The ethics of immigration: How biased is the field?

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Abstract

Methodological nationalism is the assumption that nation-states are the relevant units for analyzing social phenomena. Most of the social sciences recognized it as a source of bias, but not the ethics of immigration. Is this field biased by methodological nationalism—and if so, to what extent? This article takes nationalism as an implicit bias and provides a method to assess its depth. The method consists in comparing principles that ethicists commonly discuss when immigration is not at stake with principles advocated in the ethics of immigration. To interpret the results, a distinction between mild and heavy bias is established. When a basic principle in ethics is underdiscussed or *absent* from the ethics of immigration, the field is 'mildly biased'. When its *negation* is commonly advocated, the field is 'heavily biased'. Here, the method is illustrated with two principles: equal opportunity and reparation. They are common in theories of distributive justice and of corrective justice, respectively. But in the ethics of immigration, scholars often argue for the opposite. Instead of equal opportunity, they implicitly support discrimination based on national origin; instead of sanctions or amnesty for the offenders, scholars plead amnesty for those who they otherwise regard as victims. These preliminary results suggest that the field is heavily biased: methodological nationalism seems to turn ethics into its opposite.

Keywords: amnesty, equal opportunity, free movement, implicit bias, nationalism, states

1. Introduction

This article explores the impact of methodological nationalism on the ethics of immigration. Methodological nationalism assumes that the nation-state provides the relevant unit of analysis and the categories for understanding social phenomena. Since the 1970s, when it was first identified in sociology, methodological nationalism has been recognized as a source of bias in most of the social sciences. However, the ethics of immigration, a normative field of research, has developed all while disregarding this debate. There are almost no

mentions of 'methodological nationalism', except in a few rare studies (Dumitru 2014; Sager 2016; Bertram 2018; Watkins 2020). Instead, a view called 'liberal nationalism' is advocated in the field.

The question addressed in this article is whether—and if so, to what extent—the nationalist assumptions bias the ethics of immigration. In survey articles, the field is depicted as well-balanced: liberal nationalists who advocate the states' 'right to exclude migrants' face cosmopolitans who support equal consideration for anyone regardless of citizenship (Bader 2005; Seglow 2005; Fine 2013; Song 2018). Even if the field was well-balanced, the question of bias would remain. If methodological nationalism affects the production of knowledge in fields of research which are descriptive and neither support nor oppose political nationalism, how does a normative field, that allows for advocating nationalism, fare? Does it really fare better, like those depicting the field as balanced suggest? Or does nationalism act as *an implicit bias* which affects the entire field, including cosmopolitan scholarship?

If methodological nationalism also acts as an implicit bias, how much does it affect the field? The aim in this article is to provide a method to assess the depth of the bias. Insofar as a cognitive bias is defined to be a 'systematic deviation from a standard norm of judgement' (Pohl 2004), the aim here is to assess how much the ethics of immigration 'systematically deviates' from the standard scholarship in ethics and normative political theory. Taking principles as units of analysis, the method consists in comparing the principles that ethicists commonly discuss (when migrants are not concerned) with the (corresponding) principles they commonly discuss in the ethics of immigration. Are they the same or does migration produce some systematic change? To analyze the depth of the bias, a distinction between mild and heavy bias is established. When a basic principle in ethics is underdiscussed or *absent* from the ethics of immigration, the field can be characterized as 'mildly biased'. When a principle is commonly discussed in ethics, but its *negation* is popular in the ethics of immigration, then the field is 'heavily biased' by methodological nationalism.

The method presented here is a tool to be employed with a variety of principles, but this article illustrates its use with only two principles: equal opportunity and reparation for the victims of injustice. These are basic principles in theories of distributive justice and of corrective justice, respectively. However, when it comes to migration, the opposite principles are commonly discussed, and indeed, supported: discrimination based on the circumstances of birth and amnesty not for offenders but for those who are otherwise regarded as victims. Thus, the analysis of the two principles within a limited corpus of articles suggests that the ethics of immigration is a heavily biased field. The method can be further used with other principles and/or a larger corpus. The aim is to spark debate in a field where methodological nationalism seems to turn an ethical judgement into its opposite.

This article is divided into six sections. The second section describes methodological nationalism as an epistemological debate that took place in various social sciences. The third section recalls how it spurred conceptual analysis in migration studies but not in the ethics of migration. The fourth section looks for a possible bias in the field and justifies a method to assess such bias. The fifth and sixth sections illustrate the method with two principles.

2. Methodological nationalism in various fields

Methodological nationalism raises an epistemological question: do nationalist assumptions affect the methods and the validity of knowledge in the social sciences? As the debate has its origins in sociology, the first nationalist assumption examined was the researchers' tendency to equate 'society' with a nation-state's population. Other nationalist assumptions concern the spatial boundaries of social phenomena, as well as their state-centered description. This section gives a short overview of the debate in various social sciences (Dumitru 2021).

The phrase 'methodological nationalism' was coined by Martins (1974) in an article on social change. While discussing the role of biological metaphors in theorizing change as 'immanent' and development as 'endogenous', Martins came to question the scope of the 'social' in the notion of 'social change'. He observed that what sociologists assumed to be changing was determined by 'a general presumption—supported by a great variety of scholars in the entire spectrum of sociological opinion—that the "total" or "inclusive" society—in effect, the nation-state—be deemed to be the standard, optimal, or even maximal "isolate" for sociological analysis' (Martins 1974).

