

In Search of an Ethics of Migration: The Debate about State Borders—Main Perspectives and Arguments

Konstantin TROITSKIY

Abstract. The search for ethical principles of migration policy is on the agenda in many countries. Heated debates are unfolding at the international and national levels on the nature and consequences of migration flows, the boundaries of responsibility, and on who should and should not be allowed to enter the country. Such discussions are usually replete with ethical terminology and are informed with the pathos of protecting moral values. In addition, interest in the topic is growing rapidly across a range of academic disciplines, from anthropology and psychology to sociology and economics. An ever broader range of issues in English-language philosophical literature also stresses the problems of ethics. However, migration is hardly ever addressed in Russian-language academic literature on ethics. This article attempts to fill the gap: the author provides an introduction to the ethical debates often associated with migration. The focus is on the discussion in the academic literature as to whether or not the state has a moral right to exercise sovereign control over migration.

Keywords: ethics, cosmopolitanism, migration control, open borders, the ethics of immigration, migration policy, refugees.

DOI: 10.31857/S013454860007

Background

Reflections on the criteria of belonging to polis, as well as colonization, travel and exile, are to be found already in the works of ancient authors, including Democritus, Plato, Aristotle, Cicero, Seneca. However, the basic principles of the modern system of international relations and political ideas that set the coordinates

K. Troitskiy, Cand. Sc. (Philosophy), research fellow at the Institute of Philosophy, the Russian Academy of Sciences. E-mail: konstantin.e.troitskiy@gmail.com. This article was first published in Russian in the journal *Eticheskaya mysl* (*Ethical Thought*), No. 1, 2018.

for the discussion of migration issues were only formulated in the Modern period. Some thinkers of that epoch who made the biggest contribution, for example, Hugo Grotius, Francisco de Vitoria, Emer de Vattel (on their views on migration matters see [18]), Thomas Hobbes, John Locke, and John Stuart Mill did not shy away from the issues of migration control and obligations with regard to refugees and migrants. But these were for the most part apropos¹ remarks behind which one could barely discern the features of migration policy that they would have considered to be morally acceptable. The views of Immanuel Kant and Henry Sidgwick command particular attention among modern ethical and political philosophers engaged in the topic of migration. Kant because he was the only philosopher in the Modern period who brought philosophical depth to exposing the flaws of the international system built around a sovereign nation state providing a well-thought-out cosmopolitan perspective.² Sidgwick, on the contrary, on account of his arguments that resonate with the views of many present-day advocates of the right of the state to control migration.³

The spate of English-language publications on ethical issues connected with migration, coincided with the emergence of a distinct area of practical (applied) ethics in the 1980s. The modern stage of the debate was ushered in by *Boundaries: National Autonomy and Its Limits*, a collection of articles edited by Peter Brown and Henry Shue in 1981 (see [5]). The opening article in the collection was Michael Walzer's *The Distribution of Membership*, which, along with chapter two of the book *Spheres of Justice* (a reproduction of the first article) caused and continues to cause great resonance. The journal *Ethics*, one of the most authoritative journals on ethics, played a key role in the discussion. In the 1980s it carried several articles devoted to migration [16; 29; 19; 11]. Over the years the number of publications and range of issues has been growing and more and more authors who addressed the range of ethical migration-related issues and proposed answers have come to use the term "the ethics of immigration."⁴

Russian ethical thought has to date hardly exhibited any interest in the theme of migration. On the face of it, a political discussion in Russia exists, but on closer inspection it nearly always boils down not to whether or not sovereign state migration control is justified, but to ways of tightening migration policy and migration control. One of the frequent topics of discussion is how to collect more taxes or more effectively catch and fine those whom even high-ranking officials denote by the disparaging word "illegals." The sovereign and unlimited right of the state to control migration is almost never questioned and the word "cosmopolitan," if it is ever used, carries a derogatory connotation. Labor migrants have practically no political representation in Russia.

