

# Utopian Political Theory and Migration without Borders

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## Abstract

A utopian political theory (UPT) can emerge from the analysis of borders. The significant increase in human mobility between State-borders constitutes the empirical referent distinguishing our “Utopian Age” from others in the past, as historical examples of UPT have not dealt with either the issue of human mobility or the topic of “Migration without Borders”. We start with a brief introduction about utopia as a political discourse (section 1). We go then to the main characteristics of UPT leading to a “world without borders” (section 2). We seek to address this issue theoretically, to establish the bases of utopian thought not so much as a social theory, but rather as a political theory (section 3). This constitutes a prior phase for dealing with the irresolvable political dilemmas that have emerged from the management of migratory flows (section 4).

**Keywords:** border, human mobility, political theory, utopia, immigration, migration

“The disappearance of utopia brings about a static state of affairs in which man himself becomes no more than a thing. We would be faced then with the greatest paradox imaginable, namely, that man, who has achieved the highest degree of rational mastery of existence, left without any ideals, becomes a mere creature of impulses. Thus, after a long tortuous, but heroic development, just at the highest stage of awareness, when history is ceasing to be blind fate, and is becoming more and more man’s own creation, with the relinquishment of utopias, man would lose his will to shape history and therewith his ability to understand it” (Mannheim, 1991, p. 236).

## 1. Introduction: a Framework for the Discussion

The central argument of this article is that today a utopian political theory (UPT) can emerge from the analysis of borders. The significant increase in human mobility between State-borders, especially between the third and first world, constitutes the empirical referent distinguishing our “Utopian Age” from others in the past, as historical examples of UPT have not dealt with either the issue of human mobility (Best, 2003) or the topic of a “Migration without Borders” (Pécoud & Guchteneire, 2007).

In order to situate the issue of borders and human mobility at the heart of UPT, we need to examine beforehand the existing literature on utopian thought, posing two main questions: What are the contextual conditions that give rise to utopian thought, and what characteristics of UPT lead to a “world without borders” (section 2). By posing these two questions, we seek, above all, to address this issue from both a theoretical and empirical point of view. Theoretically, our objective is to establish the bases of utopian thought not so much as a social theory, but rather as a political theory (section 3), namely a utopian political theory (UPT). This constitutes a prior phase for dealing with empirical developments that connect political theory with utopian logic, most importantly the irresolvable political dilemmas that have emerged from the management of migratory flows (section 4). But before elaborating these sections, we would like to make a brief conceptual introduction about utopia as a political discourse (section 1).

## 2. Utopia as a Political Discourse: an Innovative and Inspirational Force

In its everyday usage, utopia is generally characterized as something unattainable, speculative, illusory, or even totalizing, if ever it were to be achieved. Rhetorically, it is generally utilized to condemn an idea, a project, or a proposal. The quotidian discourse of utopia is always very short-lived, since it marks the end, and not the beginning of an argument (Bauman, 1976, p. 9). In its current usage, it belongs more to the semantic terrain of unfounded beliefs and illusory hope than to real desire and expectation. It competes more with myth and religion, as opposed to rational thought, and is not perceived as a form of rational expression.

These everyday uses of utopian discourse are not innocent. Implicitly, they serve to corner a given idea, project or proposal, portraying it as a form of romantic thought, disconnected from reality and without any serious insight into the real means of arriving at its end. The concept of utopia is hence situated within a discursive context in which reality hinders idealism and the question of “what is” leaves the question of “what ought to be” unaddressed. This negative characterization of utopia has both a biography and critical background, rooted in the thought of K. Marx and K. Popper, who advanced critiques from the socialist and liberal traditions, respectively.

K. Marx aims his critique of alternative proposals for society at utopian socialism; a project that he argues is speculative and lacking in scientific basis. The focus of attention for K. Popper is not as much a critique of the logic of scientific production as a critique of the consequences that the implementation of utopia might have: totalitarianism or the total negation of society. As with Marx, Popper bases his critique on epistemological arguments (Goodwin, 1980), arguing that the logic of utopian thought is a distorted form of rationality that only leads to violence if implemented (Levitas, 1990). Recent academic theorizations of utopia implicitly embrace the negative characterizations advanced by Marx and Popper, with the effect of closing off rather than contributing to debate, much like the term’s everyday usage.

The semantic contradiction of the concept of utopia resides in the fact that it refers to force, violence, and totalitarianism as much as it refers to freedom and human emancipation (Sargent, 1994, p. 26). In an effort to revive this second sense of the concept, the argument that follows defends the tradition of UPT as constituting a source of innovation and inspiration for political theory that includes the highest expression of liberty (Sargent, 1994, p. 25), desire (Levitas, 1990), hope (Bloch, 1977), and even invention (Bauman, 1976 p. 11). It also has emancipatory and critical dimensions that help us to break with established associations and to free ourselves from the discursive, mental and physical hegemony of the present.

