Ethics & Global Politics

ISSN: 1654-4951 (Print) 1654-6369 (Online) Journal homepage: https://www.tandfonline.com/loi/zegp20

Must a world government violate the right to exit?

Rochelle DuFord

To cite this article: Rochelle DuFord (2017) Must a world government violate the right to exit?, Ethics & Global Politics, 10:1, 19-36, DOI: 10.1080/16544951.2017.1311482

To link to this article: https://doi.org/10.1080/16544951.2017.1311482

Published online: 25 Apr 2017.

ETHICS & GLOBAL POLITICS, 2017
VOL. 10, NO. 1, 19–36
https://doi.org/10.1080/16544951.2017.1311482

Routledge
Taylor & Francis Group

ORIGINAL ARTICLE

OPEN ACCESS Check for updates

Must a world government violate the right to exit?

Rochelle DuFord

Department of Philosophy, Hobart and William Smith Colleges, Geneva, NY, USA

ABSTRACT

This paper offers a response to the common claim that a world government is undesirable because one would not be able to leave its territory. This claim nearly always appears as an adjunct to the possibility that a world government would be irredeemably bad. I separate out two implications of the impossibility of exit: first, that a world government is unable to respect human rights; and second, that regardless of its status as rights-respecting, it is, all things considered, better to be able to leave a territory if one wishes to do so. As a response, I develop a concept of exit rights. This shows that respect for exit rights is not necessarily undermined by the presence of a world government, and that a world government is able to provide for the substance of the right or the interests that it secures. Next, I argue that the normative force of the claim that one ought to be able to exit the territory of a bad government lies in a false asymmetry between territorial states in the states system and a world government. For individuals who live under an illegitimate government, it makes practically no difference whether there exists some other legitimate government if they are unable to move to or live in its territory – the situation of the vast majority of individuals already living under 'very bad' regimes. I conclude that an illegitimate world government is not worse than an illegitimate territorial state with regards to the ability to exit.

ARTICLE HISTORY
Received 16 December 2016
Accepted 10 March 2017

KEYWORDS
Legitimacy; migration; tyranny; world state; emigration; human rights; freedom of movement; freedom of association; global justice; global democracy

In the literature concerning both global democracy and global justice, the idea of a cosmopolitan world government serves as a foil position. It is something to be avoided or argued against, or an accusation made against a competing theory. Despite this, little work has been done to theorize on the conceptual and normative aspects that such an institution (or set of institutions) would have. Rather, a circumscribed set of criteria originally attributable to Kant is taken to be a fundamental and irresolvable criticism of the development of a world government. Kant's claim in 'Perpetual Peace' (1991) is that under a global government 'laws progressively lose their impact as the government increases its range, and a soulless despotism, after crushing the germs of goodness, will finally lapse into anarchy.'[1] Mirroring

CONTACT Rochelle DuFord duford@hws.edu Department of Philosophy, Hobart and William Smith Colleges, 616 South Main Street, Geneva, NY 14456, USA

[1]In *Metaphysics of Morals* (1991), Kant states explicitly that he does not know the mechanisms by which a world state would become despotic, commenting merely that 'governing it and so too protecting each of its members would finally have to become impossible.' I take it that by 'protecting each of its members' Kant means respecting or promoting their rights, as this is in line with contemporary interpretations of Kant on the purpose and duties of states (cf. Stilz, 2009).

this claim, Rawls (1999, 36) argues that a world government would either be 'global despotism' or 'rule over a fragile empire torn by civil strife.' The common thread of these claims is the fear of global despotism or global tyranny. It is often taken that such fear alone is sufficient to warn against the development of a world government. Whether such a fear is founded or not we simply cannot, at this juncture, know. However, I argue here that a world government is as capable of respecting human rights as ordinary territorial states are. That is, there is nothing necessary about a world government violating human rights. I take it that the paradigmatic right that is of concern is the right to exit or to leave the state because it is the right that a world government seems least able to respect.

Among the most persistent and intractable challenges to the desirability of a world government is the so-called 'no-exit' objection. This objection is almost always made in tandem with the claim that a world government will become tyrannical. The critique is succinctly articulated by Arendt, where she claims a world government 'could easily become the most frightful tyranny ever, since from its global police force there would be no escape, until it finally fell apart' (1972, 230). In fact, the tyranny/no exit objection is so often made in this form that it is sometimes considered to be a single problem for a world government. As Tinnevalt (2011, 36) argues:

> The tyranny objection consists in fact of two interrelated arguments: (a) the claim that a world state – because of its need for hierarchical centralization – poses a great and maybe even inevitable risk of tyranny, and (b) the objection that, unlike a tyrannical nation-state, a tyrannical world state leaves no exit possibilities.

Along these lines, Gillian Brock (2009) claims that betting on a global government has no payoff. It is unlikely to provide any gains for justice or the implementation of human rights, and conversely it has a huge potential drawback – if it were to become illegitimate, it would be capable of massive amounts of harm. In fact, it would be capable of more harm than not having one will generate. Boxill (1987) begins this line of reasoning, with Brock following his lead, in arguing that the potential for tyranny in a world state is detrimental to its implementation. Boxill argues that given the potential catastrophic results of a world state that imposes its will freely and wields a monopoly on coercive force, a cost–benefit analysis simply can never support the implementation of a world state. Brock furthers this conclusion by arguing that due to this potential for tyranny, a world state can never be a practical agent capable of ensuring global distributive justice. The potential for tyranny, she claims, is simply too great to make a global government a feasible solution to the collective action problems involved in implementing a scheme of distributive justice.

In his defence of world government, *Political Theory of Global Justice*, Luis Cabrera (2004) refers to this same kind of objection as the 'armed tyranny' objection. The force of the armed tyranny objection is backed by Walzer, who claims:

> If the outcome of political processes in particular communal arenas is often brutal, then it ought to be assumed that outcomes in the global arena will often be brutal, too. And this will be a far more effective and therefore a far more dangerous brutality [if a world state is created] for there will be no place left for political refuge and no examples left of political alternatives (as quoted in Cabrera, 2004, 111).

Again, here, as with the previous two articulations of the critique, tyranny and the inability to exit go hand and hand. It is often taken that this is *the* central objection to a

world government. This paper will argue that the objection is, in a sense, misguided; it relies on a wide conception of exit rights that includes exit options. Further, I will argue that even if a wide conception of exit rights is correct, the objection has less moral weight than its proponents imply that is does.