Martins suggested that by this assumption sociology 'has submitted to the national pre-definition of social realities'. He considered methodological nationalism to be a kind of implicit bias because it 'does not necessarily go together with political nationalism on the part of the researcher,' but 'imposes itself in practice with national community as the terminal unit and boundary condition for the demarcation of problems and phenomena for social science' (Martins 1974: 276). The assumption that the boundaries of a social phenomenon coincide with the national community can lead to misunderstanding the phenomenon, or to under(over)estimating it. When a presumption unsupported by evidence becomes 'general,' the validity of knowledge can be severely affected.

However, the assumption was widespread beyond sociology. As Smith (1979) observed a few years later, 'the principle of "methodological nationalism" operates at every level in sociology, politics, economics and history.' Smith thought that 'methodological nationalism' is fostered by the practice of collecting data at the state level. But unlike Martins, who thought that methodological nationalism 'does not necessarily go together with political nationalism on the part of the researcher' (Martins 1974: 276), Smith (1979) suggested that it 'derives much of its force from acceptance of nationalist conceptions and goes a long way to reinforce those conceptions' (p. 191).

Following the example of sociology, most other social sciences became aware of the problem of methodological nationalism. For instance, in management, Ishikawa (1982) suggested that 'methodological nationalism' led scholars to overestimate the specificity of a 'Japanese style of management'. In legal studies, Griffiths (1986) opposed 'legal centralism', the view that 'law is and should be the law of the state, uniform for all persons, exclusive of all other law, and administered by a single set of state institutions'. In international relations theory, Agnew (1994) highlighted the 'territorial trap' in which political theory is caught by representing space as a series of national containers and by placing the oppositions 'internal' versus 'external' and 'national' versus 'international' at the center of any analysis. In development studies, Gore (1996) made a distinction between explanatory and normative aspects of methodological nationalism used to analyze

East-Asian growth. In philosophy, Pogge (1997) argued that 'explanatory nationalism' led economists to overestimate the role of national policies in explaining poverty.

Work across disciplines deepened the understanding of methodological nationalism as a multiple source of bias. Beck and Sznaider (2010) provide a good overview:

> methodological nationalism takes the following premises for granted: it equates societies with nation-state societies and sees states and their governments as the primary focus of social-scientific analysis. It assumes that humanity is naturally divided into a limited number of nations, which organize themselves internally as nation-states and externally set boundaries to distinguish themselves from other nation-states. And it goes further: this outer delimitation as well as the competition between nation-states, represent the most fundamental category of political organization. (p. 383)

In their study, Beck and Sznaider (2010) advocated a new research agenda in the social sciences. This change had already proved fruitful in several other fields. In history, various approaches, from transnational to global history, went beyond methodological nationalism (Conrad 2016). In economics, Milanovic (2016) measured global inequality of income in an innovative way: neither between nor within countries but between households across the world. In linguistics, Schneider (2019) showed that methodological nationalism is a bias for the proper understanding of language variation.

3. Conceptual challenges in migration studies

In migration studies, the debate on methodological nationalism spurred conceptual analysis and methodological innovations. The debate started early, as Martins (1974) already used migration to illustrate methodological nationalism when he noticed that, despite its obviously transnational character, migration was studied either in 'host societies' or in countries of origin. To address this challenge, migration scholars progressively built a new research field—transnational studies—which aimed at describing social phenomena without endorsing the way they were predefined by nation-states.

Transnational studies gave rise to conceptual debates. For instance, Glick Schiller, Basch and Blanc-Szanton (1992) defined 'transnational' as social fields created by 'transmigrants' across geographic, cultural, and political borders. By 'transmigrants' they meant 'immigrants who develop and maintain multiple relations—familial, economic, social, organizational, religious, and political—that span borders'. But Portes, Guarnizo and Landolt (1999) argued that the term 'transmigrant' may be redundant if most migrants develop such relations. Instead, they defined the concept of 'transnationalism' as referring 'to occupations and activities that require regular and sustained social contacts over time across national borders'. They elaborated a typology of transnational activities that encompassed various categories of mobile people, from informal cross-country traders to multinational investment agents, and from folk-music groups to consular officials.

The conceptual dilemma raised in transnational studies—whether the focus should be on transnational *activities* or on specific kinds of *people*—is also crucial for migration studies. For what is the subject of migration studies: do they concern residential mobility, or do they concern a particular kind of people? The United Nations chose the first option

when they recommend defining an 'international migrant', for the purpose of statistics, as 'any person who changes his or her country of usual residence' (United Nations 1998). On this definition, returning citizens can be included in immigration flows in their country of citizenship. While states have an interest in measuring the overall incoming mobility, many of them preferred to use personal characteristics, such as foreign citizenship and country of birth, to define migration.

Yet, however migration is defined—as cross-border mobility or by including the country of birth and/or citizenship—the definition will still be framed within nation-state categories. How might migration studies go beyond methodological nationalism?

In a seminal article, Wimmer and Glick Schiller (2003) tried to clarify the links between methodological nationalism and migration studies. By endorsing methodological nationalism, they argued, social sciences 'naturalized' the regime of nation-states. As sociology emerged at the end of the ninteenth century, it had a blind spot concerning the formation of nation-states, which appeared as mere natural containers of the modern forms of organization. While social scientists usually avoid endorsing the ideology of actors they study, they did not regard nation-state builders as actors with a particular ideology. They took for granted the nation-states' claim that there is a necessary isomorphism between territory and population, whereas no other organization ever claimed a right to control both its members and their living place.

