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Universidad del País Vasco Euskal Herriko Unibertsitatea

DOCTORAL THESIS

Analytical study of E.U. border policies from the perspective of care and immigration ethics

SOLMAZ ETEMADZADEH

DIRECTORS: IÑAKI BARCENA HINOJAL

JONE MARTINEZ PALACIOS

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Dedication to my mother for all that she did and all the resistance she showed in complicated circumstances to facilitate life for me so that I can stand here now.

Remembering my father, who, despite his brief life, taught me to be independent, to think independently, and to move forward bravely.

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Table of Contents

INTRODUCTION	11
CHAPTER I. THE ISSUE OF “OPEN BORDERS”	26
Entry to the debate.....	26
Figure 1. <i>Frontiers VS Borders</i>	29
1.1. Open borders arguments in general view.....	30
Figure 2. <i>Soft borders VS Hard borders</i>	34
1.2. Open borders proponents arguments	35
1.2.1. Economic defence	41
• Labour and wage	41
• Economic growth	45
• Expert force	48
1.2.2 Political defence.....	52
• Egalitarian approach	52
• Moral approach.....	55
• Humanitarian approach.....	56
• Consequential approach	59
1.2.3. Cultural defence.....	63
• Liberal View	64
• Multicultural View	68
1.2.4. Social defence	74
• Populism.....	75
• Propaganda	78
Figure 3. <i>Areas of Discussion of Open Border Issue</i>	84
1.3. Open borders opponents arguments.....	85
1.3.1. Economic objections	86
• Hurting local economy.....	86
• Increasing global gap.....	88
1.3.2. Political objections	90
• Sovereignty.....	91
• Voting rights.....	92
• Prioritization.....	94
1.3.3. Cultural objections	97
1.3.4 Social objections.....	101

Figure 4. <i>Pros and Cons of Open Borders</i>	105
Concluding Remarks	106
Figure 5. <i>Some Reasons to Support and Oppose Open Borders</i>	107
CHAPTER II. ETHICS OF CARE AS A FEMININE MORALITY	108
Entry to the debate.....	108
2.1. Feminine ethics.....	113
• Gender binary morality.....	119
Figure 6. <i>Binary VS Non binary</i>	124
2.2. An alternative for justice-based ethics.....	125
• Contractarianism.....	129
Figure 7. <i>The meaning of care in general</i>	133
• Relationship	134
2.4 Care as a virtue.....	136
2.4.1 Trust	143
Figure 8. <i>The detailed meaning of care</i>	150
2.4.2 Empathy	151
2.5. Care as a moral obligation and human responsibility	156
• Culture of care	159
2.6. Care as a political practice	169
• A route to peace.....	177
2.7. Care as a moral ideal.....	180
• A universal value.....	185
Figure 9. <i>Philosophers' definitions of care</i>	190
Concluding remarks.....	194
CHAPTER III. ETHICS OF IMMIGRATION AS A MASCULINE MORALITY.....	196
Entry to the debate.....	196
3.1. Justice-based ethics	199
• Distributive justice	200
Figure 10. <i>Distributive justice VS Care</i>	203
• Retributive justice.....	204
Figure 11. <i>Retributive justice VS Care</i>	206
• Procedural justice	207
Figure 12. <i>Procedural Justice VS Care</i>	208
• Restorative justice.....	209

Figure 13. <i>Restorative justice VS Care</i>	212
3.1.1. Individuality	213
3.1.2. Equality	221
3.1.3. Impartiality	225
3.2. Global Justice	229
3.3. Global democracy	236
• Intergovernmentalism	239
• Global governance	241
• Global polity	244
3.4. Democracy-based ethics.....	249
3.4.1. Instrumental approach	251
• Epistemological justification	253
• Deliberative democracy.....	254
3.4.2. Non-instrumental approach.....	256
3.5. Right-based ethics	257
3.5.1. Liberal ethics.....	260
• Liberalism and human rights	267
3.5.2. Ethics of immigration as a liberal ethics.....	269
Figure 14. <i>Masculine/Justice ethics VS Feminine/Care ethics</i>	278
Concluding remarks.....	279
CHAPTER IV. STUDY SOME EU BORDER POLICIES IN LIGHT OF CARE AND IMMIGRATION ETHICS.....	
Entry to the debate.....	281
4.1. EU countries as the leading destinations for immigrants	283
4.2. Schengen Borders Code.....	290
• Article 5; “ <i>Crossing of external borders and conditions for entry</i> ”	290
• Article 6; “ <i>Entry conditions for third-country nationals</i> ”	292
• Article 7; “ <i>Conduct of border checks</i> ”	299
• Article 8; “ <i>Border checks on persons</i> ”	301
• Article 9; “ <i>Relaxation of border checks</i> ”	303
• Article 10; “ <i>Separate lanes and information on signs</i> ”	305
• Article 11; “ <i>Stamping of the travel documents</i> ”	307
• Article 12; “ <i>Presumption as regards fulfilment of conditions of duration of stay</i> ” ...	309
• Article 13; “ <i>Border surveillance</i> ”	312

• Article 14; “Refusal of entry”.....	314
Figure 15. <i>Schengen Border Code (SBC) VS The Universal Declaration of Human Rights (UDHR)</i>	317
4.3. EU Visa Code	318
• Biometric identifiers.....	318
• Personal interview.....	320
• Punishment.....	321
• Double standard	323
• Presumed threat	329
Concluding remarks.....	337
Figure 16. <i>External border policies of Schengen Border Code (SBC) VS Care and justice ethical approaches and concepts</i>	339
CONCLUSION	348
• Findings.....	350
• Addressing limitations.....	353
• Further Studies and Questions	354
• Suggestions	355

INTRODUCTION

Immigration is one of the most acute crises in the world today, along with crises such as the environment, war, genocide, and poverty. If it can be considered immigration due to all the mentioned cases, it shows a big difference between travel and immigration. In other words, if we consider the movement of human beings from one place to another as a standard deed between migration and travel, their difference is in the cause and origin of displacement. A short or long trip is to work or enjoy nature and spend time with family and friends, and that there is always a plan to return. Immigration, on the other hand, has a different purpose and purpose from a mere relocation, and one does not intend to enjoy and discover everything that is achieved during the journey. So it is easy to see that immigration is not a voluntary decision. The problem begins with the fact that, unlike our ancestors, who could move and settle anywhere on the planet, today we, as the grandchildren of those immigrants, are deprived of this right.

- Significance of the study

As migration has become one of the most important and challenging global issues today and its scope of influence has spread almost all over the world, it is vital to address it as one of the current issues in the world. In addition, many countries have faced crises due to this phenomenon, which should be resolved as soon as possible to reduce the concerns in their countries and, on the other hand, not to ignore the invading migrants to their borders. The importance of this issue in migration becomes apparent when we examine the global changes before and after 2015 and root out the migration crisis and examine the solutions used. The influx of migrants after 2015 once again showed that migration is the inevitable result of global issues such as climate change, war, poverty and insecurity, and in a word, the lack of global justice. EU member states, especially those on the Mediterranean coast, have been identified as the leading destination for migrants in 2015 and beyond, making them the first and most accessible destination for migrants from developing countries. Therefore, before making any policy, it is essential to study why and why these countries are considered the destination of most Middle Eastern immigrants. Because the difference in living standards in different directions is one of the main factors of migration, and in fact, solving the problem of migration is rooted in reducing the class gap in the world. Therefore, migration is not a voluntary

phenomenon, and it is these profound differences cause migration to be the last resort for individuals, and many, regardless of the consequences, embark on a journey whose future is neither guaranteed nor safe. If the global situation improves and a firm decision is made to address the existing inequalities, the rate of migration will automatically decrease. At this point, the importance of this research becomes evident. Because it has rooted out this problem from several perspectives and has examined the issue of open borders, which is one of the most critical issues related to migration, both positively and negatively, to this end, and also because of the focus on the care approach, which is itself a new approach in ethics and has not been present in the political and legal literature for a long time, it shows strategies that have been much considered before. It is not in the category of immigration. While emphasizing that maintaining order and stability in the European Union as the community under study in this dissertation is a top priority, an attempt has been made from the perspective of human rights protection, which is also agreed by the Union, through open borders and controls.

Furthermore, address EU border policies, which is an entirely new approach. By introducing a new approach based on care ethics, this dissertation tries to introduce some other horizons with criteria other than what is currently going on in the EU member states so that the Union can come up with new solutions based on care ethics and gradually choose to get the immigration problem out of the crisis at least to some extent, and more importantly, not to ignore any human being, both the host and the immigrant. However, according to the philosophical approach of this dissertation, further and more practical steps should be observed and followed in the EU think tanks, and assuming that there is a higher knowledge of border policies among the members of these think tanks, one can expect their expertise can provide far more practical solutions, taking into account all aspects.

- Backgrounds

Immigration is one of the most significant crises of the present century that our world has recently faced. It is an important issue that affects almost all aspects of human life directly and indirectly nowadays. Because all kinds of policies of countries directly impact the quality of life of their citizens, this causes citizens to change their place of residence or continue to live in their country, depending on these policies

and the type of impact they have on their lives. However, this change in the place of residence is not as simple as in the past, and the existence of border and transboundary laws of governments has created many restrictions on human migration. At the same time, the effects of immigration should not be viewed solely from the perspective of policymakers. This means that although the laws that policymakers consider for immigration seem to be based only on defined and agreed legal and political principles, the reality of the impact of migration on the economy, culture, and population of countries, both host and origin countries, cannot be ignored. Therefore, given the above, it can be said that migration is no longer considered a neutral or one-dimensional issue but has taken on wide dimensions that have turned it from a mere movement into a political, social, and cultural concern, in the sense that despite the availability of different kinds of vehicles that make the passing of long distances possible, now, due to the presence of all kinds of borders and the principles and laws related to their preservation, human beings are practically deprived of the freedom to go wherever they want. These restrictions are referred to as the issue of open borders, and related policies are endorsed by some and denounced by others that both groups offer reasons that cannot be easily ignored.

But on the other hand, and especially after the flow of refugees entering the European Union in 2015, the issue of open borders was once again considered a key and critical humanitarian issue, especially in this part of the world. The unlimited influx of asylum seekers within the EU's borders has put the European Community at a difficult crossroads. On the one hand, they had to protect the interests and security of the members of the European Union, and on the other hand, they had to face people whose lives were in danger. Because the vast majority of immigrants in 2015 were immigrants who suffered from the war and insecurity in Syria and other countries in the Middle East and North Africa and had no choice but to emigrate. As a result and after this crisis, the policies of the EU member countries regarding immigrants and their borders came under a magnifying glass again. Most of these countries, which have a liberal political system and adhere to democratic values, encountered a paradox in the face of immigrants that remains unresolved to this day. Liberal values have always been based on justice, impartiality, freedom, and, in a word, equality for all. However, what has been seen in recent years that cast doubt

on the effectiveness of values such as justice and impartiality is the failure of these countries as representatives of liberal democracies to deal with immigrants and those seeking to enter these countries in an appropriate way can solve the crisis. What is important to note here is that the approach to the issue of immigration is a homogeneous one, and in fact, there is no distinction between its types, such as labour migration or asylum or social migration, and is tried to fit each section according to what that section requires. Since the mid-1980s, with the introduction of a new topic in ethics, called the ethics of care, values such as justice, impartiality, and equality have been introduced as masculine values, and not only their ability to solve the problems of the contemporary world was questioned by some feminist care-oriented philosophers, in general, any ethics, politics, and cultures based on them was mentioned as inefficient and even problematic. In other words, an approach was initiated in ethics and politics that tried presenting the essence of care as the most efficient and powerful factor to solve human problems.

Furthermore, migration is a purely human issue and affects the lives of many human beings, both quantitatively and qualitatively, and is becoming a deep crisis due to its persistence. As a result, Immigrant countries today are practically looking for a solution to this crisis. Moreover, since the liberal-democratic policies in these countries have failed to resolve this crisis, the need for a new approach that also claims to address many of the problems of the contemporary era is quite palpable and necessary.

- Statement of problem

The problem discussed in this dissertation goes back to the concept of inequality that has occurred in different aspects and angles in our world, and migration is one of them. Migration is not considered a cause, but an effect in this dissertation and its relationship with inequality is discussed in general and in part. In general, the migration crisis is due to the lack of similar conditions in the north and south of the planet, and inequality that has severely affected most of the country's resources, including human, economic and social, and more recently, climate and has caused many people to migrate. The vast majority of migrations are due to poverty, economic pressure, discrimination, social inequality, and most importantly, war and insecurity in the southern countries; therefore, there is no favourable outlook, leading

them to flow to these countries. Furthermore, of course, its effect can be seen in almost all countries of the world, because in the current situation, due to the profound inequality between the south and the north, the countries of the world either accept immigrants or emigrate, and as a result, migration affects a wide range of people in some way. The country of origin is also facing brain drain, and the destination countries, with the arrival of often cheap and young supply of persons who are available and fitted for different services, confront many fundamental changes in most areas. As an example, immigrants often come from countries that typically have less knowledge and technology than the host countries and therefore receive lower wages because of this than locals. As a result, the host countries' gross national product and per capita income increase with the influx of migrant labour.

But on the other hand, there is a concern that their lack of sufficient expertise will reduce the quality of products produced by host countries and increase the unemployment rate. It shows that there are problems with immigration that are not easy to find solutions to, but sometimes impossible because, as some see the presence of immigrants in host countries as an advantage, others consider it a potential threat to the interests of the host community. As both provide solid and compelling reasons for their claims, it is therefore impossible to precisely determine the real impact of migration on countries. Whilst, there is no single criterion for identifying these effects, at the same time, depending on the political and economic approaches of governments and their immigration policies, their expediency and prioritization in domestic and foreign affairs vary. Furthermore, it can be justified by different moral and political principles.

On the other hand, due to the democratic state-nation system that prevails in most immigrant countries, governments' approach to immigration policies is not solely dependent on the state's will, and the nation's will is paramount in this regard should be considered in policies. Therefore, populist currents and media propaganda can also play an influential or destructive role simultaneously in issues related to immigration and migration, which are part of the problem. The existence and involvement of many factors in the issue of immigration complicates the issues related to it and obscures the situation. At the same time, the entanglement of migration with human and legal issues sometimes makes it impossible to resolve

migration issues and crises. Therefore, this dissertation examines the moral and legal problems of immigration on both general and partial scales.

Moreover, all these problems are related to inequality that has global roots on a broad scale and is shown on a small scale in established and performed EU visa policy laws. It can be said that this dissertation examines the ethical aspect of border policies and the issue of immigration in an ideal form and also provides an overview of the existing border policies in the EU, following the Schengen border code and the EU visa code. Furthermore, the reason for this choice, which is, of course, mentioned in detail in the dissertation, is that, according to Joseph Carens, in his book *Ethics on Immigration*, EU member states as well as North America, which claims to be liberal and democratic, have become the leading destination for immigrants in recent years. The primary problem is the existence of the same contradictions that apply to third-country nationals in the existing borders laws of the European Union. Because current border policies are neither compatible with liberal ethics - as ethics cited by liberal systems - nor with ethics of care - as ethics as opposed to liberal ethics - and of course not with the Universal Declaration of Human Rights agreed by the overwhelming majority of European countries.

- Research Questions

- 1- What are the general concerns about the issue of open borders?
- 2- What effect do border policies have on the quality of migration in general and the EU in particular?
- 3- Can the ethics of care justify the issue of immigration as a feminine ethic?
- 4- Can they be justified with the ethics of immigration as masculine ethics?
- 5- Can the Universal Declaration of Human Rights justify E.U migration policies?

- Hypothesis

- 1- The immigrant influx can threaten the security of the host countries and will have tremendous potential in destroying the economic, cultural and social stability of the host society.
- 2- Immigration policies affect the fate of countless people and, depending on their type, can support or violate human rights.

- 3- The care approach may not provide a definitive solution to migration in our day, but it can undoubtedly explore more aspects of immigration and examine immigrants' concerns from other angles.
- 4- As the primary and permanent legislator, the male justice-oriented approach has always ignored many hidden aspects of immigration and immigrants' concerns and requires a complementary approach, such as care.
- 5- Despite the EU's emphasis on maintaining and enforcing the provisions of the Universal Declaration of Human Rights, some EU policies on certain immigrants are based solely on geographical differences, and visa requirements for some nationalities vary on political relations between governments.

- The Scope of Study

The scope of this research due to its interdisciplinary trait can be traced in the following cases:

1. **Immigration:** Although migration has wide dimensions and different stages, the first and most important factor that emerges in migration is the issue of open borders or the immigration policies of countries. In this study, the issue of immigration is considered a general issue, and immigrants are observed homogeneously without any allocation between labour migrants or asylum seekers or anyone who has migrated for any reason because all of these people in the first step face the boundaries that its status can affect their future and change their living conditions for or against them. In addition, these border restrictions make a group of people illegal and cause other particular effects to them in the future and the destination countries.
2. **Political philosophy:** The philosophy of politics has always dealt with the extensive literature on political theories such as democracy, individuality, freedom, justice, laws, and the way of implementation by the ruling powers with a philosophical approach and therefore is of great importance. In this study, for example, we address questions such as the position of democracy as a representative of justice-oriented ethics in matters relating to the open borders issue and have examined care as an alternative as a new approach

in this issue. Since the border debates involve and relate to most or many people, including hosts and immigrants, many social, economic, and cultural debates have been considered influential factors on border policies. However, at the same time and due to the philosophical approach, no definite result can be seen in this research, and what we trace is concentrated on the relationship between democracy, freedom, individuality, and justice, which are the keywords of political science, with the subject of open borders and policies.

3. **Moral philosophy:** The ethical approach in philosophy analyzes ethical issues and anything directly or indirectly related to morality. This branch of philosophy has a close relationship with the philosophy of politics, and many of the issues raised in it are also issues in the field of politics. According to Aristotle, politics and ethics are very close to each other and ultimately influence each other, and both are considered a kind of practical knowledge. For this reason, the issue of open borders and border policies also shows the presence of ethics and politics in the realm of action, which, according to Aristotle, are related and a policy based on moral virtues, which is headed by justice. Aristotle explicitly believes that the role of politics is to provide an environment in which individuals can live fully human, moral, and prosperous lives and that this kind of life is possible only through action based on justice and the empowerment of political institutions based on justice (Clayton, 2021). Nevertheless, in this treatise, we examine another type of ethics that is primarily one of the new topics in moral philosophy that emerged around the 1980s, claiming that all previous moral theories based on justice, impartiality, and individuality are contradictory. This new approach seeks to revolutionize the world and its existing policies and to use caution in new strategies. As a result, the immigration policies of countries based on democratic values, instead of emphasizing and relying on justice, should be redefined based on care and supporting individuals, taking into account the needs of all, and considering the feelings of individuals.
4. **International laws:** Another important aspect of immigration is located in the legal area. Law in the civil and international spheres plays a decisive role in

immigration issues. These are legal laws that block or open the way for immigrants. Although the internal laws of any country are taken into account according to that country's political and cultural context, the existence of a series of international laws causes the border policies of countries to be established accordingly and thus change and affect the lives of immigrants. All border issues, such as visa policies, border controls, and the decisions that need to be taken in this regard, are all subject to legal laws, especially international law. It means that if a government wants to change its border norms within the framework of its domestic law, it must also consider international law, which shows the entanglement of immigration with the national and international laws of countries and the world. For example, cosmopolitanism wants the abolition of all principles that prevent the realization of this idea in the name of the law. Others emphasise that governments are responsible for creating, spreading, and maintaining justice for their nations, not all world citizens. This dissertation shows the crucial role of international law, which, despite its application across borders, has not only not reduced migration but also increased the rate of illegal immigration and effectively deprived people of the right to free movement.

5. **Global Studies:** Since migration is a global issue and has affected the north and south of the world, the scope of this research is also among the global studies. This dissertation is related to global studies in two ways. One is the issue of migration itself, which, as mentioned, causes global change, and the other is the cause of the wave of migration of individuals, which goes back to issues that are considered global crises and the whole world is involved, such as climate change, war, poverty and insecurity, and in a word, the lack of global justice. Justice in this dissertation has been studied from different dimensions and what goes back to the root of most migrations is the excessive growth and presence of justice among the parts of the world. To some degree, we face a lack of justice in all its dimensions, and this is why people migrate to achieve it by any means possible, regardless of the consequences. Apart from the issue of open borders, the issue of global justice and inequalities in the world is also discussed in this dissertation.

Although the approach of this dissertation to the category of justice is slightly different, it opens a new approach.

6. **Gender Studies:** As one of the newest academic topics in the humanities, it examines issues related to women. In this dissertation, care ethics is considered one of the most prominent feminist approaches to women and their ethics, which has moved from a purely abstract and psychological issue to politics in recent years. Because, according to all care feminist philosophers, care ethics is not just an ethics-based study of the definition of good and evil, it happens to be a field of study in political science that aims to understand the relationship between gender and some categories like power, moral judgment, and politics. As a result, this dissertation also examines the presence or absence of an element of care in open borders in general and the EU border policies on third-country nationals in particular.

7. **Human Rights studies:** It can be said that all the chapters of this dissertation are somehow related to human rights because its main discussion is about the issue of open borders and the right of free movement of individuals. Human rights are better known to us with the Universal Declaration of Human Rights. In this declaration, which explicitly states that all people are free and have equal rights, article 13 recognizes; *"everyone has the right to freedom of movement and residence within the borders of each state."* It is clear, then, that one of the main areas of this dissertation goes back to human rights and related studies. Apart from the issue of open borders, the issue of global justice and inequalities in the world is also discussed in this dissertation. Although the approach of this dissertation to the category of justice is slightly different, in principle, it does not make a difference. All the chapters of this dissertation are somehow related to human rights because its main discussion is about the issue of open borders and the right of free movement of individuals.

- Organization of the Study

This dissertation is divided into four chapters and each chapter, except for the main discussion in the middle, includes a brief introduction and a short conclusion at the end.

The first chapter examines the views and arguments of the proponents and opponents of border restrictions in four areas: economic, political, social, and cultural. In the economic field, what has been studied is more about the changes that the newcomer labour force makes to the level of wages, the rate of production and economic growth, and the quality of the products of the host countries. In the study of the political part, more moral and humanitarian arguments of the defenders of open borders in the framework of egalitarianism have been dealt with. Besides and by touching on the moral philosophy, a consequentialist approach in defending immigrants' entry to host countries has been cited. At the same time, in the face of the views of the opponents of open borders, by appealing to the accepted principles of sovereignty and priority, as well as the right of immigrants to vote, has been mentioned as one of the most important issues mentioned by opponents of open borders. Socially and culturally, the views of liberal advocates and supporters of multicultural policies have been examined, and some interviews have shown that populist currents and media propaganda play a significant role in intimidating the people of the host countries. What is considered by some to be a threat to the host culture and should be eradicated by creating border restrictions is considered by others to be cultural diversity that should be promoted. In this section, all attempts are to give real examples, both in the past and in the present, from the situation of immigrants from different countries who have now become host countries to the changes that have taken place in our thoughts and habits over the years and pave the way for future changes.

The second chapter introduces the ethics of care as a feminine ethic. Although traces of care ethics can be seen throughout this dissertation, this chapter focuses specifically on its history and place in the general flow of feminism. For more acquaintance with the position of care in feminism mainstream, this section provides a brief review of the gender binary approach to determine the difference between the care approach and other feminist approaches and its psychological history that leads

to the emergence of this newfound ethics. Since one of the central claims of care ethics is an alternative to justice and recognizes justice as a masculine value that not only does not have a brilliant history in solving human problems but also is the cause and cause of many problems today, so in this chapter, is examined this claim and shown why care-oriented philosophers consider justice to be insufficient. Then I have compared it to care by comparing the contractarianism as one of the masculine and justice-oriented schools of thought. In this chapter, the core of care ethics, i.e. human relationships, is explained in detail, and the reasons for considering care as a moral virtue are examined. At the same time, by referring to the different views on care among different feminist philosophers, such as the place of care in human relationships, different concepts, and examples of care, it has been tried to show what exactly each of them means by care. Besides, it has been tried to show in this chapter why and how these philosophers observe care as a culture that relies on human relationships and emotions that emerge in trust and empathy that have existed among all human beings and have become a kind of human responsibility that no one can deny. Furthermore, most importantly, at the end of this chapter, it has been pointed out how care is now presented as a universal moral ideal that can resolve conflicts and lay the groundwork for world peace.