In this paper, I argue that a world government will not necessarily violate exit rights. By necessarily, here, I mean to imply that there is nothing conceptually requiring the violation. In part, I argue this because it seems to be the implication that many of the above critiques rely on: that our exit rights will be violated because we will be unable to successfully access the substance and exercise of them should we wish to do so. As Shue puts it, having a right requires that the substance of the right be socially guaranteed (Shue, 1980, 74). Additionally, throughout the paper, I argue at various points that actions are impossible, improbable, or unlikely. By impossible, I mean an act that cannot be accomplished because it violates some form of natural and/or physical laws. Sometimes acts are impossible not because they violate a physical law, but because current socio-political, historical, or material configurations make this act a contingently impossible one. Thus, some acts are deemed necessarily impossible (acts that violate physical/natural laws – I sometimes refer to these are 'in principle impossible'), while others are deemed contingently impossible (acts that are unable to be completed given some accidental feature of the world in which we live, given that this feature is malleable). Some acts are not impossible in either the necessary or contingent sense – but they are, however, still unlikely. These acts could be done, or these states of affairs could be brought about, even if many believe they are unlikely events or states of affairs to come about – I refer to these sorts of acts as 'in principle possible'. They are an option, no matter how slim the possibilities actually are.

In order to show that a world government will not necessarily violate exit rights, I argue that this objection rests on a misleading account of exit rights that conflates them with exit options. I argue that a world government simply eliminates exit options, but does not impinge on the right to exit itself. As such, because there are no exit options, a world government (given our current social–historical location) cannot violate the right to exit – as there would not be a possibility of exit.

A world government implies the free movement of peoples by virtue of the fact that a world government also implies a global citizenship. One of the privileges that attaches to citizenship is, as Adam Hosein (2013, 26) puts it, 'freedom of intranational movement.' Freedom of intranational movement holds that because individuals have legitimate projects that may span the internal territory of the state in which they reside (often, but not always, these are economic projects), they ought to be free to move within the territory of the state as they please. On a global level, the corollary of this is a global freedom of movement.

Interpreting exit rights

In this section, I develop a clear distinction (both conceptual and normative) between the right to exit and the option to exit. Exit rights can be interpreted to cover at least four 'kinds' of 'exit' – each of which has particular normative features at issue. The first is the freedom to exit a cultural group. This is the sense of exit rights that is usually

discussed by multicultural liberals and communitarians such as Will Kymlicka, Susan Moller Okin, and Michael Walzer. We can call this 'cultural exit'. The fundamental normative interest at issue is autonomy – do cultural groups have the right to effectively disable their members' future autonomy? This sort of exit is not relevant to the question of a world state. However, it is the most commonly discussed form of 'exit rights'.[2]

The second sense of a right to exit is understood as a right to leave a political association at will. The freedom to exit a political association is considered under the rubric of the right to exit due to the manner in which the world's political–legal territories roughly correspond to participation in a political association encompassed by the term 'territorial state'. The right to exit a political association (voluntary expatriation or renunciation of citizenship) requires that one exit the territory that is governed by that political association. Such a discussion of exit rights was popular in the United States during the 2000 presidential election, with individuals declaring that if George W. Bush won, they would move to Canada. These individuals sought to renounce their affiliation with a political association that had George W. Bush as its executive. Thus, exiting the United States was necessary to exit the political association, and thus a political affiliation with George W. Bush that might implicate one in his decision-making. Further, one may desire to take up residence in another country for personal, rather than political reasons – call this 'citizenship' exit (for a discussion of the history and normative aspects of this type of exit, see Whelan, 1981; Stilz, 2016).

The third sense of a right to exit is understood is as the right to leave a territory at will. This sense does not usually also espouse a renunciation of citizenship or political affiliation concerning the territory of origin. The right to leave a territory at will is connected to, but not identical to, the freedom of movement, and is exercised in two distinct ways: passing through and relocating. This sense of a right to exit is the sense that is most often discussed in debates concerning whether borders ought morally to be either open or porous. This kind of interpretation of a right to exit, then, is sometimes argued to imply a right to entry as well. That is, it is not simply the case that I have the right to leave my current territory, but also that I have immunity from interference by external territorial states that I attempt to enter. As a world government leaves effectively no external territory, this is not the appropriate sense of exit at issue for the purpose of this paper.

The final sense in which we understand a right to exit is as a remedial right. The right to exit is understood as a remedial right when an individual seeks to leave the territory in which they reside due to normatively adverse circumstances or treatment – usually understood as the violation of some other primary right – and who would not otherwise seek to leave the territory in which they reside. Such individuals are understood through a number of conceptual apparatuses depending on the legal mechanisms utilized in order to seek domicile elsewhere – migrants, refugees, asylum seekers, etc.

In the remainder of this paper, I concern myself mainly, but not exclusively, with the right to exit understood as a remedial right. The reasons for this are numerous, though such a focus can be justified by virtue of the fact that the 'no-exit' criticism theoretically ties the illegitimacy of the government to the inability of individuals to exit the territory. I discuss the desire to leave an illegitimate government as a desire to have one's full

[2]Wisconsin v. Yoder, 406 U.S. 205 (1972).

human rights respected and protected – an act often of both physical and moral preservation. This is usually the condition of refugees and is typified by the lack of recognition for individual moral standing (Parekh, 2014). Many argue that a minimal condition of legitimacy is that states recognize and act for the good of their members – including the refusal to 'revoke' membership (Cohen (2012) argues for this as a minimal threshold for the ability of states to maintain the presumption on non-interference – she calls it the 'membership criteria' for recognitional legitimacy.).

Legitimacy holds a central role in this paper. More precisely, illegitimacy holds this central role. This is for two reasons: first, the critique of a world government frequently ties the tyranny of the government to the desire to exit. Contemporarily, we should interpret tyranny as a form of illegitimacy. This is because a tyrannical government is one that acts without the right to do so. Not all illegitimate governments may be tyrannical (to paraphrase Tolstoy, every illegitimate government is illegitimate in its own way), but being tyrannical is a sufficient condition for illegitimacy. In this paper, I do not provide a single understanding of legitimacy. However, I do work from an understanding that one way for a government to be illegitimate is for the government to refuse to either promote, provide for, or protect certain basic or fundamental rights. Such an understanding of illegitimacy cuts across a number of accounts of legitimacy, including accounts of legitimacy based on minimally just institutions (Rawls, 1993; Stilz, 2009), accounts of legitimacy based on hypothetical consent (Estlund, 2008), accounts of legitimacy based on international recognition (Buchanan, 2004), and, most obviously, accounts of legitimacy based on protections of basic human rights (Shue, 1980). In all cases, human rights violations can be the source of illegitimacy. I do not provide a positive account of the normative warrant for the exercise of coercion. On many accounts of legitimacy (based on their shared characteristics), a world government will be capable of legitimacy. This is not to say that it will be legitimate (a question that can only be answered empirically, utilizing data that do not as of now exist), but that it is at least in principle possible for a world government to be legitimate.

