

**RETHINKING LIBERAL BORDERS: COSMOPOLITANISM, LIBERAL
NATIONALISM, AND IMMIGRATION**

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Submitted to
Central European University
Nationalism Studies Program

In partial fulfillment of the requirements for the degree of
Master of Arts

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Budapest, Hungary

May 2009

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Acknowledgments

I would like to thank Professors Will Kymlicka and Szabolcs Pogonyi for all of the suggestions, advice, and most of all, for their critiques. This writing process has relied on the insights and questions posed by them, and would not have been possible without otherwise. I have received an incredible amount of support and direction throughout this process, for which I am very thankful.

I am grateful to Greg for all the hours spent discussing, often intensely, the issues and theory discussed within the thesis. It is with the help and challenge of his observations that I was able to expand my perspective.

Finally, I am forever indebted to my mother, for all the support, in its infinite forms, that she has given me throughout my life. She has instilled in me a strong sense of the value of education, and I owe everything I have accomplished to her unwavering support.

1 Introduction

Borders have guards and the guards have guns. This is an obvious fact of political life but one that is easily hidden from view- at least from the view of those who are citizens of affluent Western democracies. To Haitians in small, leaky boats confronted by armed Coast Guard cutters, to Salvadorans dying from heat and lack of air...to these people the borders, guards, and guns are all too apparent.

-Joseph Carens¹

In April 2009, Brad Zazueta of Buckeye, Arizona found himself in the custody of the Immigration and Customs Enforcement (ICE). Brad, who has a Social Security number, Driver's License, and doesn't speak a word of Spanish, might be deported to Mexico.² In 1985, an American couple adopted Zazueta, when he was 11 weeks old; he has lived in the U.S. ever since. However, when he was arrested for shoplifting a few years ago, a discrepancy was noticed in his adoption paperwork, and the ICE detained him in a holding facility for illegal immigrants awaiting deportation. Even though the Supreme Court ruled that Brad is indeed a U.S. citizen, the Department of Homeland Security appealed the decision and Brad remains in custody, awaiting possible deportation to a country he has not visited since he was an infant.

There is something obviously bizarre about the "rules of membership" in the case of Brad Zazueta. His is not an isolated case, either. Many cases are springing up that force the terms of membership to be reevaluated. There is a wave of children who are born in the United States (and are therefore citizens, as the U.S. maintains a *jus soli* conception of citizenship) to illegal

¹ Joseph Carens, "Aliens and Citizens: The Case for Open Borders," in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: SUNY Press, 2007), 229.

² Tim Vetscher, "Buckeye Parents Claim ICE is Trying to Deport Citizen Son," *ABC 15 West Valley News*, April 15, 2009, <http://www.abc15.com/content/news/westvalley/buckeye/story/Buckeye-parents-claim-ICE-is-trying-to-deport/9L6QduVx4EaTp2zQNSK-6A.csp>.

parents. These children, often derogatorily called “Anchor Babies”, create a confusing situation for theorists and politicians alike. One of the “perks” of citizenship is the right not to be forced out of one’s country. Yet, when a two-year-old’s parents are illegal immigrants who face deportation, the result is often the expulsion of the U.S. citizen as well. If a child holds U.S. citizenship and is deported to Mexico, where the child is not a citizen, Mexico has a right to refuse entrance. These situations are often written off as peculiar discrepancies in the law, and are considered more theoretical than practical in nature. The Associated Press reports that approximately 55 U.S. citizens have been mistakenly deported since 2000.³ As immigration takes the hot seat in politics both in North America and Europe, more and more families are being split up, and many individuals lay in limbo, somewhere between citizenship and alienage.

People are increasingly mobile and current migration trends are unparalleled. The International Organization for Migration (IOM) reports that 192 million people currently live outside their country of origin, or 1 in every 35 people on the planet.⁴ More specifically, an estimated 30 million of the world’s migrants are unauthorized, which makes borders even more important for those individuals.⁵ With globalization and global warming becoming increasingly important factors, the migration trends are only expected to rise throughout the 21st century. This puts enormous pressure on liberal, Western states that absorb mass amount of international migration. Postindustrial countries are often put on the defensive, preaching diminishing economic barriers while reinforcing the “fortress” walls. Along with increased restrictions on international movement, especially in the post-9/11 world, many states have taken on a

³ Ibid.

⁴ International Organization for Migration, “About Migration: Facts and Figures,” <http://www.iom.int/jahia/Jahia/about-migration/lang/en>.

⁵ Ibid.

“resurrect-the-border” approach to immigration.⁶ It is obvious that the immigration policies are not only ineffective, but are in need of reevaluation. Because of the undeniable transnational movement of people, there is an ever-increasing amount of individuals living in countries without representation. Immigration not only challenges membership policies, but also questions the workings of representation in a democracy. Because representation and voting are often privileges saved for citizens, this leaves an increasing portion of the population without a voice.⁷ This reveals a discrepancy between the ethos and demos, that is to say, between the actual populace and individuals with representation. After all, “noncitizens must depend upon the policy choices of *citizens* if they are to acquire rights on their own behalf.”⁸

While several European states allow foreigners to vote in local elections, this is only an option available to European citizens.⁹ As many people residing in European states are non-residents or immigrants, they have little or no say in legislation and policies that affect their daily lives. In a world that is quickly globalizing in terms of the movement of people, the concepts of demos and ethnos are constantly being redefined; co-habitants are not necessarily citizens anymore. Therefore, the exclusion of inhabitants of a country based on membership rights once associated with citizenship, like voting in elections, can create a large democratic deficit.¹⁰ It is becoming increasingly difficult to decipher who “the people” are. In a democracy where popular sovereignty is said to take precedence, one must first decide who represents “the people.” When

⁶ Ayelet Shachar, “Against Birthright Privilege: Rethinking Citizenship as Property,” in *Identities, Affiliations, and Allegiances*, ed. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 268.

⁷ *Ibid.*, 264.

⁸ Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980), 71.

⁹ Seyla Benhabib, *Another Cosmopolitanism*, (Oxford: Oxford University Press, 2008), 62.

¹⁰ *Ibid.*, 66.

a large portion of the population is not counted, it becomes difficult to defend the democratic characteristic of the institutions. Seyla Benhabib seeks to complicate the understanding of the dichotomous relationship between insider and outsider, arguing that this distinction is not as easily made as it once was, and that as a result many people are living in regions where they have no direct participation rights. While this may seem unrelated to borders, and more in tune with a discussion of citizenship, I do not believe that these two concepts can be separated. The question must not only be who is represented, and how they obtain membership, but also how they enter into the polity. We can assume that everyone who seeks to gain citizenship is either an immigrant, or born to an immigrant. While many liberal nationalists would also argue that citizenship should be given to permanent residents, the question still remains how to become a permanent resident, and what role the nation has in determining the salience and character of these borders.

Beneath the policy debates and special interest groups lies a fundamental theoretical question. Can liberal nationalism be squared with moral cosmopolitan norms? To investigate this, we must analyze liberalism as a paradigm that maintains that all individuals are moral equals. The debates surrounding borders and integration to the nation are not distinct ones; they are interrelated and dependent on one another. Is it possible to justify exclusionary practices of any kind; particularly on grounds of nationality? Even in a “perfect world” where we can assume individuals have equal access to resources in all countries, bounded polities would still not be justifiable. It stands to reason that there are other motives for immigration besides economic ones, and one’s life chances should not necessarily be simplified to questions of survival. All (economic) things being equal, can liberal political philosophy be squared with practices that prioritize national affiliation?

Citizenship can be understood in many layers. Joseph Carens outlines three dimensions to citizenship, the legal, psychological, and political.¹¹ These dimensions are of course all interrelated in a complex relationship. Hannah Arendt's conception of citizenship is particularly useful in describing the intersections of these three dimensions. Legal citizenship is characterized by rights and obligations, which bind both the state and the citizens. For Arendt, citizenship is about political agency, exercised through participation and collective deliberation.¹² Representation, for Arendt, is a mechanism to substitute direct participation, and to distinguish between the rulers and the ruled; the political dimension of citizenship.¹³ Agency leads to public freedom; wherein citizens create and reaffirm a conception of collectivity through plurality.¹⁴

By invoking a collectivity, citizenship necessarily invokes exclusion. It is unclear why or how a liberal political philosophy can justify the choice of whom it will exclude, let alone the choice to exclude anyone at all. The dichotomy of insider versus outsider is too simplistic and often inadequate for describing the circumstances of membership in a liberal polity. However, what is becoming clearer is that the question of membership in the liberal polity is increasingly brought into question, both theoretically and practically. The terms of citizenship, "alienism", and whatever falls in between must be reevaluated. This requires reexamining the justifications, or lack thereof, for immigration control, borders, and citizenship acquisition. The increasing global interdependence and the pressing environmental problems facing humanity challenge the

¹¹ Joseph Carens, *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness* (Oxford: Oxford University Press, 2000), 162.

¹² Stanford Encyclopedia of Philosophy, "Hannah Arendt," <http://plato.stanford.edu/entries/arendt/#AreConCit>.

¹³ Ibid.

¹⁴ Ibid.

Westphalian conception of bounded territoriality and “traditional” sovereignty. Indeed, Seyla Benhabib notes that the presupposition of policed boundaries is the “fundamental cornerstone of state centrism.”¹⁵ Accordingly, any attempt at outlining a Post-Westphalian notion of international affairs must address the regulation of the movement of individuals, as well as how this challenges the basic ideas of membership.

The general trend in the literature tends to agree that there is some place in practice for claims made towards protecting the identity of the nation, and that there is a basis for exclusion on these grounds.¹⁶ However, I do not find these arguments wholly satisfying, and this thesis will attempt to further investigate the complicated relationship between liberal nationalism and moral cosmopolitanism. Similarly, there is an active call for porous borders, from theorists like Joseph Carens and Seyla Benhabib. Yet, this too fails to solve the foundational puzzle. When arguing for porous borders, the question nevertheless remains as to *whom* to exclude and on what basis. Many liberal theorists attempt to rectify the concept of the nation as a morally important concept with the liberal ideal of moral universalism. It is often argued that nationalism is not mutually exclusive with liberalism. Yael Tamir’s *Liberal Nationalism* is probably the best-known attempt to consolidate liberalism and nationalism. She outlines a justification for the nation while maintaining basic liberal tenants. Other theorists, such as Will Kymlicka, Kok

¹⁵ Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2004), 2.

¹⁶ One should not confuse nationality with citizenship. While differences are often convoluted, it is important not to equate the two. Many references to “nationality” in international document, such as the UN Universal Declaration of Human Rights, uses the term to mean citizenship in its legal sense. This can be confusing, yet liberal nationalists are quick to differentiate between the two. Citizenship is seen as distinct from national sentiment; along they can and often are seen as overlapping. For liberal nationalists, citizenship offers a buffer to national belonging, a way of checking an individual’s right with respect to opting out of a certain conception of the national community.

Chor-Tan, David Miller, and even Ronald Dworkin have followed this line of argument, advancing the concept of a “liberal form of partiality”. Many of these arguments rely on making a link between the freedom of the individual and the maintenance of the collective identity. It is dually argued that this is not incompatible with liberal egalitarianism, but rather, that the concepts are complimentary. Thus, the conclusion of the liberal nationalist argument is that there is a justifiable limit to exclusion, as the nation and those who are already members must take priority. However, the question arises as to what the differences between porous and impenetrable borders are. The theoretical question is not to what extent can we justify closed borders, but rather one of any exclusion on the basis on arbitrary membership, at all. It is unclear how there is a theoretical difference between excluding some and excluding all. If one accepts the premise that it is not justifiable to exclude based on nationality, it is hard to see why the argument for porous borders would not fall victim to the same problem. It stands to reason that immigration quotas would still require the exclusion of someone, which means there remains a moral judgment as to who can pass through the border and who cannot.

The aim of this thesis is fourfold. First, it will examine the terms of membership in liberal thought. This will entail a discussion of the inherent contradictions in liberal theory, that it values moral universalism while presupposing and requiring boundaries and delineations, which are inherently exclusionary. The third chapter will examine liberal nationalism, providing an overview of the theoretical basis, as well as a discussion of its critiques. The fourth chapter discusses cosmopolitan thought. After a discussion of cosmopolitanism and its critiques, this chapter will show that liberal nationalism and moral cosmopolitanism are inherently incompatible concepts, as well as discussing other possible conceptions and solutions for the problem. With this argument in mind, the conclusion will attempt to show extrapolate this

conclusion further; examining what implications it might have for both policy and deeper philosophical debates, such as property inheritance.

It is the claim of this thesis that a liberal political philosophy cannot justify current membership practices, even after a hypothetical process of global redistribution. This thesis will attempt to show that not only are the two concepts of liberal nationalism and moral cosmopolitanism irreconcilable, but also that there is no solid way to justify border control. Furthermore, if we cannot justify keeping outsiders from entering, there must be a reevaluation of the process of awarding membership in a liberal polity.

2 Liberalism and Membership

Citizenship in Western liberal democracies is the modern equivalent of feudal privilege- an inherited status that greatly enhances one's life chances.

- Joseph Carens¹⁷

I. Liberalism and the 'Other'

Who (or What) is a Citizen?

The term liberal is used in an array of ways, which can be seemingly unrelated. Liberal economic policies and liberal social policies are very different from each other, and are not necessarily synonymous with liberal political philosophy. While the debates in many countries, especially the U.S., frame national politics in “liberal” and “conservative” terms, the political process nevertheless takes place in a liberal polity. According to Bruce Ackerman, a liberal polity is nothing more than a “collection of individuals who can participate in a dialogue in which all aspects of their power position may be justified in a certain way.”¹⁸ That is, individual participants must meet certain criteria for membership; namely, they must be able to communicate in a meaningful way with other individuals. However, this definition is somewhat problematic, as it begs the question as to whether or not someone who is not capable of communication, by way of a disability, should qualify as a citizen. Furthermore, one can question what role language has in this requirement.

¹⁷ Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” in *Theorizing Citizenship*, ed. Ronald Beiner (Albany: SUNY Press, 2007), 330.

¹⁸ Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980), 72.

Citizenship is enshrined in the Westphalian order and reflected in international law. The UN Universal Declaration of Human Rights states that “everyone has a right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor the right to change his nationality.”¹⁹ While each individual has the right to change his or her nationality (country of citizenship, as it is understood here), there is no obligation of any state to accept that individual’s request. Thus, even though there is a universal right to change one’s nationality, it is essentially useless unless another state agrees to accept the request and to grant citizenship.

Membership in a state, or citizenship, is essentially a package of benefits awarded to those who are deemed to be members. It must be reiterated that it is not as simple as member versus non-member. Very often there are shades of gray, for example, residents who do not have the right to vote, citizens who have been convicted of violent crimes and are stripped of certain privileges, or even children who are not yet entitled to the full benefits of their membership. Thus, to speak of citizens and aliens is a simplistic reduction. Rather, there are internalized outsiders, those immigrants who are living in a community. It is erroneous to think of these people as a homogenous unit. Often they are incorporated and integrated in communities, children attend school, and the children many know no other environment. It becomes very difficult to justify how a child who may not have been born in a country but has known no other society could be deemed “illegal”. Thus, the terms for exclusion and inclusion vary.

There are many theories as to what should constitute terms of membership. For example, Ackerman uses his “defensive test” which basically states as long as one can coherently and meaningfully communicate with the other participants, stating that she can claim

¹⁹ United Nations General Assembly, *Universal Declaration of Human Rights* (217A (III), Doc A/810 at 71), December 10, 1948, Article 15.1, 15.2.

that she is at least as good as the others (in other words, that she has equal moral worth), that this is sufficient for membership. Ackerman goes on to say that a “liberal relationship is defined as a social condition in which power wielders ask and answer each others’ questions of legitimacy.”²⁰ This is obviously an extremely loose definition, and non-existent in practice. Benhabib charts out more of a gradient of membership, with varying levels of participation and benefits, depending on the social nature of an individual’s membership, rather than the legal aspect that citizenship provides. Joseph Carens has suggested “anyone who has lawfully lived in a democratic state for five or more years should have the right to become a citizen.”²¹ This of course is not the policy of any state, and underlines the fact that liberalism-as-practice and liberalism-as-substance are often contradictory, or even at odds with one another.²²

Current membership practices, however, do not reflect Carens’ or Ackerman’s citizenship guidelines. Rather, birthright is central to most if not all policies on citizenship. Birthright often overpowers even the most stringent beliefs in social contract theory, assigning membership first and foremost on birth. The requirements vary from having to be born on a certain territory to having a certain lineage, yet both rely on the same central argument that where and to whom a child is born determines their membership status. Membership is most often assigned through “blood” in terms of *Jus Sanguis*, territory with *Jus Solis*, or a mixture of the two (See chapter 4). Either way, there is little neutrality in assigning “liberal citizenship”. Non-members can be denied entry because of certain political affiliations, whereas it would clearly be a violation of an

²⁰ Ibid., 70.