Wimmer and Glick Schiller (2003) argued that the nationalist ideology is a conjunction of claims as it 'fuses four notions of people: 1) the people as a sovereign entity; 2) the people as citizens of a state holding equal rights before the law; 3) the people as a group of obligatory solidarity, an extended family knit together by obligations of mutual support; and 4) the people as an ethnic community united through common destiny and shared culture' (p. 582).

As migration appeared to upset these claims, it became the topic of interests for governments which oriented research accordingly. For example, to assume that a people is an ethnic community with a shared culture implies that there are always cultural differences between a people and any newcomers—a claim that steered researchers toward scrutinizing such differences and making 'integration' a key topic in migration studies. Likewise, assuming a people to be an extended family knit together by obligations of solidarity led scholars to study immigration by its impact on welfare systems, with a focus on unemployment and poverty among migrants, including their descendants.

Not only the topics but also the categories used in research duplicated governments' representations and classifications of migrants so that nowadays, 'migration is perceived and discussed under different categorizations: refugee flows, family reunification, the importation of skilled workers on special visas, contract domestic labor, and illegals' (Wimmer and Glick Schiller 2003: 595). These categories obviously overlap (e.g., members of family can be skilled workers and so on), but researchers continue to use government classifications. By doing so, they transferred the categories and discourses used by a political actor—the nation-state—into social science (Beck 2008). To address this problem, some scholars called for a 'de-migranticization' of the field (Dahinden 2016), while others suggest to 'migrantize' the citizen (Anderson 2019).

The conceptual debates in migration studies have been fostered by the 'mobility turn' in the social sciences. While not directly concerned with methodological nationalism, the

pioneer of the mobility turn, Urry (2000) has famously challenged the centrality of the concept of 'society' in sociology. He argued that 'society' obscures how movement is at the heart of any social life. Urry did not refer exclusively to the movement of people but to the 'diverse mobilities of peoples, objects, images, information'. While his aim was to develop a sociology focusing upon 'movement, mobility, and contingent ordering, rather than upon stasis, structure, and social order', his work engendered a new paradigm in the social sciences (Adey et al. 2014).

Under the influence of the mobility paradigm, migration scholars have changed their research questions and methods. Moving along the migrant journey or doing multi-sited and global ethnographies are among the new methods they have adopted. To overcome methodological nationalism, Kalir (2013) analyzed experiences of human mobility within and between states, thus refusing to use the distinction between internal and international migration. Conversely, the 'mobility turn' increased awareness that some migrants were stuck in 'regimes of immobility', as Glick Schiller and Salazar (2013) put it, arguing that 'if we think historically about the human condition, we should really have a stasis studies rather than a migration or mobilities studies'.

The 'mobility turn' raised new conceptual debates about the immobility of non-migrants. For instance, Carling (2002) used the criteria of 'aspiration' and 'ability' to migrate to understand non-migrants. He inspired Schewel (2020) to sketch a new theory of immobility, using the capability approach, which was further elaborated by De Haas (2021).

To sum up, the conceptual and epistemological issues raised by methodological nationalism have been discussed in most of the disciplines and have deeply challenged migration studies. Why, therefore, do they remain underdiscussed in the ethics of immigration?

4. Is the ethics of immigration biased?

The ethics of immigration is a relatively recent field of research. The first studies appeared in the 1970s but remained sparse. The phrase 'ethics of migration' was first used to designate an area of research in 1996, by Carens (1996), in an article on 'Realistic and idealistic approaches to the ethics of migration'. The field has experienced a rapid growth so that less than a decade after, two review articles surveyed the main debates (Bader 2005; Seglow 2005).

At that time, methodological nationalism had been under discussion for three decades in the other social sciences, so one can ask why it had not become a topic in the ethics of immigration. One can wonder why the first ethical studies that contain both the phrases 'ethics of immigration' and 'methodological nationalism' were published by scholars who specialize not in the ethics of immigration but in global ethics (Gasper and Truong 2010; Van Den Anker 2010). Conversely, the first articles mentioning 'methodological nationalism' written by ethicists of immigration were published later, and in journals which do not specialize in ethics but in social studies (see e.g., Dumitru 2009; Sager 2016; Watkins 2020).

There are at least two possible explanations of why methodological nationalism remained unknown in the ethics of immigration. The first is related to the nature of the

field. As the ethics of immigration has a normative character and is concerned with what ought to be rather than what is, scholars may not feel bound to follow debates in other social sciences. This explanation is unsatisfactory, as most of the issues raised by methodological nationalism are conceptual and epistemological in nature, and both kinds of questions are at the heart of the work of the professional philosophers who dominate the ethics of immigration.

Surprisingly, the concept of 'migration' has not been discussed by philosophers as it was by social scientists. Although philosophers often scrutinize definitions, they neglected to discuss definitions of migration: can migration be defined as an action, as some regulations do[1]? What are the necessary and sufficient conditions for being a migrant: is it residential mobility, country of birth, and/or of citizenship, etc.? Most philosophers in the field either use imprecise definitions of 'migration,' or no definition at all. This is surprising as the usual work of philosophers is to define concepts, to challenge and to refine distinctions. Yet, categorizations of migrants (in family/economic, etc.) are neither questioned from a logical perspective (are they exhaustive and mutually exclusive?) nor from a philosophical one (do they describe the reasons/motives/intentions of those who migrate or those who classify?). Although conceptual analysis may have normative implications, the ethics of immigration left its core concepts unanalyzed.