Respect for the right to exit implies, in ordinary circumstances, only a negative duty on the part of others – that is, that one not interfere with another's actions in leaving an association. Patti Lenard (2015) has argued that this interpretation of the right to exit (which she refers to as the 'asymmetry thesis') is mistaken. She argues that for the right to exit to be a substantive right, it must contain the corollary duty to admit. However, Lenard is only able to hold such a position because she circumscribes the right to exit as a remedial right only. It serves as a remedy to protect 'the very strong interests we have in living in a safe and secure environment, and especially in being able to escape where our state is no longer providing this environment' (Lenard, 2015, n.p.). The right to exit, on her reading, must be a substantive right and, in order to be substantive, it must contain the duty to admit. Despite this, Lenard conveniently sets aside the problem of who bears the costs of exit – she does comment on the fact that exiting a state is costly (both morally and materially), but does not assign responsibility for bearing those costs. She essentially provides a normative argument for the *jus cogens* principle of non-refoulement – while she claims that exit rights must contain a duty to admit, such a duty is circumscribed and the right itself applies only in very narrow circumstances of actual physical danger.

Contrary to this, human rights conventions merely allow an individual to claim that the state in which they reside may not interfere with their leaving the territory. This follows from Article 13 of the Universal Declaration of Human Rights (UDHR):

(1) Everyone has the right to freedom of movement and residence within the borders of each State.
(2) Everyone had the right to leave any country, including his own, and to return to that country. (1948)

Articles 14 and 15 expand on some of the content of the right to freedom of movement and exit:

> Article 14: If you are forced to flee your home because of human rights abuses, you have the right to seek safety in another country. This right does not apply if you have committed a non-political crime or an act that is not in keeping with the UDHR.
>
> Article 15: You have the right to be treated as a citizen of the country you come from. No one can take away your citizenship, or prevent you from changing your country, without good reason.

The International Covenant on Civil and Political Rights (1966) (ICCPR; which, unlike the UDHR, is legally binding on signatories) expands this articulation of the relationship of freedom of movement to the right to exit any country in which one resides and to return to the country of one's citizenship.[3] From this, we can see that while individuals have a right to exit, as a corollary to the freedom of movement (not merely in the interest of security), this right does not also contain a positive obligation for a state to allow entry to all who ask. In fact, states have the right to deny entry at their borders in all but a few specific kinds of cases – and these cases are just the sorts of case that Lenard highlights, where freedom of movement is not at issue; rather, the strong interest individuals have in safety and security *are*.[4]

Exit rights are, in part, about the freedom of movement, as well as the freedom of association – not merely about security. Given the manner in which sovereign states control the terms of political association, immigration, and emigration, the ability to exit a state becomes the ability to move across the globe in a free manner and the ability to join and leave different political associations. It is a function of sovereign prerogative, sometimes understood via sovereign equality or the responsibility to protect, whether and under what conditions states admit individuals into their territory. However, this

[3]The right to a freedom of movement is additionally enshrined in UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.refworld.org/docid/3ae6b38f0.html>; UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, A/RES/45/158, available at: <http://www.refworld.org/docid/3ae6b3980.html>. It can also be found in the European Union Charter on Fundamental Rights, though, importantly, the European Union Charter on Fundamental Rights does not protect the right to leave the union. It protects only the right to enter and move freely within. European Parliament, 2000. Charter of fundamental rights of the European Union. [Luxembourg]: Office for Official Publications of the European Communities.

[4]States are legally required to allow entry to individuals who face persecution on return to their homeland according to the customary law principle of non-refoulement. This principle is also enshrined in the 1951 Convention Relating to the Status of Refugees, 189 U.N.T.S. 137, entered into force 22 April 1954 and its associated Protocol, 1967 Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267, entered into force 4 October 1967. For a legal discussion of the application of the principle of non-refoulement see: Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, UNHCR, The UN Refugee Agency, 26 January 2007, available at <http://www.unhcr.org/4d9486929.pdf>.

relationship only exists by virtue of the manner in which these rights and freedoms are currently bound up in the privileges and powers exercised by sovereign states.

Taking the European Union as an example, persons are able to join different political associations, as well as move freely about an entire continent without ever exercising their 'exit rights' by attempting to gain new citizenship or attempting to divest themselves of their originary citizenship. This is due to the way in which the Maastricht Treaty constructs European citizenship as being the member of a nation and at the same time being a member of a supranational organisation, the territories of which overlap (Treaty on European Union (Maastricht text), 1992). Further, the Schengen Agreements create a zone of free movement of peoples within the territory of the European Union. Importantly, the Schengen Agreements do not protect the right to leave the Union, only the right to move about it freely. In one sense, then, the Schengen Agreements expanded substantive freedom of movement while disregarding the right to exit ('Schengen Implementation Agreement', 1990).

While exit rights are enshrined in a number of covenants and conventions under the general rubric of the freedom of movement or freedom of association, what grounds them morally? It is not simply an interest in free movement that grounds them – especially given that, in a world composed of territorial sovereign states who have the right to control their own borders as a function of sovereign prerogative, the right to exit is limited at best and remedial-only at worst. Some will utilise normative criteria to propose that their perceived importance is grounded in the idea of political voluntarism (Lenard, 2015). As such, they form part of the suite of rights, freedoms, and responsibilities that make democratic government morally desirable – it is predicated on a notion that individuals participate willingly in associations. This willing participation is potentially at least part of what provides the moral import of the association.

Exit rights are a fundamental aspect of how we understand the relationship between a state apparatus and the individuals who reside in the territory. Given that the normal interpretation of a right to exit does not imply a right to entry, or something like a right to immigrate, the substance of the right is such that a state ought not to interfere with an individual attempting to exit the territory under normal conditions. Under ordinary conditions, it simply means that the state in which one resides may not prevent them from crossing a border out of the state.