The third chapter attends to justice the same way as in the previous chapter on care. Justice is first defined as the masculine moral essence and then surveying why care-oriented philosophers observed care from the beginning instead of justice. Justice, in general, has been defined as a moral value that everyone should strive to apply and perform. With the explanations that have emerged about the types of justice in the twentieth century, I have tried to introduce them and show each one in a separate category. Most importantly, the three elements of individuality, impartiality, and equality have constantly been introduced as the tools of the fulfilment of justice in the intellectual-philosophical stream and have examined and mentioned why the care mainstream has been considered immoral values. Then, by entering the category of universal justice as the ultimate ideal of justice, it has been addressed democracy and liberalism as systems that arise from justice somehow. The reason for emphasizing and choosing democracy in this sector was that democracy - by any definition - is the preferred basis of most immigrant host countries, predominantly immigrant countries within the European Union. Moreover,

the connection between immigration ethics and masculinity ethics and why they have been linked is evident here. Liberalism, which at the end of this section represents the moral, intellectual, and political system that is based on the rule of law, actually shows that its basis goes back to justice because morality, as described, always has been equal to justice. Furthermore, since immigration and its related ethics are reflected in the host countries and their immigration policies, the contrast between immigration ethics and care ethics is between justice-based ethics and care-based ethics or masculine morality with feminine morality.

Chapter four discusses some of the articles of the Schengen Border Code. It has been observed as real examples and strategies used for open borders. This focus includes their comparative study with the principles of care ethics, immigration ethics, and the Universal Declaration of Human Rights. Nevertheless, before entering into the EU border policies debate, some conditions related to the Mediterranean geopolitics were examined to show the main reasons for the wave of migration to Europe in 2015 through the Mediterranean. Also, by comparing the conditions of the east and west of the Mediterranean Sea as two different parts that are located on the same long coast but with a very significant difference from each other, we find that migration is not a voluntary decision for humans but the living conditions that lead them to immigration. Because they are generally tired of the dictatorship, war, human rights violation, insecurity, poverty, and unemployment in their countries and no longer have any hope of improving their situation. Therefore the only way to achieve freedom, peace, tranquillity, protection of human rights, jobs, etc., is limited in migration. However, the problem starts with achieving peace, tranquillity, and hope for them does not arise quickly and simply by leaving their homeland. The fact is that they are not allowed to enter the EU and see the borders closed in front of them. In this section, emphasizing the concept of global justice and the lack of fair conditions in the world in general and on both sides of the Mediterranean in particular, it is shown that despite the recognition of this right for human beings in the Universal Convention on Human Rights which indicates one has the right to live wherever wants. However, unfortunately, this does not exist in reality. Moreover, these people, some of whom are not even able to return to their country for various political, social, and economic reasons, apparently do not fall under this clause. In this section, it is scrutinized that the European Union is one of

the pioneers and founders of this convention, but also within the EU, there are various protocols in the protection of human rights that all member states have signed and accepted. Then, by examining some cases of Schengen Border Codes, it has been shown that there are some findings in the border policies that have severe dichotomy and contradiction. This chapter focuses on the concept of individuality and its place in the Convention on Human Rights, as well as on liberal ethics, which in the previous chapter examined its relationship to justice and masculine morality. It shows that this concept is inconsistent in EU border policies. This means that even though the right of free movement is mentioned as an inalienable human right, third-country nationals are still deprived of this right by EU border policies. In addition, the rules for issuing visas to some third countries are in apparent contradiction. Third countries themselves, which means non-EU countries, are also divided into two main categories, and the EU's policies towards these two categories are also different. Of course, this difference is not a problem in itself, and even in this chapter, it is mentioned that maintaining the security of EU member states is an inevitable necessity. However, what contradicts the ethics of care, immigration ethics, and the Universal Declaration of Human Rights is a double standard seen in Visa policies. In this sense, people from different countries confront with different policies, and these different policies sometimes imitate some discriminatory and violate equality, impartiality, and human dignity of those citizens.

- Methodology

This research is primarily library research, like many disciplines in the humanities, and attempts to explore different perspectives from different sources. Considering the wide range of humanities on the one hand and the interdisciplinary feature of this research, on the other hand, it can be said that the scope of this dissertation is standard in many fields of humanities. This dissertation has provided a deep collection of related materials using about five hundred sources. This study includes primary and secondary sources that date back to ancient times, such as the ethics of Nicomachean Aristotle - although a new edition was used - as well as new sources provided by the rich library of the University of Bologna. In general, in addition to books and academic journals, attempts have been made to use reports, interviews, and dictionaries, and any explanations that have helped to clarify content and concepts, of course, with a precise citation.

Also, as the title of this dissertation suggests, another method used in this research is the comparative method. The existence of such a comparison was much worth studying after Gilligan recognized masculine ethics and then the insistence of care feminists on the inherent difference between men and women in mental and moral backgrounds. In this comparison, an attempt has been made to observe the origin of these two terms- feminine and masculine ethics- and to show their relationship with immigration ethics and care ethics or, in other words, justice and care as two concepts that are considered opposite to each other.

Since one of the main fields of this dissertation is moral philosophy and because this field is usually divided into three distinct thematic areas; metaethics, applied ethics, and normative ethics, it is necessary to explain the used areas as a method in this dissertation. It can be said that in the ethical review of this dissertation, two normative and practical approaches have been used. Normative ethics merely examines moral standards and tries to show right and wrong in the moral school in question. In other words, this approach does not seek to value moral propositions but only to define and describe excellent and evil in the context of the desired morality. Therefore, it can be said that in this dissertation, the different definitions and points of view that exist on care ethics, as well as the issue of open borders and liberal ethics, have been described and classified. It should also be reminded that seeking the "rightness or wrongness" is not the stake in the debate over immigration and care ethics but merely explains what actions are considered moral acts and who can be considered a moral agent in both care and justice ethics. The applied approach of ethics can also be seen in this treatise because, in applied ethics, we face problems that exist in the real world, and we need to use trans-ethical conceptual tools to solve them and adapt them to accepted moral norms. In summary, what is discussed in this paper is the comparison and adaptation of EU border policies to the norms of care and migration ethics.

Keywords: Political philosophy, Moral philosophy, Gender studies, Open borders issue, Immigration, Human rights, and European Union.

CHAPTER I. THE ISSUE OF “OPEN BORDERS”

Entry to the debate

Perhaps the issue of immigration has never been as important and influential as it is today. It can be said that immigration is not an arbitrary decision most of the time. It is neither easy to leave the country of origin nor allowed to enter the country of destination as human migration in the early period. The existence of different laws and agreements between countries with different backgrounds and sometimes wholly different policies has deprived people of their fundamental rights, namely freedom of movement. In a study of the role and impact of the IOM¹ on the issue of borders, Andrijasevic and Walters showed that before any comment on the opening or closing of borders, one should talk about border management because it is logically correct to claim that good boundaries are boundaries that are adequately managed, regardless of whether they are open or closed. They state that border management is a new idea that is somehow divided between governments and international organizations. They see boundaries as several *interconnected subsystems* that are heterogeneously interconnected. The reason for this heterogeneity is that in the field of border management, there are all kinds of individuals and organizations with different origins, ranging from personnel and experts in this field to international agencies and organizations and transport companies and technicians who are responsible for a variety of services for issuing, arranging and processing passports and visas (Andrijasevic & Walters, 2011). Thus this volume of different services with different origins requires an organization and management.

Moreover, of course, it can be guessed that this new approach at the border with so many different people and technologies for issuing and controlling visas and passports requires not only administrative control but also the considerable amount of data and information every day requires strong administration to be able to use them as a pattern for border management and policies. If somebody asks why borders and addressing them are so important? , we can refer to the relation of borders with global issues. Regarding the importance of borders and informing about

¹International Organization of Migration

them, Brunet says that basically, we are facing a series of border disputes in the new world, which, of course, is inevitable in today's world. He points to the increase in the number of countries that formed the United Nations in 1945 to the present day from 46 to 197 countries (Brunet-Jailly, 2015). He observes the reason for these inevitable disagreements due to the emergence of new borders and the rapid and increasing changes that happen every year in the geography of the world. Given the debate over open borders at Berkeley University, in which the parties tried to convince each other, the conclusion reached was that border issues and related policies are not limited to geography but have a broad impact on all aspects of society and its inhabitants. That is why "open borders" has posed an academic or otherwise as deep concern. The subjects that border policy influence it positively or negatively are: economy, quality of life, success and failure of people, culture, the expertise of individuals, equality, blossoming of talents, employment, family, genders, social security, and in general any enjoyment or deprivation of the facilities of the host country.

Robert Longley classified the open borders signification in three categories:

- 1) *"The term "open borders" refers to government policies allowing immigrants to enter the country with little or no restriction,*
- 2) *Borders may be open due to the absence of border control laws or the lack of resources needed to enforce such laws,*
- 3) *Open borders are the opposite of closed borders, which bar the entry of foreign nationals except under extraordinary circumstances"*(Longley, 2019).

In other words, free border policies allow individuals to move freely without restrictions between countries or any political spheres. A country's borders may open because its government either does not have a border control law or does not have the resources to enforce immigration control laws. In most countries, the boundaries between political divisions such as cities and states are usually open, but external issues are. At first glance, opening or closing borders can seem normal, which is related to the domestic politics of each country. The problem begins with no identical conditions on both sides of these borders. Conditions that include all political, economic, social, and cultural equations on the countries with the same border and the slightest change in them have a tremendous impact on the lives of residents on both sides of the border. With this explanation, it becomes clear that the issue of

open borders refers to a change that will be tangible to all people on both sides of the border. Mainly, with each crossing of a border, a change on both sides of the border will coincide, changes that, like everything else, have advantages as well as disadvantages. What is clear is that the person who crosses the border and crosses his or her country is looking for an improvement. Even a person who leaves his or her country for a two-week New Year or summer vacation to another country is no exception to this rule. He or She seeks pleasure, variety, and rest from annual work.

However, David Bartram believes that there can be no benefit in this, and we think that if immigrants from emerging countries enter rich countries for better jobs and economic conditions, they will be happy and satisfied. This idea is not valid. In particular, he considers there is no advantage in the migration of poor people to rich countries or any other type of migration that is only for improving living conditions and economic and welfare status. He considers only migration permissible and worthy that the immigrant only seeks freedom from death and torture (Bartram, 2010).

In this regard, Ingolf Vogeler, a human geographer at the University of Wisconsin, says: *“Geographically, international borders are expressed in varying degrees of severity: border markers, custom and immigration controls for passports and visas, fences, walls, border guards, and even national military troops”*(Vogeler, 2010).

Figure 1. *Frontiers VS Borders*

Frontiers	Borders
<ul style="list-style-type: none">• Geographical separation• Physical line• More tangible• Distinct language, culture and history• External factors affect the internal conditions• Depends on non-human elements• Geography, physics and natural sciences• Laws• Law-abiding	<ul style="list-style-type: none">• Political separation• Cultural lines• Less tangible• Comprehensive, with more differences• Internal factors affect the external situation• Redefines human elements• Legal, political and moral concepts• Politics• Political maturity

Designed by the author.

1.1. Open borders arguments in general view

The issue of opening or closing borders is not limited to walls, fences, and barbed wire, but it directly affects the geography, politics, and culture of people living in a territory as the country or even a continent. In other words, it can be said that this issue is closely related to the subject of immigration, ethics, and law, and therefore is examined in all three areas of moral philosophy, international law, and philosophy of politics. For example, discussions about the moral obligation of rich countries to accept migrant workers or the status of reception and accommodation of refugees, or the rights of irregular immigrants and how the host country treats them are discussed in the issue of open borders.

In a general division, Wellman shows us in what categories the issue of open borders is discussed and challenged. In two general categories between proponents and opponents, he points out that culture, politics, economics, and security are issues that are directly related to governments' decisions about whether to open or close their borders (Wellman, Christopher Heath, 2020).

In addition to there is a difference between frontiers and borders that should be noted here to make the point more straightforward. The frontier in this sense refers to a geographical separation, that is, what signifies a country on a map and on the ground to build a structure based on space occupied and distinguished in geography (Gadal & Jeansoulin, 2000).

Prescott also uses two meanings for frontier in the realm of politics. One of them is the very accepted political division between the two countries. The other is the region or line between the residential and non-residential areas where people with a common language, culture, and history live together in a specific area under one government. Furthermore, in the same book, he enumerates four border features that separate it from the frontier concept in political geography (Prescott, 2014).

In the first explanation, it should be said, the border is seen as a cultural element in this context, i.e. political geography, and defines the borders as something that is not considered as the plots of land which have been demarcated by something like barbed wire. However, it highlights the cultural distinctions which exist between international boundaries. Furthermore, secondly, in this definition, what is going on

within the borders is more important, and more emphasis has been placed on it because it can make the vast and comprehensive differences on both sides of the land, and this difference can cause many changes on both sides of the geographical border. For example, the existence of a "watershed" on one side of the border affects the distribution of population, trade and economy, and even the climate, and thus affects other matters such as work activities and the lifestyle of border residents in general. That is why it is sometimes impossible for the government or the border security forces to define the border points from this point of view, and the only way to control and maintain its security is not so much geographical, and it is mostly the culture of the region that shapes it (Prescott, 2014).

Alternatively, as Richard Muir's definition, boundaries have been practically characterized as straight lines and exist where the vertical joints between state sovereignties across the land's surface, i.e. the soil. Nevertheless, on the contrary, frontiers belong geographically to an area and therefore hold different factors such as frequency, populations, and geography (Muir, 1981). This division made by Muir shows these differences, which are shown horizontally and vertically at the landscapes, are not just a series of shapes and directions, but their differences in immigration issues go back to geography and politics. In the beginning, one can distinguish between the situations where political borders exist, the government has no legal borders, and the fundamental limitations of the country as its borders move forward.

As an explanation to clarify this difference, it will address the two differences that Richard Muir has pointed out in this regard. He believes the first distinction that should be made is between "*legal and political boundaries*". It means that a state does not have unlimited authority to change its borders, and this restriction, i.e., de facto limitation, depends on the point at which a state's borders - geographically - have advanced to that point. Moreover, secondly refers to a situation that "*settlement frontiers*" characterised some places in the increment of the state "*ecumene*"² inside the ancient boundaries (Muir, 1981).

Now that we have seen that borders are not just a series of lines on a map, we return to the main discussion of what political, legal, and legal burden they

² It is a Greek term for the known, the inhabited, or the habitable world dating from antiquity.

carry. From Kristof Ladis point of view, the frontier refers to our theoretical understanding of non-human elements such as geography, physics, and the natural sciences, while the boundaries refer to our understanding of legal, political, and moral concepts (Ladis, 1959). It means or as completion, frontiers have the most function in socio-politics and initially show the relationship between rebellion and lawlessness, but the creation of borders is directly related to the political maturity and legal order of societies. Besides, there are other approaches to open borders, approaches that defend this issue entirely or contradict it with security and other issues.

Ingolf Vogeler also considers some different types of borders geopolitically, making the issue clearer for us. First, he has divided borders into Hard and Soft and then separated them into subdivisions again. He categorizes open, regulated, and controlled borders in the soft group, whilst the hard group indicates all kinds of fortified borders such as militarized, wire fenced, walled borders, or a mix of them (Vogeler, 2010).

Simone Tholens give another description of the hardness and softness of borders. According to him, hard borders are borders that people do not benefit much from trade and formal relations and are always under the safekeeping of centralized security and military systems due to regional conflicts on those borders - especially the Middle East. Furthermore, soft borders are those borders created wilfully and informally by people on both sides of the border due to tribal ties and, of course, are very fluid (Tholens, 2017).

There is another division between borders types distinguished by Goodhart and Lastra. They divided them according to the type of problems that they would encounter. The first type is the borders that exist between the two countries, and as a result, the laws of each country are different, and each of the countries rules in a way that agrees with the principle of its sovereignty, whilst the second type of border is the borders that exist between the states of a country but because the laws of each state are different from one state to another. As a result, the legislation and protection of individuals are also different in each (Goodhart & Lastra, 2010). They point out that, for example, if a particular part for fishing is located in a border area between two countries or two states, then financial oversight and everything related

to fishing laws will be determined and enforced under the domestic laws of the two countries or two states. Naturally, the help or support of any legislator has a direct impact on both the lives and security of residents on both sides and even may lead to some crisis and can be concluded from this example that the same thing happens in a wider economic field, that is, in many cases, the domestic and national laws of countries conflict with the laws of the international market. Thus, borders are not essentially a geographical unit, but they have become a clash of national and global interests in today's world. They confirm the idea by:

“The ongoing process of globalization and the frequency of cross-border movement of persons, capital, goods or services have major implications for the scope of unfettered sovereignty, which continues to shrink”(Goodhart & Lastra, 2010).

Figure 2. *Soft borders VS Hard borders*

Soft Borders	Hard borders
<ul style="list-style-type: none">• Openness• Regulated• Wilfully controlled• Informal relations• Fluidity	<ul style="list-style-type: none">• Militarized• Wire Fenced• Walled• Lack of trade beneficence• Formal relations

Designed by the author.

1.2. Open borders proponents arguments

Before entering into the classified discussions, it has tried to show the general arguments and views cited by the defenders of open borders. These theorists believe that keeping borders closed is inherently impossible, as evidenced by the growing number of irregular immigrants or people who, for whatever reason, have not returned to their origin country after legal entry and chosen to reside illegally. The most straightforward argument of the proponents of this is, in a word, that we are all human. The fact that we all have the exact needs and therefore must have equal access to ways to meet those needs is the main and, at the same time, the most fundamental reason for open border advocates. It is no longer geography that can define the whole life of human beings, but human beings have always remembered and still have that in case of any change in their desired lifestyle, one of the ways to change and improve is migration and going from place to place. In support of this view, I refer to the theory of Campbell and Barone in their interdisciplinary research on migration and genetics, which belief in the existence of a “*migration gene*” that the owner of this gene, even if not to be forced to migrate, has a personality for discovering new things instead of immovability.

By studying the 50,000-year history of human migration, they found it a matter of choice and for human evolution, not a new phenomenon resulting from unrest, war, and poverty. They explicitly talk about *Dopamine Receptors* and their role in immigration. They summarise their research as follow: “*Personality characteristics besides novelty seeking, including extraversion, neuroticism, and achievement motivation related to migration and some of these personality characteristics have been shown by brain imaging to be related to dopaminergic neural system and variation in dopaminergic genes ... may have played a role in human migration right up to the present day*”(Campbell Benjamin C. Barone Lindsay, 2012).

From this research, evidence can be found for the argument of the defenders of open borders, who do not consider the closure of borders to be practical. Because when a person naturally and biologically has a gene for migration that creates a mood trait in him or her, he or she will find a way to meet this biological need, even if there is an obstacle such as closed borders in front. However, the problem arises when, as in the past, we can no longer change our geographical location due to borders' appearance.

In this regard, Kevin Johnson, as an advocate of open borders, believes that international borders do not have an objective function, and their functions are formed and characterized arbitrarily. He says: *“For purposes of immigration law, international borders must necessarily be defined in order to determine what imaginary line must be crossed to constitute immigration into a nation-state”* (Johnson, K. R., 2003). He sees the issue of open borders as a kind of political taboo that most politicians do not address because this debate is concerned with human nature, and whilst members of a society feel threatened, they naturally tend to ask for restrictive laws. Johnson wants to point out that the issue of open borders is fundamentally unenforceable because any policy that is adopted either leads to public fear or damages public trust by enforcing restrictive laws. He states that even if a state or government can overcome this taboo and keep its borders closed, it would undoubtedly have used tools such as racism and localism policies, which, of course, need not be reminded of their inhuman nature.

Teresa Hayter is another person who considers closing borders to be inhumane. She traces the history of this work to the beginning of the twentieth century and shows that before the concept of international borders and policies related to keeping them open or closed, banning human migration did not make sense at all, and instead governments expelled those be considered as unwanted, like the expulsion of the Jews from England in the thirteenth century. She also blames the closure of borders on immigrants for not understanding the equal rights of all human beings (Hayter, 2000). In her opinion, human rights have been neglected here, which have allowed everyone to move and live in the desired place. However, this humanitarian issue has been violated because the authorities of each country only consider themselves obliged to protect the rights of people inside their territory. Governments keep their borders closed to other human beings because they do not feel responsible to people other than their nation.

Another reason she cites for showing the inhumanity of closing borders is that the historical background of some countries with strict border policies, such as the former Soviet Union or East Germany, shows that all their policies to close borders were devoid of violence or in force way. Moreover, people who tried to cross the border in any way at that time were sometimes shot directly or prevented from leaving the country by other methods such as walls, barbed wire, fences, and concrete blocks. According to Hayter, all these cases, which arise from the closed

nature of not keeping borders, show a clear violation of the second item of Article 13 of The Universal Declaration of Human Rights, which indicates: “*Everyone has the right to leave any country, including his own, and to return to his country*” (Hayter, 2000).

However, regarding this human rights approach, there are people among the defenders of open borders who consider it impossible and very crude and general and consider this issue as the basis for the absolute impossibility of openness. Wellman is one of those who call this view *asymmetric*(Wellman, C., 2016). He does not want to deny the existence of this human rights principle in freedom of moving but seeks to find a balance so that both sides of the issue are not harmed. He emphasizes that there is no doubt about the right of individuals to move freely, but considering this inalienable right, we should not neglect other aspects of it.

Wellman also argues that overcoming the problem of open borders with existing challenges can shift this asymmetric approach to symmetry. On the one hand, we confront human rights on one side, which gives every human being the right to immigrate to respect individual freedoms, and on the other hand, there is international law, which obliges governments to control borders and immigrants according to freedom of associations. His example case refers to the membership position of Norway in the European Union. He points out that any person or country is free to enter or leave another country or a political treaty according to freedom of association; besides, the decision must be subject to the consent of both parties. In other words, if the European Union cannot forcibly attach Norway without its approval, Norway also has the right to refuse an invitation to join the European Union. Thus, just as freedom of association creates a legal right to control immigration, at the same way, freedom of movement entitle one to leave one border and enter another border (Wellman, C., 2016).

Fine and Ypi are among those who justify the issue of open borders from a human rights perspective. They question why, in principle, some people, such as EU citizens, have no legal or formal prohibition against crossing another border and entering, for example, into the United Kingdom, in addition to the residency and citizenship laws are much easier for them than some other third-country nationals (Fine, S., & Ypi, L., 2016). They could discover that the main reason for this issue is the dominance of politics over the rights of individuals and argue that most governments use the power of their political right to act and pursue their preferences

and policies. Those preferences generally ignore or devalue people's rights - especially citizens who are not in their territory. What Stefan Wallaschek has reached will confirm this statement. Wallaschek, in his analysis of the word *solidarity* in political literature, has shown that the exact words in different situations can express quite different meanings. His analysis dates back to two times before and after the 2011 Arab Spring. He shows that before the Arab Spring, the meaning of *political solidarity* in the European Union was transnational, but after the Arab Spring, especially with the increase in the wave of immigrants and refugees, the scale became smaller and national (Wallaschek, 2020). Citing numerous interviews with European officials at the time, Wallaschek showed that before the issue of refugees and illegal immigrants invaded the southern and south-eastern borders of the European Union and turned into a crisis, European authorities sought transnational solidarity based on standard policies on immigration and asylum seekers by allocating financial and legal resources and strengthening subgroups such as NGOs in an almost coordinated manner. However, as soon as the crisis arose after 2015, political solidarity no longer had its former meaning, rather than a transnational approach to helping victims and asylum seekers. It became national solidarity that was more like a political solution to control the entry of refugees rather than caring and sympathizing with them. The conclusion he draws is that solidarity, although a single concept, like any other concept, can lose its original meaning and function with a crisis or drastic change.

