

## The Case for Place-Based Liberalism

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The political institutions of the United States, and perhaps other liberal institutions, should be reformed to increase the salience of local policy and political identity relative to national politics. Liberal politics is healthier when it is significantly localized. The best way to localize politics is to enhance *community sovereignty* and *individual mobility*. The best way to enhance community sovereignty is to gradually reduce federal and state influence on local policy. The best way to enhance individual mobility is to reform the welfare system to provide portable benefits, either by converting in-kind benefits to cash, nationally standardizing in-kind benefits, or a combination of both.

This set of claims combines normative, political, and policy theses. I build on previous work emphasizing the importance of political mobility or “exit rights.”<sup>1</sup> My focus is the overall health of political institutions, especially the American political system. Many would agree that the American system is not currently functioning well — even many who could agree on little else. But there is a lack of principled and practical candidate reforms. I propose *place-based liberalism* in this spirit.

### 1. Federalism’s Original Sin

It may help to situate the discussion in the American historical tradition. The U.S. constitution was founded amidst a dispute between so-called federalists and anti-federalists. Federalists emphasized the need for an increase in the power and resources of the central national government relative to the status quo under the articles of confederation. Anti-federalists also granted the need for a more effective government, but advocated for conservatism in the pace and nature of change. They argued, in particular, for the primacy and distinctive virtues of the U.S. states. They often made this argument by defending the importance of local governance. As Herbert Storing writes,

Behind the administrative defects of a large republic lie three fundamental considerations, bearing on the kind of government needed in a free society. Only a small republic can enjoy a voluntary attachment of the people to the government and a voluntary obedience to the laws. Only a small republic can secure

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<sup>1</sup> Especially notable works include Kukathas (2003), Taylor (2017), and Somin (2021). The literature on exit rights is large, especially as connected with multicultural liberalism. For a range of related views, see Spinner-Halev (2000), Barry (2001), Galston (2002), Rouméas (2020), and Sharp (2023).

a genuine responsibility of the government to the people. Only a small republic can form the kind of citizens who will maintain republican government. These claims are central to the Anti-Federalist position. (Storing 1981: 16)

The basic and fatal incoherence of anti-federalism is the combination of their conservative attachment to the existing thirteen U.S. states and their systematic arguments in favor of the small republic. States were not that small even at that time, and they were bound to grow much larger. The virtues of the small republic could not credibly be claimed as state virtues. The anti-federalist claim that “A republican citizenry must be free and independent-minded, but it must also be homogeneous...Only within the relatively small communities formed by the individual states could such homogeneity be found” (Storing 1981: 19-20) now reads as entirely implausible. States are made up of their own factions, which increasingly mirror national politics. To the extent that communities with a sense of shared identity or purpose can be found anywhere, it is obvious (even then, and even more so now) that the states are not such communities.

There are systematic defects with states conceived as homogenous small republics. As states grow larger, their natural purview increasingly resembles the federal government. States make large-scale public policies designed to regulate a diverse set of jurisdictions. Every state has significant variation between, for instance, urban and rural population densities, which tend to map onto ideological differences between rural conservatives and urban progressives. Each state therefore delegates a large amount of power to localities, ascending instead to larger-scale issues of public goods and political procedure. To be sure, states vary widely on these matters. California is very different than Texas. Essentially, they present competing models of how a federal government might be run, down to the maintenance of state-level military forces in the National Guard.

This is one model of states as the “laboratories of democracy.” In principle, one state’s successful policies may be adopted by other states or at the federal level. In practice, however, variation in state policy reflects different positions regarding issues of persistent national controversy. The differences between California and Texas largely reflect differences in values regarding the distribution of wealth, the appropriate scope of government regulation, and so on. Over time, this leads to self-sorting, as progressives move to California and conservatives to Texas, and therefore to increasingly

large differences between different states. This is not intrinsically bad insofar as citizens choose state governments that suit them better. But it embeds a necessary tension between state and federal politics. Due to regional differences and self-sorting, most states will be either more progressive or more conservative than any federal administration, given that federal elections are roughly indexed to the ideological median of the nation. Even when a state's preferred political party wins federal power, it will fall short of what the state would ideologically prefer, and when the opposite party wins federal power, the gap between state and federal ideology will be large.