There are at least three distinct normative reasons for why we may believe that exit rights are a particularly important right: (a) this may be because of their instrumental relationship to the facilitation of freedom of movement; (b) they may be necessary for legitimacy, if we understand legitimacy as based in actual or hypothetical consent; and (c) they provide the conditions for the possibility of political associations as voluntary, rather than involuntary. This third potential point of importance is, in a sense, a combination of the first and second points. When you accept the importance of the freedom of movement and the idea that a government needs the consent of the governed, the question that remains is whether (and in what sense) the association is voluntary.

If we take it that these are the three reasons we believe the right to exit a territory is so important, then we must look at whether a global government is capable of fulfilling the spirit of the right, or the normative criteria that make respect for the right of prominent importance. Reason (a) implies that we believe exit rights are important to

protect because of the necessary relationship that they have with freedom of movement. This is a compelling explanation of the importance of exit rights, given the legal interpretation of freedom of movement as seemingly requiring these rights. That is, if one is not free to exit, then one is not actually free to move about the earth. This means that the normative justification for a right to exit is parasitic on the normative justification for the free movement of peoples. One interpretation of the importance of the freedom of exit relies on the importance that the freedom of movement has to the freedom to associate (i.e. if one desires to be a part of a particular community, one must be able to physically move to the area that the community inhabits) (Carens, 1987). While concerns about the normative foundations for the freedom of movement are debatable, so long as one grants that freedom of movement is normatively justified, the right to exit is normatively justified if it is instrumental to the freedom of movement.

This is a compelling interpretation of the normative importance of the right to exit – namely due to the ways in which the UDHR and the ICCPR juxtapose the relationship between freedom of movement and the right to exit. Here, the right to exit serves as part of the substance of freedom of movement. However, this is contingent upon the fact that the world, as it is currently organised, requires exit for free movement. If there were no borders that developed distinct political territories, then it is not obvious that the right to exit would be required for the exercise of freedom of movement. An empirical example is illustrative here: persons in the European Union possess an expanded degree of freedom of movement while at the same time never exercising their 'right to exit'. Thus, a global government is well positioned to enable the substance that a right to exit enables, while at the same time causing the right itself to be irrelevant to securing the interest individuals have in the freedom of movement. The argument therefore concludes with a simple result: if we are concerned about the violation of exit rights necessarily by a world government, the concern is misplaced because one would still have access to the substance and normative foundation for the right.[5]

The problem of a lack of exit options is particularly difficult, given (b) the perceived significance that exit options hold for the legitimacy of a government. Pettit (2010, 144) goes so far as to claim 'that the state should allow its citizens to leave if they wish; if it denied citizens this right, then its status as a non-arbitrary source of interference would surely be put into question.' Lenard (2015, n.p.) makes a similar point in claiming that few attempts to erect barriers to exit are legitimate and '[i]n some cases, physical barriers, or other aggressively coercive disincentives, deter citizens from exiting. In these cases, there are guards preventing the crossing of these physical barriers as, for example, was the case with the Berlin Wall.' The implication of these empirically situated claims is that if individuals are not permitted to leave the state, then the state is illegitimate insofar as it is an arbitrary source of interference with individual freedom. Interestingly, though, Pettit goes on to discuss the social–historical fact that there is currently no possibility for individuals to move to a 'stateless' territory – so, while citizens may be able to leave their state, they are never able to leave *the* state. Pettit (2010, 144) claims that this fact does not have the same impact on the legitimacy

[5]This formulation mirrors a now common criticism of a human right to democracy. That is, insofar as a human right to democracy is understood as a right given a certain set of historical circumstances, so a right to exit can be understood as a right that is relevant given a certain set of historical circumstances (see Peter, 2015).

of the state as it is 'the product of natural and historical necessity, not in itself the effect of dominating interference by the local state.'

In the world as it is currently arranged, stateless territories do not and cannot exist. It cannot be the case that states have an obligation to ensure that individuals are able to exit to a stateless territory. If states ought to allow individuals to exit to non-state-held territories, then it must at the same time be possible for individuals to exit to non-state-held territories. Because it is not possible for individuals to exit to a non-state-held territory, then it is not required that states allow individuals to do so. As Sarah Fine (2014, 18) puts it, 'Immigration restrictions do count as interference, and inevitably limit the potential options from which would-be immigrants (indeed, any non-citizens) may choose, they are only freedom compromising on a republican understanding of freedom if domination is also present.' That is, as Pettit points out, the international states system is not (by its existence) dominating because it is part of a social–historical contingency. Individuals' lives are certainly composed of limited options. However, this is simply a contingent fact about the world – there is no place to go to escape the state.

This is one way in which we are able to separate the idea of an exit 'option' from the idea of an exit 'right'. Exit options require the empirical facts of the world to align in such a way that one can exercise or have access to the substance of the normative right claim. The notion that something is an 'option' implies that it is more than in principle possible for one to do it; exiting the territory is an available option that one has the means to exercise. To have an exit right, though, must be understood more narrowly. Having the right to exit a territory does not thereby imply normatively or empirically that one has the option to exit (taken to imply having what is required to exercise one's right). Even those who may claim that all migrants have a kind of claim right on some state to admit them do not argue that the state in which one resides has a duty to provide would-be migrants with the conditions of the possibility of their migration. Further, having an exit right does not require that any other person has a duty to provide one with the means or facilitate one exercising the substance of the right (i.e. that someone is responsible for ensuring one's exit right is an exit option). If we understand the normative foundations of a right to exit as based in a general moral orientation against arbitrary interference, then a global government is able to meet the aim of the normative foundation. That is, it is not arbitrarily interfering with the right to leave the territory; it just so happens that, contingently, there is no unoccupied territory and one is unable to leave the earth. Exit rights understood as a narrow right against non-interference, then, are not violated necessarily by virtue of the structure of a global government.