The explanation I can add here, using the statistics of the Wallaschek article, is that when a change in the meaning of a word changes a country's domestic policies, this change is also seen in most of its foreign policies, and consequently on the whole approaches, policies and decisions. It directly affects countries and nations and everything that has to do with them. That is why when the EU's approach to solidarity changed in 2015, it affected the fate of 16,000 asylum seekers. Because Greece, Italy, and Spain adopted different border policies, they divided the asylum seekers into Eastern European countries or the Visegrád Group. This forced relocation led to an increase in the nationalist, xenophobic wave that directly affected the asylum seekers' lives.

Going back to the beginning of the argument, advocates of open border policies consider closing borders to be inhumane and immoral due to the unavoidable impacts. As noted, in the same year, Amnesty International published a report

entitled *Fenced Out*, which showed Hungary's dissatisfaction with the European Union's decision to forcibly transfer refugees from Southern countries to Hungary as a member of the Visegrád Group would increase racist and inhumane treatment of refugees. Like what Viktor Orbán, Prime Minister of Hungary, explicitly stated: “[W]e would like Europe to be preserved for the Europeans. But there is something we would not just like but we want because it only depends on us: we want to preserve a Hungarian Hungary”(Fenced Out: Hungary’s violations of the rights of refugees and migrants.2015).

These accurate reports show that if the issue of borders had not been so complicated, people would have suffered less because, in most cases, the primary victims are vulnerable people who did not travel voluntarily. However, the conditions of their country forced them, as an Iraqi woman refugee said (in the same Amnesty International report): “We are also humans. Before we lived in peace and we have had our lives and dreams torn apart by wars and greed of the governments.”

Another ground which the open-borders supporters posed is the problems of bureaucracy. Those who support open border policies say that one of the reasons for making borders open is the existence of a bureaucratic system that is subconsciously unjust and causes much suffering for them. These defenders do not deny the need for some inspections and laws to control borders but believe that the existence of bureaucratic frameworks, as the necessary elements for this control, violates immigrants' rights.

Alex Sager gives us another example that shows many human sufferings would not have happened if not for such strictly bureaucratic frameworks and one could cross a country's open borders legally. He talks about a Guinean immigrant who has been working and living as an illegal immigrant³ in the United States for about ten years, just when he wanted to use immigration law to get legal residency and improve his situation with the help of Elizabeth Detention Centre. The cause of an unpleasant event is going to the hospital, and instead of being treated, he is locked in a room because, according to the *US Immigration and Customs Enforcement*, he did not

³Nowadays, using the term “illegal immigrant” has faced many critics. On one side, some politicians and the media consider this term as brief, accurate, and precise enough to describe the people who have not been permitted in a country to be official citizens. However, on the other hand, there are a lot of immigrant advocacy groups, who try to describe these kinds of people as “undocumented, unauthorized, non-citizens, unlawfully present, or without status” immigrants.

have valid documents, and as a result, he could not use medical services. The fate of this Guinean immigrant ends in death due to illness (Sager, 2017).

His example shows exactly how some border policies can endanger human lives by immorality and even the unfairness of the bureaucratic system that requires control and closure of borders. Sager tries to show how the existing bureaucracy in border issues ultimately hurts immigrants. Although he accepts the necessity of the bureaucracy and says: *“Bureaucracy is unavoidable in today’s world, and bureaucratic discretion is both necessary and often desirable. Nonetheless, bureaucrats possess enormous power to promote and hinder social justice and to transform the lives of people under their power”* (Sager, 2017). Nevertheless, at the same time, he observes it as having structural features that lead to unjust and immoral domination of immigrants because the majority of such immigrants who try to pass the borders and live in any condition are inherently vulnerable and lack political power and rights. As a result, they cannot defend their rights. Moreover, that is why the existence of a border control system that is subject to bureaucratic laws is entirely undemocratic.

Another person defending open borders is Joseph Carens. His argument for this can be summed up in one sentence: individuals have to move freely on earth, and no country or government can deny them this right (Carens, Joseph, 2013). His claim is not a claim of utopia, as his opponents always imagine. He believes that if we believe in the individual independence of human beings, we must give every human being the right to achieve his or her goals. Furthermore, if their goals will be gained by immigration, it means that they have to leave one country and enter another, so closing the borders on them is a disregard of one of their fundamental rights and individual freedom. The idea that came to the end with an overview of the views of the defenders of open borders is that almost all of them consider closing borders, regardless of any category, as inhuman, immoral, and impractical. They believe, and as has been shown, even if all aspects of the matter are observed to keep the borders closed, only a series of bureaucratic tools and policies are enough to destroy them all. Or how, basically, by keeping borders closed, people whose nature is in motion to improve their situation can be persuaded to stay in their countries? All these justifications and defences can even be completely diminished in the face of the Universal Declaration of Human Rights and our anthropological experience because there is no reason to stop human beings in a place where they cannot

achieve their goals. According to some anthropological research, migration is not new or the product of a series of external factors, but the human race has always tended to migrate.

Campbell and Barone show us that the likelihood of humans tending to migrate is not just the product of cultural, economic, social, or environmental facts and situations that influence their lives, but that our genes may have this tendency (Campbell Benjamin C. Barone Lindsay, 2012).

This part will be end with a quote from Velasco in defending open borders. Juan Carlos Velasco states: *“Freedom of movement around the planet is a basic right of all human beings. The burden of proof falls on those who defend suspending or restricting it”* (Velasco, 2016).

1.2.1. Economic defence

Perhaps economics is one of the most critical, challenging and worrying issues in immigration debates. In general, many economists see open border policies as beneficial to the country's economy because they believe that when governments can cover the costs of immigration by levying various taxes, there is no reason to close the borders. Many of the economic advocates of open borders attempt to show that migration, although not without effect on the economic situation of the host countries, is more favourable than expected or has a minimal negative impact that does not have any detrimental effect on the economy of the host community. This debate has three main subjects, the most discussed economically in open border policies; labour market, economic growth, and labour experts.

- Labour and wage

Migration directly affects the labour market of the host countries - whether positive or negative. The effects of migration on the labour market depend on the host countries' economic conditions and the skills of the migrant workers. These impacts can be decomposed into net migration of foreign-born workers and net migration (Boubtane, Dumont, & Rault, 2016).

Today, there is a difference between immigrants and emigrants in some new classifications. Macmillan Dictionary defines an immigrant as “*someone who comes to live in a country from another country*” whilst an emigrant is “*someone who leaves their country in order to live in another country, they are known in their new country as an immigrant*”(Immigrant and emigrant.2009), and therefore, net migration according to the OECD definition is: “*The difference between immigration into and emigration from the area during the year*” (Eurostat Glossary on Demographic Statistics, 2005).

Proponents of open borders have hailed the increasing number of emigrants as a positive development in host countries, arguing that the same increase in the job request can boost competition among the existing jobs and, on the other hand, can boost competition among the existing can create some new jobs. Borjas believes that migration can have immediate, short-term but ultimately positive effects on wages and workers' employment in host countries. Thus, the presence of migrant workers in a host country, on the one hand, increases job competition and also reduces wages among workers in host countries. However, on the other hand, because the work and skills of workers - both immigrants and hosts - are combined, at the same time, we see an increase in skills, productivity and eventually wages among all workers, especially workers in host countries (Borjas, 1995).

Furthermore, some other researchers also have declared that there is a small or almost no negative impact by working emigrants on no employment already workers in a society like Britain (Ruhs, Martin and Vargas-Silva, Carlos, 2020).

In a study, Dustmann et al. concluded that immigration has different levels of impact on the employment of British workers. For example, if workers have a good and relatively high level of education, the entry of immigrants into the labour market has a positive effect on their employment. However, this effect is harmful and undesirable for people with secondary and lower education (Dustmann, Fabbri, & Preston, 2005).

By borrowing the word “*equilibria*” from Javier Ortega, I can explain that any society needs a balance between its constituent elements to create and preserve a stable state, rather than the possibility of a sudden change that leads to instability. In his article, he shows whether immigration has a role in upsetting the balance of

immigrant communities? According to him, any country or region will have a bad economy when faced with more sudden changes that can change everything unexpectedly worse, and in the economic field, it happens when it encounters “a larger number of negative employment shocks” (Ortega, 2000).

He examines the economic balance of societies before and after migration. In his idea, “*No-migration Equilibrium*, we confront a society that is balanced and does not need the entry of labour and the departure of labour, because migration costs a lot and is not economically viable besides the society to some extent is in a balanced form so that its members can do their favourite job in their country of origin. Moreover, only people born in that country are in the labour market, meaning that the supply and demand in the labour market of these countries are equal and static, and there is not going to be a significant change in wages and the number of jobs opportunities. Ortega examines the impact of immigrants on the labour market and the economy of the host countries. He first considers that if we assume that part of the labour force of a country where is not economically attractive is migrating to another country. With accurate mathematical calculations, he shows that the influx of job-seeking immigrants into economically stable countries not only does not harm the labour market there but also increases their wages. Ortega argues that when immigrants increase the demand for labour and employment in the host countries, it does not mean that working natives lose their jobs. Now, considering that before the arrival of immigrants, supply and demand in the labour market of the host society are equal and economic growth is constant and unchanged as described, after the presence of ready immigrants, more job opportunities are created that attract Most workers are considered immigrants. Because the wages paid to immigrants are lower than the natives, the resulting surplus income from higher production leads to an economic opening up or an increase of the natives' wages (Ortega, 2000).

In another study, Dustmann et al. showed that, in general, the presence of workers in any society and at any wage provides the labour force - so at least the presence of migrant workers is economically justified and can affect an inelastic labour situation in society to elastic one as now explaining; in the host community- with an inelastic feature- They have shown that although this inelastic effect reduces the wages of some workers by immigration, their withdrawal from the labour market will be voluntary rather than forced because they lose only a tiny part of their wages due to

the increase in the labour force through immigrants, which is more noticeable to unskilled workers. Also, their withdrawal from the labour market by migrant workers and their employment causes the surplus of wages to belong to skilled native workers (Dustmann, Glitz, & Frattini, 2008).

The research by Tse and Maani, which focuses specifically on New Zealand, shows that the geographical distribution of immigration, in which regions or countries migrants are most dispersed, directly impacts the labour market in those areas. In other words, it is not possible to have an overall result without considering these demographic concentrations, which is why statistical results sometimes show a decrease and sometimes an increase in the impact of migration on the labour market of the host countries. They believe that in addition to taking this factor into account, it should also be noted that the experiences gained by individuals are different, and we need to define an “*effective experience*” for each worker so that we can see what changes with the presence of these workers are created in a host country and as the substitutes of the native workers (Tse & Maani, 2016).

On the other hand, Card says that employment rates and wages are by no means fixed factors but should be considered as dependent variables in any research based on many characteristics and factors such as education, including academic and non-academic, experience, gender, marriage, and celibacy in both immigrant and local groups (Card, 2001).

According to Hanson, immigration also raises the incomes of those who are influential in domestic production - here, in particular, the United States – and therefore will benefit society. He explains how this affects the fact that as immigrants' supply of labour increases in an economy, so does the productivity of those who do not have much expertise in their work. Because before, they could not compete with skilled workers for wages, but now they can be used as a labour supplement and enjoy higher wages than before. Furthermore, these factors ultimately increase productivity in the capital, country, and even natural resources (Hanson, 2017).

In a study of immigrant countries with varying acceptance rates, Aleksynska and Tritah concluded that the economic impact of migration has a positive effect on income and productivity. They carefully examined the different age groups of immigrants and natives and the incomes of both groups and concluded that the

impact of migration as a labour force supplement in host countries has a positive effect. In contrast, due to the diversity of labour in migrant countries, growth and achieving potential results will exist. In this way, when immigrants with lower education but higher specialization than the natives of immigrant countries enter the labour market, although they reduce the average human capital working – among the natives, the insurance premiums and wages of the unskilled natives' labours will increase due to their motivation to continue their education or any training for improving their skills (Aleksynska & Tritah, 2015).

According to a group of Harvard researchers, the diversity of immigrants has a positive impact on the economies of the host countries, especially if the migrant workers are skilled and work in rich countries with more facilities. In general, these researchers consider the economic consequences of labour diversity to be both positive and negative. The positive effect related to this section is that the diversity of the workforce leads to three effective results. First, they increase production due to the complementarity of the local workforce. Second, because they have different skills – with different backgrounds – they diversify the skills of local workers and ultimately share their experiences and ideas with the native workforce (Alesina, Harnoss, & Rapoport, 2016).

- Economic growth

A group of UK economics students in a professional survey shows that in the many theoretical models in economics and immigration, there is a collective agreement on increasing economic growth due to immigration. They showed that despite the concerns, the entry of skilled labour would lead to both short-term and long-term economic growth. They even believe that the departure of skilled workers and professionals can positively affect the countries of origin, as the likelihood of human investment in these countries increases again after the departure of previous human resources (Drinkwater, Levine, Lotti, & Pearlman, 2003).

Another group of economic researchers considers the conditions in the host country and the culture of interaction with job-seeking immigrants as the main factor in increasing or decreasing economic productivity. By comparing Spain and the United Kingdom as two completely different countries in terms of economy, industry, and

immigration policies, they showed that immigration had had a very negative impact on Spain's labour productivity growth. At the same time, in the United Kingdom, this unpleasant effect is not very noticeable. After a ten-year study, they stated that this difference in productivity is due to the different impacts of the quality of immigrants' work in Spain and the United Kingdom and the different approaches of these countries to immigration in general. This difference in economic productivity rates is, in their different view and approach that the two systems take to the issue of migration. The UK always has a selective system in its immigration policy, which is not the case in Spain. This selective system means: *“Median elasticities of substitution between migrants and natives in the UK are negative in most specifications, but the median is close to zero while there are larger absolute values in both ends of the distribution. This suggests that migrant and native labour inputs are complements but there is clearly variation between industries and time periods. Complementarity between migrants and natives is not altogether unrealistic as the immigration system (with the exception of EU nationals) in the UK is selective and biased towards immigrants with skills in shortage and highly skilled individuals. With such a system migrants are likely to be selected on the basis of their complementing the native labour, rather than replacing them”* (Kangasniemi, Mas, Robinson, & Serrano, 2012). As we observed in this system, everyone is assigned to a place where they can show and use their specific skill regardless of their origin. Either because of the particular knowledge, they can work in that area or play a complementary role to the skills of individuals and indigenous activities. However, this is not the case in Spain, and immigrants can often work in places where Spaniards themselves have no desire to work in those jobs. They try to show that, unlike the United Kingdom, immigrants are not used based on job skills or interests in Spain but are only forced to work in vacant places by the Spaniards for whatever reason and are reluctant to do so. On the other hand, despite entering the labour market due to lack of expertise or interest, immigrants cannot increase productivity.

Murat Genç also shows a positive relationship between migration and the trade growth of countries. According to him, this growth depends on the policies of the host countries and the origin, quality, and quantity of immigrants. Nevertheless, the more open border policies governments have the more economic growth and the more satisfaction their citizens will have (Genç, 2014). He noted that governments often

impose careful policies on immigrants, which are very strict, while the same governments choose their trade policies much more freely and liberally, and it is because of their inaccuracy and attention to business growth, immigrants for the host country obtain. He found two reasons for this immigrant-dependent trade growth; *“transaction cost effects and immigrant preference effects”*.

The critical point is that this growth is bilateral and benefits both the host country and the origin of the immigrants. According to Genç, due to the unique skills that immigrants have specifically in interacting and trading with their countries, they informally reduce the costs of trade between host countries and their countries. These skills include familiarity with the language, culture, and customary, economic, and legal laws of the immigrants' countries of origin.

An example is an immigrant living in Spain. Working as a translator in a commercial company, he can act as an intermediary at the same time because he is fluent in his own culture and is familiar with the culture and needs of Spanish society. The title should be considered a positive point for both parties to the negotiation. If that company is active in food exports, it may export items that are not in the usual consent of the parties and will be harmed, while if it imports other categories, it will make a considerable profit. Therefore, we can distribute the principle according to the last part; if immigrants are employed in their place, they will benefit more productivity for both the host country and their country. On the other hand, immigrants can increase the volume of trade between their host and countries of origin by increasing demand for the products they need, so that in the host country, these demands lead to more economic activity that may local and indigenous companies begin to participate too. In this view, migration is seen as an opportunity that, if used correctly, will bring about cultural and economic prosperity.

Another evidence for the truth of the claim that migrants contribute to the economic growth of host countries can be found in an empirical study conducted in 2018 by four economic institutions jointly and over the ten host economies of EU Member States. They statistically showed that the immigrant and refugee populations that entered the EU in two phases between 2000 and 2019 caused positive economic outcomes in the host countries (Noja, Cristea, Yüksel, Pânzaru, & Drăcea, 2018).

Assuming four hypotheses by Noja et al. about the relationship between the economic growth of host countries and the presence of migrants and refugees, they have been able to use accurate statistics to prove that these hypotheses are correct as follows:

1. Existence a positive direct relationship between labour migration and the host country's living standards.
2. Existence the same positive relationship between labour migration and labour market of the host countries by employment rate and wage levels.
3. Developing the economy of the host countries by education and enhancement of migrants' integration.
4. Promoting labour market policies led to better outcomes and economic welfare next to migrant labour integration.

After carefully evaluating these hypotheses, they stated the results of their research on the positive effects of migration on the economies of the host countries:

“Based on these investigations, we could observe that short-term and long-term impacts of migration, which may vary in magnitude, are extensively determined by labour and capital flexibility and the ability of labour markets to adjust to various changes in the short and longer term. In line with what the theory predicts, international migration, one of the main globalization vectors, generates complex economic and social consequences upon migrant sending and receiving countries. For the receiving countries, migration helps fill job vacancies and skills, support economic growth, and bring energy, innovation, and cultural diversity. These credentials are essential for sustainable economic development” (Noja et al., 2018).

- Expert force

Another idea, which defends open borders and the resulting economic prosperity, goes back to Nathan Smith with a bit of a colonial approach. Inspired by the status quo, he predicts that the West will regain its power in the 19th century through this process of one-sided migration. However, it can expand its human geography, not with colonial openings, but with a wave of migration from developing countries. He says this economic impact changes the global economic cycle (Smith, 2015). In this way, workers who have migrated to Western Countries are saved from extreme

poverty, but at the same time, workers who were already working in the West but did not have much skill see that they have entered to compete with the wave of migrant workers. They have to increase their skills so that their salaries do not decrease, and eventually, this cycle will lead to a quantitative and qualitative increase in the economy and the long run, especially for the West. What he wants to show is a realistic but, at the same time, idealistic view. He does not deny that the influx of job-seeking immigrants shocks the workforce of host countries, but this shock ultimately has a far-reaching and positive impact on the status of immigrant countries.

In his article, Van Houtman creates a division in the EU's border policies to show that EU members have been pursuing a national approach with a rational structure. Furthermore, to achieve this goal has selective policies. As mentioned in the previous paragraphs about the UK's selective immigration policy, here too, he shows that the EU's economic policies are set so that it does always open its borders to tourists and investors. He noted that some industrial and economic centres in European countries, such as Germany and the Netherlands, were seeking to change immigration laws to give more access to migrant workers and thus more incredible economic growth, but that the EU preferred to find a way "*foreign capital*" instead of "*economic refugee*" (Van Houtum, 2002). Moreover, although prevailing thinking in economics shows that the free movement of factors of production such as "*capital, products, services, and labour*" maximizes productivity and that no boundaries should affect this efficient economic principle, countries prefer to benefit from the principle of their sovereignty. Van Houtum shows that the relationship between the presence of immigrants who have entered the host country solely for work and economic growth is directly related, but these countries prefer to keep their borders open to investors, tourists, and socially closer people to the E.U. countries.

Ryan Pevnick tries to defend open borders using liberal economic arguments. One of the problems in rejecting immigrants for economic reasons is the lack of clarity in the interests that exist in a society or territory and are passed down from generation to generation among the people of that society. He, by calling this position an "*associative ownership*", proves that even if we assume this right for the citizens of a country, but at the same time, it does not give the right to control immigration. Although he makes other arguments for immigrants' rights, he is, in essence, quoting

John Locke as saying, *"It is labour indeed that puts the difference value on"*⁴ shows that even classical liberal principles can be used to justify the economic beneficence of immigrants. According to Hobbes, Locke, and others, he says, these citizens of a community or territory have worked and created a *"well-functioning market and a well-developed infrastructure"* (Pevnick, 2011).

He believes that if a society achieves economic and infrastructural progress, it is because of the efforts of its citizens, and this is the kind of view that introduces immigrants as members of society who have not contributed to this growth and therefore allowed to participate in this society, so, they do not enjoy its benefits either. He, by expanding the idea of *associative ownership*, gives the citizens of a country the right to be dissatisfied with the arrival of immigrants for this reason. However, it immediately deprives them of this right by arguing: *"In particular, it is open to the potential migrant to insist that: While it is of course true that the political association provides goods that contribute value to territorial access, this does not show that the state may rightfully block non-citizens from entering the territory. Citizens have a right to the goods they have produced, but not to the territory that long predate such goods. So, in providing such goods, the state may either figure out a way to provide such goods in an excludable fashion or accept that others present in the territory may free-ride on their contributions"* (Pevnick, 2011).

In addition, although the relation between the property rights of the citizens of the host countries and the presence of immigrants is not quickly established, the right of immigrants to contribute to the economic growth of the community and the country in which they live cannot be denied because they do not belong to that country.

By wealth of evidence, John Kennan argues that in liberal economic literature, the vast benefits of open borders have received little attention. Moreover, even if the border restrictions have been lifted, only the free movement of goods has been considered, not people. While in the liberal system, individuals should always be more important than goods. By tying the economic interests of host countries and the welfare of immigrants, he has tried to show the value of the liberal system in giving more importance to people than goods. According to him, if the border restrictions are lifted, it will bring more than ten thousand dollars a year for workers from poor or

⁴This quote exists in this form too: *"It is labour indeed that puts the difference on everything"*

developing countries. In addition, this welfare development does not harm the wages of the labour force of the host countries because the relative reduction in wages in developed countries disappears over time by a gradual adjustment between capital productions and labour (Kennan, 2013).

Referring to the wide-ranging economic differences between Mexico and the United States, Kennan shows that potential immigration benefits both countries, and therefore that potential benefits will materialize if border restrictions are lifted. He believes that by acknowledging that the wages of a worker in the United States are about 2.5 times more than a worker working in the United States, it shows that *“if wages are measured in terms of efficiency units of labour”*, in our case -the Mexican worker who is working in the United States- we will observe a higher efficiency and thus higher income than a similar worker in Mexico. Alternatively, it can be said, and on the one hand, the higher income helps to increase the welfare of the origin country where the immigrant came from- here Mexico - and on the other hand, due to the presence in a more productive place - here the United States- more efficient units will be gained. As a result, opening borders to individuals and capital, in the long run, increases both economic and physical capital (Kennan, 2013).

Neoliberals are also opposed to border control and movement restrictions between countries. This idea is because these restrictions impede the free movement of labour and intensify the selective criteria in the employment of human capital. They observe the border restrictions policies as a factor that causes many foreign workers not to enter a place where they can sell their work and change their living conditions. Besides, the neoliberals emphasize that free borders make it possible to increase competition in labour and ultimately increase efficiency and productivity (Bauder, 2014).

Economic advocates of open borders, especially those with a more balanced view, do not deny the economic pressures and changes that the constant influx of migrants into host countries creates. Nevertheless, instead of clearing the issue, they try to use tactics and strategies that reduce the effects of open borders rather than closing them altogether. One of these techniques that economists have learned from Laparoscopy in surgery is called *“keyhole solution”*. This method is used when the

surgeons try to operate on a patient by minimising side effects. So, they try to make a few minor cuts in the abdomen instead of large incisions (Caplan & Naik, 2015).

Here and in according to this method, this group of economic advocates of open borders suggests that instead of closing the borders all at once, considering the economic advantages and disadvantages of the presence of immigrants in the host countries, and select the policies that can be set to enhance the overall economic benefits of migration such as adjusting the tax policies and redistribution the revenues.

