MIGRATION AND JUSTICE FOR PEOPLE ON THE MOVE

IN DEFENCE OF REASONABLE COSMOPOLITANISM

BY

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In Defence of Reasonable Cosmopolitanism

Matthew R. Joseph

In *Justice for People on the Move*,[1] Gillian Brock considers how just arrangements for migrants might inform our normative conceptions of nation-states. It is a refreshing departure from contemporary approaches to justice in migration which assume states and migration as they are, and orient justice from the standpoint of either the migrant[2] or the state.[3] Brock instead considers how states ought to be conceptualised in a world in which movement across international borders is accepted as normal human behaviour. According to her argument, just states exist within a just state system, and recognise our histories of migration, settlement and occupation.[4] Her framework defines a state's right to self-determination in reference to – among other things – its contributions to a global system of human rights respecting states.[5] This framework is overtly cosmopolitan: it begins with a view of human beings as

[1] Brock 2020.
[2] For instance: Carens 2013, ch.11, Oberman 2016.
[3] For instance: Wellman 2008.
[4] Brock 2020, Ch. 2.
[5] *Ibid.*, Ch.3.

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fundamentally equal, and proposes a global approach to rights protection as both the solution to localised injustices in migration (such as a 'Muslim ban') as well as the primary source of legitimacy for a just nation-state system.

I find the idea of legitimising self-determination in at least partial reference to global participation appealing. However, Brock's argument is unlikely to persuade partialists who view self-determination as an entailment of national bonds (henceforth, 'nationalists') or membership in a state ('statists'), and object to cosmopolitanism as a political ethos. David Miller, for instance, argues that states cannot be responsible for securing rights in other jurisdictions because they do not have the authority to enact policies in them.[6] For Michael Blake, self-determining citizens cannot even think about justice for non-citizens before they have determined political justice for themselves.[7] Both views rule out self-determination as derivative of duties to non-citizens. According to Miller and Blake, self-determination is a claim against exactly the kind of international obligations that Brock defends as necessary for self-determination.

Although Miller and Blake agree that states can have duties to non-citizens, they understand those duties in a distinctly state-centric way. Miller agrees that states should collaborate to protect refugees' rights, but he sees no place for the refugee's agency in the determinations of the aid they receive,[8] and insists on a minimalist conception of human rights[9] that is balanced against the interests of receiving states.[10] On Blake's view, states' duties toward non-

[6] Miller 2016a, 23-5.
[7] Blake 2003, 225-6.
[8] Miller 2018.
[9] Miller 2012.
[10] Miller 2016b, .5-12.

citizens are limited precisely because self-determining citizens have the right to refuse obligations to non-citizens.[11]

Miller and Blake express their objections to cosmopolitanism against the backdrop of these positions. Miller rejects cosmopolitanism in virtue of it being either too strong or too weak,[12] and Blake thinks that because cosmopolitanism is just an uncontroversial restatement of universal moral equality it lacks philosophical interest.[13] In this article, I defend a *reasonable cosmopolitanism* that responds to these criticisms. I argue that Miller's and Blake's objections can not only be addressed, but also that there are good reasons to prefer a cosmopolitan political morality to rival nationalist or statist approaches–especially in the present context of justice as a global (rather than local) concern for non-citizen migrants.

In §1 and §2 I review Miller's and Blake's objections to cosmopolitanism and agree that some of their criticisms are justified. Miller is right to object to cosmopolitanism when it is too strong or weak, but wrong to dismiss cosmopolitanism in favour of nationalism. Because nationalism is subject to similar criticisms, we should prefer a political morality that is both reasonable–neither too strong nor too weak–and capable of orienting our political reasoning. Blake is also right to say that universal moral equality is uncontroversial, but wrong to think that cosmopolitanism is therefore redundant. Because universal moral equality is uncontroversial, it is ideally suited as a basis for political morality and is preferable to controversial claims about identity or membership. In §3 I argue that if we really do all agree to universal moral equality, then we ought to also agree to universal and equal moral standing. Because equal moral standing is the moral basis for

[11] Blake 2013a, 2014.
[12] Miller 2016b, 23.
[13] Blake 2013c, 38-39.

political rights, we should prefer socio-political arrangements that reflect universal equal moral standing over those that reflect unjustified differentiated standing. This idea forms the basis of *reasonable cosmopolitanism* as:

> A commitment to socio-political arrangements that reflect the equal moral standing of all people.

In §§4-5 I explain and defend this idea in more detail. In §6 and §7 I show that conceptions of nationalism or statism that might qualify as reasonable are unappealing foundations for *global* justice in migration. If reasonable nationalists and statists want to orient their thinking toward global justice for non-citizens, they will need to view justice in global terms and not just as a condition for citizens, by citizens. In §8 I conclude.

I

Cosmopolitanism: too strong or too weak?