The fact that a world government is in some sense impossible to escape immediately develops the threat that a world government in its very conception is necessarily illegitimate. Among those reasons is a version of (c) above. Hypothetical consent is impossible to gauge or establish. A lack of exit options also potentially means that one is not voluntarily living under the government, if we believe that for an action to be voluntary one must be capable of doing otherwise. The inability to leave, though, includes both a lack of exit options and the violation of exit rights. As such, the inability to leave a state applies not merely to a world government, but also to any state that does not provide its citizens and residents with the condition of the possibility of leaving the state. Thus, a lack of ability to leave a state is traditionally taken as an

inability to really consent to the authority of the state. This is the most common and typically most troubling result of a lack of available exit options. However, the idea that legitimacy is developed from actual or hypothetical consent has largely fallen out of favour. As such, while we may believe that there is something important about the voluntary nature of political association, its normative importance is not articulated through the idea of legitimacy. Therefore, this ground for the importance of exit rights is only relevant if one is also willing to defend a consent-based justificatory procedure for political legitimacy. Given that I do not (and no one else does) defend a global government whose legitimacy is predicated on the hypothetical consent of the governed, this normative foundation of exit rights is unsuccessful as a justification for their importance.

While we do believe it is important that one be able to leave the territory in which they reside, should they so choose, exit rights themselves have, at best, a weak relationship with legitimacy. Their relationship is weak in the sense that their infringement is no more a signal of a bad state than the infringement of other human rights. The simple fact that an exit right has been infringed does not provide any information about the state's legitimacy. There is an abundance of legally and morally justified reasons as to why states may deny exit to those who reside in their borders. We are confronted with a difficult question as a result: what can we make of the potential for a global government to protect, promote, or respect exit rights?

Rights violations, infringements, and political legitimacy

In this section, I discuss the ways in which exit rights can be justifiably infringed upon by entities that are legally required to respect them. For the most part, human rights are not absolute – they are normative trumps – but they are sometimes the sort of claim that can be overridden by competing interests or goods. According to Gewirth (1982, 92), a 'right is absolute when it cannot be overridden in any circumstances, so that it can never be justifiably infringed and it must be fulfilled without any exceptions.' Exit rights, normatively grounded in either association or movement, are not absolute rights. They do not need to be fulfilled without exception and often may have penalties or duties attached to their exercise (Stilz, 2016). Exit rights, functioning as remedial rights, may be absolute. On the basis of a right to security, one has an absolute right to exit a territory: this is evidenced by the *jus cogens* principle of *non-refoulement* – it is not within the state's sovereign prerogative to deny entry (in effect, disallowing exit) or to involuntarily expatriate individuals who justifiably fear for their lives. The details of exercising an exit right as a remedial right, though, are complex. They are enshrined in conventions in as minimal a form as possible.[6]

[6]More than 50 states initially ratified the 1951 Refugee Convention with reservations; that is, they declared their intent to honour the convention only in part, and objected to honouring at least one, if not more, articles in the convention itself. Over time, roughly half of these reservations have been withdrawn. However, the important point to note here is that not even the 'absolute' right to flee for one's life is uncomplicated in legal terms. States legally reserved the right to treat refugees and asylum seekers according to standards below locally constitutional standards, including the right to return refugees to their homeland and to deny working permits. The most striking (and common) reservation is that the ratifying state reserves the right to restrict the internal freedom of movement of refugees and asylum seekers. In this instance, exercising one's remedial right to exit creates a condition of precarity for other rights involving membership and movement: one subjects oneself to potentially years-long encampment, a lack of freedom to move, to work, to go to school, etc. (Convention Relating to the Status of Refugees, 'Declarations and Reservations', 1951).

It is due to the nature of exit rights (as opposed to mere pass-through rights to freedom of movement in general) as remedial that this paper discusses exit rights firmly within the realm of non-ideal theory. As such, the remainder of the paper presumes that neither condition of ideal theory hold: actors are not generally liable to compliance with the dictates of ideal political (moral) norms, nor are the social conditions sufficiently favourable to create justice with regards to movement. The paper, as a response, utilises a combination of normative theory and what some might call empirical claims in the form of discussion and normative assessment of the function and use of international law and legal norms to support its claims. This is because I look both at how norms operate in the world (under non-ideal conditions) and what normative assessment can be provided of their operations (under non-ideal conditions).

Exit rights are explicitly qualified in the many international conventions that enshrine them. Commonly, they are directly qualified by the claim that they are subject to the protection of national security, national interests, the rule of law and order, etc. That is, exit rights are not candidates for 'absolute' rights: their exercise is qualified from the start. Because exit rights are qualified rights, their infringement is sometimes justified: an entity can fail to respect exit rights while, at the same time, maintaining its legitimacy or right to rule.

To infringe upon an exit right is for the political authority to disallow an individual from exiting a territory; however, because it is justified, the individual's rights are not violated. If an individual's rights are not violated, then the rights infringement does not thereby call the legitimacy of the political authority into question (Buchanan, 2004). If this is the case, what causes political legitimacy to be called into question is not the specific action the political authority takes – rather, it is the meaning that action has normatively and legally. This requires that we ask whether all infringements of exit rights are normatively wrong such that they are rights violations. Further, we must ask whether all infringements of exit rights are illegal, such that the political authority commits a violation of a legal rule concerning respect for the right to exit.

There is an asymmetry at work here. That individuals are unable to disavow recognition as a citizen of the state purportedly demonstrates just how it is impossible for a world government to be legitimate. At the same time, it is not taken to be illegitimating for the states system, as it currently exists, to have the same effect. Whether this is a legitimate asymmetry will be taken up again in the last section of this paper.

States can fail to protect the right to exit in two distinct ways. For this reason, I propose that there are illegitimating failures to respect exit rights and non-illegitimating failures to respect exit rights. A failure to protect an exit right that would be illegitimating is often guised under the requirement that citizens (and sometimes even resident and non-resident visitors) obtain an exit visa in order to leave the country. The requirement that one obtain an exit visa in order to leave a state was required both in Fascist Italy and Nazi Germany (Torpey, 1999, 125). Exit visas were required in Soviet Russia and its satellites for decades. In these cases, denial of an exit visa was almost always for wrongful reasons – such as disallowing dissidents to flee an oppressive regime, or attempting to maintain a strong race within the state (in Fascist Italy, fears abounded that they were losing the best and brightest Italians due to emigration and becoming flooded with minorities that were thought to be inferior). Thus, states

intervened in the free movement of peoples by disallowing their movement through the denial or retraction of exit permits. This is a wrongful failure to respect freedom of movement by virtue of the violation of exit rights. The state is directly interfering in the ability for an individual to leave a territory – regardless of whether the individual has a place to go.

