

Saggi

Cosmopolitans' Dilemma: (Open?) Borders and Migration

Il dilemma dei cosmopoliti. Confini (aperti?) e migrazione

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Abstract. It is frequently assumed that cosmopolitans must be committed to open (or more open) borders and to policies aimed at reducing restrictions on immigration. But this is not always the case. In this paper I will show, first, that some cosmopolitans are not supporters of open state borders when the issue of immigration is at stake; second, I will give a possible account of this stance, holding that it might derive either from the objectives pursued by their theories (i.e., global social justice, global democracy) or from their philosophical sources (i.e., Kant, Rawls), or, more generally, from a dilemma inherent in the cosmopolitan project itself.

Keywords: cosmopolitanism, borders, migration, democracy.

Riassunto. Di solito si presume che i cosmopoliti siano o debbano essere a favore dei confini aperti (o più aperti) e di politiche volte a limitare le restrizioni ai flussi migratori. Ma non è sempre così. In questo articolo mostrerò, in primo luogo, che alcuni cosmopoliti non sono sostenitori dei confini statali aperti quando è in gioco la questione dell'immigrazione; in secondo luogo, offrirò una possibile spiegazione di questa posizione, sostenendo che potrebbe derivare dagli obiettivi perseguiti dalle loro teorie (giustizia sociale globale, democrazia globale) o dalle loro fonti intellettuali (Kant, Rawls), o, più in generale, da un dilemma inerente al progetto cosmopolitico stesso.

Parole chiave: cosmopolitismo, confini, migrazione, democrazia.

Introduction

On different grounds and starting from different philosophical backgrounds,¹ a number of authors have defended the role and the legitimacy of state borders,² while others have challenged such a position.³

As Brock points out, it is frequently assumed that cosmopolitans must be committed to open (or more open) borders and to policies aimed at reducing restrictions on immigration.⁴ This, however, is not always the case. In this article I will show, first, that some cosmopolitans are not supporters of open state borders when the issue of immigration is at stake; second, I will offer a possible account of this stance, holding that it might derive either from the objectives pursued by their theories (i.e., global social justice, global democracy) or from their philosophical sources (i.e., Kant, Rawls), or, more generally, from a dilemma inherent in the cosmopolitan project itself.

1. Cosmopolitans and Migration

In this context, I will confine myself to considering first supporters of moral cosmopolitanism and secondly those of political-legal cosmopolitanism: while the latter defend the creation of a cosmopolitan institutional order – although not necessarily the creation of a single world state – the former are primarily concerned with providing a justification for the duty to help those who are not fellow citizens on the basis of normative principles which are used as moral standards in judging individuals, social institutions, or States.

1.1. Moral Cosmopolitans

The issue of the moral relevance of state borders has been addressed in the context of distributive justice or political justice, and has regarded distant strangers (individuals, peoples, or states); only recently have cosmopolitans started to deal with the issue of state borders in reference to migration.⁵

¹ Bader, “The Ethics of Immigration.”

² See: Walzer, *Spheres of Justice*; Whelan, “Citizenship and Freedom;” Wellman, “Immigration and Freedom;” Miller, *Strangers in our Midst*.

³ See: Carens, “Aliens and Citizens;” Carens, *The Ethics of Immigration*; Abizadeh, “Democratic Theory;” Fine, “Freedom of Association;” Oberman, “Immigration;” Sorrentino, *Aiutarli a casa nostra*.

⁴ Brock, *Global Justice*.

⁵ Benhabib had already noted that attempts to develop theories of international and global justice had been “curiously silent on the matter of migration,” quoting Pogge, Buchanan, Beitz (*Rights of Others*, 2).

Moral cosmopolitanism defends the belief in the equal moral worth of all human⁶ beings and that this equal moral worth gives rise to certain moral responsibilities having universal scope: from this point of view, and according to different arguments, state borders are considered morally irrelevant, that is, morally irrelevant with respect to the obligations towards distant individuals. But what happens when these distant individuals arrive at the borders of a liberal democratic state and ask to cross it? To what extent does moral cosmopolitanism imply open borders?

Let me start with Peter Singer, a cosmopolitan utilitarian who assigns the duty to help to individuals. In his seminal article "Famine, Affluence, and Morality," he maintains that everyone has the moral duty to help fellow human beings in difficulty wherever they may be found; in his book *The Life You Can Save*, he argues that if we are in a position to help someone, without this involving a sacrifice comparable to the benefits we bring to them, then we have a moral duty to help. Singer's attitude is extremely demanding in regard to what we wealthy people can do and sacrifice to help the poor. In the first place, it refutes the idea that shared citizenship and distance in themselves make a difference as far as the nature and the extent of our obligation to help others is concerned; in the second place, it implies that giving help does not represent a supererogatory act. Finally, it places an obligation on the rich to help until they themselves attain subsistence level: Singer actually asserts that in order to be good "we must give until if we gave more, we would be sacrificing something nearly as important as the bad thing our donation can prevent."⁷ Since it is no easy matter to decide what "nearly important" means and both the objects we desire to purchase and the experiences we would like to enjoy appear as mere luxuries of little or no importance compared with saving a human life, it would seem obvious to conclude, as Singer does, that "whatever money you're spending on luxuries, non-essentials, should be given away."⁸ In other words, it is not enough just to do your share. Nor is it possible to justify not doing one's duty by referring to the fact that others do not do theirs.

