

Immigration and the Economic Freedom of Natives

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Summary

- Immigration restrictions severely undermine the economic freedom of receiving-country citizens, as well as that of potential migrants.
- This impact affects both the 'negative' economic freedom valued by libertarians, classical liberals and many conservatives, and the 'positive' freedom most valued by many on the political left.
- Immigration restrictions harm negative economic freedom by depriving UK citizens of the opportunity to engage in valuable transactions with migrants, such as employing them, renting property to them, buying goods and services they produce, working for businesses established by immigrants, and more.
- Restrictions harm natives' positive freedom by depriving citizens of the production and innovation created by migrants, and especially their contributions to advances in technology and health care.
- These effects are exacerbated by the fact that immigrants disproportionately contribute to entrepreneurship and scientific innovation.
- When it comes to both positive and negative freedom, the effects of immigration restrictions are enormous – undermining both to a greater extent than virtually any other government policies adopted by liberal democracies such as the UK and US.
- Some argue that immigration actually threatens the economic freedom of natives. These concerns are largely overblown. Where valid, they can be addressed by 'keyhole solutions' less onerous than large-scale migration restrictions.

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About the author

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Foreword

Opinion surveys show that from the end of the 1990s until just after the 2016 EU Referendum, immigration was consistently ranked as one of the most important political challenges facing the UK. Shortly after the EU referendum, though, the topic suddenly fell off a cliff, in terms of its salience. It had ceased to be a high-priority issue.

This prompted some commentators – prematurely, as we now know – to reach the following conclusion:

The public, they argued, were never really all that bothered about immigration. They just wanted a sense of control over it. That meant, first and foremost, an immigration policy that was decided in London, not Brussels, and by elected representatives, not technocrats. *Where* immigration policy was decided, and *by whom*, mattered far more to them than *what* that policy was. According to this argument, the public would be more accepting of immigration under the new, post-Brexit immigration system *even if* that system ended up allowing more people into the country than the old one.

It is fair to say that commentary of that nature has not aged well. As a political high-salience issue, immigration is now back with a vengeance; indeed, on some days, it feels as if we talk about little else anymore.

This is not entirely surprising. It is, in part, simply a reflection of the increase in headline numbers. In 2022, net migration surged to about 764,000 people, which was by far the highest level ever recorded. Another 685,000 people followed in 2023.

But the type of immigration is just as important, if not a lot more so, than the raw numbers. In the previous decades, channel boat crossings were a relatively minor issue, whereas in this decade, they have come to dominate the migration debate. Issues around failed integration and community tensions have also come to the fore.

And something else is new in the immigration debate. While immigration has always been a political hot potato, it was, until very recently, not a subject that specifically divided classical liberals. Of course, classical liberals have always had different views on what the ideal immigration system would be, or, if the ideal system was deemed unattainable, what a more pragmatic second-best solution should look like. The IEA's publications on the subject over the years reflect that diversity. But despite those differences, classical liberals used to be, almost across the board, in favour of relaxing immigration controls. For example, in his book *Vienna & Chicago: Friends or Foes? A Tale of Two Schools of Free-Market Economics* (2005), Mark Skousen names immigration policy as an area of agreement between the two schools, and while he mentions exceptions, tellingly, he relegates those to a footnote.

The liberal case for relaxing immigration controls was, in part, a matter of principle, and in part, an economic argument.

On the former: liberals believe that consenting adults should be free to live their lives as they please, provided they are not harming anyone. Why should this principle suddenly stop applying at the border? If we abhor the idea of government officials telling us what we are allowed to eat, drink, or smoke, or which opinions we are allowed to read or express – how can we accept the same government officials telling us where we are allowed to live?

On the latter: liberals believe in the free movement of goods, services and capital. The free movement of labour is a logical correlate of that. Immigration restrictions, in this perspective, are just another form of protectionism, which liberals would not accept in other spheres of economic life.

Yet over the past two years or so, immigration has become an issue that divides classical liberals no less than any other ideological camp. Classical liberals who favour tighter immigration controls used to be hard to find. They no longer are: one can now find proponents of tighter immigration controls even on the liberal side. They argue that liberalism works best in high-trust societies with a high degree of social cohesion, and that mass immigration undermines those foundations. They argue that liberalism is not just a set of formal rules and institutions, but also a delicate cultural equilibrium, which can be disturbed by the arrival of large numbers of people from far less liberal cultures.

Whatever one makes of those concerns, or whatever conclusions one may draw from them – one cannot (or at least, should not) dismiss them as ‘bigoted’, ‘far-right’, ‘xenophobic’, or ‘racist’. (And indeed, the author of this paper, Prof Ilya Somin, does not do any of that.) Liberals can disagree with each other on immigration policy, and still be liberals.

Nonetheless: while it is understandable that the record-high immigration numbers of 2022 and 2023 have produced a political backlash, and that, in this context, even some liberals have started to question their previous pro-open-borders stance, there is a danger of the pendulum swinging too far into the restrictionist direction. The liberal case for a permissive immigration system may need updating, but it has not suddenly disappeared.

It is against this backdrop that we have asked Prof Ilya Somin, who represents the more uncompromising, pro-open-borders end of the spectrum of classical liberal opinion on this subject, to provide a corrective to where the debate is presently going.

