This article is based on the hypothesis that the relationship between politics and borders is being reshaped as a consequence of the movement of people between States. This process of redefining the concept of “border”, present in both the new approaches to managing migration and the public perception of immigration, is closely linked with the image of “border” projected by politics. For this reason, the ability to manage borders can create or modify a particular image of migration. Against this backdrop, this article seeks to explore the link between the concept of the “border” and policies aimed at managing human mobility from the perspective of political theory. Assuming that there is still no Political Theory of Borders in the strict sense, in this article I will argue that in order to establish its foundations, border must be considered as a concept and as an approach (section 3), as well as a political category (sections 4 and 5). Finally, I will review some arguments regarding human mobility and border control (section 6).

Keywords: border, human movement, concept, policy, political theory

1. Introduction: why talk about “borders” now? Reasons for the debate

This article is based on the hypothesis that the relationship between politics and borders is being reshaped as a consequence of the movement of people between States. This process of redefining the concept of the “border”, present in both the new approaches to managing migration from a political standpoint and the public perception of immigration, is closely linked with the image of the “border” projected by politics. For this reason, the ability to manage borders can create or modify a particular image of migration. Against this backdrop, this article seeks to explore the link between the concept of the “border” and policies aimed at managing human mobility from the perspective of political theory.

Political theorists always tend to exaggerate the uniqueness and importance of their own historical era compared to that of others. However, the borders argument is increasingly becoming a defining issue of our age that is more prevalent than all the others, to the extent that it is acquiring the status of a
Debates related to borders are perhaps one of the most visible signs that we are experiencing a process of change. The way in which concepts and categories related to immigration policies are defined has of course always been related to borders. For example, the implicit meaning of the concept of inter-culturalism is the desire to break down the “closed” borders of identity; the concept of transnationalism is related to the emergence of a post-national identity, or the fact that identity can transcend borders; secularism involves thinking of borders as boundaries between religion and the public sphere, and so on. Most of our political categories would be meaningless without an idea of a limit or a border. The fact that new categories related to immigration policies are attempting to overcome the restrictions on meaning that borders impose is a sign that post-border thinking, or thinking beyond borders, is required. This is because borders have always been related to nationality, and the new conceptual tools therefore try to transcend national identity. Without a notion of border, it is conceptually impossible to have a concept of citizenship, the State, or even to understand our traditions based on democracy and liberalism. The definitions of key political concepts have depended on precisely this notion of border. Most of the questions related to identifying and defining factors in the management of processes of change ultimately require consideration of the border as a framework of reference.

Political theory has not given sufficient consideration to the concept of “border”. This “conspiracy of silence” is extremely important, since most of the inconsistencies in liberal political theory are based on the consideration of borders. For example, it is surprising to note that the notion of the “border” has long been a concept taken for granted in modern debates on immigration. Even the normative debates on justice of the late 20th century, based on the Rawlsian tradition, took the notion of the border as given in the principles of the ultimate distribution of goods. It was the impossibility of applying his state-based justice to a world without borders that led Rawls to refrain from considering Global Justice in his final project. Rawls’ justification is that there can be no theory of justice without a State, i.e. without a territorial political unit defined by a border. R. Nozick also gave the border no consideration in the

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1980s, when he constructed his theory as a reaction to the Rawlsian “interventionist” theory. Walzer and his spheres of justice are the exception that proves the rule. For Walzer, membership involves the concept of borders, as it is defined in terms of what it excludes. However, the seminal work by J. Carens above all brings this notion of a border linked to the new realities of human mobility to the debate. Carens clearly highlighted the inconsistency between the reality of border control and a liberal tradition that has difficulty in justifying the existence of borders, and their function of exclusion and control. Hence, his argument that a strict reading of the liberal tradition should leave borders open and allow anyone who so wishes to enter. The first basic argument when the category of the border is incorporated within the liberal tradition – the universality of its principles – is therefore obvious, since liberal values and principles are limited by a notion of a border that acts as a generator of order and stability, and which requires a notion of a State that protects “its own”, but which excludes “those that are not its own”. The meaning of the concepts of citizen and non-citizen are constantly underlined by the notion of the border.

In this article, I am ultimately interested in addressing the dimension of the “border” as a territorial boundary, rather than the notion of social borders or even the limits of membership of a State or community, or the discussion about the legitimacy of excluding certain people from citizenship. I am also not interested in discussing the technical capacity, economic viability, or management strategies for controlling borders, but instead their normative foundations. Assuming that there is still no Political Theory of Borders in the strict sense, in this article I will argue that in order to establish its foundations, “border” must be considered as a concept and as an approach (section 3), as well as a political category (sections 4 and 5). Finally, I will review some arguments regarding human mobility and border control (section 6).

I will therefore first analyse the links between the notion of the border and its conceptual uses. Second, I will consider the border as a framework that generates arguments that can confer legitimacy on discourses, policies, and political concepts and positions. I will conclude by reviewing the main arguments justifying the need to control human mobility at borders, in order to establish the basis for the recognition of human mobility. However, before doing so, it is important to emphasise the reasons for the debate we consider here. I will base my reasons not on theory, but on empirical analysis; namely of current new State practices.

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6 On these three authors, see R. Zapata-Barrero, Ciudadania, democracia, y pluralismo cultural: hacia un nuevo contrato social, Barcelona, Anthrropos, 2001.
8 See for example Cole, Philosophes of Exclusion, ch. 3: Freedom of International Movement. He focuses his work on membership boundaries and attempts to answer the basic question: what is the moral justification for the exclusive membership practices of modern States?
2. The historical age of “borders in motion”

Today, many circumstances and many contexts mean that some reflection on borders is in order. At the outset, the debate is closely linked to the processes of social and political instability that we are experiencing. To turn the argument on its head, when a historical period considers redefining its concept of the border, then it is a period of instability. From this point of view, the current need to discuss borders is an indicator that we are in a process of change. The way in which we historically contextualise the debate provides a framework for subsequent approaches. The issue of borders must be considered within the post-Cold War and post-Westphalia period.