This tends toward political dissatisfaction. The same conflicts dominate national and state politics; these conflicts become more ideologically extreme over time; and no one ever wins. What I wish to emphasize is a constitutional path left untaken in the dispute between federalists and anti-federalists. Anti-federalists advocated greater state-level sovereignty. This position was conceptually and practically unstable for the reasons I have outlined. Ultimately, the normative core of the anti-federalist position was finally abandoned acknowledged in the "incorporation" of most of the Bill of Rights, such that the major individual rights of U.S. citizens are held equally against federal and state governments. The idea of the small republic as a normatively distinctive unit was thereby dispensed with.

However, if anti-federalists had pursued their argument coherently, they would have defended autonomy for the smallest practicable republics. Rather than state sovereignty, they would have defended *community* sovereignty. A town or city shares much more than a state in terms of economic health, public infrastructure, and social and political culture. It is more plausible to claim that a community enjoys the "voluntary attachment of the people to the government," because mobility between different localities is far more common and attainable than mobility between states. And, to whatever extent that government shapes the civic virtue of citizens, this surely occurs largely at the local and national levels. The state is neither the ultimate political authority nor the proximate political authority. The anti-federalists bet on the wrong institutional horse. What would a coherent (and therefore localized) anti-federalism look like, and what might its attractions be?

## 2. Community Sovereignty

Jurisdictions in a federal system cannot, by definition, be ultimate sovereign authorities. Of course, confederations of sovereign states, bound essentially by extensive treaties, are possible. But my interest in place-based liberalism, like both the federalists and anti-federalists, presumes a shared “vertical” relation between jurisdictions and a central state, rather than solely “horizontal” relations between sovereign entities.<sup>2</sup> However, federal authority can have a wider or narrower ambit. The wider the ambit of federal authority, the more salient federal politics will be relative to local politics. Existing U.S. federalism, based on an attenuated form of state sovereignty, aligns state politics closely with federal politics, and impoverishes local politics almost entirely. The low salience of local politics is evident: if an American knows the name of one politician, it is overwhelmingly likely to be the President. Those who are highly politically engaged can likely name a whole raft of national political figures, but often enough not the mayor of their city. This is perfectly sensible: attention follows the money. Federal taxes accounted for 64% of all total U.S. taxes in 2021; state taxes 21%, and local taxes only 15%. The money flows downhill: over one third of state revenue was transferred from the federal government, and almost half of local revenue was transferred from the federal or state government.<sup>3</sup> One’s local government spends the least, and much of what it does spend is doled out from higher levels of government, often with strings attached.

This means that politics are largely *geographically undifferentiated*. Key political divisions are relatively similar nationwide, based on the national political situation and the themes of national political campaigns. State politics are dominated by federal issues on one hand because the federal government controls most of the money, and on the other because state policy issues are substantively and constitutionally structured similarly to national issues. Local politics has the capacity for the most geographical differentiation. In a world where local taxes were, say, half of total government revenue, local politics would be far more salient. My hypothesis is that national politics would be healthier in that world. Many substantive disagreements would be settled at the local level, so individuals would on

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<sup>2</sup> See Young (2005) and Otsuka (2003), although in my view neither sufficiently recognizes the ongoing necessity of a strong central institution even in a system of significant community sovereignty.

<sup>3</sup> <https://taxpolicycenter.org/briefing-book/what-breakdown-tax-revenues-among-federal-state-and-local-governments>

the whole have fewer and less important complaints about their overall governance. And, while local politics would become more rancorous, the patterns of conflict in different localities would be more heterogenous. Of course, there would likely be a low-tax constituency and a high-tax constituency everywhere. But what the high-tax group specifically wanted to spend local revenue *for* would be relevant; the particular form and distribution of the taxation could vary locally; and systematic issues like taxation would be overlaid with locally specific issues regarding the local environment, infrastructure, culture, and so on. Every town would have progressives and conservatives, but local progressivism and conservatism would vary.

I will distinguish two major ways in which local salience could be enhanced. The first is by expanding the constitutional scope of local sovereignty. The second is by reforming federal expenditures. The constitutional issues are more foundational, but the mechanics of revenues and spending are clearer and probably more important.