The spectrum of liberal opinion on the subject has widened, and the debate has become more divisive, but, as mentioned, the IEA has long provided a platform to liberals with quite different views on immigration policy.

For example, in 2011, we published *The Challenge of Immigration: A Radical Solution* by Prof Gary Becker, who proposed replacing the entire immigration bureaucracy with a market in visas: a visa auction, where visas go to the highest bidders. Under this system, immigrants would pay off their visa costs over time, much like a student loan.

In 2016, we published *Free to Move: The costs and consequences of restrictions on migration* by Philippe Legrain, who argued that, in an ideal world, the freedom of movement rules of the European Economic Area would be extended to most of the world. As a more realistic second-best solution, Legrain recommended the Swedish work visa system, where anyone with a job offer can get a time-limited renewable work visa.

My own IEA Discussion Paper *Immigration: Picking the low-hanging fruits* (2019) started from the observation that while ‘immigration’ is unpopular with voters in the abstract, surveys show that large groups of migrants are, in fact, popular. Most people welcome highly skilled migrants, as well as migrants from countries perceived to be culturally similar to the UK, and up to a point, international students. The paper recommended selectively removing obstacles which limit the popular kind of migration.

Prof Somin’s paper fits seamlessly into that workstream. His angle is a rather different one, because his objective is not to come up with a specific immigration policy. It is to highlight an underappreciated downside of immigration restrictions. We usually think of these restrictions as curtailing the freedom and economic welfare of would-be migrants, which they do, but no less importantly, they curtail the economic freedom of the native population as well. They impede large numbers of mutually beneficial transactions between consenting adults. Thus, we should not just think of them as restrictions which ‘we’, collectively, impose on outsiders. We should also think of

them as restrictions which some of us impose on the rest of us (and sometimes, restrictions which we impose on ourselves, perhaps without fully realising it).

Prof Somin is by no means oblivious to the challenges of large-scale migration. Where he differs from proponents of immigration controls, including those on the liberal side, is that he thinks these challenges can be addressed through 'keyhole surgery', that is, more targeted policy measures. He sees immigration restrictions as a more brutal and invasive procedure, which he would rather avoid.

To repeat, there is plenty of room for legitimate disagreement on this issue, including among classical liberals. We do not expect all readers to fully go along with Prof Somin's conclusions. But while a liberal *can* advocate some restrictions on immigration, they should do so reluctantly, and after some agonising. They should not reach that conclusion without having considered, and grudgingly rejected, milder measures first.

The views expressed in this paper are, as in all IEA publications, those of the author alone and not those of the Institute (which has no corporate view), its managing trustees, Academic Advisory Council members or senior staff.

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Introduction

Much of the debate over the justice of immigration restrictions properly focuses on their impact on would-be migrants. For their part, defenders of immigration restrictions often concentrate on the potentially harmful effects of immigration on residents of receiving countries. In this paper, I cut across this long-standing debate by focusing on ways in which immigration restrictions inflict harm on natives, specifically by undermining their economic liberty.

I consider both the libertarian (or classical liberal) ‘negative’ view of economic freedom and the more ‘positive’ vision advanced by left-liberal political theorists.

Immigration restrictions severely undermine both types of economic liberty. That does not, by itself, prove that all such restrictions should be abolished. But it does strengthen the case for abolition, from the standpoint of a wide range of views. The issue is not just that migration restrictions reduce the economic liberty of natives, but that they do so on a vast scale – far more than is conventionally recognised.

I use ‘natives’ to refer to all current citizens of receiving nations, which often includes many who were born elsewhere, but acquired citizenship either by naturalisation, or by virtue of being foreign-born children of citizens. I use the term ‘natives’ in this way because it is less clumsy than other formulations, such as ‘current citizens’.

Part I focuses on libertarian or classical liberal ‘negative’ approaches to economic freedom; such views are also espoused to varying degrees by many conservatives, including ‘Thatcherite’ conservatives in Britain. It shows that migration restrictions severely impede the negative economic liberty of natives. That is true both for views that value such freedom for its own sake (see e.g. Nozick 1974), and those that assign value to it for more instrumental reasons, such as promoting human autonomy and enabling individuals to realise their personal goals and projects (see e.g. Lomasky 1987; Tomasi 2012).

In Part II, I take up left-liberal ‘positive’ theories of economic freedom, which primarily focus on enhancing individuals’ access to important goods and services and enabling them to have the resources necessary to live an autonomous life (see e.g. Dworkin 1977; Taylor 1979; van Parijs 1995). Some also focus on expanding human capacities generally (see e.g. Sen 1999). Many give special emphasis to enhancing the economic prospects of the poor. Here too, migration restrictions impose severe costs on natives.

Part III provides a brief overview of how to address situations where potentially harmful side effects of migration might undermine either negative or positive economic liberty of natives, without actually restricting migration. I have addressed such issues in greater detail in previous work (Somin 2022: Chapter 6), and provide only a short summary of my framework for doing so here.

I do not address other, non-economic freedom related justifications for restricting migration rights. These include claims that immigration can be restricted to maintain the ethnic or cultural self-determination rights of natives, or to prevent negative side effects of migration unrelated to economic liberty. But I have considered such arguments in detail elsewhere (Somin 2022; Somin 2020; Somin 2022: Chapters 5 and 6).