A second explanation of why methodological nationalism has remained unknown in the ethics of immigration is that 'liberal nationalism' is a normative view advocated in the field. This view not only assumes what in the social sciences is criticized as a source of bias, but also builds up a moral value of dividing humanity into a limited number of mutually exclusive nations. Liberal nationalism is inspired by communitarianism, a view which equates 'community' with the nation-states' society and argues that the very 'idea of social justice presupposes a bounded world' so that without the exclusion of foreigners 'there could not be *communities of character*' (Walzer 1983). In a similar vein, liberal nationalists argue that 'nations are ethical communities' (Miller 1995) and that they have a 'right to exclude immigrants' insofar as 'the state is not merely viewed as a gathering of individuals striving to improve their lot, but rather as a community struggling to preserve its distinctive character' (Tamir 1995). Here, it is not the place to elaborate further on this view which nowadays inspires an increasing literature on 'the right to exclude immigrants' in ethics of immigration.

Rather, the question here is how influential such nationalist views are, and whether they affect the rest of the field, including scholars who argue against liberal nationalism. The field is described by its own researchers as balanced. The survey articles, whether older (Bader 2005; Seglow 2005) or newer (Fine 2013; Song 2018), maintain that the ethics of immigration is divided between nationalists advocating the states 'right to exclude migrants' and their opponents defending the right of individuals to free movement. Sometimes, nationalism is opposed to cosmopolitanism, a view that assumes that all human beings deserve equal consideration regardless of citizenship. Is there a method to establish whether the field is well-balanced or whether liberal nationalists have a higher impact than is usually thought?

There are various candidates for such a method. The standard strategy to measure impact is bibliometric analysis. Commonly used to measure, for instance, gender balance or ethnic inclusiveness of researchers in various fields, the strategy can also be used to weigh

the prevalence of nationalist scholars over the cosmopolitan ones in the ethics of immigration. The method can be applied to scholars, publications, or research topics: once classified as either nationalist or cosmopolitan, the items can be compared by the publications' number, frequency, citations, rate of acceptance if available, etc. For instance, Miller, a prominent nationalist thinker is cited in a higher number of articles published in philosophical journals than is Carens, a founding father of the ethics of immigration who initially advocated open borders. This imbalance can be due to various factors, including that Miller's work faces more criticism. However, such factors do not explain why the tendency seems to be reversing in journals publishing more empirical research about migration. Journals whose best rank is in fields other than Philosophy seem to publish fewer articles citing Miller's nationalist work (see Table 1 for 10 selected journals).

The bibliometric strategy is unsatisfactory as it implies that authors or works can be unequivocally classified as either nationalist or not. Such classifications are disputable: some nationalists such as Miller (2016) self-identify as 'weak cosmopolitans', while scholars associated with cosmopolitanism might hold national-contextualist views as Carens (2000) did. Besides, if nationalism acts as an implicit bias, as Martins (1974) initially suggested, then it can affect everyone, including scholars who explicitly oppose liberal nationalism.

Hence, this article uses a different strategy. Instead of asking how *prevalent* nationalist scholars or publications are in the field, it raises the question of how *deeply* the field is *affected* by nationalist assumptions. Do they bias or change scholarly production in the field? What would the ethics of immigration look like without nationalist assumptions?

This article hypothesizes that without bias, the ethics of immigration would discuss about the same normative principles that are commonly discussed in ethics. Admittedly, liberal nationalists aim to restrict social justice and other ethical principles to compatriots. But the remaining scholars, who are not bound by a nationalist agenda, assume that standard ethical principles apply to any human being, including migrants. Whether supported or criticized, no principle would remain undiscussed in an unbiased ethics of immigration. Therefore, the question of bias in the field, when 'bias' is defined as a systematic deviation from a standard norm of judgment (Pohl 2004), is here limited to asking: 'Do the principles discussed in the ethics of immigration systematically deviate from the standard principles discussed in ethics?'.

The sociological profile of scholars in the field makes this strategy particularly relevant. As it happens, most of the scholars in the ethics of immigration have also been active in ethics and especially in theories of justice. This fact is likely to reinforce the proof of a possible bias: one can hardly argue that an ethical principle is worth discussing one day but omit to discuss it in the ethics of immigration the next day. However, the proof itself does not depend on the sociology of the field. The method for assessing bias is concerned with principles not with scholars.

The method has three steps: first, select a principle usually discussed in ethics and normative political theory, then, explore how the (corresponding) principle is discussed in the ethics of immigration; and finally, interpret the results.

Two comments on these steps. First, the aim is to analyze the *depth* of the bias, based on a distinction between two levels of bias. If a principle is often discussed in ethics but not in the ethics of immigration, the *omission* can be due to accidental factors. While these

Table 1. Comparing the influence of Carens and Miller by the number of articles citing them, in 10 academic journals publishing Ethics of immigration (1998–2019)

Academic Journals	Number of articles citing		Journal field by its best rank in Scimago 2019
Publishing Ethics of Immigration	Carens (cosmopolitan)	Miller (nationalist)	
Critical review of *International Social and Political Philosophy*	54	99	Philosophy 104/602
Journal of Political Philosophy	28	45	Philosophy 54/602
European Journal of Political Theory	9	13	Political theory 72/525
Philosophy & Public Affairs	6	12	Political theory 37/525
Ethics	7	10	Philosophy 5/602
Journal of Ethnic and Migration Studies	32	9	Demography 6/104
Ethnic and Racial Studies	12	9	Cultural studies 19/999
Political Theory	9	4	History 42/1233
Ethics & International Affairs	7	2	Philosophy 74/602
International Migration Review	7	1	Demography 15/104

Notes: The count does not include articles citing one of the scholars for work unrelated to migration. 'Journal field' corresponds to the field for which the journal was best ranked in Scimago 2019.
Sources: Author's calculation based on Taylor & Francis, Wiley, Sage, Cambridge Core, EBSCO, and Scimago (2019).

factors constitute a source of bias, the field can be said to be only 'mildly biased'. By contrast, when a principle popular in ethics is discussed in the ethics of immigration but its *negation* is more common, then the field can be characterized as 'heavily biased'.