The constitutional point may be brought out plainly with the example of religious neutrality — the separation, as it is commonly (and somewhat auspiciously, for these purposes) known, of church and *state*. The clauses of the Bill of Rights that assert religious neutrality are naturally read to apply to the federal government. Given the “incorporation” of the Bill of Rights, they are extended also to the state governments. And, given that local governments do not have independent sovereign status, this amounts to a comprehensive barrier to public religion at any level. This is certainly defensible, and indeed seems very intuitive, as it is part and parcel of standard American constitutional doctrine. But it is worth observing that it is by no means obvious. It would be entirely coherent to maintain federal religious neutrality but to permit public religious establishment at the state level, or (better) to maintain neutrality at the federal and state level but to permit local religious establishment. Given adequate provisions for individual mobility of the kind I outline below, some expansions of local constitutional sovereignty, including religious non-neutrality, may be defensible.

This is not, however, where I place the main weight of my argument. Every federal system has various principled limitations on what is permissible at any level of government. The application of constitutional restrictions to localities should, I think, be more closely scrutinized. But the more

pressing issue is the accretion of government functions and influence to the federal and state levels that, in both philosophical and constitutional principle, might instead be handled locally.

Take the funding of public schools as an example. Localities spend a large proportion (nearly 40%) of their overall budgets on public schools.<sup>4</sup> They are accordingly one of the primary sources of local political activity. However, even in this paradigm sphere of local policy, most of the overall money flows from higher levels: state funding of public schools is somewhat more than local funding, and federal funding is a further supplement.<sup>5</sup> Even public education is therefore apt to become a nationalized political dispute. This was evident in the controversy over the Obama-era Common Core standards. States were encouraged to adopt Common Core through federal spending incentives — a crucial way that the federal government exercises influence even when it does not do the majority of the spending.

This illustrates that there is very little space for distinctive local policy and therefore distinctive local political identities. Federal and state policies and controversies persistently crowd out localism. Of course, this is done with good intentions. My point is not to litigate the merits of various federal policies nor to dispute that federal intervention has in many cases enhanced justice. Instead, I mean simply to foreground a side effect of even well-intentioned and effective federal interventions — the more influence and power accretes nationally (and to a lesser extent state-wide) the more nationalized politics becomes. Eventually, this tends toward national partisan polarization, as national partisanship becomes a “mega-identity” (Mason 2019) that encompasses a huge swath of political and social issues. Indeed, once national political identities become sufficiently entrenched, they become the dominant lens through which we see even the few issues that remain largely within the local purview — how much does the average politically-engaged American’s view about the police depend on the particulars of *their* police department?<sup>6</sup>

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<sup>4</sup><https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/state-and-local-backgrounders/elementary-and-secondary-education-expenditures>

<sup>5</sup><https://educationdata.org/public-education-spending-statistics#:~:text=K%2D12%20schools%20nationwide%20receive,tal%20or%20%247%2C560%20per%20student.>

<sup>6</sup> See Joshi (2020) for discussion of the partisan alignment of beliefs that are substantively orthogonal.

At this stage, I mean only to sketch an alternative. I need to develop both community sovereignty and individual mobility to make even a *prima facie* case for place-based liberalism. But the core idea motivating this sketch is not that localities will naturally pursue justice more effectively than the federal government, but that, under conditions of community sovereignty *and* individual mobility, localities would be *forced* to pursue reasonable and competent governance on pain of being abandoned by their members.

The most significant way to pursue place-based liberalism is to reduce or eliminate the federal funding of state and local functions. This does not imply draconian cuts in federal or overall government spending. I propose that the federal government should (at least largely, but perhaps exclusively) pursue *direct public works* or *direct cash transfers to individuals*. That is, the federal government should either do things itself or give people money, but should not do things *through* state or local governments, nor (therefore) influence how things are done locally through funding incentives.

Two of the most expensive and notable examples of U.S. direct federal action are the military and Medicare. While states maintain (ironically named) National Guard units, the massive bulk of military capacity is held at the national level. National security and foreign policy are paradigmatic national public goods: it would not make sense for the fifty states to conduct their own foreign policy nor protect their own borders. Healthcare is less obvious in this regard — indeed, Medicaid is operated as a federal-state partnership, while Medicare is a federal health insurance program for the elderly. There is no principled reason for this asymmetry. While the federal-state partnership model may have certain advantages, an important disadvantage is that it introduces a significant degree of complexity and opacity into the federalist system. Defects with Medicare can more or less be laid plainly at the feet of the federal government. It is much less clear who to blame for defects in Medicaid, or who to credit for its successes. And this is a relatively clear-cut example — much federal funding of states, and state funding of localities, comes in more diffuse subsidies, making it impossible, indeed nonsensical, to attribute the performance of most government functions to any particular jurisdiction, let alone any particular elected official.