The effect of immigration on the economic liberty of natives is far from the only issue at stake in debates over migration rights and policy. But it is an important component of the discussion. It is particularly relevant from the standpoint of theories that emphasise governments’ special duties to their own citizens.¹ To the extent that migration restrictions inflict great harm on those citizens, the case for breaking down barriers to migration rights becomes stronger.

¹ For a recent helpful summary overview of various arguments for privileging the interests of natives in assessing immigration restrictions, see Waldron (2023).

I. Negative economic freedom

Political philosopher Robert Nozick (1974: 163) famously described economic freedom as ‘capitalist acts between consenting adults’. Economic liberty can be understood as the right to engage in consensual transactions involving the exchange of goods and services of many different types. Some libertarian theorists, including Nozick himself, value such liberty for its own sake.² Others support it for more instrumental reasons, such as the promotion of autonomy and empowering individuals to pursue their personal projects (Lomasky 1987).

It is easy to see how migration restrictions massively constrain the economic liberty of potential migrants. In many cases, they end up being cut off from a vast range of economic opportunities in freer, wealthier societies, and thereby consigned to a lifetime of severely constrained options under repressive and corrupt governments (see Caplan 2019: Chapters 1 and 2; Carens 1987; Carens 2012; Huemer 2010; Somin 2022; van der Vossen and Brennan 2018: Chapter 2).

A few works have also noted that immigration restrictions constrain the negative economic liberty of natives, as well (see especially Carens 1987; Kukathas 2021: 158–63). If the government bars a potential immigrant from entering the country, and thereby prevents her from starting a business, that restricts potential economic transactions by her employees and customers, many of whom would be natives. Similarly, if immigration restrictions bar migrant workers and renters, that reduces opportunities available to native employers, customers and landlords, among others.

The issue is not simply that these natives have fewer economic opportunities than they would otherwise. A reduction in opportunities is not by itself a reduction in economic liberty. If Jane rejects my offer to become my research assistant, and instead accepts a more lucrative opportunity somewhere else, there is no reduction in my negative economic freedom, even though I lost the opportunity to have her as an employee.

Rather, negative economic liberty is undermined only when opportunities are barred through some sort of coercive action. In the case of immigration restrictions, such coercion is very obviously present, as would-be migrants are literally forcibly prevented from entering the country in question and pursuing opportunities there.³ If they choose to enter illegally, they risk being forcibly deported and even subjected to criminal penalties.⁴ As Joseph Carens (1987: 251) puts it, ‘[b]orders have guards and the guards have guns’.

While those guns are usually trained at migrants, the coercion involved also restricts the liberty of natives. Current US law also imposes penalties (albeit civil fines, rather than criminal ones) on employers who hire undocumented immigrants.⁵ US law also punishes citizens who aid, harbour, employ or abet illegal migrants in various ways.⁶ Many of those liable to such punishment are, of course, people who seek to engage in economic transactions with immigrants. In the United Kingdom, employers of illegal migrant workers can be fined or imprisoned for up to five years.⁷ The guns here are aimed at natives as well.

In sum, coercive restrictions on migration are unavoidably also coercive restrictions on natives’ rights to engage in economic transactions with would-be immigrants. The law often directly punishes natives, as well as migrants.

Even if we assume that only ‘direct’ constraints on economic liberty are morally significant, migration restrictions routinely impose such limitations on natives as well as immigrants, often

² See works cited above. For overviews of different libertarian theories of economic liberty, see Brennan (2012: Chapter 6) and Mack (2018: Chapter 4).

³ For a helpful, more detailed exposition of why immigration restrictions are unavoidably coercive, see Huemer (2010).

⁴ See 8 USC § 1325 (outlining criminal penalties for illegal entry into the United States).

⁵ See 8 USC § 1324(a).

⁶ See, e.g., 8 USC § 1324(a)(1)(i)-(v) (outlining penalties for a variety of such offenses).

⁷ See Gov.UK, *Penalties for employing illegal workers*. Accessed: 26 June 2024 (<https://www.gov.uk/penalties-for-employing-illegal-workers>).

backed by the threat of criminal punishment. In fact, however, even a system that inflicted direct punishment only on migrants nonetheless restricts the liberty of others.

Few would dispute this in the case of restrictions on internal transactions. When US segregation laws restricted the mobility of blacks, that clearly also restricted the liberty of whites who wished to engage in transactions with them. More generally, if a law bans Anne from engaging in economic transactions with Bob, it seems clear that the liberty of both is restricted, even if the law states that only Anne will be punished in the event of a violation.

Less obvious than the brute fact that migration restrictions constrain the negative economic liberty of natives is the enormous extent of that constraint. Few, if any, current government policies in the US, UK and other liberal democracies constrain natives' economic freedom more. That is because immigration restrictions bar a truly enormous number of 'capitalist acts between consenting adults. Prior to the Covid-19 pandemic, the United States usually took in some 1 million legal immigrants per year (Somin 2022: 202), a figure that was recently matched under the Biden Administration.⁸ Using somewhat different methodology, the UK government estimates that about 1.26 million migrants entered the country in 2023, a figure partly offset by 532,000 who departed during the same period (Sturge 2024; UK in a Changing Europe 2024).

