident from the new country's start. This role was made explicit in the preamble to the *Massachusetts Constitution*, which was adopted in 1780 (and remains the oldest continually functioning written constitution in the world):

The body politic is formed by a voluntary association of individuals. It is a social compact, by which the whole people covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good.<sup>22</sup>

A decade later, it was secured in legislation by a new American Congress with the Naturalization Acts of 1790 and 1795. For the first time in human history, a community explicitly declared that any alien can be considered a citizen of the United States.

At this point it is necessary to make the usual caveats as they apply to early American political history. Although the Naturalization Acts welcomed aliens to be citizens, this promise was restricted by an ugly qualifier: "being a free white

person.” After all, the offer was not extended to indentured servants, slaves, or Native Americans. In short, I do not mean to suggest that this distinctly American approach to politics was the only American approach, or that it was applied universally to everyone in America (as promised). But this grievous error was an error in application, not in theory; the underlying approach to consent is not undermined by the fact that it was not consistently applied in early American practice. Indeed, the plight of slaves in eighteenth- and nineteenth-century America only underscores the injustice of political authority that is allowed to constrain the movement of its subjects.

Authors and thinkers on both sides of the Atlantic were aware of the threat and potential that this new American way of conceiving citizenship would have on the international community. With a real possibility of exit (secured now by a state that was willing to embrace immigrants), the power of existing states to exploit and mistreat their citizens was severely circumscribed. States in Europe would have to improve conditions or risk losing subjects to the new state:

The asylum which [the American people] opens to the oppressed of all nations must console the earth. The ease with which it will now be possible to take advantage of this situation, and thus to escape from the consequences of a bad government, will oblige the European Governments to be just and enlightened.<sup>23</sup>

The American Revolution (and its resulting Constitution) provided a new way of cementing political community, one based on voluntary membership, individual responsibility, and consent. America’s unique contribution to politics was its adoption and adaptation of the liberal contract as the basis for legitimating and building a political community. Americans embraced a liberal social contract that was formulated under an earlier (glorious) revolution; then they molded it to fit their own unique circumstances. In the doing, Americans created a new political order, one based—in principle—on the free consent of individuals.

This new American citizen was different from his European cousins. Unlike traditional (European) notions of sovereignty and community, the American community could not draw on a common tradition, history, language, or religion. The glue that cemented its disparate citizens together was the will of like-minded individuals. Most Americans *chose* to move to a new political community, and in doing so they committed themselves to a new political order.

#### “THE AMERICAN CENTURY”

The American commitment to a new type of citizenship—one based on individual consent—did not last for very long. For those born of the wrong race or position, it was not a real option to begin with. Still, these shortcomings in application—as important as they are—should not be used to detract from the grandeur or uniqueness of the early American vision.

This section juxtaposes the early American political ideal against the international order of the twentieth century. It begins by describing America's dwindling commitment to the notion and relevance of individual consent. It then sketches an outline of the international order that we associate with the American Century. After World War II, under strong American leadership, there were few if any international outlets available for individuals wishing to rescind their consent from tyrannical or abusive power. As a result, the preceding century was one that clearly prioritized the interests of the state over those of the individual.

Article I, Section 9 of the U.S. Constitution temporarily prohibited any restrictions on immigration.<sup>24</sup> When that prohibition eventually expired in 1808, the world was filled with Jacobian ghosts and the threat of international conflicts. As was common for most states in modern history, the United States ratcheted up its immigration controls in the face of perceived external threats. The most notable results of this heightened concern were the infamous Aliens and Sedition Acts of 1798.<sup>25</sup> Then, like other states, the United States lifted these restrictions after the immediate threat had passed. This situation—where immigration regulations were tightened and loosened over time—largely characterized America's immigration policy up to World War I.<sup>26</sup>

Of course, the United States was not the only country of refuge prior to World War I. The mass migrations of the nineteenth and early twentieth centuries were global in scope, with Asian migration flows being just as large and significant as the better known and more studied Atlantic flows.<sup>27</sup> While some of this movement was indentured, and much of it occurred under an imperial framework, the genuine possibility of emigration provided sometimes desperate individuals with real opportunities. While the liberal promise of this era was not limited to the American experience, the United States provided its clearest and most explicit expression.

Indeed, the international context before World War I was much closer to the American political ideal than anything that was subsequently designed by America as hegemon. Prior to 1914, free migration was the norm, as evidenced in the communiqués of various meetings of the Institute of International Law—for example in Hamburg (1891), Geneva (1892), and Lausanne (1898)—and as declared by the 1889 International Emigration Conference:

We affirm the right of the individual to the fundamental liberty accorded to him by every civilized nation to come and go and dispose of his person and his destinies as he pleases.<sup>28</sup>

But a new and different international order began to take shape in the decades that separated the two world wars. This new international order broke with earlier norms and expectations by restricting human mobility. With international borders (including America's) becoming increasingly closed to migrants, individuals lost their ability to exploit tacit consent. In the absence of an international

safe haven, individuals were forced to endure regimes over which they had little influence (and to which they had not consented).

