

Seeking Asylum, Not Looking for Being the Scapegoat: An Ethical Analysis of the Discourse About Humans Seeking Asylum

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The ethical and political discourse about asylum-seeking is often dominated by two fundamental questions: Firstly, should all humans have a human right to asylum? Secondly, are the duties corresponding with this claim even fulfillable for a state? From an ethical perspective, attempts to answer these questions by searching for an ethical justification of a human right to asylum respectively of corresponding state responsibilities could rely on the model of ethical decision-making SAMBA. The Ethics-SAMBA, which aims to provide concrete guidance for ethical decision-making with ease and argumentative elegance in four steps, is applied and results in an ethical justification based on the principle of vulnerability for the human right to asylum. Beyond that, it shows why the duties corresponding with the human right to asylum for a state need to be fulfilled – even if they are demanding and challenging. Finally, it presents some ethical arguments why the distinction between humans fleeing, seeking asylum, and humans migrating as well as borders per se are arbitrary and feudal, and this ethical analysis results in concrete proposals for concrete appropriate action.

0. Introduction: Ethics-SAMBA

The political discourse about asylum-seeking is often dominated by two fundamental questions: Should all humans have a human right to asylum? Are the duties corresponding with this claim even fulfillable for a state? From an ethical perspective, attempts to answer these questions by searching for an ethical justification for a human right to asylum and corresponding state responsibilities could rely on the model of ethical decision-making SAMBA. The Ethics-SAMBA aims to provide concrete guidance for ethical decision-making with ease and argumentative elegance in four steps. It serves primarily as a philosophical instrument of argumentation and can – besides that – support secondarily ethical decision-making as a pedagogical tool. This model is intended to provide a concrete and practical framework for structuring ethical arguments, ethical discussions, and ethical decision-making. SAMBA strives to clarify why and how decisions are made, enabling

people to make concrete, consistent ethical decisions and take effective, ethically coherent, and sound action. SAMBA consists of the following four steps:¹

1. See and understand the reality.
2. Analyze the Reality from a
Moral Standpoint.
3. Be the Ethical Judge!
- 4 Act Accordingly!

1. See and Understand the Reality

The goal is to describe reality as objectively and neutrally as possible, while acknowledging that this is impossible to fully achieve due to the limits of human reasoning. The basis of this description of reality should strive for critical distance and should not be subjective. Studies from other scientific disciplines that can competently contribute to achieving the most objective and neutral perception of reality, rather than relying on personal impressions, should shape this perception.

2. Analyze Reality from a Moral Standpoint

The goal is to identify the suspected ethical question/challenge/problem. This is initially only a guess, since the precise identification of an ethical question/challenge/problem is itself oriented toward and based on an ethical reference point. These ethical reference points must first be identified and then ethically justified in order to then – and only then – be able to precisely determine the ethical question/challenge/problem. The selection of the ethical reference points should be free from arbitrariness, randomness, sympathy, emotions, or gut feeling, and should be rationally justifiable and plausible.² When justifying the selection of the ethical reference points, the principle of generalizability must be met by providing rational and plausible arguments – “good reasons” – for it. “Good reasons” means that it must be conceivable that all humans, in their effective freedom and autonomy, as well as in their full equality, would agree to these reasons on ethical grounds – within a conceptual model and not within a real global referendum.³ With the help of the ethically justified ethical reference points, the ethical question/challenge/problem needs to be defined.

3. Be the Ethical Judge!

The goal is to take a position from an ethical standpoint and conduct an ethical assessment. This ethical position and ethical assessment can initially include a response to and mastery of the challenge and problem, as well as subsequently a concrete ethical solution proposal. The ethical position and the ethical assessment need to be rationally and ethically justified. This ethical justification must fulfill the principle of generalizability by providing “good reasons” as introduced above.

¹ Peter G. Kirchsclaeger, *Ethical Decision-Making* (Baden-Baden: Nomos, 2023).

² Micha H. Werner, *Einführung in die Ethik*. Heidelberg/Berlin: J.B.Metzler, 2021, pp. 239-240.

³ Kirchsclaeger, *Ethical Decision-Making*.

4. Act Accordingly!

The goal is to demonstrate concretely and practically how the ethical position and assessment can be concretely and effectively addressed and an ethical solution implemented. The ethical solution on should be coherent with the ethical decision and its justification. Any necessary contextualization in the course of implementing these ethical principles in specific contexts must not involve a dilution of the ethical principles. At the same time, it must be ensured that the ethical solution does justice to the rule-transcending uniqueness of the concrete.⁴ The rule-transcending uniqueness of the concrete means that the ethically right and ethically good in a concrete encounter with concrete humans in a concrete situation can include disregarding an ethical principle in the service of a higher ethical good. Ethics cannot blindly follow rules but must strive in every concrete encounter with concrete humans in a concrete situation for the ethically right and ethically good.

1. See the Reality

Striving for as objective a description of reality as possible, it can be stated, *firstly*, that in 2024 in the exemplary context of Europe (to sweep in front of one's own door in the course of an ethical critical account), about 981'319 people sought asylum in the European Union.⁵

448 million people live in the European Union. This means that asylum seekers equal 0.203 % of the population of the European Union.

Thirdly, the EU has allocated 16.2 billion EUR to support the EU's neighbors as well as international development and cooperation. This includes a targeted increase of 1.9 billion EUR for the humanitarian aid programme to respond to global crises, and 11.5 billion EUR for the Neighborhood, Development and International Cooperation Instrument – Global Europe, with a focus on migration in the EU's southern neighborhood and on addressing the root causes of migration from Africa.⁶

Fourthly, the member states of the European Union lost 100 billion EUR in 2024 because of harmful corporate tax avoidance.⁷ How many times have you heard about this enormous theft? How many times a week do you hear or read about a political discussion about humans seeking asylum? Although this financial theft is so significant for the European Union because these resources are missing to fund education, social justice, and social welfare, it is literally neglected while 12 humans seeking asylum per municipality in the European Union are statistically irrelevant but overrepresented in the public and political discourse.⁸

Fifthly, legally speaking, there is a human right to seek asylum. If one considers – as it is often done in philosophy of human rights as well as in ethics of human rights – the

⁴ Kirchsclaeger, *Ethical Decision-Making*.

⁵ European Union Agency for Asylum (EUAA). *EU+ asylum applications decrease by 11% in 2024, and some changing trends established* (2025). Online at <https://euaa.europa.eu/news-events/eu-asylum-applications-decrease-11-percent-in-2024> (accessed 2025-07-04); Flourish. *Key first instance indicators by EU+ country, 2024* (2024). Online at <https://public.flourish.studio/visualisation/21467921/> (accessed 2025-07-04).

⁶ EUR-Lex. *2024 European Union budget* (2024). Online at <https://eur-lex.europa.eu/EN/legal-content/summary/2024-european-union-budget.html> (2025-07-04).

⁷ European Court of Auditors. *EU fight against systemically harmful tax practices still not watertight* (2024). Online at <https://www.eca.europa.eu/en/news/NEWS-SR-2024-27> (accessed 2025-07-04).