During the Cold War, the border in Europe had two basic meanings. One was characteristic of the open society, allowing people to leave; and the other was characteristic of the closed society, keeping people in. The exit option was the basic criterion for distinguishing between two contrasting ways of organizing inclusion/exclusion in a society. The Communist bloc would not let its people out, and those who left had no possibility of returning to their country. The liberal bloc based its opposition on the fact that its citizens had the opportunity to both leave and return. The social function of the physical border was therefore very different, and was the foundation for each bloc’s policies and political philosophy. The key and symbolic date of 1989, when the Berlin Wall fell, marked the end of that period, as well as the demise of the different conceptions of the role of the border. This became apparent in the final decade of the 20th century, which was characterised by the redefinition of borders and the emergence of new States in the former Soviet bloc. Today, the end of the post-Cold War period has been marked by the incorporation of most of these new States into the European Union (EU). The exit option and the return option are virtually assured for all citizens throughout Europe. However, this is not the case for those coming from outside – non-citizens wanting to enter. Even the rebellions in the Arab world in Tunisia and Egypt in the spring of 2011 show that borders are very porous and subject to little control. The new debate is not about the exit option, but instead, we are a closed society from the standpoint of the immigrant, since we control the movements of incoming people using criteria that violate the basic principles of the liberalism on which our societies are based internally (this point will be considered in depth in section 5). At this point, we must place the debates that we will address later in context. Given the new increased human mobility, control of our open society’s borders is new and indicates that it is only an open society for “insiders”, and therefore the meaning of the “open society” is one-directional. With growing demand for entry among migrants, we are shifting from a concept of an open society to one of a closed society.

If we take a longer historical period as our framework of reference, the era that began with the Treaty of Westphalia (1648), which ended the 100 years of religious war in Europe and established a framework of international law for resolving conflicts between territorially sovereign States, the foundations were
laid that made it possible to construct a national basis for the territorial sovereignty of States. We are also in a post-Westphalia period, due to globalisation and the levels of non-state national demands, as well as those at a more local level. In both cases, States are losing some of their sovereignty and the basis for their legitimacy. A good indicator of this process of change is that the loss of state sovereignty is expressed through the loss of border control. The link between borders and state sovereignty is not as apparent as it was several decades ago.

The current situation can be described as the shift from a simple conception to a complex conception of the border. We must become accustomed to living with a complex paradigm of the border, rather than a classic paradigm, which is fixed, and in which land and people are the same. The modern border has great difficulties in ensuring cultural homogeneity. For example, Schengenland includes Norway and Iceland and excludes the UK and Ireland. Freedom of movement differs depending on nationality, political decisions, and inter-state relations, even within the EU. Let us now turn to the concept of the border and its approaches.

3. Spheres of meanings: “border” as a concept and as an approach

The concept of border is multidimensional: it encompasses many meanings from many approaches. The idea of a “frontier”, the origin of a territorial border, is derived from “front” in the sense of land that is in front of another and thus the boundary between two territories, meaning that in etymological terms, its origin is essentially military. The border is the “military front”. This was followed by a meaning more in terms of fortification to face the enemy, before it designated the territorial boundary between two States.9 There are some basic links to the idea that help to establish its conceptual core. Border is closely related to the State, territory, and population. In other words, there can be no State without a border and no border without a State; and at least one territory and one population is required to give a border any meaning.

In conceptual terms, the idea of border has an obvious analytical function: it separates at least two units. A justification for the existence of borders is therefore closely linked to the justification of the plurality of political units or States.10 A border has a physical and territorial meaning, and a symbolic meaning, which uses the idea of the boundary and marker in all possible contexts. The semantic family of the border includes limit, boundary, separation, demarcation, edge, bank, margin, and barrier. The border is basically the limit of the known world, of the nation, of the State. It is always seen from within as protection; from outside, as an obstacle. It always evokes something that is to be extended. As well as this dynamic dimension of extension, the border acts as a marker of difference and generates meaning. This epistemological sense of the border is what we can

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10 O’Neill, “Justice and Boundaries”, 78.
retain from Balibar’s words when he says: “what can be demarcated, defined, and determined maintains a constitutive relation with what can be thought.” 11 The two dimensions are related: separation and difference help to confer meaning. There is no possible meaning without any clear semantic boundaries between two things. Anything without a border is meaningless. If a border exists, this is because there is a difference that needs to be marked (this difference may be real or perceived, a political construct, or it may be natural). The very constitution of personal or group identity, and consciousness as such, is closely related to a notion of the border as something that defines the difference compared to other identities. The type of relationship between the border and the difference, i.e. whether the border makes the difference or whether the difference is what defines the border, is the focus of some debate. There can be no definition of a border without some consideration of this semantic aspect and its expansive ability to generate meaning.

If we move from this semantic conception to its political application, the idea of separation and boundary is part of the same liberal tradition, which restricts the use of State power and sovereignty. The art of separation discussed by M. Walzer12 is defined by this sense of border. From this point of view, our society’s governability is based on some degree of consensus as regards specific boundaries of separation, such as the boundaries between the private space and the public space, between religion and the secular space, etc.

What is common to all these senses, which we can retain, is that we cannot define the concept without describing the function it denotes, i.e. the definition of border is closely linked to its function. It also evokes the idea of a boundary – a real or imaginary line between two realities that implicitly see themselves as opposed to each other (such as the border between Christians and Muslims). Its main function is to divide and separate, and to mark out qualitatively distinct areas.

