

From Openness to Inclusion: Toward a Democratic Approach to Migration Policy

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Many theorists argue that justice in international migration requires states to maximize the openness of their borders, even when that can only be done by denying full political membership to some migrants. In contrast, this article contends that democratic ideals recommend inclusion as the guiding principle of migration policy, since full membership for all the state's residents is the only way to preserve democratic self-rule, whereas the justice- and freedom-related goals associated with openness can be promoted via other means. I define full inclusion as involving not only formal rights, but also solidarity. Against accounts that define solidarity in terms of shared identity (i.e., a specific commonality), I argue that democratic solidarity requires intersubjective "identification" among members of the demos, oriented toward their shared future. This account suggests how migration policy might advance the practical goal of more open borders, along with other moral goals associated with calls for greater openness, without sacrificing important democratic ideals.

Philosophical treatments of migration often start, so to speak, at the border: that is, with the question of whether migrants have the right to enter states, or whether states have the right to exclude (some or all) would-be migrants from entering. At least since Joseph Carens's (1987) seminal argument that justice demands open borders, and in light of ongoing and profound inequalities among the world's states, normative discussion has, as Adam Cox (2017, 65) writes, at times treated this "single question concerning migration" as "analytically prior and morally more important than all others." In particular, the question of whether migrants may enter a state in the first place has often overshadowed what I will call the question of membership—or what Cox identifies as entry's often-neglected "twin": "the question of what principles of equality require for those who are admitted into a state's territory" (52).

While the philosophical migration literature has increased vastly in scope and detail since its early, agenda-setting debates over open borders, those debates have left

two significant legacies. The first is a widespread moral view (which I share) that many states, especially wealthy ones, ought to admit far more migrants than they currently do. The second is a widespread analytical tendency (which I will challenge here) to grant this preference for openness what Rawls (1971, 42–44) termed "lexical" priority: openness must be achieved (or at least maximized within realistic limits) before other principles, such as the equal membership status of admitted migrants, "come into play," constrained by "the condition that the preceding [principle] is 'fully satisfied' (43).¹ In the realm of philosophical debate, this is reflected in a tendency to treat the issue of membership as conceptually and morally secondary to the goals associated with openness—primarily, the alleviation of global distributive inequality and/or greater freedom of movement (Song 2019). If those goals require maximizing the openness of borders, then certain norms of democratic membership—such as the inclusion of all residents into citizenship—may need to be weakened or abandoned, to the extent that they impede border openness.

The present article contends that from the perspective of democratic theory, this approach sacrifices full inclusion—a sine qua non of democracy—in the pursuit of other goals whose realization does not require that sacrifice. This contention draws on two criticisms that have been leveled against the main arguments for open international migration: that it is not the only, or even the best, means of promoting global distributive justice; and that it is not intrinsically part of a basic right to freedom of movement (though it may sometimes be claimed as a remedial right to protect individuals' basic interests)

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(Miller 2014, 364–68; Song 2019; Valadez 2008, 8). If open borders are thus not “morally obligatory” (Cox 2017, 52), and if the full inclusion of all residents is a necessary condition of democratic self-rule, then there are reasons to be skeptical of proposals that prioritize openness at the cost of inclusion. For that reason, this essay describes and advocates a democratic approach to migration theory that attempts to preserve many of the valuable goals widely thought to be served by openness, but which also seeks to preserve a robust ideal of inclusion. While openness and inclusion are closely related (especially in their antonymic sense: to be “excluded” is often to be denied entry), they are not interchangeable: a public park, for example, may be open to all who wish to roam its grounds, but it does not follow that all those present in the same space are members of the same association. As I will argue below, democracy constitutively requires that all residents of the state be included formally as citizens with equal rights and standing, and it instrumentally requires that this citizenship be characterized by an informal solidaristic identification among members.² This ideal of inclusion is complex and demanding, but the weakening of either its formal or informal elements ultimately replaces democratic relationships with hierarchical ones. This argument grounds an important (if admittedly controversial) claim about migration: open borders may be one of several entry policies compatible with justice, but the full inclusion of all residents as citizens is the only kind of membership compatible with democracy.

In what follows, I attempt to answer the reasonable fear that this emphasis on democratic inclusion risks marshaling an egalitarian ideal in the service of a nativist agenda,³ reproducing what Will Kymlicka (2015, 1) calls the “progressive’s dilemma”: “[T]he fear that there is a trade-off between attempting to ‘build or sustain ... feelings of shared belonging and solidarity’ and ‘being pro-immigrant.’”⁴ In response to this concern, I show that the most acute forms of a solidarity-versus-immigration dilemma are generated by accounts of solidarity that democratic theory need not adopt. For example, a trade-off between openness and solidarity is clearly implied by the liberal nationalism advocated by David Miller, since Miller contends that relationships grounded in shared *citizenship* are necessarily thin, and that only a shared national culture entails forms of solidarity and attachment capable of promoting democratic deliberation and redistribution. Miller accordingly contends that conationals’ interest in controlling their national culture furnishes a legitimate basis for limiting immigration (Miller 2014, 368–71; 2016, 26–28, 68, 145). In contrast, I argue that what democracy specifically requires is not shared *identity* (a static commonality shared among individuals), but rather shared *identification*—a dynamic, intersubjective tendency of members to understand one another as compatriots.