⁸ Juan Sebastian Olier and Camilla Spadavecchia, 'Stereotypes, disproportions, and power asymmetries in the visual portrayal of migrants in ten countries: an interdisciplinary AI-based approach'. *Humanities and Social Sciences Communications* 9:410 (2022), pp. 1-16.

Universal Declaration of Human Rights of 1948 (although it is not legally binding, but rather a political programme), article 14 states: "Everyone has the right to seek and to enjoy in other countries asylum from persecution." So, the intention of humans seeking asylum is protected and guaranteed by a specific human right. (The question about the ethical justification still needs to be addressed below.) "Refugees are people who have fled their countries to escape conflict, violence, or persecution and have sought safety in another country."⁹ Refugees are characterized by "first a movement from one place to another, and second an element of hardship and involuntariness, as the notions of flight and shelter indicate."¹⁰ At the same time, they are granted a unique status in international law as well as in the ethical reflection of admission to a state. "For asylum seekers, who seek admittance and refugee status in a foreign country, being granted refugee status can make an enormous difference. First and foremost, a requirement of non-refoulement applies. A refugee cannot be returned to a country where they would be in danger. For refugees whose stay in the host country is more permanent, there is also typically a requirement to provide them with a 'durable solution' that involves gaining membership in the host country including the right to remain indefinitely."¹¹ This means: "Without question, all people who move between countries deserve full respect for their human rights and human dignity. However, refugees are a specifically defined and protected group in international law, because the situation in their country of origin makes it impossible for them to go home. Calling them by another name can put their lives and safety in jeopardy."¹²

Sixthly, there is a negative connotation of asylum-seeking in general as well as of humans seeking asylum in the political discourse. Humans seeking asylum are blamed for everything by some voices and political parties.¹³

Seventhly, negative effects of political unprofessionalism as well as economic, political, and societal challenges are attributed to humans seeking asylum¹⁴ instead of being addressed as solvable problems – as they actually are – and with other causes independent of humans seeking asylum (e.g., is the cause of the growth of right-wing populism¹⁵ not rather the insufficiency of political solutions and the lack of attractiveness of alternative political forces and parties?): worries about security, preoccupations concerning job security, lack of integration, lack of language skills, ...

⁹ The UN Refugee Agency (UNHCR). *Who we protect. Refugees* (2025). Online at <https://www.unhcr.org/about-unhcr/who-we-protect/refugees> (accessed 2025-07-04).

¹⁰ Dana Schmalz. *Refugees, Democracy and the Law. Political Rights at the Margins of the State* (UK: Routledge, 2020), p. 15.

¹¹ Adam Hosein. *The ethics of migration: an introduction* (UK: Routledge, 2019), p. 117-118. (emphasis in the text in the original)

¹² The UN Refugee Agency (UNHCR). *Asylum and migration* (2025). Online at <https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration> (accessed 2025-07-04).

¹³ Musa Okwonga. *Anti-migrant hate is flourishing in Germany's time of the cowards*. The Guardian (2025). Online at <https://www.theguardian.com/world/commentisfree/2025/feb/23/anti-migrant-hate-germany-election-time-of-the-cowards> (accessed 2025-07-04).

¹⁴ Julian Nida-Rümelin. 'Ethische Postulate für die Migrationspolitik', *Integration: Teilhabe und Zusammenleben in der Migrationsgesellschaft*, edited by Michael Spieker and Christian Hoffmann. (Baden-Baden: Nomos, 2020), pp. 33-51.

¹⁵ Walter Lesch. *Europa - Migration - Populismus: aktuelle Spannungsfelder politischer Ethik*. Basel: Schwabe Verlag, 2022.

Eighthly, even the ethical discourse about migration is dominated by blaming humans seeking asylum.¹⁶ This goes even so far that, among others, the rise of the political extreme right-wing parties is attributed to humans seeking asylum.¹⁷

2. Analyze the Reality from a Moral Standpoint

The suspected ethical question consists in the query of whether the human right to asylum can be ethically justified. The justification approach based on the principle of vulnerability addresses this question encompassing the ethical justification of human rights as an ethical point of reference (first step) and the ethical justification of a human right to asylum (second and third step). This analysis occurs thus from a perspective of ethics as the scientific discipline reflecting on, among others, what one should and what one shouldn't do including the critical examination of the legitimacy of positive law. In the course of this endeavor, human rights are understood as rights which "in a downright irritating way, (...) are supposed to be rights that – from a philosophical point of view – apply even when, from a realpolitik or legal point of view, they *do not* apply."¹⁸

First Step of the Approach Justifying Human Rights Based on the Principle of Vulnerability

The justification on the basis of the principle of vulnerability¹⁹ is based on the observation that humans recognize their own vulnerability, a *first* element of this principle. For example, a person who is healthy today knows that he or she could become ill tomorrow. In this thought process, a human goes through a process of uncertainty. For he or she becomes aware of his or her own vulnerability and, ultimately, of his or her transitoriness.²⁰

Second, an essential component of the principle of vulnerability is the "first-person perspective"²¹. During this process of becoming aware of one's own vulnerability, a human recognizes *ex negativo* the "first-person perspective" and the "self-relation". The "first-person perspective" includes a human's awareness that he or she is the subject of his or her own life, through which he or she has access to his or her own vulnerability (i.e., first person singular). The actions, decisions, sufferings, and the life of a person emanate from him or her as a subject.²² In this process, the human being perceives "self-relation"; he or she relates to him- or herself.

¹⁶ Sarah Song, 'The Ethics of Migration', *Introduction to International Migration: Population Movements in the 21st Century*, edited by Jeannette Money and Sarah Lockhart (UK: Routledge, 2021), ch. 15.; Lukas Schmitt, *Von Grenzen, Menschen und Mauern: Migrationsethische Perspektiven in der globalisierten Weltgesellschaft* (Freiburger theologische Studien Vol. 198) Freiburg i.Br./München/Berlin: Herder, 2022.; Adrian Papenhagen, *Eine Stufentheorie der Migrationsethik* (Baden-Baden: Nomos, 2024).

¹⁷ Anthony Edo and Yvonne Giesing. *Has Immigration contributed to the rise of rightwing extremist parties in Europe ?*. Econpol Policy Report 2020 July Vol. 4. Online at https://www.ifo.de/DocDL/EconPol_Policy_Report_23_Immigration_Far_Right.pdf (2025-07-04).

¹⁸ Arnd Pollmann, *Menschenrechte und Menschenwürde. Zur philosophischen Bedeutung eines revolutionären Projekts*, Frankfurt a. M.: Suhrkamp, 2022, p. 57, highlighting in the text (translated by the author).

¹⁹ Peter G. Kirchsclaeager, *Wie können Menschenrechte begründet werden? Ein für religiöse und säkuläre Menschenrechtskonzeptionen anschlussfähiger Ansatz*; Münster: LIT-Verlag, 2013, pp. 231-267.

²⁰ Barry Hoffmaster, 'What Does Vulnerability Mean?'. *Hastings Center Report* 36:2 (2006), pp. 38-45, at p. 42.