David Miller doubts that cosmopolitanism should orient our political theorising. Drawing on a distinction between moral and political cosmopolitanism, he makes a further distinction between *strong* and *weak* moral cosmopolitanism. On his view:

> In its strong form it readily excludes any preference for one's compatriots, but by simultaneously ruling out other forms of partiality that are integral to a worthwhile human life, it becomes hard to accept. In its weak form, by contrast, it reduces to a broad

> humanitarianism that does not rule out anything much at all beyond repugnant Ideologies.[14]

The problems Miller identifies are that strong cosmopolitanism is too demanding because it cannot accommodate important partial relationships; and weak cosmopolitanism is too vague to orient political reasoning. Miller is right that cosmopolitanism is problematic when too demanding or vague, but this does not indicate a defect particular to cosmopolitanism. Because we can also object to very demanding or vague partiality, the conclusion we should draw is that overly demanding or vague moral claims are not suitable foundations for political theory.

Consider Martha Nussbaum's attempt to balance strong cosmopolitan impartiality with special relationships. On her view, caring especially about our own children is permissible because it would be inefficient to spread our resources across all children equally.[15] This is what Bernard Williams would call "one thought too many".[16] Imagine a person who must choose whom to save from drowning: their spouse or a stranger. For Williams, requiring a morally permissible justification for saving one's spouse is *one thought too many* because 'my spouse' already contains all of the morally relevant information required to make the decision. Similarly, 'my child' ordinarily contains all of the morally relevant information to explain caring especially about our own children, and the addition of an efficiency justification is one thought too many.

Now suppose that a very strong nationalist must choose between saving two strangers. Not knowing either person, our

[14] Miller 2016b, 23.
[15] Nussbaum 1996, 15.
[16] Williams 1981, 18.

nationalist might demand to see the drowning people's passports. If they are a strong MacIntyrean, they might save a racist compatriot over an asylum seeker under the belief that the 'morality of patriotism' must clash with the 'liberal morality' of equality.[17] We need not think the racist compatriot deserves to die, or that the asylum seeker has a greater claim to live, in order to see that unlike 'my spouse' or 'my child', 'my co-citizen' does not contain all of the morally relevant information required for choosing whom to save. If the nationalist's decision is determined by no more than the compatriot relationship, they have had one thought too few.

The implications of nationalism are also vague. On Miller's account, nationality is a particularist ethical perspective which begins with the assumption that we are all "encumbered with a variety of ties and commitments to particular other agents".[18] Yet, these bonds do not entail particular courses of action. Although "[B]ecause he is my brother"[19] can provide reasons for acting in a particular way, we are not "bound to behave towards him as convention dictates that brothers should".[20] Nor does particularism become more action guiding when construed as national partiality. According to Miller, nationality is:

> a powerful source of personal identity; but paradoxically, it is strangely amorphous when we come to ask about the rights and obligations that flow from it. It is capable of evoking fierce, and indeed often supreme, loyalty…but if we were to ask those who

[17] MacIntyre 1984, 18.
[18] Miller 1997, 50.
[19] *Ibid.*, 51.
[20] *Ibid.*

> share this loyalty what precisely their obligations consist in, we would I think receive answers that were very vague.[21]

So where strong national partiality might demand a rejection of the morality of equality, it can also be so vague as to demand not much at all.

We can agree with Miller's distinctions between strong and weak cosmopolitanism; cosmopolitans themselves make the same distinction.[22] We might also think that strong cosmopolitanism is overly demanding and misses something valuable at the core of our important relationships;[23] while weak cosmopolitanism tells us little about how to structure the global order.[24] The problem is not that Miller is wrong, it is that his criticisms do not seem to be criticisms of cosmopolitanism. If we take Miller's concerns seriously then we ought to think that being too demanding or too vague are defects in any moral paradigm that purportedly grounds global justice in migration. Ideally, we should want a moral basis for political theory that is neither too demanding nor too vague, but is just right. In the next section I argue that universal moral equality is just such a starting point.

[21] *Ibid.*, 68.
[22] Brock and Brighouse 2005, 3.
[23] Cf. David Held argued that partial relationship are entailed by cosmopolitan reasoning (Held 2005, 16).
[24] Cf. Charles Beitz argues that "The force of moral cosmopolitanism is clearest when we consider what it rules out" (Beitz 2005, 17). Perhaps knowing *what not to do* is at least a starting point.

II

We are not all cosmopolitans (yet)

Where Miller worries that cosmopolitanism is too demanding or too vague, Michael Blake thinks it contains no interesting philosophical content at all. He argues that cosmopolitanism as a political project is just a commitment to moral cosmopolitanism, which in turn is no more than a commitment to universal moral equality.[25] To make his point, he turns to Thomas Pogge for whom:

> Three elements are shared by all cosmopolitan positions. First, individualism: the ultimate units of concern are human beings…Second, universality: the status of ultimate unit of concern attaches to every living human being equally…Third, generality: this special status has global force.[26]

Blake argues that if Pogge's account establishes the criteria for being a cosmopolitan, then we are all cosmopolitans because nobody seriously defends an alternative view. Because cosmopolitanism simply describes the view that everybody already holds – universal moral equality – it is redundant in philosophical debates.