Even a relatively modest 10% increase in the US figure would mean an extra 100,000 immigrants each year, and 1 million more over ten years. If we assume, very conservatively, that each of these people – if allowed into the United States – would engage in five economic transactions per year with natives, that means failure to increase the immigrant intake by 10% forestalls 500,000 such transactions in the first year alone, and 5 million transactions over ten years.

And that is just from the 100,000 people barred in the first year. If we expand our frame of reference to include the would-be migrants barred in Year 2, Year 3, and so on, we quickly end up with hundreds of millions of coercively prevented economic transactions with natives. And the figure increases even more once we compare the status quo not to the modest reform of a 10% increase in legal migration, but to total or near-total abolition of immigration restrictions.

Economists estimate that the abolition of migration restrictions throughout the world would eventually double the world's GDP (Clemens 2011; Legrain 2020: 69–73 (citing additional literature on this point); Somin 2022: 71–3 (assessing this estimate and addressing some criticisms of it)). This is based on the reality that many millions of people are trapped in dysfunctional and oppressive political systems, and could greatly increase their productivity if given the chance to move to freer, more prosperous societies. Upon integration in their new homes, they can take advantage of the 'place premium' from working in a location with better economic and political institutions. (For overviews, see Clemens et al. 2009; Clemens et al. 2019: 201–13; Clemens and Pritchett 2008; and Somin 2018: 1651–5 on the implications of the place premium for economic development.) If standard estimates of the economic effects of free migration are even remotely close to correct, this implies that migration restrictions forcibly block a truly enormous number of beneficial economic transactions between immigrants and natives.

In the United States, the scale of the effect is magnified by the fact that, relative to natives, immigrants are more likely to engage in entrepreneurship, establish new businesses and contribute to scientific innovation (for a recent overview, see Kerr and Kerr 2020; Krol 2021).⁹ US immigration restrictions are particularly significant in reducing scientific innovation by immigrants and their children, because the United States has so many of the world's most important research facilities (Agarwal et al. 2021).

UK data also indicates that immigrants are disproportionately likely to engage in entrepreneurship. Out of the 100 fastest-growing UK companies, 39 have an immigrant founder or co-founder, even though immigrants make up only 14.5% of the UK population (Ives et al. 2023). UK immigrants are

⁸ Somin, I., 'US regains pre-Trump, pre-pandemic migration levels', *Reason*, 19 April 2023 (<https://reason.com/volokh/2023/04/19/us-regains-pre-trump-pre-pandemic-immigration-levels/>).

⁹ Somin, I., 'How immigration restrictions harm U.S. citizens, too', *Regulatory Review*, 15 December 2020 (<https://www.theregreview.org/2020/12/15/somin-immigration-restrictions-harm-citizens/>).

also substantially more likely to start businesses than natives, and engage in other types of entrepreneurial activity (Dumitriu and Stewart 2019).

Barring people who contribute disproportionately to entrepreneurship, business formation and scientific innovation likely blocks even more beneficial economic transactions than barring an equivalent number of statistically average people would. The former engage in more and larger transactions with more natives.

In some cases, one can argue that the impact of migration restrictions on natives' economic freedom is minimal, because natives could substitute transactions with other natives, or with those immigrants who are allowed to enter, even in spite of restrictions. There are indeed likely to be situations where there is little difference between a transaction with a would-be immigrant who gets barred, and the next-best alternative. But there are also many cases where the difference is large. That is especially true if the person excluded makes a significant entrepreneurial or technical innovation.

Even if only a small fraction of barred immigrants would have achieved such innovations, the absolute number of high-value transactions barred by their exclusion may still be large.¹⁰ For example, even if only 10% of economic transactions between immigrants and natives involve situations where there is a large gap, from the natives' perspective, between this exchange and the next-best alternative, that still means that immigration restrictions block hundreds of thousands – perhaps even millions – of 'high-value' transactions every year.

Another way of gauging the impact of immigration restrictions on the economic liberty of natives is to compare it to the effects of deporting large numbers of native-born workers, comparable in magnitude to the number of would-be migrants excluded by immigration restrictions. If, for example, the United States or Britain were to deport 1 million natives, few would deny that would have a massively negative effect on the economic liberty of those who remain, even if we discount entirely the impact on those deported. The same point applies to excluding a comparable number of migrants.

Expulsion of natives might have a greater effect in so far as it would disrupt more existing relationships, such as those between employees and their employers, for example. But that would be at least partly offset by the greater average propensity of immigrants to work, innovate and establish new businesses. Even if excluding one would-be immigrant, on average, had 'only' 25% or 50% as much of a negative impact on natives' economic liberty as expelling one native, the former would still lead to very high aggregate estimates of the effects of immigration restrictions, given the vast numbers of people involved.