It should not be controversial to suggest that the postwar order represented the zenith of state power and its Westphalian system.<sup>29</sup> After all, it is this state-based system that has come under enormous pressure by the border-bending influences of globalization. But most scholarly attention on the Westphalian system has focused on the nature of interstate relationships—the external side of the sovereign equation. But an international system that prioritizes states' interest also influences the nature of internal sovereignty, or the relationship between the sovereign and his or her subjects. It is this face of Westphalia that attracts our attention now.

After World War I, the balance struck between individual and state interests leaned heavily in favor of the state.

The basic legal and political justifications of modern migration control did not develop out of intercourse between formally equal nations and peoples. Rather, they developed in the context of isolating particular peoples from participating in the modern world. Universal liberal ideals were no longer derived from the mere existence as a human, but from the existence of state institutions that could enforce them.<sup>30</sup>

Although this new balance of power would become solidified in Cold War attitudes, it was already evident in the 1948 Universal Declaration of Human Rights, which just celebrated its sixtieth anniversary. While the objective of this important declaration was to secure basic and universal human (read individual) rights, its effect fell substantially short of this in that these rights were secured by states from which dissatisfied individuals had no real means to flee.

While nineteenth-century commentators might have expected a Universal Declaration of Human Rights to include reference to the right of expatriation, only two of the declaration's articles (thirteen and fourteen) concern migration, and none of them guarantees the right to enter into another political community. The declaration acknowledged the need for people to defend themselves against tyranny and oppression beyond the last resort of rebellion and explicitly recognized the dignity and equality of all members of the human family. To protect individual interests, Article Thirteen prohibited states from expelling their own citizens, recognizing that "everyone has the right to leave any country, including his own, and to return to his country."

While this right of exit is important, it is ineffectual in the absence of a corresponding right to enter another country. As there were (and are) no safe havens for international migrants in search of a better life, individuals who employed this "right to leave" found themselves trapped in a sort of political no man's land, with no other country willing to take them in. The state's continued right to control territorial entry meant that their (state) interests would continue to trump those of the world's most desperate individuals.

While this prioritization of state interests lies implicit in the 1948 Declaration, it was made explicit in a subsequent 1985 Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live (which was approved by the United Nations General Assembly):

Nothing in this declaration shall be interpreted as legitimizing any alien's illegal entry into and presence in a State, nor shall any provision be interpreted as restricting the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between nationals and aliens. However, such laws and regulations shall not be incompatible with the international legal obligations of that State, including those in the field of human rights.<sup>31</sup>

There is only one type of human mobility over which governments are willing to surrender some autonomy: the humanitarian stream of international refugees. While the process of drawing up an international system that could protect refugees began early in the twentieth century, under the League of Nations, its modern form was set in the 1951 United Nations Convention to the Status of Refugees.<sup>32</sup> This convention clearly defines refugees and the obligations shared by them and the signatory states. In particular, a refugee is understood to be:

A person who is outside his or her country of nationality or habitual residence; has a well-founded fear of persecution because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail himself or herself of the protection of that country, or to return there, for fear of persecution.<sup>33</sup>

In short, limited numbers of politically motivated refugees were given an opportunity to emigrate—if they could first overcome the significant barriers imposed by repressive states to thwart their exit.<sup>34</sup> International migration that was motivated by a desire to improve one's own situation (but that was not accompanied by a well-founded fear of persecution) was strongly discouraged.

During the Cold War, states were willing to accept a limited number of refugees to reinforce ideological and/or strategic objectives. But when these (state) interests eroded, so too did the state's interest in supporting refugees. With the end of the Cold War, more and more states looked to refugees as a burden, instituting increasingly restrictive policies and denying legitimate access. In the post-9/11 context, the security concerns of the state have become even more prominent, and the number of refugees allowed to enter the developed world has shrunken accordingly.<sup>35</sup>

The state is the keystone of the American Century. Individual rights and freedoms are secured by way of states and vary accordingly. An individual's obligations and allegiances are allocated with reference to long-standing (national) histories and deep cultural ties. As a result, the nature of contemporary political obligation is more akin to William Blackstone's "perpetual allegiances" than it

is to the American ideal of individual consent. In light of America's early political ideals, the American Century is anything but.