The institution of refugees fares no better. While English-language research publications discuss moral and political obligations with regard to refugees,⁵ and the most suitable and ethically correct definition of "refugee," Russian-language publications on ethics massively ignore the discussion. Nor is there a broad public and political discussion of the flaws of the asylum system that has taken shape in Russia. Acceptance of refugees, if it is not rejected in principle, is usually seen as

an act of charity and not an obligation of the state. Politicians and migration officials often do not bother to conceal the fact that they use the criteria of ethnicity, political “loyalty” and cultural affinity in deciding whom to admit and whom to expel. At the same time official Russian state propaganda assiduously presents the refugee situation in Europe as a calamity, an acute crisis showing refugees in an unseemly light and using various gimmicks to instill in people’s minds the notions that all “refugees” are “crooks.”

All this explains the sorry plight of refugee status in the Russian Federation. According to the Federal Statistical Service as of January 1, 2018 only 592 persons were registered as “refugees” by the state migration office, and in 2017 only 33 persons were granted refugee status in Russia. An additional humanitarian “temporary asylum” status was granted to 125,442 persons, of whom 98.4% were citizens of Ukraine to whom the above status was granted in 2014 by top-level decision. Thus, as of January 1, 2018 there were only 2,008 people in Russia with a “refugee” status from all countries, not counting Ukraine. Yet the status of “refugee” accords most fully with the UN Convention *On Refugee Status* which Russia has ratified, thus assuming full responsibility under it. In granting “temporary asylum” status the Russian government removes a number of obligations compared to “refugee” status while demanding extension of the status at least once a year. The latter is a cumbersome procedure, so the migration office often chooses to refuse an extension without any reasonable explanation. In April 2016 the migration office was again turned into a department of the Ministry of Internal Affairs, which signaled the prevalence of the restrictive, coercive and repressive approach to migration issues in Russia.

The overall impression is that the current state approach to labor migration and the refugee institution is not questioned by the majority of Russian politicians, experts and ordinary citizens. The sovereign and even arbitrary right of the state to decide issues of labor migrants and refugees is taken for granted. This probably goes part of the way to explain the lack of attention to the ethical issues of migration which have for several decades been actively debated in the academic circles in many foreign countries. Without claiming to present the full picture this article looks at some of the topics raised in the English-language literature and critiques against attempts to build a case for the moral right of the state to exercise sovereign control over migration.

Theoretical Premises

As often happens when ethical questions are discussed, the philosophical discussion on migration has revealed two positions that set value coordinates. They are (1) the full sovereignty of a state (political community) on migration policy issues and

(2) assertion of the moral right of every person to free movement regardless of state borders.

Adherence to one or the other position determines the answers and lines of arguments concerning the main issues under discussion: from the institution of citizenship to assessments of current migration rules. Again, as in many other ethical discussions, polarization is not absolute; more often than not participants merely lean more to one side than to the other.

Walzer, while upholding the sovereign right of the state⁶ to control migration, objects to ethnic and religious discrimination especially if such discrimination is practiced by a state with a territory exceeding the needs of the community. He is in favor of a ban on the expulsion of indigenous populations and writes about the duty to accept refugees [32, pp. 42-46, 48-51]. Ryan Pevnick, criticizing the idea of open borders and justifying migration control, nevertheless titles his book *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty* [24] and tries to formulate the principles of balancing what he considers the two extremes.

Joseph Carens [6], on the contrary, while expressing serious doubts about the institution of state migration control, believes that in some extreme situations (the need to maintain public order and national security and to prevent the collapse of liberal institutions) sealing of borders is morally justified. Another advocate of open borders, Michael Dummett, writes [9, p. 73]: "It follows that, as things now stand, the principle of open frontiers ought to be accepted as the norm; a norm from which deviation can be justified only in quite exceptional circumstances." He recognizes only two such circumstances: a real threat of one people being absorbed by another and overpopulation. Both Carens and Dummett warn against abuse and unduly broad interpretation of exceptional circumstances and their use to justify existing restrictive measures.

In addition to differentiation based on the opposition of the sovereign right to migration control and the value of open borders, research positions may be divided, according to Veit Bader, into two large groups: universalist and particularist. The first group recognizes equal moral value of each individual regardless of citizenship and the second insists on prior obligations to fellow-citizens compared to obligations toward representatives of other states or political communities. Universalist positions can be divided, according to Bader, into (1) consequentialist, (2) deontological and (3) virtue-based. Bader does not clearly define particularist positions, but merely notes [2, p. 335] the spectrum from liberal-nationalism and communitarianism to chauvinistic nationalism and "exclusionary patriotism."