If the kind of solidarity required for democracy inheres not in a trait, but rather in a practice, the goal of a democratic migration policy is to promote the conditions under which the various elements of collective self-rule that rely on identification can flourish. These include the definition of shared problems in light of members’ expectations and aspirations, agenda setting, deliberation and compromise on policies, the distribution of responsibilities and burdens for carrying out public decisions, and so on. While none of the foregoing presume that members share a common set of traits, they do presume that members understand themselves as a group that shares a more-or-less common future. In the absence of a common future, members of a demos would lack shared expectations or aspirations—and so would be unable to correspondingly define common problems, set collective goals, credibly commit to promises, or expect reciprocity. In short, they would not be able to undertake many of the basic practices that characterize democratic self-rule. This account of identification and shared futurity is motivated by a sense that democratic theory ought to exhibit what James Lindley Wilson (2019, 5–6) calls “temporal sensitivity,” on the grounds that “[p]olitical equality requires the maintenance of equal rule over time,” and that it “depends on certain facts about the past and certain expectations about the future.”⁵

Democratic identification’s reliance on a shared future presents an obvious tension with the fact that many international migrants do not plan to settle permanently in their destination state, and thus cannot be said to share a future with citizens there. As I discuss below, temporary migration is widely thought to advance important justice- and freedom-related goals, which raises the question of whether insisting on inclusion, understood temporally, is likely to lead to sharp restrictions on migration, which would obstruct those goals. Such a result would be perverse, since the appeal of the inclusion-based approach to migration theory advocated here rests, to a considerable degree, on its ability to acknowledge the moral force of the justice- and freedom-related concerns that frequently motivate the prioritization of openness. My claim—that democratic ideals specifically mandate full inclusion, while distributive justice and freedom do not mandate a *particular* policy—involves no assertion that democratic ideals are of greater moral weight than considerations of distributive justice and freedom. Indeed, a normative defense of inclusion is implausible if it does not acknowledge that the legitimacy of states’ powers to regulate migration and membership is, as Jorge Valadez (2012, 140) argues, “*morally conditional* on the observance by states of certain global moral obligations” (emphasis in original; see also Brock 2020, chap. 3). Unless it is accompanied by the view that many states (especially wealthier, migrant-receiving states) have weighty global obligations to ensure greater distributive justice and freedom, the insistence on

maintaining strong norms of inclusion (norms that plausibly rule out many forms of temporary migration) becomes perverse, invoking a supposedly principled egalitarianism in support of chauvinism and indifference. To demonstrate its viability as an alternative to accounts that sacrifice or downplay inclusion, a democratic theory of migration should demonstrate the possibility of responding to the most important concerns raised by open-borders proponents without relegating migrants (formally or informally) to the status of resident outsiders. This task is especially urgent in light of two major trends in global politics: the evident weakness of democratic solidarity in many states and the likelihood of vastly increased migration flows in coming decades.⁶

Because inclusive membership presents such fundamental demands to democratic states, the argument that follows has relevant applications to many different forms of migration—whether temporary, circular, or permanent; whether motivated by economic factors, family reunification, or some other goal; whether the migrants arrive voluntarily or as refugees; and so on. My goal here is not to discuss these myriad forms of migration in detail, but rather to propose and defend a general approach to thinking about migration that focuses on the conditions necessary to preserve democracy, and which awaits more specific (and necessarily varied) applications to a diverse array of situations. (A full account of how citizens might cultivate democratic solidarity without relying on thick cultural commonality, at least as cultural commonality is understood by liberal nationalists, is beyond the scope of this article—as is a survey of the limited, although not unprecedented, historical examples of that kind of solidarity.)

In summary, this article attempts to advance a democracy-centered approach to thinking about migration by undertaking three tasks. First, it distinguishes openness from inclusion; second, it shows that inclusion is not merely a formal ideal; and third, it argues that a robust (formal and informal) ideal of inclusion need not have the restrictive implications for migration policy that some theorists fear. The ideal of solidaristic inclusion informs a usefully different perspective on migration issues: one whose goal is not merely removing barriers to entry, and one that does not appeal to either excessively formal or predominantly cultural understandings of democratic belonging. The starting point for that alternative approach is a simple but consequential proviso: democratic states should design a wide range of policies around the assumption that most migrants are citizens-to-be, including policies that render this assumption reasonable, rather than perverse.

Openness without Inclusion and the Alternative of Formal Inclusion

When demands for inclusion seem to obstruct openness to migration, many theorists are willing to sacrifice inclusion

on moral or pragmatic grounds, judging that many would-be migrants—especially low-skilled workers seeking employment abroad—need to enter, reside, and/or work in another state more urgently than they need to join it as members. As Chandran Kukathas (2011, 334) writes, political membership “is not a trivial matter, but morally speaking it does not matter nearly as much as the freedom or the opportunity to enter and participate in a society.” Such judgments are informed by the finding that while the relatively small pool of migrants in highly skilled professions can attract generous wages and rights-offers from states competing to attract their scarce labor, circumstances are very different for the “almost unlimited supply of migrants willing to accept low-skilled jobs in high-income countries”: this latter group faces “a numbers–rights trade-off,” since if those migrants enjoy rights to (for example) equal wages, benefits, and so on, “their cost will be higher and fewer will be employed” (Ruhs and Martin 2008, 254).

In light of these facts, many theorists argue that insisting on full inclusion is morally perverse, as well as paternalistic and dismissive of migrants’ own priorities—especially those lower-skilled workers for whom the alternatives to labor migration are most dire. For example, Howard F. Chang (2011, 96–97) contends that since “our commitment to treat them as equals once admitted would cut against their admission,” poorer migrants “would be better off if we agreed never to care about their welfare and never to treat them as equals.” Chang therefore endorses guest-worker programs as a preferable alternative to exclusion (113–14). This judgment is evidently shared by many migrants, such as foreign domestic workers in prominent destination countries like Hong Kong and Singapore: as Daniel A. Bell and Nicola Piper (2005, 199, 210) report, “the struggle for equal citizenship is almost never on their political agenda,” since they understand “the feasible alternatives to unequal rights” to be “considerably worse” (see also Ruhs 2013, 128). Valeria Ottonelli and Tiziana Torresi (2022, 5, 11) argue that migrants who intentionally undertake “temporary migration projects” to “advance specific aims once back in [their] country of origin” may not simply *settle for*, but actually *prefer*, a lack of political rights: for them, citizenship may be “a form of symbolic misrecognition,” and the costs of achieving “a more substantive equalization” of their conditions will have “to be shared in part by [those same] immigrants, who will be unfairly forced to divert the relevant resources from their life plans and the projects they originally established” (54). To the extent that rights expansions would result in a decline in temporary labor migration, the associated costs would be borne not only by migrants, but also by their states of origin, which would face significant reductions in remittances (now totaling about \$650 billion annually in low- and middle-income countries—an amount that exceeds what those countries receive in foreign direct

investment and official development assistance) (Global Migration Data Analysis Centre 2023).