²¹ Edmund Runggaldier, 'Deutung menschlicher Grunderfahrungen im Hinblick auf unser Selbst', *Unser Selbst – Identität im Wandel neuronaler Prozesse*, edited by Guenter Rager, Josef Quitterer and Edmund Runggaldier (Paderborn: Ferdinand Schoeningh, 2003), pp. 143-221.

²² Ludger Honnefelder, 'Theologische und metaphysische Menschenrechtsbegründungen', *Menschenrechte. Ein interdisziplinäres Handbuch*, edited by Arnd Pollmann and Georg Lohmann (Stuttgart: J.B. Metzler, 2012), pp. 171-178, at pp. 171-172.

Third, vulnerability is perceived by people from their “first-person perspective” as well as for the “first-person perspective” itself and “self-relation”.

This process of becoming aware of one’s own vulnerability and the “first-person perspective” leads *fourth* to the fact that he or she shares this vulnerability with all people.

Fifth, the process of becoming aware of one’s own vulnerability and the vulnerability of all other people enables humans to perceive that they share also the individual “first-person perspective” as well as the individual “self-relation”. Humans therefore recognize that the “first-person perspective” and the “self-relation” are a condition for the possibility of a life as a human being.

Humans become aware of the same vulnerability of all other human beings. In the face of their own vulnerability, humans want first and foremost to survive physically and to live a life with human dignity. Physical survival and a life with human dignity must not be taken away from a human. They must be legally enforceable in order to offer real protection, and they must be applicable to various dimensions because vulnerability can include legal, political, historical, and moral dimensions. Physical survival and a life with human dignity should not be conditional because they are of utmost importance, as mentioned above, and because vulnerability is unpredictable. The desire to physically survive and live a life with human dignity is shared with all other humans. This desire is not individualistic, even though it is a concern of each person as an individual, which each individual discovers through his/her “first-person perspective” and his/her “self-relation”.

Sixth, because people are aware of their vulnerability but at the same time do not know if and when this vulnerability manifests itself and turns into a concrete violation or transgression, they are willing to grant all people the “first-person perspective” and “self-relation” based on the equality of all people, because this is the most rational, prudent, and advantageous solution for them. That means granting rights – human rights – to all humans in order to protect themselves and all others, because the vulnerability also includes the “first-person perspective” and “self-relation”. This protection through human rights aims, on the one hand, at avoiding the transformation of vulnerability into a concrete violation, and on the other hand – in case of such a transformation – to receive active compensation. They choose to entitle all humans including themselves with rights and to not ascribe everyone including themselves mutual obligations toward one another because they want to ensure absolutely that the omission of the transformation of vulnerability into a concrete violation as well as the active compensation in the case of such a transformation works, makes a concrete difference, and causes a positive impact for them facing the fundamental significance of and existential threats embedded in the uncertainty corresponding with their own vulnerability.

In this context, people are aware that the protection through human rights also includes the duties corresponding to human rights, because they are not exclusive rights, but rights to which all humans are entitled.

These six points on the principle of vulnerability explain that, *seventh*, humans are not human rights bearers because of their vulnerability but because they deal with their own vulnerability and its relevance. The principle of vulnerability with the “first-person perspective” and “self-relation” as a moral claim is normatively charged. The principle of vulnerability is a starting point for the justification of human rights in general and of specific human rights.

Eighth: It is altogether possible that the principle of vulnerability can be the basis for recognizing new sufferings and experiences of injustice that require human rights protection.

With the first step of the justification model based on the principle of vulnerability, human rights were ethically justified as an ethical point of reference in the Ethics-SAMBA.

Human rights as an ethical point of reference confirm that there is an ethical question, namely whether there should be a human right to asylum. "Be the Ethical Judge!" One is invited by the Ethics-SAMBA to answer this question. The justification approach based on the principle of vulnerability addresses this inquiry in the second and third step.

3. Be the Ethical Judge!

Second Step of the Approach Justifying Human Rights Based on the Principle of Vulnerability

The selection of those historical experiences of injustice that need human rights protection requires criteria. These criteria can be derived from the above descriptions of humans and the weighting because it shows what humans want to primarily protect themselves from. First of all, people want to survive and live as humans with human dignity (fundamentality). People become aware that their vulnerability threatens their own survival and the survival of all humans as well as their own life with human dignity and the lives of all others with human dignity (universality), because vulnerability does not stop at the "first-person perspective" and "self-relation" as a condition of living as a human. Survival and a life with human dignity should absolutely never be taken away from people or be traded off for something else (inalienability). They must be legally enforceable (justiciability) and applicable to the different dimensions (multidimensionality) because humans want to make totally sure that this protection works if they need it and because vulnerability can include legal, political, historical, and moral dimensions. Due to the fact that they possess such a high priority, as mentioned above, and since vulnerability is unpredictable and can be transformed into injury, survival and a life with human dignity should not be conditional (categorical character) because humans want to avoid that they have to negotiate in the case of injury or in the need for compensation. People share this desire to survive and live a life with human dignity with all other people (equality) to the same extent and they are willing to accept and respect it in order to enjoy themselves human rights facing the uncertainty originating from vulnerability. It is not individualistic, even though each individual discovers it through his or her own "first-person perspective" and "self-relation", but embodies an individual entitlement (individual validity) because no one wants to – in the case of an injury or in the need of a compensation – first have to join a collective (e.g., a nationality, a religious or worldview-based community, ...) in order to enjoy the protection by these rights but wants to enjoy directly and immediately these rights protecting physical survival and a life with human dignity. Therefore, the following eight criteria should determine the selection of those historical injustices and vulnerabilities from which all human beings should be protected by specific human rights: fundamentality, universality, inalienability, justiciability, multidimensionality, categorical character, equality, and individual validity.

Third Step of the Approach Justifying Human Rights Based on the Principle of Vulnerability

This step involves applying the above-mentioned eight criteria to identify the elements and spheres of human existence that must be protected by human rights. In our case, the question needs to be addressed whether asylum fulfills the eight criteria.

If one considers the numerous cases where physical survival or human dignity was denied to humans because of a lack of asylum, it seems obvious that experiences of violation of elements and spheres protected by a human right to asylum lead to the awareness which demands that these violations be put to an end and prevented.

In order to prove the *universality* of the right to asylum, the possibility must be excluded that these experiences of injustice in the sphere of protection of the right to asylum are only particular experiences of injustice that cannot be universalized. A positive outcome of this examination would mean the transition from a subjective experience of injustice to an experience of injustice that can be universalized. The universality of the right to asylum is justified because there cannot be “good reasons” as introduced above which would legitimate the exclusion of an individual human or a group of humans from this right.

In order to show the *categorical status* of the right to asylum, it is plausible that the right to asylum does not rely on any requirements expected from a human for sharing historical experiences of injustice in the sphere of asylum or for holding the corresponding right which protects every human from a vulnerability or a violation of the sphere protected by the right to asylum.

The *egalitarian nature* of the human right to asylum is based on the possibility that every human can enjoy protection of the human right to asylum in an identical manner.

The human right to asylum is an individual right that protects the individual right-holder’s ability in the dimension of asylum and does not depend on their being part of a collective, which proves its *individual validity*.