Blake is too hasty in dismissing universal moral equality as useful in political philosophy. To say that all human beings are morally equal is not only *a* moral claim; arguably, it is *the* moral claim. It is a foundational proposition for utilitarianism (and consequentialism generally) as well as for deontologists. In fact, it is also the view of moral error theorists who think we are all equally entitled to the same moral consideration: none. Following Blake's

[25] Blake 2013c, 38-39.
[26] Pogge 2002, 169.

reasoning that because we all agree to universal moral equality we are therefore all cosmopolitans, it follows that we are also all deontologists, utilitarians and error theorists – simultaneously! But as we know, different moral frameworks with a shared premise need not lead to identical political commitments. Hence, John Rawls's deontology and Peter Singer's utilitarianism lead to quite different political commitments; while an error-theorist might prefer some political arrangements over others without subscribing to any moral view at all.[27] So if we agree with Blake that universal moral equality is an uncontroversial view in political philosophy, it does not follow that political philosophers all share the same political commitments.

Yet, perhaps they should. Although there is no doubt more to resolving political disputes than simply identifying a shared moral premise, a shared premise is nevertheless a good place to start. In the next section I argue that if we agree to universal moral equality, then we ought to agree to universal equal moral standing. If I am right, then we should prefer political arrangement that reflect universal equal moral standing over those that differentiate according to morally irrelevant facts.

III

From universal moral equality to universal equal moral standing

As we have seen, Miller worries that cosmopolitanism cannot guide our political reasoning and Blake thinks that

[27] According to F.A. Hayek, for instance, the *rule of law* is essential because it prevents the private interests of some from intruding on the private interests of others (Hayek 2011, 206). Hence, one can prefer some political arrangements in virtue of their private dividends without holding any moral commitments.

cosmopolitanism is just an uncontroversial moral claim. In order to defend cosmopolitanism against these concerns, we need to see how universal moral equality can ground an action-guiding political ideal. In this section I argue that universal moral equality grounds universal equal moral standing as an action-guiding cosmopolitan principle. If I am right, then we should object to political arrangements that reflect unjustified differentiated moral standing.

'Moral standing' refers to an agent as a moral entity. Having moral standing means that wrongs against us are recognisable as *moral* wrongs. For example, a thief can morally wrong somebody by stealing their wallet, but cannot morally wrong the wallet even if they destroy it. The wallet's owner can have moral standing, but the wallet cannot. To have *equal* moral standing means that there is no difference between stealing from a wealthy or a poor person: the moral wrong of the theft is the same even if the morally troubling consequences are much worse for one of the victims.

There are two broad traditions for explaining moral standing. On one, moral standing is grounded in an ability to experience affective states such as pain or pleasure. On the other, it is grounded in a capacity to think and act.[28] These concepts have broad application in political philosophy. Both the experiences and the agency of animals shape our understanding of animal ethics,[29] and can also ground the political self-determination that gives states moral standing in the international community.[30] However, for our purpose nothing turns on whether moral standing is a feature of affective or rational capacities because humans generally have both.

[28] Sytsma and Machery 2012, 305.
[29] Coeckelbergh and Gunkel 2014.
[30] Walzer 1980, Beitz 2009.

Let us say, then, that all human beings have moral standing in virtue of having the relevant moral capacities. But does merely having moral standing imply *equal* and *universal* moral standing? It does, if our moral standing is a function of our *equal* and *universal* moral properties.

Historical arguments against political injustices such as slavery or denial of voting rights have followed a particular structure:

> entity *x* has property *p*
>
> any entity that has property *p*, has moral status *s*
>
> entity *x* has moral status *s* [31]

In order to argue for emancipation or suffrage, what needed to be shown was that those denied the right should have it in virtue of having property *p*, which entailed the moral status *s* that grounded the disputed right. Following this structure, if the moral status in question is 'moral standing', and the property from which it is derived is universally and equally present in humans, then the moral standing that is established is universal and equal. Hence, if property *p* is universal moral equality then the status that we derive from it is universal equal moral standing.

Of course, it does not follow that *equal* moral standing implies *identical* political rights. Peter Singer, for instance, notes that even though men and women have all of the same moral properties, they do not have all of the same physical properties. Whereas women can have a right to an abortion, it would be nonsensical to insist that men have the same right because they do not have the

[31] Coeckelbergh 2014, 63.

same capacities.[32] Here we can see that the determination of political rights hinges on what we take to be *relevant*.

With this in mind, consider that even though all human beings have the same moral properties, citizens have many political rights that non-citizens do not have–including rights against exclusion from territory. This is not to say that states exclude people *because* they are non-citizens. Rather, being a non-citizen is the only property that makes one liable to exclusion. But should we consider citizenship status to be relevant for differentiating rights among moral equals? I will discuss the moral value of citizenship in the next section. For now, we can note that citizenship itself cannot suffice as a justification for differentiated rights because it is the differentiated rights of citizenship that demand moral explanation.