In order to analyze utopia conceptually, it is necessary to distinguish its form from its content (Levitas, 1990). Dealing with the content of utopia consists of reflecting upon the guiding principles of an ideal society. The content may vary within the same epoch or historical moment. Analyzing the form of utopia, by contrast, consists of reflecting upon the conditions that generate utopian thought. The content of utopia is the ideal response to realistic challenges that a society faces. In this respect, UPT has an inspirational dimension that seeks innovative solutions to problems and conflicts present in particular historical contexts. I insist that it is the realism of the practical question that generates the idealism of the response. In fact, it is the lack of a realistic response or the complexities of giving a concrete response to societal challenges that opens the doors to utopian thought. The logic of UPT seeks to escape the contradictions and ambiguities of the usage of power and the exercising of authority in a given context (Ricoeur, 2001 p. 59). UPT only arises when there is a lack of real orientation for providing responses to the challenges facing society.

We see, therefore, that the logic of UPT is justified, not as a first recourse, but as a last resource. Its activation is legitimated by the incapacity of realism to give responses to political dilemmas (like the management of borders and immigration). It has an inspirational and innovative dimension, insofar as it searches for alternative forms of dealing with reality and aspires to challenge the current paradigms which shape the structure of society and the dominant forms of political orientation.

As an idealistic logic, its principal adversary is political realism (termed ‘ideology’ by Mannheim). Political realism assumes reality and seeks to perpetuate it in the future. It does not challenge, but rather consolidates the status quo, and it considers current political linkages sacred and undisputable. Departing from political realism is equivalent to departing from reality, which is synonymous with instability and conflict, disorientation and meaninglessness. In contrast to political realism, which generally has a politically conservative orientation, UPT has an undoubtedly progressive orientation. In the following section, I propose to outline the logic of UPT as an innovative and inspirational force, both in its political expression (utopia as a political phenomenon) and in its social expression (utopia as a mirror of society).

### **3. Utopia as a Political Phenomenon and Utopia as a Mirror of Society**

Utopia is not simply a literary genre or form of narrating fictive situations (Note 1), but rather an inspirational political theory that insists upon innovation. The logic of UPT does not arise *ex-nihilo*, but rather it is a political reaction to the lack of alternative proposals for addressing the causes of social disorientation. Utopian logic is thus shaped by social context. Its content always aims to respond to problems resulting from concrete developments. It is a challenge to the supposed permanence of a conflictive situation, given a lack of other solutions. Utopian logic has had a humanistic orientation since its origins. It also has an ethical orientation (Kantian) insofar as it arises in response to the question, “what ought we to do given current circumstances?” As a political expression, it begins at the moment when political realism has exhausted its conceptual resources and

is unable to address escalating conflictive situations in accordance with the requirements of justice, such as those required by the management of borders and immigration (Note 2).

UPT is also a mirror of society (Note 3), insofar as it serves as an instrument to analyze the processes of societal change, and thus reflects society's real deficiencies and imaginary potential. One way to understand this dimension of UPT is to think of a world without utopian aspirations. To speak today of a world without utopias may have two meanings. The first relates to the Hegelian meaning of the "End of History", in the sense that a utopian society is a society that does not generate utopias. Concretely, we know we are in a utopian society if and when utopias do not exist. In fact, this allows us to signal the difference between UPT that disseminates a global vision of society and UPT that only targets one conflictive aspect of society, but not its totality. In the first case, the problem that UPT generates is that it "halts history", and thus hinders progress and all the necessary components for generating UPT (Note 4). Therefore, it is also necessary to link UPT with historical thought. In designing his "framework for utopia," R. Nozick tells us in a very Leibnizian way that a utopian world is that where "none of the inhabitants of the world can *imagine* an alternative world they would rather live in" (Nozick, 1974 p. 299).

Speaking of a world without utopias may also imply the absence of critical thought and one-dimensionality, in H. Marcuse's (1964) sense of the term. A society without UPT does not mean that the society is utopian, but rather the contrary, that the society is anti-utopian, in the sense that all its inhabitants have been absorbed by a logic of uniform action and thought, lacking a critical sense of reality and the ability to translate desire and will into action outside a given hegemonic paradigm. In this second sense, a society without utopia is one that does not generate mechanisms (or does not leave spaces) for UPT. The complete elimination of utopian elements would mean a "society without goals". These mechanisms are very connected to human free will, one of the foundational bases of liberalism (Note 5).

