

within the elementary books of public right written by Aristotle, Cicero, Locke, and Algernon Sidney, but all of these authors only merit brief mentions from Thompson. Yes, the American Revolution was a product of Enlightenment thought, but that does not mean the past was abandoned. The Americans vested great authority in the wisdom of classical authors such as Tacitus, Plutarch, and Cicero, as well as more recent English Republicans such as Algernon Sidney, James Harrington, and the authors of Cato's Letters John Trenchard and Thomas Gordon. Thompson does not engage with the classical-republican scholarship of the American Revolution, possibly saving these arguments for his next book covering the philosophy of the American Constitution, expected to be titled *America's Constitutional Mind*. Nevertheless, for a book which is described as self-sufficient, the approach of valorizing Locke above all others can obscure the nuances and intricacies of the American mind, which was well versed in matters beyond Locke.

Thompson's vision of new moral history is exceptionally welcome at a time when the Founder's motives are constantly under cynically guided scrutiny. I commend this book highly for taking the Founders seriously. By doing so, Thompson interrogates the American temperament and character to a degree that is rarely achieved. The new moral history of Thompson is a breath of fresh air for its unique approach. *America's Revolutionary Mind* is an excellent guide to how America's most important generation thought about the foremost issues of their day and how Locke's thought was indispensable to the Declaration of Independence, one of the most important documents in American, if not world, history.

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### **Free to Move: Foot Voting, Migration, and Political Freedom**

Ilya Somin

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Immigration policy is the most debated and controversial issue of our time. Across the developed world, political parties have greatly diverged on this issue. In Europe, political parties with a nativist bent have won elections and governed in coalition with other mainstream parties. But even mainstream parties, such as the Danish

Social Democrats, have adopted anti-immigration platforms as they adapt to the opinions of voters skeptical of immigration—and have maintained power as a result. In the United States, the 2016 election of President Donald J. Trump on an anti-immigration platform and an increasingly pro-immigration Democratic Party reveal a greater difference of opinion than on any other policy issue. Related to these political and policy developments is the perceived partisan sorting of voters into different geographic regions, the rise of left-wing and right-wing identity politics, and a general sense of deepening political polarization.

Antonin Scalia Law School Professor and Cato Adjunct Scholar Ilya Somin deftly combines these issues into one forceful thesis in his new book, *Free to Move: Foot Voting, Migration, and Political Freedom*. There are many new books about immigration, but Somin's is the only one that argues that the ability to exit a political jurisdiction and enter another, whether inside of a federal system or internationally, is the cheapest and best way to improve individual political freedom. As Somin argues, individual voluntary sorting through migration to different jurisdictions with different policies is a positive development that improves human welfare more than other means of changing political circumstances such as ballot box voting. We should emphasize how foot-voting can improve public policy by sorting people into jurisdictions where they prefer to live.

Many people in the world today live under governments that they would like to change, but voting and democratic decisionmaking are fraught with problems. Not only do individual voters disagree with each other over optimal policies, but a single voter has an infinitesimal chance of altering government policy through the ballot box. And even if policies were to change, the lag in time from their enactment to when their effects are felt can be quite long. Voters are rationally ignorant and often vote based on biases since their individual votes don't affect the outcome anyway. Thus, the resulting policies are often irrational and don't work. The outcomes are a lot like the famous "tragedy of the commons," where individual choices on how to use a collectively owned resource, in this case public policy, results in poor management that degrades the value of that resource. Democracy produces better outcomes than other forms of government, to be sure, and the people trapped in authoritarian regimes around the world have it a lot worse, but ballot box voting isn't a panacea either.

In such a world, policy reform through the ballot box is unlikely, uncertain, and often irrational from the perspective of individual voters who want to change the policies under which they live. Fortunately, there is another way for individual voters to live under the policies that they desire. Migrating, or foot voting, to other political jurisdictions with more desirable policies is a shortcut that achieves the goal of living under better policies for the migrant.