Also at its conceptual core is the biological aspect of something that is spreading and that the border restricts. There are various senses of “border” as “something that limits the extent of something”: an epistemological sense (as a border of knowledge – what I can and cannot know – which is ever-expanding), an ethical sense (as the border of behaviour – what I can and cannot do), a psychological sense (as the border of our self-conception, or how I conceive myself and others perceive me), an ontological sense (as the border of life, or what can or cannot be lived), and a geopolitical sense (as a territorial border, or what can or cannot be the object of power). Let us briefly consider each sense:

- The epistemological sense: this means the borders of knowledge, the borders of science. In conceptual research, it is clear that border has

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many synonyms, but no clear antonyms, except for “no border”. Mathematically speaking, perhaps the opposite of the border is the infinite. The absence of a border may disconcert us epistemologically as we lose the meaning of what we are studying. The epistemological sense of border is the division between knowledge and ignorance – between what is known and what is unknown. It may have a personal sense: the borders of what I know/do not know, as well as a gnosiological meaning, in the sense of defining what we can and cannot know as human beings. This is the border between science and rationality, and religion and the irrational. From the perspective of limiting the spread of something in general, it is used from the inside outward, implicitly emphasising certain values: that inside is better, or has a more positive value than what is “outside”. This way of defining the border “from within” is characteristic of the “communitarian” approach, which defines its concepts in contrast to those that are outside and which are excluded from the community.13

– The ethical sense: this means the borders of behaviour. There are limits to what one may or may not do, according to the norms of life within a society. That is what establishes the social benchmark of good and bad – the border between right and wrong. This border includes the boundaries of our relationships with others, the limits of civic responsibility and our collective behaviour, and today also includes the borders of science and bioethics, where the human possibilities of science sometimes go beyond ethical borders, such as the debates that are closely related to the borders of our ethics on human cloning, euthanasia, etc.

– The psychological sense: this refers to the borders of our self-perceptions. We psychologically need a concept of an external border to guide our self-perceptions. This meaning is significant, in that a change in external borders can affect individuals’ self-perception. The sense of community and the sense of identity only exist for our psychology if there is an implicit notion of border. This framework includes Anderson’s argument that “perceptions of territorial limits and territorial constraints are part of social and political processes. A sense of territory is an element [...] of what it is to be human. Human consciousness and social organization are profoundly conditioned by territory and borders. [...] Images of borders and the conceptions of territorial organization have been part of all major political projects”.14

– The ontological sense: the expression that describes this sense is the borders of life. This ontological sense includes the notion of death itself, as our ultimate border. Without this notion of the death-border, we can hardly make sense of our lives or our expectations.15 This sense is perhaps the clearest component of the border as a generator of meaning. An

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15 Nozick, *The Examined Life*. 
eternal life (without borders) could hardly be a framework that provides meaning and life expectations. The ultimate border of life is what we call death, as non-life, and it plays a quintessential ontological role by helping us make sense of everything that moves us internally.

- The geopolitical sense: this is perhaps the most classic and original sense: the territorial-political border. This is the legal limit of a State, which delimits its territorial jurisdiction. This border can be natural (sea, mountains, rivers, etc.), or otherwise, but it is in any case always artificial, or the result of consensus and agreements, conquests and peace treaties. In this geopolitical sense, the border is linked to power, sovereignty, order, identity, and stability. This territorial sense of the border is of most concern to us here. It is closely linked to the epistemological sense, which in some ways provides it with a foundation. The limits on the extension of the epistemological sense have a figurative and symbolic sense, as well as a material and territorial one. An example in the Roman Empire is the border between civilisation and the barbarians – the border between the known-civilised world and the unknown-barbarian world. It was the Roman Empire or the border of civilisation. The boundaries of the Empire were the limit, or what in the Roman Empire were known as the limes of what had been conquered. Historically, this includes the borders that divide worlds, such as Hadrian’s Wall in Great Britain (the limes that separated the Roman Empire in northern Europe); the Berlin Wall, which separated the liberal world from the socialist and communist world; the Great Wall of China (which separated the Chinese Empire from the Mongol tribes); as well as the Theodosian Walls (which surrounded the former Constantinople, now Istanbul); and even the Maginot line (the line of fortification and defence built by France along its border with Germany and Italy, after the end of the First World War). Today, the debate on the clash of civilisations and the alliance of civilisations is directly related to the need to construct and discuss “our” borders.

Except for the ontological sense of the border, the other senses do not imply that the border is a boundary, a limit, or a final or intangible demarcation. The border is always the result of a process, and is therefore a constructed reality to achieve an order, but one which can be changed when the foundations of that order disappear. Perhaps the best and the most recent example historically is the fall of the communist order, which immediately led to the redrawing of the borders of the Soviet Union and most of its satellite countries. Another example is the former Yugoslavia, which disintegrated into new States with new borders.

In short, the two conceptual dimensions of border (the functional notion and the notion that evokes a social construction) are the premise for understanding how the concept of the “border” plays a role as a political category. It is to this political categorisation that we now turn.
4. Border as a political category

A system of categories can ideally be used to provide an inventory of reality – a catalogue of what exists in the world in itself (the Aristotelian tradition), or to conceptualise the world in order to understand it better (the Kantian tradition). It therefore has both an analytical and informative function, as it helps us to discern what is in reality vague and disjointed, while at the same time understanding some important aspects such as socioeconomic conditions and inequalities in the world (inequalities of gender, social status, education, age, economic status, etc.). In analytical terms, the function of a category is to highlight something’s distinguishing feature. It is at this point that it becomes detached from its own etymology. Indeed, the ancient Greek word *kategoria* describes what could be said against someone in a court of law. This is the sense that Aristotle uses: what can be said of or about a subject, as a means to distinguish categories. More precisely, Aristotle created his list of categories after distinguishing between the “different questions that can be asked of something”, and noting that “only a limited number of responses can be adequately given to any particular question”.16

From the political standpoint, the task of categorising is not a neutral task. It always has a system of strategic intentions and is always based on specific explanatory purposes. Categorising immigrants as workers, for example, is not the same as categorising them simply as people, even when we categorise them as political and social actors. Describing migration flows as a system of categories directly related to the market, as when using demographic categories such as brain drain, social education, and status and actions such as remittances, is also not the same as describing the flows according to a broader framework (beyond the market), introducing categories such as gender, religion, language, etc.