What is perhaps most remarkable is that the modern effort to impose limitations on human mobility was spearheaded by states that otherwise championed equality, liberty, and the rights of individuals.

In practice, the vigilance of membership controls often grew in direct proportion to the egalitarianism of the community, coming in tension with ideals of free mobility and the universality of individual rights. These tensions were mitigated and obscured through categories such as race or "illegal" aliens that could justify unequal treatment. . . . Modern border controls are not a remnant of an "illiberal" political tradition, but a product of self-conscious pioneers of political freedoms and self-rule.<sup>36</sup>

By prioritizing the interests of states over individuals, the Westphalian order divided up the world into a number of fixed political territories. When these borders remained mostly impervious, the variation in sovereign power across territories could be significant, and the nature of that sovereignty often reflected a rough balance of internal power.<sup>37</sup> In some states, workers and farmers were able to secure significant influence and implement sovereign structures and policies that largely reflected their interests. In others, the interests of capital and landowners were more prominent.

There is much to be said for this arrangement, especially by those of us who are lucky enough to live in its richest enclaves. The focus on nation-based states has allowed political elites to construct (or, with a nod to Benedict Anderson, to imagine) a new sense of community and social solidarity from populations that were increasingly large and anonymous. In many national contexts, workers have clearly gained from exclusionary boundaries, as these have been used to secure good wages, political control over investments, protection of important (e.g., agricultural) sectors, and the tax base that supports a modern welfare state. It is for these reasons that many on the Left long for a return to a period with fixed borders and greater sovereign control.

But these favorable arrangements were made by limiting the opportunities available to others, and this difference in opportunity is becoming more evident in a world that shrinks beneath us. While a hard-borders arrangement benefited citizens of the world's richer and more democratic states, it forced many others to live under unjust regimes over which they had little, if any, influence. The result is a world whose economic and political bounty is distributed unequally and where the most important determinant of an individual's life chances is an arbitrary citizenship determined mostly by birth.

Without access to exit, a shockingly large number of individuals are forced to endure a life devoid of significant opportunities. Some of these people will find the strength to oppose the unjust regimes into which they were born and forced to endure. If they are lucky (and their luck is matched by the luck and

efforts of compatriots), they may manage to establish a more representative and just political authority. Indeed, the surrounding international community can encourage this sort of activity and support it with promises of aid and assistance. But in the name of national sovereignty, the international community is largely sequestered to the political sidelines, its influence reduced to cheerleading. We are forced to hope that individuals in a given country, under an unjust authority, can manage to overcome all odds and change the regime from within.<sup>38</sup>

This unjust arrangement, where the world's bounty is largely and unequally divided on the basis of territorial citizenship, is the most evident legacy of the Westphalian system with its impermeable borders. But the American example from the late eighteenth century reminds us that there is another important cost to this arrangement, and it affects lucky and unlucky, wealthy and poor, in equal measure. Lacking a real threat of exit, each individual has lost the ability to withdraw his or her consent for sovereign authority gone astray.

In short, the international system that characterizes our century (and the last) constrains individuals from employing the very liberties that early Americans made central to their unique political project. This system prioritizes the interests of states over the interests of individuals and effectively prohibits the use of migration as a tool for facilitating (or withdrawing) tacit consent for any government. Individuals today are not free to withdraw their consent from the community into which they were born or to volunteer allegiance to a new political community more to their liking. We are left, in effect, as prisoners of territory:

When immigration is denied to many people, their “inherent right” of expatriation becomes rather an empty formula, for their “inalienable right” to “liberty” and the “pursuit of happiness” is strictly confined to enjoyment at home.<sup>39</sup>

In closing this section I hasten to note that there is broad recognition of the inadequacies of the existing Westphalian arrangement. These inadequacies are related to the threat posed to contemporary models of citizenship by increased international migration but extend far beyond the international mobility of workers and lives. In a world where cross-border flows of trade, investments, and services (not to mention the environmental and regulatory effects of these) are growing rapidly, the utility and relevance of such hard-border notions of sovereignty are increasingly called into question.<sup>40</sup>

#### A NEW AMERICAN CENTURY?

By this point in the argument I hope to have convinced the reader that it is a misnomer to refer to the past 100 years as the American Century. The past century has been characterized by an international order that prioritized the interests of states—states that have used hard borders to secure citizen obligations

and compliance in a way that can be seen as antithetical to the American founding political ideal. Citizens are obliged to follow political authority out of a sense of national allegiance or because of a sense of fairness (in exchange for the benefits received from that state). If individuals find themselves dissatisfied with the nature of political authority, their recourse is largely limited to disobedience and/or employing political pressure in concert with like-minded individuals.