The enormous impact of migration restrictions on natives' negative economic freedom holds true regardless of whether we assess it from the standpoint of theories that assign intrinsic value to liberty, or under approaches where its primary value resides in its effects on autonomy or the pursuit of life plans and 'projects'. From the intrinsicist perspective, almost every coercive restriction on economic liberty is a significant rights violation (see Nozick 1974). On this view, it does not matter whether the next-best alternative to interacting with a barred immigrant is desirable or not. Any theory that assigns intrinsic value to negative economic liberty at all would have to count such constraints as at least somewhat significant.

From an instrumental standpoint, some transactions are more significant than others. For example, blocking a transaction that opens up a rewarding new career may impact autonomy or project pursuit more than blocking some minor exchange.¹¹ Occupational choice may be a particularly important component of autonomy, in so far as it can affect the trajectory of an entire life (see Tomasi 2012: 76–8).

¹⁰ See the discussion of scientific innovation later in this paper, which develops a similar point in greater detail.

¹¹ For a discussion of the relative importance of different types of economic transactions from such a standpoint, see Tomasi (2012: 76–9 and 188–92).

But whether we value all voluntary economic transactions more or less equally or give special priority to some, migration restrictions block a truly vast number of them, for natives as well as for potential migrants themselves. Thanks to migration restrictions, many thousands, perhaps even millions, of natives are cut off from careers that might otherwise open up to them, thanks to immigrant entrepreneurs. Others are barred from opportunities that would be created by scientific and technological innovations immigrants disproportionately facilitate. And all of these effects are on a vast scale.

If any other policy adopted by liberal democratic governments restricts economic liberty more than migration restrictions do, it is difficult to see which one. Perhaps the US War on Drugs is a possible competitor, as it leads to the arrest and imprisonment of hundreds of thousands of Americans every year, and blocks numerous potentially valuable economic transactions.¹² But, unlike migration restrictions, drug laws do not block *all* economic transactions that any significant group of people might undertake within a given country. They only block those involving specific banned substances, which are a small subset of the total range of transactions those people could engage in.

The question of how to measure negative liberty is a disputed one, and there is no consensus on the subject (see Carter 1992; Steiner 1983). But the effects of immigration restrictions on it are gargantuan under any plausible approach to assessment. Whether we weight each transaction equally or emphasise more far-reaching ones more, whether we take a deontological approach to liberty or a more consequentialist one, it is hard to avoid the conclusion that the impact is enormous.

The direct effects of immigration restrictions on natives' economic liberty are enormous, by themselves. But restrictions also have a number of significant indirect effects that are also substantial. Immigration restrictions almost always require an extensive enforcement apparatus to make them effective. That, in turn, requires significant restrictions on the economic liberty of natives, not just that of migrants. It is virtually impossible to restrict the latter without also regulating the former. Such indirect effects of migration restrictions on natives can have a big effect on economic liberty.

Perhaps the most striking example is the way in which many US citizens are caught up in the machinery of detention and deportation established to apprehend and expel illegal migrants. In the 1930s, the US government deported some 600,000 American citizens to Mexico, mostly Mexican-Americans whom the authorities mistook for undocumented migrants (Balderrama and Rodriguez 2006). Such practices persist on a smaller, but still substantial scale, today. The federal government detained or deported some 4,000 American citizens in 2010 alone, with a total of 20,000 between 2003 and 2010 (Stevens 2011: 608).

In addition to infringing liberty more generally, detention and deportation are severe constraints on economic liberty, specifically. At the risk of stating the obvious, people who are detained or deported are rarely able to engage in much in the way of 'capitalist acts between consenting adults'. While not as drastic in their impact as detention and deportation, other aspects of migration restriction policy also indirectly restrict the economic liberty of natives. For example, efforts to regulate employers to prevent them from hiring illegal migrants also raise the cost of hiring other workers, by requiring ID and background checks that create new expenses and often lead to 'false positives' (misidentifying citizens as undocumented migrants).

Some argue that libertarian and other similar theories of freedom can justify immigration restrictions on the grounds that governments have a right to exclude migrants at will for the same reasons that private property owners have the right to exclude trespassers, and members of private clubs can bar new members (see Wellman 2008; Wellman 2016). I have criticised such theories in detail elsewhere (Somin 2022: 110–15; see also Huemer 2010). Here, I will only reiterate the point that acceptance of the idea that national governments are entitled to the same

¹² For a recent overview of the vast scope of the War on Drugs, see Farber (2021).

sorts of powers over their territories as homeowners and club members would entail the destruction of liberty for natives, no less than immigrants.

For example, homeowners and club members have the right to restrict speech and religion on their land (and in the case of clubs to limit membership to those who espouse particular religious and political views). They also, of course, can impose tight restrictions on virtually any economic transactions on their property. Clubs can obviously restrict membership to those who abjure particular types of transactions. In this way, acceptance of the analogy between governments and private clubs or homeowners would eviscerate negative economic liberty, as well as other liberties.

II. Immigration and positive theories of economic freedom

Positive theories of economic freedom, advanced primarily by left-liberals, progressives and social democrats, have a very different focus from negative ones defended by libertarians, classical liberals and some conservatives. Broadly speaking, theories of positive economic liberty can be divided into two categories. Some focus generally on expanding access to economic resources and transactions, so as to widen the range of choice available to people, and increase their capacities (see Berlin 1958; Sen 1999).