The condition of free choice is fundamental. Freedom is the necessary condition for being able to express UPT – utopia is impossible without freedom. Being able to express and to conserve the capacity for free choice is directly related to the basic principles of liberal democratic theory. But in discussing utopia's connection to liberal thought, it is necessary to carry out a process of deconstruction, given that utopia has been interpreted as being opposed to the freedom of choice (its anti-liberal dimension) and as promoting a form of dictatorial government (its anti-democratic dimension) based on coercion. Even if we are still in a historical context where it seems that Popper's arguments have a monopoly over the semantics of utopia, we ought to recognize, following B. Goodwin (1980), that "the utopianism which liberals denigrate appears largely their own invention" (384). In order to achieve compatibility, it is necessary to abandon every totalizing aspiration of utopia and every aim to situate utopian proposals within a philosophy of history, in the sense of proposing a new model of society that is opposed to the current model, and that is justifiable within a deterministic theory of history. The accusations of totalitarianism that utopian proposals have frequently elicited have generally been based on the following concerns: a preoccupation with the ends and not the means; a misperception of the individual and society as constituting a singular totality, an establishment of dogmatic principles, an excessive preoccupation with formalities, and a negation of human diversity. As L. T. Sargent (1994 pp. 13-9) argues, utopian proposals have been criticized for promoting an *intentional society*. In this respect, proposals for reflection upon a "world without borders" do not contradict the liberal tradition, as they are not totalizing and do not have a deterministic historical foundation.

Utopian logic is basically social critique that aspires to promote social change and that is oriented towards an alternative construction of society. As we will later see, it is a "mentality" that is predicated upon significant social changes (Mannheim, 1991, pp. 173-236). B. Goodwin's (1980) greatest critique of the anti-utopian arguments of liberalism lies precisely in the fact that upon formulating its critiques, it is at the same time condemning the impulse to formulate utopias. Hence, liberalism is anti-utopian since it knows that along with UPT come critiques of the *status quo*. The intentions of liberalism are very close to the second meaning of a "world without utopias" -- the absence of critical thought and mental one-dimensionality, where there only exists a single ideology and source of values. This is also the greatest critique posed by T. L. Sargent, who writes that "far from being the road to totalitarianism, it is the road away from totalitarianism" (1994, p. 26). As suggested by the citation by K. Mannheim at the onset of this article, a society without utopia resembles the very thing that Popper critiques. K. Mannheim adds that critiques of utopia are always realized from the standpoint of an established order that is precisely the object of transformation: "the representatives of a given order will label as utopian all conceptions of existence which *from their point of view* can in principle never be realized" (K. Mannheim, 1991, p. 177). Maintaining this logic of power relations, Mannheim insists that "it is always the dominant group which is in full accord with the existing order that determines what is to be regarded as utopian"

(Manheim, 1991, p. 183).

In this sense, the logic of UPT is very connected to conflict. We have already said that utopian logic is generated when there is an assumed lack of alternatives in the face of a conflictive situation. It is activated when conceptual, political, and social resources for managing a conflict that is perpetuated over time have been politically exhausted (for example, the management of borders and human mobility). Hence, it bears a direct relation to processes of social conflict. The connection between utopia, conflict and processes of change is thus very direct. Each insists not only that the logic of historical thought fulfills an active function in history, but also that this logic is what permits us to express our human condition in history. Although utopia has been critiqued by its detractors for being a meaningless escape from reality or an impossibility, this is not the case. Rather, it forms part of our human culture.

A debate also exists regarding the limits of utopia. At what moment do we label an argument “utopian”? The response relates to the evaluative dimension of utopia. If we assume that the basic unity that helps to define the logical system of UPT is the link between realism and idealism, between “what is” and “what out to be”, between what exists and what does not exist (Note 6), we can concentrate on the logic of utopian production as a form of managing the difference between desires and expectations, as well as their satisfaction (Levitas, 1990, p. 161). R. Levitas provides us with a proposal related to desires. He argues that the function of utopia is the “education of desire” (Note 7), as well as the transformation of the world. In this sense, utopia has an irrefutably constructive role. It does not destroy reality, but rather it searches for mechanisms to construct a new reality that diminishes the difference between desires and their satisfaction. Its role in promoting historical change is undeniable.

In this respect, four fundamental functions of utopia highlighted by Z. Bauman (1976) are pertinent and can be applied to our empirical case of borders and human mobility. In the first place, utopia expresses logic of thought that relativizes the present. That is, it undermines the tendency to think that things are inevitable and immutable (let us think of current borders, which are conceived as immutable institutions, and the function that our states give to them as protectors against threats that result more from poverty than from war). Only this relativization can help to shape the conditions necessary for historical change (Note8). A second function, which follows from the first, is utopia’s capacity to explore alternative forms of what is possible. Building on Marx, Bauman tells us that, “No epoch [...] poses problems which it is unable to solve”. In exploring the terrain of what is possible, utopian logic is a cultural form that asks not so much, “What can I know?”, but rather, “What can I do?” Hence, it has an undeniably practical dimension. Thirdly, utopian logic not only expresses a compromise and concern with the present, but also relativizes the future, offering various solutions that challenge the conservative illusion that there exists only one path that leads from the present to the future. Hence, UPT is not neutral, but rather evaluative and critical (“utopia is an integral element of the critical attitude” (Bauman, 1976 p. 15)). Finally, the logic of UPT is an influential factor in the actual course of historical events. This active function is fundamental, and hence it must be “tested” in order to evaluate its “degree of realism” (Note 9). In sum, utopian logic helps our critical awareness of conflicts, inspires innovation and stimulates the will for social and political transformation.