An American Century true to its political and intellectual roots would encourage free mobility as a means of protecting individual interests. An American Century would provide safe haven and protections for international migrants so that individuals would be free to move from one place to another in search of a better life (and/or flee from an unimaginable one). America's foundation as an independent state was based on the promise that such freedoms were necessary to ensure that individuals could signal—and rescind—consent for political authority. In the absence of the right of expatriation, America's founding intellectuals feared that sovereign authority would grow unchecked.

Indeed, this is arguably what we've seen over the course of the past century: a remarkable rise in the scope and power of modern state authority. While contemporary Americans—and citizens of other democratic states—manage to secure some influence by means of regular and contested elections, this influence pales in comparison to the sort of active consent for government envisioned by America's liberal founders. For most of the world's inhabitants, even this limited influence lies beyond impenetrable borders. For them, the power of the modern state is onerous.

My argument is limited to showing that the twentieth century was very un-American in at least one important respect. But in making this argument, I have implicitly raised another. After all, it is one thing to recognize the moral appeal of America's founding principles. It is quite another thing to imagine what an American Century—true to its principles—would look like today. This closing section will speculate about the form and feasibility of such a vision. While it is possible to imagine a new American Century, significant and vested interests will need to be overcome, and new institutional forms of citizenship, rights, and obligations will need to be devised, before such an image can be brought to life.

Our difficulty in imagining a world with free human mobility is largely derived from our historical amnesia and inherent conservatism. Over the past 100 years or so, we have come to expect a world littered with passports and visas, where states are allowed to monitor and control our every move. We have come to accept these constraints on our freedom as natural and long-lasting artifacts of the international order.

But this current state of affairs is an historical anomaly. Examples of soft-border regimes have dominated human history and they continue to exist in most federal states.<sup>41</sup> Despite the many fears anchored in conventional wisdom, soft borders did not hinder the ability of pre-World War I states to fight international

crime or political extremism. In a similar fashion, American states, Canadian provinces, and the member states of the European Union still manage to maintain law, order, and prosperity despite the lack of hard borders separating their political communities. To imagine a world without borders, we need not look farther than our own back yard or our own recent past.

This is not to suggest that the vision lacks difficulty or challenges. The world is clearly very different now than at the close of the eighteenth century, so it was perhaps easier for Americans to embrace immigration to a territory that was, in effect, there for the taking.<sup>42</sup> More significantly, the history of political and legal thought is ripe with discussions about the difficulty of finding a balance between the needs of the individual and those of the state.<sup>43</sup> Worse, most of these earlier discussions assumed that migration would be limited to the temporary passage of well-off individuals (not the mass labor migrations that characterized later eras). In practice, finding the right balance in today's context will be anything but easy.

Neither do I wish to downplay the significant political and cultural challenges that will arise when people from different backgrounds and with different expectations mix. Clearly, a soft-borders world will force us to reconsider how communities define themselves and their relationship to newcomers.<sup>44</sup> But these challenges are already upon us, even in a world that limits much human mobility. Today's communities already are forced to respond to increasingly influential diaspora networks, issues of transnational citizenship, and the host of multicultural issues that arise from the more global exchange of goods, services, money, and people. Difficult as these challenges are, I do not think they should stand in the way of providing many of the world's desperate people an opportunity for a better life.

But the biggest challenge of an American Century lies not in its design—a version of this can be found reflected in the mirror of recent history. The challenge lies in bringing this international order about, as doing so will confront the interests of the status quo, now embedded in states, and an international system that supports it. An argument can be made that the Westphalian system is to blame for allowing the world to be scarred by such enormous disparities in opportunity, wealth, and freedom. And it is these disparities that generate the largest fears about moving to a world where people might be free to vote with their feet.

Given these massive inequalities, there is reason to be concerned that the world's richest states might attract waves of poor and desperate migrants in search of a better life. We need not look any further than the migration pressure on states that now border political and economic disasters (e.g., the flood of refugees from Zimbabwe into South Africa), despite the many formal restrictions on mobility. Surely a world with soft borders would facilitate and encourage flights such as these, and these flights would undoubtedly burden neighboring regimes.<sup>45</sup>

These are reasonable fears, as we can expect free migration to level some of the most dramatic economic and political inequalities.<sup>46</sup> But the alternative to finding safe havens for these desperate individuals is to force them to continue suffering in a context that is not of their own doing, in the name of tradition, birth, or allegiance. This is today's default position, but it is morally reprehensible: The international community of states stands on the sidelines, promising change, but is unable (or unwilling) to deliver it. By allowing individuals the freedom to secure a better life, we at least make a bad situation immediately better for the few who manage to flee. By doing so, we can jettison the outdated and abused distinctions that separate asylees, refugees, and migrants. Just as importantly, by allowing these people an opportunity to escape their imposed misery we provide an incentive for both receiving and sending states to do something to solve the underlying problem.