The distinction between levels of nationalist bias is intuitive but an analogy with how we think of biases in other fields might help. Imagine that economists, for instance, discuss some basic principle in microeconomics (e.g., 'people respond to incentives') but systematically referred to men, not to women. This gender bias is serious, but our imaginary economists are less biased than they would be if they were to include women in their studies yet systematically assume that the opposite principle applies to them (e.g., 'women

are indifferent to incentives'). Likewise, it is important to distinguish between mild and heavy bias, had they occurred in the ethics of immigration.

Second, the question 'how biased is the field' can also refer to the scope of the bias ('how extended' is it throughout the field) not only to its depth ('how severely' it affects the field). Although the question of the depth is more urgent, the scope of the bias should not be neglected. Here, the corpus analyzed is limited to five philosophical journals (see Table 1), subsequently extended to edited books and other journals. While this corpus does not represent 'the field', the results are significative when journals are ranked among the best in ethics and normative political theory.

Here, to illustrate the method, two principles are selected—equal opportunity and reparation—one for each of the two kinds of theories of justice (distributive and corrective justice). Both are commonly discussed principles: ethicists recognize them as such and use them in various fields of applied ethics. For instance, in *Ethics*, since 1970, more than three hundred articles mention 'equal opportunity' and 'preferential hiring'. The fact that a principle is commonly discussed does not mean that all ethicists support it but only that it could hardly go unnoticed. Are these principles also discussed in the ethics of immigration?

In what follows, for each of the two principles, the article explores (i) whether it is discussed in ethics; (ii) how it is understood in ethics (its meaning and practical consequences); (iii) whether it is discussed in the ethics of immigration; and (iv) which corresponding principle is most often discussed in the ethics of immigration.

5. How should opportunities be distributed?

In theories of distributive justice, equal opportunity has been a common principle. More than 50 years ago, it was said that 'of the many conceptions of equality, the one that enjoys the most popularity is equality of opportunity' (Schaar 1967). Even philosophers who opposed this principle explicitly acknowledged its popularity: 'equality of opportunity seemed to many writers to be the minimal egalitarian goal, questionable (if at all) only for being too weak' (Nozick 1974).

When immigration is not concerned, ethicists discuss numerous theoretical or policy-oriented issues related to equal opportunity. They explore whether various policies (from non-discrimination to affirmative action) in various domains (employment, education, etc.) are morally justified or not. On the theory side, a prolific literature emerged on 'luck egalitarianism', inspired by Rawls' idea that inequalities resulting from unchosen personal circumstances (including birth) should be mitigated. On the policy side, a consensus emerged that discrimination bans are not enough, as they conform to a merely 'formal,' rather than a 'fair,' equality of opportunity (Rawls 1971). Formal equality of opportunity makes 'careers open to talents' by granting everyone the same legal rights, while fair equality of opportunity implies equal prospects of success for equally talented and motivated people, irrespective of their unchosen circumstances. Following Taylor (2009), equal opportunities policies can be classified from the least to the most demanding:

(1) Prohibition of discrimination ('careers open to talents' by removing any legal barriers and punishing private discrimination).

(2) Enforcement of anti-discrimination laws (by external monitoring and sensitivity trainings for recruiters by, e.g., an Equal Employment Opportunity Commission).

(3) Compensations for disadvantage (by special training programs, financial support, apprenticeships).

(4) Soft quotas (by granting 'bonus points' in the selection process to disadvantaged groups, without establishing quotas).

(5) Hard quotas (by establishing admission and hiring quotas).

In the ethics of immigration, the principle of equal opportunity is rarely discussed. In a foundational article, Carens (1987) suggested that the distinction between citizens and foreigners functions as a 'modern equivalent of feudal privilege—an inherited status that greatly influences one's chances,' but this analogy, while repeated, did not inspire much development, either theoretical or policy-oriented, on equalizing opportunities. Carens (1996) himself subsequently judged that his article was 'undoubtedly, at the extreme idealistic end of the spectrum' (p. 169), although the article only shows that the main theories of justice would logically entail open borders. Concerns about 'realism' may have inhibited the usual normative and conceptual work in the field. When equal opportunity is sometimes advocated with respect to migration (see e.g., Moellendorf 2002; Loriaux 2008; Shachar 2009; Dumitru, 2012; Ball-Blakely 2021), none of the above policies are considered for debate.

Even non-discrimination, the least demanding of the equal opportunity measures, is underdiscussed in the ethics of immigration.[2] When discrimination bans are considered, they concern discriminatory selection of migrants, not equal treatment between natives and migrants. For instance, scholars argue that choosing migrants on the basis of skills is wrongful discrimination (Lim 2017) or that selecting refugees based on their needs is acceptable, unlike discrimination based on race and other salient characteristics (Oberman 2020). But discrimination based on national origin or citizenship constitutes a blind spot: it is noteworthy that chapters titled 'discrimination and immigration' focus on the racial ground rather than on national origin (see e.g., Fine 2016; Mendoza 2017). Discrimination based on racial ground is commonly opposed: even a liberal nationalists like Miller (2005) rejects selecting migrants on 'race, sex or in most instances, religion'. However, no study has argued against discrimination grounded on national origin.