Rainer Baubock singles out three value perspectives on migration-related ethical issues that exist in the literature:

- justice, when the opening or closing of borders is a way of leveling the chances of a more equitable distribution of goods in an imperfect world;
- freedom, when open borders is an ideal value in its own right;
- democracy, where the degree of openness or closure of borders is determined by the political community while the right to self-determination is the key value [3].

In addition to the above-mentioned classifications there are some others based on formal or substantive criteria. For example, the literature contains distinctions based on nationalism and cosmopolitanism [12], etatism, the ideal of open borders and the position of common identity [24], deontological and consequentialist approaches [26], conventionalism, non-ideal approaches and the open borders position [34]. Some authors, depending on their views, promote liberal nationalism [30] or Roman Catholic social thought [23].

Some arguments in favor of the state's right to control migration invoke such ideas as cultural and national identity, the welfare and security of fellow-citizens, the freedom of assembly, national self-determination, the value of belonging to a group and citizenship. It has to be noted that those who try to derive the moral right of state institutions to control migration usually speak about the political community, cultural identity or nation, although in the final analysis the state ends up as the sole and omnipotent representative of such entities.

Bader [2] makes a critical review of five lines of arguments in favor of migration control based on the following propositions:

- (1) fellow-citizens enjoy priority;
- (2) the main civil and
- (3) political rights can be guaranteed only through sovereign control by the state of its borders;
- (4) social rights and the distribution of benefits have to be protected;
- (5) national culture should be defended.

Earlier than Bader and in line with him, John Isbister [15] puts forward six popular arguments against open borders and in favor of migration control. He attaches to each of them a short critical remark noting that from the ethical point of view only the final statement is valid:

(1) *Immigrants lay claim to the wealth that does not belong to them, but to the host country's citizens.* Isbister challenges the validity of the notion of a collective owner identical to the state and that the present generation has a valid claim to own all the country's wealth in a similar way as an heir is entitled to the property of his parents.

(2) *Immigration destroys the political values in the host society.* Isbister questions this proposition and notes that political values, meaning democratic rights and freedoms, may face more serious threats from its own citizens.

(3) *We have better ways of helping the world's disadvantaged.* Isbister remarks that this does not remove the responsibility to help by admitting migrants.

(4) *Citizens have a special top-priority obligation to their fellow citizens.* Isbister argues that for all the obvious moral significance of personal relations, obligations such as those to family members cannot be directly applied to big political institutions and communities.

(5) *A person is not obliged to be heroic and accept major changes for the sake of migrants.* Isbister does not consider this to be a convincing argument because it can be applied to any attempt to preserve unfair and immoral privileges, for example, slavery and serfdom.

(6) *Immigration controls protect the disadvantaged in the host country.* Isbister admits that this statement may partly be true, but he believes it proves not so much the justice of restrictions, as the need to look for a compromise. At the same time he says that the life of the disadvantaged citizens should not be improved at the expense of the often even more needy migrants.

These and similar arguments in favor of migration control come under criticism, often still more detailed, from many other authors, including, in addition to Carens and Dummett, James Hudson (see [13; 14]), Robert Goodin (see [11]), Phillip Cole (see [8]) and Peter Higgins (see [12]). It has to be said that with respect to migration control even its advocates admit that it is immoral, with the exception of force majeure situations, to use it inside the country between different regions, as well as emigration control. So, when we speak about the object of migration control, it is usually a migrant from another country (immigrant).

The scope of this article makes it impossible to even briefly describe all the main aspects of migration that raise interesting ethical questions, as well as the debate around them. Below I will concentrate only on the following topics:

(1) the use of analogies which loom large in the works of almost all the authors who uphold the right of the state (political community) to control migration; and

(2) the most common substantive argument that justifies this right by appealing to the danger that migration (factually or not) poses to national and political culture.

A separate critical study (to which this author hopes to devote a future article) should look at the normative division into “us” and “them” promoted by the advocates of migration control, which is the starting point of all attempts to justify migration control morally.