This political dimension of categories also means that it is the result of a process that expresses a way of interpreting the world, and also has a foundational dimension, in the sense that it can help with understanding social change. We can also use categories to express *desiderata* and to demand new approaches for the transformation of reality.

In short, considering all of the above, every society uses a system of categories that are part of its structural cement, until there is a gradual process of change that makes it unsustainable, and a process of reflection on the foundations that anchor the categories system thereby begins. At that point, the categories that only had a descriptive and social aspect become political categories.17

Perhaps the most visible evidence that the political category of the border has been one of the concepts taken for granted in the social sciences debate is that the concept of the border is not often mentioned in the definition of the State. It is taken for granted when discussing what is required by a population, a territory,

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17 For further details, see application in political concepts by R. Zapata-Barrero (ed.), *Conceptos Políticos en el contexto español*, Madrid, Editorial Síntesis, 2007.
and sovereignty to exercise power. Even in the classical Weberian definition of the State as the “monopoly of legitimate power in a territory”, the territory is assumed to be defined by a border. Today, the border has become a political category that is the subject of discussion. It may be the focus for political disagreements over its management when it is linked to human mobility. It is this link between concepts and politics that we aim to highlight.

This means that it should be regarded as a category that helps us to understand power relations and inequalities, such as the classic identity-based socio-economic categories such as gender, skin colour, ethnicity, social class, religion, etc. If we therefore consider what kind of inequalities and power relations are related to the existence of borders, the answer is directly related to the social inequalities between developed and developing countries, including democracies and democratising countries. Likewise, the system of argument based on borders has a historical relationship with Europe’s colonial past. The drawing of borders was related to the separation of communities and the spread of European domination.

As a political category, the border has at least three properties: it is a primary political institution, it is a process, and it is a functional notion.

First, it is an institution. In fact, I contend it is a primary political institution. As an institution, it involves at least three theses. First, the historical thesis: we state that there are no “natural boundaries” and they have never existed. The notion of a “natural border” is simply a political myth. Linking the border to a river or a mountain range is based on the desire to “naturalise” a notion that is essentially political. In this process of naturalisation, its meaning is essentialised, to the point where just as it is impossible to change the course of a river or a mountain chain, the border “is there forever”. That means that as an institution, the border is primarily a historical category that must always be understood within its own biography, as a result of a particular history. E. Balibar is correct to point out that borders have reached their “historical limit”, beyond which it is increasingly difficult for them to perform their internal and external functions.

The second idea can be formulated using the theory of stability: namely, that the border is not only an institution, but also a limit-institution. This expression comes from E. Balibar. The author asserts that borders (frontières) must be considered as limit-institutions, in the sense that “they must be able to remain stable while all other institutions are transformed; they must give the state the possibility of controlling movements and activities of citizens without

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20 Ibid., 163.
themselves being subject to any control”.21 If we accept this stability thesis, when the institution becomes unstable (which basically means its original function is changing), as is the case at present, all other institutions that depend on this stability automatically become a subject for discussion. Finally, we come to the non-democratic thesis, in the sense that as institutions, borders are the result of an undemocratic decision.

In some respects, the stability thesis also introduces the dimension that it is not only an institution, but in fact a primary institution, in the sense that it is an institution that is independent of all others, and on which others depend. The basis for this dimension is as follows. Using the analytical difference in J. Rawls’ theory of goods, which was the focus for the debate on justice in the late 20th century, i.e. the distinction between primary goods and secondary goods, it is possible to say that there are primary political institutions and secondary political institutions. Primary goods are those required by any rational person to achieve their expectations in life, and are those that are distributed in a theory of justice. M. Walzer added citizenship to the list of primary goods, as the condition without which a person could not even be a subject for a theory of justice. Citizenship as a distributable primary good means that it is a condition without which other goods within a State cannot be distributed.22

Using the same logic, but applying the concept of the border, it can be said that they are primary political institutions, in that their existence is the precondition without which other political institutions cannot exist. Today, the “physical border” has become a primary institution. For example, for the theory of nationalism, without this institution there can be no State or political community.23 For a theory of immigration, without this primary institution it would not even be possible to distinguish between an immigrant and a citizen.

Second, the border describes a process, which is the result of political decisions. As mentioned above, the border is not a naturalistic and static notion. To make this dimension explicit, the academic literature prefers to use the notion of “bordering”, or for even greater emphasis “the bordering process”, highlighting the internal dynamic of inclusion/exclusion inherent in the notion of the border.24 It is this process that makes possible political communities different from each other. As a process, it is the basis for the creation of “otherness”. In other words, separate identities are created and consolidated by the

21 Ibid., 174.
22 On Rawls and Walzer, see Zapata-Barrero, Ciudadania, democracia, y pluralismo cultural.
maintenance/modification of the border. As D. Newman correctly points out, “the bordering process creates order through the construction of difference.”

As such, it must always be conceived as a changeable primary political institution, and one that is established by criteria of variation. We must take into account not only the changes that may take place in the physical location of the border, as the line that separates two States, but also the changes that are supposed to regulate the movement of people and goods, for example. In this second sense, the border-process is the answer to two basic questions: who comes in? And how many? This is the level of analysis that takes place in the debate on open/closed borders, and the idea of establishing a basis for regulating the control of the flows.