These arguments have been subjected to a number of criticisms. Some theorists contend that in certain cases, remittances can actually exacerbate poverty and inequality in migrants' countries of origin; others worry about excessive enthusiasm for what might be seen as a "self-help" neoliberal policy approach that ignores or downplays underlying structural causes of global injustice (de Haas 2012, 19–22; Higgins 2013, 64–70). Regarding the charge of paternalistic interference with migrants' voluntary choices, some thinkers note that laws commonly restrain the terms of contracts to guard against exploitation, and that in any event, it may be mistaken to interpret the migrant–destination state relationship in contractual terms, since states can (and do) unilaterally alter the terms of migrant labor (Bertram 2019, 291–92).⁷ The appeal to migrants' autonomy has also been questioned in the case of industries such as domestic work, which disproportionately employ women and risk "extending local cycles of gendered vulnerability to a transnational scale" (Jaggar 2009, 42); more generally, some theorists doubt the legitimating power of a "free choice" to forgo political rights, especially in the case of low-skilled migrants facing "an objectionable set of options" (Stilz 2022, 987). Withholding political membership from migrant laborers (even when doing so is migrants' own preference) could also change the relative power of different groups in a society, warping the dynamics of electoral politics in ways that unfairly disadvantage some citizens (Bertram 2022, 174–75). Yet the best-known objection remains Michael Walzer's (1983, 58) claim that guest-worker programs transform the population of the destination society into "citizen-tyrants"—people who rely on a politically subordinate, nonmember laborer class to perform socially necessary work, and hence become party to a hierarchical project of domination over an underclass.⁸

This concern about domination has inspired a significant neo-republican literature on the topic of democratic inclusion. Neo-republican analysts concur that, as Meghan Benton (2014, 59) writes, it is "unappealing and self-defeating" to constrain the core neo-republican principle of nondomination merely to all of the state's *citizens*; it must extend to encompass all the state's *residents* (see also Beckman and Rosenberg 2018, 189–90). In general, neo-republican theorists stress the possession of certain political and legal rights as a necessary guard against domination. Some favor extending such rights irrespective of citizenship status (Sager 2014, 189), while others propose a "stairway" model of inclusion, in which discrete elements of membership are extended to migrants, à la carte, by the state, culminating in naturalization (Hovdal-Moan 2014, 81–84).

What unites these neo-republican approaches, despite their occasional differences, is a formal understanding of

inclusion. Benton (2014, 52) offers the most thorough defense of this formal approach: in her account, the republican ideal "is fleshed out as 'institutional accountability,' defined as the responsiveness of institutions or agents to the interests of those subject to their power." So understood, neo-republicanism highlights the danger that migrants could face "accountability gaps" vis-à-vis the state, combined with high exit costs—that is, difficulty in shedding their nonmember status, either by exiting the host state or by joining it as a citizen (50). For Benton, this formal-legal framework is an analytical advantage, since it generates clear diagnostic criteria for the neo-republican theorist: "We can take any instance of state power, from detention to taxation, and assess what accountability mechanisms exist," Benton writes (52).⁹

Yet although the neo-republican account generally understands inclusion in terms of these legally defined, clearly demarcated rights of belonging, it sometimes incorporates other elements that indicate the existence of a meaningful distinction between merely possessing political rights and enjoying full membership in a democracy—a distinction that is not fully explicable within a formal framework. For example, even as Sager (2014, 193) proposes an immediatist model of inclusion on the grounds that republicanism "rejects the imposition of a timeline in which people move to a situation free from domination," he nonetheless distinguishes "political rights" from *"the extension of full membership into the community"*: "Citizenship and the *long-term commitment to a political community* involves more than voting rights. In the case of temporary residents, the acquisition of citizenship is not necessarily desirable or feasible" (207, emphases added). Similarly, Benton's account, despite its overt endorsement of a formal definition of inclusion, acknowledges that "the intersubjective benefits that come with being a full member of a community are ... unlikely to be the sort of things that can be legislated for, as they pertain to citizens' mutual recognition of their shared membership" (Benton 2014, 65). These acknowledgments present something of a puzzle. If inclusion is cashed out in terms of formal protections against domination that extend to all residents of the state's territory, but *other* factors (like temporal duration or intersubjective recognition) still distinguish full members from partial members, what within the terms of the republican definition of inclusion could account for the significance of these distinctions?

As I will argue below, a purely formal account of inclusion cannot capture the significance of intersubjective, future-oriented identification in shaping democratic belonging—an insufficiency that presents risks to any approach to migration theorizing that prioritizes the goal of democratic inclusion. To appreciate the neo-republican approach's insufficiency on its own terms, imagine that a democratic state completely removed border controls and adopted a policy of automatically, immediately extending

political rights to all who entered its territory. Such a policy would bring formal republican demands in line with the aspirations of open-borders proponents. But as republican theorists' various references to the "long-term commitment" and "intersubjective benefits" that characterize "full membership" suggest, even a broad extension of political rights to migrants would not be sufficient to generate a community of *citizens*. That such a distinction is possible not only indicates the need to integrate both formal and informal dimensions of citizenship into a single theoretical framework (Smith 2022); it also supports Yuna Blajer de la Garza's (2023, 1467) contention that attempts to "overcome problems of belonging" must "look beyond institutional means" alone.

For this reason, I contend that it would be a mistake to treat the formal extension of political rights by the state as a sufficient condition of democratic inclusion. If this contention is persuasive, then it is not possible to achieve an inclusive, democratic migration policy simply by extending political rights to all territorially present persons, including guest workers. Many neo-republican accounts of inclusion seem to hint at a similar conclusion, but the conceptual resources needed to make this distinction are largely absent from their account of inclusion. This indicates that a democratic theory of migration requires a more-than-formal understanding of inclusion that incorporates elements of belonging beyond those that feature in neo-republican accounts. An inclusion-based approach to migration theorizing should be able to describe the kinds of informal, horizontal civic relationships that are instrumentally necessary to achieve democratic self-rule. In the next section, I describe and defend the importance of these informal dimensions of belonging.