A truly American Century would stimulate massive transfers of political and economic wealth and power. This is, after all, one of its most attractive features and the reason why such a regime was embraced by America's earliest defenders. The difficulty lies in designing a smooth transition from a hard-border to a soft-border regime in a context where radical differences in opportunities have been allowed to develop.

Given sufficient political will, the international community could develop institutions and policies that encourage a slow and measured opening of the developed world's borders. Toward that end, the path to freer human mobility has already been blazed by the earlier liberalization of capital, goods, and services markets. Indeed, it is *because* of the important differences that separate labor (as life) from capital that we should expect the same freedom of mobility (if not more!) for workers as is today enjoyed by capital and its owners. This is not to suggest that the path to greater mobility will be an easy one or that we can simply extend existing institutions (e.g., the World Trade Organization) to the realm of migration.<sup>47</sup> But important parts of this path have already been cleared by those who propose new international agreements, norms, and declarations that can facilitate the liberalization of human flows<sup>48</sup> and by those who are working on new models of citizenship in light of increasingly porous borders.<sup>49</sup>

The challenge of this vision does not lie in the lack of institutional alternatives or in the moral appeal of the American Century properly conceived. The challenge lies in the reluctant attitudes of residents in the world's richest states. Ironically, it is American attitudes (born from a fear of losing political and economic influence) that keep a truly American Century confined to a historical footnote. It is for fear of losing our own opportunities that we shrink from sharing it with others, as if freedom were a zero-sum game.

While these developed-world attitudes are firm, they are not immovable. Like an earlier change that undermined feudal attitudes and privileges within national contexts, this change can come about when residents of the developed

world realize that our long-term interests are best secured by extending our rights and opportunities to those who do not yet enjoy them.

#### CONCLUSION

With this short article I have aimed to show that America's unique contribution to modern conceptions of political sovereignty builds on a foundation of radical individualism. From this perspective, legitimate political authority rests not on obligation, tradition, interest, or allegiance, but on the voluntary consent of individuals in the political community. The right of expatriation was central to securing that consent, and America was established with this right in mind.

The American political experiment expanded our understanding of political sovereignty and authority in two novel and important ways. First, it provided the ideational foundations for a more liberal social contract, where the notion of tacit consent was fortified by a recognition of the role played by the threat of exit and a right of expatriation. Second, the United States came to embrace immigrants from other communities. The existence of this type of international safe haven provided individuals with a real opportunity to threaten exit from their own unjust sovereigns. This opportunity was originally employed to constrain political authority in Europe.

My second objective was to juxtapose this new (eighteenth-century) conception of political sovereignty—and its supporting international context—with the world around us. From an historical perspective, the twentieth century is remarkable in its willingness to grant states the authority (and capacity) to control and monitor individual movements. When contrasted against the political ideals and practice of the early American experiment, it is indeed astonishing that the United States should play such a powerful role in supporting an international system that is—in many respects—antithetical to the country's original ambitions and intent.

Finally, I concluded by imagining what the world would look like if we were to return to the ideals of America's founders. Freer international migration might be used to minimize the enormous disparities in opportunity, wealth, and security that today separate the world's luckiest and unluckiest residents. More to the point, by providing a real right of expatriation, we could strengthen the consent and influence of individuals in their enduring struggle with political authority.

In the absence of a real right of expatriation, our century condemns many individuals to a life of poverty and subjugation, with little opportunity of improvement. This lack of freedom results from an international system that distributes opportunity and privilege by means of a birth-lottery. Most remarkable of all, this affront on individual liberty has been committed in the name of liberalism, during an era mischaracterized as the American Century.

## NOTES

1. The most famous reference is probably Henry Robinson Luce, *The American Century* (New York: Farrar & Rinehart, 1941). But see also Walter Lafeber, *The American Age*, 2 vols., 2nd ed. (New York: Norton, 1994); Harold Evans, ed., *American Century* (New York: Knopf, 1998); and Roberto Giorgio Rabel, ed., *The American Century? In Retrospect and Prospect* (Oxford, UK: Greenwood, 2002).

2. A right of expatriation implies a right to change one's home at will and a right to acquire a new nationality. See, for example, Edwin M. Borchard, "Decadence of the American Doctrine of Voluntary Expatriation," *American Journal of International Law* 25 (1931): 312–16.