The above themes correspond to

(1) the popular method,

(2) possible substantive consequence, and

(3) the foundation of just about all the arguments of the advocates of migration control.

To put it another way, it is about “how,” “for what purpose” and “on what grounds” it is thought to be morally justified for state institutions to limit the freedom of movement between countries at their discretion. Below I will confine myself to the critique of the attempts to morally justify the sovereign right of the state to control migration and demonstrate the moral value of open borders. I have set this framework not because of my views only, but because also it is the restriction of freedom and the introduction of coercive institutions and not the assertion of the right of everyone to free movement that are in need of a convincing grounding in ethical thought, if that is at all possible.

The Use of Analogies

Walzer resorts to analogies to bolster his original position of upholding the sovereign right of the state, with some limitations, to prevent migrants from entering or staying on their territories. In his book *Spheres of Justice* he writes [32, p. 41]

that we might imagine states as perfect clubs, with sovereign power over their own selection processes. He draws analogies between the state and family, the state and neighborhood. While admitting the limitations of each of the analogies Walzer notes the importance of the first two (the state is like a club and the state is like a family) for the development of his argument. Proceeding from analogies he not only draws practical conclusions, but introduces a special terminology. For example, he writes that he believes it is morally justifiable for states to provide a particularly favorable migration policy with regard to “national or ethnic relatives.” This policy is pursued on the basis of what Walzer calls the “kinship principle.” But he does not offer any convincing criteria for distinguishing the “kinship principle” from the “discriminatory principle.”

Other advocates of migration control also widely resort to analogies. For example, Christopher Wellman, who also wrote the article on *Immigration* [33] for *Stanford Encyclopedia of Philosophy*, defends the sovereign rights of the state to control migration by likening the state (a political entity) to a golf club, a family and a business company.

The argument in defense of the state’s right to sovereign migration control based on analogies can be presented as a syllogism:

(1) nation states (political communities) are likened to a family, club, business company, house owner, etc. in terms of the right to control membership;

(2) it is taken for granted that members of a family, club, business company or a house owner have the moral right at their discretion to offer or deny membership, to allow in or keep out “aliens”;

(3) from this the champions of migration control conclude that the nation state has the moral right at its discretion to allow or not to allow foreigners to enter their territory, to grant or not to grant them legal status.⁷ Outside academia this syllogism-analogy likens the state to an apartment or a house and a migrant without legal status is likened to a stranger who breaks into the house or, having been invited to visit, refuses to leave.

Such analogies and the underlying syllogism have a number of shortcomings, distort the subject of the discussion and are not valid arguments in favor of migration control. For example, looking at the above analogy of a house, the following objections may be put forward.

(1) The state is not private property or private territory, but a public space that has no single owner and is used by many people with different views and interests. Some of those who use this space are labor migrants and refugees and others are foreign tourists. Finally, there are citizens who do not mind and in fact welcome the arrival of new migrants.⁸

(2) By no means all migrants are strangers the citizens of the host state. On the contrary, very often they already have or acquired during their stay new acquaintances, friends and close people among the local citizens. And conversely, not the fellow citizens are acquainted with each other.

(3) “Illegal presence” or “illegal entry” into the territory of a state does not involve violence with regard to private property, let alone an individual. The targets

of violence, on the contrary, are often undocumented migrants who may be exploited by unscrupulous employers, sometimes resorting to undisguised slavery.

(4) Although offenses may be committed more frequently (though not necessarily so) by members of some groups of migrants than by the country inhabitants on average, the same is true for certain groups of citizens of that same country. Would it be morally justified to deny poor and uneducated fellow citizens entry to large cities and confine them to isolated ghettos—or to exile them to another country—only because there are on average more potential offenders among them than in the country at large? Obviously the answer is no. Why then is such practice sometimes supported with respect to migrants (especially since the contention that the representatives of this group are more prone to committing offenses than the people in the country on average is often imagined and ungrounded)? Perhaps the only difference for the advocates of such measures is that they distinguish between “our own offenders” and “their offenders.” As pointed out above, the division between “us” and “them” in the perspective of this article merits a separate critical study, but we can already see that attempts to justify cruel migration measures by arbitrarily discriminating among people on the basis of citizenship hold no water.