Finally, the border is a functional notion. This characteristic has already been identified in the conceptual analysis performed in the previous section. Here it assumes a different meaning, as a political category. This implies that the border cannot be defined without mentioning the functions it performs. This involves the notions of border-security and border-protection. As a functional notion, it has also been the great implicit factor in contractarian theories, which have always taken the idea of the border for granted. I refer to both the classical contractualism of Hobbes and Rousseau, and the contemporary version of J. Rawls, among others. The state of nature that is the basis for classical contractualism is a state-without-borders. For Rousseau, this state of arts is the ideal. It is the basis for the romantic ideal of a world without any borders. The first border is not so much the collective boundary, which is defined within a community, but the individual one: that of private property. This idea of a limit for action is also advocated by Hobbes. The State has a need to restrict the extent of unbridled freedom, freedom without borders. In the original position of J. Rawls’ theory, people also have no idea of the border. Rawls himself took this idea as a given, and this shows the extent to which his universalism is highly contextualised within his time. Rawls’ theory of justice, and the tradition that it created by proposing a just society, took the existence of borders for granted. Without borders, the most basic principles of justice would be difficult to implement.

Given these three basic properties of the concept of the border as a political category, and assuming it as a premise, we need to consider the most relevant approaches.

5. What are the most relevant theoretical approaches to the border as a political category?

Figure 1 shows the most relevant theoretical approaches to the border as a political category. Each approach can be identified by means of a principle of action and a prevalent logic of argument.

The core approach is based on power. Three approaches characterise the border as a political category: the approaches based on identity, security, and welfare. Here we look at each one separately, starting with the core approach (power) that provides the basis for the other three approaches (security, identity, and welfare). We will also see how the functional dimension of the concept of the border is expressed, as something that provides functions of security, maintenance, and protection of identity, and which ensures the welfare of those that live within it.

- **Power-based approach**: the border is the ultimate expression of political power. Political borders are essentially coercive. Indeed, the functional definition of the border is that it is what legally delimits a territory. This approach includes the classical definitions of national and state sovereignty that began in the Westphalia period and which are the basis for studies of international relations. The border is a line that can be crossed, but under conditions imposed from within. The increase in human mobility is expressed in terms of a selection logic, which defines the profile (answering the question of who enters) and the quantity (answering the question of how many may enter). The principle of sovereignty is the basic principle of action. Monopoly of control over borders is perhaps the last bastion of state sovereignty, and the driving force behind our historical era, which began at Westphalia. There is a direct relationship between the border and the State, to the extent that they need each other to define themselves. The border is the answer to the question about the need for the State and is part of its justification. As a process, it can also be said that any cultural community wishing to build

![Diagram of Approaches based on the border as a political category](image-url)
a State needs a border to shape its sovereign power. The sovereignty of a State lies in its ability to control its borders. It is here where all its plasticity and pragmatism is expressed.

This core approach can be used to analytically separate three approaches based on the three main functions of the border as a political category.

– The security-based approach: the border is the ultimate expression of security. In fact, this link is related to the etymological sense of the “border” as the “front” and a “protection barrier” (a rampart, wall, etc.), against any potential external danger. The principle of action in this approach is stability, i.e. ensuring a stable society. The logic of the argument is what distinguishes the external from the internal, and preservation and protection. This logic of action differs from the logic of inclusion/exclusion, which we will discuss below (the identity-based approach), as it focuses more on the container than on the dynamic process of the transition from without to within. At this point, the arguments for maintaining order within borders and preserving stability come into play.26 When the effects are reversed, and borders disappear, the main problems are related to order and stability. This explains, for example, why the Freedom/Security/Justice triangle is the basis for action by the EU internally, after the disappearance of borders and the establishment of the Schengen area. The argument that it is necessary to strengthen external borders to ensure an internal space of freedom is the same process that is behind the construction of the EU that began in the Tampere period (1999). This framework includes images of Fortress Europe, which evoke the medieval symbol of a castle that protects its population from external dangers, and may be the cornerstone of the normative outlines of the EU.27

– The identity-based approach: it is an acknowledged fact that the border acts as a marker of cultural difference and identity. It is directly related to the definition of otherness. It is also a historical fact that one of the functions of borders is to define cultural communities. Within this framework, there are two directions for focusing the relationship: one going from borders to identity, and vice versa. In other words, this is the debate over whether borders create identity, or whether the prior existence of an identity leads to borders. The logic of the argument is in this case the logic of inclusion/exclusion, of them/us. There can be no political community without borders, and there can be no borders if they

26 Albert, Jacobson & Lapid (eds.), Identities, Borders, Orders.
cannot perform one of their main functions: that of delimiting a political community.\textsuperscript{28} Moreover, if borders are the main indicators of difference, they are inherently excluders, and the main container of the political sense of community.\textsuperscript{29} The border is the line between identities, and it is the main source for legitimacy of differences/similarities. It is even possible to say that the study of racism is based on a concept of borders between groups of people with identity variables (racial or cultural). A racist argument is an argument that raises barriers to relationships of identity and legitimises power relations between cultural groups. What is interesting is when attempts are made to make borders on the ground coincide with borders of national identity, and that inclusion/exclusion is legitimised by principles that are exclusively of national identity.