Within the framework of K. Mannheim’s sociology of knowledge, we can point out that utopian thought is a mentality that has its origins in processes of social change and inspires collective action among oppositional groups searching to effect societal transformations. As a mental state, utopian logic is expressed when incongruence is produced in the real social context in which it emerges. This provokes a dialectical relation between utopian proposals and the existent order (Manheim, 1991, p. 179). Its orientation is not toward the existing state of things, but rather toward that which is desirable to achieve. Utopia is a logic of thought that aims to transcend reality, going beyond its limits, but following the dynamic historical path of social change (Manheim, 1991, p. 178-9). In this respect, utopian logic may very well be characterized as *wishful thinking* (Manheim, 1991, p. 184).

#### **4. Utopia as Applied Political Theory**

In general, utopia has been dealt with as a social theory, not only because it is a reaction to societal dilemmas, but also because it offers innovative proposals for social transformation. In this section, and before moving to connect utopia to the concrete case of “a borderless world”, I would like to defend here that the logic of UPT may also be considered political theory, insofar as it encompasses alternative responses to real, unresolved conflicts that challenge our conceptual and political capacity to act in accordance with our system of liberal and democratic values (Zapata-Barrero, 2004). With respect to the phenomenon of immigration in general, as well as the more concrete matter of human mobility, particularly the management of migratory flows and state borders,

we are facing a propitious context for activating what Mannheim termed a “utopian mentality”, which distances itself from the existing state of affairs and aims to develop an appropriate redefinition of borders.

We have already asserted that utopia may be considered a political phenomenon and mirror of society. In order to define utopia as political theory, we deal with three sub-topics: the object of reflection of utopian logic, the continually innovative character of its proposals, and finally, its political and social functions. In the first place, utopian logic shares with political theory the fact that it is interested in real societal and political questions, and hence, it is “connected” to the actual state of affairs. It is premised on the notion that the present conceptual associations, categories and “alternative political orientations” for addressing societal dilemmas are not fruitful and comprise a system marked by incongruence between the values that it preaches, the institutional framework where it is contextualized and the policies that it implements (here we use the management of borders and immigration as an empirical reference). Utopian logic is activated when political dilemmas elicited by a given development that endures over time continue expressing themselves and crystallizing extant contradictions between values and policies.

The diagnosis that political theory makes of this situation is also suitable to the “utopian mentality”. The reasons for these contradictions are owed to the existence of conservative forces that are based on political realism and a defense of the current order, and that attempt to hinder the open processes of social and political transformation as a potential path for restoring congruence between values and policies. Utopian logic, as a political theory, is often accused of being unrealistic, irresponsible, and even fanciful and romantic (even though these accusations always have a subjective and emotional character). It is also accused of preaching totalitarianism (we will see that this is the principal problem established by O. O’Neill (1994) to a world without borders), and that rather than stabilizing society, it has a destabilizing effect. Those opposing utopian logic constantly resort to the argument based on stability. The argument is that, if implemented, the proposal put forth would provoke instability and uncontrollable adversity. The response from the political theory underpinning utopia could not be other than to argue that one should not privilege stability over human rights and equality – one cannot commit injustices in the name of stability. Stability is not a value, nor should it be a main guide for action. Rather, it ought to result from the application of certain principles of action. The confusion between principles of action and the results of such principles is what separates the two logics of thought. Moreover, it should not surprise us that innovative utopian proposals generate instability, given that they are a means of expression particular to the processes of change. Nor should we be surprised if this instability were to have a series of adverse effects on the entire system of institutional, social, and political dependence that utopian proposals aim to innovate (let us think again about the proposal to change the function of borders or to eliminate them altogether). The fact of requiring the management of adversity is common to all open processes of transformation. Now we move on to examine the character of innovative proposals stemming from utopian political theory.

The aim of innovative proposals arising from utopian logic is always a *more just society* (Note 10). These proposals have both an evaluative and critical dimension, providing guidelines and frameworks for critically evaluating our society, as well as a normative dimension, indicating to us not how society is, but how a just society ought to be. This content tends to be related to the absence of relations of power and domination. There exists, thus, a direct link between utopia, justice and equality. Within this framework, the distinction between “horizontal utopia” and “vertical utopia” is useful to keep in mind. The first, clearly derived from Hegelian and Marxist influences, has an eschatological dimension and would proclaim the “happy end” of history, or the culmination of the linear development of history. “Vertical utopia” refers to the perpendicular of the historical process, re-actualizing in each one of those instances the contrast between the real and the ideal, the tension between what is and what ought to be. As political theorists, we favor the perspective of “vertical utopia”. In both cases, the historical dimension of utopian logic is undeniable. Without this historical dimension, the argument advanced in this article would likely cease to be utopian. But UPT also has a particular conception of history. It does not proclaim the end of history, as it is often accused of by its detractors, but rather it calls for a historical orientation that aims to restore a just order that is currently in the process of developing.