Supplementing the Neo-Republican Critique: The Importance of Identification

The neo-republican emphasis on rights highlights an essential distinction between mere openness and formal inclusion, but as many neo-republicans implicitly acknowledge, full democratic inclusion cannot be secured by formal means alone. This section elaborates on the proviso that all residents of a democratic state should be included as citizens by supplementing neo-republican accounts. In particular, it describes the central role in democratic citizenship of "identification": a common consciousness and mutual acknowledgment of belonging among members of the demos that enables them to collectively self-rule. Shared identification is distinct from shared *identity* in that it does not refer to an objective cultural commonality that members of the demos antecedently share, but rather a dynamic, intersubjective phenomenon that they must cultivate together on an ongoing basis, and must orient toward a shared future.

Identification's key role in democratic self-rule follows from an account of democratic legitimacy that views

legitimate decisions not as merely the aggregate result of individual preferences formed in isolation, but rather as the outcome of a range of collective processes in which compatriots consult, and give special weight to, each other's perspectives.¹⁰ Because political problems are legible only intersubjectively, all members must identify with one another as long-term partners in a stably constituted association. Citizens who fail to cultivate identification—who reason in solitude, who exclude certain members of the demos from consideration or ignore their perspectives—will thus be epistemically deficient in a way that obstructs democratic self-rule: they will be unable to define their shared circumstances and aspirations in a manner that enables them to collectively specify problems, determine responses, and commit to plans of action.¹¹ In short, they will be prevented from effectively "shaping the conditions of [their] existence, including [their] collective life together" (Moore 2009, 392), on terms of equality. In this way, a lack of inclusive solidarity, "such that no individual is viewed separately or apart from the whole" (Stilz 2009, 80), deprives democratic societies of one of "the social conditions of the freedoms people need to function as equal citizens" (Anderson 1999, 320).

Law cannot guarantee the cultivation of such solidaristic mindsets, but it can influence the conditions under which they are likely to flourish or falter—including, as some migration theorists have noted, the condition of rough temporal continuity that these collective processes of democratic self-rule presume. For while a perpetually shifting aggregate with no shared future could make decisions by majority vote, majority voting is, as Charles Taylor (2011, 125) notes, a procedure that "can be adopted by all sorts of bodies, even those which are the loosest aggregations." This gulf between such loose aggregations and a self-ruling demos informs Rainer Bauböck's (2011) skepticism about the prospects of democracy in a hypothetical "hypermigration world"—one wherein most people spend their lives primarily as temporary migrants, and where the only practical criterion of citizenship would therefore be residence (which would always be brief). Bauböck predicts that, since each migrant would know "that most others around had not been here for a long time and are not likely to be here in a few years," the fleeting "aggregates" residing in the state at any time would not furnish "a sufficient basis for self-governing democratic polities, whose citizens authorize the making of laws to which they will be subjected and agree to long-term public investments for the sake of future generations' well-being and the general flourishing of the polity" (685). Rather, the most likely regime for such populations would be "a libertarian or semi-authoritarian government that provides a public infrastructure and security," but which makes little if any pretense to represent its citizens or be held accountable by them (685–86). My account goes slightly further than

this prediction by asserting that even if individuals *were* inclined to consider their shared long-term future under hypermigratory conditions, the absence of temporal continuity would make it all but impossible for them to do so. They would struggle to articulate their common circumstances and acknowledge the inherited obligations those circumstances may generate; to set collective goals; to bargain, compromise, and commit to promises; and so on. A democratic migration policy therefore entails a general (though, as I will explain below, not inviolable) preference for long-term migration on terms of political incorporation, and regards skeptically proposals that would result in states making regular recourse, under normal conditions, to high levels of migration that do not entail any expectation of inclusion.¹²

One important objection to this conclusion is conceptual in nature: it could be argued that this insistence on solidarity and inclusion follows from a mistaken picture of the democratic state, which could not reasonably be described as a shared project or the result of a collective intention among citizens. Kukathas (2021, 205–6), for instance, notes that democratic states sharply restricted political participation until fairly recently; even today, he contends, the political structures of democracies are mostly controlled by “members of small political elites,” and so to view democratic states as “shared projects is to take matters too far.” If existing democratic states are not a shared project in which citizens shape their collective life on terms of equality, then various normative implications regarding the need for solidarity, the importance of full inclusion, and the preservation of a shared future arguably do not follow. Existing democratic states include many noncitizen residents; in contrast, the proponents of a “shared project” view of democracy are describing the necessary conditions for an entity that does not exist.

I acknowledge the force of this objection, but I think that it does not actually demonstrate that the “shared project” conception of the state advanced by some democratic theorists is unappealing, or that its pursuit should be abandoned. Rather, it underscores the point (which few, if any, adherents of the view would deny) that existing states fall short of this ideal. It is possible to grant this point while nonetheless maintaining that the “shared project” conception best captures democracy’s normative appeal, and so we should seek to strengthen, rather than weaken, the conditions that would help to bring it into realization. A more direct rebuttal of this conception would need to show either that it involves an implausible interpretation of democratic ideals, that it would be a mistake to extrapolate from it the various implications that are thought to follow (regarding solidarity, inclusion, and so on), or that its implications are so perverse as to outweigh any appeal it might hold.

The latter possibility is captured by other objections that concern the practical implementation and moral

acceptability of this account, especially in light of two important considerations: first, the complexity of international migration patterns, and second, the fact that future-oriented intentions change. Is a call for the prioritization of long-term inclusion viable, practically or morally, in the context of current patterns of global migration—including not only low-skilled, temporary workers (discussed above), but also other economic migrants, visiting students, seasonal workers, tourists, transborder communities, involuntary migrants, and so on, especially given that some migrants admitted on a temporary basis may *develop* an intention to stay in the destination country? The question is especially serious if we intend for a norm of inclusion to provide real-world guidance for migration policy, and if the advocacy of that norm eschews any recourse to the claim that inclusion is simply of higher moral importance than the concerns that motivate calls to prioritize openness. While a discussion of specific applications to each of these various cases is beyond the scope of this article, a few general points will help to specify how a democratic migration policy might be upheld without ceding moral appeal and practical plausibility.