1.2.2 Political defence

The main argument of political proponents of open borders goes back to the failure to justify inequality between rich and poor. Because the issue of opening or closing borders only means a problem or a challenge when it comes to the entry of people from developing countries to the rich ones. In other words, as mentioned in the economic section, the borders of countries are generally always open to people who bring capital and liquidity to that country in the form of a tourist or any other title.

- Egalitarian approach

By examining the definitions and meanings of freedom of movement in the contexts of international law, McAdam has been able to find three demonstrations for it that make this movement one of the primary and inalienable rights of every human being. First of all, freedom of movement “*encompasses the right to move freely within a country and to choose one’s place of residence there*”. Secondly, “*it includes the right to cross an international border, expressed as the right to leave any country, including one’s own*”. Moreover and finally “*it extends to the right to return to one’s country*” (McAdam, 2011).

Thus, as we see, even what has been said in the context of international law goes back to the legitimacy of each individual's right to choose a place of residence. In other words, all border policies pursued at the border may seem to be a series of political or legal decisions that affect countries' economies, but in essence, these policies, by granting or depriving some individuals of their rights, will affect and

change their lives. Furthermore, this makes the issue of open borders a human and moral concern.

Proponents of open borders, in particular, cite the theory of luck egalitarianism in this regard, arguing that this principle allows us to open borders unconditionally and eliminate inequality between people on both sides of the border. Williams is one of the theorists who cite relational egalitarianism as an approach to eliminating inequality and therefore defending the open borders issue. He poses two reasons; first, he considers relational egalitarianism one of the most accepted theories of political economy, which even opponents of open borders still accept. No one denies that this theory's goal is to reduce inequality on both sides of a relationship (Williams, 2019).

On the other hand, the reality we are dealing with is the stark difference between rich and emerging countries. So we conclude that this is precisely the idea that has been proposed to eliminate these inequalities, and the second reason is that if this theory is ignored, there is no alternative way to end the relationship inequality. Moreover, these two arguments are enough to prove the need for removing restrictions on the borders of rich countries to be open to the inhabitants of developing countries to reach the goals of relational egalitarianism.

Thomas Nail, referring to ancient history, names the types of migration that formed the basis of the modern world. Referring to Aristotle, he considers the dominant view of immigrants of that time as slaves who inherently were disabled to understand the policy and organize their action correctly in addition to their lower social class, and believes that if the policy of open borders does not take place, this cost system will be continued. Immigrants today are expelled or barred from entering European countries and the USA, which, like ancient Greece, classifies them as a lower class with a non-standard culture and refuses to accept them. He sees the solution only in the cosmopolitan perspective, arguing that there have been three tactics throughout history that, in the context of the cosmopolitan idea, show that opening borders and the presence of immigrants is detrimental to host countries contributes to their social growth. Instead of closing the borders, he says, we should use tactics that show that the presence of migrants can be to the benefit of the host countries and free from any threat. Moreover, in this regard, it introduces three tactics; *sanctuary*, *solidarity*,

and status(Nail, 2018). He traces the history of sanctuaries back to when such legal and social mechanisms did not exist, and religious places such as churches were responsible for sheltering strangers and anyone in need. In other words, sanctuaries can be attributed to any place where government laws do not apply. Therefore individuals are protected and now have changed into sanctuary cities, where Juan Luis Manfredi-Sánchez defines: *“The generic term “sanctuary city” has a religious connotation and is accepted by academic literature. In practice, the movement provides local infrastructure, public services, and recognition procedures for social integration”* (Manfredi-Sánchez, 2020).

The second tactic that plays a vital role is solidarity seen in human relations and the planning, implementation, and utilization of various facilities to help immigrants, especially illegal or in a stressful, challenging situation. In this regard and her article, Daniela Irrera shows how the efforts and practical actions of non-governmental organizations in evacuating European migrants in 2015 were able to surpass the European Union in providing timely and focused assistance. She believes that NGOs have become more compatible with the international community, such as the IOM and UNHCR, than the European Union, and that this has led, first, to save asylum seekers from death at sea and, second, to further processing (Irrera, 2016).

The most outstanding result of this tactic led to the solidarity cities as Kron and Lebuhn have referred:

“Many of the cities currently pushing for taking on more refugees belong to the network of administrations of major European cities established in 2016. This alliance of cities, however, is no activist network, but rather a circle of heavyweights composed of the administrators of European metropolises, mostly port cities, pushing for a coordinated approach to what its founding document labels the refugee crisis” (Kron & Lebuhn, 2019).

Status is the essential tactic that Nail mentions. In his view, open borders do not mean abolishing all borders; instead, the purpose is to create similar conditions. According to him, *“No borders” does not just mean no territorial borders; it means no internal checkpoints, the right to work, the right to free movement, and the right to political participation by everyone”*(Nail, 2018).

- Moral approach

Another argument that can be made in defence of this issue goes back to a moral principle accepted by rationality. That is when an individual or group has the resources to help others improve their situation or prevent harm from others. How should it act? This concern is because the resources and capabilities are not unlimited, and we are always at a crossroads of choice. Taurek raises an issue in his article that addresses the problem of constraints and priorities. He explains the subject with an example that refers to having a medicine that is enough for six people, but the ratio of the need of these people to this medicine is not the same; what criteria should be chosen? From the point of view of ordinary people, of course, one should think about saving five people because there is more than one of them, and of course, more rational (Taurek, 1977).

Here will try to explain Taurek's argument with an example of the current state of the world in the face of the coronavirus. By assuming that a person now needs all the available dose of the vaccine to be able to come back to life, that person has the position and ability to provide a better quality for the community than the other five and can be the source of many benefits that go far beyond the capacity of others who need a dose of the vaccine - for example, and he is the scientist. He intends to discover the Covid-19 vaccine. - Now and here, what is our task? Is quantity still superior to quality? The conclusion I draw from Taurek's moral dilemma in favour of a political defence of the border issue is to show that keeping borders by strong countries is far more harmful, arguing that the entry of non-natives into the borders is far more harmful. An argumentative example may be completely wrong. Because, quantitatively, most host countries have negative population growth, then population growth cannot be undesirable for them unless they simply want to increase the population among a particular race, which today is not the case. It is not morally and politically acceptable.

To prove the quantity demands, will bring here two different statistics about EU population decrease. *“Low fertility is accelerating the ageing of European populations. As a region, Europe in 2000 had the highest percentage of people age 65 or older — 15 per cent. According to data from the U.S. Bureau of the Census, this percentage is expected to nearly double by 2050”*(Grant et al., 2005).

Alternatively, *“Europe is currently faced with two related demographic challenges. The dominant challenge is population ageing, while the second is population decline”* (Van Nimwegen & Van der Erf, 2010).

Nevertheless, qualitatively, given the same moral dilemma, it can be said that there is no objective and conclusive criterion for measuring individual abilities in such situations. Here is an example I used earlier to compare a Mexican worker's productivity and economic benefits working in the United States. When the mere difference of place leads to substantial economic productivity, if the borders are opened to all kinds of immigrants and not only economic workers, but also families, young people, and those with thousands of unknown talents, then many of the personal capabilities which have been ignored in their countries for many reasons can flourish in the host countries. Moreover, of course, for two reasons, which will say now, these countries will also be politically obliged to open their borders given this argument: one is that the development of such brilliant talents will bring direct benefits to the inhabitants of those countries because any scientific progress, discovery, and invention benefit them primarily due to that they have been done in their territory and by using their facilities and resources. Furthermore, secondly, unless governments protect the interests of their nations and should make every effort to protect the interests of the country and the nation and provide everything necessary to achieve this goal, therefore, what about opening the borders to the people who bring more prosperity to the country and the nation. Isn't this policy one of them?

- Humanitarian approach

Another issue to be addressed is that there should be other issues that show open borders are defensible. For instance, Chandran Kukathas points out that the issue of open borders is not considered an ideological concept. In many cases, we see that conservatives and even libertarian anarchists- who advocate stateless societies as a radical far-left ideology- have an opposing point of view over unlimited open borders. Although he makes two arguments in favour of the issue of open borders, he acknowledges that the probability of opening borders is close to zero and that the ideal situation that can be found for the objective confirmation of open borders is the model of the European Union, which of course, only have opened its borders to a

particular group and not all the demands. Those two arguments are based on the *principle of humanity* and the *principle of freedom*(Kukathas, 2004).

Regarding his principle of freedom, six features have been considered for freedom. First, freedom is a value, and it can be said that everyone agrees on its value, so this value must be like any other valuable thing be protected, and in close borders cases, the protection will not be performed. Second, the consequences of closing the borders do not only lead to the restriction of freedom between the two lands but also if a person wants to escape from the oppressive government and enter another land, practically is impossible and will fail and may lose his or her life.⁵ Third, the governments that rule by dictatorship and oppression always feel comfortable ruling by this system because they know that there is no land for their nation to escape there, so the people will have to tolerate the oppressions. Fourth, the dictator governments will never reform themselves by abusing the desperation and inescapably of its citizens, and as a result, closing the borders will indirectly help perpetuate totalitarian governments. Fifth, open borders are individuals' opportunity to buy and sell their labour and production. For example, if a person can be more active in another country and make more profit, the closed borders have practically deprived him or her of this freedom, which is a clear violation of their rights. Sixth, the closure of borders by restricting the association and relationships between people disrupts the most personal layers of their lives and sometimes even causes irreparable damage(Kukathas, 2004). Like when parents are in another country and need care, the possibility is taken away due to the closed borders. It can be said that border restrictions take away some of individuals' natural pleasures and rights, including having our beloved round.

Concerning human principle will state what is mentioned in the United Nations guideline of the borders. The international borders are in line with both the principle of freedom and the principle of humanity. First, human rights take precedence over everything, and the principle cannot be prioritized. Second, human rights must be at the heart of all cross-border action. Border crossings should not prioritize any

⁵Non-refoulement is a fundamental principle of international law that prohibits a country from expelling asylum seekers or returning to a country at risk of persecution based on "race, religion, nationality, membership in a particular social group or political opinion." Unlike political asylum, which is based primarily on the fear of persecution of a particular group of people, non-refoulement refers to the generic repatriation of people, including refugees, into conflict zones and other catastrophe locales.

internal principles over human rights. Third, all migrants at border crossings must be protected from discriminatory and racist behaviour, and fourth, countries must protect migrants at their border crossings from any harm and provide them with humanitarian assistance. Fifth, countries must have the necessary access to justice and related institutions (United Nations. Office of the High Commissioner for Human Rights, 2014).

Moreover, according to the Kukathas' principle of humanity, open borders are the only window of hope for the poor inhabitants of the planet, who unfortunately are not a small population. Open borders are the fastest and most accessible way to escape the absolute poverty they live with, whilst the close borders increase illegal and high-risk immigration, which endangers people's lives and sometimes leads to death- and indirectly exposes them to detention and punishment of host countries. Because immigrants who are in an awful situation and recognize immigration as the only way to get rid of the tricky situation those they fight with, take any risk, even if they do not have any obstacle on the way to their destination and finally reach the host country, there is a high probability that they will be arrested by local authorities and eventually face criminal charges, in addition to causes indifference to fellow human beings. It means that when people want to help others, they face closed boundaries that virtually deprive them of the possibility of certain services, and this is constantly repeated without any prospect of ending it. In such situations, people become accustomed to just listening and not reacting to the suffering of others. Moreover, closed borders prevent capable people from assisting those in need and prevent human duty from others and those who wish to perform it (Kukathas, 2004).

From another side, this aspect is important because human rights, in a general sense, are considered as the normative principles that help us to protect and respect every aspect of every human being on the planet. For example, when we protect a human being from being tortured or helping another to achieve a proper education or trial, we are doing the human duties that will never be taken away from us and as James Nickel mentions: *"They are universal, inalienable, or exist independently of legal enactment as justified moral norms"* (Nickel, 2019).

- Consequential approach

Darrel Moellendorf suggests considering borders restrictions as equal as a right violation: “*restrictive immigration policies appear to be a blatant violation of the right to freedom of movement*” (Moellendorf, 2018). In his view, anything that falls into the category of fundamental human rights is inalienable, and any restriction on it is a violation of human rights and therefore unjustifiable.

Roger Nett asks us to separate freedom of movement from human rights. We certainly cannot, and therefore this confirmed presence in this category closes the way to any ignoring it. Nett says: “*if we can justify any basic human right, freedom of movement is probably in that category*” (Nett, 1971).

Loren Lomasky, by taking into account the apparent principle that no one can stop the movement of another person, proves that the basis of border control is therefore unacceptable; “*prima facie⁶ undesirable insofar as it hobbles the projects of individual actors,*” (Lomasky, 2016) and cannot justify the violation of individual rights.

Another point to note in the political defence of open borders is that, according to the vast majority of proponents of this theory, border policies cannot be expected to be unconditionally open in the present world, given the current situation. However, it is an option with a high probability of occurring in the future. While acknowledging that open borders will inevitably become the dominant policy of governments in the future, John Casey gives three reasons for this claim. First, our world is moving towards globalization and will inevitably accept the borderless world as a necessary consequence of globalization. Second, one of the political solutions to bridge the North-South class divide is the open border policy. Moreover, the third sign that he presents goes back to the growing position of human rights in the future as a moral and agreed basis of the world (Casey, 2010).

Despite Casey's claim that the South-North divide is closing due to globalization, Henry Yeung thinks that claim is far from the truth. To prove his claim, he questions the concept of a world without borders and believes that this concept has multiple implications that do not essentially lead to the removal of borders. However, if we

⁶Based on first impression, or also on the face of it.

experience a world without borders in the future, this borderless world does not reduce the distance between the North and the South because, at that time, there were also capitalist governments that were using and exercising their accumulated financial resources. He wants to say that if globalization occurs, there will be no change in reality, even if the borders are removed. It is because the world's infrastructure will not change for a long time, even after globalization (with optimism), and it is still the capitalists ruling the whole of the world. Due to the open borders, despite investments in the Southern Countries, the result will not be in their favour. Despite the localization of economic activities, this localization occurs only in geographical dispersion and not its impact on the southern economy. Furthermore, the open borders are still in the service of the superior powers, not the southern countries, according to the will of the great powers and their interests (Yeung, 1998).

John Agnew concludes with a comparative geopolitical approach in the hegemonic political systems and concludes that this policy has some advantages and disadvantages. First, citing global trade and its growing volume and speed, he shows that this considerable growth has occurred primarily in the regions of the globe that have had the most industrial growth. Furthermore, the reason for this goes back to their border policies. In the EU, for example, where internal borders have been removed, we have seen the growth of both trade and industry. Because of these border policies, transport costs - between member countries - have fallen, and on a broad scale, on the other hand, the continent's political approach has changed by focusing on stability, openness, and balance instead of territorial and military expansion. In his view, the second reason for defending open borders is its close connection to the economy as a factor of power. He points to the presence of transnational corporations in the United States that, thanks to their overseas activities, could save the poor US economy between the 1960s and 1980s (Agnew, 2003).

Nevertheless, in Japan, as a converse example, for this reason, we see economic losses between 1997 and 1998. It means that precisely because Japan entered into the international economy, particularly the Asian economy, with the emergence of economic crises in Asian countries, the Japanese economy also suffered a crisis. Open borders can directly have a variety of positive and negative effects on countries. Third, turning cross-border challenges into opportunities for cooperation is

another advantage of open borders. Citing Agnew's example, one can understand his meaning. Recalling the *Good Friday Agreement*⁷, he points out that after that, European countries were able to focus on the Union's external borders instead of on its internal borders, protecting the continent from a wave of migrants and asylum seekers (Agnew, 2003).

By challenging the Western World, Satvinder Juss is another advocate who attributes the issue of open borders and freedom of movement to a paradox between rights and claims. In his view, the Western World has increased its restrictive policies day by day by ignoring this issue and confronting it with a different approach. He considers these policies as a paradox and indicates as follow: *“The law of free movement rights is a classic illustration of the gulf between the “is” and the “ought”. What ought to be is very different from what is the case. It looks at this paradox inherent in the phenomenon of free movement. In human rights discourse rights are derived from claims. A rights approach offers a normative vocabulary that facilitates both the framing of claims and the identification of the rights holder. The power of rights dialogue lies in its use of normative language to make moral claims. This paradox is that throughout the twentieth century, despite the rising claim to the exercise of free movement rights, the rights to free movement in law have if anything, been subject to ever more restrictions in the developed world”* (Juss, 2004).

Another paradox that Harald Bauder mentions is called the *“liberal paradox”*. He raises restrictions on border crossing in the liberal tradition by challenging the liberals' dual policy of exercising freedom. In further explaining this paradox, he states that according to liberal principles, the right of *“self-determination and membership”* has been admitted as one of the fundamental principles of liberalism. Moreover, the paradox arises when liberals emphasize *“community, shared identity, political membership, and nationhood”*. It means they grant this right only to themselves and the members of the society to which they belong. Bauder sees the way to eliminate this paradox only because they included other people in this definition and gave them other rights and benefits of liberalism (Bauder, 2015).

⁷ The agreement, dated Friday 10 April 1998, was signed by Protestant and Catholic parties to the Irish conflict. The “Good Friday Agreement” was the name of Irish Republican Catholics because they saw it as a way to gain independence from Britain, and Protestants called it the “Belfast Agreement” because they considered it a document of alliance with Britain.

In another article, Bauder explains why the only solution to the issue of open borders within liberalism is a change in the definition and generalization of the problem. He states: *“It is problematic from a liberal perspective because these identities often rely on racialized, gendered, neocolonial, and class-based signifiers to define community and frame belonging. Furthermore, the assumption that a national territory is the private property of national citizens who can decide whom to invite into or exclude from their territory contradicts the liberal unease with inherited privilege and property”* (Bauder, 2014).

In general, advocating the theory of open borders and defending it is rooted in the intellectual tradition of liberalism. In other words, it is within the intellectual framework of liberalism, which makes sense. The benevolence of freedom, equality, and breadth of opinion are the hallmarks of liberals on most issues. However, what matters, and will be addressed now, is the diversity of liberals' views on defending open borders. It means that not all of them defend an approach to defending freedom across borders. They are also aware of the obstacles, challenges, and all that the border defence opponents cite. Nevertheless, they still consider the issue of border freedom to prevail over all opposition principles.

For example, Joseph Carens, a full-fledged liberal and considers the freedom of borders unconditional, as mentioned earlier, with the statement that all human beings are free to go wherever they want, but the utilitarian perspective has also tried to argue that opening borders is rational and beneficial. According to him, although the inhabitants of a country, according to their criteria, consider the entry of immigrants to be a collective loss, and even if they are prevented from entering and enjoying the significant benefits, yet Carens, by the same utilitarian criteria, believes that the damage caused by not allowing immigrants to enter the country is greater than the benefits of this ban, and for this reason and with the utilitarian criteria, admission of immigrants will ultimately benefit more governments and nations (Carens, Joseph H., 2000).

If we want to talk about their reasons for removing the border restrictions, we can say that they refer to the capitalist system as a single class that benefits the issue. By pointing to the borders between the United States and Mexico or the bitter events in the Mediterranean, open borders supporters conclude that it is a considerable

advantage for capitalism. They believe that closing and restricting borders cause capitalist governments to significantly exploit the labour force because, on the one hand, they are trying to increase production, and on the other hand, they are preventing more labours from entering (Bauder, 2014).

It is to make a final comment on feminists, or in other words, those materialists whose roots in thinking against borders restrictions depend on the egalitarian struggles of all classes, including those opposed to patriarchy, racism, and colonialism. They attribute all this discrimination to the existence of borders. Because they believe that national borders make patriarchal or colonial governments define the identities of people across the border and impose whatever role they want on them (Anderson, B., Sharma, & Wright, 2009).

1.2.3. Cultural defence

Many believe that the arrival of immigrants from different cultures and values endangers the host countries' culture. In other words, some people claim ownership of their culture and consider this incoming as a factor in the destruction of the region's popular culture and then the collective identity. The fundamental question that arises here is that before accepting this hypothesis and recognizing the cultural threat to immigrants, we must first clarify whether the particular culture of a society or a country is unique to that country, or in other words, does only a specific set of individuals belong to their culture? Does not any human being have the right to enter society with another culture?

First of all, Eric Matthes asks us to distinguish between these two cultural approaches; nationalist and internationalist because each of these groups disagrees on what is primarily a priority to be considered worthwhile culturally. As Matthes declares: *“An influential approach in the cultural property literature is to distinguish between cultural nationalist and cultural internationalist positions concerning how broadly a reasonable interest in cultural property should be construed”* (Matthes, 2018). In general, cultural nationalists, as their name suggests, believe that cultural objects, or on a more general scale, cultural values belong to a particular land; in one sense, the geographical boundaries determine ownership for them.

According to John Merryman, their cultural view has an ideological basis and approach. He calls this kind of thinking *cultural nationalism* and traces its roots to assume that culture is equated with Western intellectualism. In his view, 19th-century romanticism is another aspect of cultural nationalism and still strongly influences the European human mind, which is why many politicians use these sentiments of Herder⁸, Goethe⁹, and Byron¹⁰ in favour of national cultural property (Merryman, 1994).

On the other hand, Sarah Harding cites an international view that takes a different approach to cultural categories. The internationalists believe that culture and what depends on it are the property of all human beings. Because culture should not be limited to an old dish or a painting, its features should be highlighted and considered. Features that may be of scientific or aesthetic value, but whatever they may be, they should not be restricted (Harding, 1999). She distinguishes the difference between the approaches as *“the difference lies in identifying which element of a tradition is more essential and the connection between the various elements.”*

Joe Watkins puts it as another form due to more clearance. He understands this difference of cultural approach as a different concern. Moreover, it illustrates; in the nationalist view, culture and its necessities belong to those who contributed to its creation. While in the international one, culture and its belongings are the heritage of all humanity, and everyone has an equal portion (Watkins, 2005). Therefore and given these two approaches, it is clear that proponents of open borders cannot be defenders of the nationalist cultural approach.

- Liberal View

Evidence of this claim is what Joseph Carens accounts. He does not consider the impact of immigration on culture to be significant, except when the entry of

⁸The philosopher, linguist, poet, literary critic, one of the most influential scientists of the Enlightenment and one of the great theorists of eighteenth-century Europe in the field of language, history and culture.

⁹The Poet, writer, painter, researcher, anthropologist, philosopher, and a politician is one of the key figures in German literature and the classical Weimar movement and Romanticism.

¹⁰He is known as Lord Byron, too, a poet and politician in the Romanticism context.

immigrants into a society threatens the culture of democracy and liberal principles and values (Carens, Joseph H., 1987).

Nevertheless, the interesting point that Carens makes in the continuation of this article and defends the open borders is that he refers to perfectionism in ethical and political philosophy, and of course, in particular, in the liberal tradition. The idea introduces that one of the duties of social institutions is to provide opportunities for human growth and excellence. Even if art, culture, and science take precedence, citing that migration disrupts the cultural cohesion of society is still not a valid reason for restricting immigration because of the inherent value of freedom and human rights. For this reason, we cannot continue to defend slavery in ancient Athens society because of its remarkable cultural achievements. Therefore the imposition of immigration restrictions to maintain cultural cohesion is not accepted and justified.

Relative culturalism in globalization can also be cited to defend culturally open borders. Simon Caney believes that if we do not say that all cultural values are relative, we can certainly point to the relative nature of a significant part of them. To better understand cultural relativism, he suggests that we first identify which values are relative and focus on relativity to understand the relationship between value and culture and relativity. Cultural relativism, in his view, is an idea that *“specifies that correct values are those values that accord with the commonly held values of a culture”* (Caney, 2006). On the other hand, the standard of moral correctness of action for an individual goes back to two factors: culture and his or her participation in social practices. As a result, we need more information to evaluate a particular culture - in a particular community or individual. Caney suggests two steps. The first step is determining what this particular person got from their culture. We have to show which of the following factors influenced his or her culture; ethnicity, class, religion, profession, nationality, gender, citizenship situation, etc. Secondly, we need also to be able to distinguish and recognize the boundaries of society.