In addressing the issue of migration, Singer suggested applying the same argument, convinced that the principle of equal consideration of all those affected provided a clear standard against which to evaluate migration policies: in his view, every nation should welcome refugees until the point when the negative effects on residents would outweigh the positive

⁶ According to Pogge all different kinds of moral cosmopolitanism share four commitments: normative individualism, universality or all-inclusiveness, impartiality or equality, and generality (Pogge, "Cosmopolitanism," 316).

⁷ Singer, *Life You Can Save*, 140.

⁸ Singer, "Singer Solution to World Poverty," 123.

effects on refugees, that is until the country cannot support them anymore.⁹ However, he has recently reviewed his position, recognizing that political leaders who want to help asylum seekers or would-be immigrants face a real dilemma:

either they go far enough toward stricter border control to undercut public support for far-right parties, or they risk losing not only that battle, but all the other values threatened by anti-immigration governments as well.

This dilemma leads him to affirm that “rights must have a limit.”¹⁰ In his view, it would be preferable to help the less wealthy countries welcome refugees from neighboring countries; in this way, refugees would be less willing to attempt dangerous journeys to distant regions and would return to their countries once conflicts were resolved; the market for illegal immigrants would cease, the rich nation states, maintaining control of their borders, could honor their obligations towards refugees by welcoming them, without neglecting those who remain in the camps. He also takes a stand against those who defend a broader interpretation of the official refugee definition: “why should someone who is able to travel to another country have priority over others who are in refugee camps and unable to travel?”¹¹

Thomas Pogge, who defines himself as an exponent of social justice cosmopolitanism, argues that from the point of view of cosmopolitan morality, which focuses on the basic needs and interests of each human being, the concentration of sovereignty at only one level, that is, at the state level, is no longer defensible. Instead of the institution of a global state, he proposes that “governmental authority – or sovereignty – be widely dispersed in the vertical dimension.”¹² He puts forward a solution thanks to which

persons should be citizens of, and govern themselves through, a number of political units of various sizes, without any one political unit being dominant and thus occupying the traditional role of state.¹³

Citizens’ loyalty and obedience should be widely distributed over the various units, such as constituencies, cities, provinces, regions, states, supranational regional entities, and the world at large. Individuals should

⁹ P. and R. Singer, “Ethics of Refugee Politics.”

¹⁰ Singer, “Impossible Migration Dilemma.”

¹¹ Singer, “Escaping the Refugee Crisis.”

¹² Pogge, “Cosmopolitanism and Sovereignty,” 178.

¹³ *Ibid.*

be politically “at home” in all these units without one or other prevailing in the determination of their political identity. He claims that “dispersing political authority over nested territorial units”¹⁴ would reduce the intensity of the struggle for power and it would make it easier to redesign borders in order to accommodate the aspirations of peoples and communities. He does not eliminate boundaries as such, nor does he question their legitimacy; he merely proposes making them variable and redefinable according to the interests and aspirations at stake. This is reflected in the way he addresses the migration issue. In “Philosophy of Refugee Policy: Morally in the Same Boat,” to the question “Should we have borders at all?,” he answers that “abolishing borders would be absurd” because it would be incompatible with the exercise of democracy which always requires the division into administrative units. Nor would it be, he suggests, useful for the promotion of justice:

rather than try to get our compatriots to support admitting more needy foreigners and to support equal citizenship for foreigners already here, we should instead try to enlist them for other moral projects with regard to which our mobilizing efforts can be much more effective.¹⁵

In his view, open borders cannot represent an effective remedy against poverty for the following reasons: to begin with, the number of people that rich countries can admit is “ridiculously small in comparison to the number of those who are in desperate need and would like to come”;¹⁶ second, not many of those whom the rich countries admit are really among the worst-off;¹⁷ finally, a generous admissions policy could ease the pressure on local governments and relieve them of their responsibility in addressing the endogenous causes of poverty. Pogge is convinced that poverty is produced by the current institutional arrangements coercively imposed by the governments of rich countries. Therefore, instead of trying to increase the number of needy foreigners admitted to rich countries, those who accept a cosmopolitan moral responsibility should use

¹⁴ *Ibid.*, 169.