With respect to its function, utopian logic, understood as political theory, tries to give an innovative response to the great dilemmas facing our society. In this respect, it fulfills a determinate social and political function: that of orienting change. In fact, utopian logic builds its arguments in relation to the interaction between reproduction and transformation, what is and what ought to be. Following Gadamer, we can say that utopian logic, as a political theory, indeed proposes innovative guidelines for social transformation, but guidelines that are always rooted in questions established by the social and political order in question (it is a *connected utopia*). Utopia ought to be considered as a project that tends to be realized gradually, and its function is to channel the open processes of the world. Its relation with historical time is clearly oriented toward the future, but it originates with

a critical analysis of the present reality.

These three arguments that help to connect utopian logic with political theory allow for the solidification of the connection that exists between UPT and reality (if they are separated, we enter into the realm of speculation) and for the definition of the logic of utopian production as “perceived possibility” – that is, as the perception of possibility (a vision of something that does not exist in reality). This dimension is fundamental for characterizing the logic of UPT and connecting it with political theory. Political theorists often generate arguments that are at the limits of what is justifiable and what is possible. Crossing these limits, without ceasing to look in the “rear-view mirror”, is where some thinkers, such as J. Rawls, have entered.

Drawing on J. Rawls (1999), we might term the conception of utopia advanced above “realistic utopia”. Rawls uses this expression to label the type of political theory that works at the limits of the possibilities of practical politics (Rawls, 1999, p. 11). Realistic utopia reconciles us with society by showing us that a reasonably just constitutional democracy is possible. It establishes the possibility that there could exist a just world for all among every liberal democracy. What interests us about Rawls is not the concrete content of his proposal for global justice, but rather the reason that he terms this proposal *realistic utopia*.

At first, this expression might seem like an oxymoron, especially if it is interpreted in accordance with the standard critiques of utopia (both by Marx and by Popper). But if it is interpreted in accordance with the framework that we are providing, then what it does is to emphasize the willingness to apply innovative proposals. It would be difficult to consider the logic of utopian thought as political theory without this practical dimension, both in its origins (it poses real questions) and in its usage (it seeks to apply responses to real questions) (Note 11).

Rawls’ rationale for utilizing this expression for his proposal for global justice is his concern that it be an achievable proposal. He seeks, in this respect, both the internal coherence of his proposal and the possibility of its implementation. Perhaps Rawls devoted too much effort to attaining internal coherence, leaving aside concerns about his proposal’s implementation.

Coherence is not enough. It is also necessary to visualize the process of implementation. These efforts at implementation are what have preoccupied E. O. Wright (2007). It is clear that his reflections emerged in reaction to accusations against the current use of utopia. Any political theorist accused of being utopian is required to reinforce the reasons for his or her assertions through empirical and rational arguments.

E. O. Wright (2007) differentiates between *desirability*, *viability* and *achievability*. Combining all the components, his argument is that “not all desirable alternatives are viable, and not all viable alternatives are achievable. In the exploration of *desirability*, one asks the question, “What are the moral principles that a given alternative is supposed to serve?” We enter here into the field of normative political theory. Its material consists of abstract principles, not institutional arrangements. The study of *viability* “is a response to the perpetual objection that radical egalitarian proposals ‘sound good on paper, but will never work’”. It focuses especially on potential effects and unintended consequences of proposals should they be implemented.

Finally, the *achievability* of alternatives is the central task for the practical political work of developing strategies for social change. Proposals for social change are made when they have passed the tests of desirability and viability, which are necessary to put them into practice. This is the more complicated part, since many contingent conditions generally arise. Surely the degree of acceptance will depend also on beliefs that people have about other, more viable alternatives (Wright, 2007, p. 32). With these distinctions, we may complement Rawls’ notion of *realistic utopia* with the notion of *achievable utopia*, or innovative proposals that pass the *test of desirability*, the *test of viability* and the *test of achievability*.

## **5. Immigration and Borders: the Terms of the Normative Debate**

Until this point, we have been advancing the argument that the logic of UPT is a political phenomenon that reflects significant societal dilemmas at a given historical moment, and that may also constitute a way of carrying out the work of political theory. Even though the content has been assumed, we propose here to defend the argument that, if we admit that each historical epoch generated its own utopias, our “utopian moment”, if viewed contextually, without a doubt has the border as one of its principal empirical referent. Concretely, in the face of the current increase in international migration, the need to recognize freedom of movement and human mobility is beginning to be seen as a serious challenge to the control of national borders, a fundamental instrument of the State for expressing its sovereignty (Note 12). We do not refer to the symbolic or conceptual border, but rather the land border that territorially limits state sovereignty.