The comparison of the state (political community) to a club—one of the most popular in the academic literature—also has some flaws and only appears to be convincing. It ignores the fact that a club is a voluntary association or community while the state is a coercive social organization (see, for example, [6, p. 267]). Membership of the club is *freely* chosen depending on a person’s interests and views. No one can be forced to be a member of a club or be forbidden to create one’s own without violating basic human rights and freedoms. People are born citizens of this or that country and often have no chance to change their citizenship. Attempts to declare a state entity within an existing one are usually considered to be among the gravest crimes. Plus, as has frequently been noted, for example, by Jonathan Seglow [28, p. 237]: “Such analogies must be handled with care in that citizens excluded from private clubs retain access to essential goods in the public sphere.” In other words, you may not even be a member of the club, but it hardly makes any difference to your access to the basic goods and opportunities. For example, people without citizenship are one of the most vulnerable groups and citizenship of this or that country often makes a dramatic difference in the level of well-being and opportunities of those who have it.

Besides, according to Cole, club analogies assume only one form of organization, in which the issue of admission or expulsion is decided only by the acting members of the political community. But he notes that this approach ignores several things because membership can also be determined by

- (1) decision of candidate members,
- (2) negotiations between candidates and full members, and
- (3) a vote of part or all members and part of or all the candidates (see [8, p. 72]).

The analogy between a state (political community) and a family has several variants. Most of them belong to two varieties:

- (1) comparison with relations between parents and children,
- (2) comparison to the formation of a new family (choice of spouse).

For example, Wellman maintains there is nothing morally reprehensible about parents paying money for sending their child to a prestigious university but not helping a needy unfamiliar child from an orphanage to acquire basic education. Similarly, Wellman believes, assistance to needy migrants is outside the zone of strict moral obligations [33, p. 36]. The second variety brings in an analogy between the absence of the right to immigration while having the right to emigrate and the lack of the right to marry without the consent of the other side despite the fact that on the whole the right to marry exists (see, for example, [20, p. 209]).

In the above-mentioned analogies, again, some qualitatively different characteristics are treated as similar while comparison on the basis of other characteristics which are the most important ones is neglected.

First, a family usually implies close biological or mental kinship projected to major political entities, and that is a dangerous and powerful source of racism and chauvinism.

Second, it is hardly possible to recognize as a family member a person whom one does not know and has not seen or has only seen briefly. Acquaintance and/or kinship by blood are essential features of a family.

Third, the first version of the analogy that draws a parallel with active members of the family invokes established practices. But this in itself does not prove that the practices are morally justified. Besides, very often parental care of children is very different from the way citizens treat their fellow citizens. Many citizens are indifferent to their needy compatriots; others show some compassion, but for a narrower group; and there are those who mistreat or try to infringe upon the interests of their compatriots. Moreover, some citizens have real relatives among migrants for whom they entertain far deeper feelings than for the majority if not all of their compatriots.

Fourth, the second version of the analogy is open to the criticism voiced with regard to the club analogy because usually an unmarried person is not deprived of any basic rights. And again, leaving aside some countries and exceptional examples, a person marries at his/her choice upon coming of age whereas the country of citizenship is not usually chosen and absence of citizenship represents a formidable problem.

Analogies with neighborhoods and company businesses are just as vulnerable in terms of the main points of the above criticism and have some further flaws (see [13, pp. 214-215]).

To end the brief review of analogies it has to be noted that in addition to the above mentioned shortcomings they ignore one aspect that is crucial to the topic in hand. Neither a family, nor a neighborhood, nor a club, nor a business company has the monopoly of violence which is the distinctive feature of the state. The monopoly of violence, as John Torpey [31] has demonstrated, is directly linked to the state monopoly on movement. The wish of the state to control the migration of its members and to punish those who break its rules leads to such practices as

inspections on the border or in the street, visas, foreign passports, deportations, registration at the place of residence or sojourn, etc. Therefore attempts to find a moral justification for migration control additionally, though not openly, involve attempts to find a moral justification for the use of violence,⁹ which is a very dubious proposition.