The right to asylum is *legally enforceable* because a violation of this right can be identified, it can be a reason to take legal action, a verdict can be delivered, the perpetrator of the violation can be convicted, a sentence can be served, and this can be controlled and enforced.

The *fundamentality* of the right to asylum – belonging to the essential elements and spheres of human existence – is justified because the elements and spheres protected by the human right to asylum are necessary for the physical survival and for the human dignity of an individual. The protection by a human right to asylum cannot be substituted by other means (e.g., foreign aid in the case of famine, or, e.g., military intervention into foreign states in the case of persecution)²³ because of the impossibility and the impermissibility of these other means.²⁴ Moreover, if an individual’s human right to asylum is violated or not respected, a human can be limited in his or her access to other rights, for example, the right to life, the right to security, the right to freedom.

The right to asylum is *inalienable* because of its necessity for the physical survival and for the human dignity of an individual. Therefore, it should not be possible that one can lose this right.

²³ Christopher Wellman, ‘Immigration and Freedom of Association’. *Ethics* 119:1 (2008), pp. 109-141.

²⁴ Susanne Mantel. ‘Stability, Protection, and Refugees: Does Refugee Protection Require Admission?’, *Migration, Stability and Solidarity* (International Politics: Perspectives from Philosophy and Political Science Bd. 4), edited by Wolfram Cremer and Corinna Mieth. (Baden-Baden: Nomos, 2021), pp. 85-108, at pp. 90-92.

The right to asylum is *multidimensional* because its realization takes place in the legal, political, historical, and ethical dimensions.

Hence, it can be argued with “good reasons” that the right to asylum is universal, categorical, egalitarian, individual, enforceable, fundamental, inalienable, and multidimensional – and consequently: ethically justifiable.

Of course, when states implement the human right to asylum and generally regulate fleeing and asylum-seeking, there are constraints which need to be addressed. It represents the idea behind the SAMBA-step “Be the Ethical Judge!” that “constraints such as lack of political will or xenophobia should not inform the theorization of states’ duties toward asylum seekers. This does not mean policymakers and other stakeholders should not consider these elements when formulating this policy. Yet, these considerations should not be accounted for in the theorization of states’ duties to asylum seekers done from the point of view of justice understood in pure normative sense.”²⁵

At the same time, it needs to be taken into account that the human rights to asylum is part of the – based on the principle of vulnerability justifiable –²⁶ catalogue of human rights that must be respected, protected, implemented, and realized in its entirety due to the principle of indivisibility of human rights.²⁷ Therefore, the human right to asylum – if asylum is granted – goes beyond mere residence in the receiving state as also the other human rights need to be respected, protected, implemented, and realized. This results in implications regarding inclusion into the social contract, access to economic and social rights such as healthcare and social security.

Beyond that, it cannot escape the ethical assessment of the legitimacy of the human right to asylum that violations of this human right occur often and manifoldly in the exemplary context of Europe (to sweep in front of one’s own door in the course of an ethical critical account).²⁸ “Refugees on Greek islands are being held in detention-like refugee camps and so-called migration agreements are being concluded with often authoritarian states or militias, such as in Libya, so that the effects of the EU’s external border are already being felt by refugees outside EU territory.”²⁹ In an open letter to European government leaders, “Doctors Without Borders (MSF)“-President Joanne Liu states: “What migrants and refugees are living in Libya should shock the collective conscience of Europe’s citizens and elected leaders. (...) People are simply treated as a commodity to be exploited. They are packed into dark, filthy rooms with no ventilation, living on top of one another. Men told us how groups of them are forced to run naked in the courtyard until they collapse from exhaustion. Women are raped and then made to call their families back home asking

²⁵ Mario Josue Cunningham Matamoros. ‘Normativity in Migration Ethics: Toy Theories and Prudential Normativity. *Topoi* 44 (2025), pp. 115–126, at p. 116.

²⁶ Kirchsclaeger, *Wie können Menschenrechte begründet werden? Ein für religiöse und säkulare Menschenrechtskonzeptionen anschlussfähiger Ansatz*.

²⁷ Kirchsclaeger, *Wie können Menschenrechte begründet werden? Ein für religiöse und säkulare Menschenrechtskonzeptionen anschlussfähiger Ansatz*.

²⁸ Hungarian Helsinki Committee, *We Are Monitoring Association, Centre for Peace Studies et.al. Pushed, Beaten, left to die. European Pushback Report 2024* (2025). Online at <https://11.be/sites/default/files/2025-02/20250217-Pushbacks-Report-2024-Pushed-Beaten-Left-to-die.pdf> (accessed 2025-07-04); Mixed Migration Centre (MMC). *Quarterly Mixed Migration Update*. Online at <https://mixedmigration.org/resource/quarterly-mixed-migration-update-eu-q3-2024/> (accessed 2025-07-04); Lukas Schmitt. ‘Migrationsethik: Die Ukraine und die Verletzlichkeit von Menschen und Grenzen’. *Stimmen der Zeit* 240:6 (2022), pp. 403-416, at p. 410.

²⁹ Lukas Schmitt. ‘Migrationsethik: Die Ukraine und die Verletzlichkeit von Menschen und Grenzen’. *Stimmen der Zeit* 240:6 (2022), pp. 403-416, at p. 410.

for money to be freed. All the people I met had tears in their eyes, asking again and again, to get out. Their despair is overwhelming.”³⁰

Unfortunately, even the new “European Union Pact on Migration and Asylum” (adopted in May 2024) itself focuses more on securitizing the external borders rather than on protecting human rights.³¹ Such an approach jeopardizes “la coherencia del proyecto europeo”³².

Furthermore, safe and humane paths for fleeing from conflict and persecution to Europe hardly exist anymore.³³ At least 8’938 people died on migration routes worldwide in 2024. Unfortunately, this means that the year 2024 was the deadliest year on record.³⁴ “The tragedy of the growing number of migrant deaths worldwide is both unacceptable and preventable. Behind every number is a human being, someone for whom the loss is devastating.”³⁵ These deaths did not fall from heaven. These deaths are the results of the ethical and political discourse about as well as the present policies on humans fleeing and humans seeking asylum. These deaths are of course ethically unacceptable. Ethically sound solutions including, among others, safe and humane transit routes³⁶ could avoid such deaths occurring in the future.

In addition, out of the ethical justification of the human right to asylum the question arises whether the search for a strict distinction³⁷ between refugees and asylum-seekers (without a choice for their flight) and migrants (with a choice) in the ethical, legal, and political discourse³⁸ can be upheld justifiably from an ethical standpoint.³⁹ The UN Refugee Convention of 1951, the Protocol relating to the Status of Refugees of 1967, and related instruments build on a clear distinction between legitimate and illegitimate rights-holders, with the state as the defined duty-bearer. This question if this distinction can be – ethically justified – be upheld finds a negative response from an ethical perspective

³⁰ Medecins sans frontières. *European governments are feeding the business of suffering*. Online at <https://www.msf.org/libya-open-letter-european-governments-are-feeding-business-suffering> (accessed 2025-07-04).