²¹ Joseph Carens, “Why Naturalisation Should Be Easy: A Response to Noah Pickus,” in *Immigration and Citizenship in the 21st Century*, ed. Noah Pickus, (Lanham, Md.: Rowman & Littlefield, c1998), 143.

²² Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, N.J.: Princeton University Press, 2006), 102.

individual's human rights to strip her of her citizenship based on political affiliations. It is obvious that there are inconsistencies in liberal theory and practice. The role of liberal nationalism in many ways is to try and justify practice, that is to say, to give a philosophical justification for affiliations that already exist.

If we agree that nationality or national membership is an arbitrary characteristic with regards to equal moral worth, is it normatively possible to exclude someone who can pass Ackerman's defensive test? The largest variable that Ackerman does not account for is national identity or belonging. This is the most common and arguably the most defensible basis of exclusion. This argument, proposed by liberal nationalists, complicates the rules of membership, differentiating between citizenship as status and as belonging. Certainly it would be unacceptable to exclude an individual because of her race in this instance. For example, it was often argued that desegregation in the United States would result in the "watering down" of white culture; that it was a distinct community whose values and institutions needed to be protected from outside influence. While this argument is written off as racist and completely unsubstantiated, the same lines of reasoning with regards to nationality are not written off so fast. It is this complexity that must be normatively addressed.

Moral Equality and Life Chances

While "liberalism" as such is a hard concept to define, there is one vital component to all liberal theories which make them similar; the moral equality of individuals. Specifically, it is the state that must show equal concern for the fate of individuals. As Ronald Dworkin puts it, "equal concern is the sovereign virtue of political community- without it government is only

tyranny.”²³ Thus, for the purposes of a normative argument, it should suffice to say that the central commitment of any liberal philosophy, and thus any liberal polity, is to individualism, realized through theoretical moral equality. However, this is not the case, and while “equality” might seem as a universalizing concept, it is not that simple. The debate arises in determining who counts as an individual worthy of consideration for equality. Should citizens only qualify for full consideration, as they have a legal status that demands equality? Or, is equality truly universal, requiring full consideration regardless of legal status or national characteristics, such as language, etc. I argue for the latter. Furthermore, what equality entails is not clear-cut. Does it simply mean that everyone should have equal access political, civil, and social rights²⁴, leaving the rest up to “an often cruel market?”²⁵ Or, does equality mean that resources and wealth must be distributed equally among individuals in a greater attempt to equalize life chances? Of course this question does not have an easy answer, or even one single answer for that matter. Yet, what is important is that there is an emphasis on this debate, it in, in fact, central to liberal theory. Thus for a liberal theory, it is unacceptable for arbitrary features of one’s identity to negatively affect their life chances. Will Kymlicka recognizes that the principle of equal consideration of individuals as moral actors is the basic principle upon which we can assess political theories.²⁶

There is no question as to whether one should embrace equality or not. However, deciding who qualifies to be counted as equal, and in what respects, depends on membership.

²³ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, M.A.: Harvard University Press, 2000), 1.

²⁴ T.H. Marshall and Tom Bottomore, *Citizenship and Social Class* (London: Pluto Press, c1950, 1992), 27.

²⁵ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, M.A.: Harvard University Press, 2000), 1.

²⁶ Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 1990), 34.

Central to the concept of equality is the belief that there are characteristics of individuals that should not be taken into account when determining their status. One can easily assume that the state should have no preference towards certain individuals based on their race, ethnicity, religion, gender, sexual orientation, or other personal attributes. These are, to a large extent, considered beyond an individual's control. Of course in practice this blindness to difference is much harder to achieve. Yet, it remains foundational for liberal theory, especially for the concept of citizenship. Individualism necessitates moral universalism, so that people cannot be punished or favored based on their individual characteristics.

Terms of Membership and Exclusion

Liberal theory is characterized by the presupposition of a bounded community. While liberalism emphasizes universality in terms of the moral worth of individuals and the “right to have rights”, it is exclusionary in nature. Membership, as an inherently exclusionary concept, necessarily holds that some individuals will not be accepted as members. Liberalism is thus both inclusionary and exclusionary. The liberal polity assumes the existence of the Westphalian order, sovereignty is an inherent value maintained in liberal thought. The individual must be seen as sovereign, but so too must the state. In order to ensure the survival of liberalism, it is often argued that there must be boundaries that are maintained, in order to separate the liberal from the illiberal.

While liberalism requires an acceptance of the universal moral worth of individuals, it also requires rules of membership. The liberal polity must have boundaries in order to protect its “internal liberalness”, thus rendering it exclusionary in its attempt to remain inclusionary. If a

liberal cannot accept that arbitrary differences should have an impact on one's life chances, it is not clear why membership that is assigned upon birth should differ from race. In other words, if an individual cannot be excluded from the political practice or from membership because she is an African-American, than why can another individual be excluded because she was born into Mexican citizenship rather than American? Even in an ideal world where separate but equal really did mean that resources were equally distributed, bounded communities would still not be free from the egalitarian criticism. For example, if there were two communities that had equal resources and income, but one was a community of blacks and the other a community of whites. If an individual from one community decided that she didn't care about race, and that it should not determine where she chose to live, wanted to move to the other, it is unclear whether she should be able to or not. Even with all economic factors being equal, there remain problems for individual choice and exclusion.

The arbitrariness of international borders surely affects the life chances of an individual, yet this is accepted as coherent with liberal values. This presumption of bounded community can be seen in the theory of John Rawls. In *The Law of Peoples*, Rawls explains that he conceived the original position as being accountable "only [for] persons contained within such a [domestic] society, since we are not considering relations with other societies."²⁷ Furthermore, Rawls assumes that individuals operate within closed societies where one can only "enter by birth, exit by death."²⁸ Justice, therefore, in the Rawlsian sense only needs to apply to bounded

²⁷ John Rawls, *The Law of Peoples* (Cambridge, M.A.: Harvard University Press, 1999), 26.

²⁸ *Ibid.*, 26.

communities. However, he never takes into account how or why these communities are bounded; he takes membership as a given.²⁹

This, I contend, reflects the continued importance of the Westphalian order in liberal thought, anachronistic as it may be for addressing contemporary problems. By virtue of definition, in order for the concept of immigration to exist, the state must exist with a certain degree of sovereignty. Thus, it is impossible to differentiate between immigration and citizenship. Often the two are separated into different normative bodies of literature, while they must be analyzed simultaneously, for one necessarily defines the other. The relationship between the state and the individual is contingent upon the individual's membership status, and this status can rarely be seen as black or white. While the individual remains vital for liberal thought, there must be limits to individual liberty. Foucault argues that the modern nation-state and the autonomous individual of liberal theory actually co-determine each other's emergence and existence.³⁰ The Rousseauian conception of the civic relationship between the individual and the state requires an attachment to a settled political community. This will necessarily be exclusionary, as it presupposes certain cultural, historical, and social frameworks that cannot be completely inclusionary. There will therefore always be exclusion, even within the polity. Some individuals, even some members, are not socialized in the hegemonic culture. Thus, even members can be excluded in many senses.

²⁹ Yet, Rawls later goes on to say that he views *The Law of Peoples* as an attempt to sketch out how the principles outlined in *A Theory of Justice* could be applicable to a country's foreign policy. Nevertheless, for Rawls obligation and consideration for the original position need not take into account nonmembers. How one gains membership is irrelevant for Rawls.

³⁰ Michel Foucault, "Governmentality, Lecture at the Collège de France, Feb. 1, 1978," in *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon, & Peter Miller (Chicago: University of Chicago Press, 1991), 87-104.

Just as there is a symbolic relationship between the state and the member, the boundaries of the polity represent the frontier of the liberal. Arbitrary space, in the form of borders, “acquires emotional and even rational sense by a kind of poetic process”³¹ as the non-member is often considered inherently illiberal. The territorial delineations in liberal theory provide a means of distinguishing between the insider and the stranger. Not only are these boundaries necessary for exclusionary purposes, but they help to define the limits of membership, even inside the territorial boundaries. Thus, the importance of borders is not only in the policed front line, but rather they continue into the state itself. Even if a nonmember crosses a borders/he is still not necessarily “in”. Rather, the border provides a line by which membership takes over in distinguishing the different types of relationships between certain individuals and the state. The outsider takes on symbolic importance for the terms of membership in the liberal state; it defines membership. Without exclusionary measures that define insiders versus outsiders, membership and its privileges would be meaningless. This contradiction in liberalism is inherent to the argument of this thesis that one cannot exclude individuals based on their nationality, even with the acceptance of a hypothetically perfect system of global redistribution.

³¹ Edward Said, *Orientalism* (New York: Vintage Books, 1979), 55.

II. Liberalism and Immigration

Hospitality and Refuge

Cosmopolitanism entails both the duty of and the right to hospitality.³² There is a long tradition of political philosophers attempting to determine the limits of an individual's right to enter a country. It is widely accepted that there are certain instances where an individual should have a right to bypass traditional immigration methods and to enter a state, as in the case of asylum and refuge. The problem of statelessness is one that has long plagued theorists, and Hannah Arendt saw it as the "only modern vestige of the medieval principle of *quid est in territorio est de territorio*."³³ However, Arendt notes that during her contemporary period in the 1950s, there was little attention given to refuge and statelessness, and called for the creation of international standards.³⁴ Today, this right is considered enshrined in the principles of international law and the United Nations. Even though the UN Universal Declaration of Human Rights outlines that there are certain rights that individuals possess, for example, the right to nationality, and the right to exit and country and to be allowed to freely enter one's country of nationality, these rights are a bit more problematic when looked at from a theoretical point of view.³⁵ Nevertheless, there has been both a normative and practical consensus that there are situations that warrant refuge for individuals that might not be admitted into a state otherwise.

³² Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (London: Routledge, 2001), 5.

³³ Hannah Arendt, *The Origins of Totalitarianism* (London: George Allen and Unwin Ltd, 1967), 280.

³⁴ *Ibid.*, 280.

³⁵ The next subsection will deal more with the "sovereignty" argument regarding immigration of any kind, including refuge and asylum. For now however, it suffices to say that the international community has *generally* agreed on terms of extenuating circumstances where individuals who

Immanuel Kant laid out his understanding of universal hospitality in *Perpetual Peace*, where he argues that hospitality means having the right of a stranger not to be treated as an enemy in a foreign territory.³⁶ This is probably the most influential understanding of the right to hospitality. Kant's prescription for possible world peace relies heavily on his argument that there should be non-hostility to non-nationals. He notes that, even in the 18th century, international relations and the affairs of states were so intermeshed and co-dependent that ensuring the idea of a cosmopolitan right is the only way to achieve a perpetual peace. While Kant notes that there should be a set of public rights that all human beings share, he makes it clear that this is not the right of the foreigner to become a permanent resident of the territory, but rather outlines terms of a definite timeframe, a short sojourn. For Kant this was "not a question of philanthropy but of right, so that hospitality means the right of a foreigner not to be treated with hostility because he has arrived in the land of another".³⁷ Here in Kant's call for hospitality, there is an added nuance that strongly parallels current international law. Kant writes that the state *can* turn a foreigner away, only if it can be done without destroying him. Thus, the state for Kant, as for the UN, has no obligation to house those seeking refuge or asylum. Rather, the individual has the right not to be mistreated or destroyed upon entering a foreign land, as long as he behaves peacefully. There is a strong distinction made between the right to be a guest and the right to visit, the former implying membership while the latter simple implies visitation. It is not clear why this is so, and Kant does not elaborate much more than to make the distinction.

are subject to persecution should be treated differently from immigrants seeking relocation for economic or familial reasons.

³⁶ Immanuel Kant, *Perpetual Peace: A Philosophical Essay*, trans. M. Campbell Smith, ed. A. Robert Capongiri (New York: Liberal Arts Press, c1848), 328.

³⁷ *Ibid.*, 329.

Kant's reasoning for developing the right to hospitality is not derived from a normative line of reasoning. Rather, he states that we share "the earth's surface on which, as a sphere, they [people] cannot disperse infinitely but must finally put up with being near one another."³⁸ For Kant, universal right to wander onto another's land without being killed is a necessity, in order to live peacefully in a crowded world with finite resources. He is able to distinguish quite simply, and with little justification, as to who is an insider and who may only stay for a visit. Obviously it is much harder to apply this theory to the contemporary scenario, where permanent residence and immigration is much more common. Yet, Kant's outline of the concept is important for a further understanding of how hospitality relates to immigration in the modern day liberal nation-state context.

It is obvious that Kant's conception of hospitality holds continued importance in contemporary international relations. The United Nations Universal Declaration of Human Rights is often invoked to justify the right of individuals to refuge and asylum. The UN document holds that no one can be discriminated against or persecuted for religious, ethnic, political, or gender reasons. Accordingly, Article 14.1 of the UNUDHR states, "everyone has the right to seek and to enjoy in other countries asylum from persecution."³⁹ What is not clear, however, is what constitutes the qualifications for asylum. While there *prima facie* understanding of who or what constitutes a refugee, i.e. political, religious, or any other type of persecution, the distinction between immigration and refuge seeking is not completely clear. One's life chances may be severely affected because they happen to live in an impoverished

³⁸ Ibid., 329.

³⁹ U.N. General Assembly, *Universal Declaration of Human Rights* (217A (III), Doc A/810 at 71), December 10, 1948, Article 14.1.

country where multinational corporations exploit their labor and products at a less-than-market price. This would probably not qualify one for refugee status in most countries, however it can easily be argued that his or her life chances are greatly affected by economic circumstances. If one finds themselves in a position where they must flee to another country in search of work to feed their family, it is not completely clear whether this person is a refugee or simply an immigrant. Derrida holds that to qualify for refugee status, it must be shown that the individual cannot “expect the slightest economic benefit upon immigration,”⁴⁰ a condition he calls absurd. The link between immigration and economics is a vital one, and will be dealt with in more detail later. However, the judgment call that is made when distinguishing an immigrant with and without refugee priority is subjective and unclear. It seems bizarre to contend that one individual should be allowed entrance into host country because of the fear of political persecution but not because of economic destitution. Both conditions can lead to the same ultimate consequence, and both greatly affect one’s quality of life. Hence, just as the distinction between insider and outsider is dubious, so too are the boundaries between refugee and immigration.

Of course, this argument of immigration and refugee, or the right to enter a country, is often dissociated with the question of emigration. Article 13 of the UNUDHR, which outlines every individual’s right to “leave any country, including his own, and to return to his country.”⁴¹ This article is formulated through the logic that no state can control who leaves their territory, only who enters. Michael Walzer argues that the “right to control immigration does not include

⁴⁰ Jacques Derrida, *On Cosmopolitanism and Forgiveness*, trans. Mark Dooley and Michael Hughes (London: Routledge, 2001), 12.

⁴¹ U.N. General Assembly, *Universal Declaration of Human Rights* (217A (III), Doc A/810 at 71), December 10, 1948, Article 13.2.

or entail the right to control emigration.”⁴² Yet, it is not clear *why* this distinction is made between the two. One argument that is made is that it can be detrimental to a state’s economy to have individuals enter (the welfare state argument). It follows that it is the state’s prerogative to be able to regulate who enters, as it is in their economic interest. At the same time, however, it can be argued that when certain individuals, or a large group of individual leave a state, they could theoretically pose the same, or more, of a problem to the economy. When workers leave a country in large numbers, it would be more burdensome to state than having to include the workers under the social security umbrella.⁴³ The moral difference between emigration and immigration is not apparent.

Thus, the UN outlines the right for every individual to have a freedom of movement when they *leave* a country, but no freedom to enter any country but one’s own. There is another problem with this argument. In order to leave one’s own country (to which everyone has a right), there must be another country willing to accept each individual. As there is no universal right to enter any country, and states maintain full discretion as to who they allow to enter, the right to free movement is meaningless. In other words, “how can one have the moral right to leave a state if one does not have the moral right to enter another, and vice versa?”⁴⁴ It seems as though the only argument that can be made reverts back to the liberal nationalist claim of the need (or right) to protect a cultural identity. This argument will be addressed in the following chapter but is vital to the discussion of liberalism and nationalism. If the distinction is not clear within classical liberal theory, what is the strength made by the need to restrict immigration to

⁴² Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, Inc., 1983), 39.