¹⁵ Pogge, “Philosophy of Refugee Policy.”

¹⁶ Pogge, “Migration and Poverty,” 13. Whelan offers several reasons why open borders should be preferred to economic aid. While traditional aid risks being lost due to inefficient administration, poorly designed projects or corruption by elites, the opportunity to migrate would directly benefit the individuals who take advantage of it. Furthermore, being a collective response to global poverty it would not place unfair burdens on wealthy individuals; finally, it would increase the range of human freedom and minimize economic inequalities and thus be consistent with the concerns of liberalism (Whelan, “Citizenship and Freedom of Movement”).

¹⁷ *Ibid.*, 14. On remittances as a mechanism for deepening existing economic and social inequalities, see de Haas, “Migration and Development Pendulum.”

their time “to struggle to institute an effective program of global poverty eradication,”¹⁸ which could include the institution of the global resource dividend or GRD¹⁹ and the reform of some international institutions, such as the international resource privilege and the international borrowing privilege.²⁰ He specifies that he does not claim that “we should oppose the admission of needy foreigners into our richer countries”; however, he also cautiously adds somewhat indirectly that he has “not denied that it is wrong to refuse admission to truly needy foreigners,”²¹ without explaining what “truly” needy foreigners means. After all, he even considers the opening of borders counterproductive with respect to the fight against poverty because needy foreigners who are admitted to rich countries are very costly in terms of the political effort necessary to integrate them and to combat the hostility and anger generated in citizens, making it even more difficult to obtain the support of the latter for initiatives in favor of the global poor.²²

Gillian Brock also addresses the issue of open borders in terms of their usefulness in relation to the realization of global justice: “my general view is that if developed countries admit more immigrants that alone is no panacea for dealing with the deep problems that stand in the way of global justice.”²³ In her view, migrations are due not only to the global order and international institutions, but also to the failure of some governments, unable to guarantee decent living conditions and prospects to their population. She believes that “international interventions (whether political, economic, or military) that pressure the governments of such states to change” rather than “the liberalization of immigration policies”²⁴ might be more effective to fight poverty. To this end, she goes so far as to defend the legitimacy of limiting the emigration of health workers from poor countries to rich countries,²⁵ given that the brain drain worsens the living conditions of those who stay at home, who are also usually those who are worse off. The ideal solution to improving conditions in poor countries would be to strengthen global institutions;²⁶ however, she admits

¹⁸ *Ibid.*, 14.

¹⁹ *Ibid.*, 20.

²⁰ Pogge, “Achieving Democracy”

²¹ Pogge, “Migration and Poverty,” 25.

²² *Ibid.*, 22.

²³ Brock, *Global Justice*, 193.

²⁴ *Ibid.*, 192.

²⁵ In contrast with article 13 of the *Universal Declaration of Human Rights* (1948).

²⁶ For instance, “by ensuring rules governing trade are fair to vulnerable developing countries, providing effective development aid, underwriting and enforcing a fair global taxation regime, intervening militarily when that is necessary, promoting independent media, or holding those who have perpetrated injustice to account” (Brock, *Global Justice*, 193).

that, in the meantime and with certain conditions, less restrictive policies towards people who are able to cross borders looking for a job “for a *limited term* should be applauded in *certain cases*” (italics mine).²⁷

Over the years Martha Nussbaum has changed her mind, advocating an ever weaker version of moral cosmopolitanism as is especially evident in relation to the issue of migration. In fact, in an earlier phase of her thought, she considered cosmopolitan impartiality and patriotism to be incompatible with each other; she claimed that the principle of the equal moral value of each human (that is, each human being is human and counts as the moral equal of every other) had to represent a regulatory constraint on both the internal and foreign policy of the rich countries and it had to be recognized “at whatever social or personal cost.”²⁸ In a later phase, she tried to reconcile cosmopolitan universalism with the legitimacy of at least some form of partiality, adopting a sort of limited or constrained patriotism,²⁹ according to which states and nations should be respected both as “vehicles for human autonomy and the accountability of law to people,” and as “*loci* for channeling aid and support.”³⁰ Addressing the issue of migration, she claims that states, precisely by virtue of the importance they have traditionally had as “moral home for people’s autonomy,” have the right “to defend both their security and their national political culture,” provided that they do not adopt exclusionary policies not justified by empirical evidence,³¹ or that have the specific purpose of protecting dominant religious or ethnic traditions from pluralism and from the challenges that migration poses. She considers the following measures reasonable and compatible with moral cosmopolitanism: i). “to limit the number of immigrants admitted”; ii). “to ask of any who apply for permanent legal status that they express the willingness to live under the rule of law and in accordance with the nation’s basic constitutional principles”;³² iii). “to limit numbers in accordance with skills and job opportunities, since economic stability is a very important ingredient of national stability.”³³ With respect to the most divisive issues, i.e., illegal migration, asylum, and the morality of guest-worker programs, she holds that it is entirely reasonable that nations restrict migration and deport

²⁷ *Ibid.*, 194.