There are no morally relevant properties or capacities that *all* citizens possess and that *all* non-citizens lack. Because we agree that all human beings are morally equal, it is uncontroversial to think that they have the same moral properties. Having the same moral properties entails that they have the same moral standing – and recognition of equal moral standing is what accounts for equal political rights. In the next section, I will argue that we ought to prefer political arrangements that reflect equal moral standing over those that do not.

IV

Reasonable cosmopolitanism

In this section I argue that recognising universal equal moral standing should lead us to support reasonable cosmopolitanism. By this I mean that if universal equal moral standing precludes

[32] Singer 1999, 148-149.

differentiated rights on morally irrelevant grounds, then our socio-political arrangements should reflect this view. Hence, reasonable cosmopolitanism is:

> A commitment to socio-political arrangements that reflect the equal moral standing of all people.

In the next section I will argue that this conception is neither too demanding nor too vague. Here, I want to elaborate on what I take reasonable cosmopolitanism to mean as a political entailment of universal equal moral standing.

Kwame Anthony Appiah argues that:

> the real enemy of those who worry about 'citizens of the world' is not a reasonable cosmopolitanism but the different idea, occasionally espoused by people calling themselves 'citizens of the world', that it is wrong to be partial to your own place or people.[33]

I begin with Appiah because he neatly captures the tension between partiality and cosmopolitanism. The threat for those who value their partial relationships is 'citizens of the world' who eschew all attachments to place or people. Appiah espouses a reasonable cosmopolitanism that occupies a middle ground,[34] values partial attachments, and accepts national identities as

[33] Appiah 2019, 25.

[34] For Appiah, 'reasonable cosmopolitanism' is just a turn of phrase. I do not intend to implicate him in reasonable cosmopolitanism as the fleshed-out commitment that I develop in the present paper. Martha Nussbaum also describes a fictional character's cosmopolitanism as 'reasonable' but she also does not imply an argumentative position (Nussbaum 1996, 5).

permissible sources of personal identity. Some citizens indeed feel partial attachments toward compatriots, and they are not morally wrong to do so.

Yet partialist citizens do not have the moral authority to force cosmopolitan compatriots to agree with them, just as cosmopolitans may not compel their partialist compatriots to embrace a global identity. This may seem like a dilemma because our presumption of equal moral standing entails an objection to some citizens dominating other citizens. If we did not assume equal moral standing, then partialist and cosmopolitan citizens need not take one another's views seriously at all and the dispute would be resolvable through brute democracy.[35]

However, citizens should not respect each other's moral standing merely because they are compatriots. Whether the compatriot relationship entails special mutual regard is, after all, what we are trying to determine. Rather, citizens should respect each other's standing because universal moral equality requires that we recognise *everybody's* standing as equal. If we only recognised the equal moral standing of compatriots, we would need to identify the morally relevant property that distinguishes them from others.

An objector might think that there is indeed something morally important about the compatriot relationship that warrants special regard: citizenship. But this objection overlooks the differences between the contingent moral good of citizenship as an inclusive theoretical concept, and the role it plays in excluding actual people from political goods. When philosophers defend citizenship as morally valuable, they tend to think of it as inclusive. It is considered an achievement that facilitates people living peacefully together;[36] provides an indispensable civic identity for liberal

[35] By which I mean something like a 'tyranny of the majority' (Mill 2003, 90-1).
[36] Miller 2000, 96.

societies;[37] enshrines dignity through self-rule;[38] and "whatever else it involves, includes the capacity to participate effectively in the shaping and interpretation of a community's political morality and 'ethos'".[39] The moral good of citizenship is the good of inclusion.

But inclusion entails exclusion,[40] and states allocate citizenship as an administrative practice[41] in reference to its exclusive properties. Citizenship is, after all, a claim held by citizens against the state. Whatever its inclusive potential, it is a politically constructed institutional status[42] which secures for its bearers "the most complete package of legal rights and entitlements available in a society".[43] The state is obliged to secure these legal rights and entitlements for its citizens, and may withhold them from those it has withheld citizenship from.

It might be insisted that – normatively – states do allocate citizenship in reference to at least some inclusive goods. Except, none of the inclusive goods discussed above actually require formal inclusion in the state. They only require an appropriate attitude, and even when citizenship is formally allocated there is no guarantee that compatriots will develop inclusive attitudes toward one another. In short, citizenship is neither *necessary* for the inclusive goods by which it is defended; and nor is it *sufficient* for them. Although we might agree that citizenship has some contingent morally valuable aspects, those aspects are not relevant to understanding citizenship as a political practice because they play no part in it. If this is right, then the compatriot relationship

[37] Kymlicka 1995, 173-4.
[38] Taylor 1989, 178-179.
[39] Ivison 2000, 362.
[40] Delanty 1996, 56.
[41] Brubaker 1992, 32.
[42] Habermas 1994, 24-5.
[43] Ferracioli 2017, 2862.

cannot identify co-citizens as warranting special regard because the fact of citizenship does not entail the presence of the morally valuable compatriot attitude.