In this section, we wish to examine the terms of the debate, focusing not so much on the arguments that are

provided, but rather on the form that they adopt, their logic of reasoning and their basic questions, very much in consonance with utopian logic. In this terrain, we are still in the experimental stage, having yet to test proposals on the ground. Using the analytic distinction of E. O. Wright (2007), which we interpret as phases of a process that runs from theory to practice, we are as much in the phase of *desirability* (a debate on the identification of guiding principles that support innovative proposals) as in the phase of *viability* (a debate on institutional rules and the systematic effects that these proposals may have). But we have yet to enter into the phase of *achievability* (the phase where institutional means for implementing utopian proposals are proposed).

Before entering into the current terms of debate, we would like to confirm that we are really witnessing processes that connect utopian logic to political theory, in order to determine what contributions we may achieve. The current terms of debate are found in the principles that legitimate the opening and closing of borders to people in search of employment, and in the incoherence between the free movement of goods (the market) and the free movement of people (Note 13).

This debate has been referred to as the ethics of immigration and the ethics of borders (Philpott, 2001), the relation between borders and justice (O'Neill, 1994), democracy and borders (Balibar, 2001), the ethics of first admissions (Bader, 2005; Gibney, 1988; Carens, 1999, 2000), or simply the case of open borders (Hayter, 2001), all of which may be encompassed under the generic name of a "political theory of borders" (Note 14). Each case deals with a debate that poses two questions, and that, as we will see, connects its reflections with the logic of UPT: it is a debate that is based on the ascertainment that there are inconsistencies in state practices, specifically between liberal democratic principles and restrictive policies.

We are, thus, situated within a discursive context whose basic unity of argumentation is the distinction between values and policies, having exhausted all possible measures and resources that may be offered by the established institutional order and political realism. We are working within the very terrain that Rawls calls *realistic utopia*, where the discourses of justice and equality prevail. The problem is that the criteria for a just society have been assumed to deal primarily with relations between states and their citizens, neglecting the reality of increased mobility between states. Hence, non-citizens were not contemplated as beneficiaries of justice (Cole, 2000). This debate about justice has presupposed or ignored the issue of borders (Note 15).

Secondly, the Kantian question of ethics *par excellence* is what frames the debate and leads us to ask: What can we do? That is, what alternatives to the current situation can we propose as a means of reform? Although this is a theoretical question, it is oriented toward practice, and specifically toward the issues of *viability* and *achievability*.

In the terrain of principles, and hence in the phase of *desirability*, questions emerge regarding whether closed borders may be justified (Gibney, 1988) and whether restrictive policies may be justified (Hudson, 1984). This debate has its origins in the influential article of J. Carens (1987), for whom strictly following the liberal principles of freedom and equal respect does not justify the existence of borders (neither according to the liberalism of Rawls, nor the libertarianism of Nozick, nor utilitarianism). In this phase of the debate, the principle of freedom of movement has been prevalent and has linked the issue of border control with the very justification of the existence of borders themselves, starting from the claim that the existence of borders is a contingency upon which sovereignty is constructed. The positions in favor of control have been primarily communitarian statist and framed around arguments regarding justice. Examples include the classic arguments of M. Walzer (1983) regarding the right of citizenry to decide about their own community, as well as the three highly debated arguments based on security, identity and welfare (Kukathas, 2005). We might also look to the reactions of J. Isbister (1999) and P. C. Meilaender (1999), who close this phase of the debate about the foundations of borders.

This debate has a clearly utopian character to which Carens himself contributes in his influential article about realistic and idealistic perspectives on dealing with the issue of open borders, though he himself does not mention this dimension of his work (Carens, 1996). There exist two suppositions in this first stage of debate that ought to be problematized. In the first place, there is the supposition that the debate about "open borders and closed borders" implies a debate about a "borderless world" or "the disappearance of borders". This confusion is present in numerous works, including one of the latest studies sponsored by UNESCO, edited by A. Pécoud & P. de Guchteneire (2007). With regard to this issue, we can say that there are two moments of utopia: a first moment where states conserve their borders but allow freedom of movement in common agreement with other states, as in the case of the EU's Schengen space. People are "permitted to cross the border without controls", but the border as an institution remains and is activated when conflicts or serious problems arise (let us remember that Spain threatened France with respect to controlling the borders of the Pyrenees if it continued allowing

immigrants to cross). Hence, the debate should move from the simple question of border controls to the possibility of periodic controls, with the border remaining as a basic state institution. Another debate regards the literal disappearance of borders as state institutions. O. O'Neill (1994) frames the issue in this way in order to critique the viability and achievability of open borders. Both are different expressions of utopian logic (even its sense of meaning "no place"), but in very distinct ways. The first may also have various modes of interpretation – let us take visa policies as an example. Freedom of movement is possible between citizens of liberal democratic states on two levels: with or without border controls. An example without controls is the European Union and the Schengen space. An example with border controls is the case of agreements between liberal democratic states (i.e., Spanish citizens who travel to the United States, Australia or Canada, or the other way around). But freedom of movement is a reality. We can also discuss the movement of people between democratic and non-democratic states. In this case, there exists asymmetry insofar as movement is possible in one direction (from a democratic to non-democratic state) but not in the other (from a non-democratic to democratic state, when a visa is generally required).