²⁸ Nussbaum, “Reply,” 133.

²⁹ Nussbaum, “Compassion and Terror.”

³⁰ Nussbaum, *Cosmopolitan Tradition*, 216. Nussbaum’s cosmopolitan institutional ideal is represented by “a world of nation-states” united by “an evolving international morality and some international laws,” enforced primarily *within* each nation (233).

³¹ “Legitimate evidence about a particular individual is one thing; blanket exclusions of groups based on religion is quite another” (Nussbaum, *The Cosmopolitan Tradition*, 232).

³² *Ibid.*, 231.

³³ *Ibid.*

people who have entered illegally; working immigrants should instead enjoy the right to family unity, permanent resident status, and a path to citizenship. In her view, the best solution would be a combination of “strong border controls with a path to citizenship for those who have been *productive* workers, and especially for undocumented students, present since childhood, who have managed to enter *higher* education.”³⁴ This is a solution that sounds remarkably distant from the author who criticized Rawls’s theory of justice because, being based on the idea of a contract for mutual advantage, it was unable to address questions of social justice posed by unequal parties.³⁵

1.2. Political-legal Cosmopolitans

Even some political-legal cosmopolitans³⁶ do not challenge state borders from a normative point of view when they address the issue of migration. Daniele Archibugi, one of the theorists of cosmopolitan democracy, defines it as “a project of normative political theory that attempts to apply the core principles, values and procedures of democracy to global politics.”³⁷ In dealing with the issue of migration, he defends porous borders for refugees, but not for economic migrants.³⁸ He admits³⁹ that, since cosmopolitanism is characterized by the desire to share, first of all to share a common destiny, “the open border position” would be “a fully consistent cosmopolitan position” based on the assumption that “borders are ethically irrelevant” and that there exists “a basic human right to the freedom of movement that cannot be restricted by state institutions

³⁴ *Ibid.*, 230.

³⁵ Nussbaum, *Frontiers of Justice*.

³⁶ In this context, I will confine myself to dealing with the theorists of the cosmopolitan democracy project.

³⁷ Archibugi, “Cosmopolitan Democracy.” Archibugi lists the following values and procedures of democracy: transparency in decision-making; accountability of decision-makers; involvement of citizens and non-governmental bodies in world politics; political equality across individuals of different political communities; implementation of the rule of law in international affairs; and enforcement of human rights.

³⁸ Actually, he has proposed that the UN should issue refugees with a true cosmopolitan citizenship: this would mean “giving refugees certain rights (for instance, that of holding a passport and therefore of being able to move internationally) and at the same time regulating their right to receive the assistance that they already receive from the UNHCR and other UN agencies” (Archibugi, *Global Commonwealth of Citizens*, 181-182). Recently he has defended porous borders for refugees within the European area. In his view, European states should sign a permanent plan for refugees who cannot return to their homeland, in order to guarantee them free movement in Europe (thanks to the attribution of a European passport) and to improve integration policies (Archibugi, *Refugees in the European Union*).

³⁹ Archibugi, “Arizona Borders.”

and laws.” However, although this position is intellectually attractive, he regards it as “politically unrealistic.” In fact, it could work between countries with equivalent income levels and if the desire to travel and settle in another country was dictated by personal preferences, and not compelled by necessity. In ideal circumstances, the Kantian right of visit and the duty of universal hospitality could easily be managed by a cosmopolitan law; but in a world characterized by strong income inequalities “open borders can generate serious social and economic problems.” Advocates of freedom of movement and of migration, should bear in mind that those who flee poverty are not interested in the freedom of movement in itself or in migrating, but in improving their living conditions; after all, freedom to move is *truly* meaningful only when people have the freedom to stay, the freedom not to leave their countries. Considering the negative effects that migration, especially illegal migration, can have on the most vulnerable people in host-societies, Archibugi argues that decent living conditions and opportunities in the countries of origin, rather than opening borders, should be offered to poor people. In conclusion, he is convinced that it is consistent with the cosmopolitan perspective to acknowledge that “world income inequalities cannot be cured through migration only,” and to take moral and political responsibility to find “less traumatic and more effective methods than immigration” to tackle it.⁴⁰

David Held, like Archibugi, a theorist of the cosmopolitan democracy project, devoted an in-depth study to the forms of migration in history,⁴¹ investigated their causes,⁴² and provided useful classification criteria.⁴³ Starting from the premise that “the integrity of territorial borders and the distinction between citizens and foreigners is constitutive of the modern nation-state,”⁴⁴ he tried to understand what implications migration has had and continues to have for the autonomy and sovereignty of states.⁴⁵ In his view, mass migration in recent decades has demonstrated the in-

⁴⁰ *Ibid.* In his view “official development aid, the cooperation in education, science and technology carried out by international organizations, the struggle to get more effective institutions in developing countries, the openings of Western markets through customs unions are all methods that could in principle reduce income disparities.”