⁴³ Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000), 48.

⁴⁴ *Ibid.*, 43.

protect a cultural identity?⁴⁵ Liberal nationalism fails to justify the terms of exclusion with a sound liberal argument. The next chapter seeks to unpack the foundations of liberal nationalism, as well as the problems that it fails to address.

⁴⁵ Even though the state maintains the ultimate right in deciding whom to admit under refugee status, Christian Joppke attributes the changing concepts of membership to a loss of sovereignty. (See Christian Joppke, *Challenge to the Nation-State: Immigration in Western Europe and the United States* (Oxford: Oxford University Press, 1998)). For Joppke, it should remain at the discretion of the states to admit or expel aliens, as anything less would be a fundamental violation of state sovereignty. He holds that states' ability to control immigration is declining, as a direct result of the international human rights regime. Thus, there is a negative correlation between the amount of rights that individuals are awarded under international law and a state's sovereignty. The sovereignty argument is often presented as a justification for the right of a state to control immigration. As globalizing forces threaten traditional sovereignty, the nation is in an unprecedented, "vulnerable" position. Without reifying the concept of the nation, it is worth noting that increased immigration does force nation-states to actively define who they see themselves to be. Liberal theory tends to avoid this topic, as it is notoriously hard to address.

The postmodern, global age has often been thought of as the "death of the nation". However, Gerard Delanty notes that "as the nation state loses much of its previously unchallenged sovereignty, nationalism appears to be on the ascendancy." (Gerard Delanty, *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham, UK: Open University Press, 2000)). Thus these trends are intertwined and intrinsically linked. Liberal nationalism claims to offer a middle ground for feelings of moral universalism and nationalist sentiment. Yet the contradiction of rising nationalism with decreasing sovereignty is inherent in liberal nationalism. The issue of sovereignty is a vast topic with a rich body of literature. While it is important to acknowledge it, an adequate discussion of sovereignty and immigration is beyond the scope of this thesis.

3 Liberal Nationalism

Liberal peoples have three basic features: a reasonably just government that serves their fundamental interests; citizens united by what Mill called “common sympathies”; and finally, a moral nature. The first is institutional, the second is cultural, and the third requires a firm attachment to a political (moral) conception of rights and justice.

-John Rawls⁴⁶

I. Liberal Nationalism: An Overview

The Importance of the Nation

During the 20th century, nationalism as a normative concept lost much credibility, after the tragic abuses of nationalist sentiment in Europe and throughout the world. However, one should not discredit all types of nationalist theory as inadmissible, as the trend towards squaring liberal norms and nationalist sentiment has shown. National sentiment is undeniably present, and an important factor in societal life. It is naïve to disregard nationalism, as it plays an essential role in politics and everyday life. Political philosophy has historically followed a trend, according to Margaret Canovan, to disregard the significance of national sentiment.⁴⁷ By falling into the trap of presupposing the existence of the nation and the state, much of political theory has failed to account for the complications of justifying or even explaining the importance of the national community. Many theorists simply reject, or at best ignore, the salience of national identity as a factor in individuals’ lives. David Miller argues that there is no reason for rejecting beliefs such as national sentiment which cannot be deduced from a universalized premise “unless

⁴⁶ John Rawls, *The Law of Peoples* (Cambridge, M.A.: Harvard University Press, 1999), 26.

⁴⁷ Margaret Canovan, *Nationhood and Political Theory* (Northampton, M.A.: Edward Elgar Publishing, Inc., 1996), 1.

the arguments for doing so seem better founded than the beliefs themselves.”⁴⁸ David Miller’s argument for the importance of incorporating nationalism into liberal political theory rests upon the assumption that “people generally do exhibit such attachments and allegiances”⁴⁹ and therefore they must be important. This realist argument states that because of the existence of national sentiment, and its observable importance, it is argued that it must be not only accounted for but also endorsed, as there is no solid enough argument for dismissing it.⁵⁰ Liberal nationalism calls for a realist approach to the national culture, i.e. people just do value their national communities and that should be reason enough to value their existence.⁵¹ However, at the same time, there is a romanticized, idealized view of the nation as a culturally unified space where the distinction between the insider and the outsider is clear. For Miller and others, nationality can serve as a source of solidarity and community, considered necessary for democratic institutions to function fairly, in a globalizing, transnational world.⁵²

While it is certainly true that the experience of nationality is undeniably existent, it should be taken with a grain of salt. One should not necessarily, contrary to Miller’s argument, embrace national sentiment because it exists. For example, one could also argue that it is “common sense” that racism exists in societies and that a large percent of the population often takes it for granted. Does this mean that we should incorporate it into political theory? Just because something exists does not necessarily make it desirable or even justifiable. This being said, the purpose of this chapter is to unpack the complicated and rich arguments for nationality,

⁴⁸ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000), 25.

⁴⁹ *Ibid.*, 25.

⁵⁰ *Ibid.*, 31.

⁵¹ Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000), 114.

⁵² David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000).

as outlined in liberal nationalism. This will first entail a discussion of the foundational logic of liberal nationalism, as it seeks to modify and square liberal universalism with national particularism. Secondly, this chapter will explore the economic argument put forth for justifying contained immigration policies. This will be followed by the more important cultural argument, which remains at the crux of liberal national thought. By clearly outlining the argument for national identity, the logical inadequacies will become clearer.

During the mid to late 1990s, a development emerged that sought to philosophically reconcile the two seemingly contradictory concepts. Yael Tamir's *Liberal Nationalism* is the foundational block for liberal nationalist theory, and provides a detailed outline, according to her, of how one can accommodate both liberal democratic norms while justifying partiality and attachment towards the in-group, or nation. Many theorists, such as Will Kymlicka, David Miller, Kok-Chor Tan, and even the later work of John Rawls have further elaborated this argument, proposing that the two concepts are not only compatible, but are in fact complimentary.⁵³ Liberal nationalist theory maintains that liberal ideals are best achieved in a national community with a shared culture, while in turn liberal norms can neutralize any extreme nationalist threats.⁵⁴ In other words, liberalism cannot achieve its ends, full participation and equality of individuals, without taking into account some common identity basis. It is important to note that a central feature of liberal nationalist theory is the attempt to take into account the importance of the nation for the individual. Yet at the same time, while national sentiment is

⁵³ Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001).

David Miller, *Citizenship and National Identity*, (Oxford: Polity Press, 2000).

John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

⁵⁴ See Will Kymlicka *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001).

important, it is also recognized that it can, and has, led to dangerous consequences. If nationalism is contained by the liberal view on the equality of individuals and therefore of nations, it can actually be beneficial. Thus, the ultimate goal, protection and recognition of national importance, is valued through the lens of individualism. From this theoretical standpoint, liberal tenants and national sentiment, or identity, go hand in hand, without necessarily being contradictory in nature. As Yael Tamir notes:

Liberal nationalism attempts to capture what is essential to both schools of thought, drawing from liberalism a commitment to personal autonomy and individual rights, and from nationalism an appreciation of the importance of membership in...national communities.⁵⁵

In fact, according to Tamir most liberals are already, in fact, liberal nationalists; citizenship is passed through familial ties and the nation-state is more of a reality than an ideal.⁵⁶ In order for liberal democracies to function, it is argued, one must be able to communicate with other members of the demos, following a kind of cultural lowest denominator. Co-nationals must be able to agree on certain premises and discuss them in the public sphere. This requires common cultural features, such as language, common values, or at least an agreement as to the terms of membership and participation; aspects of everyday life that are often taken for granted. The question arises as to whether these traits are “nationalist” at all. That is to say, once one integrates the moral equality outlined by liberalism, it seems as though the distinguishing features that constitute a nation are not very exclusionary. It becomes hard to see what distinguishes a member of one nation from an outsider. Presumably values are not genetic, innate features, and every individual, no matter what nationality, can share a set of liberal values.

⁵⁵ Yael Tamir, *Liberal Nationalism* (Princeton, N.J.: Princeton University Press, 1993), 35.

⁵⁶ Margaret Canovan, *Nationhood and Political Theory* (Northampton, M.A.: Edward Elgar Publishing, Inc., 1996), 116.

Yet, nations remain exclusionary, even the liberal ones, and it is not exactly clear by what logic. This is the claim that this chapter will examine. Namely, is it actually possible to square the logic of liberal individualism with the particularism and partiality that nationalism demands?

Determining the National Community

It must first be discussed as to what we mean by “national community.” David Miller claims that a nation is not constituted by race or language, but rather by five other factors.⁵⁷ First, national communities are constituted by belief. That is, a nation must be a group of people who believes that they are a nation, and recognizes some kind of imagined community.⁵⁸ Secondly, a national community must possess historical continuity. There must be a community of obligation towards one another, with a shared history, including victories and defeats. Miller does not say how far back or extensive a shared history must be, only that it is an important feature for a nation. The third of Miller’s requirements is an active identity. Fourthly, a nation must have a stake in a geographical place. Miller cites the importance of homelands here, even when they are contested.⁵⁹ Finally, there must be shared, distinct traits that distinguish one nation from the next. Presumably these traits need not necessarily be genetic, but should rather

⁵⁷ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000), 28.

⁵⁸ While Miller argues that nations are not constituted by language or other cultural features, it is not clear as to why this is not so. It seems as though for one group of people to share a belief of an imagined community, there must be some involvement of language. Yael Tamir suggests this much, as well as Will Kymlicka, when they argue that in order for members to participate adequately in the deliberative discourse, there must be at least common terms of language, etc.

⁵⁹ Miller goes on to say that because the nation is bounded to a geographic place, this explains why the state has historically been the logical vehicle for the nation to take its political form, as a state, too, is bounded to geography. However, he insists that this should not be construed as meaning that the only feasible way to achieve national self-determination is through a sovereign state, only that it is the easiest way.

constitute a general world-view or concept of the good. However, the concept of distinct traits as something innate to a population entails some cultural factors. Thus, it is a bit unclear how Miller distinguishes the fifth point from the first, which says that the imagined community need not be based on traits such as language, ethnicity, or race. It seems as though this is extremely subjective. Who is to decide what traits qualify as distinguishing characteristics? At what point do these distinct traits become illiberal, and are they then unable to be defended? One can imagine a scenario where nation X sees their race as an important trait, something that distinguishes them from outsiders. Restricting access on this basis would undoubtedly be illiberal. Miller's five points are a bit convoluted. He similarly says, "national divisions must be natural ones...they must correspond to real differences."⁶⁰ The concept of "natural differences" can be a slippery slope to a whole gamut of illiberal terms of exclusion. This seems incompatible with liberal thought, which claims that there is no natural, biological monopoly on any set of values. The subjectivity of citing "real differences" is extremely problematic. However, Miller holds that "this need not, fortunately, imply racism or the idea that the group is constituted by biological descent. The common traits can be cultural in character: they can consist in shared values, shared tastes or sensibilities."⁶¹ Miller claims that because of this, immigration should not pose a problem to the nation-state, in moderate amounts. Yet, how can one hold that shared values and shared tastes in particular are something that can constitute a nation? These characteristics can certainly stretch beyond the scope of a nation. Furthermore, if values are not innate, then how can one claim that they can be the basis of "natural" differences?

The symbolic and romanticized power of the nation comes partly due to the fact that it has an equalizing tendency. That is to say, within the imagined community of "us", members of

⁶⁰ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000), 30.

⁶¹ *Ibid.*, 30.

the nation should be considered equal to one another. This is partly why nationalism has been such an effective rallying sentiment. The problem arises when outsiders are taken into account. If all the members of a nation are equal precisely because they are members of the nation, can outsiders be moral equals as well? This falls victim to the “separate but equal” criticism. How can there be equality between two groups when by separating there is automatically a hierarchy created? If they possessed equal moral worth, why create a distinction?

In her book *Liberal Nationalism*, Yael Tamir states that the two requirements for membership should be 1) a level of civic competency and 2) a shared culture and identity.⁶²

Tamir holds that one should be able to choose their national community, that is to say, that one should be able to enter and leave a nation as they please.

National affiliation is distinct from citizenship in liberal nationalist theory, with citizenship acting as a type of guarantee of the rights of the individual. To be a citizen in a state one need not, necessarily, belong to a certain national community. However, the two cannot be kept completely distinct, as even the most liberal and neutral polity reflects a national culture (often the most dominant) in the public sphere. It would be nearly impossible to argue that nations and states overlap neatly. Rawls distinguished between peoples and states because of the rationality that he assumed groups of peoples to possess.⁶³ This rationality allows peoples to determine the limits of inequalities of power and wealth. Moreover, Rawls characterized a ‘people’ as having self-respect of themselves as a collective, resting on common awareness of historical trials and of shared culture and accomplishments.⁶⁴ Nevertheless, for the purposes of

⁶² Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993), 128.

⁶³ John Rawls, *The Law of Peoples* (Cambridge, M.A.: Harvard University Press, 1999), 28.

⁶⁴ *Ibid.*, 34.

this thesis, the concept of a shared belief in an imagined community⁶⁵, with a similar belief in shared traits, will be taken as the understanding of a national community.

The (Liberal) Argument for National Identity

What is important to note is the emphasis on the fact that while a nation is a unit, it is also constituted by individuals. The value of the nation is not an end in of itself; rather, its existence is important to the individuals that compromise the nation. In *Liberal Nationalism*, Yael Tamir outlines five reasons as to why national identity should be maintained and protected, especially in the context of a liberal democracy.⁶⁶ Firstly, she argues that national membership is important to an individual's personal identity.⁶⁷ As the individual is the central concern of liberalism, the nation provides the context for the individual to flourish and is "part of the essence of being human."⁶⁸ This is the most important argument for incorporating national sentiment into liberal theory. Secondly, the autonomy that is necessary for the individual to participate in a liberal democratic system is seen as only being accomplishable under circumstances of a cultural context. That is to say, Tamir see autonomy of the individual as "contingent on the presence of a context that allows them to become strong evaluators."⁶⁹ In other words, Tamir assumes that individuals can exercise choice and self-reflection only within the context of culture. Third, a

⁶⁵ Benedict Anderson, *Imagined Community* (London, New York: Verso, 1983).

⁶⁶ Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993), 35.

⁶⁷ While identity, whatever it is taken to mean, is unquestionably important for individuals, I believe that Tamir overestimates the importance of the national identity as primary while ignoring any other large scare, embedded characteristics, like gender, race, religion, race, or class. As is often the case, national identity is assumed to be the most overarching and comprehensive structure that one identifies with. This should be avoided, as it can be too simplistic, but this is beyond the scope and aim of this thesis.

⁶⁸ *Ibid.*, 35.

⁶⁹ *Ibid.*, 36.

central feature to the theory of liberal nationalism is the condition that cultural membership is seen as voluntary. Thus, an individual must be able to leave their culture. This, for Tamir, is the instrumental value of nationality, yet, she never speaks about whether one should not only be allowed to leave a nation, but how/if an individual can join another culture. While the nation should be liberal, it is still seen as a homogenous and integrated unit. There is no clear incentive as to why a nation would be willing to accept outsiders. In fact, the assumption that nations would be willing or should accept outsiders is counterintuitive, as it would necessarily lead to the “watering down” of the nation. While addressing this issue, Bhiku Parekh argues that Tamir’s form of liberal nationalism is nothing more than “a weak form of civic nationalism superimposed upon a fairly strong ethnic nationalism.”⁷⁰ Thus, Tamir holds that the choice and will of the individual must supersede national membership. Yet, the way that this would be practically accomplished is unclear and unelaborated by Tamir, and within the theory of liberal nationalism itself. Fourth, it is argued that the national identity must be preserved and equally respected by other nations as to ensure autonomous choice. To avoid paternalism and to maximize individual choice, each nation must be respected and value pluralism and tolerance. If each constitutive nation is given its own chance for self-determination in separate territory, then this does not become a problem, as plurality and separateness can be maintained. However, once there is contested space, whether it be geographically, culturally or symbolically, this becomes normatively much more difficult and confusing. Lastly, and closely linked to the fourth point, the plurality of nations must be maintained so that individuals are never forced to conform to a national identity if they do not wish to do so. Again, this underlines individual choice, yet it is unclear how an individual can choose to move freely from one culture to another. If nationality

⁷⁰ Bhikhu Parekh, “The Incoherence of Nationalism,” in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999), 307.

is an integral part of individual identity, then it seems unlikely that an individual will be able to easily and freely choose to move between cultures and be able to change a foundational feature of their identity.⁷¹

The importance of individualism in liberal nationalism cannot be understated. Margaret Canovan argues “since individuals are contextual beings whose identity is bound up with their membership of national groups, then respect for individual rights implies some form of national self-determination.”⁷² Central to this argument is the presumption that an individual’s identity is primarily composed of his or her nationality. Cultural membership is seen an essential and inevitable feature of one’s identity. While this certainly seems to be the case, it is difficult to argue that it is the primary term of identification for individuals. For example, even within the national community, there are arguably stronger cleavages and identities, like religion, gender, or local affiliations. Liberal nationalist theory makes the importance of identity for individuals central to its argument, however it assumes that the nation is the most important identifying feature for the individual. It centers on the nation and leaves little room for the possibility of stronger, more meaningful affiliations. The logic of the argument is: since national belonging is essential to individual identity, nations are therefore ethically significant and thus comprise a priority duty towards fellow nationals. Thus, as bounded communities with special obligations towards one another, nations have *prima facie* claim to political self-determination.⁷³ For liberal nationalists, the only way to achieve equality and justice is if individuals are free to enjoy their right to a national culture. The importance of collective culture to individuals is reflected in

⁷¹ Bhikhu Parekh, “The Incoherence of Nationalism,” in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999), 317.