Secondly, existing literature often supposes that objectives are mixed (and confused). It is assumed that the debate about border controls (the debate about open / closed borders) ought to be subject to the questioning of the existence of borders themselves. The defense of open borders and the disappearance of borders do not necessarily imply each other. The debate about the externalization of immigration policies, for example, begins with the assumption that immigration can be controlled without the need to control territorial borders, but rather by "remote policy" (Zolberg, 1999) (Note 16). Along with the debate about externalization comes a theoretical debate that requires deeper reflection, specifically regarding the claim that migratory flows can be controlled without the need to control territorial borders (Note 17).

Aside from the foundationalist debate about borders, reflection on this subject falls under two lines of debate. One line deals with the tension between the principles and values of our liberal democracies, on the one hand, and their practices and forms of managing borders, on the other. This debate was opened by J. Carens (1987) and continues to elicit discussion today (Cole, 2000; Meilaender, 2001, Pécoud & de Guchteneire, 2007). Inconsistencies are identified between the principles of freedom and equal respect championed by the liberal democratic tradition, on the one hand, and state practices that constantly hinder the freedom of movement, on the other hand. A second line of debate seeks to question asymmetries that demonstrate the inconsistencies of political practice, such as the asymmetry between the right of entry (the right of admission, eminently under state sovereignty) and the human right of exit (no state can impede the exit of its citizens), or the disparity between the freedom of movement of goods, people, money and services (Barry and Goodin, 1992).

Utopian logic tells us that the debate is combining *desirability* and *viability*, reflecting upon principles but with an interest in managing the contingencies of radical proposals for opening state borders. We now find ourselves in the phase of *viability*, where two types of debate prevail, both focused on combining *viability* and *achievability*. The first regards the recognition of the right of human mobility as a basic human right (this is a debate that mobilizes the principles and arguments of the discourse on the freedom of movement, but that is more focused on the demand of a new human right: the right of human mobility). The second regards the justification of admission criteria, which have still yet to be defined clearly, but that many believe should be based on criteria that force states to answer the question of who and how many may enter.

One of the last works of J. Carens takes this precise turn. He asks, "What criteria do states use and what should they use in selecting [...]?" (Carens, 2003, p. 106). Towards the end, he adds, "Even if one accepts the widely accepted premise that states have a right to control immigration, there are still significant moral constraints on how that control may be exercised" (Carens, 2003, p. 110). This contextual focus also enriches the logic of UPT, making it more *realistic* in the Rawlsian sense.

The debate about open borders is passing now from the phase of *desirability* and *viability* to the phase of *viability* and *achievability*, with an array of views promoting a "world without borders" (Pécoud & de Guchteneire, 2007). Within this context, the debate between those espousing arguments that favor this possibility (in accordance with utopian logic), on the one hand, and those that side with political realism, on the other, is a strong reminder of previous debates between utopians and anti-utopians.

Within this context, the arguments advanced by O. O'Neill (1994) are an example of anti-utopian reasoning that must be kept in mind. Her focus on the rationale for borders attempts to link borders and justice. As she herself affirms, "Why several states are better than just one World State is the best focus to approach the justification of boundaries". For her, arguing in favor of a world without borders is equivalent to challenging the extant plurality of states, and thus, advocating for a world government that would inevitably become tyrannical in the absence of



the plurality necessary for balancing power. Following a Popperian style of argumentation, O'Neill tells us that, "It is often said that a plurality of political units, hence of states, is needed for justice, because World government would concentrate power too much, and so endanger the very consideration –e.g. order, freedom, other rights–that are thought to legitimate government" (O'Neill, 1994, p. 71). O'Neill also advocates an argument that commonly runs through the literature, namely that achieving a world without borders would require that all states be liberal since non-liberal states would threaten our tradition's liberal democratic principles. With respect to the conditions necessary for achieving a world without borders, we must consider not only the political orientation of states, but also economic inequalities between states, as they constitute one of the principal explanatory factors for human mobility between states. It is only possible to open borders between states that are socioeconomically equal. The basic example of this is the Schengen space within the European Union, which permits the internal mobility of European citizens (Kunz & Leinonen, 2007).