3. The most famous and influential of these contract theorists are Thomas Hobbes, *Leviathan Parts I and II* (New York: Bobbs-Merill Company, [1651] 1958); John Locke, *Two Treatises of Government*, Peter Laslett, ed. (Cambridge, UK: Cambridge University Press, 1960 [1689]); and Jean-Jacques Rousseau, *The Social Contract and Discourses*, trans. G. D. H. Cole, (New York: Dutton, [1762] 1973). For a broad historical overview, see J. W. Gough, *The Social Contract* (Oxford, UK: Press, 1957).

4. Locke, *Second Treatise*, §121.

5. I can think of only two contexts where express consent offers itself: in postrevolutionary contexts (which require, in effect, a new original contract) and in situations where people are changing their national allegiance/citizenship and asked to perform an oath of allegiance. In short, the strongest argument in the liberal arsenal for limiting political authority is one that seldom sees the light of day.

6. Locke, *Second Treatise*, §119.

7. Hanna Pitkin, "Obligation and Consent—I," *American Political Science Review* 59 (1965): 995.

8. David Hume, *Of the Original Contract* (1758), edited and rendered into HTML by Jon Roland, <http://www.constitution.org/dh/origcont.htm> (accessed September 3, 2007); Sir William Blackstone, *Commentaries on the Laws of England* (1765–69), <http://www.lonang.com/exlibris/blackstone/> (accessed September 4, 2007); and Jeremy Bentham, *A Fragment on Government* (London: T. Payne, 1776), <http://socserv.mcmaster.ca/econ/ugcm/3ll3/bentham/government.html> (accessed October 2, 2007).

9. H. L. A. Hart, "Are There Any Natural Rights?" *The Philosophical Review* 64 (1955): 175–91.

10. Pitkin, "Obligation and Consent—I," 999.

11. *Ibid.*

12. Hanna Pitkin, "Obligation and Consent—II," *American Political Science Review* 60, (1966): 40.

13. Aristide Zolberg, *A Nation by Design* (Cambridge, MA: Harvard University Press, 2006), 49.

14. The reference to exit is not accidental and is meant to invoke images of Albert Hirschman's *Exit Voice and Loyalty* (Cambridge, MA: Harvard University Press, 1970). For a Hirschman-based application to questions of international migration, see Jonathon W. Moses, "Exit, Vote and Sovereignty: Migration, States and Globalization," *Review of International Political Economy* 12 (2005): 53–77; and Jonathon W. Moses, *International Migration: Globalization's Last Frontier* (London: Zed, 2006).

15. The role that exit can play in sharpening tacit consent can be seen by returning to Pitkin's critical depiction of Locke's ambiguity. Pitkin, "Obligation and Consent—I," 995. Locke's tacit consent implies that we would be providing consent to a totalitarian authority when we conduct everyday activities necessary for survival under that authority. This

confusion arises because the individual does not have stronger channels through which to signal tacit consent (or the withdrawal of that consent). With the possibility of exit, there would be no confusing this need to satisfy basic human needs and support for a totalitarian regime. The tacit consent for the regime is signaled by the individual's willingness to stay in the community (not in his or her purchasing bread at the local bakery).

16. Plato's *Crito* (360 BCE). (*Crito*, 51d-e). Translated by Benjamin Jowett. First published in 1871, but now available in electronic form throughout the Internet. See, for example, <http://classics.mit.edu/Plato/crito.html>. For an analysis along these lines, see A. D. Woozley, *Law and Obedience: The Arguments of Plato's Crito* (Chapel Hill, NC: Duke University Press, 1979), chap. 4.

17. I cannot elaborate on this here, but several passages in the *Second Treatise* support this interpretation. More important, perhaps, is the recognition that Locke himself (as did most contract theorists of the time), employed exit and the right of expatriation to avoid political repression. Hobbes's father left England for fear of being hanged, abandoning his three children to the care of an older brother. Hobbes the younger (Thomas) was also forced to lead a life in exile: when the Long Parliament succeeded to the Short (in 1640) he fled to Paris in fear of his life. John Locke also employed the advantage of exit. Following Shaftesbury's fall from favor in 1675, Locke spent some time traveling across France. Although he returned to England in 1679, he again fled in 1683—this time to Holland, under strong suspicion of involvement in the Rye House Plot. Rousseau's meanderings from Geneva to Italy, France, and Switzerland are well known. Less known, perhaps, is the fact that his house in Motiers was stoned in 1765, forcing Rousseau to take refuge in Great Britain with the philosopher David Hume.

18. Samuel Adams, *The Rights of the Colonists, Report of the Committee of Correspondence to the Boston Town Meeting, 20 November 1772*, <http://history.hanover.edu/texts/adamss.html> (accessed October 15, 2007).