Others place special emphasis on ensuring access to resources and opportunities for the poor and disadvantaged, most notably in the case of John Rawls' famous 'difference principle', which requires economic inequalities to be structured in ways that maximise benefit to the least well-off group within a society (Rawls 1971). Still other theories combine these two themes in various ways, emphasising both the need to prioritise the poor, and to ensure generally widespread expansion of economic choice and autonomy (see e.g. Freeman 2018; Nielsen 1985).

Unlike negative-liberty theorists, positive-economic liberty advocates do not necessarily assign any inherent value to market economic transactions. They value them, if at all, only in so far as such transactions enhance human choices and capabilities, and improve the lot of the disadvantaged. If these goals are better achieved through government intervention that limits market transactions than by more laissez-faire policies, positive-liberty advocates have good reason to reject the latter.

Nonetheless, it turns out that migration restrictions are a serious threat to positive economic liberty, just as they also undermine the negative kind. If the relevant frame for applying positive-liberty theories is the population of the entire world, then the case for a strong presumption in favour of 'open borders' migration rights is easily made. Freedom to migrate can expand positive economic freedom for millions of people around the world, whose options are now severely limited. Moreover, many of them are among the world's poorest and most oppressed people. Enabling them to move to wealthier and freer societies would simultaneously vastly expand economic freedom conceived of as increased autonomy, choice and capability, and *also* disproportionately benefit the poor, thereby greatly reducing economic inequality (for recent overviews of some of the relevant evidence on these points, see Caplan 2019: Chapters 1 and 2; Somin 2022: Chapter 3; van der Vossen and Brennan 2018: Chapter 2).

Things are more complicated if the focus is limited to natives of the receiving country, as demanded by some political theorists who argue that governments have a right to exclude migrants in order to benefit the former, or that principles of equal opportunity and distributive justice apply primarily within national borders, not across them (Freeman 2018: Chapters 4 and 8; Macedo 2007; Rawls 1971; Rawls 1999). In that event, the benefits of migration to migrants become of little significance compared to the impact on natives. But there is strong reason to conclude that a strong presumption in favour of open migration will also greatly expand the positive economic freedom of natives. As already noted, eliminating migration restrictions would create vast new wealth, potentially doubling world GDP. Such an enormous expansion of productivity and resources could hardly avoid creating enormous benefits for natives as well as immigrants. Even if the former captured 'only', say, 20% of the new wealth, that would still be a dramatic improvement in their position relative to the status quo. And that is likely to be the case whether the freedom in

question is defined as access to resources, opportunities to improve human capacities, or some combination of both.

Moreover, some of the new wealth is likely to be used in ways that create especially large benefits in expanding positive economic liberty for natives (as well as migrants themselves). As discussed in Part I, immigrants disproportionately contribute to scientific and medical innovation. Many such innovations create literally life-saving benefits. A dramatic recent example highlights this point.

Both of the two most successful Covid-19 vaccines – those produced by Pfizer and BioNTech, and Moderna – were produced in large part by immigrants from poor nations, or children of those, who could not have made these pathbreaking contributions had they or their parents been forced to remain in their countries of origin.¹³

These vaccines have saved many millions of lives around the world. And immigration made them possible. It is also clear that, in the process, they have greatly expanded positive economic freedom. It is difficult or impossible to exercise any such freedom if you are dead or seriously ill from Covid, and also hard to do so in an economy that remains paralysed by the pandemic, as many would be to a much greater extent, absent vaccination. More broadly, technological and scientific innovation is crucial to expanding positive freedom over time (for important overviews, see Mokyr 1990; Norberg 2020). To the extent that free migration increases the pace of such progress, it dramatically contributes to the expansion of positive economic liberty.

Moreover, scientific and technological progress, in most cases, disproportionately benefits the poor and disadvantaged, thus satisfying the concerns of those who believe the latter deserve special consideration in theories of economic freedom and distributive justice. The wealthy can, to some extent, use access to labour and capital to substitute for technology. As Milton and Rose Friedman (1980: 147) famously put it, '[t]he rich in Ancient Greece would have benefited hardly at all from modern plumbing: running servants replaced running water'. This probably understates the benefits of plumbing, even for the wealthy. But there is little doubt that plumbing – and other similar innovations – benefited the poor to a greater degree than the rich.

The poor also benefit disproportionately from medical innovations, such as the Covid vaccines. They have a higher mortality rate from Covid and other contagious diseases, due to tighter living conditions, and being more likely to have to work in person, among other factors (see Jung et al. 2021).

The contribution of immigrants to scientific and other innovation is so great that it by itself likely outweighs any negative effects of immigration on the positive liberty of natives, including the native-born poor. Massive reductions in disease and mortality and increases in standards of living caused by technological improvements easily outweigh such possible negative effects as wage competition in some industries.

In theory, benefits to the native poor from migration might be maximised by taking in only those immigrants who are likely to become entrepreneurs or scientific innovators, but barring others, who are more likely to compete with the poor for jobs, rather than benefit them. But such policies can only work well if government is effective at predicting which types of workers will make useful contributions and where.¹⁴ That assumption is unlikely to be true. Many of the most successful immigrant scientists and entrepreneurs arrived as children or at other points in their lives when their future success was virtually impossible to predict. The producers of the two Covid vaccines are notable examples.