Under place-based liberalism, if a program is important enough to warrant federal intervention, the federal government should generally simply implement the program itself, as in the case of the military and Medicare. Federal actions take issues and policy domains off the plate of local governments, and therefore increase the stakes of federal politics. But they retain clarity in the system, rather than fostering the impression (and largely the reality) that the federal government exerts significant influence on *everything*.

Perhaps the single most important role of the federal government in terms of securing justice is the redistribution of wealth. In the U.S., federal taxation is largely progressive while state and local taxation is largely regressive — that is, falling either proportionately equally among rich or poor (as in a flat tax) or proportionately more on the poor (as with consumption taxes). While this is not strictly necessary, there is a natural logic to redistribution at the federal level, to avoid a “race to the bottom” in which wealthier people move to lower-tax jurisdictions. (It is worth noting that, while this does happen, the wealthy also congregate in California and New York City, the highest-taxed jurisdictions in the country.) Federal redistribution of wealth takes the form of progressive taxes, with the revenue spent for benefits that accrue to all citizens (like military spending) or that accrue disproportionately to poorer citizens (subsidy of Medicaid, public education, and so on). One way to preserve the redistributive function of the federal government while clarifying and reducing federal influence is to convert a significant proportion of federal funding into a *basic income* paid directly to citizens. The federal government displayed the relative ease of cutting checks to individuals in the economic stimulus payments made during the Covid-19 pandemic.

There has been increasing discussion, both political and academic, of universal basic income (UBI), in which the government supplements or replaces existing welfare programs with cash payments to all citizens.<sup>7</sup> It is important to emphasize that the rationale for basic income presented here does not depend on the universality or unconditionality of the income. A federal basic income paid only to the poor, or with conditions such as a work requirement, would sacrifice certain benefits emphasized by proponents of UBI, but would still represent a massive simplification and decentralization of federal

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<sup>7</sup> See Van Parijs and Vanderborght (2017) and Widerquist (2013) for comprehensive discussions of basic income.

power. It is a simplification because the costs of many federal programs, federal-state partnerships, and federal subsidies to states and localities could be folded into the basic income program. It is a decentralization because, while the federal government would control the degree of redistribution, it would no longer control the *purposes* of redistribution, which would be left to citizens themselves. (As I discuss below, an important aspect of this reform is to enhance the mobility of individuals.) This would reduce and clarify federal influence on states and localities, as I have emphasized, but it would also help clarify the different dimensions of federal policy.<sup>8</sup>

Currently, the redistributive function of federal government is always linked in practice, and therefore in public consciousness, with the direct and indirect policies of the federal government. But this may be disambiguated in a basic income system, even for direct federal interventions. If basic income addresses the redistributive role of the federal government, then additional federal programs may plausibly be funded on a distributively neutral (that is, flat tax or similar) basis. While Republican politicians often wrongly claim that citizens who do not pay income tax have no “skin in the game” in government — this is false because of the regressive character of state and local taxes — it is more or less true that poorer citizens accrue only benefits from *federal* spending. This is a needless bias in the system. The net effect of this bias may be, as conservatives argue, to increase federal spending and soak the rich. But it may instead be the case that the indirect and often inefficient nature of federal redistribution reduces enthusiasm for higher taxation, because there is no direct line to draw between higher taxes and effective benefits for the poor. An example of clarified federal policy on this model would be carbon or pollution taxes (to promote environmental public goods), the revenue of which is folded into basic income payments (to maintain and indeed enhance distributive justice).