First, because my argument endorses the moral conditionality of immigration controls, it treats any restrictions on entry or membership that might be adopted in the interest of promoting long-term inclusion as legitimate *only* if they are accompanied by other measures that adequately address the relevant justice- or freedom-related goals in other ways. Because the legitimacy of immigration controls is morally conditional, and because the moral costs of immigration control increase along with the inequalities among different states, a membership-oriented approach to migration policy pairs its recommendation that states avoid standard recourse to (for example) temporary labor migration with a demand that they correspondingly expand their efforts to promote global justice, since such efforts render that recommendation morally legitimate.¹³ A critic might respond that demand for temporary migrant labor would persist even in a world where, in the words of Ottonelli and Torresi (2022, 46), “international obligations of justice and assistance” were fulfilled. However, as the hypermigration thought experiment suggests, the *extent* of this demand is significant; hence, even if we grant its inevitability, that fact neither licenses the expansion or normalization of temporary labor programs nor regards their attendant problems as resolved by a sufficiently expansive policy of formal republican inclusion.¹⁴ Moreover, discharging the global moral obligations that attend an ideal of democratic inclusion can diminish those unequal background conditions that drive so many economic migrants to accept social and political marginalization in a destination country. A robust ideal of democratic membership can license some forms of economic migration, but not a general reliance on guest workers; at the

same time, it contains resources to lower the moral stakes of this policy choice.

Second, when the kind of measures proposed above are not feasible (say, in the case of emergencies), a membership-centered approach is capable of making case-by-case exceptions. This relates to my eschewal of any claim that democratic ideals ought to be prioritized *due to their greater moral importance* than the goals that motivate calls for openness. In cases of emergency, temporary admissions may be required to protect individuals' basic interests, as they would be in nearly all accounts of migration ethics. Indeed, depending on the nature and duration of the emergency, and the feasibility of an effective and timely solution, the interpretation of democratic ideals advanced here may impose relatively strong inclusion obligations on the receiving state: unless it either addresses the underlying driver of migration or can arrange other satisfactory resettlement options for the affected migrants, the policy most consistent with democratic ideals is to extend a broad offer of resettlement and full membership.

The foregoing intends to answer important concerns regarding the complexity of migration and the moral interests that it serves. But how should the migration policies of a democratic state respond to the malleability of intentions? Here, there are two broad approaches that states might adopt, each with corresponding costs and benefits. One follows a model that is prospective and restrictive; the other follows a model that is responsive and promotional. While both would address democratic states' interest in long-term inclusion, I will suggest that the latter is preferable on moral and practical grounds.

In the first model, the state would use migrants' future intentions as a means of making decisions about admissions and membership; based on those prospective judgments, it could restrict inclusion to those who intend to permanently reside in the state. The intention to remain permanently would be used as a means of distinguishing prospective members of the demos from guest workers, tourists, and visiting students, who may (at least initially) intend only a temporary stay. Under such a model, if a state were (for example) considering whether to naturalize two equally long-resident unauthorized migrants, one of whom intended to remain in the territory and the other of whom intended to leave, it would confer membership only to the first migrant.

There are two obvious objections to this approach: first, that it does not sufficiently weigh the interests of migrants whose intentions change (even for reasons of deep importance), and second, that its willingness to *withhold* membership on temporal grounds strips migrants of political rights that, as neo-republicans argue, protect against abuse and exploitation during migrants' time in a state, even if they do not intend to remain permanently.¹⁵

These objections give reason to adopt an alternative model that, instead of using preferences articulated at one moment in time as potentially restrictive criteria for inclusion, instead *promotes* inclusion in a manner capable of responding to migrants' changing preferences.¹⁶ The intuition here is that public policy often seeks to produce broad outcomes by incentivizing individuals to take certain actions, while also refraining from treating individuals differently if they decline to take those actions. For example, states may incentivize citizens to purchase electric vehicles or volunteer as organ donors, or even to observe certain civic responsibilities (such as voting, serving in the military or public sector, and so on), without taking individuals' disinclination to engage in any of these actions as grounds for excluding them from political rights. Analogously, there are ways for states to promote long-term residence, and to respond if migrants' intentions change, without discriminating against them or restricting their rights in the short term if they opt to forgo long-term membership. If migrants admitted on a temporary basis decide that they would like to join the political community, they may have a strong claim to do so, and the state could offer generous terms of incorporation on what Hiroshi Motomura (2006, 9, 13) calls the "immigration as transition" model, according to which "new lawful immigrants" are understood as citizens "in waiting," treated exactly like citizens during a probationary residency period, with the sole exception that "they could be deported for serious crimes." As Motomura explains, one goal of such a model is "to treat a new lawful immigrant more generously" in order that such "extra generosity" helps immigrants to "take full advantage of the opportunity to integrate" (13).

Admittedly, a policy that promotes inclusion in this way may end up granting political rights to migrants who do not plan to stay (which is arguably overinclusive), but because it does not make the conferral of political rights contingent upon intent to stay, it does not incentivize insincerity regarding future intentions, nor does it penalize people for changing their minds.¹⁷ In addition to exempting states from the problematic practice of basing consequential decisions on uncertain inferences about individuals' intentions, it also better advances the distinctive purpose of a democratic migration policy, which is to incorporate migrants as citizens, rather than merely as workers and/or social members. As José-Antonio Orosco (2016, 5) has observed, even immigrant-friendly rhetoric tends to welcome immigrants "in limited terms" that focus on "the skills or abilities they bring to the market." It is "very rare" for political discourse to conceive of immigrants as "civic or political actors who bring with them customs and traditions that can enrich ... those ideas, values, and practices that shape our moral and intellectual dispositions," and which "are necessary for the stability and maintenance" of democracy. To promote these civic

contributions and forestall the establishment of a resident class of noncitizens, democratic states could, after a certain period of residence, extend naturalization “automatically and unconditionally,” with its attendant responsibilities and burdens (Marin 1998, 59; see also De Schutter and Ypi 2015).