With respect to *achievability*, there are several proposals dealing with both advances in theoretical analysis and concrete political reforms. For example, within academia, some who follow the evaluative dimension of utopian logic have proposed the necessity of constructing a theoretical framework that may be utilized for analyzing case studies. Others working on more practical issues have proposed the necessity of creating a Global Fund regime and a global tax that transfers wealth to poor countries (see Philpott, 2001).

We are really just at the beginning of analyzing the connection between UPT, border management and immigration policies. What we cannot deny is that the foundation of current management problems is directly related to the difficulties of addressing new situations with old tools created to resolve conflicts emanating from prior international relations. If political realists see these reflections as useless, they themselves should give responses to the current challenges we face, and these responses should be framed in accordance with our human, democratic and liberal principles. Current dilemmas ought to remind us of difficulties during past epochs that we thought we had transcended. Hindering family reunification, for example, reminds us how non-liberal states, during the beginning of the past century, and in some respects to this day, have impeded families from coming together and building their lives (Note 18). At present, European states are stigmatizing certain immigrants who are poor and without resources as delinquents. These immigrants are frequently issued directives for repatriation that remind us of inverted colonial logics, where the poor "bother" us and we only allow those who are educated and qualified for positions that interest us to move freely without being sent back to their home countries. Immigrant selection is an anti-utopian process, as are policies of return and policies that limit family reunification. Perhaps what we are constructing is a dystopia (Note 19), based on a political realism that is now overstepping its limits and jeopardizing the most basic liberal and democratic principles and values. Utopian political theory has the potential to construct counterarguments to this unsustainable situation.

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## Notes

Note 1. See the interesting work of L. T. Sargent (1994), who describes the multiple applications of utopia, from literature to communitarianism to social theory.

Note 2. See the emerging debate on migration ethics in the last sections.

Note 3. This argument is highlighted by L. T. Sargent (1994, p. 27), for whom “utopia serves as a mirror to contemporary society, pointing to strengths and weaknesses”.

Note 4. Almost all the literature on utopian thought alludes to this tight link between utopia, progress, and social change. See, among others, R. Levitas (1990, Chapter 1)

Note 5. That the logic of utopian thought requires freedom is fundamental. Supporting this view, Z. Bauman (1976, p. 12) asserts, “One wonders how far the freedom that people actually enjoy can be measured by the extent to which they are able to envisage worlds different from their own”.

Note 6. In accordance with its etymological roots, “utopia” means “no place”, a place that does not exist in reality.

Note 7. “Whatever we think of particular utopias, we learn a lot about the experience of living under any set of conditions by reflecting upon the desires which those conditions generate and yet leave unfulfilled” (Levitas, 1990, p. 8).

Note 8. Bauman tells us: “The presence of utopia, the ability to think of alternative solutions to the festering problems of the present, may be seen therefore as a necessary condition of historical change” (1976, p. 13).

Note 9. In characterizing this fourth function, Z. Bauman (1976, p. 17) tells us: “This ‘activating presence’ of utopia in human action is also the only way in which the content of the utopia may be put to a practical test and examined for its degree of ‘realism’”.

Note 10. A utopian society ought to be something very similar to the just society theorized by J. Rawls, a society that every person would desire, independent of his or her actual position in society.

Note 11. This is the conception of political theory that is systematized in R. Zapata-Barrero (2003).

Note 12. We are reminded here of H. Arendt’s (1973, p. 278) famous assertion “Theoretically, . . . sovereignty is nowhere more absolute than in matters of emigration, naturalization, nationality and expulsion” (quoted by Zolberg, 1999).

Note 13. The edited volume by B. Barry & R. E. Goodin (1992) continues to be a key reference on this matter.

Note 14. See one of the last special issues on this Ethics of migration in R. Zapata-Barrero & A. Pécoud (2012)

Note 15. In his suggestive article, W. Kymlicka reminds us that “silence or taken as given of boundaries is an unsatisfactory approach to some of the world’s most urgent problems”. And later on, “in the real world, we can’t assume that existing boundaries are accepted, let alone that they will be accepted in perpetuity. Nor can we assume that people outside these boundaries have no desire or claim to enter the country. Any political theory which has nothing to say about these questions is seriously flawed” (Kymlicka, 2001, p. 252).

Note 16. This refers to the idea that it is possible to control the movement of people without the need to control territorial borders, instead carrying out measures of control before people choose to migrate. This type of political orientation still requires normative reflection, since it challenges in one way or another the supposed framework of the debate: that controlling migration is equivalent to controlling territorial borders. In addition, since this issue deals with an act of externalizing the borders, there are implications regarding the extension of state sovereignty that have yet to be debated from a normative perspective.

Note 17. On this distinction, see J. P. Cassarino (2006).

Note 18. A normative reflection on family reunification can be found in J. Carens (2003).

Note 19. A ‘dystopia’ is a negative utopia where reality proceeds in accordance with a logic that is opposed to the ideal society. In other words, it refers to an oppressive, totalitarian or undesirable society.



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