I have suggested two concrete ways to increase the salience of local politics. The first was to enhance local sovereignty, to some degree, though the relaxation of constitutional “liberal neutrality” at the local level — ultimately by recognizing localities, rather than states, as the basic unit of federalist government, as the anti-federalists should have argued from the start. The second is to increase both

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<sup>8</sup> A related benefit of enhancing and clarifying local power is that an individual citizen has greater influence in local elections and political discourse, which may make it more individually rational to vote in local elections and participate in local politics. For an argument that it is instrumentally irrational to vote on the basis of the outcome of national elections, see Brennan (2011). See Barnett (2020) for a rejoinder.

the power and clarity of local governance by withdrawing the federal government from some areas, particularly federal subsidies and incentives for various state and local policies, and focusing its powers on direct interventions and redistribution of wealth to individuals through basic income. These changes would necessarily also reflect a shift in political culture, ethos, and expectations. Occasional paeans to the importance of local politics lack credibility when the federal government dominates the actual exertion of political power. But reforms to the structure of governance would need to be accompanied by fitting changes in political culture. And, of course, reforms to the structure of governance presuppose some inclination to increase local political salience in the first place. It is possible that such a political project could gain momentum incrementally. But my project here is simply to sketch its outlines in a relatively dramatic form. This raises certain natural and powerful objections. The most important is the possibility of the tyranny of the majority at the local level. Increases in the scope and salience of local power may risk harms to local minorities. I briefly considered the possibility of local religious establishment above — the position of local religious minorities is obviously therefore problematic. I now turn to the place-based, mobility-centric approach to this problem.

### 3. Individual Mobility

The basic place-based approach to internal minorities is simple. The tyranny of the majority is problematic only insofar as individuals lack reasonable alternatives to their current social and political circumstances. There is a large intuitive difference between being trapped in certain conditions and choosing those conditions. To take an innocuous case, some people are strongly disposed to city life over rural life. If an individual of that disposition is stuck in the country, unable to move to, afford, or find work in the city, this harms their prospects for a good life. But if someone stays in their rural hometown despite have easy access to urban alternatives, it seems that they have made a decision about what they value most — no matter how much they might gripe about it. (Indeed, it is a kind of trope that such complaints can be a sign of underlying affection.) A standard liberal presumption is that free choices made under reasonable conditions are a good sign of both consent and flourishing. What conditions would a place-based liberal government need to secure to address the possibility of truly

trapped minorities? I will identify three major policy areas: wealth, health, and education. These are not necessarily exhaustive, but I believe they significantly address the major objection from the tyranny of the local majority.

Significant barriers to mobility undermine the connection between residency and revealed preference. Of course, moving is rarely literally literally impossible. Some people, most obviously refugees, are sometimes forced to move with little but the clothes on their backs. Others immigrate in conditions that are little better, whether legally, illegally, or in search of asylum. But moving in such circumstances is seldom psychologically intelligible unless current conditions are extremely dire. Most people require some credible plan of action to choose on their own to move (rather than being forced to move by exigency). The most obvious barrier to mobility is lack of resources. Even one in dire circumstances has a grip on their current situation — perhaps a way to make money, however minimally, the knowledge of how to spend it, and access to whatever local public aid is available. To move elsewhere without savings or a plan to make a living is a leap into the unknown.<sup>9</sup>

One of the key attractions of basic income is that it simultaneously decentralizes the impact of federal redistribution of wealth and addresses the fundamental lack of reliable and flexible resources for the poor. (In addition, basic income should be denominated on an individual basis and include an allowance for children, so a spouse is not entrapped by a “head-of-household” nor a parent unable to provide for their child.) On a basic income program, poor people have a reliable, savable, fungible, and transferable baseline of resources.

Wealthy states also spend a great deal of resources on public or subsidized healthcare. This reflects that essential healthcare is often too expensive for individuals to purchase. There is no principled connection between healthcare and mobility, except in cases where one’s health literally does not permit transport. But healthcare is in practice a serious obstacle to mobility because transferring one’s care to a new location is burdensome and expensive, and may create administrative delays or long wait times in, for instance, moving from one state’s Medicaid program to another. It is also difficult, although not impossible, for localities or states to provide public healthcare, because any generous

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<sup>9</sup> Kukathas is therefore much too quick when he says that “the magnitude of the cost [of exit] does not affect the freedom” (2003: 107).

program would significantly incentivize those who need costly treatment to move to those states, over-burdening their system. These are powerful reasons for the federal government to either standardize or directly administer public or subsidized healthcare. Einav & Finkelstein (2023) have recently made a comprehensive argument for what might reasonably be termed universal basic healthcare. They argue that this is in fact the standard international model: the state provides a layer of basic healthcare at low cost to consumers, with an additional supplemental private market for “wraparound” health insurance. The key for mobility is consistency across the federation, because people cannot be expected to move if it risks losing access to healthcare.