While many theories of human rights attach their respect, promotion, or protection to the legitimacy of the state, it is not always the case that someone who cannot access the substance of their rights has thereby had their rights violated. Taking the example of a right to exit, it seems clear that there are some human rights-violating cases – namely, those cases wherein a state wrongfully disallows an individual to exit the municipality, such as in the cases of Fascist Italy or Nazi Germany. What feature of such a restriction makes it wrongful? What features of an inability to emigrate render the inability a violation of a human right?

If one is denied the ability to exit a state based on some morally arbitrary feature of oneself, this makes the denial a wrongful one. However, political policies that espouse discriminatory practices based on morally arbitrary characteristics are already thought to be morally troubling in multiple ways. The interference being based in a morally troubling set of discriminatory practices may make the interference especially troubling, but that is not what accounts for the wrongness of an infringement of exit rights specifically. This is because political practices and laws that violate desiderata concerning equal protections are independently wrong – to say nothing of the wrongness of denying the substance of a right to exit.

It might also be the case that any illegitimate government that disallows its citizens' ability to exit acts wrongfully. However, this, too, is not specific to the violation of the right to exit itself, and rather follows from ordinary claims about legitimacy: acts of an illegitimate government are themselves illegitimate acts (Buchanan, 2004, 283). To the extent that an illegitimate government is wrong to deny exit, it is also wrong to write parking tickets. Again, this fails to clarify what importance the denial of exit in particular holds.

The denial of the right to exit can be consistent with legitimate governments if one of the following two criteria apply: (a) the denial is made to further the government's interest in protecting the rule of law; or (b) the transgression is unavoidable. If such criteria were to prove successful, this would mean that *pace* Pettit, it is possible for a government to disallow its citizens the right to exit without also becoming a source of arbitrary interference. In this way, we can understand the state's restriction of its citizens' exit as politically neutral rather than illegitimating. Even if the interference with exit rights does not amount to a violation, and therefore illegitimating the state, we may think that there are good reasons to attempt to interfere with them as little as possible. In this sense, we might still believe it would be best if individuals had access to the substance of a right to exit – given circumstances in which that substance protects other morally important goods, such as security. However, if we take it that the substance of the right is not actually protecting morally important goods (such as freedom of movement, association, or security), we should seek other means for protecting and promoting those important goods (cf. Waldron, 1993).

Denial of permission to exit a territory is thought to be legitimate so long as the denial is an extension of the government's legitimate interest in the maintenance of law and order. Governments routinely withdraw the passports of individuals who are suspected of crimes or wanted in connection with crimes. Further, governments have a legitimate interest in maintaining a lawful society, and as such are able to deny exit rights to individuals who may be participating in a crime. For example, in many states, it is suggested that parents or legal guardians of children obtain documentation from the other parent or guardian prior to taking children over the border alone. If a legal guardian attempts to take a child out of the country without this documentation, they may be detained or otherwise disallowed from traveling outside of their country until such documentation can be obtained, or until it can be proven that the child is not being abducted.

In ordinary circumstances, we are not tempted, I think, to understand either of these denials of exit rights as illegitimating for the state. This seems to be because they are both temporary and situational. The denial of the right to leave the territory is only for the time period that is necessary to ensure that the government is able to execute and protect its interests in maintaining a lawful society. It is even stated in Article 12.3 of the ICCPR that:

> The above mentioned rights shall not be subject to any restriction except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

Such a definition of non-illegitimating denials of exit rights is not without its own complications, though. There is at least one weighty criticism such criteria could face.

The maintenance of law and order is often utilised as a cover for the denial of exit rights for morally arbitrary reasons. One clear-cut case of such behaviour is the denial of exit visas to political dissidents in Fascist Italy – political dissidents simply sought to live under a government that better respected their political freedoms. However, under Fascist government, such people were deemed traitors or suspected of attempting to leave the territory in order to aid enemy forces. Thus, the denial of exit visas could be covered over as an attempt by Italy to maintain its own integrity as a state, as well as law and order within the state. This raises the question of whether the maintenance of law and order of an already illegitimate state can serve as a justifiable reason for interfering in the exit rights of individuals attempting to flee the regime.

The government of Fascist Italy was already illegitimate prior to the denial of exit visas for political dissidents – an action that violated the human right to exit and freedom of movement of political dissidents. It failed to uphold a minimal standard of human rights – including equal protection for differing political opinions, but also including imprisonment, political killings, and a lack of popular sovereignty and democratic decision-making. When regimes utilise the claim that it is in their political interest to revoke passports for a wide swath of people (or to deny exit visas to a large segment of the population), such regimes are already illegitimate for reasons other than their interference with exit rights. In fact, this is more than likely the reason that the state's citizens seek to leave en masse in the first place.

This positions the exercise of exit rights as important in a remedial sense, which was not covered earlier as a potential justification for their importance. Understanding exit rights as a kind of remediation means that they are triggered by the violation of another primary right. If exit rights are to be understood at least some of the time as a remedial right, then we can develop an idea of the substance of the criticism of a global government as tyrannical. Many critiques argue that if a global government were to become very bad, there would be no way to leave – there would not even be the possibility of exercising the remedial right to exit. Indeed, that seems to be true. Under a world government, it seems in principle impossible for an individual to exit the territory as a remedy for some violation of their primary rights. Yet, other remedial rights remain – secession and revolution among them – that are both in principle and in actuality possible options for individuals and communities (Buchanan, 1997). This is to say that the importance of an exit right – if it is indeed a remedial right that enables one to remedy the fact of living under an illegitimate regime – is that it is an important function that can be fulfilled by the exercise of other available rights and options.

This leads us to criterion (b) – that the denial of exit rights is non-wrongful in the event that the denial is unavoidable. If an individual living in New Zealand, Stacy, desires to leave, there are a number of things that are required in order to facilitate her exit. She must have: (a) a state that is willing to allow her to enter (an entry visa); (b) a mechanism by which to move from one state to another (a boat or plane, or very strong swimming skills given that New Zealand is an island); and (c) the material means to secure both (a) and (b). Imagine that we live in a world without boats and planes – so there is no mechanism by which to move from one territory to another. Further, Stacy is not a strong swimmer and cannot physically propel herself to another territory.