³¹ Magda Ennaji Térmens. ‘Anàlisi del Pacte de la Unió Europea sobre Migració i Asil’. *Quaderns IEE* 4:1 (2025), pp. 107–141.

³² Gemma Pinyol-Jiménez, ‘Migraciones, asilo y derechos humanos: Una aproximación lucasiana a las disfunciones de la gobernanza migratoria’. *Cuadernos Electrónicos De Filosofía Del Derecho* 49 (2023), pp. 979–988, at p. 987.

³³ Jeff Handmaker and Claudia Mora, ‘Experts: the mantra of irregular migration and the reproduction of Hierarchies’, *The Role of ‘Experts’ in International and European Decision-Making Processes: Advisors, Decision Makers or Irrelevant Actors?*, edited by Monika Ambrus, Karin Arts, Ellen Hey and Helena Raulus (Cambridge: Cambridge University Press, 2014), pp. 263–287.

³⁴ IOM UN Migration. *2024 is Deadliest Year on Record for Migration, New IOM Data Reveals*. Online at <https://www.iom.int/news/2024-deadliest-year-record-migrants-new-iom-data-reveals> (accessed 2025-07-04).

³⁵ IOM UN Migration. *2024 is Deadliest Year on Record for Migration, New IOM Data Reveals*. Online at <https://www.iom.int/news/2024-deadliest-year-record-migrants-new-iom-data-reveals> (accessed 2025-07-04).

³⁶ Borja Niño Arnaiz, ‘Justicia global, autonomía personal y política migratoria’. *Revista De Estudios Políticos* 203 (2024), pp. 37–61.

³⁷ Papenhagen. *Eine Stufentheorie der Migrationsethik*.

³⁸ Lukas Schmitt. *Von Grenzen, Menschen und Mauern: Migrationsethische Perspektiven in der globalisierten Weltgesellschaft* (Freiburger theologische Studien Bd. 198) (Freiburg i.Br./München/Berlin: Herder, 2022); Lesch, *Europa - Migration - Populismus : aktuelle Spannungsfelder politischer Ethik*, p. 181.

³⁹ Liza Schuster. ‘Unmixing Migrants and Refugees’, *The Routledge Handbook of Immigration and Refugee Studies*, edited by Anna Triandafyllidou. UK: Routledge, 2016, pp. 297–303.

because famine, poverty as well as miserable economic⁴⁰ and climate conditions⁴¹ can take away any supposed choice.⁴² “Restricting the status of refugees to those who have crossed an international border because of a well-founded fear of persecution is morally arbitrary.”⁴³ In the focus here is that not only persecution but also famine, poverty as well as miserable economic and climate conditions can be threatening for the human dignity and for the physical survival of a human.

Moreover, the arbitrariness of borders should be acknowledged from an ethical standpoint: No one can choose to be born on the one side or the other side of a border. Borders make humans “refugees”, “asylum-seekers”, and “migrants”. This arbitrariness of borders reinforces the criticism presented above of the arbitrariness of the distinction between refugees and asylum-seekers on the one side and migrants on the other side. “For many people on earth, borders are not easily surmountable landmarks on a map or itinerary but rather have an immobilizing power. Borders have by no means become less significant in our globalized world but rather exert power in a very selective manner on individuals, not only at the borders themselves, but also beyond them and within border areas.”⁴⁴

From the perspective of ethics of human rights, the impact of borders on the lives of humans represents a fundamental questioning of equality⁴⁵ and equal opportunities. “Most migrants want little more than to make a better life for themselves. If people wish to migrate across borders, why shouldn’t they be able to?”⁴⁶ In addition to equality, also freedom and autonomy provide ethical guidance, especially freedom of movement. “Deciding where to live is an essential component of autonomy, and this includes both the decision to stay and the decision to migrate.”⁴⁷ An inconsistency cannot be avoided if freedom of movement is restricted in the case of international movement. “Every reason why one might want to move within a state may also be a reason for moving between states. One might want a job; one might fall in love with someone from another country; one might belong to a religion that has few adherents in one’s native state and many in another; one might wish to pursue cultural opportunities that are only available in another land.”⁴⁸

⁴⁰ Margaret E. Peters, ‘Migration and Development’, *Introduction to International Migration: Population Movements in the 21st Century*, edited by Jeannette Money and Sarah Lockhart (UK: Routledge, 2021), pp. 223-243.

⁴¹ Ingrid Boas and Hanne Wiegel, ‘Environmental Change and Migration’, *Introduction to International Migration: Population Movements in the 21st Century*, edited by Jeannette Money and Sarah Lockhart (UK: Routledge, 2021), pp. 263-282.

⁴² Franco Valenti, *Migrazioni. In Italia e nel mondo*. Brescia: Editrice Morcelliana, 2020, p. 5.

⁴³ Wellman, ‘Immigration and Freedom of Association’, pp. 109-141, at p. 128; Saskia Sassen, *Guests and Aliens*. New York: The New Press, 1999, p. 96.

⁴⁴ Lukas Schmitt, ‘Macht von Grenzen: Macht über Grenzen: Eine migrationsethische Betrachtung im Spannungsfeld universaler und partikularer Perspektiven’, *Macht: Omnipräsent und doch tabu? Theorien und Praktiken einer sozioethischen Grundkategorie*, edited by Sebastian Dietz, Felix Geyer, Lukas Schmitt, Isabella Senghor and Elisabeth Zschiechrich (Münster: Aschendorff Verlag, 2023), pp. 199-216, at pp. 199-200 (translated by pgk).

⁴⁵ Javier De Lucas, ‘Immigrantes : del estado de excepción al estado de derecho’. *Oñati socio-legal series* 1:3 (2011), p. 7.

⁴⁶ Song, ‘The Ethics of Migration’, pp. 328-347.

⁴⁷ Niño Arnaiz, ‘Justicia global, autonomía personal y política migratoria’, pp. 37-61, at p. 53.

⁴⁸ Joseph Carens, *The Ethics of Immigration*. (Oxford: Oxford University Press, 2013), p. 239.

This inconsistency grows into a bias⁴⁹ of the ethical discourse about fleeing, seeking asylum, and migration or a fundamental denial of ethically justifiable claims to humans fleeing, seeking asylum, or migrating when ethical principles like freedom and equality of all humans as well as the principle of justice in the form of equal opportunities are ethically justified in providing ethical guidance in the general ethical discourse but are neglected in the ethical discourse about fleeing, seeking asylum, and migration or denied to humans fleeing, seeking asylum, or migrating.⁵⁰ E.g., it can be shown that in the ethical discourse about humans fleeing, seeking asylum, or migrating, “the question of how opportunities should be distributed is addressed in opposite terms depending on whether migrants are concerned or not”⁵¹.