I hope to have shown, in this section, that democratic self-rule requires intersubjective identification among all those residing in the state, and that democratic states thus cannot afford to be indifferent to the preconditions of identification. Moreover, I hope to have shown that this goal is not (at least in principle) at odds with policies that respond to the serious moral concerns that usually motivate calls to prioritize openness over inclusion. In the next section, I discuss some limited applications of this principle, with a special focus on cases that seem to present especially serious challenges to my framework: migrants who (for various reasons) do not intend to permanently settle in a single destination state, or who otherwise have multiple political memberships; and unauthorized migrants whose inclusion may seem to cut against the ideal of democratic self-rule on which my account rests.

Applications: Multiple Memberships and Unauthorized Migrants

This section considers select cases that might be thought to pose especially difficult challenges to the ideal of democratic inclusion presented here. First, I examine some questions associated with the phenomenon of multiple memberships: that is, situations in which migrants are not affiliated with, and/or permanently settled in, a single state. Second, I examine some questions raised by the circumstances of unauthorized migrants, whose presence arguably undermines the demos’s right to rule itself. In each of these cases, I argue that the model of inclusion defended here can inform principled, democratic approaches to these forms of migration that comport with other important underlying moral considerations.

I first discuss migrants who belong to transnational (Glick Schiller 2003) or (more broadly) “transborder” (Stephen 2007; 2012) communities, which are embedded across state boundaries, and which may develop their own “cultural and political dynamics different from” those of the various nation-state spaces in which they are located (Kearney 2000, 175). Importantly, even as theorists have convincingly argued for greater freedom of movement for members of transborder communities (such as the Oaxacan community that exists simultaneously in both the US and Mexico), they also note that such communities include many who do *not* regularly cross state borders, such as nonmigrants, return migrants, and those who have permanently settled abroad (Reed-Sandoval 2021). From a temporal perspective, these latter groups differ in a key respect from migratory members of transborder or transnational communities

who, due to their regular residence in another state, can be said to share in its future. While, on certain understandings of membership, cultural affiliation would ground a claim to political inclusion even for community members who do not regularly cross borders, the framework defended here avoids a cultural logic of membership and hence would limit multiple citizenships to those members of transborder or transnational communities whose patterns of movement and residence affiliate them with the shared future of more than one state (Bauböck 2005, 685–86). In calling for political membership, the ideal of democratic inclusion goes beyond freedom of movement, but it also restricts the scope of that membership to those community members who can claim a share in multiple civic futures. This same principle would apply to circular migrants, who may also be owed citizenship in each state in which they regularly reside and are affiliated.

This is not to deny that some individuals might share a future with a state, even if they do not reside in it. But political affiliation of this kind is not automatically guaranteed by cultural membership, and in general, the question of whether certain nonresidents have a share in a demos’s future is likely to depend on a complex weighing of different considerations, such as the retention of significant interests in another state (e.g., family, property, etc.), the likelihood or possibility of settling/returning there, and the extent of ongoing subjection to its authority (through conscription, taxation, etc.). In some cases, these factors may justify multiple citizenships or render nonresident voting rights “contingently legitimate” (Bauböck 2007, 2397, 2426–28; see also Bauböck 2005, 686; Owen 2011, 655–59). These considerations are most relevant in the case of external voting rights for members of diasporic communities and expatriates, although due to the complexity of the factors listed above, it is unlikely that democratic ideals can recommend a specific policy; instead, they offer relevant considerations to be applied on a case-by-case basis. Indeed, there may be democratic grounds for disenfranchising some expatriates in their state of origin—but notice that even defenders of this relatively restrictive view limit its application to cases wherein migrants have resettled permanently, with no intention to ever return (López-Guerra 2005).¹⁸

I turn next to the question of unauthorized migrants. It is worth noting at the outset that distinctions among guest workers, members of transnational or transborder communities, and unauthorized migrants are often not clear cut; the authorization status of many migrants can change as they engage in the border crossing that is often part of their economic subsistence and/or communal life.¹⁹ But many democratic states, such as the US, are home to large populations of long-resident unauthorized migrants, whose presence is widely thought to pose a serious

dilemma between justice and the rule of law (Song and Bloemraad 2022). Some observers have advocated a “balanced approach” that would respond to this dilemma by legalizing, but not naturalizing, unauthorized migrants (Skerry 2013, 3–4), but Joseph Carens (2013) has prominently defended a policy of naturalization by arguing that “the social membership that comes from residence over time” (160) grounds “a moral right to citizenship” (59). While this claim has an intuitive moral appeal, critics have argued that its justificatory foundations slide, somewhat ambiguously, among social ties, geographical presence, and duration of residence—criteria that are not interchangeable, have varying levels of civic salience, and may indeed suggest different implications in a given case, but which all seem to play a role in grounding the citizenship claim that Carens wishes to defend. Because its account elides such different understandings of belonging, critics have argued that the “social membership” argument does not clearly specify the conditions of a distinctly *political* relationship that grounds membership claims for unauthorized migrants (Beckman 2013, 51; Ochoa Espejo 2016, 75; Song 2016, 452).²⁰

The ideal of identification both modifies and supplements Carens’s principle in ways that help to more clearly specify certain circumstances in which a political relationship exists that triggers membership claims for unauthorized migrants. In its emphasis on shared futurity, identification shifts the temporal direction of Carens’s account, calling attention to the democratic significance of migrants’ expected future in the host state, not only their accumulated past in it. This future-oriented intention to stay, especially when combined with a state’s explicit or *de facto* consent to an unauthorized migrant’s residence, establishes a political relationship that entails a particularly strong claim to membership.²¹ If a migrant intends to stay, and a democratic state has no intent to pursue a justified removal of that migrant, then the migrant becomes part of the demos’s shared future and is accordingly owed not only the right to reside, but to join the political community.

Identification also sets other limits on what may be considered a justified removal. Because it calls attention to democracy’s reliance on informal solidarity, it can highlight the importance of avoiding steps that obstruct solidarity, including those that buttress widespread racial or ethnic prejudices. This is particularly significant in the context of removals, since as Amy Reed-Sandoval (2015) has argued, many deportations of unauthorized migrants constitute semipublic spectacles—“theaters of inequality”—that reinforce preexisting unjust perceptions that certain groups (such as Latinx people in the US) do not really belong. On these grounds, Reed-Sandoval argues that to the extent that many removals publicly undermine the standing of certain groups in the polity, they are *prima facie* impermissible on grounds of democratic equality. While this does not

indicate that all removals are impermissible, it shows how an ideal of solidarity can detect salient political ties even in the realm of the informal—such as those prominent social attitudes that hinder solidarity, and which may be reinforced by certain of the state’s policies toward unauthorized migrants.