This omission is surprising as national origin is a ground of prohibited discrimination in international law. Since 1965, the representatives of states have adopted several Conventions (including one on the rights of migrant workers) that consider national origin, ethnicity, nationality, 'birth and other status' to be among the grounds of prohibited discriminations.[3] While these Conventions do not include a right to enter a country, other rights they protect regardless of national origin are relevant for the ethics of immigration. Had the field been more balanced, cosmopolitans would have mentioned that discrimination based on national origin is *prima facie* wrong.

At a regional level, discrimination based on national origin has long been prohibited. In 1957, the Treaty establishing the European Economic Community recognized free movement as one of its four founding freedoms. Free movement was then understood as

a right to access labor market in other Member States, and it was accompanied by the 'abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration, and other conditions of work.'[4] Since 1985, free movement has been extended beyond economic migration and border controls have gradually been abolished. It is surprising that 10 years later, Carens (1996) suggested that 'an ethics of migration that requires abolition or even radical transformation of the state system is not a morality that can help us to determine what is to be done in practice' (p. 158).

In the ethics of migration, concerns about 'realism' do not seem to be guided by the existing institutions. For instance, in 1996, Carens (1996) maintained that

> no one would suppose that open borders is a realistic policy option (between all states not just those of the affluent West) so from this perspective there would be no point in wasting time on evaluating the hypothetical moral merits of such an approach (p. 159).

But at that time, open borders were regarded as a realistic policy at a regional level, beyond the 'affluent West.' In 1991, the Mercosur Treaty recognized free movement of people insofar as they are 'factors of production' and a new agreement between a larger number of states subsequently enshrined the right to residence beyond economic migration, as well as civil rights equality and equal treatment with nationals in various matters.[5] In 1991, free movement has also been recognized by the Treaty of African Economic Community and was granted on a smaller regional basis until the Protocol on Free Movement of Persons, Right of Residence, and Right of Establishment was adopted in 2018.[6] Since 1996, Schengen has become the world's largest zone of free movement, while some of its member states are notably poorer than others. Thus, from a 'realistic' perspective, it would have been important to evaluate the moral merits of these open-border institutions.

To sum up, the least demanding equal opportunity policy, which aims at 'careers open to talents' by removing legal barriers, including barriers based on national origin, has been adopted by many states at a regional level. There is much room for progress and many social justice theorists would say that non-discrimination is a weak ideal of equality of opportunity. However, the contrast is striking between this criticism when immigration is not at stake and the *absence* of criticism against discrimination based on national origin. Is the ethics of immigration *mildly* biased?

As a matter of fact, the field strongly rejects the idea of carriers open to talents regardless of national birth circumstances. This is more obvious when scholars discuss skilled migration. Sager (2014) surveyed the policies that philosophers frequently recommend in response to the so-called question of 'brain drain' and identified six policies:

(1) Bans on emigration (imposed by countries of origin).
(2) Indenture (by obligatory service in rural areas).
(3) Immigration restrictions (imposed by host countries).
(4) Financial compensations (e.g., by a surtax paid by migrants a decade after leaving).
(5) Refraining from recruiting (by firms and recruitment agencies).
(6) Financial compensations (paid by receiving countries to countries of origin).

These policies share three characteristics. First, they all imply discrimination based on both national origin and birth in a poor country. Second, they amount to making equally talented and motivated people eligible for fewer opportunities when they are born in poor countries. Third, not only are their economic opportunities reduced, but their fundamental human rights, such as the right to leave one's country and the right to free choice of employment, are directly or indirectly denied.

If Sager's survey is exhaustive, it follows that the common principle in the ethics of immigration is discrimination, that is, the *opposite* of the least demanding equal opportunity policy. Regarding opportunity, methodological nationalism appears to heavily bias the field. Even scholars who self-identify as cosmopolitan, such as Gillian Brock, believe that the human right to leave one's country should be conditional, for professionals born in poor countries, on an exit tax or on renouncing citizenship (Brock and Blake 2014).

The ethicists of immigration often legitimize discriminatory policies by concerns for the communities left behind. Similar concerns were raised, for instance, in the USA during the desegregation period, when it was feared that the recruitment of African Americans in previously white institutions would deprive black colleges of their best faculty and students (Johnson 1971). Yet, concerns about 'black brain drain' were quickly replaced by debates about different kinds of affirmative action.

In the ethics of immigration, no study explores the possibility of affirmative action for immigrants. Since the 1970s, hundreds of articles in leading journals discussed various aspects of the 'morality of preferential hiring.'[7] Ethicists have discussed a wide range of justifications for affirmative action policies (to compensate for past injustice, prevent future discrimination, increase epistemic diversity, etc.), but none of them were applied to immigrants. Yet, preferential treatment has been practiced for at least a century in various ways.[8]

To sum up, the question of how opportunities should be distributed is addressed in opposite terms depending on whether migrants are concerned or not. Table 2 gives an overview of how three opportunity distributions (non-discrimination, compensation for disadvantage, and affirmative action) commonly discussed in theories of justice remain unexplored in the ethics of immigration. If methodological nationalism did bias the field only mildly, the three measures would have been at least debated (and perhaps, rejected). Yet, the opposite of these distributions is commonly discussed, or indeed advocated, in the field: discrimination based on the country of origin; new burdens on professionals from the poor countries that increase, rather than compensate for, disadvantage (obligatory service in rural areas, exit tax, surtax); and requests, for firms and agencies, to refrain from recruiting them.