A source for this bias is nationalism.⁵² This bias does not allow one to see clearly the reality through ethical lenses. “An ethos of white nationalism and capital accumulation, moral geographies that map responsibilities in order to deflect or deny them, creating hostile environments invoking moral immunity, are neither natural nor inevitable.”⁵³

A second source for this bias is methodological nationalism, defined by the assumption “that the nation-state provides the relevant unit of analysis and the categories for understanding social phenomena.”⁵⁴

A third source for this bias can be found in “cimmigration” applied in the ethics of migration⁵⁵ referring to “three areas in which criminal law enforcement and immigration law enforcement are problematically conflated. The first is when criminal convictions come to have immigration consequences, such as a revocation of a visa or green card. The second is when immigration law violations come to have criminal-style punishments. The third is when the tactics sanctioned for criminal law enforcement are commandeered for the purposes of performing immigration enforcement or vice versa.”⁵⁶

A fourth source for this bias is an abusive misinterpretation of the common good into an exclusive good for an exclusive group of people.⁵⁷

The lack of equal opportunities “is further exacerbated by the fact of withholding of subjectivity for humans seeking asylum. They cannot speak in the political and ethical discourse about seeking asylum nor act in the political design of the legal framework of

⁴⁹ Speranta Dumitru, ‘The ethics of immigration: How biased is the field?’, *Migration Studies* 11:1 (2023), pp. 1-22.

⁵⁰ Jan Friedrich, ‘Können Integrationspflichten Migrationsrechte einschränken? Zum Verhältnis von Migrations- und Integrationsethik’. *Zeitschrift für Praktische Philosophie* 7:1 (2020), pp. 15-42. ; Jean-Philippe Vincent. *Éthiques de l’immigration*. Online at <https://www.fondapol.org/etude/ethiques-de-limmigration/> (2025-07-04); Federico Arcos Ramírez, ‘¿Existe un derecho humano a inmigrar? Una crítica del argumento de la continuidad lógica’. *DOXA. Cuadernos De Filosofía Del Derecho* 43 (2020), pp. 285–312.; Francisco Javier Laporta San Miguel, ‘Javier de Lucas y la ética de la inmigración’. *Cuadernos Electrónicos De Filosofía Del Derecho*, 49 (2023), pp. 264–273.

⁵¹ Dumitru, ‘The ethics of immigration: How biased is the field?’, pp. 1-22-

⁵² Lior Erez, ‘The Nation, the State, and the Foreigner’, *The Routledge Handbook of the Ethics of Immigration*, edited by Sahar Akhtar (UK: Routledge, 2025), pp. 140-154, at pp. 142-150.

⁵³ Dan Bulley, *A relational ethics of immigration: Hospitality and hostile Environments* (Oxford: Oxford University Press, 2023), pp. 161-162.

⁵⁴ Dumitru, ‘The ethics of immigration: How biased is the field?’, pp. 1-22.

⁵⁵ José Jorge Mendoza, ‘Crimmigration and the Ethics of Migration’. *Social Philosophy Today* 36:1 (2020), pp. 49-68.

⁵⁶ Mendoza, ‘Crimmigration and the Ethics of Migration’, pp. 49-68, at p. 50.

⁵⁷ Frank Dietrich and Adis Selimi, ‘Gemeinwohlargumente in der Ethik der Migration’, *Handbuch Gemeinwohl*, edited by Christian Hiebaum. Springer: Heidelberg, 2020, pp. 379-391.

seeking asylum. These abilities are denied and withheld from them.”⁵⁸ Human rights guarantee this participation in opinion-forming- and decision-making-processes to all humans – of course including also humans fleeing, seeking asylum, and migrating.⁵⁹

Furthermore, the existence of borders violates moral equality.⁶⁰ “Citizenship in Western liberal democracies is the modern equivalent of feudal privilege – an inherited status that greatly enhances one’s life chances. Like feudal birthright privilege, restrictive citizenship is hard to justify when one thinks about it closely”⁶¹.

On top of that, the existence of borders as such makes humans “refugees”, “asylum-seekers”, and “migrants”.⁶² Moreover, humans fleeing or seeking asylum are neither per se and nor make themselves “refugees”, “asylum-seekers” respectively “migrants”, someone else does for them and about them.⁶³ The definitory and constituting process as well as corresponding decision-making processes about their fate are not in the hands of humans fleeing, seeking asylum, or migrating and take place without participation of the humans fleeing, seeking asylum, or migrating.⁶⁴

Seen and used differently, the concepts “refugees”, “asylum-seekers”, and “migrants” offer “an important lens on law and democracy beyond the state. Its counterbalancing role within the state framework highlights that the territorial delimitation of rights and obligations has always been accompanied by commitments to openness and solidarity beyond the territorially defined community. This cross-border commitment of the refugee concept references a concrete rather than an abstract universalism.”⁶⁵ At the same time, the problem is becoming apparent that “migrant rights are compromised by a paradox between the universality of international human rights and the national scope of their enforcement.”⁶⁶

In addition, humans fleeing from one place to another respectively or fleeing from one country to seek asylum in another country usually don’t have the self-understanding as “refugees”, “asylum-seekers”, or “migrants” but the self-understanding as “HUMANS”. Hannah Arendt states: “We don’t like to be called ‘refugees’.”⁶⁷

Moreover, no one is born and wishes to become a human fleeing, seeking asylum, or migrating. “On the one hand, mobility thereby mirrors global inequalities: borders are permeable to a starkly different degree depending on one’s passport. On the other hand, migration works as a marker for interdependencies where these would otherwise be

⁵⁸ Josef Becker, ‘Normative Probleme der Ethics of Migration’, *Grenzgänge der Ethik*, edited by Josef Becker, Sebastian Kistler & Max Niehoff (Münster: Aschendorff Verlag, 2020), pp. 69-86, at p. 75.

⁵⁹ Susana Angélica Pastrana Corral, ‘Derechos humanos y políticas Migratorias’. *Revista Virtual Universidad Católica del Norte* 74 (2025), pp. 1-3, at p. 2.

⁶⁰ Joseph Carens, ‘Aliens and Citizens: The Case for Open Borders’. *Review of Politics* 49:2 (1987), pp. 251-273.

⁶¹ Carens, ‘Aliens and Citizens: The Case for Open Borders’, pp. 251-273, at p. 252.

⁶² Schmalz, *Refugees, Democracy and the Law. Political Rights at the Margins of the State*, p. 23.

⁶³ Johan Rochel, ‘L’éthique de la migration : propositions pour un débat de Société’, *La recherche et l’enseignement en éthique : Un état des lieux*, edited by Edwige Rude-Antoine and Marc Piévic (Paris: L’Harmattan, 2020), pp. 93-109, at p. 108.

⁶⁴ Schmalz, *Refugees, Democracy and the Law. Political Rights at the Margins of the State*, pp. 27-40, pp. 106-120, pp. 151-166.

⁶⁵ Schmalz, *Refugees, Democracy and the Law. Political Rights at the Margins of the State*, p. 24.

⁶⁶ Lisa Simeone, ‘The Paradox of Migrant Rights’, *Introduction to International Migration: Population Movements in the 21st Century*, edited by Jeannette Money and Sarah Lockhart. UK: Routledge, 2021, pp. 307-327, at p. 323.