That is, we must understand in what cases the moral boundaries of society are violated. However, there are two problems here that practically block the way for us. The first point is that we do not know which of the above elements constitutes the cultural identity of immigrants? Furthermore, by which of them does he or she define himself? Moreover, even if we know about it, the reason for their choice is still

unknown to us. The other problem arises precisely here due to the inaccuracy of cultural boundaries. They bear no resemblance to geographical boundaries that can be measured and defined without ambiguity. Caney shows that even if we put aside the very Carens' view mentioned above, there is no apparent reason to show that the arrival of immigrants harms the culture of the host community.

Besides, Allan Findlay believes that immigration can also increase the destination country's social and cultural capital. Furthermore, achieving it is much longer than instant economic profitability. For example, Indians who migrate to the United States and the United Kingdom, regardless of whether the reason for their migration may be environmental or any other reason, but at the same time, the cultural capital they transfer is not eliminated. Incidentally, these two countries are becoming desirable places to accumulate cultural capital through migration (Findlay, 2011). The liberal view of migration recognizes that the cause of migration may not be cultural - which it is not - but in any case, it increases the cultural reserves of the host country and is not only a threat but also an opportunity to increase human capital with different and diverse cultures.

Of course, some thinkers like Liav Orgad deal with the cultural defence of open borders and immigration differently. In his view, many of the nations' concerns in the host countries about their cultural identity are justified. Calling his theory *liberal theory of majority rights*, He has observed that in societies such as the United States, Israel, and Europe, the fears exist because of an increase in the number of immigrants and consequently an increase in the number of people of different cultures. According to him, if the cultural concerns of the majority will not be addressed, we will observe an increase of the selective criterion in the process of accepting the different immigrates. In the host countries, personal and selective decision-making penetrates the admission norms due to the citizen's cultural concerns, and therefore we see more unexpected behaviours contrary to liberal values but have rooted in cultural fears. Orgad shows that in some countries immigration laws, we see a kind of hidden design that merely defends the majority's culture and reinforces the extreme right. He suggests that philosophically, we first need to know the rights of the majority well (Orgad, 2015). He believes that in a liberal system, the rights of the majority are the logical and developed result of the rights of the minority. That is, both of these populations want to adhere to their

culture, preserve it - even minimally - recognize their identity differs from the rest, and have their cultural autonomy. In other words, whether a minority or a majority constitutes a population in which a shared meaning is found that separates them from others. As a result, liberal governments must strike a balance between the rights of the majority and the minority to allay the majority's concerns about the destruction of their culture. To this end, in the first instance, the rights of the majority must become international law to protect cultural interests. He believes that if it is changed to law, then it can protect the culture of the majority - because the law is enforceable - and on the other hand, the cultural concern about the presence of immigrants disappears.

Tamara Lenard mentions some situations in which open borders become a cultural necessity. It means that one may be asked to engage in cultural activities that require freedom of movement. Either culture may be tied to freedom of movement, or one may need to be present in one's home and territory, in which case freedom of movement is an inalienable right. She emphasizes that sometimes culture and its demands are directly and inextricably linked to the right to freedom of movement. For example, gypsies or tribes whose lives are defined by movement and who move to a place where they can make a living are deprived of the right to life if they do not have this right. Moreover, if, for example, the European Union allows them to live in one place permanently, their tradition and culture will be ignored (Lenard, 2010).

In this context, we can refer to John F. Kennedy and his famous book, *A nation of immigrants*, in which he deals with all kinds of problems that immigrants faced in American society at that time and tried to take a liberal approach based on the principle of equality. He tried to justify and even necessitate the presence of various immigrants in American society in his time. He says: "*Immigration policy should be generous; it should be fair; it should be flexible. With such a policy we can turn to the world, and to our own past, with clean hands and a clear conscience*" (Kennedy & Kennedy, 1964). As a result, it becomes clear how a politician's approach can be effective in dealing with immigrants. A politician who uses anti-immigrant sentiments to provoke anti-immigrant sentiments naturally faces the wrong and irrational feelings of his people. Sometimes even popular feelings may be in the form of irrational and purely emotional support.

In the same year, Milton Gordon defended cultural pluralism in his book *Assimilation in American Life: The Role of Race, Religion, and National Origins* and recognizing the unique feature of American democracy in its particular approach to different cultures that appears in two steps:

“On the one hand, providing the indispensable comfortable milieu, they continue the newcomer’s orientation to the culture of the old country and the old locality, to its familiar ways of doing things, to its current history and its current gossip. On the other hand, they gradually incorporate elements of the American culture, interpret that culture to the newcomer in ways which he can understand, and sift its elements and bring them to his attention in a degree and at a pace which muffles and makes bearable the shock of cultural collision” (Gordon, 1964).

In this regard and as a confirmation of Gordon’s idea, Silvano Tomasi also believes that the nature of American society is based on the connections between different races, cultures, and religions and that each of these groups, while diverse and intertwined, also carries a degree of distinction. The people of American society, including local or immigrants, all claiming to be American and belonging to that society, have retained their ethnic affiliation (Tomasi, 1964). With this in mind, it can be concluded that the more a society is made up of immigrants and the system is such that immigrants can reach high positions such as the presidency, representation, and legislation, not only has no negative consequences and causes disruption. It does not have the social cohesion that is always considered a threat by immigrants, but it causes these people to increase and strengthen social tolerance and tolerance by considering all people and using and sharing their immigration experiences. Moreover, this can only happen in a liberal system where the equality of individuals is independent of race, religion, and gender.

- Multicultural View

Another aspect that can be culturally advocated for open borders is the benefits of cultural pluralism, or in other words, multiculturalism. Koopmans defines multiculturalism generally as: *“any policy that positively evaluates cultural diversity or promotes immigration”* (Koopmans, 2013).

Since most immigrants are residents of poor southern countries, it can be argued that what cultural opponents of open borders cite is more of a hegemonic concern than a cultural one. For example, a society like the United States of America includes several different and deeper cultural layers. Part of its population is white, and the other is coloured immigrants from different continents. In such a society full of entirely different cultures, it sometimes seems that this society is culturally fragmented because it is not easy to find common ground between these very different classes.

As a support for the claim, West's view will be cited about multiculturalism as an essential cultural policy. In his view, the new cultural policy, which is based on difference and comprises all different races, cultures, and genders, has created a generation — particularly in the United States — free of racial chauvinism and hegemonic opportunism. The struggle is committed to the culture of democracy (West, 1990).

Diana Ravitch is another person in the United States who advocates multiculturalism against the Western hegemonic. She believes that multiculturalism has always been accused of being the equivalent of cultural separatism, which seeks to downplay Western culture. She criticizes this –conservative- predominant view of creating a common culture as a behind-the-scenes activity that seeks to dominate and marginalize other cultures in American society (Ravitch, 1990). In her view, a multicultural society happens to be a prosperous society because it involves all the groups and races that have formed it. However, this condition is achieved when instead of emphasizing a particular race or group, highlighting humanity, citizenship, national identity, and a common culture because these items are comprehensive, expansive, and inclusive and lead to a national community.

In an article on democracy and cultural differences in the United States, Henry Giroux sees postcolonial movements as the first step in questioning Western hegemonic culture. He says:

“Intellectually, the social movements that emerged during the post-colonial period of the 1960s have directed a serious challenge against dominant conceptions of Western culture forged on the terrain of objectivity, neutrality, monumentalism and impartiality. Organised around ethnic, racial, class,

sexual orientation, ecological and feminist struggles, the new social and intellect have reformulated the language of critique and transformation by focusing their analysis on issues of inequality, conflict, change, and the exclusions and limits of the dominant Western tradition”(Giroux, 1991).

So what has become clear so far is that multiculturalism is not accepted in a society in domination and hegemony. In other words, in a country that hosts different immigrants, if the dominant thinking is domineering and hegemonic, it is clear that multiculturalism will not be acknowledged and satisfied in any way, and it happens to be recognized as a threat to destroy domination. Conversely, if the differences of cultures are presented as an opportunity for cultural richness, people in society will also welcome it. Here, the focus is that most people in a society often prefer to preserve their own culture. Now consider that politicians portray immigration so that they think the presence of outsiders equates to the disappearance of culture. So it is natural that they do not satisfy with immigration.

Probably, it is reasonable to distinguish that this cultural disappearance never happens for two reasons. First, as noted earlier, most immigrants come to the West from poor, war-torn, and dictatorship countries, and provided they enter society - that is, legally accepted - the first thing they do is learn the language of the host country. Learning a language as the most important way of cultural communication is their first and most substantial connection with the host society, or as Tubergen et al. say: *“Language is the key to political participation, as well as to the educational system and employment”* (Van Tubergen, Maas, & Flap, 2004).

When the language of the host country exists as a necessary condition for effective presence in society, this cultural shift has happened in favour of and with the victory of the host country. Moreover, the evidence shows that the vast majority of their children are fluent in the host country's language instead of being fluent in their mother tongue.¹¹

¹¹I remember working as a translator for a refugee agency at the time. A refugee woman from a Central Asian country had arrived in Spain without reading and writing in her language. However, after a while, she was able to master Spanish to some extent. I used this objective example to show how it is possible for a person in her 50s who has not received any education in her country to make every effort to stay in the host country to learn the language of that country. Is it not a sign of the influence of the host culture on her or at least opening a window to understanding and being more influenced by the host culture in the future?

Whether the cultural policies of one country seek to popularise their beloved country's culture and introduce it to others? Is not this an example of achieving this goal? The second reason is the everyday rituals in the host country. The rituals of a country, whether religious or national, directly impact the immigrants of that land. For example, most immigrants accompany European host countries at Christmas and New Year. Like them, they spend the night together and follow the customs of those countries as much as possible. Their calendars, weekdays, and weekends are adjusted according to the host country. Even if they do not want to make these changes, they have no choice but to do so. So how can they be considered a threat to the cultural cohesion of the host country when they are subject to the rituals and cultural occasions of the host country?

Conversely, in a liberal immigration ethic, immigrants must be free in their own culture. That is, from their point of view, as cultural advocates of open borders, not only is there no need to worry about the entry of different cultures into the host society, but they should be freed and facilitated so that they can live up to their values as much as possible and live with their culture. In other words, the cultural advocates believe that there is no room for concern that migration affects our societies negatively, but they observe it as an opportunity for the fulfilment of multiculturalism as a value.

Kimlika and Banting, has recommended eight strategies to facilitate and consider multiculturalism as a practical necessity for opening a route for integrating immigrants into the host -liberal- society:

- 1) *“Constitutional, legislative, or parliamentary affirmation of multiculturalism;*
- 2) *The adoption of multiculturalism in school curricula,*
- 3) *The inclusion of ethnic representation and/or sensitivity in the mandate of public media or media licensing,*
- 4) *Exemptions from dress codes, Sunday-closing legislation, and so forth (either by statute or by court cases),*
- 5) *Allowance of dual citizenship,*
- 6) *The funding of ethnic group organizations to support cultural activities,*
- 7) *The funding of bilingual education or mother tongue instruction*

8) *Affirmative action for disadvantaged immigrant groups*" (Kymlicka & Banting, 2006).

By linking citizenship policies to multiculturalism, especially in Canada, they seek to gain more fantastic support for cultural diversity through its adoption. In their view, countries with multicultural policies welcome the reception and identification of immigrants and prevent them from being marginalized. Thus, a society is created that mentions migration as a rich source and not a threat. Koopmans counts other consequences for multicultural policies. According to him, although we cannot accurately and empirically estimate these results, as far as we know, it goes back to the cultivation of culture and the rights of immigrants to the normative goals of them. In contrast, according to the approach of countries, delimitation, and recognition of these borders, norms, limitations of culture are complex and sometimes impossible for immigrants in general and Muslim immigrants in part (Koopmans, 2013).

However, in the continuation and end of his article, he concludes that multicultural policies have not had a significant impact on improving or worsening the situation of immigrants and what has the most significant impact on improving or changing their position in the host country, related to his or her residence and citizenship conditions. Alternatively, it can be said that cultural policies do not change the legal situation of immigrants, and that is why the importance of it is not tangible in their life, means that even if a society like Canada is a thriving multicultural society, this success goes back to the immigration legal policies of that country, which legally facilitates the presence of immigrants.

Christian Joppke helps us by comparing the three societies of the United States, Britain, and Germany to indicate the close relationship between a country's political approach to different cultures and the cultural consequences. In the United States, for example, we are faced with a multicultural society that, despite the presence and recognition of different cultures, still raises the issue of race, and this shows that cultural policies sometimes cannot meet the prevailing and accepted concepts of a society. In Joppke's view, American society is a multicultural society, but at the same time, it is strongly confronted with unresolved paradoxes that continue to marginalize some other racial groups - particularly non-immigrant blacks (Joppke, 1996).

He wants to emphasise that although the United States has succeeded in achieving a multicultural society, the rights of many people in immigrant and non-immigrant coloured groups are still different, and that is why American society needs to work harder than all cultures. In addition to being accepted, they also have equal rights. In Germany, immigration is a concept that poses the biggest problem with nationality. Although some multiculturalism developed in Germany after World War II, or somewhat after Nazism, despite the liberal nature of society, the situation of foreigners - those who do not even have a specific legal status - has not improved much. In fact, in Germany at that time, the attempt to create a multicultural society after the rise of Nazism was an attempt to bridge the gap between the concept of "us" and "them" and instead of focusing on the descent, which only individuals belonging to Under its definition, create a culture that replaces these definitions and categories (Joppke, 1996).

According to him, the situation is better in the UK because this country has an empire that is rooted in several races. As a result, those who seek to create a land that ultimately belongs to "White English" are considered racists, who happen to be criticized by society's elites for rebuilding a small "White England" instead of a great multicultural one. The multiculturalism in Britain is a little different because of its colonial history. Although immigration and colonialism are usually opposing concepts, since most immigrants in Britain are the descendants of those brought into the "English land" from colonized terrains, then in Britain case, these two concepts are entirely overlapping. Furthermore, therefore, it seems that British society is compatible with British immigration policies. Alternatively, as he states: *"The legacy of empire created a unique linkage between immigration and multiculturalism."* Nevertheless, after forming the nation-state political system in the UK, although they could obtain British citizenship, this legal and civic equality did not mean that there were no inequalities based on ethnicity, colour and race. Instead, it is still more prevalent in Britain than in many other countries, and *"many of them identify themselves, in a mixture of irreverence and plain description, as "Black British"*(Joppke, 1996).

Another point that needs to be explained as a final of this part is the impact of multicultural policies in general. In this sense, multiculturalism seems to be an invitation to host countries to accept immigrants and, instead of fearing them, respect

their culture as different and not worthless, and pursue a policy based on avoiding any cultural hegemony as has quoted above from Kymlicka's about the cultural policies of Canadian society. This goal is achieved by emphasizing equal rights and recognizing different groups in society equally because a country and its cultural policies must first accept the concept of multiculturalism and then take the necessary measures to implement it.

According to what is mentioned at the beginning of this section about the lack of a way to quantify cultural influences, Koopmans gives us an example that underscores this claim. He sees an inverse relationship between immigrants' language skills and solid multicultural policies in host countries. It means that when a country recognizes - to some extent - the languages used by immigrants following multicultural policies, some immigrants do not make much effort to learn the host language. Nevertheless, Koopmans emphasizes that even knowing this relationship correctly, multicultural policies' positive or negative consequences cannot be accurately estimated because of the narrow and indistinguishable boundaries in measuring cultural matters. Also, many believe that the adverse effects of multicultural policies are far less than that of creating a crisis in immigrant countries (Koopmans, 2013).

1.2.4. Social defence

In this section, one of the most critical issues that the defenders and opponents of open borders discuss will examine; Xenophobia or fear that only makes sense concerning aliens. Xenophobia, as Merriam -Webster dictionary defines is *“fear and hatred of strangers or foreigners or of anything that is strange or foreign”*(Merriam-Webster online dictionary, 2020). What makes this issue socially and politically readable is the significant impacts of the politician's policies towards immigrants, affecting their political destiny. For example, far-right movements and parties have always emphasised this fear, identified immigrants as potential threats, pursued their policies, and finally, introduced the issue of open borders as the leading cause of internal insecurity. It could be argued that the social defence of open borders would be more effective in ascertaining the truth of what is said about immigrants in most debates. It means that only populist approaches and political and social propaganda use popular tricks to highlight some issues and, by presenting a personalised and

straightforward event in a complex and generalized way, make society scared of the presence of refugees with exaggerating the sensitivity and insecurity of the society.

- Populism

The politics of fear is one of the ways that people can be emotionally aroused against the arguments in favour of open borders and finally fulfil their desire to close the borders and prevent immigrants from entering by the name of the people. Kende and Krekó stated that conservatives or right-wing populist parties are the experts in intimidating their followers in society and exploiting them by highlighting the fears of cultural changes and trying to show that immigrants or minorities are the external factors that push society's norms to be changed (Kende & Krekó, 2020).

This populist right-wing wave puts slander and resentment towards immigrants at the top of its agenda regarding power. Veda Beltran thinks the rise of right-wing parties threatens immigrants and all democratic institutions. Citing the rise of far-right parties in Germany and France, she notes that xenophobic ideologies are returning to Europe (Beltran, 2017). Putting two statistical results together shows us why right-wing populist temptations intensified in Europe. She pointed to 2016, when the word xenophobia became the word of the year, and at the same time, the refugee crisis in Europe and the Mediterranean took shape. She stated that one of the two people who crossed the Mediterranean this year was a Syrian. It means that half a million "foreigners", "different", and, more clearly, "others" have entered countries that have not been long-time comrades to each other. Following this statistical reference, according to another UN report acknowledged by Glyn Ford, we encounter new political racism in Europe that promotes xenophobia. The steps are as follows:

- 1) *“Jewish conspiracy and Holocaust denial have given way to the clash of civilizations and Islamic fundamentalism,*
- 2) *Traditionally fascist right-wing parties have chosen to dilute their message and their membership to "fascist light". No longer pure fascist parties, they have become right-wing populist parties, who embrace a broad church membership that stretches from ideological fascists to racists, xenophobes and the alienated working-class whites. They now use a language of nation and tradition, sovereignty and community, rather than eugenics, extermination and fatherland,*

3) *They are deliberately narrowing the gap between themselves and traditional democratic parties as they dress down their rhetoric, and traditional parties steal these sound bites for electoral advantage as the new racist language leaks into the mainstream. Aided and abetted by Europe's Eastern widening, which has not proved a tool for tolerance, prejudices suppressed for decades by communist regimes have re-emerged to underpin new quirky racist, xenophobic and bigoted politicians and parties"*(Ford, 2007).

However, we must not forget that the wave of xenophobia has almost no more meaning, and that is Islamophobia. This fear also started before the refugee migration crisis in 2015. The refugee crisis is in fact a pseudonym to portray Muslims as a threat. Since mid-2015, at the same time as rising tensions in the Middle East, Europe has faced an unprecedented wave of migration. This almost uninterrupted migration has faced the White Continent with a variety of fundamental challenges, the most important of which can be considered in European security. For centuries, there has been a variety of voluntary and involuntary migration in Europe, both as a destination and as a source, and this is not the first time the continent has struggled with migration, but it has never been a problem which considers as a threaten for security. In other words, if most of the migration was previously related to the economy and the inhabitants of European countries considered immigrants a mere threat to lose their job opportunities, now in addition to this, the threat is more exhaustive, and that is the security of their lives.

According to the European Monitoring Centre on Racism and Xenophobia (EUMC), due to 9/11¹², many Muslims and their communities in European countries had become targets that were constantly hostile to residents of the host communities. The persecution was so intense that many of these countries decided to implement new cultural policies and interfaith programs to make this phobia less intense. Taking view at 9/11, along with the volatile situation in the Middle East - which is not seen as ending - has affected many of Europe's political and social structures, and

¹²The 9/11 attacks, often referred to as 9/11, refer to the coordinated terrorist attacks carried out by the Wahhabi Islamist al-Qaeda terrorist group against the United States on the morning of Tuesday, September 11, 2001.

"Europeans have almost dominantly felt prejudice, discontent and marginalization" over Muslims in Europe (Allen Christopher & Nielsen Jorgen, 2002).

That is why the leaders of the European Union are urged to pay serious attention to this issue, and in addition to the EU's cultural and social efforts to stem the tide of Islamophobia; the bloc has stepped up security measures to protect a united Europe, including a particular clause called the *Solidarity Clause* in the European constitution. As a revenue policy, this clause then required and permitted the EU member states to use all possible means to prevent any terrorist threat on European soil (Ekengren, 2006).

The annexation of this clause united the member states in a way that all of them consider the security of the European Union as a matter of priority and seriousness, and on the other hand, by defining the borders of the Union as the basis of security, considered borders control as a crucial issue in terms of security.

The factors mentioned above, "prejudice, discontent and marginalization", have brought the issue of borders to the forefront as a vital issue that directly bears the security of European citizens. The first is the 9/11 attacks and the wave of anti-Islamism, the second is the Madrid terrorist attacks in 2004, and the third is the broader meaning that the European Union found as a territory that can increase its membership to more than 30 members. There is no doubt that the European Union should double its border security in those circumstances and do its utmost to protect its citizens, but the part I will quote now from Ekengren shows that the issue of borders goes beyond the protection of the soil simply. It shows that the issue is merely a distinction based on race and religion and, in a word, specific geography and is inconsistent with European democratic standards. *"The goal of the EU is not the defence of the territory at the borders of a geographically delimited area, but rather the defence of an unspecified 'people' and an undefined institutional capacity for democracy"* (Ekengren, 2006).

By the end of August 2015, tensions over the influx of refugees from the Middle East had escalated, and of course, more politicians than some Europeans were disappointed with the presence of people from different geographies. To the extent that they expressed their dissatisfaction through inappropriate words to Angela Merkel while visiting the refugee camp in Heidenau, near Dresden, Germany.

According to National Geographic, Germany accepted more than one million refugees in 2015, citing the principle of human dignity enshrined in its constitution. In fact, according to UN figures, climate changes this year- 2015, including ongoing droughts as well as the Syrian civil war, have left 21 million people living in the counties where were not born there and also more than at any other time since World War II (Kunzig Robert, 2016).

- Propaganda

The purpose in mentioning these cases is to draw readers 'attention to the fact that the fear of immigrants is not just due to the fact or even the governments' exaggeration about the security and danger of immigrants, as mentioned above that despite the German government's acceptance in 2015 some German strongly opposed her. Instead, these geographical and religious cultural fears sometimes force Europeans to treat immigrants harshly. Nevertheless, when we take a closer look at the issue, we find that it is the politicians who sometimes, with their policies, cause the presence of foreigners as threatens. Indeed, these fears among the people are the logical result of the policies that have been created by highlighting the differences. Because the presence of a population that is different from the host country in every way creates a culture shock, ¹³especially if the guest population wants to live in the host country forever or for a long time. However, what is being done by politicians can help perpetuate and exacerbate this fear or reduce it to a rational confrontation.

Fear of strangers is natural when the EU ties the security of member states to the closure of its borders and when, as will be seen later, uses any means to reject migrants. Both examples have been selected from Germany to illustrate well the course of dissatisfaction with immigrants has been and remained.

Benjamin Franklin, the founder of the United States, mentions the Germans in his letters so that I do not mention all of them, but in short, he looks at them from another level that is hard to believe. From Benjamin Franklin's point of view, white Germans endangered the whiteness of New England. Their behaviour did not

¹³Cultural shock follows a significant cultural change and can cause great discomfort to the individual. This condition occurs when people suddenly find themselves in a new culture with which they feel completely alienated. They may also be confused about maintaining, changing, or adopting a lifestyle.

conform to American libertarian standards, and, as a result, they were unable to adapt to modern American society. He explicitly says something very similar to today's Muslim immigrants in the Middle East. He says: "*Why should Pennsylvania, founded by the English, become a Colony of Aliens, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion*" (Houston, 2003).

As we can see, Franklin's argument and his fear of the German immigrant population are like many people's fear of Muslim immigrants, and of course, it is more intense and fundamental because the circumstances and characteristics of the two groups are entirely different. The Germans had entered American territory when the country was being established and, as a result, was in dire need of labour. Besides, the face and skin colour of the German people were very similar to those of the Anglo-Saxons of the time. In addition, the common religion and same alphabet, which are the essential features of the immigrants' affinity with the host country, have been not far away. Another example shows a little of Germany's social situation after almost three centuries as one of Europe's most important host countries.