19. Thomas Jefferson, "Letter to Doctor John Manners," June 12, 1817, [http://oll.libertyfund.org/?option=com\\_staticxt&staticfile=show.php%3Ftitle=808&chapter=88363&layout=html&Itemid=27](http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Ftitle=808&chapter=88363&layout=html&Itemid=27) (accessed October 16, 2007).

20. Thomas Jefferson, "A Summary View of the Rights of British America," July Papers 1 (1774): 121–35, <http://press-pubs.uchicago.edu/founders/documents/v1ch14s10.html> (accessed October 14, 2007).

21. *Ibid.*

22. *Constitution of the Commonwealth of Massachusetts*, <http://www.mass.gov/legis/const.htm> (accessed October 17, 2007).

23. Anne-Robert-Jacques Turgot, Baron de Laune, "Letter to Richard Price of 22 March 1778," in *Oeuvres* (Paris: Delance, [1778] 1810) vol. 9: 389.

24. For obvious reasons, most historical attention has been focused on how this section of the Constitution was used to protect the interests of Southern slave states. But this prohibition against barring "immigration or importation" also provided assurance to Northern states that they could rely on immigrant labor over the same period of time. See Zolberg, *A Nation by Design*, 78.

25. These were in turn influenced by similar developments in Europe, including the English Alien Bill (1773) and the French Passports Law of 1797. See John Torpey, *The Invention of the Passport* (Cambridge, UK: Cambridge University Press, 2000), 91–2.

26. For elaboration on the ebb and flow of restrictive immigration legislation prior to World War I, see Torpey, *Invention of the Passport*. For a description of the American situation, see Zolberg, *A Nation by Design*.

27. See Adam McKeown, "Global Migration, 1845-1940," *Journal of World History* 15 (2004): 185–89, for a regional comparison of global migration flows at the time.

28. A. M. Carr-Saunders, "Migration Policies and the Economic Crisis," *Foreign Affairs* 12, (1934): 664.

29. For more on the Westphalian system, see Stephen D. Krasner, "Compromising Westphalia," *International Security* 20 (1995–96): 115–151; Stephen D. Krasner, "Westphalia and All That," in *Ideas and Foreign Policy: Institutions and Political Change*, ed. Judith Goldstein and Robert O. Keohane (Ithaca, NY: Cornell University Press, 1993), 235–64; and Barry Buzan and Richard Little, "Beyond Westphalia? Capitalism after the 'Fall,'" *British International Studies Association* December (1999): 89–104.

30. Adam M. McKeown, *Melancholy Order. Asian Migration and the Globalization of Borders* (New York: Columbia University Press, 2008), 9.

31. From Louis B. Sohn and Thomas Buergental, ed., *The Movement of Persons Across Borders* (Washington, DC: American Society of International Law, 1992), 3.

32. The pre-WWII history is a fascinating one, when Fridjof Nansen reluctantly agreed to become the League of Nation's High Commissioner for Refugees and was forced to coordinate an international response to the problem of document-less refugees. See Moses, *International Migration*, 51ff for a description. The original 1951 Convention aimed to protect European refugees in the wake of WWII, and a 1967 Protocol expanded its scope to other regions of the world. More recent regional instruments, such as the 1969 OAU Refugee Convention in Africa and the 1984 Latin American Cartagena Declaration, have helped to secure protection in particular regions. See UNHCR, "Convention and Protocol Relating to the Status of Refugees," September (2007), <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf> (accessed December 8, 2008).

33. UNHCR, "The 1951 Refugee Convention. Questions and Answers," September (2007), 6, <http://www.unhcr.org/basics/BASICS/3c0f495f4.pdf> (accessed December 8, 2008).

34. See Alan Dowty, *Closed Borders* (New Haven, CT: Yale University Press, 1987).

35. UNHCR, *The State of the World's Refugees 2006: Human Displacement in the New Millennium* (Oxford, UK: Oxford University Press, 2006), 1.

36. McKeown, *Melancholy Order*, 7.

37. A convenient way to think of this is in terms of an extended power-resource model, which builds on class-theoretical models to explain policy variation across advanced industrial states (e.g., in terms of full employment, solidaristic wage policies, the nature of the welfare state, etc.). A nice, if formal, exposition of the model is Adam Przeworski and Michael Wallerstein, "The Structure of Class Conflict in Democratic Capitalist Societies," *American Political Science Review* 76 (1982): 215–38.

38. This strategy clearly doesn't work. It is foolish to expect workers to overcome the enormous collective action dilemmas they face in the developing world and naïve to expect the developed world to deliver on its promise of assistance. As long as the fate of the world's poor rests solely in the hands of states (at both ends of the migration chain), we should not expect radical changes that would upset the status quo. Worse, by forcing workers to stay in dysfunctional states, we are effectively providing these states with the expertise and manpower they need to survive. Worse still, it is simply wrong to force other people to live under conditions that we ourselves would not accept.