⁷² Margaret Canovan, *Nationhood and Political Theory* (Northhampton, M.A.: Edward Elgar Publishing, Inc., 1996), 10.

⁷³ *Ibid.*, 120.

international law, specifically in the UN Convention on Civil and Political Rights (ICCPR). The ICCPR states that individuals should “not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”⁷⁴ The emphasis put on the collective practice of tradition and culture is closely tied to the theoretical underpinnings of liberal nationalism.

The plurality and diversity of nations, each enjoying their own self-determination is “the crux of the organic view of society, and these elements should enjoy priority.”⁷⁵ In other words, personal freedom can only truly be realized through cultural contextualization, which is manifested in the national community. This view entails the belief that the “liberal commitment to individual freedom can be extended to generate a commitment to the ongoing viability and flourishing of societal cultures.”⁷⁶ Thus, while nationality and self-determination is seen as a communal right, it is nevertheless considered vital for the fulfillment of individual liberty and rights as well.

⁷⁴ United Nations General Assembly, *International Covenant on Civil and Political Rights* (res. 2200A (XXI)), December 16, 1966, Article 27.

⁷⁵ Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993), 17.

⁷⁶ Will Kymlicka, *Politics in the Vernacular* (Oxford: Oxford University Press, 2001), 210.

Partiality Towards the Co-National

The liberal nationalist case for the importance of the nation carries over from individual choice to community relations and partiality. Associate duties and partiality towards those close to us is assumed to come with special obligations in relation to proximity.⁷⁷ The special relationship between and among citizens is formulated as necessary for the democratic process. As Kok-Chor Tan notes, it is often seen as providing a “degree of trust and mutual respect between fellow citizens.”⁷⁸ While I find this claim questionable, it is telling how central a cultural identity is to liberal nationalism. Membership and belonging in the national community is often argued to increase the likelihood of solidarity and active participation among citizens and acts as a “unifying force in an divided world.”⁷⁹ However, this argument overestimates the relationship national affinity and participation in the democratic process. Liberal nationalists maintain that without a common identity, there is no room for a complex system of welfare. That is, the solidarity and partiality demanded by the nation is a prerequisite for a higher functioning social security system.⁸⁰ However, this is an empirical claim and there is plenty of counter evidence to refute it. As Bhiku Parekh argues, the U.S. has a high sense of nationality and patriotism, yet an extremely low participation rate by voters. Conversely, Canada, which has a lower sense of nationality, has not only a much higher participation rate, but also a much stronger welfare system.⁸¹ The argument that a higher degree of national awareness will increase solidarity and thus participation and discussion among citizens is extremely simplistic and does

⁷⁷ Samuel Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford: Oxford University Press, 2001), 49.

⁷⁸ Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 90.

⁷⁹ David Miller, *Citizenship and National Identity* (Oxford: Polity Press, 2000), 41.

⁸⁰ *Ibid.*, 41.

⁸¹ Bhikhu Parekh, “The Incoherence of Nationalism,” in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999), 318.

not take into account a great number of other factors. This argument that speaks to the inherent value of the nation for ensuring democratic processes and similar worldviews is often exaggerated. One must be careful not to homogenize populations and overestimate the power of the national process in creating similar moral values. Moreover, this argument concerned with cultural and morality similarity within the nation does not explain how or why one should distinguish co-nationals from others who might share values with a certain nation.

Kok-Chor Tan states that it is a “common sense claim that individuals have obligation to co-patriots rather than strangers”⁸², yet it is not clear why this is so. The argument stems from the concept of the proximity imagined to exist in the national community. However, if one decides that there is a greater duty towards the well-being of a co-national, how can that be squared with the equal moral worth of all individuals, regardless of nationality? There are many arguments that attempt to justify why there is a greater moral worth of those who are closer to us. For example, one could argue that equal respect for individuals and equal concern for individuals is not the same thing, that one can respect everyone yet favor their co-nationals.⁸³ However, the argument falls short when favoring the co-national negatively affects another’s life chances. Compassion, as Martha Nussbaum notes, presupposes a level of assumed equality. It also begins with the local.⁸⁴ However, Nussbaum is quick to say that while compassion begins with locality and community, it should not stop at national borders.⁸⁵ She argues that:

⁸² Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 14.

⁸³ *Ibid.*, 153.

⁸⁴ Martha Nussbaum, *For Love of Country?*, ed. Joshua Cohen (Boston: Beacon Press, 2002), 4.

⁸⁵ *Ibid.*, 4.

If our moral natures and our emotional natures are to live in any sort of harmony we must find devices through which to extend our strong emotions and our ability to imagine the situation of others to the world of human life as a whole.⁸⁶

Thus, while we might begin learning about compassion in the local, this is not necessarily how it should be. The increased moral obligation to the co-national is often justified through a comparison to the family. Because of the proximity of one's family members, there is an apparent obvious justification for partiality.⁸⁷ The extension of this would be an analogical relationship between the family and the nation, thus warranting partiality. Yet, the problem is in the fact that the scale of the nation is so much grander than the family (presumably). To equate the family to the nation is problematic not least of all because it refers to an imagined community whose scale is so large that one will never meet all of their co-nationals. In fact, one is probably more likely to feel partiality towards foreigners who are in direct proximity to oneself rather than towards a co-national whom they have never met at some point in their lives. The symbolic power of nationality lies in its ability to simulate "rootedness". It is this false sense of locality that is transcribed to a much larger space that makes the analogy between the family and the nation so tempting. Yet, it is logically unsound to try and transcribe a feeling of locality to the national scale.⁸⁸ Partiality that is defined by borders, or even by a label given at birth is extremely hard to justify, yet it is argued that this partiality is needed for the functioning of a liberal polity.

⁸⁶ Ibid., xiii.

⁸⁷ This, of course, could be open for greater philosophical debate. Most would agree, and I take it as an assumption for these purposes, that there is more of an obligation towards family members than towards strangers. While this is certainly not the purpose of this thesis, it often provides an important analogy for the nation.

⁸⁸ Bhikhu Parekh, "The Incoherence of Nationalism," in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999), 311.

II. Exclusion as National Security

A security-based argument for closed borders is often invoked. This argument has little theoretical basis, and largely stems from a realist approach to security. However, this is a popular argument, especially in policy making. The argument goes something like: if there were no border controls then liberal states would have no way of keeping out illiberal or dangerous individuals. This would be a security threat as it could allow illiberal individuals to undermine the values, thus jeopardizing the existence of the liberal institutions. This argument is based on the assumption that liberal societies who allow illiberal individuals to participate will be putting their values and institutions in danger. I question this claim because of the mediating effect that participatory democracies seem to have on voter opinion. For example, it is often argued in democratic theory that participatory democracies result in mediocrity. In other words, the majority of the population mitigates any radical outliers. However, even more troublesome, is the fact that the argument does not account for the double standard it sets between the insider and the outsider. Citizenship, as protected by international law, is a right of all individuals. Membership or entrance to one's own country cannot be denied because of political views, no matter how radical they might be (assuming that they are also non-violent). If the state does not have a right to strip a member of his right to reside or enter into his country, why can the state expel or keep out foreigners who are not liberal, or who do not share liberal values? A good example of this is the recent "black list" put out by Great Britain, which lists individuals who are not allowed to enter into Great Britain because of their radical political views. The justification was based on the argument that these people possess values that the United Kingdom does not recognize as liberal, or as values that the UK recognizes as legitimate. On the list, among known

al-Qaeda members, was Michael Savage, a socially conservative radio talk show host in the U.S. known for his anti-Islam, racist, and homophobic sentiments.⁸⁹

Michael Savage contested this on the grounds of free speech, but also on the fact that the UK, in banning those who it deems illiberal, is engaging in illiberal practices itself. He argued that this move was hypocritical and in direct violation of the foundations of liberalism.

Savage's story provides a good example of the argument against the security-based reasoning. One of the rights outlined by citizenship is that the state cannot strip it arbitrarily from an individual. While what constitutes arbitrary means is unclear, the state can certainly not discriminate a citizen for her political beliefs.

It is hard to imagine the UK exiling a citizen for preaching the same hate-doctrine as Savage. If the government could certainly not exile a citizen for views such as Savage's, why should it be able to restrict entrance from an outsider? This assumes that the unknown foreigner will be more dangerous than an insider. This type of discrimination and refusal for entry is problematic. It shows the deep faults in the reasoning of the national security argument. There is little reason why an outsider who engages in hate speech should be banned if a citizen could not be. Thus, Savage was not stopped from visiting solely because of his beliefs, but more importantly, it was made possible because of his nationality.

⁸⁹ See BBC, "UK 'Least Wanted' List Published," May 5, 2009, http://news.bbc.co.uk/2/hi/uk_news/8033060.stm

III. An Economic Argument for Closed Borders

One important argument that is often put forth as justification for immigration control is the “welfare state” argument. The crux of the argument is that if there were no border controls, post-industrial countries that have strong social security programs would be flooded with immigrants, and would thus find their social welfare institutions overwhelmed. This, it follows, could lead to a collapse of the system and would be detrimental to the domestic poor (who presumably have a greater right to aid from their co-nationals). The justification of exclusion comes from the argument that while it is unfortunate that not every individual can be covered by state programs, if the whole system were flooded and therefore failed, the situation would be worse than having to exclude some individuals.

The hypothetical scenario that is set up here is that a vast number of people would move across international borders, even if they could. While a large number of people do in fact emigrate, especially for economic reasons, the majority percentage of people in the world stay in their place of birth. There is no way of predicting how many people would flood across borders. However, if we assume that people are looking mainly for jobs when they emigrate, and there was indeed this surge of immigration, a shortage of jobs would eventually occur, curbing immigration. Furthermore, immigration is painted as an expensive burden for the receiving country. However, the strength of social welfare programs is usually proportional to taxes. If there were this flux of immigrants (again assumed to be looking for jobs), the state would make more money in taxes, as well as having more money put into the economy. We should be hesitant of assuming that immigration carries heavy economic burdens. This argument is partly propagandist in nature and is often used for political ends. A good example of this is current debate in the U.S. centering on immigration policies. Most individuals don't realize that

immigrants (both legal and illegal) contribute a large amount to the agriculture, construction, and manufacturing industries.⁹⁰ This has been said to lower annual income of U.S.-born males by 4%, yet it also adds a large amount to the economy.⁹¹ When put into a global perspective, decreased wage and living standard for U.S. citizens due to illegal immigration has a much smaller impact than “the increasing use of automation in manufacturing or the growth in global trade.”⁹²

The economic detriment ascribed to immigration is grossly one-sided. Migration cannot bring one-sided consequences. In other words, the economic cost of admitting immigrants (legal or otherwise) is rarely regarded in relation to the economic benefits. While immigrants necessarily use public services, and their children attend the public school system, it should not be forgotten that they generally contribute large amounts to the economy. Even if much of the money they earn is exported, there is an undeniable work force that is necessary and is often taken for granted. Furthermore, this gives little validity to the argument for immigration controls when emigration is considered beyond the state’s control. Just as mass immigration would undoubtedly have economic consequences, so would mass emigration, yet this is not seen as

⁹⁰ Adam Davidson, “Illegal Immigration and the U.S. Economy,” *National Public Radio*, March 30, 2006, <http://www.npr.org/templates/story/story.php?storyId=5312900>.

⁹¹ The negative aspect of this must be mentioned as well. This is by no means suggesting that working conditions for illegal immigrants in the U.S. is fair. They often fall victim to meager wages, unsafe working conditions, which is coupled with the nonexistent political representation that they receive. These are serious problems, which unfortunately add to the profit margin earned by many large companies. If anything, this should be seen as little more than another negative impact of strict immigration policies. Rather than keeping people out, they often just allow people to slip through the cracks of protection, allowing them to be exploited. My emphasis here on the beneficial impact illegal immigrant labor has for the economy is solely to put to rest claims that immigrants burden the system without adding contribution.

⁹² Adam Davidson, “Illegal Immigration and the U.S. Economy,” *National Public Radio*, March 30, 2006, <http://www.npr.org/templates/story/story.php?storyId=5312900>.

problematic.⁹³ The same economic consequences that would be associated with the hypothetical mass immigration would dually be associated with mass emigration, yet states have no right to restrict one's right to leave a country. Thus, if there is free movement to exit a country (economic consequences aside) why should there similarly not be a free movement of entry?

Thus, the argument that floods of immigrants would overwhelm systems is a bit unwarranted. However, this argument rests upon an empirical assumption that is impossible to test, as there is no country that has open borders. Nevertheless, the welfare state argument comes with several other normative problems.

Firstly, while it is argued that opening borders would overwhelm social benefit systems, it is simultaneously claimed that opening borders might have the opposite effect, increasing global inequality by allowing only elites to migrate.⁹⁴ This is contradictory to the claim that the mass amounts of immigrants would bombard the receiving state, bringing economic cost and no benefits. Furthermore, this is subject to scrutiny based on the fact that illegal immigration overwhelmingly does not follow this trend. For example, the proportion of people who enter the U.S. from Mexico is not the elite, but rather the poorest of the population. It is overestimated to what extent elites or well off individuals would choose to migrate, even if there were no borders.

Secondly, it is assumed that those born and living within the state have more of a right to be protected by the welfare system. This brings into perspective the larger question of birthright being a source of legal status. When put differently, the fact that an individual has legal access to material and social benefits because of where they were born harks back to feudalism. Why should one's right to resources be dependent on a characteristic that is morally irrelevant? If one

⁹³ Phillip Cole, *Philosophies of Exclusion* (Edinburgh: Edinburgh University Press, 2000), 4.

⁹⁴ Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 128.

has no say in where or when they were born, is it just to exclude them not only from membership, but also from social benefits that are awarded to some individuals and not others, based on luck of the draw?

The economic argument is based on hypothetical, assumed empirical circumstances, which make it hard to either prove or refute. The fact is that no state employs the type of welfare system that would be necessary to test the argument that immigrants would flood a state's capacity to provide social welfare. Furthermore, it provides little normative justification. However, what we can say is that it is interesting to dissect the argument that freedom to enter a polity should be restricted due to potential economic detriment, yet the right to leave is encoded in international doctrines. It is not only unclear how one can be justified and not the other, but one can also question whether potential economic detriment is reason enough to exclude individuals in the present? Is the fear of increased spending take moral precedence over the welfare and living standards of other human beings? The line of thinking suggested by this argument of exclusion is problematic and convoluted. It rests on a set of questionable hypothetical scenarios, and fails to incorporate current empirical evidence that suggests the contrary.