⁴¹ Held, McGrew, *Global Transformations*. In part. 6, “People on the Move.”

⁴² *Ibid.* See also Held, “From Shore to Shore”; Held, “Climate Change, Migration and the Cosmopolitan Dilemma.”

⁴³ “The key concepts that can be brought to bear on patterns of migration concern: their *extensivity*; their *intensity*; their *velocity*; their *impact* on host and home, states and societies – impacts which display a considerable *unevenness* and arise, in part, from *hierarchies* of power among different migrant and host groups. In addition, it is important to consider the *infrastructures* of transportation and communication and the *institutions* that sustain global labor markets and migratory flows” (Held, *Global Transformations*, 283).

⁴⁴ *Ibid.*, 286.

⁴⁵ *Ibid.*, 321.

bility of nation states to control independently their borders and, consequently, the need to increase international cooperation. It has also showed the necessity to *extend* the set of arrangements and legal principles on which the idea of national citizenship is based also to the stateless. He proposes some short-term measures to tackle the issue of statelessness,⁴⁶ but he defends the need to eliminate the very causes of forced migration, that is, socio-economic inequalities, by establishing a “universal constitutional order” capable of guaranteeing the rights of all people. It is to be noted that he does not hold that poverty and socio-economic inequalities are due to the very existence of national states, to the “particularization of nation-states” or to “the inequalities of regions with their own distinctive cultural, religious, and political problems,” but to “the tangential impact of the liberal international order on the regulation of economic power and market mechanisms.”⁴⁷ Moreover, distancing himself from neoliberal cosmopolitanism, he criticizes those who defend people’s right to freedom of movement on the basis of an analogy with goods; against them, he defends the legitimacy of adopting certain restrictions on this right because people, unlike goods, move with their cultures: indeed,

the establishment of settlements and migrant communities creates a range of new social relationships between home and emigrant community, home and host societies that previously did not exist [...]. The movement of people brings the movement of new ideas, religions, beliefs, etc., in its wake.⁴⁸

2. Borders (and the Limits?) of Cosmopolitanism

Reading cosmopolitan theorists from the perspective of migration sheds light on some important aspects of their thought, and in particular on the way they conceive of borders and challenge them. As we have seen, they do not question the existence of states, even if they are advocates of a less state-centric vision of the international political order. Nor do they question the very existence of national borders. They do, however, question the moral relevance of borders with respect to distributive justice and to the traditional conception of sovereignty. They argue that if we

⁴⁶ Short-term extension in the EU could include, he adds, “centrally funded reception centers; coordinated legal routes through which migrants can travel to seek refuge; robust asylum quotas for all member states; tackling human trafficking; providing direct aid to refugee camps in the Middle East which are currently home to millions of displaced people.” It is also necessary to implement integration policies that might fill the “gap between statelessness and citizenship” (Held, “Climate Change, Migration and the Cosmopolitan Dilemma,” 245).

⁴⁷ Held, “Changing Structure of International Law,” 175.

⁴⁸ Held, *Global Transformations*, 285.

are committed to the principle of the equal moral worth of each human being, as national borders are arbitrary, that is, they depend on a “natural lottery,” they should be considered morally irrelevant with respect to the duties that we owe needy foreigners: this amounts to saying we ought to help poor people wherever they are. Furthermore, cosmopolitans question whether borders can be used as a shield against interference (or intervention) by other states, regardless of the way in which political authority is exercised internally: according to this view, authority is legitimate (and, therefore, non-interferable) only on condition that it respects human rights and regards each person as equally worthy of interest and concern. They also question the traditional link between the nation-state, borders, and democracy, extending democracy also to intra-regional, international, and supranational levels, but this does not mean that they challenge the need for borders as such. In fact, in order to exercise autonomy and self-governance, any political democratic community, whatever size it might be and at whatever level it might be situated, needs boundaries. It is true that, being variable (because they are determined by the all-affected principle and not by belonging to some ethnicity or nation state), they are less exclusive, or at least, more inclusive as regards participation in the decision-making process. But this principle does not guarantee complete political and democratic inclusiveness: to be fully inclusive, it should also be applied to migrants who want to cross countries or who already live inside foreign countries.