The disproportionate contribution of immigrants to American scientific research is in large part due to the greater propensity of immigrants who arrived as children to focus on scientific fields in their education, not the arrival of qualified scientists as adults (Rangel and Shi 2019). The native-born children of immigrants to the United States and Canada are also disproportionately likely to study

¹³ Somin, I., 'Thank immigration for the new Covid-19 vaccines', *Reason*, 22 November 2020 (<https://reason.com/volokh/2020/11/22/thank-immigration-for-the-new-covid-19-vaccines/>).

¹⁴ This passage is adapted from Somin (2022: 157).

and enter scientific fields (Finnie and Childs 2018).¹⁵ Obviously, the success of future children of current immigrants is even more difficult for government to forecast in advance than that of immigrants themselves. More broadly, if government-controlled allocation of labour was likely to be effective, socialist states such as the Soviet Union would have had far better economic performance.

The significance of contributions from the children of immigrants also undercuts the ability of governments to predict the entrepreneurial and scientific contributions of potential migrants by using proxies such as education and income. Children of immigrants routinely do much better than their parents in these respects (Waters and Gerstein Pineau 2015: Chapter 6).

Even if government could reliably identify those immigrants most likely to produce innovators and entrepreneurs, excluding large numbers of other potential migrants would still have a major aggregative negative effect on innovation and entrepreneurship, even if the chances of any one member of that group making a major scientific or commercial innovation are low. Imagine a group of potential migrants in which only 1 in 10,000 would create significant scientific or other innovations or become a significant entrepreneur (call such people 'major innovators'). Still, if a country keeps out 1 million such people, that means depriving itself of 100 major innovators. And that number rises with time, such that ten years of keeping out 1 million migrants per year means depriving the destination country of 1,000 major innovators, and so on.

If given the opportunity, some of these individuals might have done things like develop cures or vaccines for deadly diseases, facilitate major technological breakthroughs, and so on.

Despite the major economic advantages of freedom of movement, it is arguable that some native workers are net losers from migration, because migrants compete with them for jobs, thereby reducing their wages. In the United States, studies suggest this effect is largely limited to native-born high school dropouts.¹⁶ Even so, it could be argued that, from the standpoint of theories prioritising the economic freedom of the native-born poor, such immigrants must be excluded. However, even if some subset of native workers are net economic losers from immigration, there are ways to address this issue without actually excluding migrants. The most obvious solution is to tap – through taxation – some of the vast wealth created by immigration and use it to subsidise the wages of whatever group of native workers we believe are unfairly disadvantaged.¹⁷

In this way, we can simultaneously retain the economic benefits created by migrants – including those that expand positive economic freedom for natives – and mitigate possible downsides for the native poor. Moreover, this can easily be achieved simply by utilising existing wage-subsidy programmes, such as the US earned income tax credit (Somin 2022: 150). It does not require any major institutional innovations. There are, however, a number of other possible mechanisms by which migrants or those who employ them and consume their products, could be incentivised to pay for such programmes.¹⁸

I do not endorse such discriminatory taxes and wage subsidies myself. Here, I merely contend that – from the standpoint of theories of positive economic freedom that prioritise the needs of the native-born – they are preferable to exclusion of immigrants, including 'low-skilled' ones. The latter can still make important contributions to economic growth and development that expand positive liberty for natives (as well as themselves). This is especially true when we recall that those who arrive as low-skilled workers need not remain so, nor is it likely to be true of many of their children.

As with the impact on negative freedom, the effect of immigration restrictions on natives' positive freedom can be gauged to some degree by analogy with the effects of deporting native-born

¹⁵ See also: 'Children of immigrants are top US high school science performers', *Forbes*, 11 March 2017 (<https://www.forbes.com/sites/stuartanderson/2017/03/11/83-of-americas-top-high-school-science-students-are-the-children-of-immigrants/?sh=180ae8e22200>).

¹⁶ For a review of the evidence, see Somin (2022: 149–50).

¹⁷ For this 'keyhole solution', see Caplan (2012) and Somin (2022: 149–50).

¹⁸ See discussion of various mechanisms for increasing fiscal contributions of immigration in Somin (2021: 140–1).

workers. It is difficult to deny that expelling, say, 1 million of the latter from the United States or Britain would have a hugely negative impact on the positive liberty of those who remain, even if some might benefit from a reduction in job competition. By the same token, we can expect effects of comparable magnitude from barring equivalent numbers of migrants, especially if the latter are, on average, more likely than natives to engage in innovation and entrepreneurship. And, here too, even if the negative effect on natives of excluding one migrant were only 25% or 50% as great as that of expelling one native, the aggregate negative impact of immigration restrictions is still likely to be enormous.

Like negative economic liberty, the positive liberty of natives is also undermined by the indirect effects of the enforcement system for migration restrictions. For example, when natives end up getting detained or deported by government agencies tasked with expelling illegal migrants, that very obviously reduces their positive liberty. Similarly, to the extent that immigration enforcement targeted at employers increases the cost of hiring native-born workers, the latter lose out on opportunities to increase their income and thereby increase their positive liberty, defined as access to goods and services.