In such instances (but not only in such instances), the ideal of identification can highlight arguments against the removal of many unauthorized migrants that are directly rooted in an ideal of democratic inclusion—specifically, in appeals to shared futurity and solidarity. This has the advantage of directly invoking the specific “value and moral relevance” (Song 2016, 452) of maintaining a certain kind of political community, rather than appealing to other considerations that relate only indirectly and contingently to democratic principles. Whenever removals of unauthorized migrants are unjustified, democratic ideals indicate that it is also unjustified to limit unauthorized migrants to mere residency rights. To do so would undermine the demos’s pursuit of collective self-rule on terms of equality and reinforce hierarchical relationships.

If successful, this account should establish that the maintenance of some temporal continuity by no means implies a necessarily restrictive immigration policy; rather, it supports a norm of orienting migration policy around a preference for long-term membership, while pairing that norm with policies that address the underlying moral concerns that often motivate calls to prioritize openness. In the following sections, I elaborate on one important implication of this argument: that if democratic citizens can cultivate a shared solidarity that does not rest on antecedent commonalities and is flexible enough to absorb new members, they can significantly mitigate the so-called “progressive’s dilemma.” This project will be essential if states are to maintain their democratic character amid a likely increase in migration over the coming decades. Citizens must, in short, find ways of fully accepting large populations of new migrants without weakening particularistic bonds. While this will be a serious challenge for democratic states, my optimistic suggestion is that it is possible to cultivate a robust form of shared identification—a sense of the democratic “we”—without relying on sharply restrictive criteria of belonging that pose a barrier to migration. Rather than regarding solidarity as costly, or even undesirable (à la Levy 2017), we should instead see it as a *precondition* of increasing migration in a manner that is democratically sustainable.

Does an Ideal of Identification Have Perverse Implications?

Even if they grant that democratic states could satisfactorily address the underlying moral concerns generally associated with calls for the prioritization of openness, a

critic may nonetheless worry that dispiriting conclusions follow from adopting a principle of full inclusion as the *sine qua non* of migration policy. If inclusion requires members to identify with each other, then it may seem that for certain migrants, especially those facing common forms of prejudice, such identification is simply impossible; in this way, the principle could seem to provide a roundabout justification for restrictive immigration policies. Here, I detail the ways in which my argument can forestall this stark conclusion and rescue an ideal of solidarity from such perverse outcomes. For even if my account were to relinquish any appeal to general norms of equal respect that would prohibit discriminatory policies on the basis of (for example) race, ethnicity, or religion, it would still contain resources to resist such discriminatory readings, for three reasons.

First, because identification presumes no requirement of homogeneity among members, its importance cannot be invoked as a reason to use migration policy to maintain or enforce homogeneity. Second, because I contend that democratic solidarity must take an inclusive form, encompassing all members of the polity, the ideal of solidarity correspondingly prohibits exclusions against nonmembers whenever the basis of such exclusions signals a corresponding disrespect “to existing members who share the excluded group’s identity” (Song 2019, 159). Finally, *even if* exclusionary attitudes among certain citizens raised obstacles to inclusion, it would be a mistake to regard those attitudes as imposing objective limits on admissions. As Christopher Bertram (2019, 287–90) has argued, exclusionary attitudes among citizens simply indicate an unwillingness to conform to the demands of justice, rather than an inability to do so, and therefore cannot be regarded as a genuine constraint on action. (In contrast, the need to preserve a shared future does impose a genuine constraint on action: as I noted in my discussion of Bauböck’s hypermigration thought experiment, even if we assumed that hypermigratory citizens *wanted* to behave in a temporally sensitive manner and act collectively on behalf of a shared future, they would be incapable of doing so.)

These features of my argument help to maintain the distinction between shared identification and shared identity, a distinction that will be crucial if egalitarians are to rescue the ideal of solidarity from nativists and xenophobes without having to abandon their practical goal of much more open borders. Admittedly, this account cannot answer the demand of skeptics by specifying the sources that might generate solidarity in divided democracies. But in some respects, such a demand mistakes the nature of the problem: if my account of identification is compelling, then it is mistaken to think that solidarity is generated by some quality that citizens happen to share. Rather, it is something they

must willingly choose to cultivate *regardless* of whether they share anything beyond common residence in a democratic state.

Conclusion

The fact that democracy’s conditions cannot be achieved merely by granting permanent residence, or even by extending the formal rights of citizenship alone, has complex implications for debates over migration. Republican theorists are right to insist that nondomination requires the extension of full legal and political rights to noncitizen residents, but a democratic approach must supplement that extension of formal rights with an informal extension of the imagined “we” that is the collective agent of democratic self-rule. This requirement applies only if the receiving polity understands itself in democratic terms in the first place. If the state were understood by its citizens to be primarily a site for, say, economic gain or mere rights protection, the standard implied by identification would be unreasonably demanding. But states that aspire to democracy impose upon themselves a more difficult process of inclusion that requires intersubjective transformations as the polity accepts new entrants. (This demand may apply with special force to the existing citizenry, since the costly act of resettling in a new territory usually indicates a willingness to join on the part of migrants that is not always reciprocated by a willingness to include on the part of citizens.)

While this ideal of inclusion is understandably in tension with (some) proposals for open borders, particularly those that regard solidarity as an unnecessary and harmful obstacle to openness, it *can* support a migration policy that enables much higher levels of admission than those that currently prevail in many democratic states. True, the insufficiency of purely formal membership for democratic inclusion means that states cannot resolve the “progressive’s dilemma” simply by opening their borders and adopting automatic naturalization. Such a view ignores important differences between formal belonging and full democratic inclusion. But at the same time, there is no reason in principle that democratic citizens cannot cultivate forms of solidarity that would prove to be compatible with large increases in migrant admissions.