One reason why they do not question the legitimacy of states and borders as far as migration is concerned, is that they only dealt with migration in the context of the fight against poverty or the problem of the implementation of distributive justice on a global scale. For example, Pogge, just like Rawls,⁴⁹ conceives of society as a system of cooperation between individuals and the existence of cooperation makes it necessary to apply principles of distributive justice. If, therefore, the international political order were constituted only by a plurality of self-contained states, the responsibilities for unfulfilled human rights would not be extended beyond their boundaries.⁵⁰ Consequently, it is only because human beings participate in

a single, global institutional scheme – involving such institutions as states, international law and diplomacy, as well as a global economic system of property rights and markets for capital, goods and services – that all unfulfilled human rights have come to be, at least potentially, everyone's responsibility.⁵¹

⁴⁹ Rawls, *A Theory of Justice*.

⁵⁰ Pogge, *World Poverty and Human Rights*, 171.

⁵¹ *Ibid.*

In other words, what we owe others, does not depend on boundaries as such: what counts is the relationship we have with people. According to Pogge, there must be a *causal* relationship for the duty to be triggered:

foreigners to whose distress and hardship we've contributed are just as relevant to us as fellow nationals to whose distress and hardship we've contributed. Morally, they're sitting in the same boat.⁵²

If we had not contributed to creating and supporting global institutions that produce predictable and avoidable violations/unfulfillments of the rights of worse-off people, that is, the very causes of the massive flux of migration, if we had not taken advantage of this global cooperation scheme, we would have no duty to help needy others,⁵³ and state borders would mark the limits of our responsibilities towards distant strangers as well as strangers who try to cross our national borders.

After all, Pogge does not question borders even when he proposes a concept of dispersed multilevel sovereignty. In responding to Walzer's argument that some vertical government functions form the very heart of sovereignty and that if the policies of admission, control and limitation of the flow of migration were attributed to cities, provinces, etc., "a thousand petty fortresses"⁵⁴ would be created, Pogge, taking for granted the legitimacy of the existence of borders and the right to control them, confines himself to questioning whether this control must remain the exclusive prerogative of the central state.⁵⁵ Again, this may be due to the excessive emphasis he places on interaction and cooperation as a source of moral obligation: significantly, when he highlights the advantage of his conception of sovereignty – a dispersal of political authority over "nested territorial units," which, among other things, would allow for the redrawing of borders more easily in accordance with the aspirations of peoples and communities – he stresses that, in this political order, interaction "would

⁵² Pogge, "Philosophy of Refugee Policy."

⁵³ Pogge holds that to help others means having a negative duty not to harm people: "all human agents have a negative duty, correlative to the postulated social and economic human rights, not to cooperate in upholding [an unjust institutional order] unless they compensate their cooperation by protecting its victims by working for its reform. Those violating this duty share responsibility for the harms (insecure access to basic necessities) produced by the unjust institutional order in question (Pogge, "How Should Human Rights be Conceived?" 67).

⁵⁴ Walzer writes: "To tear down the walls of the state is not, as Sigwick worriedly suggested, to create a world without walls, but rather to create a thousand petty fortresses" (Walzer, *Spheres of Justice*, 39).

⁵⁵ He adds that the defense of a cohesive national culture would be "better served by a division of the authority to admit and exclude than by the conventional concentration of this authority at the level of the state" (Pogge, "Cosmopolitanism and Sovereignty," 181).

be an important feature for determining which smaller groups would be able to exercise sovereignty.”⁵⁶ As has been observed,⁵⁷ the problem is that interaction, or interdependence, works both ways and could lead to a protectionist attitude towards local cultures: those who interact with each other could decide to constitute an almost independent political entity, and restrict the possibility of others participating in it, precisely on the basis of a lack of present or past interaction. Pogge agrees with Walzer that a neighborhood culture “can be as effectively *destroyed* by the influx of fellow nationals as by that of immigrants”; it is just that, unlike Walzer, he is convinced that neighborhoods, if they had some authority “*to select* from among prospective domestic newcomers or to limit their number”⁵⁸ would do better than the state (*italics mine*). It can be said that in dealing with migration in the context of the issue of global distributive justice, Pogge has not opted for open borders, not just for pragmatic reasons but also for theoretical reasons owing to the importance he places on the idea of cooperation (or interaction).

It must be added that the cosmopolitans I have considered seem to fail at fully capturing the phenomenon of migration which does not seem to depend only on poverty. Recent studies have questioned a mono-causal view of migration in favor of a more complex vision, drawing attention to the fact that there are at least three equally important elements that favor it: namely, the size of the income gap between rich countries and poor countries, the level of income in the country of origin and the size of the migrant community in the recipient country (which acts as pull factor), as well as political and ethical persecutions, and natural disasters.