Of course, it is clear that many citizens do feel a connection with compatriots, and I have agreed that treating one another with strict impartiality is too demanding. However, whereas citizens are unable to act with strict impartiality because it is too demanding, states *are* able to treat all human beings equally; and for liberal states it is a basic requirement that they do so.[44] This is why reasonable cosmopolitanism attaches to our socio-political arrangements rather than to our individual attitudes. Because normative liberal citizens endorse universal moral equality, they should expect that their state will make good on this moral commitment even when actual citizens struggle to do it themselves.

Nor is it even desirable that they should because citizens are expected to accurately and reliably identify the contours of different kinds of relationships. There is nothing wrong with me asking my wife to rub my sore shoulder, but there is normally something wrong with asking one of my co-workers for a back rub. Why? Because my wife and I are in an *interpersonal* relationship, whereas my co-worker and I are in an *instrumental* relationship that, no matter how congenial, is different in kind to my interpersonal relationships.[45] Plainly, it would be out of the question to ask a stranger on the bus to rub my shoulder, with the expectation that she would comply because of our compatriot relationship. Compatriots are not intimates, and because the modern nation-state is not a face-to-face society, the only way for us to see our

[44] Appiah 2005, 228.

[45] For a more expansive discussion of these kinds of relationships, see Scheffler 2001, 121.

compatriots as especially related to us is by imagining that they are.[46]

Even if citizenship has a moral dimension to it, it does not follow that co-citizens have a special shared moral property. Hence, reasonable cosmopolitanism does not require a particularly heroic act of moral imagination.[47] Instead, it rules out the idea that the arbitrary distinctions of citizenship that track equally arbitrary circumstances of birth[48] are taken to be morally relevant signifiers of political dessert.

Reasonable cosmopolitanism is reasonable in the sense that it is not too demanding on individual persons, which is how Appiah casually used the term. It is also reasonable in the sense that it can be reasoned from an uncontroversial moral premise–universal moral equality–to be proscriptively action guiding. If reasonable cosmopolitanism is:

> A commitment to socio-political arrangements that reflect the equal moral standing of all people

then it is not only a claim about the international order. Normatively, we should want to see our moral commitments expressed in our home state's political practices so that the equal moral standing of women, people of colour, children, the elderly,

[46] Appiah 2005, 216-217.
[47] David Miller expresses a concern over the imaginative act required of cosmopolitanism (Miller 1997, 64). In contrast, Wendy Brown thinks partialists must embrace fantasies about dangerous aliens beyond the border, the ability of the state to contain chaotic conditions, the effectiveness of exclusion practices, and the good intentions of one's own state (Brown 2010, 115-26).
[48] Caney 2005, 123, Sangiovanni 2011, 572.

Indigenous peoples, and much more – including would-be immigrants – are recognised.

V

Neither too strong nor too weak

Reasonable cosmopolitanism addresses the objections of too demanding or too vague. I have agreed that Martha Nussbaum's approach is unappealing, and we might think the same of Thomas Pogge's 'Impartiality Requirement', which demands that we perform our daily moral reasoning with strict impartiality.[49] Reasonable cosmopolitanism relieves us of onerous but unspecified personal duties by attaching to our normative conception of the state.

The normatively liberal citizen agrees to the principle of universal moral equality, which entails universal equal moral standing, ontologically prior to encountering non-citizens with unfamiliar habits and strange accents. Because the citizen knows that they will be tempted to treat non-citizens unequally for morally irrelevant reasons, they should prefer socio-political arrangements that restrict unequal treatment. In this sense, reasonable cosmopolitanism works in the same way as other – accepted – action-limiting political norms, such as democratic constitutions that restrict citizens' ability to enact laws contravening the presumed equality upon which the constitution is founded.

Reasonable cosmopolitanism answers the challenge of demandingness by lifting the burden off individual citizens and placing it where it ought to be: in the basic structure of the liberal

[49] Pogge 2013, 297.

state.[50] In doing so, it addresses the charge of vagueness because individual citizens do not need to decide how to treat outsiders. Citizens are free to maintain their partial attachments so long as the state treats everybody as moral equals.[51]

It might be worried that reasonable cosmopolitanism unreasonably constrains the choices that a self-determining people can make. But if we reflect on the ways in which liberal citizens routinely make moral commitments in advance of difficult decisions, we can see that reasonable cosmopolitanism is far from a radical restriction of freedom. For instance, Australian courts cannot impose the death penalty. Even when the community calls for the reintroduction of the death penalty for *this* person or *that* crime, Australia's moral commitments preclude the death sentence. Similarly, Germany recognises free speech as essential for its democracy, but has outlawed Nazi symbolism (such as the *Swastika*) because of its moral commitments against Nazism's hateful ideology.

Of course, self-determination means that Australians and Germans can change their laws. But this observation only reinforces my point because in changing their laws, Australia and Germany would only be making a different pre-commitment in accordance with different moral criteria. A pre-commitment that precludes reactionary responses to unexpected events is, in a sense, how laws work to provide stability.[52] That states regularly arrange

[50] In this context I agree with Rawls that "the primary subject of justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights" (Rawls 1999, 6).
[51] Cf. Michael Blake argues that because a certain percentage of citizens will act on racist views, states might need to accommodate their immigration preferences to protect liberal institutions from internal destabilisation. (Blake 2020, 387-91). On my view, allowing racist citizens to be decisive in state policy makes the liberal state hostage to its least liberal citizens.
[52] Waldron 2011, 4-5.

their socio-political practices to reflect abstract moral values is not a novel idea or a violation of self-determination. It is how we expect liberal democratic states to function.