- The welfare-based approach. Perhaps this approach is more European, as the European democracies are also based on a principle of equal social rights, and they require a minimum level of welfare for their population. The basic principle of action is to ensure a fair distribution of minimum welfare to at least the citizens living within the container of the borders. This fair distribution follows the logic of separating social inequalities and even social exclusion. According to this approach, the universality of the very concept of equality that has guided the debate on democracy, both equal treatment and equality of outcomes, is limited to application within State borders, and it therefore assumes that borders are a primary institution. W. Kymlicka covers this link between rights and equality appropriately. Borders show the limits of the allocation of rights. What is the justification for distinguishing between the rights of citizens within borders and those of foreigners outside them? If the principle of the moral value of individuals has to be taken seriously, then the State must not violate individuals’ physical integrity. This approach is summarised as follows: “[In all liberal theories] a subtle but profound shift takes place in terminology. What begins as a theory about the moral equality of persons typically ends up as a theory of the moral equality of citizens.”\textsuperscript{30} In other words, the universal rights that liberalism confers on the individual are transformed during their implementation, and they are in reality reserved for some people, who are citizens of the State. As people with an inherent moral value, why do they not have the right to enter, work, and vote in a liberal democracy? A political theory of border shows that full welfare, and therefore the full benefits of the

\textsuperscript{28} I refer mainly to the references on identity of borders related to the constitution of political communities. Among others, these are: M. Anderson & E. Bort (eds.), \textit{The Frontiers of Europe}, London, Pinter, 1998; Donnan & Wilson, \textit{Borders}; Albert, Jacobson & Lapid (eds.), \textit{Identities, Borders, Orders}; Buchanan & Moore (eds.), \textit{States, Nations and Borders}.


\textsuperscript{30} Kymlicka, “Territorial Boundaries”, 249.
6. Arguments focusing on individual freedom of movement and border control

There are at least two frameworks for political debate that involve an implicit transcendental consideration of the border: discussions on nationalism and the debate on immigration. They both share their concerns over borders and construct their basic political categories taking borders as their main framework of reference, either explicitly or implicitly. Turning the argument on its head, it is difficult, or even impossible, to have a theory of nationalism and a theory of immigration without a notion of a border. In other words, the justification for where to draw borders and the issue of their control, once they have been drawn, are two separate but closely linked frameworks due to their implicit categorisation of the border.

While the former follows a logic that aims to justify borders and constructs its arguments based on the logic of doing/un-doing borders, or making-unmaking boundaries, debates about immigration include issues directly related to the justification of barriers to human mobility as a new global dynamic, in comparison with the mobility of goods. This freedom of movement of people is conceived as an exercise of one of the highest expressions of negative liberty, which is so dear to the liberal tradition. In this context, debates on the justification for border control, as the most convincing exception of liberalism, come into play.

This analytical differentiation comes from W. Kymlicka, in his seminal work on the justification for the territorial limits of the liberal State. Kymlicka addresses both the theory of secession and the human mobility that immigration involves. The problem of borders directly raises the question of justifying where they are to be drawn. The fact that existing boundaries are largely the product of historical injustice comes to the surface immediately in this type of argument. However, if we ignore the historical circumstances of today’s borders, the question remains one of justifying the legitimate grounds for the location of the borders. For liberals, the most important principle is that of free choice, which is limited by respect for the rights of others. If the majority in part of a territory do not want to continue being part of the larger area, they should have the right to secession. However, this position is at odds with current practice in liberal democracies.

From the point of view of human mobility, Kymlicka’s premise is that the issue of borders has been taken for granted in the debate on normative political theory in recent decades. The best example is Rawls, who, as we have seen,

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31 Buchanan & Moore (eds.), States, Nations and Borders.
simply ignores this question.\textsuperscript{33} For Kymlicka, this hinders attempts to deal with some of today’s most pressing problems. As the political theorist notes:

\begin{quote}
[\textit{I}n the real world, we cannot assume that existing boundaries are accepted, let alone that they will be accepted in perpetuity. Nor can we assume that people outside these limits have no desire or intention to enter the country. Any political theory which has nothing to say about these questions is seriously flawed.]\textsuperscript{34}
\end{quote}

These ethical questions were the first considerations as regards admission policies.\textsuperscript{35}

Can closing borders be morally justified?\textsuperscript{36} This is the main question to be answered when examining the basis for the ethical issues of admission policies. Or perhaps we need to consider the premise behind this question: should ethical questions play a role in guiding policy for the admission of immigrants?\textsuperscript{37}

Addressing ethical issues involves challenging three assumptions: sovereignty gives a nation-state almost absolute control over its borders, and immigrants are admitted only if they serve the national interest in market terms, as well as in terms of identity, in the sense that their entry presents no serious threats to national identity. A third challenge is related to security. Immigrants are admitted if the nationals’ security is not affected. We can therefore see that all three approaches (seen in the previous section) connected to power leave a line of analysis open: welfare, identity, and security.

Since the beginning of this debate, F.G. Whelan\textsuperscript{38} has adopted the power-based approach that follows the principle of sovereignty. He is interested in examining the attitudes that support the moral legitimacy of exclusion, or if one changes the direction of the argument, he aims to reverse the argument, taking issue with those who say that people have the right to migrate and the State has the right to be open to receive them. He even uses the democratic argument that politicians must act in the national interest of their voters and bow to the “people’s will” and pursue the “public interest”. The interests of immigrants should not be considered when designing an admission policy as a democratic policy, as immigrants do not vote and are not part of the sovereignty

\textsuperscript{33} Ibid., 252.
\textsuperscript{34} Ibid.
of the people who are to be protected. It is at this point that ethical problems arise:

May citizens, by virtue of their sovereign powers, enact a closed society, or, in what would seem to be a morally similar use of the same powers, set limits and criteria that are designed to ensure immigration serves the interests of themselves (and their descendants), the interests of those admitted being served in this fashion only indirectly? 39

A political theory that is intended to address the demands of all human beings will struggle to justify borders that act as barriers to free movement. There is even more justification for this when people and groups are unevenly separated for socio-economic and political reasons. In this regard, it is to be expected that cross-border movement has an equalising effect.