Another reason why some cosmopolitans are not in favor of open borders might be that they regard migration from the point of view of political justice, that is, in relation to the wider question of how to guarantee political equality and democratic self-government in an era characterized by processes of globalization.⁵⁹ Archibugi explicitly states that his main objective is to find a way to protect democracy from the great migrations, the scarcity of resources, and the processes of globalization, guaranteeing its character as an open and inclusive political system; he does not intend to eliminate states, but to extend democracy to the transnational sphere.⁶⁰ Indeed, he attributes a significant role to the state: he

⁵⁶ *Ibid.*, 168-169.

⁵⁷ Cabrera, *Political Theory of Global Justice*, 55-57.

⁵⁸ Pogge, “Cosmopolitanism and Sovereignty,” 181.

⁵⁹ I believe that this is also true for Martha Nussbaum who defends national sovereignty, as traditionally understood, in the name of democratic self-government and citizens’ autonomy. See Nussbaum, *Cosmopolitan Tradition*.

⁶⁰ Archibugi, *Global Commonwealth of Citizens*.

views it both as “a laboratory and an agent of cosmopolitan democracy.”⁶¹ As agents, nation-states should promote the extension of democracy at a global level, support the action of international organizations⁶² and confront global problems in a spirit of sharing a common destiny with others. As a laboratory, they should acknowledge the rights of migrants, addressing the question of what the right criterion for attributing citizenship might be. He argues, in fact, that world citizenship must be recognized for refugees who live in camps;⁶³ however, as it has a legal and political strength weaker than that of nation state, it should be used, with regard to immigrants, just as an idea to request “that the host states incorporate into their own system the extension to aliens of rights hitherto reserved to natives of these countries.”⁶⁴ It is questionable whether the extension of rights to foreigners is a way of weakening or strengthening the importance of the status of citizenship. Some liberal democratic countries, in order to be consistent with their constitutional principles *and* to defend the exclusiveness of the status of citizen, have preferred to extend rights to migrant workers or resident foreigners instead of recognizing citizenship,⁶⁵ producing so-called “denizenship.” In short, in Archibugi as well as in Held, the relationship between cosmopolitanism and the state is not, necessarily, mutually exclusive; the role assigned to the state for the pursuit of certain cosmopolitan objectives and the importance given to democratic self-government prevent these authors from taking a position in favor of open borders.

An additional reason that might explain why some cosmopolitans do not defend open borders could be rooted in their intellectual sources. We have already seen how Rawls’s influence has determined Pogge’s moral cosmopolitanism and his relationship with borders. Archibugi and Held consider themselves heirs of Kant’s political thought. Despite the innovative and seminal character of Kant’s cosmopolitanism, it does not provide solutions to solving the problem of the structural political exclusion of migrants. Firstly, Kant’s cosmopolitan ideal does not consist in the insti-

⁶¹ *Ibid.*, 91.

⁶² See also Archibugi, “Cosmopolitan Democracy.”

⁶³ Refugees should be granted certain rights associated with world citizenship such as a guaranteed income and a chance to stay in a free port while awaiting repatriation (Archibugi, *Global Commonwealth of Citizens*, 118). In a recent paper he proposes a policy which follows four guidelines: reducing departures from countries of origin; ensuring a fair distribution of the burden among EU member states; ensuring the respect for human rights for asylum seekers and refugees both within the EU and in the framework of its relations with third countries; and improving the management of asylum seekers and refugees (Archibugi, “Refugees in the European Union,” 22-23).

⁶⁴ Archibugi, *Global Commonwealth of Citizens*, 119.

⁶⁵ This used to be Germany’s policy with *Gastarbeiter*.

tution of a single world state, but in a republic of republics.⁶⁶ Secondly, even though the political borders of states are only provisional,⁶⁷ as the states are in a state of nature in relation each other, nevertheless they cannot be violated, even if they can be crossed to let human beings exercise their right to visit. Thirdly, according to Kant's cosmopolitan law, human beings (among these, migrants, nomads, and other non-citizens) should be allowed to enjoy the right to movement, that is, the right to cross state borders without being treated in a hostile manner,⁶⁸ but this is just a right of visit, temporary access to the territory of a state, not a right of residence.⁶⁹

3. Cosmopolitans' Dilemma

Despite their criticism of the state-centric model of international order, cosmopolitans failed to address the issue of people's movement across territorial borders from a *normative* point of view; yet the right to protect borders against foreigners, the right to control migration, is a fundamental cornerstone of state-centrism. I further think that there is an even more fundamental point rooted in a dilemma intrinsic to cosmopolitanism, which can only be alluded to here, and deserves a more in-depth examination. I refer not only to the dilemma at the heart of liberal democracies, between "sovereign self-determination claims on the one hand and adherence to universal human rights principles on the other,"⁷⁰ that is the link between democracy and borders, which perhaps can be overcome or at least tempered, but the seemingly paradoxical connection between cosmopolitanism and borders. There exists, in fact, an intrinsic bond between cosmopolitanism and liberal-democratic states: if political-legal and moral cosmopolitanism is an ideal worth realizing, then the control of borders – *as a condition* to protect liberal democratic states considered, in turn,

⁶⁶ As Kant writes, the constitution capable of establishing a universal state of perpetual peace may be "a republicanism in all states, *together and separately*" (Kant, *Metaphysics of Morals*, 160, my italics).