Finally, one should be careful not to homogenize immigrants, or immigration as a uniform phenomenon.⁹⁵ There are often double standards and hypocritical policies towards

⁹⁵ One aspect that hasn't been touched upon but deserves greater discussion is the fact that where immigrants come from greatly influences how their status is interpreted. The reason that this thesis will not deal with this question, and others similar to it, in great detail is because it slips away from the theoretical realm. Ideally, there should be no distinction between an immigrant from Norway and an immigrant from Guatemala, yet there is. This fact is linked very closely with the economic argument, but also with the cultural one. Again, this is a very important question to pose towards immigration policy and international relations, yet it does not take

immigrants with high education, from affluent backgrounds. This is particularly true when in the realm of industry. Immigrants with higher education who emigrate to look for work in Research and Development are often welcomed with open arms. However, an individual who equally participates in the economy, yet in the field of agriculture, is less likely to be welcomed. While this seems self-evident, upon closer inspection it is not so clear. If we stay behind a veil of ignorance⁹⁶, why should one immigrant be favored over another just because of education or wealth? It stands to reason that a state that favored some citizens over others because of education would be condemned as illiberal. If neutrality in front of the law is a central tenant of citizenry, why should there be different standards for qualifying for membership? Immigration is often approached in a uniform way when it comes to economic repercussions. The immigrants who are assumed to benefit R&D or business are not taken into consideration. Rather, there is a tendency to essentialize and equate immigration with wasteful spending. The debate about immigration, especially in the politics and policy, treats the concept as a given expenditure. That is to say, the potential benefits are never discussed. Furthermore, no one questions an individual's right to leave a polity, even when the emigration could cause economic detriment. Thus, this economic argument for border control is not only counterfactual but it can also be questioned on terms of equal consideration.

central focus in this thesis. However, what is important to note is that for the sake of argument, I take it for granted that in theory there is no room for distinguishing between individuals depending on which country they come from.

⁹⁶ John Rawls, *A Theory of Justice* (Cambridge, M.A.: Harvard University Press, 1971).

IV. Exclusion to Protect National Culture

The economic and cultural arguments for border control are closely linked and especially hard to separate in the political realm. Policies often center on a gray area between economic and cultural protectionism. Yet, they should be separated and viewed in their own lights. Liberal nationalist theory holds that the cultural importance of the majority population is sufficient reason to legitimize closed borders, as the state is not just a collection of individuals, but rather a community with a distinct character that must be protected. If we recall Tamir's claim that the public sphere is the best way to maintain one's culture, and that this is where national culture is most visible, then the cultural argument becomes much clearer.⁹⁷ With the rapid influx of immigration that is the assumed result of open border policies, there is a concern that the national culture of the receiving country would become endangered, not leaving enough time to "accommodate" the diversity. This is used as justification for exclusion of membership by differentiating between the needs of nonmembers and accepting them as members. In other words, one can be cared for as a nonmember, while not being accepted as a member. This point is significant in that it restricts membership on cultural factors, in order to protect the national culture.

Individuals who are participating in the public sphere are assumed to share similar fundamental values, the same language, and similar conceptions of the "good". This is supposed to aid and ensure the healthy functioning of deliberative democracy.⁹⁸ While societal culture is inevitably expressed and reinforced in the public sphere, the liberal component of liberal

⁹⁷ Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993), 123.

⁹⁸ See Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, Citizenship* (Oxford: Oxford University Press, 2001) for a more detailed discussion of the intersections of societal culture and democratic deliberation.

nationalism ensures that the “cultural neutrality” of the public sphere is minimized to a “thin” form. For Rawls, this culture of civil society, or what he called the “background culture”, is an important feature of a liberal society.⁹⁹

Thus, it is assumed that all liberal states are liberal nationalist states, as they all function off of the presupposition of a societal cultural.¹⁰⁰ Even the United States, the country most often attributed with “cultural neutrality”, actually has a clearly defined public culture, in line with Anglo-Saxon traditions. Thus, while liberal nationalism maintains that all nations should be seen as moral equals, in practice it is much more difficult to ensure equality. Once one acknowledges a national culture, minority individuals within that space will be at a disadvantage in relation to individuals of the majority population. Yael Tamir notes in her theory that multinational or pluralistic states do not pose a real problem for liberal nationalism, so long as cultural and political autonomy are granted.¹⁰¹ Because collective culture, according to Tamir, can only be truly expressed in the public sphere, one must be willing to allow each nation to develop a public sphere that is reflective of the distinct culture of the community.¹⁰² Therefore, nations can only fully flourish under situations where they are allowed to exercise self-determination. Of course, this is subject to the problematic practice of defining which collectives constitute the nations, and in what fashion they should be granted self-determination. Tamir never clarifies this ambiguity, and it remains a weak point in the theory.

A problematic aspect to the theoretical claims surrounding acceptance of the outsider is that there is no clear motivation for the nation to accept outsiders at all. As Parekh suggests, if

⁹⁹ John Rawls, *The Law of Peoples* (Cambridge, M.A.: Harvard University Press, 1999), 134.

¹⁰⁰ Yael Tamir, *Liberal Nationalism* (Princeton, N.J.: Princeton University Press, 1993), 141.

¹⁰¹ *Ibid.*, 124.

¹⁰² *Ibid.*, 123.

we maintain that nations have collective cultures that deserve to be protected by an autonomous public sphere, then the inclusion of outsiders would necessarily weaken this societal culture.¹⁰³ While Tamir emphasizes that nations must be tolerant of outsiders, she does not really explain why or under what motivations. With increased migration and movement of people in the 20th century, we are left with a demos, which in many cases does not line up with the ethos.¹⁰⁴ As Ernst Haas notes, the “redistributive ethics of liberal nationalism no longer satisfy everyone,”¹⁰⁵ which can end up leaving a large part of the population marginalized by the national culture. In this instance, if we try to maintain the importance of protecting the societal culture and collectivity, there emerges a tension between the needs of the “nation” and the rights of the demos.

Tamir goes on to list two requirements that she deems fair for membership in the nation-state. First, an individual must have a certain degree of civic competence to participate. Secondly, s/he must exhibit part of the shared culture and identity of the polity.¹⁰⁶ This is obviously for outsiders who attempt to join the polity, rather than those who are born into membership. If an individual is born into citizenship, they may come of age to participate yet not maintain an adequate level of civic competence, nor necessarily share the cultural identity of the wider society. Yet, it would be illiberal to revoke citizenship based on these grounds. These standards are used when measuring whether or not an outsider can gain membership.

¹⁰³ Bhikhu Parekh, “The Incoherence of Nationalism,” in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999), 317.

¹⁰⁴ See Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University Press, 2006) for a further discussion of the discrepancies between the demos and ethos.

¹⁰⁵ Ernst Haas, *Nationalism, Liberalism, and Progress: Volume 1* (Ithaca: Cornell University Press, 1997) 349.

¹⁰⁶ *Ibid.*, 128.

This is posed as necessary for the functioning of the democratic process. One might argue that there must be a level of cultural homogeneity, and that this must be ensured through integration policies that restrict entry and membership.¹⁰⁷ With the argument for the protection of the liberal polity and its functions, there is inevitably the worry that allowing the entry of outsiders (of presumably illiberal origins) will have adverse effects. However, it is grossly simplistic and unfair to lump all outsiders into a single category, assuming that they will all prove to be illiberal. Furthermore, it would not be just to restrict access in any wide sense because of the fear of a minority of illiberal individuals. It seems as though this fear is exaggerated, and simply attempts to provide a realist justification for closed borders. Presumably, closed borders cannot stamp out the possibility of illiberal individuals participating in the public sphere, as discussed in section II of this chapter.

There is, however, another, more moderate, nuance to the cultural argument. One could argue that in order to protect the national culture, one need not necessarily close all borders. Rather, it is simply necessary to have a well-regulated immigration control, to allow for the ample integration and absorption of each wave of immigrants; thus preventing the culture from being “overwhelmed”.¹⁰⁸ Regulating immigration in this way is seen as a liberal, acceptable process of nation building.¹⁰⁹ However, this modification in the argument misses the point. Normatively, closed borders and regulated, porous ones are the same. They both fall into the trap of having to exclude individuals. This exclusion is the central problem of having borders. Whether or not one or all individuals are turned away at the border, there is still the normative

¹⁰⁷ Arash Abizadeh, “Liberal Egalitarian Arguments for Closed Borders: Some Preliminary Critical Reflections,” *Ethique et économique*, 4 (1) (2006): 3.

¹⁰⁸ Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 124.

¹⁰⁹ *Ibid.*, 124.

problem of trying to decide who should be excluded, as this would necessarily rely upon the use of arbitrary features. Once nation building takes precedence over the accommodation of others, then there is a hierarchy between the moral worth of insiders and outsiders. This aspect of liberal nationalism clearly is not compatible with a generalized view of moral universalism. It is impossible to square feelings of partiality towards one's co-nationals based on feelings of belonging.

The mistake in the cultural argument is that it homogenizes the nation and assumes that outsiders will necessarily be culturally different from insiders. Not only are the insiders homogenized, the immigrants are mistakenly lumped together as an aggregate group which are common in their "foreign" values and culture. Central to the argument is the fear that an influx of outsiders with cultural differences (regardless of political values) might damage the public space's capacity to facilitate democratic deliberation, by introducing too many dissimilar people at once. This is a clear example of the simplistic homogenization of the nation. It is wrong to assume that all insiders and members will share the same values. As Linda Bosniak notes, the "habit of dichotomous inside/outside thinking disables theorists from seeing that the 'global' is not merely situated 'out there' but is also located, increasingly within national borders."¹¹⁰ One should be wary of attempting to define what the national culture is, then proceeding to assume that foreigners are inevitably and innately different. The national culture as such is indefinable, and is a very slippery and cloudy subject. Liberal nationalism cannot account for what to do with high levels of immigrants (legal or not) and faces a dilemma between liberal values and national values, pointing to its theoretical inconsistencies.

¹¹⁰ Linda Bosniak, *The Citizen and The Alien* (Princeton, N.J.: Princeton University Press, 2006), 7.

4 Moral Cosmopolitanism

It is not that we are without culture but we are drawing on the traces and residues of many cultural systems, of many ethical systems- and that is precisely what cosmopolitanism means. It means the ability to stand outside of having one's life written and scripted by any one community, whether that is a faith of tradition or religion or culture- whatever it might be- and to draw selectively on a variety of discursive meanings.

- Stuart Hall¹¹¹

I. Cosmopolitanism and its Discontents

Unpacking Cosmopolitanism

Cosmopolitan ideals have long been present in political theory. Characterized by the refusal to be defined primarily by local membership, cosmopolitanism raises important questions of loyalty and belonging. The Stoics advanced the belief in *kosmou polites*, or world citizenry.¹¹² While this is somewhat of a misnomer, as there is no world state or government which can assign membership, there is an overarching concept that every human dwells in multiple memberships, the most broadly defined being humanity. Cosmopolitan thought experienced resurgence in popularity, largely due to changing global political, social, and economic conditions. As David Harvey puts it, “cosmopolitanism is back.”¹¹³ The conditions that revived cosmopolitan thought include globalization, nationalism (to which cosmopolitanism can be seen as a reactionary

¹¹¹ Stuart Hall, “Political Belonging in a World of Multiple Identities,” in *Conceiving Cosmopolitanism: Theory, Context, Practice*, ed. Steven Vertovec and Robin Cohen (Oxford: Oxford University Press, 2002), 26.

¹¹² For a detailed history of cosmopolitan thought, see Martha Nussbaum, *For Love of Country?*, ed. Joshua Cohen (Boston: Beacon Press, 2002).

¹¹³ David Harvey, “Cosmopolitanism and the Banality of Geographical Evils,” *Public Culture* 12 (2) (2000): 529.

movement), a greater awareness of migration trends, multiculturalism, and feminism.¹¹⁴ These problems, along with compounding environmental concerns, challenge the efficacy of the Westphalian system. Therefore, cosmopolitanism has been an attractive school of thought for dealing with issues that lie beyond the scope of the state.

Cosmopolitan thought is often described as a middle-path between ethnocentric nationalism and particularistic multiculturalism.¹¹⁵ Cosmopolitanism does not discount local membership. Rather, it is recognized that there are multiple levels of belonging that each individual experiences; the question is which takes priority. Do our moral obligations lie primarily in local affiliations, or must we answer to a much broader community? The power of cosmopolitan thought lies in its call for obligation to humanity over national or local affiliations. While these affiliations and memberships are important, and should remain so, cosmopolitan justice transcends the borders of the nation-state.

Yet, it is difficult to define cosmopolitanism. It is a complex terms used in a variety of different ways. Additionally, it is invoked in vastly different worldviews, being central to both Marxism and liberalism. For some, cosmopolitanism invokes notions of transnational links between social movements and cultures, for others is it purely a descriptive characteristic of individuals or ideas. However, it can also be used to express non-communitarian, post-identity politics.¹¹⁶ Vertovec and Cohen outline six distinguished usages of cosmopolitanism.¹¹⁷ It can refer to a) a socio-cultural condition, b) a philosophy or world-view (the usage referred to here

¹¹⁴ Steven Vertovec and Robin Cohen, eds., *Conceiving Cosmopolitanism: Theory, Context, and Practice* (Oxford: Oxford University Press, 2002), 2.

¹¹⁵ *Ibid.*, 1.

¹¹⁶ *Ibid.*, 1.

¹¹⁷ *Ibid.*, 9.

after), c) a political project aiming for transnational institutions, d) a political project aimed at recognizing multiple identities, e) an attitudinal or dispositional orientation, and f) a mode of practice or competence.¹¹⁸

Furthermore, cosmopolitanism can be broken down into four overlapping understandings.¹¹⁹ First, it can be posed in terms of moral idealism versus an institutional claim, as is used by Charles Beitz.¹²⁰ Second, there is a question of culture versus justice, which will be the main concern of this thesis. Furthermore, cosmopolitanism can be seen in weak and strong forms, as referred to by David Miller.¹²¹ Finally, there are moderate versus extreme forms. Moreover, one must distinguish between different types of cosmopolitans. Michael Ignatieff distinguishes between the Marxist cosmopolitanism, who transcends borders to unite the proletariat, the ‘gentlemanly’ cosmopolitan who is a world traveler, and the liberal cosmopolitanism, who demands equal consideration and standards for all.¹²² Defining and distinguishing between these multiple and overlapping usages of the label of cosmopolitanism is not vital to the aim of this section. It should suffice to say that the understanding of cosmopolitanism and cosmopolitan ideals herein refer to the belief that moral universalism dictates that membership in politics and democratic voice cannot be considered on the basis of arbitrary characteristics assigned at birth, such as national identity.¹²³ This view, as Vertovec and Cohen argue, can be seen as the antithesis to communitarian thought, as the philosophical

¹¹⁸ Ibid., 9.

¹¹⁹ Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 10.

¹²⁰ Ibid., 10.

¹²¹ Ibid., 10.

¹²² Michael Ignatieff, “Benign Nationalism? The Possibilities of the Civic Ideal,” in *People, Nation and State*, eds. E. Mortimer and R. Fine, (London: I.B. Tauris, 1999), 142.

¹²³ Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University Press, 2006), 35.

world is roughly divided into these two camps.¹²⁴ Cosmopolitanism, in short, rejects the zero-sum conception of national identity.¹²⁵

Classical liberalism rests upon the concept that each individual is born with the same moral worth, that there are certain inalienable rights that are not affected by origin of birth, race, religion, gender, or any other such attribute.¹²⁶ These characteristics must be morally irrelevant for all individuals to be considered as equals. This is the crux of cosmopolitanism; all individuals, regardless of social categories, are created equal. Indeed, the concept of universal rights assigns rights to individuals, not citizens. Cosmopolitanism in its basic form is the acceptance of the premise that all individuals are created equally, thus defining characteristics of birth or social category as arbitrary. Yet, liberalism is not always viewed in terms of cosmopolitanism. As has been discussed, liberal nationalism justifies exclusion by reevaluating who counts as a member worthy of consideration. It is worth noting that while liberalism does value the equal worth of all individuals, it is not clear who counts as an individual worthy of inclusion. In other words, defining the parameters of membership is vital to the basis of liberalism. Yet, paradoxically, it is overlooked and taken for granted that bounded polities exist with clear-cut terms of membership. Traditionally, liberalism does not take into account questions of identity politics or belonging, but rather takes membership in a bounded polity as a

¹²⁴ Steven Vertovec and Robin Cohen, eds., *Conceiving Cosmopolitanism: Theory, Context, and Practice* (Oxford: Oxford University Press, 2002), 10.

¹²⁵ *Ibid.*, 3.