A third barrier to exit is a lack of education. The deepest worry about education takes a different form from lack of resources or healthcare. If citizens are not adequately educated, they may lack the underlying agential capacities to exit, even if they possess the material resources.<sup>10</sup> This raises certain deep issues of freedom and agency. Fortunately, these may largely be sidestepped for these purposes because, as with the redistribution of wealth and minimum access to healthcare, the commitment to universal public education is already implicit in current federal and state policy. In keeping with the general principle of direct federal provision of goods that are deemed essential, place-based liberalism would adopt a sharper distinction between a basic federal educational guarantee (what we might indeed call a common core) and additional public education conducted and controlled by localities. As we saw above, the current American education system is an opaque mishmash of federal, state, and local policy. Instead, the federal government should directly conduct a uniform program of public education. This clarifies the commitment to education as an essential federal good — and guarantees that essential education is not left to the whims of localities. However, “federal school” should only be a portion of overall public education. Most localities are obviously committed to investing in the education of their children. Federal school might take place on certain days of the week, or for a defined portion of each day, while wraparound “local school,” like supplemental health insurance, is provided separately (of course it would be natural to share certain infrastructure, but details would surely vary). This would preserve the commitment to universal education, and therefore

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<sup>10</sup> Okin (2002) presses this objection.

answer the worry that a lack of education is a barrier to exit, while both enhancing and clarifying local power. Disputes about federal school would be a topic for federal politics, and disputes about local school a topic for local politics.

It is not coincidental that a program of citizen mobility may be fashioned from existing central commitments of the existing U.S. government. All liberal governments set out to protect a set of individual rights. Mobility represents one ideal of what individual rights aim at — the individual recourse against both social and state oppression. This does not imply that every ideal of individual rights is the same, nor that any protection of individual rights amounts to a protection of mobility. We have seen that the standard liberal welfare state, which might be taken to aim at a certain construal of minimal dignity or flourishing, does not promote mobility especially well. But all liberal accounts of dignity or autonomy will share significant conceptual and moral resources; it is no surprise that those resources may be used in the pursuit of individual mobility without radical change. If the primary objection about community sovereignty is the possibility of local injustice and oppression, mobility rights provide a natural way of addressing that objection with relatively limited qualifications of community sovereignty.

#### 4. Further Objections

The remainder of the paper is dedicated to several additional important objections to place-based liberalism. The first objection is a variation on the problem of local injustice: instead of worrying about the tyranny of local majorities, one may worry simply that increasing local sovereignty will harm the justice of the state as a whole, especially given the important role of the U.S. federal government in pursuing justice over the objections of states and localities. I then discuss three further objections: the worry that place-based liberalism would exacerbate political polarization and conflict rather than mitigate it; the worry that place-based liberalism promotes a troubling form of political or social self-segregation; and the worry that place-based liberalism may have trouble accommodating personal or cultural attachments to particular territory, given its reliance on mobility as the ultimate recourse against injustice or irreconcilable disagreement.

The objection from overall injustice is distinct from the oppression of individuals or local minorities. It might turn out that a place-based liberal state is, for instance, less egalitarian than a conventional federal state. This worry is especially credible because the U.S. federal government and Supreme Court has been responsible for significant progressive accomplishments, from the major welfare entitlement programs to federal regulatory agencies to the racial integration of public education. It is not possible to rebut this worry with complete certainty, because it depends on a set of empirical predictions in addition to a set of normative judgments, and place-based liberalism is too remote from any existing liberal institution to permit anything beyond informed speculation. However, there is important reason to believe that the crucial distinctive features of place-based liberalism — local sovereignty in combination with mobility — would promote both justice and good governance in the long run, based on a causal mechanism that is relatively unimportant in conventional federalism: the competitive quasi-market dynamic between localities in a place-based institution.