6. Who should be amnestied?

The second illustration of our method concerns a principle of corrective justice. The principle of reparation requires first to restore the victim to the condition she was in, had the wrongdoing not occurred. Reparation is a basic principle discussed in ethics since Aristotle and taken as laying the foundations of modern tort law. How is it discussed in contemporary ethics when immigration is at stake and when it is not?

Table 2. Equal opportunity: comparing debates in theories of justice and in the ethics of immigration

How opportunities should be distributed		
Theories of distributive justice	Ethics of immigration	
Commonly discussed measures (adapted from Taylor 2009)	Not discussed	Supported (adapted from Sager 2014)
Prohibit discrimination ('Carriers open to talents')	Prohibit discrimination based on national origin	Discriminate against people born/educated in poor countries
Compensate for disadvantage (financial support, training)	Subsidize migration from disadvantaged areas. Provide training to access better job opportunities everywhere	Increase disadvantage of people educated in poor countries (exit tax, etc.) Financially support countries of origin
Affirmative action (increase recruitment from disadvantaged groups with soft/hard quotas)	Preferential treatment for migrants (soft/hard quotas)	Refrain from recruiting people educated in poor countries

When immigration is not at stake, the principle of reparation raises numerous theoretical or policy-oriented debates.[9] On the theory side, scholars explore whether reparation should be limited to violations of rights, discuss the difference between violation and infringement of rights, and investigate cases where harm is done by or to non-individual agents (such as groups, organizations, future generations, the environment, etc.). These debates refine what are deemed to be the 'standard conditions' (Sunstein 1991) for establishing a case for reparation, namely:

(1) The event that produced the injury is both discrete and unitary.
(2) The injury is sharply defined in time and in space.
(3) An action has clearly caused the harm suffered.
(4) Both parties are identifiable and are in a bilateral relation.
(5) The aim is to restore the victim to the position she would have without the injury.

For an illustration, people who will live in the distant future are not identifiable (as required by the fourth condition above), but a prolific literature has emerged on how our actions harm them, on whether they have rights, and on what we owe to future generations. Normative ethics and its applied fields are replete with sophisticated answers to similar questions as regards robots, animals, or corporations. But what is the case when considering migrants?

In the ethics of immigration, such questions are rarely discussed, although scholars from both camps often use the language of rights. Nationalists advocate the right to exclude immigrants and cosmopolitans defend a right to free movement but both neglect to analyze how violations of these rights are harmful, to whom they are harmful, and what it takes to redress the injustice.

There is even some confusion, especially in the nationalist camp. While the right to exclude migrants is often legitimized by the protection of the national culture, nationalists do not explain in which way simple residence of (any) migrants causes harm to the state or culture. Sometimes, unauthorized border-crossing is analyzed as a harm caused not to the state but to other potential migrants. For instance, Miller argued that irregular migrants' 'behaviour is unfair, since by entering without permission they are at the very least engaging in a form of queue-jumping with respect to all those who are attempting to enter through legal channels' (Miller 2016). But when he asks how the unfair behavior needs to be 'redeemed' he finds no reparation owed to the migrants in the queue. Instead, he argues that amnesty should be conditional on some significant contribution 'to the host society' or on 'undertaking part-time military or civilian service for a suitable period of time' (Miller 2016: 126). Even if irregular migration wronged the state (and not other migrants), it remains unclear why people initially viewed as threats can then be asked to undertake military service as a means to being amnestied.

Cosmopolitans are not much better in analyzing how violations of the right to free movement are harmful, to whom, and what it takes to restore the injustice. Are immigration laws the only cause of harm? Do they harm migrants, would-be migrants, or citizens as some scholars suggest (see e.g., Kukathas 2020)? The case law of the existing institutions (such as the Human Rights Committee or European Court of Justice) shows that infringements of the right to free movement cause harm in various domains and several measures of reparation can be considered in response. Had the ethics of immigration been more realist, cosmopolitans would have asked 'how should states be sentenced for excluding immigrants?'.

When immigration is not at stake, ethicists explore various policy responses to wrong-doing. According to O'Neill (1987), 'a complete account of rectificatory justice would explain both what it takes to restore antecedent relations between wrongdoer and victim, and how both wrongdoer and victim should be treated'. She identifies three components of corrective justice which can take various forms:

(1) Restitution—from literal to symbolic (apology, forgiveness)—restores a ruptured moral relationship.
(2) Punishment—from corporal to material and liberty losses—responds to offenders.
(3) Compensation—from financial to compensatory actions—responds to victims.

While these measures concern individuals, they offer a good theoretical outline for corrective justice. But states can also be offenders. As regards their infringement of human rights, the UN General Assembly (2016) provided an array of six measures of reparation: restitution, rehabilitation, compensation, measures of satisfaction, and guarantees of non-repetition.

The three kinds of measures usually discussed in ethics—restitution, punishment, and compensation—are sometimes mentioned in the ethics of immigration, though in a

reverse or incomplete order. Financial compensation is a popular idea among both nationalists and cosmopolitans, but the two camps understand it as a compensation for immigration restrictions. Yet, for cosmopolitans, the measure is not intended to compensate the victims themselves (e.g., the actual or would-be immigrants) but their countries of origin (see e.g., Shachar [2009] versus Dumitru [2012]). As neither camp discusses how to restore justice and how to respond to offenders, their support for financial compensations can be interpreted as a measure of distributive, rather than corrective, justice.