The Argument of Preserving National and Political Culture

Just about all the substantive arguments adduced in the literature against free movement of people between states are consequentialist. The advocates of migration control predict that the opening of borders may cause a dramatic deterioration of the well-being of the host country's citizens, a rise in crime, collapse of the security system, flare-ups of epidemics, mass unrest, destruction of democratic institutions, degradation of national culture, etc. The likelihood and actual chances of these forecasts coming true are claimed in each specific case and, in general, are not evident and are within the realm of such disciplines as economics, sociology, criminology, social psychology, etc. From the ethical perspective two points need to be stressed.

(1) The ideal of open borders does not imply a sudden one-off action. Obviously, before borders can be opened a whole range of changes are needed, from serious reforms of international institutions, practices and laws of nation states to the transformation of interpersonal relations and the dominant world view. Such changes should not be effected by violent methods and require a coordinated effort of a whole complex of institutions and specialists in various science disciplines. Thus such changes would lead to a gradual and non-violent transformation of a multitude of institutions and practices, including the views of individual people.

Peter Nyers [22, p. 130] notes that new types of civil behaviors increasingly manifested by previously silent and ignored groups, including undocumented migrants, require "rethinking of many of the assumptions, dispositions, biases, and fascinations of modern social and political thought: the privileging of order over change, action over acts, the enduring over the momentary, certainty over contingency, planned over accidental, and so on." Consequentialist critique of open borders nearly always changes only one variable (closed or open borders) leaving others unchanged.

(2) Appealing to the fear of the Alien, the Stranger, the Other—the argument that invokes allegedly inevitable catastrophic consequences—is similar to the analogies with a stranger invading a home and usually includes or is entirely based on xenophobia. This line of reasoning is often accompanied by manipulations aimed at spreading the notion that migration is a problem and migrants are dangerous people. And yet these arguments make no more sense than the statement that standing in one place is better than walking. The history of the human race is in many ways a history of migrations, and according to Kwame Anthony Appiah [1, p. xviii], "the urge to migrate is no less 'natural' than the urge to

settle.” There is no normative basis for the popular notion that to form stable national entities is normal while migration needs a special justification.

Open borders express an orientation toward asserting the value and uniqueness of any person regardless of their place of birth. It is recognition of belonging to humanity in general. It is an awareness that belonging to this or that nation state is secondary if not tertiary in importance. The opening of borders is a moral goal that should not be achieved through violence or by causing harm to people. It is the result of a non-violent implementation of the ideal of universal peace in which friendliness, respect for every individual and freedom to form open communities and associations prevail.

One of the most popular arguments of the advocates of migration control is that the opening of borders would quickly lead to the degradation of national and political culture. Yet even those scholars who promote it have no consensus on the definition of “nation” and “the national,” “politics” and “the political” and indeed what “culture” means. The attempts to define these concepts have often caused fierce discussions. Bringing in specific examples does not improve matters. Speaking about the Russian experience, for some “Soviet culture” is a unique culture, for some it is part of Russian culture and for some, on the contrary, it is not culture but anti-culture, degradation of the culture of the Russian and other peoples inhabiting Russia. In addition to the lack of consensus and a real danger of conflicts over attempts to come up with hard-and-fast definitions of the concepts of “nation,” “politics,” and “culture” and especially in defining specific communities and political entities, there are several other arguments that can be advanced against the claim that open borders endanger national and political culture.

(1) The empirical argument: this danger is either non-existent or is typically exaggerated.

(2) From the value point of view: (a) it is debatable whether the preservation of national and political culture trumps the importance of saving or dramatically improving the life of migrants; and (b) putting the national and political culture of one state over the culture of other societies and world culture is a dubious proposition.

(3) From the conceptual point of view: national and political culture does not need such advocacy because it is not strictly confined within state borders, as witnessed by the existence of cultures without a clearly defined territorial affiliation.

(4) From the consequentialist point of view, the preservation of national and political culture through the apparatus of state coercion leads to its degradation, not preservation.

(5) From the consequentialist-conceptual point of view excessive protection of national and political culture through the use of state coercion may form a totalitarian repressive system that subjugates culture and politics leading to external isolation and internal persecution of dissidents and minorities.