III. Addressing negative side effects of migration that could threaten natives' economic freedom

While the direct effects of immigration on economic freedom are enormously positive, it might have some negative side effects that mitigate or even outweigh them. In the extreme case, they could even have a devastating impact on institutions that protect economic liberty, thereby 'killing the goose that laid the golden egg' that makes the nation in question attractive to migrants in the first place.

Such negative side effects could potentially lead to deterioration of negative economic liberty, positive liberty, or some combination of both. For example, many conservative critics of immigration fear that it will lead to an expansion of the welfare state, thereby imposing a huge fiscal burden on natives and undermining negative economic freedom in the process (Krikorian 2008: Chapter 5).

Political philosopher Anna Stilz fears a situation that is the exact opposite of the scenario that concerns those who fear that migration will lead to increased welfare spending: in-migration of opponents of the welfare state to high-welfare countries might enable the former to outvote natives, and thereby eliminate or at least greatly reduce welfare programmes the latter value (Stilz 2016: 7–8; Stilz 2019: 194).

More generally, if immigrants turn out to be terrible voters or have harmful cultural values, their influx could lead to the deterioration and degradation of liberal democratic political institutions (for these sorts of concerns, see Barry 1992: 279–87; Borjas 2015: 961–74; Collier 2013). That, in turn, could undermine both positive *and* negative liberty.

I have addressed these and other possible negative side effects of migration in much greater detail in Chapter 6 of my book *Free to Move: Foot Voting, Migration, and Political Freedom* (Somin 2022). Here, I merely summarise my general framework for dealing with them. That framework is based on a three-part test for assessing consequentialist objections to migration rights. Before concluding that restrictions are justified, we must answer three questions in ways that rule out alternative approaches to dealing with the supposed problem at hand.

First, we should ask whether the harm in question is real. Many of the standard objections to expanding migration rights are greatly overblown, including those relevant to questions of economic liberty. For example, extensive evidence indicates that immigration generally does not increase burdens on the welfare state, and that the vast majority of immigrants are net contributors

to the public fisc (Somin 2022: 138–40).¹⁹ The available evidence also suggests that immigration – even in cases where it comes as a massive surge – does not degrade the quality of liberal democratic institutions, as assessed by a wide range of metrics.²⁰ Thus, there is little reason for concern that immigration will kill the goose that lays the golden egg of either type of liberty.

Second, where migration creates genuine problems (including for economic liberty), we should ask whether it is possible to deal with the issue by using ‘keyhole solutions’ that minimise the risk without barring migrants.²¹ For example, if it turns out that immigrants unduly increase welfare burdens, the obvious keyhole solution is to restrict eligibility for various welfare benefits—as already occurs under the US Welfare Reform Act of 1996 and similar legislation in other nations.²²

If immigrant voters are somehow a threat to liberal democratic institutions, to the welfare state, or to other structures that promote economic liberty, the government can limit their eligibility for the franchise. Here too, they can build on existing measures, such as the requirement that before being allowed to vote, immigrants must pass a civics test – one that, incidentally, most native-born Americans would fail.²³ Other nations, including the UK, have similar requirements.²⁴

Exclusion of immigrants from welfare programmes and other government benefits available to natives may be a case of unjust discrimination. But, if so, it is still less unjust than excluding would-be migrants from the country entirely, especially if they thereby face lifelong poverty and oppression in their nation of origin.

Finally, where keyhole solutions are inadequate, we should ask whether we can tap the vast wealth created by expanded migration to mitigate negative side effects that cannot be addressed in other ways. For example, if – contrary to most social science research – it turns out that immigration lowers the wages of native workers (thereby potentially constraining their positive freedom), then policymakers can tap some of the wealth generated by immigration to increase wage subsidies to whichever groups are adversely affected in ways we conclude are unjust.²⁵

As with discriminatory limitations on welfare benefits, imposing this kind of tax on immigrants might be an unjust inequality. But, here too, it is less unjust and less unequal than total exclusion from the society.

Conclusion

Issues related to the economic liberty of natives are far from the only ones at stake in debates over immigration. The rights and interests of potential migrants also matter greatly. By the same token, there are obviously other types of justifications for migration restrictions. But negative and positive theories of economic liberty are nonetheless central points of contention in public discourse. And that discourse has not paid adequate attention to the ways in which breaking down barriers to migration – far from threatening the economic freedom of natives – actually enhances it.

¹⁹ This appears to be the case in the UK, as well; see Portes (2024), estimating that UK immigration significantly improves the government’s fiscal position.

²⁰ Somin (2022: 130–4 and 153–5). For the most thorough recent analysis of this issue, see Nowrasteh and Powell (2021). See also Clemens and Pritchett (2019) and Nowrasteh et al. (forthcoming).

²¹ On the concept of keyhole solutions, see Caplan (2012: 5–21) and Somin (2022: 128–9). The phrase ‘keyhole solution’ seems to have been first introduced by Tim Harford (2005: 130–1).

²² On this keyhole and other ones relevant to the issue of overburdening the welfare state, see Somin (2021: 139–40).

²³ Somin (2022: 130–2).

²⁴ Somin (2022: 130–2).

²⁵ For discussion of a number of such proposals, see Somin (2022: 149–50). See also discussion in Part II of this paper.

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