The cultivation of such broad-based forms of democratic solidarity, already an urgent task for democratic citizenries, is likely to grow in importance in the coming decades. What theoretical reflection can contribute to that project is a more detailed clarification of the kind of solidarity required for democratic self-rule. Here, I have attempted such a clarification by redescribing the kind of association that democratic solidarity is intended to uphold: not a shared cultural community per se, but rather a shared project of self-rule. This distinction, by showing how solidarity might be vindicated without recourse to

liberal-nationalist premises, hopefully enables contemporary migration debates to advance beyond some apparent dilemmas. Such a defense of solidarity indicates that the case for increased migration requires a detailed account not only of justice at the border, but also of democracy in the interior.

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Notes

- 1 In his 1987 article on open borders, Joseph Carens wrote that “*our* society ought to admit guest workers to full citizenship. Anything else is incompatible with our liberal democratic principles” (268, emphasis in original). However, Carens did not develop a more detailed account of residence and membership until his later work, as I will discuss below.
- 2 On democracy's requirement of full inclusion, see Walzer (1983, 60) and Dahl (1998, 38). I draw the terms “constitutive requirements” and “instrumental requirements” from Arash Abizadeh (2007), who distinguishes among “existence conditions,” “constitutive conditions,” and “instrumental conditions” (324).
- 3 I thank a reviewer for helpful formulations of several points in this and the preceding paragraph.
- 4 While Kymlicka, like many theorists, primarily discusses solidarity in the context of the welfare state, I adopt a broader conception, viewing solidarity as necessary to sustain not merely redistribution, but democratic politics more generally.
- 5 On the temporal continuity of the demos as a precondition of democratic politics, see also Pippenger (2021, 225–27, 231–35).
- 6 In this respect, the account here is aligned with other recent attempts to theorize democratic membership in terms that are neither excessively formal nor excessively cultural, and in this way to avoid—or at least mitigate—a seeming trade-off between democracy and justice (Song 2019, 32–35; Stilz 2019, 140–43; 2022).
- 7 States' unilateral alterations of labor terms is acknowledged by Bell and Piper (2005, 207).
- 8 This is also what tends to distinguish objectionable forms of temporary labor migration from other cases (such as tourism) wherein migrants reside in the host country for only a brief period without political rights: temporary labor migrants face a relatively high risk of domination, exploitation, and marginalization that transforms the status of incumbent citizens in objectionably hierarchical ways.
- 9 See Benton (2014, 54, 62–64). A partial list of examples includes “judicial review, regular and open elections, a free press, bicameralism, [and] a multi-party system” (62).
- 10 The idea that democratic self-rule requires a certain psychological orientation among citizens begins at least with Jean-Jacques Rousseau. See Rousseau ([1762] 1997), Dewey ([1927] 2016), Taylor (2011), and Anderson (2009). On deliberation as something that occurs not only through “talk,” but also through reflection and imagination, see Goodin (2003).
- 11 Identification thus supports a form of democracy which, as Fabienne Peter (2007, 345) writes, “is epistemic in the sense that it treats public deliberation as a knowledge-producing process,” without thereby “refer[ring] to procedure-independent standards of correctness.”
- 12 Accordingly, Bauböck (2009, 21) endorses “stakeholder citizenship” for individuals whose “flourishing is linked to the future of that polity.” Temporal principles have also been invoked to defend voting rights for irregular migrants who intend to remain indefinitely (Angell and Huseby 2017, 371), to require naturalization for long-term residents (De Schutter and Ypi 2015, 237), and to criticize theories (such as the all-affected principle) that produce the result that “democratic boundaries are not fixed but constantly changing” (Song 2012, 56). A version of Song's objection might be raised against regional free movement regimes (even if they do not face the charge of exploitation leveled against temporary labor migration), *if* they do not generally entail either long-term residence or an otherwise stable affiliation with the destination state (these considerations are discussed at greater length in the section below on transborder and circular migrants). As an example of this latter point, observers have diagnosed an “unstable equilibrium” in the EU's combination of free movement with “a continued attachment in member states to social solidarity and cohesion” (Geddes and Hadj-Abdou 2016, 222). But as a more recent study observes: “And yet, not that much is known empirically, how the ‘experiment’ (Geddes and Hadj-Abdou 2016, 222) of open borders and national solidarity is developing” (Schmidt, Blauburger, and Martinsen 2018, 1399).
- 13 Miller makes a similar, if more limited, version of this point, arguing that in the extreme cases of “people whose lives are less than decent,” states are obligated to choose between either allowing migration or working to ensure decent conditions for people where they live

(Miller 2014, 368). Importantly, nothing in my discussion of this issue should be taken to imply that it would be preferable in general to use global justice policies in order to keep immigration at bay; the pursuit of global justice should be accompanied by a recognition that immigration normally has many virtues and merits for destination states.

- 14 Additionally, on the “migrantist bias” in Ottonelli and Torresi’s argument, see Bauböck (2022, 159–60).
- 15 I thank anonymous reviewers for encouraging me to address these points.
- 16 Relatedly, see Marin (1998, 66).
- 17 Additionally, the risk that large numbers of temporary migrants might enter on a temporary basis, only to pursue long-term residence once admitted, can be substantially mitigated if states take other steps to improve conditions in migrants’ states of origin. I thank a reviewer for pressing me to consider this dimension of the issue.
- 18 Other claims to voting rights include the contention by expatriates that they are owed inclusion on the basis of their remittances, but this arguably amounts to an illicit sale of political rights; see López-Guerra (2005, 229–30).
- 19 I thank a reviewer for urging me to acknowledge the often-blurry distinctions among these cases.
- 20 Ludvig Beckman (2013, 51) observes that since unauthorized migrants often experience social *isolation* owing to their status, they might fall (perversely) outside the scope of Carens’s account. Yet Carens (2013, 168) explicitly considers the possibility of a long-resident “recluse” who lacks social connections and endorses her claim to citizenship. This avoids a perverse implication, but it underscores the justificatory uncertainty noted by critics.
- 21 These are not the only conditions under which compelling membership claims for unauthorized migrants might arise, and I do not take up the question of when states have the right to pursue removal. Rather, I simply assume that there exist at least some cases when removal is justified. The present discussion is limited to cases where both of these two conditions obtain.

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