¹²⁶ There is an obvious discrepancy between liberal thought and practice here. There is a long tradition in “liberal” states that favors disenfranchisement, exclusion, racism, and discrimination. In fact, the epitome of liberal society, the Anglo-Saxon model, has been particularly ruthless. This, while being an extremely important debate, is besides the point here. What is important for this discussion are the discrepancies in the logic of the philosophy. As unrealistic as it may seem to do, one must attempt to distinguish between historical reality and political thought.

given.¹²⁷ The nation has long been relied on to justify membership in a certain polity, or as an identifying feature of a community.¹²⁸ This simplistic fiction was not widely criticized until it started to become apparent largely due to globalizing markets and media that nation and the state simply do not fit together like a puzzle. The romanticized congruence between the state and the nation began to be seen in a more problematic fashion. Interestingly, this led to a resurgence of cosmopolitan thought in the 1990s, roughly around the same time as liberal nationalism began to take on theoretical significance.¹²⁹ In many ways, the two concepts were borne from the same circumstances. Once one decides that the nation and state cannot fit together so simply, the question as to what to do with the nation arises. Certainly national membership did not seek to be influential. Rather, liberal nationalism and cosmopolitanism are products of the attempt to contextualize and situate the theoretical position of the national community. These paradigms represent two different approaches to the same questions. The result is seen in liberal nationalism and cosmopolitanism's 1) attempt to justify the continued importance of the nation or 2) attempt to explain it away, acknowledging its shortcomings, respectively.

According to Craig Calhoun, cosmopolitan thought is a product of the reduced efficacy of the state and the realization that the view of a homogenous, bounded nation was problematic.¹³⁰ The priority of the principles of obligation and community should be towards to humanity, rather

¹²⁷ Ayelet Shachar, "Against Birthright Privilege: Rethinking Citizenship as Property," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 262.

¹²⁸ Craig Calhoun, "Social Solidarity as a Problem for Cosmopolitan Democracy," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 296.

¹²⁹ *Ibid.*, 296.

¹³⁰ *Ibid.*, 296.

than to the nation.¹³¹ The main criticisms of cosmopolitanism often lie on a realist reassertion of the continued importance of the nation-state in an anarchic international system¹³² amid forecasts of its demise¹³³, as well as highlighting the potentially dangerous implications of cosmopolitan thought. This realist argument is contrasted by an idealistic critique of the “post-identity” conception of humanity. These arguments will be spelled out and discussed in the following sections.

Legal Cosmopolitanism and World Citizenship

Cosmopolitanism is often charged as being too universalizing, and closed to the importance of overlapping identities, solidarity, or the intrinsic value of membership. I believe that this claim is unjustified. It is true of course, as with any paradigm, that cosmopolitan thought can fall victim to essentialism. Yet it is important and possible to avoid this tendency. In the way that cosmopolitanism critiques nationalism for being too simplistic and homogenizing, the same can certainly be said about cosmopolitanism. The two should not be viewed in terms of an “and/or” relationship. Critiques of cosmopolitanism conflate it to ideas of world government, global citizenship, and cultural hegemony; all of which invoke certain stereotyped (and legitimate) fears.¹³⁴ It is important to unpack the concept of cosmopolitanism

¹³¹ Ibid., 297.

¹³² Hedley Bull, “Society and Anarchy in International Relations,” in *Diplomatic Investigations*, eds. Herbert Butterfield and Martin Wight (London: George Allen and Unwin, 1966), 35-60.

¹³³ Steven Vertovec and Robin Cohen, eds., *Conceiving Cosmopolitanism: Theory, Context, and Practice* (Oxford: Oxford University Press, 2002), 2.

¹³⁴ Craig Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 286.

¹³⁴ Ibid., 296.

because, as with any *ism*, it is used in a variety of ways and can become bogged down in problems of definition.

Thomas Pogge distinguishes between legal and moral cosmopolitanism as the former entails certain rights and obligations while the latter suggests a certain respect for all humans.¹³⁵ He goes on to elaborate the concept of legal cosmopolitanism as a “political ideal of a global order under which all persons have equivalent legal rights and duties, that is, are fellow citizens of a universal republic.”¹³⁶ The concept of global citizenship is itself very problematic, as it implies the existence of a global legislative and judicial authority. The criticism of world citizenship, as an alternative to bounded polity membership, usually lies in the realm of questions of solidarity, participation and obligation.¹³⁷ While these are indeed important question, these criticisms fall short of recognizing a more fundamental problem with the notion of a world citizenship. Cosmopolitanism as a call for a world state is hard to defend and deeply suspect, as its potential for alleviating questions of inequality is unclear. Furthermore, the question of world citizenship is misleading. As discussed with regards to liberal theory and membership, liberalism largely presupposes and depends on territorial boundaries. The concept of the state exists only within the context of geographical demarcation and jurisdiction. Therefore, while one can use the term citizenship for something conceived of as a global sovereign power, the line of logic is hard to legitimize. That state itself is a critical component of liberalism, as the dilemma between membership and inclusion shows. Thus, the main theoretical shortcoming of these radical views of cosmopolitan ideals is the fact that because the liberal polity, by definition,

¹³⁵ Thomas Pogge, “Cosmopolitanism and Sovereignty,” *Ethics* 103(1) (October 1992): 48-75.

¹³⁶ *Ibid.*, 49.

¹³⁷ Ayelet Shachar, “Against Birthright Privilege: Rethinking Citizenship as Property,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 270.

needs exclusionary measures to define membership, a world state as such simply could not exist. It is fairly safe to lay the claim that cosmopolitanism seeks a world state to rest. Cosmopolitan norms, on the other hand, call for a normative perspective on the equality of individuals.

Culture and the Value of Membership

The cultural critique of cosmopolitanism charges that cosmopolitan norms cannot account for social solidarity or identity politics, and simply ends in a “reduction of “identity” issues to more or less conventional analyses of interest groups”¹³⁸ and falls into the realm of extreme social constructivism. Waldron claims that cosmopolitanism represents “the worst aspects of classical liberalism-atomism, abstraction, alienation from one’s roots, vacuity of commitment, indeterminacy of character, and ambivalence towards the good.”¹³⁹ This presumptuous critique assumes that there is no room in cosmopolitan ethics for group membership or nested identities. This would not only be misguided, but impossible. One cannot discount identity politics, yet the justification for exclusion based on terms of social membership is not compatible with cosmopolitan norms. Craig Calhoun contends that this apparent reduction of identity politics to group interests positions self-identification as objective rather than part of a cultural process.¹⁴⁰ Yet, he never explains what this cultural process entails, or furthermore why

¹³⁸ Craig Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 297.

¹³⁹ Jeremy Waldron, “Minority Cultures and the Cosmopolitan Alternative,” *University of Michigan Journal of Law Reform* 25 (3) (1992): 751.

¹⁴⁰ Craig Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 297.

it should be valued over greater common features, like humanity. Calhoun's position implies that one's identities are given and that the prioritization of multiple identities cannot be shifted.

Moreover, Calhoun holds that this globalized view is dangerous in that it cannot accommodate the realistic importance of membership, and that it undermines social solidarity.¹⁴¹ Furthermore, Calhoun's argues that cosmopolitan ideals can actually work against the interests of the most unrepresented individuals in society, as it "privilege[s] those with the most capacity to get what they want by individual action."¹⁴² The argument suggests that central to cosmopolitanism is individuality, which can disenfranchise those who depend on communal solidarity to solve problems in their everyday lives.¹⁴³ Here, I believe, Calhoun is severely mistaken on two counts. First, I question to what extent one can speak about national identity as a way of mobilizing and aiding the less fortunate of society. On the contrary, nationalism as an ideology attempts to equalize members of a bounded polity and transcend issues of class, gender, or other identification attributes. One could certainly argue that nationalism has undermined or prevented certain sections of society from fighting oppression or even simply from organizing. As discussed in the previous chapter, nationalism, even of the liberal breed, tends to homogenize and reject the strength of alternative identities to that of the nation. Second, the ideas invoked by cosmopolitanism cannot only accommodate multiple memberships, but invokes the highest degree of solidarity. Just as it is too universal and essentialist to assume that national identity is the defining characteristic of each individual, it is also suspect to assume that cosmopolitan norms necessarily equate to a homogenized world culture.

¹⁴¹ Ibid., 286.

¹⁴² Ibid., 295.

¹⁴³ Ibid., 295.

Calhoun goes on to describe a cosmopolitan world as one in which “ethnicity is simply a consumer taste, a world in which each individual simply and directly inhabits the whole, is like imagining the melting pot in which all immigrant ethnicities vanish into the formation of a new kind of individual.”¹⁴⁴ While this assumption is valid in a theoretical sense, it misses the point. Cosmopolitan norms should not neglect identity of community distinctions. The point is not that these affiliations disappear, but rather that they cease to count as justifications for exclusion. Cosmopolitanism does not necessarily essentialize elements of social identities. The fear that cosmopolitanism neglects social implications and collective action while putting complete emphasis on the individual is exaggerated. Solidarity need not only exist on the national level. In fact it can be argued to what extent it even does.¹⁴⁵ On the contrary, I would argue that the nation attempts to draw attention away from other forms of social solidarity, to gloss over difference in order to suppress multiple identities and solidarity along other lines. Cosmopolitan ideals and solidarity are not mutually exclusive concepts, and can exist in nested spaces and relationships. To accept cosmopolitan norms is not to reject solidarity. Affirming the arbitrariness of national affiliations in relation to all of humanity does not necessarily will national affiliations out of existence. However, it does put the importance of the nation into question. Cosmopolitan norms put the priority of the nation as a means of priority, as well its claim to be a determining factor in an individual’s life. The web-like structure of social identity and relationships cannot be reduced to nationality.

¹⁴⁴ Craig Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 297.

¹⁴⁵ See Bhikhu Parekh, “The Incoherence of Nationalism,” in *Theorizing Nationalism*, ed. Ronald Beiner (Albany: SUNY Press, 1999). In this piece Parekh questions to what extent one can even speak of a national solidarity in many cases. The vast moral divides, as well as inequalities of a country like the U.S. bring into question the power of nationalism to unite individuals as far as domestic policies or social welfare is concerned.

To locate membership and solidarity among humanity is not to discount other identities; this would be dismissive of the possibility for overlapping membership. Rather, cosmopolitanism simply holds these differences as morally irrelevant. That is to say, no identity or social membership should serve as terms to discount or favor one individual over another. One can accept that each individual inhabits a complex space of multiple, overlapping identities. There is nothing intrinsic in cosmopolitanism that necessitates erasing individuality and plurality. For example, an African-American can identify her/himself as such, but also by gender, age, socio-economic class, and nationality. To assume that one of these identifying features is stronger than another would be difficult, as every individual is different. Someone who is African-American may identify himself or herself most strongly as a Republican. Conversely, a mother of three living in New York may find that she feels more in common with a French woman in the same familial position, rather than with a male farmer living in Arkansas. Thus, the “traditional” views on the hierarchy of identity are misconceived. These examples show that not only can we not assume that nationality is the strongest or most defining attribute an individual feels, but more importantly that the unpredictability of identifications and affiliations shows that to attempt to exclude on their basis would be unjustifiable. As soon as we determine that national identity may not be *the* central feature to one’s character, the argument for exclusion as protection falls apart. It would not only be absurd but also unjust for me to claim that all men should be excluded from citizenship because it would pose a threat to the solidarity among woman.¹⁴⁶ No one is arguing to erase these differences, but simply that membership criterion and the rights of individuals should not be contingent upon them.

¹⁴⁶ It seems absurd until one realizes that this was the citizenship policy in nearly every state until the 20th century. Suffrage movements were based on ending discrimination based on

Cosmopolitan values hold that an individual's life chances should not be determined by characteristics of which they have no choice. Thus, it is erroneous to judge cosmopolitan values as being unresponsive to individual choice. Calhoun himself remarks that identity should not be seen as something that is decided out of free choice or consent rather; it is determined by social conditions and largely by birth.¹⁴⁷ If, for the same of the argument, we accept this claim, it becomes even more normatively troublesome to judge one's life chances based on an identity that is not chosen. This is basically conceding that individuals not only have little choice in who they are, but also that they can justifiably be judged or excluded based on this. It would seem as though if one believe that identity is not a matter of choice, it would be unjust to exclude an individual on this basis. When it comes to the question of life chances and distributive justice, classifications made on the basis of "the lottery of birthright"¹⁴⁸ are hard to justify. Just as the nation is not the only term of self-identification, neither is the classification of human. However, what is important is that one prioritizes which classifications have the most moral relevance. Every individual is a human, and thus has equal moral worth. Hence, the cultural hegemonic argument against cosmopolitanism, which inevitably results in an image of cultureless drones,

exactly this argument, among others, that arbitrarily and wrongly excluded individuals deemed as outside the demos. Someone would be shunned and scoffed at today if they tried to argue that African-Americans should be excluded from the political process because they were cultural "outsiders" and that the white race needs protection. Ultimately, there is little difference between this argument and the argument that there are special needs of the culture or nation that need protection from foreigners.

¹⁴⁷ Craig Calhoun, "Social Solidarity as a Problem for Cosmopolitan Democracy," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 297.

¹⁴⁸ Ayelet Shachar, "Against Birthright Privilege: Rethinking Citizenship as Property," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 264.

McDonald's arches and Starbuck's coffee, is mostly unjustified.¹⁴⁹ It is true that there are cultural hegemonic practices, and it is also true that this largely stems from open markets and the complex relationship of the postcolonial global system. However, this is another debate. In the same way that it is unfair to equate national sentiment with xenophobia (an extreme example associated with it), one should be careful of painting a picture of cosmopolitanism that feeds into the classic fears associated with globalization. As Seyla Benhabib, a vocal proponent of cosmopolitan norms notes, we must learn to "live with the otherness of others whose ways of being may be deeply threatening to our own."¹⁵⁰ Thus cosmopolitanism does not call for the eradication of difference; in fact it calls for quite the contrary. Cosmopolitanism certainly does not advocate a uniform culture, nor does it suggest the disembodiment of culture or local associations. However, it does question whether these attributes are morally and ethically sticky enough to override any obligations to the human community.

Cosmopolitanism as Elitism

Discussion of a cosmopolitan class, or the existence of so-called cosmopolitans, is often accompanied by imagery of business elites or citizens of the EU or the U.S., waving their universally accepted passports, speaking of the freedom of a shrinking world. It is true that globalizing factors have led to a "new" new class¹⁵¹ whose field transcends state boundaries. Rather than being a space void of culture, this class comes to have an elite culture of its own,

¹⁴⁹ Richard Falk, "Revisioning Cosmopolitanism," in *For Love of Country?*, eds. Martha Nussbaum and Joshua Cohen (Boston: Beacon Press, 2002), 56.

¹⁵⁰ Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University Press, 2006), 60.

¹⁵¹ Milovan Djilas, *The New Class: An Analysis of the Communist System* (San Diego: Harcourt Brace Jovanovich, 1957).

which is largely a product of Western dominance.¹⁵² It would be naïve to assume that this trend has affected the majority of the world's population, most of whom remain very much bounded to citizenship of a particular state.¹⁵³ Moreover, it is certainly true that while theorists speak of disintegrating borders and the post-national era, the majority of people on the planet do not feel these changes. Most people do stay in their country of origin, and for most passport holders, international travel has become more difficult in the post-9/11 world, not easier.¹⁵⁴ Calhoun draws a caricature of cosmopolitan culture, characterized by “those who attend Harvard and the LSE, who read the *Economist* and *Le Monde*, who recognize Mozart's music as universal, and who can discuss the relative merits of Australian, French, and Chilean wines.”¹⁵⁵ This culture of secularism¹⁵⁶, as Calhoun calls it, does not represent a global culture, but rather the globalization of Western-centric culture. While I agree with Calhoun's apprehensions towards labeling the internationally traveling elite class as truly global and cosmopolitan, his criticism is misplaced towards normative cosmopolitanism. This argument fails to distinguish between cosmopolitics as a normative concept and the extensions of the international elite and the class struggle. Normative cosmopolitanism, that is, giving moral worth to each individual regardless of attributes of membership or identity, does not imply cultural relativism or elitism. This is a falsely attributed struggle between the “nationalism of the people” and cosmopolitanism as a tool

¹⁵² Craig Calhoun, “Social Solidarity as a Problem for Cosmopolitan Democracy,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 293.

¹⁵³ Rainer Bauböck, *Transnational Citizenship* (Aldershot, England: Edward Elger Publishing Ltd, 1994), 3.

¹⁵⁴ *Ibid.*, 293.

¹⁵⁵ *Ibid.*, 293.

¹⁵⁶ *Ibid.*, 293.

of elites. This dichotomous scenario is far too simplistic and empirically questionable.¹⁵⁷ In short, it misrecognizes an attribute of the class struggle (or simply of global distributive inequality) with moral cosmopolitanism.