Naika Foroutan names a *cultural panic*. She considers the leading cause of hostility to immigrants - Muslims - in Germany to be a cultural fear, not a fear of reality. According to her, Germany has a strong economy, and the unemployment rate is meagre, and the government is constantly investing in infrastructure, so the Germans themselves know that there is no room for economic concern, but they are culturally afraid (Krüger Karen, 2016).

If we did not observe Benjamin Franklin's view above, it might seem logical that a culture shock could justify any treatment with immigrants because the differences between the two groups are so significant that they seem incomprehensible. However, we saw that even with so many similarities, even when the position of one country is different from another, accepting a guest is difficult and unpleasant for the host. Furthermore, if we add to all this, the policies that, with the help of the media, point to the magnification of these differences, we will find out why ordinary people cannot accept other people who are different only because of their origin, face, race, religion and language and not being human.

Karen Krüger interviewed Naika Foroutan and asked her to give a significant example of the cultural misunderstanding clichés in German society against the immigration crisis. During the interview, she observed German people consider Muslims as those who always benefit from other people and give nothing back and so did not want them to live in their country. Here is quoted what they have said and shows their point of view about Muslim immigrants. She said: *“(German) People said: we don't want any social parasites here, we want Syrian doctors. But that is currently not as important. Most Syrians, whether they are doctors or not, are after all Muslims. And according to one of the stereotypes, all they do is not hang about in the refugee shelters or get into fights, nor can they control their sexual urges”*(Krüger Karen, 2016).

In this interview, we see that the prevailing view over Muslim immigrants is negative and based on rumours, the accuracy of which cannot be measured. Furthermore, when these rumours are accompanied by fear, problems can no longer be addressed without hindrance and transparently because the facts are buried under the layers of fear and prevent the correct access to the right information and ultimately analyse and decision.

However, conversely, Germany's reaction to immigrants in 2015 can be cited in support of an open border policy. Germany was able to act in the best way and with an empathetic approach to the refugees and immigrants. While in some other European countries, they are seen as a civilian power and threat and potential. Dingott attributes this to Germany's post-World War II efforts to cultivate a collective identity emphasising individual freedoms and liberal values (Dingott Alkopher, 2018).

The German response, and perhaps Angela Merkel herself, was the best possible approach to the 2015 Muslim refugee crisis in Europe. An approach that was accompanied by a social and psychological understanding and was able to change to some extent the very hateful attitudes that existed towards immigrants - Muslims - and instead of creating inflammation and terror, with a policy based on empathy - from the principles of care ethics – managed this crisis. Bahar Rumelili argues that Germany while accepting the distinction of immigrants as *“others”*, does not see them as a threat but takes a positive approach to these distinctions (Rumelili, 2015).

In particular, Angela Merkel, with her just and humane decisions made in 2015, at the height of the immigration crisis, was able to regain control of Germany's borders, thus reducing domestic concerns and, on the other hand, observed refugees as human beings who need help. Although her immigration policy increased the power and popularity of the far-right party¹⁴ in Germany, while recognizing the right to protest freely in public for the German people as citizens of a democratic country and stated: *"It's important that we don't go out of our way to avoid certain areas only because there are a bunch of people screaming"*(De La Baume, 2017).

Acknowledging the geographical conditions of Italy and Greece in the unfair entry of refugees, Merkel noted that a fair approach should be taken to the distribution of refugees across the EU. If we put Merkel's words next to the words of the Slovak president, it will be pretty clear how the approach and decision of politicians can change the opinion of the people of their country towards immigrants and refugees and make them satisfied or angry. The Slovak president, Fico, had been expressed such an idea on those days: *"Muslims have no place in Slovakia"* (Maurice Eric, 2016).

After all this evidence, the question arises, what should be done now? That is, how can this xenophobia be eradicated, or at least find a way to alleviate it? Given all of the above, is that as long as there is a sense of dread as the dominant sentiment towards refugees in Europe, no positive change will occur because, first of all, people cannot be forced not to be afraid psychologically, but they must be convinced that there is no place to be afraid of immigrants. Moreover, just being different and thinking differently should not lead us to racism. Nevertheless, this persuasion requires much work and depends on many factors. The issue of persuasion separates the approach of supporters and opponents of open borders socially.

In this regard, Glenn proposes a three-step solution to eradicate xenophobia across continental Europe. First, there must be a consensus among EU countries to push back extremist parties by democratic parties. Second, it must be consistent with the laws adopted in the Member States and with the laws adopted in the European Union. For example, in an autonomous state, a law is sometimes passed from an

¹⁴AFD or "Alternative für Deutschland" is a conservative party in Germany founded in 2013. It is an entirely right-wing party that opposes German immigration policies and the European Union and is known for its anti-Islamism.

anti-xenophobic country and conflicts with EU-wide laws against racism and xenophobia. And third, after passing the legislative stage, ensure that the laws passed are enforced and that all Europeans have the same rights and responsibilities and are not divided according to other criteria such as gender, race, or country (Ford, 2007).

Cynthia Wright's opinion also confirms the previous ones. She also believes that the wave of xenophobia/Islamophobia after the 9/11 attacks has affected the whole world and made immigrants and refugees more difficult than before. In her view, it is also imperative that academics, by providing accurate statistics and scientific reports based on historical and contemporary facts, widely support fundamental and anti-racist measures at the transnational level (Wright, C., 2003).

Ariane d'Appollonia also acknowledges that the precise and calculated policies of the countries on both sides of the Atlantic have created fear about immigrants among their inhabitants. She says these governments have deliberately placed an institutional link between the two concepts of immigration and insecurity. To the extent that all this "*rhetoric of invasion*" uttered in these countries by -the far right- is due to the assumptions made to politicize the concept of immigration and tie it to a fundamental fear (d'Appollonia, 2012).

The two reasons that the -far-right wings- or all supporters of the idea use to portray immigration as threatening, and to try to convince the people of the host countries why immigrants and immigration issue are inherently a threat, are quoted directly by her:

- 1) *"It is a characteristic vagueness in the evaluation of immigrant stocks and flows continues to fuel heated debates about the impact of immigration in receiving countries. Pressure from anti-migrant groups often results in the circulation of mythical numbers, in addition to a large degree of terminological confusion in the media devised to depict new major waves of immigrants as a threat to national cohesion and national identity,*
- 2) *The argument that newcomers pose a threat to national identity is based on the claim that descendants of earlier European immigrations could easily assimilate because their European origins made them culturally similar to core*

ethnic groups. Yet there is strong evidence that prior European immigrants suffered from discrimination”(d'Appollonia, 2012).

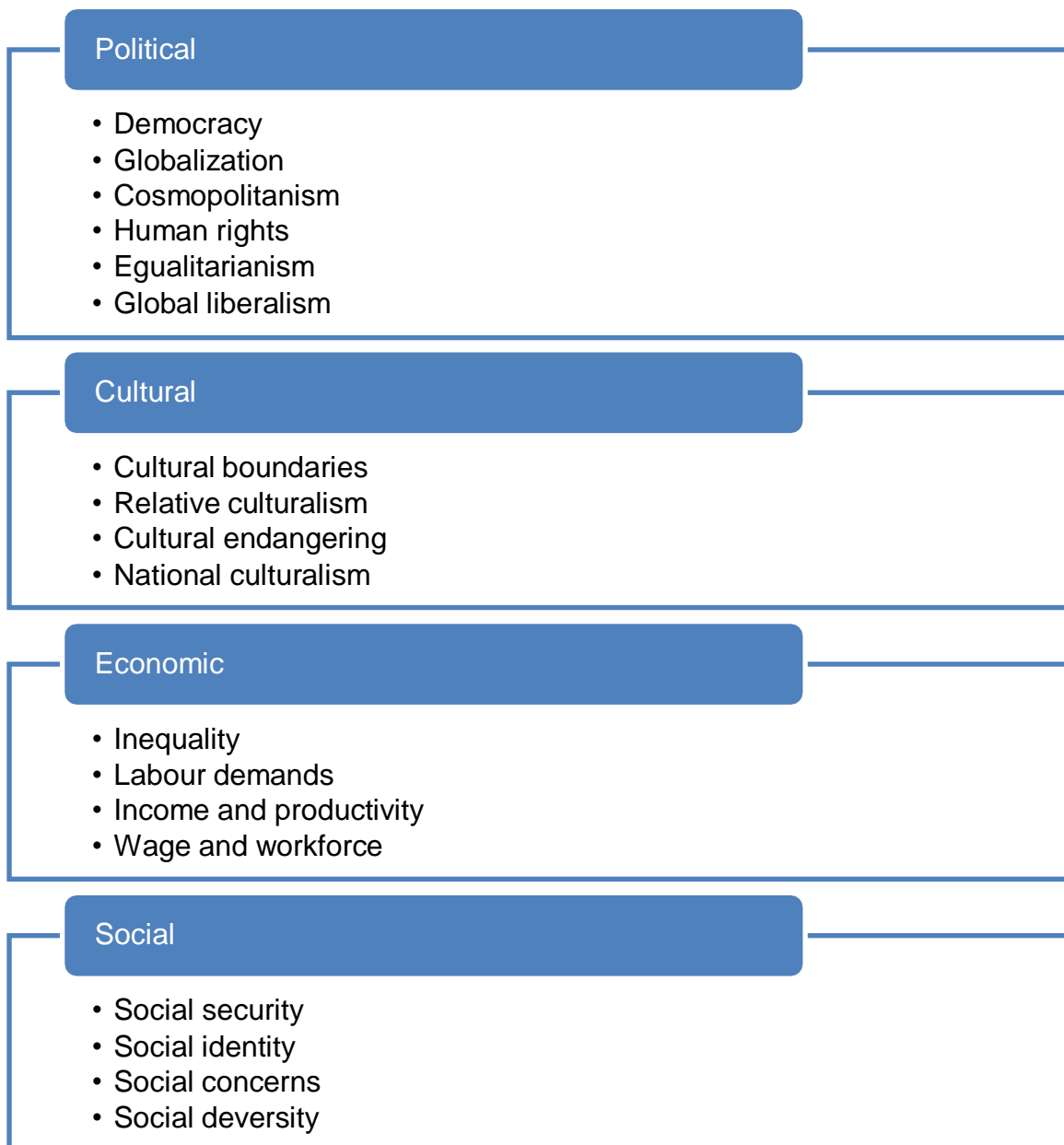
In another research, Cecilia Menjivar confirms that the immigrant's name or concept is now tied to security issues. She says that if in the past, some migrants were considered a potential threat to the host countries due to their unknown backgrounds and identities, today, any kind of migrants have considered a security issue around the world. For example, formerly, immigrants suspected of being terrorists caused fear in the host countries, but now in most host countries, even undocumented immigrants are considered a security threat - for this reason alone (Menjivar, 2014).

After describing xenophobia and mentioning some strategies to deal with it, we conclude that it shows a fundamental difference in the quality and quantity of social acceptance inside the immigrants' community. While studying the political participation of immigrants, Elaine De Rooij finds that some immigrants have less involvement in the political affairs of the place of residence in practice, and ironically this participation is less seen among non-Western immigrants (De Rooij, 2012).

Although she has specifically focused on political participation, there is no denying that any participation in society goes back to the community. In other words, participation in any matter and level is, in fact, a form of social participation, and if a person is more present in society, his or her subconscious activities in society will be both more and more diverse. To this end, political participation does not only mean voting and participating in elections, which requires special rights. She shows that in many employment cases, there is a big difference between Western and non-Western immigrants. For example, people who are more present in the community and active in the social networks will have a better chance of entering the labour markets of that community. On the other hand, they have to spend more time in the host community to find more social connections, and obviously, non-Western immigrants are more successful in this cycle.

Figure 3. *Areas of Discussion of Open Border Issue*

Designed by the author.



1.3. Open borders opponents arguments

Christopher Jencks predicted in 2001 that the US population would grow exponentially by 2050. He blamed the unprecedented growth on a lack of control over the influx of immigrants into the United States, noting that Congress created and implemented a new immigration policy in the 1960s that left low-skilled people, political refugees, and the joined relatives of those who have previously been US citizens and made the fourth wave of immigration. According to Junk, the problem with this new wave of immigrants, mainly from Latin America, the Caribbean, and Asia, was the rapid and steady growth of their population, which by 2050 would make up almost half of the US population (Jencks, 2001).

This prediction can be examined from two directions and interpreted according to the approach. For example, if defenders of open borders see this statistic, they interpret it as an extraordinary power and an opportunity for the country's racial, cultural, and social richness. In contrast, the opposition sees it as a threat to reduce regional power by destroying national unity and cohesion.

As Jerry Kammer believes in this regard, the two groups always argue over immigrants and immigration issues. One is that conservatives equate the increase in the number of immigrants with more votes favouring their ethnic interests, arguing that immigration should be restricted, and other pro-immigration groups who consider any restriction on immigration with racism, bigotry, or simplification (Kammer, 2015).

Perhaps by comparing Bernard Crick in his book on the political views of liberals and conservatives, one can understand why right-wing parties have consistently opposed such immigration and demographic change, and, conversely, liberals have advocated it. In his view, conservatives have always considered themselves responsible for maintaining the basic order in the government or the ruling power because if they do not take care of it, other parties will use political lobbying to achieve their interests to disrupt the work of the government. They try to gain the support of the other parties by entrusting small and insignificant matters to them, and therefore, help the ruling power to continue ruling peacefully and strongly (Crick, 2005). Liberals, on the other hand, are looking for power in another way; by do not pay the price for what they are looking for. They seek to enjoy all the fruits of politics,

such as *“liberty, representative government, honesty in government, economic prosperity, and free or general education, etc.”* without paying the price or even suffering. From his point of view, liberals are looking for picking the fruits- benefits- without having any responsibility for protecting the tree- ruling power.

When we look at this division of his, we will see how conservatives used to show that the entry of immigrants will not be in the interest of the host countries and how they try to advance their goals by creating fear among the masses. They do not deny that liberalism, as a view fundamentally at odds with conservatism, will also have achievements. Nevertheless, at the same time, by emphasizing that any tradition other than conservatism does not contribute to the security of society and the preservation of the integrity of the government, try to frighten them. As a result, they stay away from parties and groups that have been identified as weak supporters of unity and security and do not vote for them. Moreover, it is clear which groups are generally opposed to the issue of open borders and are attacking any policy close to this idea under the pretext of changing the cohesion of society and influencing the economy and threatening security.

1.3.1. Economic objections

It can be said that economically, the influx of refugees and migrants in the border areas of a country is a factor to disrupt the economic situation of their hosts, especially if that border area does not enjoy a good economic situation. The main argument of this group of opponents is that, in general, the influx of people from outside the borders is to the detriment of the domestic economy and hinders the development and dynamism of the domestic economy by relying on the stranger's forces.

- Hurting local economy

Kirişci claims that Syrian refugees in Turkish-Syrian border towns have reduced per capita incomes in these areas compared to other parts of Turkey. Therefore, they are socially dissatisfied with the presence of Syrian refugees and consider them as the causes of all economic disadvantages in their region due to their impact on increasing rents, reducing wages, and occupying job opportunities. This resentment and anger will certainly not have positive consequences, at least for the refugees,

and according to the report, will lead to an increase in the number of Syrians seeking work in the informal sector - undeclared work- and thus increasing the risk of severe exploitation (Kirişci, 2014).

According to this report, it can be concluded that one of the most important arguments of the proponents of closed borders from the economic point of view is the same above mentioned disorders that occur in their border areas and do not remain only in the field of economics instead goes as far as human exploitation. However, and despite all the dissatisfaction among the local people about the existence of Syrian refugees, the fact of the matter is that Syrians work for lower wages and more hours than Turks, and this ultimately leads to improving the economic conditions of the host countries, as we observe in Gaziantep city in Turkey.

According to the same report, he continues that the economic impact of the Syrian refugees on Turkey has not been negative, and even Turkey is engaged in cheap labour that pays less for them for more hours. Suppose we replace the defenders of closed border policies with Turkey. In that case, we will see it is an imitated policy which instead of providing the conditions for the same existing workforce to work legally and provide the same economic growth and perhaps more for the host country, they deprive their rights by avoiding any steps towards creating a legal basis for immigrants, and constantly complains about the heavy economic burden (Kirişci, 2014).

One of the economic problems that opponents of open borders face is that the world's financial system will become increasingly global with the lifting of border restrictions. Moreover, according to John Agnew, this leads to three unfortunate consequences in the economic systems of countries and the world. First, the economic power of institutions such as pension funds and insurance companies is reduced at the national level, and they are forced to compete with similar institutions at the global level. Second, countries also have to deregulate national stock markets, float the exchange rate to cope with the global tide, and finally, prepare the ground for joining the transnational economy that means losing national economic power. Furthermore, third, due to the fierce competition among financial institutions to provide fascinating services to customers around the world, the activities of these

institutions will be almost non-stop, around the clock, and without government oversight (Agnew, 2003).

Another concern of proponents of the idea of closed borders in economics is that if border restrictions are lifted, powerful countries will bring the best and most talented human resources from developing countries to their countries. At first glance, this seems like no problem because more and more residents of developing countries can take advantage of the opportunities offered by developed countries. But the problem begins when such an increase in income and progress equals slowing or even halting economic and human growth in developing countries (Caplan & Naik, 2015).

This claim, of course, has been answered by the defenders of open borders in such a way that such a thing has not been proven empirically, and there are even inverse cases for it, which show that these people have returned to their country after gaining the necessary skills and capital, although, it can be answered again that the number of people who return is much less than those who stay.

- Increasing global gap

One of the few debates over the rejection of the open border idea is opposing theorists' position against globalization. Because globalization has a gentle position on the opening of borders, they also conclude that the proponents of globalization do not see the same as reality. They believe that an essential claim of the proponents of globalization is poverty reduction through various distribution policies while developing countries are still not much different from before, and there is still much inequality in their territories.

Goldberg and Pavcnik explain why emerging countries remain poor despite claims of globalization. By calling globalization a *naïve idea*, they conclude several reasons for this. According to them, each country reacts differently to globalization, depending on the situation in which it is located and when it lives in it. As a result, a single version cannot be wrapped for all countries. In the globalization economy, for example, the situation of countries must be measured because supportive patterns in countries' trade before and after their approach to globalization are different and that the domestic market of these countries, depending on economic changes after

globalization, are affected by the quality and quantity of labour and capital available (Goldberg & Pavcnik, 2007).

Also, the issue of technology should be considered in these countries before and after globalization policies. Nevertheless, the problem that they have identified as the cause of the ongoing inequality and lack of change in their circumstances is that the increase in the desired effects in these countries is achieved when these cases are measured in the short or at least medium-term in each country separately, what is practically not exist yet.

Research in the *International migration papers* also endorses the former idea about globalization to some extent and shows that the complex effects of this phenomenon must be examined demographically and economically so that those involved in the process, from workers to countries, suffer the least. The report acknowledges that after a while and as this wave of migration from developing countries to developed countries continues, countries will receive an unequal share of experienced labour, and therefore, the winners are the developed countries (Lowell & Findlay, 2001). So far, we have seen that the opposition to open borders blames globalization the most. In their view, globalization is still in its infancy and cannot defend open border policies with reason, and what it says in defence of these policies is not based on comprehensive assessments; in other words, it sees only part of the case, and it is because of this flawed approach that we do not see the apparent impact of realizing one of its core claims, economic equality between North and South. Therefore, we cannot accept the globalization approach to border restrictions because any irrational decision will affect all parties- migrants and hosts- to the issue in many ways.

Another approach to border control from globalization goes back to Foucault and his particular neoliberal views. As Nicholas Gane states: *“For Foucault, neoliberalism is not the same thing as anti-statism or the devolution of powers from the state to the individual, but about the constant push to define and regulate social life through principles that come from the market. For Foucault, neoliberalism has its own governmental logic and ‘should not be identified with laissez-faire, but rather with permanent vigilance, activity, and intervention. This aspect of neoliberalism has often been missed by commentators more concerned with the disempowerment of politics*

in the name of economics, or with attacks on the (welfare) state in the name of the market”(Gane, 2012).

Also, Andrijasevic and Walters have been analysed and focused on border restrictions by the *Foucauldian analysis of neoliberalism* approach. By pointing some data, they conclude that: *“It has happened in many cases that international migration organizations, and in particular the IOM here - instead of carrying out border improvement and management projects to overcoming the restrictions, do the opposite and move in line with the border restriction policies of some countries. They show how governments, through various projects, seminars, and books with the help of these institutions and in the border areas, try to pursue their border policies and achieve their old and imperialist goals as powerful countries and eventually leads to “enhancing their control ‘capacities’, and in doing so, enjoined to play a strategic role in the wider rebordering of global society”(Andrijasevic & Walters, 2011).*

This concern has been observed from another aspect; the borderless world can strengthen global institutions. It may seem like no problem at first. Alternatively, it may even be considered a positive point by the world. Nevertheless, we will face these global institutions will replace the local and government agencies. Again, the downside may not be apparent. However, as Agnew thinks, these international organizations can hire business people, academics, and journalists from different countries, in which case we have a class of employees and managers that the interests of the company or the organization in which they work are considered more than the national interests of their country (Agnew, 2003).

1.3.2. Political objections

One of the most common arguments for restricting immigration is that countries do not consider themselves responsible for the problems in immigrant countries. Michael Blake explicitly states that it is impossible to determine who is responsible for its underdevelopment. It is also unclear whether developed countries are responsible for this lack of development. As a result, immigration restrictions cannot be lifted solely based on what is stated in immigration ethics and which considers open borders as a moral and philosophical duty of developed countries. An example to illustrate the point is that just as a human being has the right to choose the surgeon he or she wants to meet, so does a government have the right to accept the

immigrants it likes in its own country, and both cases. There is no moral impediment to any decision made (Blake, 2008).

It can be interpreted as although rich countries acknowledge the difficult situation of some people living in emerging countries and regret it, this does not mean that developed countries should reside them in their own countries. Besides, there is the problem of *political integration* that Blake mentions; that is, people living in democracies have a more remarkable ability to conform to democratic standards, so developed countries have the right to accept immigrants selectively.

- Sovereignty

What can be said in the political defence of the closure of borders is based on the principle of sovereignty. One of the primary responsibilities of a country is to maintain national sovereignty, which serves as a justification for the strict control of borders. However, this principle conflicts with the principle based on the fundamental freedoms of individuals, of which free movement is also a part. However, international law also imposes restrictions on a country's authority over its border policies.

Kevin Johnson believes that although liberalism has always advocated and established the status and value of individual rights in a society, it is nevertheless, given what is happening in many liberal countries, such as the United States, about immigrants and the phenomenon of immigration, can be concluded that in this particular case there are strict restrictions on immigration based on the principle of national sovereignty (Johnson, K. R., 2009). Indeed, he wants to say that the basis of closed borders goes back to the principle of sovereignty and authority and the dominance over other principles of liberalism. Because what we see in the dominant border policies of liberal countries is a conflict between the concepts of national sovereignty and the inalienable right to free movement that is being ignored.

Christopher Rudolph believes that political opponents of open borders consider the preservation of national sovereignty to be the main task of the state and, therefore, unforgivable. What guarantees land security is economic power and the nation's unity under the state's rule. In his view, if the strategy of the formerly powerful governments, which had an imperial army and based solely on strengthening the

military force to conquer other lands and annex other nations to their nation, were compelling and practical, now in the age of globalization, the supremacy of one country would not depend on national sovereignty (Rudolph, 2005).

It means if previously sovereignty was best defended through the ownership of material and human capital, now this ownership has given way to managing all kinds of material and human flows inside and outside a territory. As a result, opponents of open borders argue that if borders are open, the ability to manage the entry and exit of troops and goods will be lost, and national sovereignty will be weakened.

Michael Walzer also argues that if a country or government does not fulfil its responsibility to defend its citizens and culture, the principal inhabitants of that land will do so, provided they feel that their characteristics and culture belong exclusively to them due to its difference from others. Moreover, because inclusive policies blur these distinctions and allocations and undermine a sense of uniqueness, open border policies are incompatible with maintaining national sovereignty (Walzer, 1983). This feeling or attitude, which attributes the strength of national sovereignty to border policies, has many supporters, especially among countries that still hold the traditional notion of citizenship rather than a nation-state.