Place-based liberalism would realize a form of *competitive federalism*. Competitive federalism has long been an attractive model to a group of political scientists and economists.<sup>11</sup> The basic idea of competitive federalism is that citizens will flow to jurisdictions that are (by their lights) better governed, therefore “voting with their feet.” We can observe this to a certain degree in contemporary federalism; in recent years sunbelt states like Texas and Arizona have gained population, while California and New York have lost population.<sup>12</sup> This is plausibly interpreted as at least in part a rejection of state governance, in particular high housing costs. However, competitive federalism is significantly checked by, and takes a defective form because of, considerations discussed in section 2. States are not the best unit for competitive federalism, because the diversity of states is significantly constrained constitutionally, politically, and simply by their relatively small number; because moving between states is significantly more costly than moving between localities; because states and localities are incentivized by the federal government toward many of the same policies, blurring the divisions of governmental accountability; and because state political identities are currently subordinated to national political identities, meaning that self-sorting deepens partisan identities rather than fragmenting them.

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<sup>11</sup> Important discussions include Somin (2021), Taylor (2017), Buchanan (1995), Ostom et al (1961), Tiebout (1956).

<sup>12</sup> <https://pluribusnews.com/news-and-events/sun-belt-adds-population-while-california-new-york-shrink/>

Place-based liberalism in the form I have proposed would supercharge competitive federalism relative to the status quo. This permits a two-fold answer to the federal injustice worry. The first is that place-based liberalism of course itself embodies certain ideals of justice; and the policies I have discussed could be qualified or supplemented by various other national laws. The second and more important answer, however, is that the full requirements of justice are inevitably controversial.<sup>13</sup> If place-based liberalism successfully allows individuals to seek local political associations that they endorse, then the results of competitive federalism have a credible claim to *be* liberal justice, based on emergent political dynamics within a set of constitutional constraints (what we might call basic justice, interpreted to centrally, though not exclusively, require mobility rights).

This leads to worries about partisanship and self-segregation. My response to the partisanship objection has largely been stated already. In a nationalized political climate, political self-sorting exacerbates partisan polarization. As progressives move to California and conservatives to Texas — or progressives to cities and conservatives to rural areas in every state — those states embody increasingly different visions of what the central government should do. Ultimately, progressives think all of the U.S. should be governed (broadly speaking) like California, and conservatives think that the U.S. should generally be governed like Texas. Geographical sorting of politics implies growing ideological distance between states and across the urban/rural divide. But this is only the case because ideological conflicts are defined always by the same national identities and policy agendas. Place-based liberalism would plausibly lead to quite different results, because communities with greater sovereignty would develop a richer range of goals. While there are some relatively consistent features of progressivism and conservatism across different contexts (the principal question being the degree of egalitarianism), international politics demonstrate that ideological coalitions and conflicts can come in many different combinations, often including many more than two main political parties. This is partly due to variation in the structure of national elections, but a greater degree of local and regional variation would undercut the Manichean conflict between nationalized Republican and Democratic identities.

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<sup>13</sup> As emphasized by the dominant Rawlsian “political liberal” strand of political philosophy (Rawls 2005).

There are different possible dimensions of self-segregation: most obviously, one might worry about exacerbating existing racial segregation. Some have argued that greater racial integration is a crucial precondition for liberal justice.<sup>14</sup> If this is true, it suggests a *prima facie* worry about place-based liberalism. But there are several considerations that defuse this conflict. The most pessimistic is that a very large degree of racial segregation exists in the U.S. *already*. There is simply not that much room for further community-level segregation due to place-based liberalism. More optimistically, while it is true that sovereign communities might directly or indirectly try to promote racial homogeneity, many sovereign communities might also directly or indirectly try to promote racial integration. Indeed, competitive federalism is a very powerful reason to welcome diversity — communities that are highly exclusive, racially or otherwise, will struggle to maintain themselves unless they are extraordinarily effective at retaining their current members. Elizabeth Anderson argues that a specific and proactive policy agenda is required to achieve sufficient racial integration. But, as she notes, a major challenge is that such integration policies have been politically untenable, either blocked or rolled back, even when they seemed successful, as in the case of school bussing programs (Anderson 2010: 190-1). Communities would be empowered to pursue an integration program under place-based liberalism, however. This is a much more plausible path for progress. We have repeatedly seen that racial integration cannot effectively be forced on recalcitrant groups. But willingly racially integrated communities may serve as a model for future progress. If a racially integrated future is attractive (and perhaps necessary), as I agree it is, it may be more effective to empower healthy and locally-endorsed integrationist policies, rather than attempting national policies that are typically blocked politically from ever being enacted and are poisoned by backlash if they are enacted.