II. The Cosmopolitan Nationalist?

Bruce Ackerman argues that the only requirements that should need to be met for equal consideration in a liberal polity are that of the “inquiry test” and the “defensive test.”¹⁵⁸ That is, as long as an individual is able to ask, “why should you get it rather than I” (when referring to membership, or any other good), they can therefore claim that they are “at least as good as” the other members of the community.¹⁵⁹ If an individual is capable of posing these questions to the members of the polity, this leaves no sound argument for exclusion. Thus, why can’t an individual argue that, despite his or her nationality, s/he is “at least as good as” those who happen to be born into citizenship? According to Ackerman’s logic, exclusion of this individual would be discrimination of an otherwise qualified potential member.

Liberal nationalism argues that it seeks the same ends as moral cosmopolitanism, i.e. that every person has their own moral worth and therefore their cultures should be protected because they are all equal in worth. The problem with this line of argumentation is that it takes the nation

¹⁵⁷ Here I refer to the elite debate in theories of nationalism. To charge cosmopolitanism as being little more than a tool of elite manipulation in the name of individualism overlooks the problematic relationship between the nation and mobilization. Nationalism draws attention away from other, potentially elite-damaging, dividing factors, such as religion, gender, class, or even ethnicity.

¹⁵⁸ Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980), 73.

¹⁵⁹ *Ibid.*, 73.

as a single, static unit. To claim that each individual necessarily defines himself or herself through a describable and prescriptive nationality is erroneous. Members of the same polity will not necessarily experience their nation in the same way. Thus, it is hard to claim that to protect the nation is to protect every individual's identity. The nation, however, should not be associated with the "local", as this romanticized view of the national community is highly suspect.

The need for cosmopolitan norms and values are apparent in a world where half of the world's population lives on less than \$2.50 a day, and UNICEF estimates that 25,000 children die each day as a result of poverty.¹⁶⁰ The state system is largely ineffective for alleviating poverty and equalizing distribution levels. The inefficacy of the nation-state, with its partiality and boundaries, makes it difficult to square global distribution of resources and wealth with national affiliation. Liberal theorists recognize the injustice of global inequality; it is unquestionably self-evident. However, the situation becomes more problematic when one tries to decide what to do about it, if anything at all. Liberal nationalism holds that one should prioritize the interests of co-nationals to outsiders, as there is a moral obligations and value to the national community. Much liberal theory simply ignores obligations outside of the nation-state, or argues that as long as basic needs are met, global distributive justice is not necessary.¹⁶¹ Moreover, some liberal nationalists have raised the question of who is included in moral universalism. Is it to be understood as all individuals, regardless of membership status, or does it simply apply to fellow nationals?¹⁶² It seems as though there is an inherent contradiction in the claim that a liberal can both prioritize the needs of co-nationals while maintaining moral

¹⁶⁰ Anup Shah, "Today, Over 25,000 Children Died Around the World," *Global Issues*, March 22, 2009, <http://www.globalissues.org/article/715/today-over-25000-children-died-around-the-world>.

¹⁶¹ See John Rawls, *The Law of Peoples* (Cambridge, M.A.: Harvard University Press, 1999).

¹⁶² Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004), 85.

universalism. However, many liberal nationalist theorists argue that this contradiction is false, and that one can in fact favor the co-national while assuming all individuals are equal. The previous chapter outlined the arguments proposed for closed borders by liberal nationalism, arguing that there is no sound justification for exclusion on national membership. This section will review the arguments that moral universalism is compatible with partiality towards the co-national and refute them, arguing that it is, in fact, not coherent to simultaneously uphold the priority of the insider and equal worth of the outsider. In fact, this thesis has argued for the opposite. That is, while it is impossible to favor the insider because of their nationality or proximity, it is possible to acknowledge nested identities while giving highest priority to humanity.

There is a tension between the call for open trade and the regulation of the movement of people.¹⁶³ The disintegration of borders resulting from globalizing trends leads towards nation building exercises focusing on exclusion rather than inclusion. Even the countries that traditionally were immigrant countries, like Canada, the U.S. and Australia are beginning to close borders and restrict immigration. Gerard Delanty notes that the phenomenon called globalization and the associated trends encompass both tendencies of convergence and divergence.¹⁶⁴ That is, while globalizing markets tend to move towards what many call a homogenous global culture, there is also a “fragmentation of common ties and the dislocation of life-worlds.”¹⁶⁵ This duality is particularly important when trying to understand the argument by

¹⁶³ Ayelet Shachar, “Against Birthright Privilege: Rethinking Citizenship as Property,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 275.

¹⁶⁴ Gerard Delanty, *Citizenship in a Global Age: Society, Culture, Politics* (Buckingham, UK: Open University Press, 2000), 89.

¹⁶⁵ *Ibid.*, 89.

liberal nationalists that open borders would be detrimental to national culture or identity. Along with the globalizing trends of convergence and divergence comes a mass movement of people and cultures. When immigrants move, they obviously bring their language, customs, and culture with them. Delanty notes that this duality is seen when individuals become uprooted from their countries of origin. However, it is also true that the increased levels of convergence produce divergence. That is, as people begin to fear the level of “homogeneity”, as the convergence strengthens, there is a reactionary movement towards divergence, towards repelling difference.

Global Distribution and the Nation

In *Justice Without Borders*, Kok-Chor Tan argues that cosmopolitan justice can provide limiting conditions for nationalist aspirations and patriotism while maintaining their moral significance.¹⁶⁶ Throughout his book Tan makes the case for the compatibility between cosmopolitan norms and liberal nationalism. The contradiction between the two concepts, according to Tan, is only apparent and can be overcome by reconceptualizing the terms of individual choice, obligation, and justice.¹⁶⁷ Central to this argument is Tan’s claim that the liberal ideal of individualism applies to co-nationals, not necessarily to all individuals regardless of membership.¹⁶⁸ By maintaining the importance of the universality of civic national values,

¹⁶⁶ Ibid., 2.

¹⁶⁷ Ibid., 86.

¹⁶⁸ Ibid., 85.

Tan argues that one can side step the problems posed by boundaries, are there are in theory no principled restrictions to the acquisition civic values.¹⁶⁹

The call for global distribution is not a foreign one among liberal nationalists. In this sense it should be noted that theorists such as Tan and Kymlicka, unlike some other liberal nationalists, argue that there should be some form of global redistribution of wealth. Accepting this hypothetical scenario, it can then be argued that assuming every individual meets a baseline standard of living, bounded communities can be justified. In this way, liberal nationalists attempt to square the nation as a bounded community with cosmopolitan ideals of economic justice and redistribution. This argument is also problematic, for two main reasons.

First, this argument is based on two large assumptions. It assumes that the concept of the nation is compatible with ideas of redistributing money and resources. The collectivity that nationalism and bounded polities invoke is often used precisely as an argument against redistribution. Why would a nation, which presumably identifies itself as an “us”, want to give resources that could be used for national development to a “them”? Assuming that this hypothetical world of redistribution and equality still maintains the nation-state system, what would be the argument against giving “our” resources to “them”? It would seem counter intuitive to give one state’s resources to another, when those resources could be used further address questions of security and continue the nation-building process. I am doubtful that redistribution would prevail over the competition inherent in the Westphalian nation-state model.

Secondly, the argument for bounded polities in an equal world assumes that individuals emigrate solely for economic reasons. This is undoubtedly an important factor in immigration;

¹⁶⁹ Ibid., 89.

however, it would be wrong to believe that there would be no immigration in a world where resources were distributed evenly. For example, immigration between industrialized countries is not non-existent, even though its motives are not as economically driven as immigration from developing countries. Furthermore, redistributing resources does not address other factors that affect immigration. For example, we can assume that as populations industrialize, their desires move from fulfilling based survival needs to more entertainment-based needs. This shift alone can be reason for immigration to increase. If I live in Norway, but like beach sports for recreation, or better yet for an occupation, should I not have the right to move to Greece, where the geography suits my interests? Resources such as geography cannot be redistributed among and between states. Since the nation cannot be de-territorialized, this poses a problem.¹⁷⁰ One could argue that the individuals would still have a right to move, if they so desired. However, with the argument for international movement based on economic need being mitigated, there is not much incentive left for nations to allow outsiders to join. If I am the Norwegian beach seeker, and have no intentions of assimilating to Greek culture, do they have a right to refuse my entrance?

Another problem posed by this ideal world is what would happen to new nations, or non-existent nations, that seek to establish themselves? Assuming that all the land mass on earth is divided up among nation-states, there are no new frontiers, where would one put a group of people who emerge, demanding the same rights to self-determination and redistribution of all the other nations? Presumably, no nation would voluntarily give up land in this instance. Moreover, what if there was a group of people, say even 500,000 of them, who decided that they did not

¹⁷⁰ I think it is safe to assume that the nation cannot be de-territorialized because inherent in the concept is a sense of homeland, motherland, or some other geographic connotation. Furthermore, nation-states require territory as one of the most basic qualifications.

want to live in a community with group X of people. Would they have the right to separate and refuse entrance to group X, arguing that they had a right to be a bounded group with their own entrance criterion? What if this same group of people decided that they did not want to be bounded to a national identity, and did not care about the nation, what choices would there be for such individuals, in a world dictated by bounded national communities? Thus, even if we can imagine a scenario where there was no global economic inequality, there would still remain difficult questions that liberal nationalism cannot answer easily.

It is a moot point as to whether or not one can gain entrance to the nation by means of innate characteristics or learned social values. Rather, what is important is that presumably the polity still has boundaries and a system of regulating who and how many can gain access. If you seek to accept the moral tenants of cosmopolitanism, namely that equal moral worth discounts exclusion based on arbitrary features, it is hard to justify forced exclusion of any individual.¹⁷¹ No matter how generous the quota may be, someone must still presumably be refused entrance, and thus a moral choice of exclusion must be made. As the previous chapter sought to show, not only can liberal nationalism not justify exclusion based on cultural terms, it cannot justify exclusion at all. Thus, Tan's argument that a strong sense of civic nationalism mitigates the problematic membership aspects of liberal nationalism still cannot explain the more fundamental question of exclusion of any moral equal. He attempts to outline a way for integration to be theoretically simple and pluralistic. One's ethnicity, language, or religion need not matter to maintain a strong sense of civic nationalism. However, this ethnically neutral civic nationalism is problematic as well. It can be argued that all forms of nationalism, even the civic kind, have a

¹⁷¹ This of course presumes that one also accepts the argument that nationality is an arbitrary characteristic, assigned without choice at birth.

cultural component, i.e. language, which is enforced and supported in the public sphere.¹⁷² Therefore it is even questionable how neutral civic nationalism can be in regards to ethnic or cultural factors. Yet, the question of integration and values is this is not as challenging as the question of how to justify those who are excluded (on any grounds).

This line of liberal nationalist argument, i.e. that there is justification for partiality towards members, relies heavily on the presupposition that one knows who the fellow members are. This is problematic in that it rests of the presupposition that the polity is a bounded community, with clear and clean divisions between insiders versus outsiders. It would be normatively and ethically justifiable to give priority to fellow members if, and only if, membership in the polity was decided democratically. In other words, it is not just to legally and forcibly exclude an individual from membership and simultaneously give moral preference to the co-national. However, herein lays a paradox. Liberal democracies cannot choose the boundaries of their own membership democratically; this would require each individual who wishes to become a member to be given access.¹⁷³ The rebuttal to this argument could be the fact that only those who are members of a democracy need be given the option to voice their opinion in the polity. This is basically the argument that is made by some liberal nationalists when saying that moral universalism only needs to apply to co-nationals, or those who are already members. The problem with this, however, is that in order for this to be ethically fair and just, the terms of acquisition of membership but be reevaluated. The “lottery of birthright”¹⁷⁴ that is used by both

¹⁷² Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001).

¹⁷³ Seyla Benhabib, *Another Cosmopolitanism* (New York: Oxford University Press, 2006), 35.

¹⁷⁴ Ayelet Shachar, “Against Birthright Privilege: Rethinking Citizenship as Property,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 264.

jus soli and *jus sanguinis* determines membership not as an earned right, or by consent, but through a complex process of inherited property.¹⁷⁵

Liberal nationalist theorists are however, correct to some extent. There is a contradiction between the particularism of liberal nationalism and the universality of cosmopolitanism. Yet, they are right in that it is not unavoidable. Rather, the foundational problem is how one determines membership in the liberal polity. For an individual to be excluded, if they want to become a member, is certainly incompatible with norms of equal moral worth. How can an association be free and voluntary (as called for by social contract theory) if those who are excluded have no say in the matter? There is little choice for potential members as far as their association and membership status is concerned.¹⁷⁶ The membership terms, in this case, can either be free and voluntary and have no limits, or it cannot be a completely free association. Assuming that those who are born into exclusion have no right to participate in the polity is not satisfactory. This argument, in order to be valid, would need to consider how one gains access to membership in the first place. If the terms of membership, i.e. being born within a territory or to parents who are themselves members, are not free and fair, exclusion from participation cannot follow as being fair.

There is no strong justification for excluding an individual because they were not born into membership. If membership were to be completely random, one could argue that exclusion were fair and based on luck, with each individual having an equal probability of gaining access. This condition, however, would require a complete redistribution of individuals and an adoption

¹⁷⁵ Ibid., 277.

¹⁷⁶ Phillip Cole, *Philosophies of Exclusion: Liberal Political Theory and Immigration* (Edinburgh: Edinburgh University Press, 2000), 186.

of terms membership not based on territoriality or lineage. However, liberal nationalist theory would reject this option, as it questions the role that a national culture arguably plays in liberal democracies.

We can assume that national identity is an essential feature of an individual's life in that it greatly determines one's life chances. Yet, whether it should be this influential is a much more difficult question to answer. Liberal nationalism claims that an individual's identity is not produced by choice or consent, but rather by social conditions and the location of origin. If this is the case, then how can one rightly exclude an individual based on characteristics beyond his or her control? Liberal nationalism takes the boundary that divides the member from the outsider for granted as having intrinsic moral worth, yet what is missing is an analysis of how this division came about.¹⁷⁷ The origin of the national community must be brought into question for a fair analysis of its worth. Stuart Hall argues that in order to maintain a conception of cosmopolitan norms, equipped with equal respect and recognition of all individuals, the state must "operate behind a veil of ignorance"¹⁷⁸ when dealing with the plurality of political cultures.¹⁷⁹ Ultimately the relationship between liberal nationalism and moral cosmopolitanism

¹⁷⁷ Ibid., 198.

¹⁷⁸ Stuart Hall, "Political Belonging in a World of Multiple Identities," in *Conceiving Cosmopolitanism: Theory, Context, Practice*, eds. Steven Vertovec and Robin Cohen (Oxford: Oxford University Press, 2002), 27.

¹⁷⁹ This point invokes the lively and rich debate regarding cultural neutrality. I personally think that it is naïve to suggest that any polity could practice cultural neutrality. As is often noted, even secularism is not neutral, but rather is a culture itself. It is doubtful if one can even speak about a completely civic state or political community. I tend to agree with Will Kymlicka here that there is no community or public sphere that can exhibit neutrality. However, this is not the point of contention in my argument. While one cannot speak of cultural neutrality, this is not a requirement for equal consideration. Stuart Hall argues that we should be careful to confuse cosmopolitan norms that call for equal consideration with a particularly Western conception of society, which tends to rewrite its particularity as universalism. (Stuart Hall, "Political Belonging

is incongruent. If one accepts the tenants of moral equality, there is no sound justification for partiality towards the co-national, especially when the terms of membership are decided in an undemocratic fashion.

in a World of Multiple Identities,” in *Conceiving Cosmopolitanism: Theory, Context, Practice*, eds. Steven Vertovec and Robin Cohen (Oxford: Oxford University Press, 2002), 27). Hall argues that this is not cultural neutrality, but rather a Foucaultian, power-knowledge relationship disguised as neutrality. Again, while I agree with Hall here, I also think one should not assume that cultural neutrality is a prerequisite for accepting a higher obligation to human kind that takes precedence over national affiliations.