⁶⁷ *Ibid.*

⁶⁸ This is an antecedent of the principle of non-refoulement officially enshrined in Article 33 of the 1951 Convention Relating to the Status of Refugees. See Anderson-Gold, *Cosmopolitan Right*.

⁶⁹ Kant, *Metaphysics of Morals*, 85. The secondary literature on Kant and cosmopolitan law is extensive. That on Kant and migration has become similarly extensive in recent years. See Kleingeld, *Kant's Concept of Cosmopolitan Right*; Benhabib, *Rights of Others*; Reinhardt, *Migration und Weltbürgerrecht*; Taraborrelli, "Kant e la migrazione."

⁷⁰ Benhabib, *Rights of Others*, 2.

as conditions and main agents⁷¹ for the realization of this ideal – is necessary, precisely from a cosmopolitan point of view.⁷² Cosmopolitans have to judge migration policies in view of the realization of a cosmopolitan order and ask: “are those policies bringing us closer to cosmopolitanism?” The realization of cosmopolitanism in its various forms (political, moral, cultural) is firmly bound to the existence and proper functioning of liberal democratic states. In order for these to function, remain liberal and democratic, and gradually become cosmopolitan states, ever more inclusive, consistently with the universalistic spirit of their constitutional rights, they must control their borders: both territorial borders and membership borders (by placing conditions on the acquisition of citizenship).⁷³ It could be objected that this way of considering border control as necessary is weak because it seems to derive from and depend on the presence or absence of empirical evidence capable of demonstrating that migratory flows endanger liberal democracies: in fact, some authors deny that this is the case, and others even argue that such flows reinvigorate democracies. However, even if it were not possible to demonstrate that migration puts liberal democracies at risk, and even if this demonstration, being empirical was insufficient, one could still agree that excessively *intense* and *rapid* flows could represent a risk for the stability (economic, social, political) of *any* country, and therefore also liberal democratic states.⁷⁴ If this can be agreed upon, then cosmopolitans are faced with a dilemma that is difficult to overcome: either they defend open borders in order to be consistent with cosmopolitanism, or they “might” put liberal-democratic states and thereby their cosmopolitan project at risk: since liberal-democratic states are founded on the principle of the equal moral worth of every human being, or at least constitutionally bind their domestic policies to this principle, they are in fact the only actors who are likely to be willing and able to assume the cosmopolitan responsibility of promoting policies

⁷¹ On the role of states in the creation of a cosmopolitan order in some cosmopolitan theorists, see also Brown, “Bringing the State.”

⁷² See also Christiano “Immigration, Political Community, and Cosmopolitanism.” This is his conclusion: “If the route to cosmopolitan political community is through the successful operation of democracies, then the immigration policies of democratic states must not undermine the proper functioning of those states. If open immigration were to undermine the proper functioning of democratic states – and that remains a big *if* – then that would undermine the main route to the cosmopolitan political community which alone can fully implement distributive justice on a global scale” (961). Note that Christiano’s aim is distributive justice on global scale not a cosmopolitan order, which implies more than global social justice.

⁷³ Recently, in many European states (as already in the US) extra-European immigrants, in order to acquire citizenship, are required to pass citizenship tests: they have to demonstrate that they possess a sufficient knowledge of the language and of the culture of the receiving country, and that they respect and/or share its liberal and democratic political values.

⁷⁴ See Miller, *Strangers in Our Midst*.

that apply and defend this principle within their borders *and* globally, who can take on duties to help poor countries, and engage both in implementing reforms of the international order in a cosmopolitan perspective and in creating supra-national institutions.⁷⁵

In conclusion, some cosmopolitans are not in favor of open borders when it comes to migration not only because of the objectives of their projects and the intellectual sources that inspire them, but also because, in the reasonable doubt that intense and excessively rapid migrations could threaten the stability of liberal-democratic states – which are in fact the main actors and laboratories of cosmopolitanism – they find themselves forced to find a mediation between principles and feasibility of the cosmopolitan project, leaning, consequently, not towards open state borders but, more realistically, towards porous ones.

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⁷⁵ Obviously, in order to establish a cosmopolitan order and institutions, cosmopolitans rely not only on states but also on public opinion: but confidence in the latter seems to have been partly lost over the years, perhaps due to the failure of the so-called “no-global movements” or the populist drifts that have occurred recently even in democratic countries.

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