Has Stacy's right to exit been violated? Certainly she is unable to leave the territory, and is unable to leave the territory in an unavoidable way. This amounts to the infringement on her right to exit only on a broad interpretation of exit rights wherein one has a kind of second-order claim to the facilitation of the exercising of one's rights. This interpretation, though, is supported neither by the actual practices of exit rights nor by the usual legal interpretation of the right. In other words, this is not a wrongful infringement of the right to exit by virtue of the fact that New Zealand has not interfered with her exit. Her exit has been thwarted by a number of contingent social, historical, and political facts – but this does not amount to even an infringement on her right because no one has interfered with her exercising of the right. She is simply unable to exercise it. Stacy is in the same position we are all in with regards to the desire to exit to a non-state-held territory or the desire to exit a would-be world government: we cannot do so as a matter of socio-historical contingency, and no entity has the responsibility for ensuring that we are able to do so. It is here that we can see that the asymmetry claim is mistaken: if there is no arbitrary interference, both a world government and a states system, which collectively control the entirety of the territory of the earth, are similarly positioned with regards to their responsibility for ensuring the ability to exit; if one can fail to do so non-wrongfully, then so may the other.

One may believe that the asymmetry lies in this: a world government is itself avoidable, but the states system is already fact. The symmetry claim I make here is that: if we have good reason to avoid a world government due to the inability to exit the

earth, then we did have good reason to avoid a states system which controls, collectively, all of the earth's territory. In fact, we have been deeply wronged by a territorial system of states by virtue of the fact that this configuration was, at one point, morally inadvisable and avoidable.

An individual attempting to leave a global government would require all of the same things to facilitate his or her exit as Stacy requires to leave New Zealand. Just as New Zealand would be wrong to directly interfere with Stacy's exit should the technology required for her to leave become available (e.g. she builds a boat or becomes an excellent swimmer), so would a global government be wrong to directly interfere with some individual's exit should the technology become available to inhabit other worlds or to build habitable spaces in the atmosphere.

The right to leave a very bad regime?

At this point, what seems most strange to many readers will be my claim that a world government is not necessarily illegitimate. The worry for most does not seem to be a conceptual problem concerning the relationship of legitimacy to government on a world scale, as I have presented it here. From what I have presented, the idea that a world government will be illegitimate is understood as a conceptual problem concerning the rights, privileges, and powers of a government, as well as its relationship to those living within its borders. I have presented a background of theoretical arguments that do, in fact, draw this connection. However, a more practically minded person will argue that while I may have proved that a global government is not illegitimate in theory or necessarily illegitimate in practice, I have said nothing of the fact that it is possible for a world government to become very bad. It seems, in fact, that this possibility is at the heart of the 'no exit' objection. Recall the structure of Tinnevalt's claim that opened this paper: the worry is that a world government may become very bad, and if this happens, there is nowhere to run.

If a world government were very bad, is lacking the substance of a right to exit really the problem? Some will be inclined to say yes, if only one could escape the government, then one is able to live under an alternative government that has the appropriate moral relations to those whom it governs. This objection sees the right to exit as a right to put oneself in a position to be recognised by a political organisation in the appropriate kind of way. Yet, there is no political organisation from whom to seek recognition.

Under the current distribution of global political power, individuals subject to massive injustices are already in very bad situations. In fact, if an individual is going to be subject to human rights abuses, it is overwhelmingly likely that it will be at the hands of their own state. Thus, it seems worth noting that there are many existing governments that are already 'very bad', that tens of millions of people are currently living as refugees, and that many more people are subject to injustices and human rights abuses at the hands of their own government without the prospect or ability to relocate in order to be free of political and economic injustice. As such, these people have not had their right to exit violated, yet they lack viable exit options that enable them to join political associations where they are recognised by a political organisation in a normatively desirable way.

Maybe what is really at issue is the fact that, all things considered, it is better for the world to have multiple territorially defined government entities where at least one is legitimate than for a world to have one government entity that is illegitimate. These are (quite obviously) not the only possible configurations of options. It may also be the case that we live in a world with many government entities, none of which is legitimate, or that we may live in a world with one government that is legitimate. This expansion of options, though, does not dampen the critique that it is better to live in a world with multiple states where at least one is legitimate than a world with a single government that is illegitimate. Is a world with many states, at least one of which is legitimate, better than a world with no legitimate government?

The world is not better if it is not the case that those living in illegitimate states are unable to either enter the territory or to travel to the territory of the legitimate state. That is, if there is a legitimate state, but the state restricts immigration to the extent that perhaps no or very few individuals are able to enter the territory, it is not actually better. In a circumstance such as this, the individuals living in illegitimate states are no worse off than they would be living under a world government that is illegitimate. This is because their situation (in each case) is nearly identical – both must remain living under an illegitimate regime and be subject to the various abuses, violations, and humiliations such a life entails. The difference that those who espouse the no exit criticism rely on is that it is 'in principle' possible for the individuals in the multi-state world with at least one legitimate state to enter that legitimate state. However, if that is where the normative force of the claim comes from, then an illegitimate global government is no worse a world. It is, in fact, in principle possible for individuals to exit an illegitimate global government, via secession, revolution, or perhaps even creating an enclave of scientists who develop habitable pods that settle in the deep oceans or upper atmosphere. None of those things is 'in principle' impossible – even if they are unlikely. Thus, the normative 'boost' that a world with one state that is legitimate but fully restricts entry gets from the mere possibility that an individual can escape illegitimate rule is not restricted to only that circumstance.

Similarly, in the world as it is currently arranged, individuals who have not had their exit rights violated, but are nonetheless living in illegitimate states and lack the option to exit (e.g. because it is too costly and they are too poor), are not better off simply by virtue of the existence of legitimate states. The world itself may be better because fewer individuals are subject to wrongdoings of various sorts, but one's situation is not improved merely by the in principle possibility of leaving an illegitimate state and entering a legitimate state.

The normative force of the no exit objection relies on a comparison to a world in which there is some territory where one can exist free from the tyranny of the illegitimate government (cf. Nili, 2013). However, this subtly relies on the implication not merely that one has a place to go, but also that going there is an actual option. If the objection were phrased in this more clear way instead, it still has some normative force. It is a better state of affairs when one legitimate government exists than when no legitimate government exists. In fact, it is best to be a person who lives under a legitimate government, even in the event that the vast majority of persons do not live under one and as such are subject to numerous humiliations. However, because in such a situation there are only marginally more actual options than in a situation where a

world government is illegitimate, it is only a marginally better world – in fact, it may be no better of a world for those individuals who live in territories governed by illegitimate political entities and who also have no possible option (because of whatever confluence of social, economic, political, legal, personal, and historical factors) to exit the state and enter a legitimate one. In this circumstance, these individuals have the same actual options as individuals living under an illegitimate world government – secession or revolution.