As a moral commitment to political arrangements that reflect universal equal moral standing, reasonable cosmopolitanism establishes an appropriate political morality for orienting global justice in migration. Although it does not–on its own–tell us what the content of global justice in migration is, whatever arrangement we finally settle on will describe justice in terms that apply equally to all human beings. This will certainly allow for individual communities to develop their own distinctive practices and ways of life, but it will also necessarily preclude describing global justice in terms of what is good for individual political units. As we will see in the next two sections, this is not the case for nationalism or statism, even when they are reasonably framed.

VI

Is *Reasonable Nationalism* reasonable?

I have argued that Miller's criticisms of cosmopolitanism do not identify problems with cosmopolitanism *per se*. Rather, they reveal defects of demandingness and vagueness that can also be found in nationalism if it is construed too strongly or weakly. It might be thought, however, that reasonable nationalism or reasonable statism are better foundations for global justice in migration than reasonable cosmopolitanism because they protect a moral good that cosmopolitanism does not value. I will consider reasonable statism in the next section. Here, I will outline what reasonable nationalism might be and argue that unlike reasonable cosmopolitanism, reasonable nationalism relies on contingent moral goods that cannot be evaluated in reference to its own moral foundation. Furthermore, nationalism does not have moral

entailments with global force, and so cannot suffice as a moral basis for *global* justice in migration.

According to Miller's "compatriot partiality"[53] the relationship between citizens has three general dimensions. Compatriots:

- are actively involved in a mutually beneficial economic system.
- engage with one another in a shared political project.
- share a common culture and sense of belonging to a particular place.[54]

Importantly, Miller does not think of nations as mere groups of people with some common interests. They are bound together by the political architecture of a state, so that the nation-*state* is the locus of 'compatriot partiality'. Without both elements – the national bonds and the territorially based political structure[55]– our sketch of a reasonable nationalism is incomplete.

We can see similar commitments in Yael Tamir's "morality of community",[56] based in part on Michael Sandel's idea of a community being like a family in which members respond to one another in a "spirit of generosity".[57] For Thomas Hurka, some forms of partiality are permissible (such as his preference for his wife), and some are not (such as a racist's preferences). Nationality,

[53] Miller 2016b, 21.
[54] *Ibid.*, 26.
[55] Miller 1997, 19:27.
[56] Tamir 1993, 95.
[57] Sandel 1982, 33.

he thinks, is the same kind of morally permissible preference as one's spousal preferences.[58]

On these accounts, nationalism does not ground political morality in universal moral equality. Instead, it proceeds from the observation that we are deeply embedded in a community, and that our moral reasoning cannot be conducted in abstraction from it. Reasonable nationalism thus begins with the idea of partial attachments and expresses a preference for political arrangements that reflect them. Let us say, then, that reasonable nationalism is:

> A pro-attitude toward one's national political community in virtue of it being a kind of extended self. According to this attitude, individuals see themselves as part of a particular moral community that is coterminous with their political community's territorial jurisdiction. As such, state boundaries are moral boundaries.

This interpretation is reasonable, I think, because it neither demands the militaristic fervour that has given nationalism a bad name, nor collapses into meaningless flag waving on national holidays. Although it might be objected that I am reducing nationalism to a mere feeling,[59] my intention is just to say that reasonable nationalists view the world from the perspective of their own national community.

Yet even if we grant that such an attitude can generate morally important relationships, it is hard to see how it can have normative force. Consider: what is it that reasonable nationalism normatively commits us to? If reasonable nationalism is a pro-attitude, then it

[58] Hurka 2011, 219.

[59] Indeed, Patti Tamara Lenard objects to Simon Caney's account for just this reason (Lenard 2010, 355-357).

cannot commit us to being partial toward our compatriots because one is already partial toward them in virtue of holding the attitude. What we are really trying to figure out is what follows *morally* from being partial. On my view, nothing moral follows from having an attitude of reasonable nationalism.[60] Although we tend to associate nationalistic impulses with nationalistic behaviours, there is nothing about identifying as a particular nationality that necessarily requires any particular action(s). Recall, Miller explicitly notes that 'because he is my brother' does not mean that we must act as brothers customarily do.[61] If partiality does not entail partial behaviour, then I can prefer my country and compatriots to others, but also practice effective altruism. After all, loving my country and compatriots will not address the global poverty that I also care about. I might even love my country to the point of sacrificing my life for it, and still think that borders should be open. Why not? There is nothing about preferring my compatriots to outsiders that entails the belief that my state and co-citizens have the right to interrupt the autonomy of non-citizens. As Joseph Carens puts it, "we cannot justify restrictions on the freedom of others simply by saying that the restrictions are good for us".[62]