One should also add Cole’s objection to political realism which is relevant to any criticism of open borders based on the need to preserve national culture and the national political system. Cole argues that the political system which establishes

sovereign control, even if it treats its citizens liberally, behaves illiberally in establishing migration control on the border of non-citizens and restricting their entry. So, the net effect is that by seeking to protect a humane national culture and preserve the liberal system the state preserves a political system which inevitably includes non-liberal elements. Moreover, Cole believes [8, p. 174] that “the national identities or institutions... are most often abstract ideals themselves.” In other words, it is not that the advocates of the sovereign state reject the idealism of open borders for the sake of the realism of the nation state, but that they reject the ideal of open borders for the sake of the ideal of a closed, culturally and politically homogeneous society.

The above objections to open borders emanate from views and visions where there is an area of “us” where everyone is responsible for everyone, and the area of “them” which is not covered by “our responsibility” or is only covered on a limited scale. Thus, some scholars discussing migration issues use and do not question the perspective of a nation state and its interests developing various versions of “national egoism.” Unlike individual egoism, which sets the “ego” off from others recognizing “I” as the value priority, in “national egoism” which could by analogy be called “nosism”¹⁰ there emerges an “usness” which is opposed to “them” on the basis of citizenship or nationality. In other words, the division into “us” (one’s own, fellow-citizens, locals) and “them” (aliens, non-citizens, strangers) forms the basis of almost any attempt to morally justify migration control. At the same time such division is highly suspect in moral terms. This topic merits a separate study.

References

1. Appiah K. A. *Cosmopolitanism: Ethics in a World of Strangers*. London: Penguin Books, 2006.
2. Bader V. The Ethics of Immigration. *Constellations*. 2005. Vol. 12, pp. 331-361.
3. Baubock R. Global Justice, Freedom of Movement and Democratic Citizenship. *European Journal of Sociology*. 2009. Vol. 50. No. 1, pp. 1-31.
4. Benhabib S. *The Rights of Others. Aliens, Residents, and Citizens*. Oxford: Oxford Univ. Press, 2004.
5. Brown G. P., Shue H. (eds.). *Boundaries: National Autonomy and Its Limits*. New Jersey: Rowman and Littlefield, 1981.
6. Carens J. H. Aliens and Citizens: The Case for Open Borders. *The Review of Politics*. 1987. Vol. 49. No. 2, pp. 251-273.
7. Carens J. H. *The Ethics of Immigration*. Oxford: Oxford Univ. Press, 2013.
8. Cole P. *Philosophies of Exclusion. Liberal Political Theory and Immigration*. Edinburgh: Edinburgh Univ. Press, 2000.
9. Dummett M. *On Immigration and Refugees*. London: Routledge, 2001.
10. Gibney M. J. *The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees*. Oxford: Oxford Univ. Press, 2004.