5 Conclusion

Luck egalitarianism holds that “inequalities deriving from unchosen features of people’s circumstances are unjust.”¹⁸⁰ In other words, an individual’s access to resources should not be dependent on his or her race, gender, or nationality, but rather on situations that are products of choice, like gambling. The distinction between an individual’s choices and his or her life circumstances is vital for justice.¹⁸¹ While there are many problematic assumptions associated with luck egalitarianism, e.g. the belief that it is possible to distinguish between consequences that are chosen and those that are not, I think the underlying principle is very important. Without delving into the complex discussion of social constructivism, one can nevertheless say that there are certain features that are beyond an individual’s control. This central claim of luck egalitarianism can be extrapolated to terms of membership. Why should membership, and all that it entails, be decided under different pretenses than justice? Citizenship is not only a complex form of property;¹⁸² it is a valuable resource. Being born in one country rather than the other is one of them. Lineage is not random, but it is beyond an individual’s consent or choice. This fact should make it morally arbitrary, which should in turn override any justifications for exclusion based on arguments of cultural or economic protectionism. Even in an ideal world, in terms of economic resources, membership and citizenship in the nation-state is problematic. If I decide that I do not want to define myself in terms of my nation of origin, and assuming that all

¹⁸⁰ Samuel Scheffler, “What is Egalitarianism?,” *Philosophy & Public Affairs* 31(1) (Winter, 2003): 5.

¹⁸¹ Ronald Dworkin, “Luck and Equality,” *Philosophy & Public Affairs* 31(2) (Spring, 2003): 192.

¹⁸² Ayelet Shachar, “Against Birthright Privilege: Rethinking Citizenship as Property,” in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 277.

other nations then had justifications for exclusion, where would I go? Or, if I decided I did not want to think of myself in terms of nationality first and foremost but rather as a Buddhist, what options would I have?

What, then, is to follow from this argument? If one accepts, as this thesis has tried to show, that the discourse of moral universalism is simply incompatible not only with borders but with liberal nationalism, what does this mean for citizenship? Liberalism is traditionally preoccupied with morality and equality within borders. However, one must question the logic and legitimacy of a theory that stops at the edge of a bounded polity. Not only are borders taken for granted, they come to take on a certain level of banality. One should not assume that obligation stops at borders. While borders are morally arbitrary, they greatly affect the life chances of individuals. Unless someone has a choice as to where are born, and therefore their membership status, they cannot therefore not be excluded or help accountable on this basis. Membership by birthright is random in that there is no consent, however at the same time it is not random because of systems of lineage. Citizenship is thus practiced as legal coercion for exclusion of nonmembers.¹⁸³ Liberal nationalism attempts to accommodate this moral discrepancy while making a case for the moral worth of the nation. Nations do have significant value for individuals, largely because national belonging determines and limits other aspects of life. However, homogenizing the nation and basing its worth in moral obligation is too simplistic a view. The arguments for an intrinsic moral worth in the nation are not wholly convincing. They often rest on assumptions of proximity that are hard to square with the realistic vastness of the national community. Cosmopolitanism is often criticized for placing its

¹⁸³ Ayelet Shachar, "Against Birthright Privilege: Rethinking Citizenship as Property," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 277.

community of obligation in a scope that does not match reality.¹⁸⁴ However, the same can (and should) be said about the nation. Why is the community of humanity too large to command obligation and solidarity and not the nation, whose members will realistically never meet every one of their co-nationals? The nation, too, is a vast concept whose membership is not only hard to grasp, but also hard to justify.

Mine is not a call for world citizenship. Not only is this concept too abstract, it is a misnomer. In order to have a citizen, one must have an outsider. The idea of world citizenship is a normative call for romanticized humanistic sentiments. It is unclear, without a world state, what world citizenship would entail. There is no entity to define the rights and obligations that this entails, other than (often contested) truisms. Nor is it clear that this concept of citizenship would be more democratic. In fact, it would leave no way of escaping a jurisdictional boundary if one had serious disagreements with policies.¹⁸⁵ It is clear that world citizenship, however one attempts to define it, is neither conceivable nor necessarily desirable. World citizenship would provide no answers to this puzzle. Regardless of the paradoxical caveats of a concept of universal membership, it simply would not solve the larger problems associated with distribution and life chances.

However, I contend that the terms of membership, as they relate to liberal ideals, must be reevaluated. The parlance of moral universalism is incomprehensible when the arbitrary nature of citizenship is acknowledged. Liberal nationalism, besides having logical problems of its own, fails to accommodate the theoretical equality that liberal theory demands. In the era of the nation-state, citizenship is not only a right-- it is essential. As a legal, psychological, and social

¹⁸⁴ David Miller, *Citizenship and National Identity*, Oxford: Polity Press, 2000, 31.

¹⁸⁵ *Ibid.*, 271.

status, citizenship has a lot of symbolic and real power, especially for the disadvantaged or poor.¹⁸⁶ The rights granted through citizenship are invaluable, which is more reason as to why the terms of membership should be evaluated. For those born in Western societies, it is easy to take citizenship and the benefits that come with it for granted. Just by being born, an act in which none of us have a choice, all humans are automatically ordered by their access to resources. However, when one is outside looking in, it is much more difficult to ignore the boundaries that seem so easy to cross for others. Because citizenship is so important for the quality of an individual's life, in certain cases being the difference between life or death, its fairness and equality should be critically analyzed.

The question, therefore, that should be asked is if we can justify the basis of gaining access to membership. This is not saying that membership on any terms is unjustifiable, if it is inherently exclusionary. Rather, my argument is that a system of exclusion to a polity that is based on birthright and whose borders are enforced by defining those bearing other nationalities as outsiders cannot be justified democratically or in a liberal fashion. Even if we accept that there are instances where one can give precedence to those who s/he is close to, the argument is stretched a bit too thin in attempting to justify exclusion from social, political, and economic benefits. As long as individuals are excluded against their wishes, membership cannot be determined democratically. Liberal nationalism argues that the nation is worth protecting for its cultural value for the individual. The economic argument for border control stems from this presupposition. That is, in order to argue that allowing outsiders in creates a negative economic consequence for those who are already members, we must assume certain boundaries of

¹⁸⁶ Ayelet Shachar, "Against Birthright Privilege: Rethinking Citizenship as Property," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007), 275.

membership, that there are individuals who have a greater right claim to economic resources. This thesis has argued that these terms of membership cannot be justified, that exclusion based on any kind of characteristic assigned at birth is not justifiable. There is no normative difference between excluding someone on the basis of race and excluding someone based on nationality. The liberal nationalist argument would be that race does not dictate culture, language, or values. However, it is not clear why nationality would either. As long as birthright dictates membership, citizenship will be an inherited form of property. Furthermore, the terms of this citizenship are assigned upon birth, rather than representing an earned right or a product of a consensual decision.

If we accept that citizenship assigned at birth, with all the benefits and rights it carries, greatly affects one's life chances, and that this is unjustified from a liberal point of view, what does this imply for other forms of property or goods that are passed through lineage? Ayelet Shachar argues that all forms of inherited property fall in the same category of citizenship.¹⁸⁷ This is obviously a much more complex argument and debate than can be dealt with in the span of this thesis. However, it repositions the commonly accepted notions of lineage and birthright, which are rarely viewed through the lens of liberal or democratic theory.

Ultimately, the terms of exclusion that are currently argued for by liberal nationalists cannot be justified from a moral cosmopolitanism standpoint. Favoring the co-national when it comes to membership is incompatible with the concept of moral universalism. Accepting that all individuals command equal moral worth necessitates disregarding morally arbitrary features,

¹⁸⁷ See Ayelet Shachar, "Against Birthright Privilege: Rethinking Citizenship as Property," in *Identities, Affiliations, and Allegiances*, eds. Seyla Benhabib, Ian Shapiro, and Danilo Petranovic (New York: Cambridge University Press, 2007).

such as language, religion, race, and nationality. It is often argued that birth, while it is not by choice, is based on chance, a random “luck of the draw”. However, this is not entirely true. Birth is random in that no one individual gets to choose her family; however, it is not randomly distributed. Lineage and family lines are not random when citizenship is passed down. For this to be a valid argument for the exclusion of individuals from a liberal polity, it requires that upon birth, all individuals are randomly assigned a nationality, one that is not contingent on where they were born or who their parents are. “Luck” is a dangerous argument to put forth when it comes to legitimizing policies or practices. The logic can be followed in such a way that undermines any egalitarian principles that call for equal respect. A woman is born a woman under circumstances beyond her control, does that mean that we should write off concerns for her inferior position in life, because it’s just “luck”?

Liberal nationalism claims to accommodate universal respect while prioritizing the nation. I argue however, that moral cosmopolitanism does a better job at accommodating the differences of individuality and nested memberships while upholding and justifying an equal respect for all individuals. It is hard to find any sound argument for prioritizing the situation of one individual over another based on nationality, while maintaining the argument that all humans are created equally. It seems to me as though the only real way to rectify this incompatibility is to allow citizenship for all those who wish to have it and who meet a determined set of prerequisites (that are in their control) or to abandon the ideological conception that all human beings are equal, commanding equal respect and consideration. All things being considered, I see the former as a much more appealing option.

Bibliography

- Abizadeh, Arash. "Liberal Egalitarian Arguments for Closed Borders: Some Preliminary Critical Reflections." *Ethique et économique* 4 (1) (2006): 1-8.
- Ackerman, Bruce. *Social Justice and the Liberal State*. New Haven: Yale University Press, 1980.
- Anderson, Benedict. *Imagined Community*. London, New York: Verso, 1983.
- Arendt, Hannah. *The Origins of Totalitarianism*. London: George Allen and Unwin Ltd, 1967.
- Rainer Bauböck. *Transnational Citizenship*. Aldershot, England: Edward Elger Publishing Ltd, 1994.
- Beiner, Ronald. *What's the Matter with Liberalism?*. Berkeley: University of California Press, 1992.
- Benhabib, Seyla. *Another Cosmopolitanism*. Oxford: Oxford University Press, 2006.
- *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge University Press, 2004.
- Bosniak, Linda. *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton, N.J.: Princeton University Press, 2006.
- British Broadcasting Company. "UK 'Least Wanted' List Published." May 5, 2009. http://news.bbc.co.uk/2/hi/uk_news/8033060.stm. (accessed on May 19, 2009).
- Bull, Hedley. "Society and Anarchy in International Relations." In *Diplomatic Investigations*, edited by Herbert Butterfield and Martin Wight, 35-60. London: George Allen and Unwin, 1966.

Calhoun, Craig. "Social Solidarity as a Problem for Cosmopolitan Democracy." In *Identities, Affiliations, and Allegiances*, edited by Seyla Benhabib, Ian Shapiro, and Danilo Petranovic, 285-302. New York: Cambridge University Press, 2007.

Canovan, Margaret. *Nationhood and Political Theory*. Northampton, M.A.: Edward Elgar Publishing, Inc., 1996.

Carens, Joseph. "Aliens and Citizens: The Case for Open Borders." In *Theorizing Citizenship*, edited by Ronald Beiner, 229-55. Albany: SUNY Press, 2007.

-- *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*. Oxford: Oxford University Press, 2000.

-- "Why Naturalisation Should Be Easy: A Response to Noah Pickus." In *Immigration and Citizenship in the 21st Century*, edited by Noah Pickus, 141-46. Lanham, Md.: Rowman & Littlefield, c1998.

Cole, Phillip. *Philosophies of Exclusion: Liberal Political Theory and Immigration*. Edinburgh: Edinburgh University Press, 2000.

Davidson, Adam. "Illegal Immigration and the U.S. Economy." National Public Radio. March 30, 2006. <http://www.npr.org/templates/story/story.php?storyId=5312900>. (accessed May 20, 2009).

Delanty, Gerard. *Citizenship in a Global Age: Society, Culture, Politics*. Buckingham, UK: Open University Press, 2000.

Derrida, Jacques. *On Cosmopolitanism and Forgiveness*, translated by Mark Dooley and Michael Hughes (London: Routledge, 2001).

Djilas, Milovan. *The New Class: An Analysis of the Communist System*. San Diego: Harcourt Brace Jovanovich, 1957.

Dworkin, Ronald. "Luck and Equality." *Philosophy & Public Affairs* 31(2) (Spring, 2003): 192.

--*Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, M.A.: Harvard University Press, 2000.

Haas, Ernst. *Nationalism, Liberalism, and Progress: Volume 1*. Ithica: Cornell University Press, 1997.

Hall, Stuart. "Political Belonging in a World of Multiple Identities." In *Conceiving Cosmopolitanism: Theory, Context, Practice*, edited by Steven Vertovec and Robin Cohen, 25-31. Oxford: Oxford University Press, 2002.

Harvey, David. "Cosmopolitanism and the Banality of Geographical Evils." *Public Culture* 12 (2) (2000): 529-64.

Ignatieff, Michael. "Benign Nationalism? The Possibilities of the Civic Ideal." In *People, Nation and State*, edited by E. Mortimer and R. Fine, 141-7. London: I.B. Tauris, 1999.

International Organization for Migration. "About Migration: Facts and Figures." <http://www.iom.int/jahia/Jahia/about-migration/lang/en> (accessed on April 24, 2009).

Falk, Richard. "Revisiting Cosmopolitanism." In *For Love of Country?*, edited by Martha Nussbaum and Joshua Cohen, 53-61. Boston: Beacon Press, 2002.

Foucault, Michel "Governmentality." Lecture at the Collège de France, Feb. 1, 1978. In *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon and Peter Miller, 87-104. Chicago: University of Chicago Press, 1991.

Joppke, Christian. *Challenge to the Nation-State: Immigration in Western Europe and the United States*. Oxford: Oxford University Press, 1998.

Kant, Immanuel. *Perpetual Peace: A Philosophical Essay*. Translated by M. Campbell Smith, edited by A. Robert Capongiri. New York: Liberal Arts Press, c1848.

Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. Oxford: Oxford University Press, 1990.

-- *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. Oxford: Oxford University Press, 2001.

Marshall, T.H. and Tom Bottomore. *Citizenship and Social Class*. London: Pluto Press, c1950, 1992.

Miller, David. *Citizenship and National Identity*. Oxford: Polity Press, 2000.

Nussbaum, Martha. *For Love of Country?*, edited by Joshua Cohen. Boston: Beacon Press, 2002.

Parekh, Bhikhu. "The Incoherence of Nationalism." In *Theorizing Nationalism*, edited by Ronald Beiner, 295-326. Albany: SUNY Press, 1999.

Pogge, Thomas. "Cosmopolitanism and Sovereignty." *Ethics* 103(1) (October 1992): 48-75.

Poole, Ross. *Nation and Identity*. London: Routledge, 1999.

Rawls, John. *The Law of Peoples*. Cambridge, M.A.: Harvard University Press, 1999.

-- *A Theory of Justice*. Cambridge, M.A.: Harvard University Press, 1971.

Said, Edward. *Orientalism*. New York: Vintage Books, 1979.

Scheffler, Samuel. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press, 2001.

Samuel Scheffler, "What is Egalitarianism?," *Philosophy & Public Affairs* 31(1) (Winter, 2003): 190-198.

Shachar, Ayelet. "Against Birthright Privilege: Rethinking Citizenship as Property." In *Identities, Affiliations, and Allegiances*, edited by Seyla Benhabib, Ian Shapiro, and Danilo Petranovic, 257-85. New York: Cambridge University Press, 2007.

Shah, Anup. "Today, Over 25,000 Children Died Around the World." *Global Issues*, March 22, 2009. <http://www.globalissues.org/article/715/today-over-25000-children-died-around-the-world>. (accessed on May 20, 2009).

Stanford Encyclopedia of Philosophy. "Hannah Arendt." <http://plato.stanford.edu/entries/arendt/#AreConCit> (accessed May 21, 2009).

Tamir, Yael. *Liberal Nationalism*. Princeton, NJ: Princeton University Press, 1993.

Tan, Kok-Chor. *Justice Without Borders*. Cambridge: Cambridge University Press, 2004.

United Nations General Assembly. *International Covenant on Civil and Political Rights*. (res. 2200A (XXI)). December 16, 1966.

-- *Universal Declaration of Human Rights* (217A (III), Doc A/810 at 71). December 10, 1948. Article 15.1, 15.2.

Vertovec, Steven and Robin Cohen, eds. *Conceiving Cosmopolitanism: Theory, Context, and Practice*. Oxford: Oxford University Press, 2002.

Vetscher, Tim. "Buckeye Parents Claim ICE is Trying to Deport Citizen Son," *ABC 15 West Valley News*, April 15, 2009,
http://www.abc15.com/content/news/westvalley/buckeye/story/Buckeye-parents_claim_ICE-is-trying-to-deport/9L6QduVx4EaTp2zQNSK-6A.csp (accessed April 23, 2009).

Waldron, Jeremy. "Minority Cultures and the Cosmopolitan Alternative." *University of Michigan Journal of Law Reform* 25 (3) (1992): 751-93.

Walzer, Michael. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books, Inc., 1983.