Following this line of argument and the debate on freedom of movement leads us to the didactic work of P. Cole, who clarifies part of the current discussion. 40 In view of the real inconsistency between the right to emigrate and the right to immigration, with the former recognized as a human right (Article 13) in the United Nations Declaration of Human Rights, the problem arises when this human right cannot be implemented as the latter (the right to immigration and therefore admission) constitutes no obligation for States. This ethical and conceptual asymmetry 41 becomes even more problematic with the argument that borders are not open/closed for the same reasons, for the same purposes, and in all directions.

The basic approach is that the degree of openness of borders depends on what is moving across them. In general, there is some inconsistency between the movement of people and the movement of goods, and depending on the direction of movement (import and export of products, money and finance, do not follow the same criteria or guidelines) and between emigrants/immigrants. In historical terms, the fact (and problematisation) that States do not use the same criteria for emigration and immigration policies is relatively new. It dates from after the First World War, when the visa policies were established, and was enshrined in the Declaration of Human Rights of 1948, which established the right to emigrate (Art. 13.2), assuming that the right of return was granted. 42 Today, the policy is based on the assumption that it is necessary to be “tougher” on immigration than emigration. But on what grounds is this assumption based?

To provide some basis for these inconsistencies, it is necessary to favour one theoretical approach over the other. All political theories attempt to justify inconsistencies and admit a certain amount of them. The same criterion is not applied internally, within the framework of freedom of goods, when moving arms and coffee. These criteria follow the same pattern for people, who are

39 Ibid., 6.
41 Ibid., 46.
42 Barry and Goodin (eds.), Free Movement, 13.
admitted or excluded based on certain criteria. The justification for unequal treatment within the same freedom of movement is also analysed.

There is undoubtedly a historical reason for this asymmetry, due to the period when human rights were proclaimed in the last century (1948) during the early “Cold War” between the two blocs (the liberal and the Communist bloc). After the Second World War, there was an urgent need and consensus among European countries as regards marking the limits on States’ authoritarian tendencies towards their own citizens. They were designed primarily to defend citizens from their own State. This paradigm of the citizen/State relationship, which is the basis for human rights, helps when understanding the difficulties of its application to non-citizens, and especially to illegal immigrants. The right of admission is stronger than the right to leave, especially as regards people (this is not the case with money, goods, and services). In the 20th century, the “exit option” was the empirical benchmark for the definition of borders, as part of the world’s population (in the former communist countries) had no opportunity to leave their country. In this context, the well-known Popperian debate on the “open society” and the “closed society” began (2006).

Given this framework, it is possible to talk about the one-directional nature of these arguments, since they were based on the “pre-judgment” that “our” open society can ensure the right to leave a territory (guaranteeing exit from the territory was a political demand), but not the right to enter. The “entry option” today has the status of a human rights demand. As a result, in the 21st century, the marker that defines borders is no longer an exit option (there are almost no States that do not allow their citizens to leave), but instead the “entry option” (there is no rule in any State that guarantees the unconditional right of admission). The “exit option” has a value in terms of human rights, but the right to enter any country one wishes does not. The basic argument is therefore that in order to understand the current liberal asymmetry, we have to introduce this context to argue that the current asymmetry is undoubtedly the result of asynchrony (two historical periods, the end of the Second World War and the beginning of the second half of the 20th century, and the beginning of the 21st century), characterised by a real dynamic: human mobility, which has difficulty adapting to an institutional structure of borders that was designed for a world without human movement, or at least for a world in which human mobility was seen as an exception rather than the norm.

A basic argument is therefore that the asymmetry is only visible when there is a relationship between citizens/non-citizens, i.e. in the current historical context. In other words, in a situation in which a citizen of a State wishes to enter another State that is not their own. Or to put it another way, from the point of view of citizens and their own State, the rights of both entry and exit are

43 Ibid.
absolutely symmetrical. To return to the arguments of P. Cole, given a State X and a State Y, and a person P who wants to cross the border from X to Y, there are at least three possible scenarios:

1. P is a citizen of X;
2. P is a citizen of Y;
3. P is a non-citizen of X and Y.

Only situation 2) is symmetrical and can arise in both directions. In other cases, asymmetry is the norm.

A citizen of a State is entitled to leave (the right to emigrate) and then to return (the right to immigrate), if we take the notions of emigration/immigration as purely designating the direction of a movement from a fixed point (a State). This is perhaps the first assumption that had to be questioned: what P. Cole\textsuperscript{45} calls the positivist argument, which says that some people are citizens, and have rights granted by the State, while others are not citizens and therefore have no rights from the same State. The right to enter a State was designed under the assumption that it was for the citizens of that State, rather than non-citizens.

Taking this framework into account, P. Cole states that there are three basic positions to ensure free circulation:\textsuperscript{46}

1. \textit{Illiberal symmetry}: when the State has discretionary power over emigration and immigration. The complete argument is that if control over immigration is justified, then control of migration must also be governed by the State, and it should not let its citizens leave without any restrictions;
2. \textit{Liberal symmetry}: when there is no control over cross-border movement in any direction;
3. \textit{Liberal asymmetry}, which is the current state of affairs. States have the power to control entry, but not individuals’ exit option.

What are the basic arguments that justify this asymmetry? There are several approaches that cannot be sustained when using the filter of \textit{illiberal symmetry} as a counter-argument. Most of them use analogies, giving examples of asymmetries in a system and transposing the argument to the State’s right to control entry, but not departure. However, these analogy-based arguments are the weakest, as it is not legitimate to compare States with other cases. What is original about our discussion is that we focus precisely on the arguments against unrestricted human mobility, in order to highlight the problems with them. Let us now present these arguments, albeit succinctly:

- \textit{The argument based on consequences}.\textsuperscript{47} This argument shares the common logic of the supposedly negative consequences of recognizing human mobility. The asymmetry \textit{is justified in terms of costs/benefits}. However, the asymmetry \textit{cannot be justified} even within this logic, because the State’s right to control immigration has direct implications for the right of

\textsuperscript{45} Cole, \textit{Philosophies of Exclusion}, 46.