Thus, the problem with thinking about reasonable nationalism as having moral entailments is that it is not a moral theory, and nor is it grounded in one. This makes it different in kind to cosmopolitanism. As we saw earlier, critics of cosmopolitanism agree that it is a moral claim with moral entailments. They object to the universal nature of the claim, and reject its moral entailments, but they do not deny that it is a moral position with

[60] Michael Blake argues, along similar lines, that a community of care merely identifies a good. It does not seem to identify or justify a course of action (Blake 2014, 528-529).
[61] Miller 1997, 51.
[62] Carens 2014, 556.

moral commitments. In contrast, reasonable nationalism is not a moral claim. It is an attitude that only contingently tracks morally valuable relationships, and can just as easily track morally repugnant preferences.

An objector might worry that I have omitted some important premise that makes it a normative moral stance. For instance, that our moral education is a product of our communal upbringing, and so we ought to value our community as a source of moral education.[63] But this objection is descriptive, not normative. Furthermore, because the moral community that raised me also raised thieves and racists, it is doubtful that my community can take the credit for my ethical conduct.

Another objection might be that only human rights respecting states are worthy of the regard that reasonable nationalists feel. Normatively, a human rights respecting state does not value vicious attitudes or repugnant ideologies, and so it can be defended on normative grounds. But how are we to morally evaluate states? We certainly cannot evaluate them in reference to the moral core of reasonable nationalism, because reasonable nationalism does not ground states in a moral principle. It only insists that communities are important because they are a community.

To morally evaluate a state, we must turn to the central moral claim of cosmopolitanism: universal moral equality. It is only in reference to universal values that we describe a state as *liberal* or *human rights respecting*. As David Held put it, the contemporary concerns of political nationalism – "self-determination, secure borders, geopolitical and geoeconomic advantage"[64]– all play out against the backdrop of international and universalist institutions and movements. The United Nations, the European Union,

[63] Walzer 1980, 1983, MacIntyre 1984, Walzer 2006.
[64] Held 2013, 93.

human rights statements, the International Criminal Court, and the Intergovernmental Panel on Climate Change are all attempts to align nationalistic interests with universal values.[65] Nations are not morally evaluable as human rights respecting in reference to how well they preference the interests of their members. They are evaluated in reference to how they approach their universal human rights obligations.

With this in mind, it is worth thinking about why national partiality cannot ground global justice in migration. Quite apart from the erroneous assumption that everybody has a nationality (and not more than one),[66] we can see that none of the premises or assumptions of nationalism have implications either at the global level or for non-citizens. Because nationalism conceives of justice as a local concern among insiders,[67] and treats migration across international borders as politically aberrant, *global justice in migration* is something of a non-sequitur for nationalism. In order for nationalists to think about global justice in migration – while maintaining their partiality toward their compatriots – they will need to become reasonable cosmopolitans.

VII

Unreasonable Statism

I have argued that reasonable nationalism is ill equipped to ground global justice in migration. For many of the same reasons (such as the insistence that justice is a local concern), reasonable statism is also unsuited to the project of *global* justice. I will not retrace the steps we have taken in the previous section though.

[65] *Ibid.*, 94.
[66] Erez 2019.
[67] Brock 2015, 18.

Instead, I want to take a close look at Michael Blake's well-known exclusion account in "Immigration, Jurisdiction, and Exclusion."[68] I take Blake to be a reasonable statist because although he thinks that states have at least a qualified right to exclude, he is unenthusiastic about the methods that states use and favours limited exclusion rights.[69] He is reasonable to the extent that he seeks to balance the interests of citizens and non-citizens. In doing so he unreasonably places a finger on the scales in favour of states.[70]

Although Blake agrees to universal moral equality, the methodology he calls 'institutional conservatism'[71] reinforces the norms of differentiated treatment on the basis of mere membership.[72] He begins with the idea of states as they are defined in international law, which establishes four conditions for statehood:

1. a permanent population;
2. a defined territory;

[68] Blake 2013a.
[69] Blake 2014, 533.
[70] Anna Stilz might also count as a reasonable statist. Unfortunately there is insufficient space for a close reading of her work here. For what it's worth, on my view her *conditional* right to exclude is scarcely different to Joseph Carens's open borders view. They both think that states can and should control borders against existential threats, but also take movement across borders to be presumptively normal (Carens 2013, 173, Stilz 2019, 187-188). John Rawls's statism is also plausibly reasonable. For cosmopolitan criticisms of Rawls see: Pogge 1989, 241, Beitz 1999, 132, Nussbaum 2006, 237.
[71] Blake 2013b, 47-48.
[72] By 'mere membership', I mean it suffices for Blake's account that citizens hold the relevant paperwork to be counted as citizens. They need not value the kind of robust moral goods by which citizenship is defended in the inclusive accounts discussed in §4.

3. a government;

4. the capacity to enter into relations with other states.[73]

Yet in developing institutional conservatism, Blake draws exclusively from 1-3, ignoring 4 entirely.