For example, if a Californian wants more freedom to own firearms with less state interference, then he has several options. He could spend his time voting for pro-gun candidates, organizing pro-gun rallies, or writing eloquent persuasive pieces for news outlets in his home state of California in an effort to change the rules under which he lives. Or he could just move across the border to Arizona and get that freedom without engaging in the mercurial political process. The migrant must value the benefits of living in Arizona over the cost of moving from California, but at least incurring that cost will result in the actual change for himself while spending years trying to change policy in his home state is a high-cost investment with a low and distant potential return. Not only is migration guaranteed to increase his personal utility by choosing a jurisdiction with gun laws closer to his liking, it also doesn't involve shifting policies in California that most residents there are happy with. Migration is a win-win for all involved, especially the migrant.

The benefits from foot voting accrue even if jurisdictions don't make any special efforts to attract migrants. Charles Tiebout made this point in a classic 1956 article arguing that jurisdictions offer different mixes of taxes and government-provided services based on the demands of their residents. Because these demands are heterogeneous across geography, different jurisdictions will offer differing mixes, and that differentiation will appeal to people who share those preferences who live elsewhere. As a result, a variety of options exist where there are multiple different jurisdictions even though each jurisdiction is not actively competing with others.

The Tiebout model also works with private planned communities, gated communities, and home-owner associations. They offer different levels of security and benefits such as recreational facilities as well as vastly different fees without the high cost of having to move across state lines. These private clubs don't offer different gun policies, sales tax rates, or other laws imposed by their states or counties, but they do offer a small measure of choice of governance inside of

government jurisdictions. Private communities are private clubs inside of a much larger polity and they offer substantial choice at a relatively low cost to middle income and wealthy residents.

The differences between countries is even vaster than the differences between American states and the differences between private communities. A standard deviation difference in economic freedom among American states is the difference between the states of Minnesota and Georgia. But a standard deviation difference in economic freedom between countries is the difference between Germany and Cyprus—a gulf in income and standard of living that couldn't be bridged for years or decades even if Cyprus adopted Germany's pro-growth policies. What is a Cypriot to do in such a situation—spend years of his life organizing for policy change or move? The former is uncertain and unlikely to have any effect, but the latter is guaranteed to change his life for the better.

Somin mentions his personal experience with migration briefly in the introduction, but you can see how it informs his opinion. He was born in 1973 in the Soviet Union. He writes that “[t]he life of most residents of that totalitarian state was one of poverty and oppression. My family was materially better off than the average Soviet citizen, but still lived in awful circumstances by Western standards.” At various times, several of his relatives were victims of the Soviet regime's oppressive policies, and as Jews they were held back by the state's institutionalized anti-Semitism. Somin and his family emigrated to the United States in 1979 and their lives improved across the board. He is materially wealthier, healthier, happier, and freer than he would have been had he stayed in the Soviet Union and, later, Russia. Maybe Russia would be freer today if Somin had stayed behind. He's a persuasive and eloquent writer, but even his abilities would run against the institutions and entrenched political opinions that govern his authoritarian homeland. In sum, Somin would have had virtually no chance of improving Russia but he would have suffered tremendously had he tried.

Put in those stark terms, emigration and foot voting is the preferred solution for people who want to improve their lot in the short term and long term. Indeed, the United States is one of the few countries in the world today where Somin's message should resonate. This land is overwhelmingly populated by those who left their homelands for more opportunity or whose ancestors did so. Most did so for

economic reasons and the opportunity afforded by a relatively more free-market United States, but those fleeing political and social oppression often figure larger in our minds: Irish Catholics fleeing British domination of their home island; Germans leaving behind the failed revolutions of 1848; Mexicans escaping the civil war in the early 20<sup>th</sup> century; Jews escaping the brutal anti-Semitic policies of Imperial Russia; and multiple waves of refugees fleeing Communist and Islamist governments. These groups from across the world decided they'd rather save their families and start anew than take an enormous personal risk on the very small chance that they would change politics at home.

Foot voting isn't without risk to people living in the jurisdictions that accept the foot voters. Somin spends much of his book writing about the potential downsides of more foot voting, but two stand out as particularly important. The first is that migrants who vote with their feet could bring with them the poor institutions, violence, or poverty that induced them to move in the first place and "infect" their new homes. The United States is a free and rich country because of our institutions, but those institutions can change if enough people here vote for worse policies that upend or change them. Fortunately, there is little evidence of this occurring and much evidence that immigrants, in fact, improve policies from a libertarian perspective. Institutions tend to be sticky due to the doctrine of first effective settlement, which essentially means the founders of a polity have an enormous amount of influence on future policy and institutions due to the political framework and constitutions that they established. It's harder for successive generations to change them than it was for the founders to create them. Although voters have a huge impact, it is very difficult to overturn them. Furthermore, countries that faced large exogenous immigration shocks, like Israel and Jordan, liberalized their economies in response, while the United States did not begin to expand the welfare or fiscal state to where it is today until after the borders were closed in the 1920s.