39. Borchard, "Decadence of the American Doctrine," 314.

40. Worse, our continued reliance on such hard-border notions of sovereignty helps to justify the spread of what Julie Mostov refers to as "ethnocracy," where nation-building elites "construct symbolic boundaries and national identities designed to make the desired territorial boundaries of the nation irreversible and to confirm the 'natural' and inevitable character of these borders." Julie Mostov, "Soft Borders and Transnational

Citizens,” in *Identities, Affiliations and Allegiances*, ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic, (Cambridge, UK: Cambridge University Press, 2007), 144.

41. This is not meant to suggest that alternative control mechanisms did not exist (often at the substate level). Rather, I’m suggesting that the (nation) state did not and could not use control of its territorial borders and the identification of aliens as the primary means of mobility control. For a discussion of early, mostly state-based American regulation on cross-border migration, see Gerald Neuman, “The Lost Century of American Immigration Law (1776–1875),” *Columbia Law Review* 93 (1993): 1833–1901.

42. Obviously, it is easier to embrace immigration in a territory that is perceived to be empty (or thinly populated) relative to one that is thought of as full (or densely populated). But perceptions are malleable and often deceptive, and any visitor to Bangladesh will tell you that the developed world is much emptier than we think.

43. See, for example, McKeown, *Melancholy Order*, 21–42.

44. Some lessons can be found in the older literature, referenced earlier. For example, in the passage from Plato’s *Crito* we see how the tacit consent implicit to immigration does not have to infringe on the just needs of the hosting community. Communities can continue to determine for themselves how justice is to be ordered and the state administered—and these communities have every right to expect immigrants, upon arriving, to follow their norms, rules, and mores—so long as they are not imposed in a way that places an extra burden on the immigrant as citizen. Indeed, the more explicit these expectations are made, the less *tacit* the immigrant’s consent becomes. Other lessons are being hashed out by scholars who are working on new models of citizenship, in light of increasingly porous borders. See note 49 for references.

45. At this point it may be useful to distinguish between the world I’m envisioning here (a world with free human mobility) and a world that is forced to accept some selective movement of people but that is generally closed to international migration. The latter situation can be said to characterize Southern Africa today, where there is some limited possibility of flight from Zimbabwe into South Africa. Under these conditions, some commentators have referred to the “safety-valve” role that emigration has played in Zimbabwe—namely, that the opposition has suffered from political brain drain. Whereas we can debate whether it is right (or just) to force people to stay and fight a difficult political struggle or whether the opposition in Zimbabwe is hurt or helped more by its expatriates abroad, I am not sure that we should generalize from the posited effect in Zimbabwe. As citizens of Zimbabwe have only limited recourse to exit, the constraint on political authority (that is derived from the threat of exit) is likewise limited.

46. It is impossible to examine all the consequence of moving to a world with free human mobility, especially in an article format. For a longer discussion of these consequences and the exaggerated fears that accompany any open-borders proposal, see Moses, *International Migration*.

47. See, for example, Timothy J. Hatton, “Should We Have a WTO for International Migration?” *Economic Policy* April (2007): 341–83.

48. The work of Lant Pritchett is exemplary in this regard, as he discusses the need to employ bilateral (as opposed to multilateral agreements) to secure more cross-border flows and the need to encourage temporary work permits and permit rationing as a means to manage the initial flows and to protect migrants’ fundamental human rights. Lant Pritchett, *Let Their People Come. Breaking the Gridlock on Global Labor Mobility* (Washington, DC: Center for Global Development, 2006). It is also important to dampen xenophobic fears in the developed world by pointing to the many benefits of international immigration. See, for example, Philippe Legrain, *Immigrants: Your Country Needs Them* (Boston: Little Brown, 2006).

49. The literature on the need to change existing models of citizenship is enormous and well established. It includes: Rainer Bauböck, *Transnational Citizenship: Membership and Rights in International Migration* (Cornwall: Edward Elgar, 1994); Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: University of Chicago Press, 1994); Ronald Beiner, ed., *Theorizing Citizenship* (Albany: SUNY Press, 1995); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, UK: Oxford University Press, 1995); Ulrich K. Preuss, "Migration—A Challenge to Modern Citizenship," *Constellations* 4 (1998): 307–19; Joseph Carens, *Culture, Citizenship and Community* (Oxford, UK: Oxford University Press, 2000); and Julie Mostov, *Soft Borders: Rethinking Sovereignty and Democracy* (London: Palgrave Macmillan, 2008).

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