The final objection I wish to discuss concerns territorial values. It may be pointed out that place-based liberalism is ironically insensitive to an individual or group connection to their literal place — their land. The ultimate recourse of place-based liberalism is mobility, which is precisely to abandon one's place. This makes sense if what one wants is a community of shared values; less so if what one wants is to stay *here*. Now, the tension between place and values occurs only for those who have strong

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<sup>14</sup> Anderson (2010).

and conflicting commitments regarding both their place and their values. If one is committed only to retaining a certain claim to land — the family farm or whatever it might be — there is no barrier to remaining. The problem arises only if the community in which that land is contained enacts policies that also seem intolerable, creating a dilemma. It is worth noting that no conventional liberalism can guarantee not only the right to remain on one's land, but to simultaneously approve of one's local governance. But it is true that more distinctive local governance invites stronger dilemmas of this kind.

Some of the most striking territorial claims of this form involve distinctive cultural groups, especially groups that have historically been wronged, such as Native American tribes. There is no tension between place-based liberalism and assigning certain territorial rights to such groups. Indeed, place-based liberalism brings the entire federalist system closer to the sovereignty of Native Americans over their territory (setting aside the important question of whether their territory is appropriate or sufficient). Extending special sovereign powers and protections to particular groups is simply to add a layer of asymmetrical community sovereignty atop the symmetrical principle of place-based liberal community sovereignty.

Some groups may have territorial affinities but lack any claim for special dispensation. Imagine that, as is to some extent true, many Californians move to Montana. Enough Californians eventually move to a particular county to become the new local majority. But many long-time residents are attached to their land, and therefore feel a sharp conflict between their desire to stay and their objections to the new political situation. It is important to note that mobility is not the only, nor even the foremost, mechanism of political negotiation in place-based liberalism — it is only a backstop. New residents and old ones have important incentives to reach a political accommodation. After all, the incoming residents will inevitably be a minority at first. And competitive federalism (and simple economics) dictates that new residents are beneficial in crucial respects. Place-based liberalism ensures that everyone has bargaining power because everyone has a reasonable fallback option of exiting. There is every reason to think that accommodations could be reached in this kind of example, especially if national partisan polarization is weakened in the ways I have suggested.

It must be admitted, however, that there is never a guarantee that things work out so neatly. It is true that an individual with deep attachments to their land may have to choose between their land and their political preferences. This, of course, is how America was founded. If reconciliation is impossible, someone has to leave. If one group has a special claim to the territory, as in the Native American case, then that group has priority. If neither group has a special claim, then it is a matter of politics.

## 5. Conclusion

This paper is, in essence, a policy brief for a certain constitutional approach to liberalism. In this sense it is a kind of old-fashioned political theory, consisting neither in deductive normative argument nor a systematic presentation of empirical evidence. Of course, the claims may be represented in a series of conditionals: if the stability and functioning of liberal democracies is in peril; if this is due significantly to both (and relatedly) partisan polarization and the overall dissatisfaction of citizens; if partisanship and dissatisfaction would be mitigated by increased community sovereignty; if significant community sovereignty can be made compatible with basic liberal moral commitments through the guarantee of mobility rights; and if this would have no dire moral or practical side effects; then place-based liberalism is worth pursuing. But, while each of these claims (and perhaps further claims that I have not brought out sufficiently explicitly) is worth scrutinizing, the claim of true interest is: *we should do this*. That is a moral claim, but one that depends both on shared moral premises and various empirical posits or hopes. But political philosophy should, at least sometimes, engage directly and constructively with the social problems of the day. This cannot be done within the safety of deductive conceptual arguments. And constitutional design cannot be tested in randomized controlled trials. The same kind of broad-minded arguments are therefore necessary today as were employed by the federalists and anti-federalists at the constitutional convention. As both philosophers and citizens we should, I submit — regardless of whether I have persuaded you of the merits of place-based liberalism in particular — put this kind of argument back at center stage.

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