\textsuperscript{46} Ibid., 52.

\textsuperscript{47} Ibid., 46–48.
emigration, and therefore has negative consequences for people’s human right “to leave any country, including their own”. There are several aspects within this argument, all of which have the same problem: they have a one-dimensional view of the relationship between emigration and immigration:

- The economic and utilitarian dimension: the asymmetry is justified because immigration has a cost to the recipient countries, while emigration is free. This is a simplistic view, as the opposite could also be true.
- The numerical dimension: mass immigration imposes heavy costs on the receiving States. This justifies the need for control. If this is true, then it must also be true for control of mass emigration (this is the counter-argument against the illiberal symmetry).

- **Arguments based on identity.** In the words of A. Dowty: “control of entry is essential to the idea of sovereignty, for without it a society has no control over its basic character.” If the control is justified on these grounds, control of immigration is also justified because emigration could pose a threat to the character of the country, although B. Barry, following this line of reasoning, says that “emigration does not change a society in the same way.”

- **Arguments based on security.** This argument is perhaps best illustrated by the defence of the liberal asymmetry by M. Walzer: “restriction on entry serves to defend [. . .] freedom and welfare, while restricting the option to leave is coercion, and therefore the violation of freedom and welfare.” This argument is clearly one-sided, as it is citizens’ freedom/welfare that is protected. We can also protect the welfare/freedom of those people who want to enter. If we consider Walzer’s argument, from the point of view of those who are not citizens, immigration control involves coercion. This is the positivist view that must be challenged – the construction of arguments to justify the asymmetry on the basis that citizens have more rights (privileges) than non-citizens. If we take the argument of freedom/welfare seriously, without this positivist approach it should therefore work in both directions. This is the cosmopolitan view argued in R. Zapata-Barrero.

- **Arguments based on consensus.** States within borders are said to be like associations, and thus have the right to accept people who want to belong. “It is similar to the employment argument: people are free to leave a job, but cannot be free to take a job. Or even like marriage: people may come

49 Barry, “The Quest for Consistency”, 286.
51 Zapata-Barrero (ed.), *Shaping the Normative Contours*.
52 Barry, “The Quest for Consistency”, 284.
together by mutual agreement, but no one can force others to be together. A third example is the Walzerian argument of the club: states are like clubs - people can leave the club, but clubs are entitled to choose their members.”\textsuperscript{53} But these analogies have a moral weakness, as States cannot be compared with all associations, marriage, employment, or a club.

- \textit{Arguments based on private property.}\textsuperscript{54} The basic idea is straightforward: if one owns a property, one has the right to exclude others from entering, but not from leaving. There is a parallel here with States, which have the right to restrict entry but not exit. However, the argument raises questions about the relationship between the State, territory, and private property. The argument can be made by analogy, and it maintains that the relationship between the State and its territory is the same as that between people and their property. Nonetheless, the problem remains the same as in other analogies: why should we take these analogies for granted? The problem arises when we take the argument seriously, i.e. we are maintaining that it is the same, since the State must protect its territory as private property.

- \textit{Arguments based on popular sovereignty.}\textsuperscript{55} The legitimacy of a liberal State is based on the consent of its members, and residence and citizenship is of significant importance within consent. Nonetheless, even this strong argument has the major drawback of not being fully implemented in both directions, as the right to leave must only rest on the assumption that we have the right to enter another State. P. Cole therefore concludes that the argument of sovereignty is an argument of symmetry, which establishes that State’s obligation to allow free emigration, but does not require that particular State to allow free immigration. The point is that to make complete sense, the argument of sovereignty should defend the symmetry of human movement.

All these arguments, which aim to justify restrictions on human mobility, are based on questionable analogies and justify the need to establish a conceptual basis that enables the development of a political theory of border.

\section*{7. Concluding remarks}

Until recently, political theory took the concept of borders for granted. Political action has suffered as a result. Why is it crucial to talk about the border now and to break this silence? Because it is a matter of urgency that they should not be taken for granted, and conceptualised as social and political constructions, which can adopt profiles other than those that most of them have at present, and give rise to different management policies to those that are at present hegemonic. The

\textsuperscript{53} Ibid.

\textsuperscript{54} Ibid., 154–160.

\textsuperscript{55} Ibid., 53–55.
concept/policy nexus has a normative theoretical meaning when the bridge is the concept of the border.

The conceptual foundations of a political theory of border are based primarily on the reasons for a debate, given the historical period in which we live, in which human mobility is still not perceived as the norm, despite the unprecedented global dynamic of human movement. This means that in this period of change in which we live, a political theory of border would undoubtedly help to incorporate all the conceptual complexity mentioned above within the semantic notion of the border, thereby making the transition from a simple to a complex conception of the border.

Likewise, in view of this multiplicity of meanings, a political theory of border maintains the functional and social construction aspect of the notion of the border when it is related to human mobility. From the point of view of the simple concept, there is also an initially open conception based on a citizen/State paradigm that is also a subject for discussion. Today’s complex concept of the border shows that our liberal and democratic society is a society that is inwardly closed, and has difficulty in accepting the new non-citizen State paradigm.

Finally, the conceptual foundations of a political theory of border should also challenge the assumption that use of analogy is a legitimate rhetorical device to justify the control of human mobility. Border is in motion, and any political theory of border needs to address this dynamic within a concept/policy nexus framework.