⁶⁷ Hannah Arendt, ‘We Refugees’, *Altogether elsewhere. Writers on Exile*, edited by Marc Robinson (Boston; Faber and Faber, 1994), pp. 110-119.

omitted. When political conflicts, environmental degradation, or ravaging poverty causes persons to migrate, they bring to awareness elsewhere that we live in one world.”⁶⁸

Beyond that, living as humans means standing on the same ground – on the same “solidum” which represents the conceptual basis for the ethical principle of “solidarity”.⁶⁹ The ethical principle of solidarity urges one to understand that all humans should be there for each other and for the community if it is necessary as well as the community of all humans should be there for a human who needs it. “L’insatisfaction est constante, dans l’action de solidarité.”⁷⁰ One should not escape from this challenge by framing its fulfillment as “unrealistic”⁷¹ for three reasons⁷²: first, the conceptual problems of assessing realistic versus unrealistic (for example, the arbitrary definition of “the given situation” or “the given reality”; the impossibility of foreseeing what is possible in advance; the impossibility to identify who is the acting subjects failing facing the unfeasibility)⁷³; second, normative ethics does not work this way. An ethical compass does not lose its legitimacy just because it is demanding to follow it. Rather this challenge forms an incentive to become better. E.g., personally, I’m not able to avoid lying all the time. Just because of that, the legitimacy of honesty does not dissolve. Honesty as an ethical virtue is still in place.⁷⁴ Third, the complexity of reality cannot serve as an excuse not to fulfill ethical principles but rather as an impulse to find an ethically sound solution.

The principle of solidarity – combined with the above-mentioned principle of vulnerability – reminds all of us: It could be us. It could be oneself.

The kind invitation goes to everyone who contributes to the ethical discourse about fleeing, asylum-seeking, and migrating without critically questioning the arbitrary and feudal nature of borders to transfer the perspective and to imagine that they themselves would be the humans fleeing, seeking asylum, and migrating.

The same kind invitation goes to everyone who argues for the exception of the sphere of fleeing, asylum-seeking, and migrating from ethical principles that are otherwise in place in the general ethical discourse, like, for example, freedom and equality of all humans as well as the principle of justice in the form of equal opportunities to critically re-examine their own positions through the thought experiment to try (and these attempts will always fail due to the first-person perspective but could one bring at least a little bit closer to the perspective of other humans)⁷⁵ to put on the shoes of humans fleeing, humans seeking asylum, as well as humans migrating and to then question whether their own positions remain ethically justifiable.

The same kind invitation goes to everyone who argues that realizing the respect of human dignity of all humans – including humans fleeing and humans seeking asylum –

⁶⁸ Schmalz, *Refugees, Democracy and the Law. Political Rights at the Margins of the State*, p. 167.

⁶⁹ Alois Baumgartner, ‘Solidarität’, *Christliche Sozialethik. Ein Lehrbuch* (Vol. 1: Grundlagen), edited by Marianne Heimbach-Steins (Regensburg; Verlag Friedrich Pustet, 2004), pp. 283-292.

⁷⁰ Bruno-Marie Duffé, ‘Quand les migrants nous font faire un «chemin éthique» et nous rappellent au «devoir de fraternité». *Revue d'éthique et de théologie morale* 326:1 (2025), pp. 53-61, at p. 61.

⁷¹ Papenhagen, *Eine Stufentheorie der Migrationsethik*, pp. 115-488.; Andreas Niederberger, ‘Migrationsethik in der Krise. Einige grundlegende philosophische Überlegungen’. *Zeitschrift für Migrationsforschung* 1:1 (2021), pp. 97 - 123.

⁷² Kirchsclaeger, *Ethical Decision-Making*.

⁷³ James S. Pearson, ‘Realism in the ethics of immigration’. *Philosophy & Social Criticism* 49 :8 (2022), pp. 958-968.

⁷⁴ Kirchsclaeger, *Ethical Decision-Making*.

⁷⁵ Kirchsclaeger, *Wie können Menschenrechte begründet werden? Ein für religiöse und säkulare Menschenrechtskonzeptionen anschlussfähiger Ansatz*.

would be an act of “mercy”⁷⁶. While attributing to mercy an essential role within ethics and morals, in the case of humans fleeing and humans seeking asylum mercy and their ethically justifiable claims to get their human rights respected and enforced, it is an absolutely inadequate category, first, because humans fleeing, seeking asylum, as well as migrating are holders of human rights. Their legal entitlements are neither depending on acts of mercy nor on arbitrariness and randomness. Second, mercy implies a certain power imbalance between the mercy-giver and the beneficiary of mercy, which would undermine the notion of human dignity and human rights including freedom, autonomy, and equal opportunities.

Finally, the same kind invitation goes to everyone who argues that humans fleeing, seeking asylum, and migrating by crossing boundaries without official permission – due to above-mentioned lack of safe and humane transit routes – should be framed as this person “made a bet that he(/she) would not be discovered; his(/her) pain when that bet fails to hold is a pain he(/she) is rightly made to endure.”⁷⁷

The ethical implications of the ethical principle of solidarity underline the ethical justification of the human right to asylum and its ethical relevance as well as the ethical necessity to take appropriate action in the particular contexts where the universality of human rights and the universal solidarity among all humans as well as of humanity become concretely alive. “Liberal states grant rights to their citizens as members of a political community sharing certain norms and obligations. While the international human rights system expands this theory of social contract to encompass all countries, it does not represent a global political community with the authority to protect its members. Its normative framework of human rights must be translated into civil rights to have legal power.”⁷⁸

Finally, humans seeking asylum are forced into the role of scapegoats for everything.⁷⁹ Blaming humans seeking asylum for everything negative goes so far that one asks oneself what would happen if there weren’t any asylum-seekers anymore, but the political problems would continue to exist.

4. Act Accordingly!

The ethical justification of the human right to asylum calls for corresponding action, namely to respect, protect, implement, and realize the human right to asylum together with all other human rights.

Besides the legal enforcement of this human right, part of the corresponding action to this ethical assessment of the legitimacy of the human right to asylum is also to stop making humans seeking asylum to the problem. That does not mean at all not to take the

⁷⁶ Michael Blake, *Justice, Migration, and Mercy* (Oxford: Oxford University Press, 2023), pp. 210-223.

⁷⁷ Blake, *Justice, Migration, and Mercy*, pp. 215-216.

⁷⁸ Simeone, ‘The Paradox of Migrant Rights’, pp. 307-327, at pp. 307-308.