11. Goodin R. E. What Is So Special about Our Fellow Countrymen? *Ethics*. 1988. Vol. 98. No. 4, pp. 663-686.
12. Higgins P. W. *Immigration Justice*. Edinburgh: Edinburgh Univ. Press, 2013.
13. Hudson J. L. The Ethics of Immigration Restriction. *Social Theory and Practice*. 1984. Vol. 10. No. 2, pp. 201-239.
14. Hudson J. L. Philosophy of Immigration. *The Journal of Libertarian Studies*. 1986. Vol. 8. No. 1, pp. 51-62.
15. Isbister J. Are Immigration Controls Ethical? *Social Justice*. 1996. Vol. 23. No. 3 (65), pp. 54-67.
16. King T. Immigration from Developing Countries: Some Philosophical Issues. *Ethics*. 1983. Vol. 93. No. 3, pp. 525-536.
17. Kukathas C. On David Miller on Immigration Control. *Critical Review of International Social and Political Philosophy*. 2017. Vol. 20. No. 6, pp. 712-718.
18. McAdam J. Intellectual History of Freedom of Movement in International Law: The Right to Leave as a Personal Liberty. *Melbourne Journal of International Law*. 2011. Vol. 12, pp. 27-56.
19. Miller D. The Ethical Significance of Nationality. *Ethics*. 1988. Vol. 98. No. 4, pp. 647-662.
20. Miller D. *National Responsibility and Global Justice*. Oxford: Oxford Univ. Press, 2007.
21. Miller D. *On Nationality*. Oxford: Oxford Univ. Press, 1995.
22. Nyers P. No One Is Illegal Between City and Nation. *Studies in Social Justice*. 2010. Vol. 4. No. 2, pp. 127-143.
23. O'Neill W. R., Spohn W. C. Rights of Passage: The Ethics of Immigration and Refugee Policy. *Theological Studies*. 1998. Vol. 59. No. 1, pp. 84-106.
24. Pevnick R. *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty*. Cambridge: Cambridge Univ. Press, 2011.
25. Pevnick R. Social Trust and the Ethics of Immigration Policy. *The Journal of Political Philosophy*. 2009. Vol. 17. No. 2, pp. 146-167.
26. Schuck P. H. The Morality of Immigration Policy. *San Diego Law Review*. 2008. Vol. 45. No. 4, pp. 865-898.
27. Seglow J. The Ethics of Immigration. *Political Studies Review*. 2005. Vol. 3, pp. 317-334.
28. Seglow J. Immigration Justice and Borders: towards a Global Agreement. *Contemporary Politics*. 2006. Vol. 12. No. 3-4, pp. 233-246.
29. Shakhnov A. E. Who Is a Refugee? *Ethics*. 1985. Vol. 95. No. 2, pp. 274-284.
30. Tamir Y. *Liberal Nationalism*. New Jersey: Princeton Univ. Press, 1993.
31. Torpey J. *The Invention of the Passport. Surveillance, Citizenship and the State*. Cambridge: Cambridge Univ. Press, 2000.
32. Walzer M. *Spheres of Justice*. New York: Basic Books Inc, 1983.
33. Wellman H. C., Cole P. *Debating the Ethics of Immigration. Is There a Right to Exclude?* Oxford: Oxford Univ. Press, 2011.
34. Wilcox S. The Open Borders Debate on Immigration. *Philosophy Compass*. 2009. Vol. 4. No. 5, pp. 813-821.

Notes

- ¹ For brief background see [2].
- ² See one of the best known modern attempts to develop Kant's ideas with respect to the migration issues: [4].
- ³ For example, Sidgwick's ideas are often invoked by David Miller, an advocate of migration control for a long time and critic of the idea of a cosmopolitan society [21].
- ⁴ One of the first to use the term "immigration ethics" was James Hudson who made it part of the title of his article *The Ethics of Immigration Restriction*, although the article actually criticizes such restrictions [13]. More and more authors of different theoretical persuasions have been employing the word combination in the titles of their works to identify the area of practical ethics dealing with immigration issues [23; 2; 27; 25]. The use of the concept got a further boost from the book presenting the argument between two polar views on whether or not a state has the right to control its borders [33], and the book of that title by Joseph Carens, which quickly became a classic systematically setting forth all the main "ethics of immigration" themes [7].
- ⁵ Walzer was one of the first to raise the question of obligations toward refugees [32]; Shakinove [29] is one of the first to raise the question of defining the concept of "refugee" in the light of practical ethics. Among others, [9; 10] made a major contribution to the ethical issues connected with the institution of asylum.
- ⁶ Walzer prefers to speak not about the state but about a political community, but essentially he means the sovereign right of the state [32, pp. 42-46].
- ⁷ The syllogism presented here is a variation on the theme proposed by Cole [8, p. 68].
- ⁸ The argument is elaborated in [13, p. 214].
- ⁹ That the link between the state monopoly on violence is not a secondary feature but the core of migration control was repeatedly noted by Carens who starts his programmatic article on open borders with this remark [6, p. 251]: "Borders have guards and the guards have guns." Chandran Kukathas [17, p. 718] makes an important addition: "Those guards are not just at the border and... their guns mostly face inwards."
- ¹⁰ From Latin *nos* ("we"). "Nosism" is a term used in linguistics to describe the use of a plural pronoun referring to a single person.

Translated by Yevgeny Filippov