This oversight is not trivial. Blake argues that states have strenuous duties to all those within their jurisdiction, and so have the right to exclude in virtue of a right to refuse unwanted new obligations. If states are normatively isolated from one another, then an immigrant's arrival can, plausibly, impose *new* obligations in some circumstances–thereby supporting Blake's argument. But if states are normatively engaged in relations with one another, then Blake's claim is less compelling. Indeed, states can and do intermingle their political, military, cultural, and financial resources and interests with one another to form binding international treaties and agreements – including human rights agreements. These are just the kinds of institutional arrangement Blake invokes to explain why Seattle cannot exclude residents of, say, Miami. In virtue of the specific political and juridical arrangements that have been agreed to between the United States and its political subunits, Seattle must accept migrants from Miami.[74]

It might be objected that even if states do enter into relations with one another, it does not follow that they have done so for normative purposes. Except, if they are not in relations with one another, then Blake's argument cannot get off the ground. His definition of a state is derived from international law, and international law is a voluntary agreement between states about the content of international law. The voluntary nature of international

[73] See Blake 2013a, 109.
[74] *Ibid.*, 124.

law – and, by extension, human rights instruments – entails that states have voluntarily agreed to certain institutional arrangements, and in virtue of those institutional arrangements being voluntary, it is implausible that the arrival of an immigrant represents a *new* obligation.[75]

If states agree to universal human rights in the context of voluntary global cooperation, then a new arrival does not represent a new obligation. In fact, Blake argues along similar lines that individual European Union states have lost their right to exclude residents of other European Union states precisely because they have voluntarily entered into agreements with one another.[76] When a Parisian arrives in Berlin, Germany is under a clear obligation to protect the French national's rights. But it cannot complain that it now has a new obligation, because it agreed to participate in protecting the Parisian's human rights before she ever left France. For the same reasons, if the United States has voluntarily agreed to participate in a global human rights project whose stated aim is to protect everybody's human rights equally, then it also cannot complain about new burdens when a French national arrives.

Blake's methodology is ill-equipped to ground global justice in migration. On the one hand, he portrays states as closed juridical systems that exist in isolation from other states. He does not deny that other states exist, but nor does he consider that a world of states in voluntary cooperation with one another constitutes a cooperative state system. Yet, his preferred definition of a state suffices as evidence that states only exist within such a cooperative system. On the other hand, he views immigration as burdensome by its very nature. As a starting point for global justice in migration

[75] For more on this see Carl Wellman's analysis: Wellman 2011, Ch.7.
[76] See Blake 2013, 124.

this seems like a particularly biased interpretation of historically and evolutionarily normal human movement.

Just as the reasonable nationalist must become a reasonable cosmopolitan if they want to contribute meaningfully to justice beyond national borders for both citizens and non-citizens, so too must the reasonable statist re-examine the boundaries of their moral framework. Reasonable cosmopolitans do not deny that states ought to pay particular attention to the interests of those within their remit, and self-determination entails at least some claims to non-interference in domestic practices. It does not follow, however, that a state ought to assume that non-citizens warrant differentiated moral regard merely because they are non-citizens, or that global justice in migration can be grounded in local justice for insiders.

VIII

Conclusion

In this paper I have argued that if we take universal moral equality to be uncontroversial, then we ought to agree to universal equal moral standing. That is, we should not impose differentiated political standing on people without identifying a relevant moral difference between them. We should therefore prefer that our socio-political arrangements reflect our commitment to universal equal moral standing over arrangements that reflect unjustified differentiated standing. This idea is all that a reasonable cosmopolitanism demands: that if we agree that people are equal, then we should prefer to see this equality reflected in our social and political world.

Reasonable cosmopolitanism is neither too demanding nor too vague. It is not too demanding because it does not require

individuals to be super-heroic in their daily moral deliberations. Instead, it is a claim about what we ought to prefer as the moral basis for global political organisation in a world containing billions of other persons. For the same reasons, it is not too vague because it does not purport to distinguish between different kinds of moral relationships. As a statement about what follows, morally, from an uncontroversial moral position, reasonable cosmopolitanism does not conflict with our special attachments to one another, nor demand that we find abstract moral justifications for especially valuing our kith and kin. It only requires that our political arrangements cohere with our uncontroversial moral commitments.

I have defended reasonable cosmopolitanism against rival conceptions of reasonable nationalism and reasonable statism. According to my argument, reasonable nationalism is unreasonable because it begins with a contingent and controversial claim about human kinds, and requires that the global socio-political order conform to the preferences of some in virtue of it being a preference. Reasonable statism is also unreasonable because, despite recognising the moral equality of all human being, it insists that our socio-political arrangements treat mere membership as a moral signifier of political dessert. If we agree that all human beings are morally equal, then the burden falls to those who insist on differentiated rights to provide a moral basis for their view. Because reasonable cosmopolitanism derives from an uncontroversial moral principle, it behoves nationalists and statists to demonstrate an equally uncontroversial basis for differentiated treatment in the context of global justice in migration.

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