According to one of the researches of the International Immigration Organization, some citizens think that an inability to control the borders will have unsatisfied political consequences that could lead to the country's collapse. Their argument for this claim goes back to the 1989 experience in Eastern Europe that with the demarcation of the borders between East Germany, Hungary, and Austria, the Berlin Wall collapsed, and as a result, a significant part of political power was lost and changed. Alternatively, even in the present era, the NAFTA Agreement is a clear example of linking the strengthening of national sovereignty to border and immigration policies (Martin, S. and Ferris E., 2017).

- Voting rights

Voting and political participation are other concerns of open borders opponents. In general, they believe that the political and social influences resulting from the efforts and civil struggles of a host society and are institutionalized as a value in society can be easily eliminated or at least becomes weak by giving immigrants the right to vote.

Joseph Carens gives an example that perfectly illustrates the concern of this type of open-border opposition in this particular case. He cites Dutch society as an example of a liberal country where many immigrants live and that one of the main concerns of those parties that do not want to grant citizenship to immigrants happens to be the right to vote. Because these parties predict that if a hypothetical election is held to vote on a gay issue, Muslims, who ironically make up a large part of the immigrant population in the Netherlands, will have the right to vote, it is clear what their choice will be (Carens, Joseph, 2013).

Although Carens cites some of the reasons for the challenge of granting citizenship to immigrants and thus granting them the right to vote, some other reasons shed light on this issue from other dimensions and will be mentioned here:

- 1) The advocates of closed borders have used the issue of suffrage to show that the presence of immigrants in host countries can have some negative far-reaching political consequences. On the other hand, Carens refers to immigrants who, after a period of presence in the host society, are subject to the specific conditions of that country in obtaining citizenship. So this issue cannot be invoked to defend the closure of borders because it is clear that no immigrant acquires the citizenship of any country upon arrival.
- 2) Supposing In a society like the Netherlands, for example, there is a concern that Muslims will be prevented from implementing specific policies in cases such as homosexuality, and as a result, should be barred from voting. In this case, it can be argued that Muslims' beliefs about homosexuality are equal to the beliefs of all Abrahamic religions and derived from them, and such an argument is not acceptable. As Meladze and Brown have been said: *"The Abrahamic religions predominantly view homosexuality as immoral"* (Meladze & Brown, 2015). So, there is no preferred reason to suggest, for example, that Jewish and Christian immigrants would welcome it if they voted.
- 3) According to some research, host countries' concerned about immigrants' voting rights, which they use as an excuse to close their borders. Furthermore, as has been shown, if assuming this fear is genuine and this is the case, borders can be left open without immigrants being allowed to vote (Caplan & Naik, 2015; Carens, Joseph, 2013). In other words, there is no

logical connection between the fear of changing the values of the host society through the voting of immigrants and the closing of borders.

- 4) The fourth principle is the *precautionary principle* that Caplan & Naik proposes. They claim that while open borders are considered a radical proposition, what the proponents of closed borders say about the consequences and dangers of open borders is unacceptable because most of their arguments are based on speculation. Besides, if we accept these precautions are politically correct, but there is no fact, and basically, no idea can wait for the results, like the anti-slavery law in the United States in 1860, which had many opponents citing the same hypothetical and unpredictable consequences (Caplan & Naik, 2015). However, now it is vivid for us about the rightness or wrongness of that decision. In addition, it is impossible to stop time to determine what the consequences of a decision are, especially if the parties to the case are not on equal terms and there is an unfair difference between them.

- Prioritization

In his article, Weiner shows how some thinkers, such as Walzer, see open borders as the root cause of injustice. His argument is based on taking the differences between members of a household or community and strangers for granted. It means that those who belong to a place or community have priority over others and concludes that collective consent is required for the entry and presence of anyone other than the original residents of a country and that they are the ones who determine who enters the territory of their land and under what conditions, and if their consent and permission are not taken into account and the borders are open without restrictions, a significant injustice has occurred against the inhabitants of that country (Weiner, 1996).

Another reason that can be cited for the general opposition to open border policies is the general justice-oriented view that many liberal countries, which also happen to have closed border policies, follow it. John Rawls' theory of justice is one of the sources of the policies based on liberalism. Rawls generally considers one of the conditions of an ideal society, so citizens are constantly pursuing that in different sections of society. It means that every citizen in this orderly, balanced society acts

according to their perception of justice. Nevertheless, due to the general structure of society being based on justice, if another citizen behaves according to his or her perception of justice, there will be no interference or disorder in the work of society and its order because that society is formed and organized based on justice (Rawls, 2009).

What can be understood from these few lines of Rawls' idea indicates the importance of maintaining the order and rhythm of society based solely on justice. As a result, according to him and his supporters, everything in society takes place with an orderly and interactive internal system. It shows that the proponents of Rawls' justice disagree with the presence and influence of external factors in the realm of their government and society because of its disruptive and inconsistent impacts on society, and as a result, open borders are certainly not justified in their view.

Jon Garthoffs' interpretation of Rawls' view of social order and cohesion in support of this claim shows that changing by external factors has been an integral part of our world. His example refers to the 19th and 20th centuries of industrialisation, which changed people's perception of the economy, labour, and society. Besides, due to the passage of time, our lifestyle and our cultural approaches have changed and will change, and as a result, the effects of external factors on the internal society cannot be prevented (Garthoff, 2016). He believes that in Rawls' justice-oriented system, the existence of any factor that destroys the justice-oriented order of society also disrupts the sovereignty and goals of society. However, this disruption does not impact the justice system but indirectly affects the people's political behaviour, such as their passion, duty, and performance. Moreover, most importantly, they pass it on to the next generation with intensity and weakness.

Angela Nagle, of course, believes that at present, and with having people like Donald Trump who have gone to war with a populist approach to open borders, even other left-wing parties cannot do anything special and practical. Thus, as we see, the discussion of open borders can be discussed and debated within the framework of liberal literature and its mainstream. In her view, the left political parties are left with only a series of moral arguments and only slogans. They have practically no clear and codified plan to defend the open borders, and this is why the opponents have laid their hands on this weakness to show that the borders cannot be opened by

invoking the slogans of the left such as: *“No human is illegal”*, while no thought was given to the critical issues like the education, health, and jobs of immigrants and residents of the host countries (Nagle, 2018). She also shows us that even in a society like the United States, there is a prevailing view of borders and immigration policies: *“right-wing”* to be *“against immigration”* and *“left-wing”* to be *“for immigration.”*

An example can show that even considering all aspects of an issue, the decision is not in line with expectations, but quite the opposite. Nevertheless, not all these violations prevent politicians from making decisions, but what compels them to accept or reject a problem is sometimes based solely on biased assumptions to achieve their goals. Simone Tholens notes that when Afghanistan, Liberia, and East Timor were in the process of forming a government with international security intervention, international observers sought to establish and maintain security through a variety of combined methods such as *“security sector reform (SSR), rule of law, institution-building”*(Tholens, 2017). However, they ultimately failed to reach the goals due to ignoring some factors. The main reason for this failure was the existence of unique normative systems, direct and informal relations of forces with each other and with internal security agencies, which organized the management of affairs in a way that implements their priorities and norms, and not the goals of that was specified before

Now we can observe that it is impossible to say that the policy adopted in a particular case, which was sometimes based on the facts rather than hypothetical calculations, turns out to be correct. Moreover, in general, the conformity of future results with the decisions of the present is not guaranteed. Here, we confront the question; how do closed border advocates make sure they anticipate their assumptions about the –adverse- effects of open borders?

Again Tholens shows us that, essentially in the neoliberal approach, borders can be opened and closed in the interests of governments - not nations. She says: *“In many contexts where international interventions in border management take place—in unstable countries where so-called ‘porous’ borders are considered to pose threats to global security—the existing situation is often one of the soft frontiers rather than fixed hard borders. In these circumstances, the aim of border management programs*

is often to change open-ended spaces along the external rim of the state into hard and controllable boundaries—albeit with the flexibility to allow the passage of ‘desirable’ goods and people for purposes of trade and economic integration. Border management strategies are thus neo-liberal and ‘soft’ in principle, but often expressed in rigid and ‘hard’ manifestations” (Tholens, 2017).

So, ostensibly, a country may agree with the arrival of immigrants, but only those who meet its criteria, and not every human being who has chosen to seek refuge to improve his or her conditions. It means a country may have stringent rules for entering its territory, but it will be lenient with the entry of some immigrants if its interests so require. In this approach, it can be seen that an immigrant has no priority and value to enter a country in the first place, but depending on the needs and views of the host country, his or her value is measured and will be allowed to enter.

1.3.3. Cultural objections

The Slovak National Party stated in the 2016 election manifesto its intention to protect *“Slovak ethnic, cultural, confessional and social integrity from illegal migrants, coming from a different ethnic, cultural, religious and social environment”*(Walter, 2019). This phrase by the Slovak Parliament shows the cultural concern of the opposition to open borders. In general, they consider any kind of cultural mixing or even, according to this phrase, any kind of cultural confrontation as a violation of their culture. Here, we need some explanation about this issue, and that is why it has been tried to analyse what the Slovak National Party has said.

The most well-known reason given by cultural advocates for border restrictions is the preservation of the host country's culture. In their view, this is the inalienable right of any nation to preserve its own culture, and the entry of foreigners with different cultures will affect the host country's culture. The main problem here is the preservation of cultural identity. Moreover, since there is always a wave of migration from non-democratic countries to liberal countries, there is a concern for liberal countries about how to protect the values of liberalism from change. Therefore, it can be seen that the cultural opponents of open borders- by tying the knot between culture and identity- consider any cultural change and difference as interdependent and therefore consider the existence and entry of different cultures into their society as a kind of danger and threat.

It can even be said that the issue of culture in immigration and its ethics and policies is one of the most challenging issues, both in defending and opposing the cultural rights of immigrants. The reason was wide-ranging; a dimension of culture rooted in many layers of people's lives, and then changing or redefining it is not very simple.

As Caney says:

“Cultures include many different elements. Consider, in particular, four component parts:

- *Habits or practices,*
- *Self-identification,*
- *Beliefs about the natural, social, and political world,*
- *Ethical views”* (Caney Simon, 2009).

Mentioning these dimensions, Caney concludes that the category of culture in current people's daily lives exist in a way that not only geographical location can affect it, but also the beliefs of the dominant people in the region - the host country - can be more effective than any other policies in limiting or liberating of immigrants lives. The examples he gives show that merely establishing or removing cultural restrictions may not be a solution. For example, a society dominated by Roman Catholics has rituals and morals based on their belief in God and the afterlife, or Muslims who wear different clothes from the host society, or any other groups that have their wedding and divorce ceremonies and rules are all just looking for one thing, and that *“what makes life worthwhile”*.

As a result, what gives meaning to people's lives is by no means cannot be an accurate assessment because even in a family that is the smallest unit of society, the meaning of life is different for its members. It will have a different culture depending on the identity that each person feels and the defines her or himself, so it can be said that although the non-recognition of minority culture is contrary to democracy, the absolutist view of the culture that exists in the beliefs of its proponents is sometimes practically impossible.

Gildersleeve also argues that we can only observe immigration as a cultural threat in the Humanism approach. It is due to the specific subjective definition of identity in this school of thought. He says: *“In opposition to humanist thought, there is no such thing as a unified self or stable identity. Rather, selves are made plausible as tentative, contested, and conflicted subject positions are produced through discourse. Moreover, a reified sense of self, often called identity, can be understood as a technology for population control, working toward particular biopolitical interests as an exercise of power”*(Gildersleeve, 2017).

Huntington's concern is another example of this issue and shows a direct relationship between the cultural approach of immigrants and the host countries' identity. However, according to the above section, this cultural difference is due to the integration with identity, which has increased the level of concern. Huntington considers immigration as something that directly affects people's identities in host countries. In his view, the current values of the United States, including Protestantism, individualism, religious commitment, the rule of law, and even the English language, were brought to the United States through the British and today form the national identity of Americans. Nevertheless, he regrets that this valuable identity has faded and challenged American identity due to the multicultural and multilingualism prevailing in the United States by absorbing the Latin immigrants and so on as immigrants. Although patriotic sentiments for American identity have risen slightly since 9/11, the identity continues to wane from his point of view (Huntington & Dunn, 2004).

Another cultural problem is that the host governments cannot adopt consistent cultural policies because the number of immigrants, especially those from war-torn areas, does not stop and is almost on the rise, so governments cannot budget and determine specific cultural policies. On the other hand, as Kirişci says, governments - here, the Turkish government - face two levels of cultural integration: formal and informal, or employment and education. Each of these levels requires its necessity and policy, and it is impossible to apply a single cultural policy for both of these areas (Kirişci, 2014). The difficult cultural level faced by the Turkish government in educating Syrian refugee children is the ambiguity surrounding the language and teaching materials of Syrian children. In fact, in addition to the economic costs of

educating refugee and migrant children, host countries also have difficulty developing their curricula and language of instruction.

Although, in this case, both the host country, Turkey and the Syrian guests are both Muslims and belong to the same branch¹⁵, culture is not defined in religion alone.

Kirişci continues: *“while older boys and girls study in sex-segregated government schools in Syria, boys and girls study together in Turkey. Thus, children who receive an education based on Syrian curriculum are less likely to easily adapt and function in a Turkish environment. Education outside refugee camps will need to be closely supervised, as content and delivery is vulnerable to politicization due to the resentment, prejudice, and sectarianism triggered by the war in Syria. Turkey is a very diverse society and any teachings that promote societal discord along ethnic or sectarian lines would in the long run have serious security related consequences”* (Kirişci, 2014).

Host countries are concerned about the number and influence of immigrants in culture. For example, in a monarchical or liberal society, the entry of people who do not feel any belonging to the style of that country has caused concern among the hosts. Consider that the host country is a monarchy that has had many conquests throughout history and is constantly praised, and on the other hand, it hosts the children of a country that comes from an anti-monarchy system and is synonymized by all historical conquests in colonialism and exploitation. Indeed, the educational system of the host country will be very confused here and does not know what approach to take in the field of education for these children. Furthermore, as have already mentioned, one of the cultural factors of closing borders is to avoid conflicts incompatible with that society's main context and values.

¹⁵Islam has two main branches and sects called Sunni and Shiite. Eighty-five per cent of them are Sunnis, and 15 per cent are Shiites. As a result, the dominant sect of Islam with 1.6 billion Sunni Muslims and Shiites are the minority. On the other hand, while only Iran, Iraq, Bahrain, Azerbaijan, and Lebanon have significant Shiite populations, Sunnis have a majority in more than 40 other countries, from North Africa to Southeast Asia. Although both branches believe in the Qur'an and the words of the Prophet Muhammad and consider him a prophet of God, they have differences in the performance of rituals and different interpretations of Islamic law. However, it is not a secret today that the most significant conflict between Shiites and Sunnis in the present era is the power struggle and the struggle for Muslim leadership between Saudi Arabia as the representative of the Sunni majority and Iran as the representative of the Shiite minority.

However, Wellman gives reasons to suggest that this concern may not be very lasting, and in fact, there can be no direct and so effective connection between migration and cultural change. Because, first of all, there is no absolute principle that shows that one culture is better than another and that nation generally exaggerates the superiority of their culture. Second, some cultures do not have specific characteristics that distinguish them from others. Third, the fear of change is not specific to culture, and in general, any change for human beings can be accompanied by fear. Fourth, there is no guarantee that if there is no migration and people from outside the culture does not enter a country or region that country's culture will be preserved (Wellman, Christopher Heath, 2020).

1.3.4 Social objections

Opponents of open borders do not consider empirical matters to be credible in this regard because they believe that everything we say about the benefits of open borders dates back to very distant times when the situation was fundamentally different from today. For example, we encounter many changes nowadays that have taken place in human societies compared to the past. In other words, these opponents argue that both the definition of the border and the definition of migration are fundamental differences from the past that cannot be ignored, such as the changes in the transportation industry, which have converted the world's situation. Therefore, we cannot base our border policies on them today (Caplan & Naik, 2015).

Mitt Romney¹⁶ observes security as synonymous with closing borders. He seeks to ensure the security of the borders without any waiver and only for the security of our people - the people of the United States - according to his election speech in 2012, security is achieved by performing four steps:

1. Prevent illegal border crossing,
2. Visa rules become stricter,
3. Advanced fences should establish around the borders,

¹⁶Willard Mitt Romney is An American politician and businessman and a Republican senator from Utah State since 2019 and who has been nominated for being president of the United States in the 2012 election and lost to Barack Obama.

4. Ensuring the departure of immigrants or people who have to leave the country in any way (Romney, 2012).

Another concern of opponents of open borders concerning immigration and open borders is insecurity. Johnson believes that there is essentially organized coordination between the federal government and the states to ensure that even the slightest crime committed by non-citizens leads to their expulsion. If a US citizen commits the same crime, it may be even not considered a crime at all, or a minimal punishment awaits him or her. Evidence of this claim is the theft of movie star Winona Ryder from a shop in Beverly Hills, which had almost no consequences for her, whereas if a non-US immigrant had committed the same theft, he or she would have been expelled from the United States as the ending (Johnson, K. R., 2009).

In fact, from what Johnson has said, it can be concluded that one of the claims made by governments to close borders is to show them dangerously and to exaggerate their crimes in a way that not only leads to their imprisonment but be fired altogether - and possibly forever. Naturally, the inhabitants of any country do not want their social security to be disrupted. However, it should be borne in mind that this issue is sometimes exaggerated and blackmailed so that the citizens themselves conclude that the presence of immigrants is a potential threat to the security of their society. An example of this is the reaction of the Visegrád countries to the wave of Muslim immigrants in 2015.

According to Dingott, these countries were able to create a sense of insecurity among EU member states - and most of all their own countries - to make the migration of these people to Europe contrary to European security. By creating an introverted mechanism that emphasized European national identities, they sent a message to the EU that they would not follow the EU's integrated policies due to a lack of consideration for European security and identity and would take an independent stand on the issue. She calls this policy *securitise-the-self* and believes that by creating an atmosphere that emphasizes the anxiety and insecurity of European societies due to immigration, these countries have caused many social and psychological reactions in their countries towards immigrants (Dingott Alkopher, 2018).

Visegrád response to the wave of immigrants is in line with what has been said above as a ploy by the opponents of open borders. With no real and direct evidence of the negative security consequences of the migrants' presence in the host countries, they created a natural wave of fear and anxiety in the EU by choosing a *socio-psychological* approach. Moreover, as Dingott points out, the EU faced two challenges during this time. They influenced the challenge and ended in a *socio-psychological* reaction within an authentic experience. Therefore, the European Union has sought to alleviate concerns at the EU level that stemmed from the Visegrád policy and have led to a wave of hostility towards refugees. The strategies taken by the European Union to achieve these goals were:

- 1) Preventing an essentialization,
- 2) Promoting a cosmopolitan identity,
- 3) Emphasizing human rights values.

She adds that what the EU did was, in fact, a kind of *desecuritisation* of refugees and immigrants. The EU was able to use both discourse and practical approaches together by this method: *"The first way is through discourse by reclaiming its power to manage the crisis; the second is through practice: by legislating policies that strengthen its identity as the gatekeepers of the Schengen zone/borders and Europe's "order provider"*(Dingott Alkopher, 2018).

According to Campbell and Barone, when immigrants enter their chosen environment, they are not just humans, but a set of different genes that they bring from their origins. Also, it should not be overlooked that the social environment from which immigrants left for whatever reason had the contexts and conditions that formed the personality pattern of the immigrant population. In other words, demographically, they bring lifestyles and habits that are influenced by the conditions of the country of origin and maybe fundamentally different from those of the destination countries (Campbell Benjamin C. Barone Lindsay, 2012).

Therefore, it can be concluded that migration is not just a displacement anthropologically. When individuals enter an environment collectively, forever or for a long time, they change the quantity of the host population and their quality of life. Maybe it can be said that the inhabitants of the host countries are more afraid of

the changes that society is undergoing in the future, rather than fearing and being dissatisfied with immigrants and their culture and issues. According to this anthropological study, the identity and personality of immigrants are influenced by many environmental, cultural and social issues, including their genetics, so it is natural that immigrants, mainly Middle Eastern Muslims, with their own face, religion and culture, form a different society than groups and communities in the host countries. On the other hand, it is natural for their Western hosts to react differently to the collision of these two different cultures, which may be influenced by factors other than propaganda rather than reality.

Figure 4. *Pros and Cons of Open Borders*

Pros	Cons
<ul style="list-style-type: none">• Humanistic solidarity• Individual freedoms• More opportunities for more people• Weakens totalitarian governments• Positive impact on global economic cycle• Diminishes classicism• Eliminates global inequality	<ul style="list-style-type: none">• Political solidarity• Threatens freedom• Unfair competitions among people• Threatens the capacities of democracy• Negative impact on global economic cycle• Decreases national identity• Unrealistic utopian idea

Designed by the author.

Concluding Remarks

The purpose of this chapter was to show the types of debates and approaches that people in favour of and against border restrictions have cited as reasons to reject or accept the theory of open borders. It is shown that the realm of argument runs not only in the context of politics but also in areas such as economics, culture, and society. It sheds light on how proponents of open borders have an egalitarian view, and those who advocate border restrictions think about the consequences for members of the host community. As the proponents of this theory claim to be correct and their arguments reasonable, so do those who oppose it, citing what is happening in the world today and under the phenomenon of migration. By contrasting the two theories of justice, care and then have measured the performance of the European Union in its border policies as an example of these two approaches. It is mentioned how much media propaganda created fear and doubt among people by quoting interviews, speeches, and comments in newspapers and mass media at the height of the European immigration crisis in 2015. Furthermore, how effective and essential are the different positions of politicians in the behaviour of their nations with immigrants.

Figure 5. *Some Reasons to Support and Oppose Open Borders*

3.1) Support

- Promote multiculturalism
- Develop human capital
- Diminish extreme poverty
- Limit colonialism
- Diminish cultural misunderstandings and stereotypes
- Decrease illegal and high-risk immigration

3.2) Oppose

- Deprive weak countries of human capital
- Disrupt the cultural cohesion of society
- Threaten security
- Increase the economic pressures in host countries
- Weaken national identity
- Generate some social parasites

Designed by the author.

CHAPTER II. ETHICS OF CARE AS A FEMININE MORALITY

Entry to the debate

Feminist ethics is an ethic that generally focuses on characteristics that are considered feminine. This view is a kind of moral distinction between the two sexes and setting priorities. With the explanation that if in the general and traditional ethics, we encounter –almost always- three main questions about motivation, nature, and consequence of our acts, in feminist ethics also we confront the same. However, the difference is among the criteria and the approaches that women use to perform their moral acts and decisions.

It can be said that Carol Gilligan was one of the first feminists to understand women's moral experiences differently, and it was after her that its moral significance was realized. Within a moral dilemma with two children of the same age, Amy and Jake, Gilligan finds their moral experiences are entirely different. In plotting Heinz's dilemma and analysing the answers of these two children as the representatives of two sexes, considered that it seems they live on two separate continents. As strong as the boy's logical response, the girl was incapable. Gilligan attributed this fundamental difference to a different way of looking at things, a different moral understanding, and ultimately different moral priorities and ideals of the two sexes (Gilligan, 1982).

Nevertheless, what is important is the conclusion that Gilligan reached, and that was that female morality is not only a morality distinct from male morality and exists independently but is also of fundamental importance. For example, according to the holy books, particularly the “Old Testament”, the “Ancestral Sin”, and the case of expulsion from paradise in the account of creation attributes to Eve. Who has been introduced as seductive and was able to deceive Adam and made him disobey God was Eve or, in other words, a “woman”. In the Old Testament, women in general and Eve, in particular, are symbols of deviation, evilness, provocative to Ancestral Sin. As a result, many thinkers, especially feminists, believe that discrimination and humiliation of women have historically been rooted in this interpretation.