Among restorative measures, only amnesty is sometimes discussed. Both camps support the idea that it is the irregular immigrants that should be amnestied after a sufficiently long residence. However, this is problematic for scholars described as cosmopolitans (see e.g., Shachar 2009; Carens 2010). If what cosmopolitans advocate for is a right to free movement, then it cannot be people who exercise the right who should be amnestied. As Bosniak (2013) observed, amnesty advocates implicitly acknowledge that irregular migrants perpetrated an act of transgression which should be forgotten and forgiven. This is a view consistent with the nationalist framework, centered on the right of states to exclude immigrants. Cosmopolitans would be expected to argue that states violating people's right to free movement should be sentenced, that they owe compensations to the people harmed, or that they themselves should be amnestied. Compensations would be due, as suggested in Table 3, to all affected parties (e.g., separated families and potential migrants) for various kinds of losses (material, psychological, etc.).

To sum up, when it comes to reparation, scholars who seemingly support the right to free movement sometimes argue as though they endorsed the *negation* of this right. By calling for migrants (not the states) to be 'amnestied', they implicitly assume that free movement is a wrong to be pardoned rather than a right to be protected. By insisting that what makes people eligible for amnesty is long residence and social connections, they favor sedentariness, not movement. Both assumptions are coherent with the nationalist view. This suggests that regarding reparation, methodological nationalism rather *heavily* biases the field.

What is wrong with a biased field? Methodological nationalism, as with other biases, may deplete entire fields of research of their creative potential. While in ethics, future generations, robots, and corporations give rise to more refined debates, in the ethics of immigration, no study explores what corrective justice requires when the right to free movement is violated. By dismissing the right to free movement as 'idealistic', ethicists ignore the reality of many regions of the world where this right is enshrined in laws and treaties. They also miss the opportunity to address more diversified ethical questions.

7. Conclusion

This article presented a method for evaluating the depth of bias of methodological nationalism in the ethics of immigration. As an illustration of this method, it compared how two basic principles in ethics (equal opportunity and reparation) fare when immigration is at stake. In both cases, the popular view advocated in the ethics of immigration is the negation of these principles: the brain drain debate recommends different kinds of discrimination grounded on birth, whereas on irregular migration, it recommends amnesty

Table 3. Reparation: comparing debates in theories of justice and in the cosmopolitan ethics of immigration

What reparation requires		
Theories of corrective justice	Cosmopolitan ethics of immigration	
Commonly discussed measures (adapted from O'Neil 1987)	Not discussed	Supported
Rectify the injustice (restore, rehabilitate, apologize)	Restore free movement. States apologize to all injured parties (esp. un-documented migrants).	Undocumented migrants amnestied if long-term residents
Sentence the offender (Pay damages, guarantee non-repetition)	States pay punitive and compensatory damages to all injured parties (e.g., separated families).	–
Compensate the victim (for any material, psycho-logical losses)	Compensate actual/poten-tial migrants for material losses and psychological sufferings.	Compensate the countries of origin for immigration restrictions

for the victims. In the light of these two results, reached within a limited corpus, the field appears to be heavily biased.

This article neither endorses the two principles, nor assumes that they are the single or the most commonplace principles of justice. It simply illustrates a method that can provide the basis for further research using other principles. For instance, the Utility principle (greatest benefit for the greatest number of people) or the Priority principle (a distribution should first benefit the worst off) appear to yield the same results.

This article contributes to the study of methodological nationalism in the social sciences by showing that in the ethics of immigration, the nationalist bias turns the ethical judgment into their opposite and divests the field of significant resources for renewal.

Acknowledgements

Notes

1. See for example, the definition of immigration in the art. 1 of the Regulation (EC) No 862/2007 '"immigration" means the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country'.
2. Discrimination based on national origin is implicitly discussed when scholars argue that it is what states are entitled to. Thanks to a referee for pressing this point.
3. See for example, the International Convention on the Elimination of All Forms of Racial Discrimination and (adopted in 1965); the International Covenant on Economic, Social and Cultural Rights (adopted in 1966); more recently, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted in 1990).
4. See art. 48(2) of the EEC Treaty integrated as art. 45 of TFEU. The Council Directive 2000/43/EC implemented the principle of equal treatment between persons irrespective of racial or ethnic origin.
5. For 'free movement of productive factors', see art. 1 of the Treaty of Asuncion; for the right to residence, see arts 1, 4, and 5 of the Agreement for Residence for Mercosur Member States' Nationals.
6. See art. 43 of the Treaty of African Economic Community by which 'Member States agree to adopt, individually, at bilateral or regional levels, the necessary measures, in order to achieve progressively the free movement of persons, and to ensure the enjoyment of the right of residence and the right of establishment by their nationals within the Community' (43-1), and commit to the adoption of a Protocol on Free Movement of Persons, Right of Residence and Right of Establishment (43-2).
7. Since the 1970s, more than 300 articles in *Ethics*, 125 in *Philosophy & Public Affairs*, and since the 1990s 43 articles in *Critical Review of International Social and Political Philosophy*, 32 in *Journal of Political Philosophy*, and 17 in *European Journal of Political Theory*, mention the issue.
8. A few examples: in the 1920s, the Soviet Union decided to grant members of 'culturally backward' nationalities preferential access to positions in the communist party, to cultivable land, to higher education (Martin, 2001). In 1965, the USA granted Asians and Africans a chance to immigrate by replacing the quota system based on national origins (established in the 1920s to preserve the country's ethnic composition and to exclude Asians) with a diversity visa lottery. Nowadays, some universities grant international students from poor countries preferential treatment.
9. For instance, since the 1970s, more than 245 articles in *Ethics* discuss one of these aspects.

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