Acknowledgements

This paper has benefitted from thoughtful comments provided by Max Pensky, Anthony Reeves, Mattias Iser, William Scheuerman, Daniel Koltonski, and anonymous reviewers. I am also thankful for audience engagement at The Critical Theory Round Table, Telos Conference, and The Radical Philosophy Association Conference.

Disclosure statement

No potential conflict of interest was reported by the author.

References

Arendt, H. 1972. *Crises of the Republic*. Orlando: Harcourt Brace & Company.

Boxill, B. R. 1987. "Global Equality of Opportunity and National Integrity." *Social Philosophy and Policy* 5: 143–168. doi:10.1017/S0265052500001291.

Brock, G. 2009. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press.

Buchanan, A. 1997. "Theories of Secession." *Philosophy & Public Affairs* 261: 31–61. doi:10.1111/j.1088-4963.1997.tb00049.x.

Buchanan, A. 2004. *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*. Oxford: Oxford University Press.

Cabrera, L. 2004. *Political Theory of Global Justice: A Cosmopolitan Case for the World State*. New York: Routledge Press.

Carens, J. 1987. "Aliens and Citizens: The Case for Open Borders." *The Review of Politics* 49: 251–273. doi:10.1017/S0034670500033817.

Cohen, J. L. 2012. *Globalization and Sovereignty: Rethinking Legality, Legitimacy, and Constitutionalism*. Cambridge: Cambridge University Press.

Estlund, D. 2008. *Democratic Authority: A Philosophical Framework*. Princeton: Princeton University Press.

European Parliament. 2000. *Charter of Fundamental Rights of the European Union*. Luxembourg: Office for Official Publications of the European Communities.

European Union. 1990. *Convention Implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, on the Gradual Abolition of Checks at Their Common Borders ("Schengen Implementation Agreement")*.

Fine, S. 2014. "Non-Domination and the Ethics of Migration." *Critical Review of International Social and Political Philosophy* 17 (1): 10–30. doi:10.1080/13698230.2013.851481.

Gewirth, A. 1982. *Human Rights: Essays on Justifications and Applications*. Chicago: University of Chicago Press.

Hosein, A. 2013. "Immigration and Freedom of Movement." *Ethics & Global Politics* 6 (1): 25–37. doi:10.3402/egp.v6i1.18188.

Kant, I. 1991. "Perpetual Peace." In *Kant: Political Writings*, edited by H. Risse, 93–130. Cambridge: Cambridge University Press.
Lenard, P. T. 2015. "Exit and the Duty to Admit." *Ethics & Global Politics* 8: 25975. doi:10.3402/egp.v8.25975.
Nili, S. 2013. "Whose Afraid of A World State? A Global Sovereign and the Statist- Cosmopolitan Debate." *Critical Review of International Social and Political Philosophy* 18: 1–23.
Parekh, S. 2014. "Beyond the Ethics of Admission: Stateless People, Refugee Camps, and Moral Obligations." *Philosophy & Social Criticism* 40 (7): 645–663. doi:10.1177/0191453713498254.
Peter, F. 2015. "A Human Right to Democracy?" In *Philosophical Foundations of Human Rights*, edited by S. Rowan Craft, M. Liao, and M. Renzo, 481–490. Oxford: Oxford University Press.
Pettit, P. 2010. "Legitimate International Institutions: A Neo-Republican Perspective." In *The Philosophy of International Law*, edited by S. Besson and J. Tasioulas, 139–162. Oxford: Oxford University Press.
Rawls, J. 1993. *Political Liberalism*. New York City: Columbia University Press.
Rawls, J. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.
Shue, H. 1980. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton: Princeton University Press.
Stilz, A. 2009. *Liberal Loyalty: Freedom, Obligation, and the State*. Princeton: Princeton University Press.
Stilz, A. 2016. "Is There an Unqualified Right to Leave?" In *Migration in Political Theory: The Ethics of Movement and Membership*, edited by S. Fine and L. Ypi. Oxford: Oxford University Press.
Tinnevelt, R. 2011. "Does a World State Really Lead to a Graveyard of Freedom?" In *Cosmopolitan Justice and Its Discontents*, edited by C. Bailliet and K. F. Aas, 29–50. New York: Routledge Press.
Torpey, J. 1999. *The Invention of the Passport: Surveillance, Citizenship, and the State*. Cambridge: Cambridge University Press.
Treaty on European Union (Maastricht text). 1992. O.J. C 191/1. http://filj.lawreviewnetwork.com/files/2011/10/EU_Citation_Manual_2010-2011_for_Website.pdf.
UN General Assembly. 1948. "Universal Declaration of Human Rights." 217 A (III), Accessed 10 December 1948. http://www.refworld.org/docid/3ae6b3712c.html.
UN General Assembly. 1951. "Convention Relating to the Status of Refugees." 189 U.N.T.S. 137, Accessed 22 April 1954.
UN General Assembly. 1966. "International Covenant on Civil and Political Rights." United Nations, Treaty Series, vol. 999, p. 171. Accessed 16 December 1966. http://www.refworld.org/docid/3ae6b3aa0.html.
UN General Assembly. 1967. "Protocol Relating to the Status of Refugees." 606 U.N.T.S. 267, Accessed 4 October 1967.
UN General Assembly. 1989. "Convention on the Rights of the Child." United Nations, Treaty Series, vol. 1577, p. 3. Accessed 20 November 1989. http://www.refworld.org/docid/3ae6b38f0.html.
UN General Assembly. 1990. "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families." A/RES/45/158, Accessed 18 December 1990, http://www.refworld.org/docid/3ae6b3980.html.
UN High Commissioner for Refugees: The UN Refugee Agency. 2007. "Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol." http://www.unhcr.org/4d9486929.pdf.
Waldron, J. 1993. "A Rights Based Critique of Constitutional Rights." *Oxford Legal Studies* 13: 18–51. doi:10.1093/ojls/13.1.18.
Whelan, F. G. 1981. "Citizenship and the Right to Leave." *The American Political Science Review* 75: 636–653. doi:10.2307/1960958.
Yoder, W. V. 1972. 406 U.S. 205.