Second, it is often argued that governments have an inherent power to keep out migrants for any reason, much like a property owner has the right to keep trespassers off his property. Somin spends many pages recounting philosophical debates over this point and rightly notes that the government does not own the country and cannot behave as a private property owner behaves toward

his property. Arguing otherwise would grant the government an obscene degree of power over our personal freedoms that would be unbearable to most Americans and completely at odds with anything approaching a libertarian conception of individual rights. This is Somin's most controversial claim, but he's on sound historical-legal footing.

Although current governments claim an absolute power to limit entries, this was not always the case. Francisco de Vitoria (1480–1546), widely regarded as the founder of international law, argued that people have a right to move across borders peacefully. Hugo Grotius (1583–1645) refined Vitoria's theory further by arguing that individuals have a right to leave their own country and to enter and remain in another. The right to emigrate is respected by modern scholars, but the right to leave one country without the right to enter another is a very meager right and is as disjointed as saying that there is a right to buy property but not to sell it. Samuel von Pufendorf (1632–1694) was the first international law scholar to argue that state sovereignty grants it power to choose whom to admit that is more important than any natural right of movement. He was followed by Christian von Wolff (1679–1754) who argued that the sovereign owns the nation and exercises this power as an individual property holder does regarding entry of people onto his land. Emer de Vattel (1714–1767) had the most influence on modern international law regarding immigration when he argued that there is a qualified power of state sovereignty to control immigration with the two substantial caveats of innocent passage and asylum. De Vattel is extensively and selectively cited in U.S. Supreme Court decisions that created Congress's plenary power over immigration in the late-19th century. All of those scholars made exceptions for state security and the protection of individual rights as well as for those fleeing oppression, but the most extreme view of absolute state power without caveats is what dominates the modern view. Somin's view is much closer to that of de Vitoria and Grotius than it is to the other scholars.

Ilya Somin is a scholar with a wide body of work, from political science to philosophy and the law. *Free to Move* is a condensed and short primer on his political and philosophical writings. I've read many of Somin's other books and I recommend them all, but if you only have time to read one work by this prolific scholar to understand

much of his thinking on current policy issues, *Free to Move* is the book for you.

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### **The Light that Failed: A Reckoning**

Ivan Krastev and Stephen Holmes

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Some butterflies have evolved to resemble the face of an owl. This form of imitation can deter predators, but no one would expect a butterfly to do all the things owls do. In ecology, this is known as isomorphic mimicry. Development experts have used this phenomenon as a metaphor to explain the folly of installing copycat versions of Western institutions—the norms, laws, and governance structures of liberal democracy—in diverse countries. They may look right at certain angles, but on closer inspection they don't function as hoped.

If underwhelming performance were the only consequence of the West's attempt to spread liberal democracy abroad, we could take pride in the attempt. But in *The Light that Failed: A Reckoning*, political scientists Ivan Krastev and Stephen Holmes argue the consequences are much worse. In their words, “[a]fter the fall of the [Berlin] Wall, across-the-board imitation of the West was widely accepted as the most effective way to democratize previously non-democratic societies. Largely because of the moral asymmetry it implied, this conceit has now become a pre-eminent target of populist rage.”

That moral asymmetry, they argue, is the untenable difference between the superiority of the imitated over the presumed inferiority of the imitators, in this case the West and those who spent the last 30 years trying to catch up. In short, democratic institutions, built in this way, are likely to fail and that failure then sparks feelings of humiliation and resentment among transitioning populations.

Eventually, the authors argue, this sense of defeat leaves the electorate vulnerable to alternative narratives proffered by authoritarian-leaning strongmen who promise to restore native pride by rejecting the West explicitly. Citing would-be autocrats such as Hungary's Viktor Orban and Russia's Vladimir Putin, Krastev and Holmes build their case for claiming that “[d]ispraising the West and declaring