⁷⁹ Bianca Rumore, ‘Imago migrantis: media, algoritmi e rappresentazioni. Il caso italiano’, *Migrazione, donne, diritti. Orizzonti di pace per il mondo contemporaneo* edited by Uliano Conti and Maria Caterina Federici (Roma: Carocci editore, 2021, pp. 85-100), p. 98; Peter Schink and Jan Weber. *Nach Migrationsdebakel: Geflüchtete sind nun an allem Schuld*. Berliner Morgenpost (2025). Online at <https://www.morgenpost.de/incoming/article408208780/nach-migrationsdebakel-gefluechtete-sind-nun-an-allem-schuld.html> (accessed 2025-07-04); Daniel Winkler. Widerstand gegen Asylbewerber. Ängste bewirtschaften und Sündenböcke suchen. Der Bund (2024). <https://www.derbund.ch/migration-aengste-bewirtschaften-widerstand-gegen-fluechtlinge-180743754399> (accessed 2025-07-04).

real problems seriously. In contrast, from an ethical standpoint, it is the ethical responsibility of a state, of a government, of politicians, of a political and legal community as well as of all humans to address consistently and diligently existing problems including the ethical and political dilemmas.⁸⁰ If there are, e.g., worries about security, preoccupations concerning job security, lack of inclusion, lack of language skills, ..., humans seeking asylum should not be made the causes of these problems and challenges but rather the inadequate political and social treatment of humans seeking asylum, as the actual origins of these problems and challenges should be named and addressed concretely, pragmatically, and sustainably. Too simply put, for example, if there is a lack of language skills, don't make humans seeking asylum the problem, but rather the lack of adequate learning opportunities and incentives and address the latter accordingly, namely by, e.g., increasing the teaching capacities within a school class with children seeking asylum having another first language than the first official language of the context of the school. If some people should feel insecure, concrete security measures (e.g., more presence of police) should be implemented. If some people link threat automatically with humans seeking asylum, some nondiscriminatory awareness-building should be considered. If preoccupations concerning job-security exist, concrete economic steps to increase job-security or to compensate the massive reduction of paid professional tasks by so-called "AI"⁸¹ should be taken. If there is a lack of inclusion, programs for humans seeking asylum and for humans living with humans seeking asylum promoting and fostering inclusion should be provided. And so on ... The fallacy – surprisingly very present in the ethical discourse about humans fleeing or seeking asylum –⁸² should be avoided, e.g., to counter the rise of populist extreme right-wing parties and politicians by not addressing perceptibly and visibly with concrete and immediate actions the real problems but by blaming humans fleeing or seeking asylum for them. In the ethical discourse about humans fleeing or seeking asylum, restrictions for flight, migration, and for asylum-seeking are often presented as the only solution. This alleged absence of alternatives is not only reductionist and does not represent the reality but manifests also a disappointing lack of political, societal, and economic creativity and innovativeness.

Besides that, from an ethical perspective, of course possible problems causing flights and asylum-seeking should be firmly addressed and sustainably resolved⁸³ – for example, persecution, global injustice, famine, poverty, as well as miserable economic and climate conditions – but they cannot be an alternative (as is often inadequately presented in the discourse about fleeing and asylum-seeking)⁸⁴ to immediate and concrete implementation and realization of the human right to asylum. It is only honest to admit that addressing the root causes will take time – more time than present humans fleeing and humans seeking asylum have at their disposal.

Last but not least, numbers – but in front of all – how we deal with numbers matters. First, ethically speaking, it is to avoid seeing numbers. "Refugees are often seen

⁸⁰ Rainer Bauboeck, Julia Mourao Permoser and Martin Ruhs, 'The ethics of migration policy dilemmas.' *Migration Studies* 10:3 (2022), pp. 427-441.

⁸¹ Peter G. Kirchsclaeger, *Ethics and the Digital Transformation of Human Work. The Society, Entrepreneurship, Research-Time Model SERT*. UK: Palgrave Macmillan, 2025.

⁸² Stephen Macedo, 'After the Backlash: Populism and the Politics and Ethics of Migration?' *The Law & Ethics of Human Rights* 14:2 (2020), pp. 153-180.

⁸³ Rainer Bauboeck, 'A mid-level perspective on the ethics of immigration policies.' *Critical Review of International Social and Political Philosophy*, pp. 1-18.

⁸⁴ Bauboeck, 'A mid-level perspective on the ethics of immigration policies', pp. 1-18.

as nothing more than an anonymous mass of people from whom one must isolate oneself.”⁸⁵ We should see an individual human being behind every number.⁸⁶

Second, the European Union consists of 86'061 municipalities. Mathematically, if one would distribute all humans seeking asylum to all municipalities equally, every municipality would welcome 12 humans seeking asylum. To this reality belongs as well the fact that big cities like Rome and Berlin count as 1 municipality. This means that even a large city like Rome, with its 2.76 million inhabitants, or Berlin, with its 3.9 million inhabitants, would only welcome 12 asylum seekers each. This also indicates that there is extensive space for balancing if there should be a necessity in the case of a very small municipality.

Pragmatically speaking, 981'319 humans seeking asylum in the European Union in the year 2024 should be distributed equally to the 86'061 municipalities in the European Union. Mathematically, every municipality would welcome 12 humans seeking asylum.⁸⁷ This pragmatic approach embodies – and this needs to be made transparent right from the start – the ethical problem that the freedom to move and settle freely in the course of seeking asylum would be limited to a certain extent. I would argue only “to a certain extent” because humans seeking asylum should be entitled to indicate their preferences (including reasons for these preferences, e.g., presence of family members) and these preferences should be respected as much as possible relying on the substantial possibilities for balancing thanks to counting big cities as municipalities if there should be a respective need in the case of tiny municipalities.

Beyond that, the numbers show that there would be evidently space for more people in need due to persecution, famine, poverty, miserable economic and climate conditions, ... This analysis takes place in front of a financial background supporting this argument: The financial background consists in the allocation of 3.73 billion EUR in the year 2024 for border-protection and migration by the EU⁸⁸, the allocation of 16.2 billion EUR to support the EU's neighbors as well as international development and cooperation by the EU, the allocation of 1.9 billion EUR for the humanitarian aid programme to respond to global crises by the EU, and the allocation of 11.5 billion EUR for the Neighborhood, Development and International Cooperation Instrument – Global Europe, with a focus on migration in the EU's southern neighborhood and on addressing the root causes of migration from Africa.⁸⁹ At the same time, part of this financial background is also that the member states of the European Union lost 100 billion EUR in 2024 because of harmful corporate tax avoidance.⁹⁰

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⁸⁵ JoeBarth C. Abba. *Friedensethik : auf der Basis der Menschenrechte : eine Orientierung in Zeiten von Migration und wachsender Intoleranz* (München: Verlagshaus Schlosser, 2021), p. 186 (translated by pgk)

⁸⁶ Bruno-Marie Duffé. ‘Quand les migrants nous font faire un «chemin éthique» et nous rappellent au «devoir de fraternité»’, pp. 53-61, at p. 53.

⁸⁷ By this model “Distributing humans, not shifting numbers”, the assumption of unfeasibility of ethically legitimate handling of fleeing and seeking asylum, e.g., in the “Stufentheorie der Migrationsethik” by Adrian Papenhagen (Papenhagen, A. (2024). *Eine Stufentheorie der Migrationsethik. Nomos*), can be invalidated.

⁸⁸ EUR-Lex. *2024 European Union budget* (2024). Online at <https://eur-lex.europa.eu/EN/legal-content/summary/2024-european-union-budget.html> (2025-07-04).

⁸⁹ EUR-Lex. *2024 European Union budget* (2024). Online at <https://eur-lex.europa.eu/EN/legal-content/summary/2024-european-union-budget.html> (2025-07-04).

⁹⁰ European Court of Auditors. *EU fight against systemically harmful tax practices still not watertight* (2024). Online at <https://www.eca.europa.eu/en/news/NEWS-SR-2024-27> (accessed 2025-07-04).

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