Yee also refers us to the exact existing words about women in the holy book in addition to his interpretation: *“It's portrayal of woman as the embodiment of sin and*

corruption takes a number of forms, beginning with the one who ostensibly started it all- Eve, the very first woman, the wife of Adam, the mother of all living: From a woman sin had its beginning, and because of her we all die”(Yee, 2003).

Brabeck and Ting have provided us with the features as the main foundations on which feminist ethics are based. They consider feminine ethics have assumed that women and their experiences are of moral importance and subjective knowledge and can clarify moral issues. This ethic criticizes the discriminatory distortions in masculine ethics regarding women and their morals. It should not be hidden that feminist ethics is a contextual ethic and should be analysed in the context while it can be dynamic, and finally, feminist ethics always strives for social justice (Brabeck & Ting, 2000).

If we look at the meaning of attentiveness in the context of feminist ethics, we will understand why feminist ethics is different from traditional ethics and why it is considered an illuminator for moral issues. Smorenburg has interviewed Klaver as an anthropologist who has investigated attentiveness and its multifaceted meaning. She has found several different meanings for attentiveness in different realms but concentrates on feminist morality. In her view, even if we use “attentiveness” as a tool, we need it always and if defined in the form of a relationship. So it is not a one-sided inflexible tool. Instead, it is caring and will define the relationship between people, caregivers, and care- receivers (Smorenburg Tessa, 2018).

By emphasizing attentiveness as a critical role and also as a kind of subjective knowledge in women's personality, care feminists want to show that if an experience is repeated several times, then the person generalizes these repetitive experiences and considers them to be confirmed as consciousness or knowledge - at least for him or herself. Besides, we can see the reason for the emphasis on attentiveness is to consider it as one of the notions that can be signified morally. It was either unacceptable or unreliable before the rise of feminist morality. It means that personal experiences can only be mentioned and used if they arose from logic and thought and not feelings and emotions. As a result, purely masculine experiences were credible and reliable because of these criteria.

It can be said here that feminist ethics seeks to eliminate the distortions that men have always directed at women and seeks to eliminate all other distortions with any

cause and reason that women have faced with them in any discriminate forms. It is now necessary to mention Betty Friedan and her essential book, *Feminine Mystics*. She points precisely to the different types of discrimination against women in US society in the 1950s. Discrimination is not seen but exists and harms women's identity. Friedan discovered that although many women in American society have activities outside the home and outside of stereotypical roles, we still encounter many women who are completely upset, frustrated and depressed despite these activities because they still are seen as *immature* beings who can never reach critical positions like men. This sense of reality eventually leads to an *identity crisis* among them (Friedan, 2010). From what Friedan emphasizes throughout her book, it can be concluded that she highlights two meaningful discussions in women's issues. First, women have been barred from participating in politics and the judiciary, despite efforts to equalize and reduce discrimination between men and women in US society. It means that these issues still belong to another part of society and can only be defined in the presence of men, and secondly, it is indirectly and secretly propagated that women do not have the necessary ability to participate in these areas.

However, there is now evidence that the presence of women in such areas has increased, but their presence has been very successful. For example, Kathryn Norlock argues that although there are fundamental differences between different versions of feminist ethics, there are some commonalities that can all be considered as follows: *“philosophical subject, international discourse, capacity for moral deliberation, doubting priority of justice on other values and norms, conceptualize women’s category, and challenging traditional ethics”* (Norlock, 2019).

Theresa Lee sees the victory of the Green Parties in Canada and the United States as a sign of women's victory because the nature of feminist political action in those days led to some overt demands and movements that are now called environmentalism (Lee, 2007). It can be seen here that if women are given equal political and social opportunities, they can participate in political affairs from their point of view and, with their approach, support parties that have excellent results to follow. Thus, feminist care ethics is not a mere binding law but comprehensive, universal, and sufficient, in addition to the fact that their implementers have a wide range of capacities to realize and practice it.

Moral feminists, to clarify their position and goals, have always emphasized that they do not seek a set of moral and ideological ideals. Instead, what they say and demand can be implemented in all areas. In general, it can be said that feminist ethics has characteristics that are based on its particular worldview and ideology that did not exist until the last century because its owners - women - are not known as intelligent beings capable of entering into such discussions. However, their strategies differ according to their historical and social conditions.

Caterina Botti claims that surveying the history of feminism, and we can see that women have always used different strategies throughout history, which have led to the political movements - in practical terms - from one side and the issue of feminine virtues and their importance in theorizing. She states: *"It can be said that the suffragist movement was asking for a fuller recognition of women as human beings and as citizens, while at the same time claiming recognition of the worth of the feminine virtues"*(Botti, 2015).

Mary Wollstonecraft benefited from the French revolution as a perfect tool for proving what was looking for women's rights. Her central insistence was to show the same and equal role with men during the revolution. She tried to prove that it is impossible to ignore women's influence in the revolution while fighting as equal as men (Duman, 2012a). By questioning Rousseau's idea, which was based solely on women's romantic capacity or inability to understand rational issues, Wollstonecraft sought to cite women's mental and natural abilities by reminding Rousseau of a specific historical fact; the French Revolution, a revolution in which women not only did not appear as fragile and romantic beings but also played a prominent and influential role.

Some feminist scholars, such as Martina Reuter, find the difference between Wollstonecraft and Rousseau very profound. In her view, the difference of opinion between Wollstonecraft and Rousseau refers to their different views on the nature of men and women and their differing ideas on civilization and freedom. Just as Rousseau observes social liberties as the source of evil for all human beings because they diverted them from God's providence, Wollstonecraft considers the close connection between freedom and the attainment of human perfection. For this reason, Rousseau is referred to as *biological reductionism or essentialism*, while

Wollstonecraft is referred to as *social constructionism*. Moreover, even Reuter concludes that Wollstonecraft is more committed to the Enlightenment than Rousseau, and unlike Rousseau, who is pessimistic about civilization and its manifestations, Wollstonecraft considers them rational (Reuter, 2014).

Natalie Taylor opens another route to the efforts of Wollstonecraft in disagreement with Rousseau. She mentions that what was most important to Wollstonecraft was the attention to the human essence of women. Referring to the fact that humanity is not unique in a particular gender -masculine-, she first began to argue that if women, like men, have the exact natural needs, and thus they have the same natural rights and then the elimination of gender inequality in education in addition to an acknowledgement for the disposal of inequality in rights, politics, and social norms (Taylor, 2006).

Wollstonecraft's significant job was her beneficence of philosophical methods and presuppositions to use them for a new organization and arrangement in those days' norms, rules, and ideas. In other words, she defended women by using the prevailing literature and thought of the period, which was entirely based on traditional ethics and philosophical principles. Evidence of this claim was Wollstonecraft's intellectual confrontation with one of the most influential thinkers of her time, Rousseau, who considered *feminine virtue* equal with being at men's service and as their natural task (Schrupp, 2017a).

In other words, and as Rousseau believed, women have one duty in the world: nothing but serving the men. So far, His way of thinking and believing was not and is not strange compared to his time and place. The problem when arose that Mary Wollstonecraft challenged this natural difference between sexes. Rousseau observed this feature as a donation by nature that women are not the way and should not escape from it. Moreover, as we see, Wollstonecraft rejected any natural differentiations between men and women by her main philosophy. We must not forget that Rousseau's thinking was religiously and even scientifically accepted, and thus the confrontation between Wollstonecraft and Rousseau was significant. For this reason, Rousseau officially articulates and defends the natural difference between the two sexes with such solid backing. However, like her next generation of social sympathizers, Wollstonecraft denied any natural difference between the two

sexes, despite the religious and scientific beliefs surrounding it (Owusu-Gyamfi, 2016).

2.1. Feminine ethics¹⁷

Ethics of care is considered a significant or perhaps most important and influential branch of feminist ethics, which promotes and seeks to demonstrate how gender affects all crucial aspects of human life, especially morality, society, and politics. For the first time in her book *In a Different Voice*, Carol Gilligan argues with a different voice for her pioneering psychological studies, arguing that the moral principles that have been introduced for centuries as the moral standard for showing the rightness or wrongness of our moral decisions are based on justice or the laws that are derived from abstract principles of ethics. Furthermore, contrary to what we have been taught over the years, and given the world in which we live, it can be argued that this morality cannot address all aspects of the issues due to its criteria: justice, fairness, and most importantly, moral impartiality. In contrast, she advocates an ethic called *care* that focuses not only on abstract rights and duties but also on connection and relationships. The relationships that exist in a human network are flexible and worrying. The principle of care ethics is to set aside values that are underestimated in traditional masculine ethics and immoral (Gilligan, 1982).

Although Gilligan can be credited as the founder of caring ethics, it was women's struggle for equality throughout history that provided the basis for recognising women's exclusive ethics that Gilligan cites as strength for women. Before addressing the views of care ethic philosophers, it may be best to look at a few women whose efforts sparked the famous waves of feminism. Women who fought for gender equality paved the way for future generations of fighters for inequality and discrimination between the sexes.

Marie de Gournay can be an excellent example of a woman aware of her rights and is persecuted by inequalities in society. By writing a book called *The equality of men and women*, she made women aware of their rights. The human rights approach,

¹⁷Feminine ethics in this dissertation is opposed to masculine ethics. This distinction took on a new meaning after Gilligan's idea. Until then, masculine morality went back more to Aristotelian virtues such as courage, justice, and loyalty, or Christian virtues with the transcendent concept developed by Thomas Aquinas. However, Gilligan refers to distinct moralities that fundamentally exist between the sexes; justice and care. Of course, this view has led many feminists to dismiss the ethic of care as the feminist ethic discussed in this chapter.

she discussed in her book, explored women's issues and tried to challenge the idea of gender equality in the 17th century, which was almost impossible and even unimaginable. As she has described those days and people's vision about men and women: "*The highest achievement that women can accomplish, in their opinion, is to resemble no more imagine that a great woman might resemble a great man, by simply changing the sex involved in the comparison, than they would grant that a man could elevate himself to the status of a god*"(de Gournay, Marie Le Jars, van Schurman, & de La Barre, François Poulain, 2013).

Gournay's approach to gender inequality, as endorsed in *The encyclopaedia of concise concepts by women philosophers*, is a vision that has emerged from the depths of history and gives men unique access to higher education and jobs that were only available to them at the time. According to her, authoritative sources in the Christian tradition, such as "*classical Stoic philosophers, the Bible, patristic authors, church councils, declarations by popes, liturgical texts, and the lives of the saints*", all show gender equality between men and women, and what limits education and working outside the home for women is the result of a fanatical interpretation of the Bible, not its true commandments (Conley, 2019). That is why many of the achievements of contemporary women in the arts and sciences indicate that there has been a lot of irrational prejudice against them throughout history, which has led to the loss of their talents.

Flora Tristan could be another case whose fame refers to her fights for freedom and equality throughout history. As a French-Peruvian social activist and socialist, she has always sought a social utopia in which the working conditions of men and women are equal and what they produce is valued equally. In her famous book *The Workers Union* of 1843, she demonstrated the idea of economic equality by expressing equality between the productive capacity of all workers, ignoring their sexes, and argued that the advancement of women's rights was directly related to the advancement of the working class. She is considered an international feminist who has been devoted her life to the fights due to the lack of formal education.

In this regard, Collins and Weil-Sayre say: "*Her feminism was international and not merely autobiographical. She deals universally with the social situation of women in all large cities, the exploitation of working women, the misery of prostitutes, the*

hardships endured by Peruvian nuns, and the abject lot of Black and Indian women in Peru"(Collins, M. M. & Weil-Sayre, 1973). To this end, he travelled from France to Peru and the United Kingdom to promote equality between workers and make them aware of the need to eliminate different classes between workers and employers. It should not be forgotten that such a journey was difficult and somewhat impossible for a woman in those circumstances and at that time.

As Talbot says, she was a utopian socialist. Moreover, this claim is fully substantiated by looking at Tristan's relentless efforts in this regard. She always sought to design unique mechanisms based on "*self-governing, quasisyndicalist workers' committees and departmental workers' palaces*" instead of a purely bourgeois economic system, and that is why she bought a share of one of the workers' bakeries personally. Tristan's whole effort was to bring back women who had been systematically excluded from society and productive activities. In her view, the law was designed in such a way that women were deprived of any civil existence and had no economical role, and this led to their abuse by the power, and for obtaining this goal and making women in the same position as men, the first and most crucial step was to create an alliance between them and the male workers (Talbot, 1991).

Olympe de Gouges is an eighteenth-century Frenchwoman whose history of women's struggle will not forget her endeavour for reaching gender equality. An ardent defender and participant in the French Revolution, she was also a playwright who tried to use the art of drama and the creation of purposeful dialogues to help the revolutionaries win. However, most of her fame goes back to the *Declaration of the Rights of Woman* that addressed Marie Antoinette. Although the declaration was never ratified, it had two opposite consequences for de Gouges. Firstly, although the Declaration is considered as one of the most important claims for gender equality in the field of women's rights, which has forever established her name as an egalitarian and women's rights activist in the history of feminism, at the same time and despite all her efforts and demands, she has condemned the alignment with power and the justification of the monarchy, which will examine below.

If we look at the clauses of this declaration, we will see that what she said in the 18th century is almost in line with the demands of contemporary feminist movements. She

was well aware of the ignorance of women by men or, in other words, those in power, and, like Wollstonecraft, she believed in the natural equality of the two sexes and therefore started with proving equal natural rights for equal citizens. In the fourth article, she says: *“Freedom and justice consist in returning anything that belongs to someone else to them; thus the exercise of the natural rights of woman has no limits other than those which the endless tyranny of man opposes to them; these limits must be reformed according to the laws of reason and nature”* (Warman, 2016).

In addition to this clause, other clauses of this declaration are in line with women's equality, freedom, and dignity. Her seventeen-point declaration is, in fact, the human rights declaration of today, expressed from a woman's perspective for freedom, property, and security. De Gouges relies on equality between the sexes by considering it a natural and non-negligible right and being equal in front of the law as essential claims and rights. In her view, when women have the right to the *“scaffold”* as equal as men, then why should they not have the same right to the *“tribune”* as them (Diamond, 1998).

Nevertheless, despite all her emphasis on equality and equal rights between men and women in the *Declaration of the Rights of Woman* and on-demand for equal citizenship rights, and essentially the enjoyment of equal rights between the sexes in the fields of family, society, and politics, nevertheless, some important criticisms of her consider the demands for equality nothing more than an unreal and unoriginal act that is inconsistent with the spirit of freedom and equality. As Marie Josephine Diamond explains, one of the most important criticisms of the de Gouges is her alignment and interest in the French monarchy. By addressing her declaration to the Queen, she appeals to Marie Antoinette for social and political equality or the way she spoke to the King; *“good father: generous, paternal, concerned with the suffering of the marginal and the poor”*, shows that her egalitarian demands are not only inconsistent with the spirit of equality, but also contradict it completely (Diamond, 1998).

Although, as noted above, some have blamed her for her monarchist remarks, her supporters have also offered reasons to justify De Gouges interest in the monarchy and still observe her as an egalitarian Republican. De Gouges's defenders cite her playwrights as her art, which contains dialogues that are in stark contrast to the

slavery policies of the time and implicitly disrupt racial inequality. For example, in her detailed research on De Gouges's plays and the dialogues, Le Hir claims that she sought to improve the unequal situation between slaves and masters. She says: *"Both De Gouges's moderation with regard to the slavery issue and her assistance on retaining the monarchy originate in her conception of freedom as socially binding"* (Le Hir Marie-Pierre, 1994).

Her critics have concluded from her writings that despite her indirect defence of the monarchy, or at least its recognition, she cannot be recognized as a monarchist. Because of the extensive writings that we have from her, whether in the form of plays or otherwise, we find that in his works, De Gouges sought to introduce different types of identities in his community. Moreover, the most significant feature that we can find in her works and is a concentrated inclination to women's natural rights and as Gregory Brown presents her, she is a *"radical, revolutionary, first French feminist, and militant abolitionist"* forever (Brown, G. S., 2001).

Besides, Diamond believes that her defence from monarchy is justified due to the character of the French monarchy on those days. She says: *a constitutional monarchy with a king identifiable with the symbol of France rather than with the vested interests of the feudal aristocracy was the liberal and popular ideal"* (Diamond, 1998).

A glance at Mary Wollstonecraft's life and activities reveals many similarities between her and De Gouges. For example, as mentioned above, De Gouges was the first French feminist, and Wollstonecraft was also the first English feminist. She also has a book called *Vindication of the Rights of Woman*, which proves equality between men and women based on the natural rights of human beings and is also considered a classic feminist text.

Mary Wollstonecraft's struggle for equality between men and women demonstrated the existence of inequality and the efforts and determination of her and other contemporaries to overcome it. She emphasizes mentioning women's rights as formal as men's ones in the new constitution. Even she observes this issue as a critical change in society. It means she believed that if women's role does not lead to their new right in the constitution, in reality, nothing is changed, and again there is

the other “*tyranny*” in a new form instead of a revolution and reformation (Schrupp, 2017b).

Because it could be a revolution with the ideals of equality, justice, etc., and half of the society who had the role in realizing it does not consider it again. Mary Wollstonecraft claimed a question to show the importance of women’s new rights in the new society. She asked if we must rebuild ancient castles built in the old Gothic style, why it is not our duty to rebuild the expired role, thinking, and imagination that exist about women and still supported by two particular classes; clerics and aristocrats (Duman, 2012b).

Although some attribute history of care to Gilligan as an extraordinary ethic, others have considered care as a worthwhile subject; including Catherine Beecher or Martin Heidegger, but Carol Gilligan is considered as a feminist who was able to identify care as a mental trait in women and tried to trace it in different areas of women's lives and personalities. In other words, what makes Gilligan’s research distinct from other formers is the psychological scientific approach, although some do not agree with that.

In the nineteenth century, Catherine Beecher, with the help of her sister, wrote a book as a guide for the American families that wanted to live according to the Christian ideals, and she tried to present all types of care and its importance in a family that upholds Christian values(Beecher, C. E., Stowe, H. B., & Tonkovich, N., 2002).

Therefore, the care described by her and the approach to it, and women, in particular, is quite different from what Gilligan or other contemporary philosophers say about care. However, then it is so essential that a woman in the 19th century paying attention to a category such as care and introduce it as a value or in the economic sector, she seeks to turn families away from consumerism and offer them to spend their money on charity and pay attention to those who need to be cared for (Strazdes, 2009).

Some commentators of the German philosopher Martin Heidegger consider the concept of *sorgein* his thought, the extended meaning of care in its current meaning. James Shields, in interpreting this concept in Heidegger's thought, says: “*Variously*

rendered into English as “care,” “concern,” or “solicitude,” *sorge* has been described as an existential-ontological state characterized by both “anxiety” about the future and the desire to “attend to” or “care for” the world, based on an awareness of temporality”(Shields, 2013). Nevertheless, what he says in *sorge*'s commentary is that, although Heidegger intended care, it certainly did not have a moral intention. Instead, he seeks to demonstrate the necessity needed to reform society - the world - after World War II.

Milton Mayeroff also before Gilligan defines caring as a way which we find it to provide opportunities for other people to grow - those we care for. In his view, caring is not merely benevolent or interested in someone but should affect both sides of that care act and help them grow and develop.

He says: “*Caring as helping another grow and actualize himself, is a process, a way of relating to someone that involves development, in the same way that friendship can only emerge in time through mutual trust and a depending and qualitative transformation of the relationship*”(Mayeroff, 1965). In his view, caring is not a simple act but a responsibility that requires many conditions. For example, power, considering probable limitations, what the person being cared for needs to grow, what it lacks, and even the quality of care is essential, indicating how everyone should be cared for.

- Gender binary morality

Another thing that must mention here is a binary concept in feminist ethics. One narrative in feminist ethics affirms the existence of the dual approach of ethics in gender, which calls *gender binary morality*. That is what many feminists do not accept and observe as an approach that would eliminate the goals of feminism and women's movements for equality. This point of view also has two main divisions within the basic framework of feminism that are entirely at odds and, therefore, cause a profound influence on the feminist moral theory. While a group of feminists believes in the fundamental difference between males and females in many areas, others propose that we should observe each sex in the definite category and make some unique characteristics for each of them?

Kathryn Norlock considers that “*empirical information and material actualities*” are the essential elements of this feminine morality. Because what has given rise to this ethical approach has been the focus on repressed feelings and feminine experiences that have been shown as worthless materials over the years. Therefore, while these feminists are classified in the gender binary, others do not find this helpful line and consider it somewhat inconsistent with the goals of feminism. This group, non-binary gender, consider gender identities as a range of waves and rejects any restricted limitation and boundaries between men and women (Norlock, 2019).

In the same way, it can be concluded that any ethics and approach that pays attention to a specific feature in gender and names it as a fundamental and exclusive factor in that particular gender fall into this category. What needs to be said here is that not all feminists believe in this moral dichotomy. In other words, we can be feminists, but at the same time, we do not believe in such a distinction, which is why such an approach is not acceptable to all feminists.

For example, Carol Gilligan and Alison Jaggar are both feminists but have two very different approaches to the subject. Gilligan's emphasis on the distinction between the sexes in the mental, emotional and psychological realms proves that a fundamental difference between the sexes is inevitable and must undoubtedly be taken into account in all their respective domains, as each has a different mindset with an identity. Moreover, they have their priorities that should not be ignored in any way, and incidentally, particular policies should be pursued, taking into account the specific needs of both sexes to develop their identity and personality separately(Gilligan, 1982).

Nevertheless, Alison Jaggar, though a feminist, has an opposite view of Gilligan and does not accept such differences fundamentally, arguing that the application of such differences would violate many of the goals and ideals of feminism. She argues that by considering the psychological distinction between the sexes, there is no distinction between their moralities and realities. Besides, such separations are contrary to the feminist goal as an attempt, movement, and fight to liberate women from such severe gendered order(Jaggar, Alison, 1974). Indeed, anything judged by a binary criterion means that the two sides of the issue will be different

from what is being judged because how to face and understand what happened is specific and unique to each party. In feminist ethics, women have a trait that men lack. As a result, they are perceived as different from good and evil, right and wrong, moral and immoral.

Mary Daly, as a radical and gender binary feminist, while accepting the natural and inherent differences between the sexes, suggests that the same inherent feminine qualities, such as emotion and childbearing, should be considered as feminine values as opposed to masculine values like rationality and warfare (Daly, 1978). In other words, like the other gender binaries feminists, she believes in the inherent separation of the two sexes and considers them natural, necessary, and valuable. That is why the fundamental differences exist between sexes: emotion and rationality. In this sense, women are emotional naturally and, therefore, the source of all their actions and deeds based on their emotions, whilst rationality is inherent in men, and so are their actions and decisions.

The point to be made here is that although the radical gender binary is shared among all radical feminists, they do not maintain the difference between the sexes as a weakness, but it is a fundamental and exclusive capacity which roots in the feminine origin and consider as a value and strength for them. After explaining this binary approach, the result introduces us to two fundamentally different ideas about feminine issues. While all feminist movements call for equality between the sexes in all areas, including gender, social and political, and seek to eliminate all signs, characteristics, laws and anything that widens the gap between the sexes. Another group of feminists has entered the arena in the opposite direction, believing that there is an inherent difference between the sexes, and of course, all policies and strategies should be designed based on this inherent difference.

Another point is that although the ethic of care seems to be one of the branches of feminist ethics, and in some respects it is, but because of the radical approach to gender differences, some do not place it in the realm of feminist ethics and even consider it as a contradictory. Rosemary Tong explains these differences as follows: *“Although feminist approaches to ethics are all women-cantered, they do not impose a single normative standard on women. Rather they offer to*

women a variety of accounts that validate woman's moral experience, but in a way that points to the weaknesses as well as the strengths of the values and virtues culture has traditionally labelled "feminine." Besides, they suggest to women a variety of ways to work toward the one goal that is essential to the project of feminist ethics, namely, the elimination of gender inequality" (Tong, 2003).

Jaggar, an opponent of care approach ethics, believes that if we accept biological differences between the sexes - for example, reproduction - but we cannot accept that these differences exist in ethics and reasoning and other non-physical concepts and practices. Incidentally, the main goal of feminist movements is an invitation to ignore gender differences in the social sphere (Jaggar, Alison, 1974).

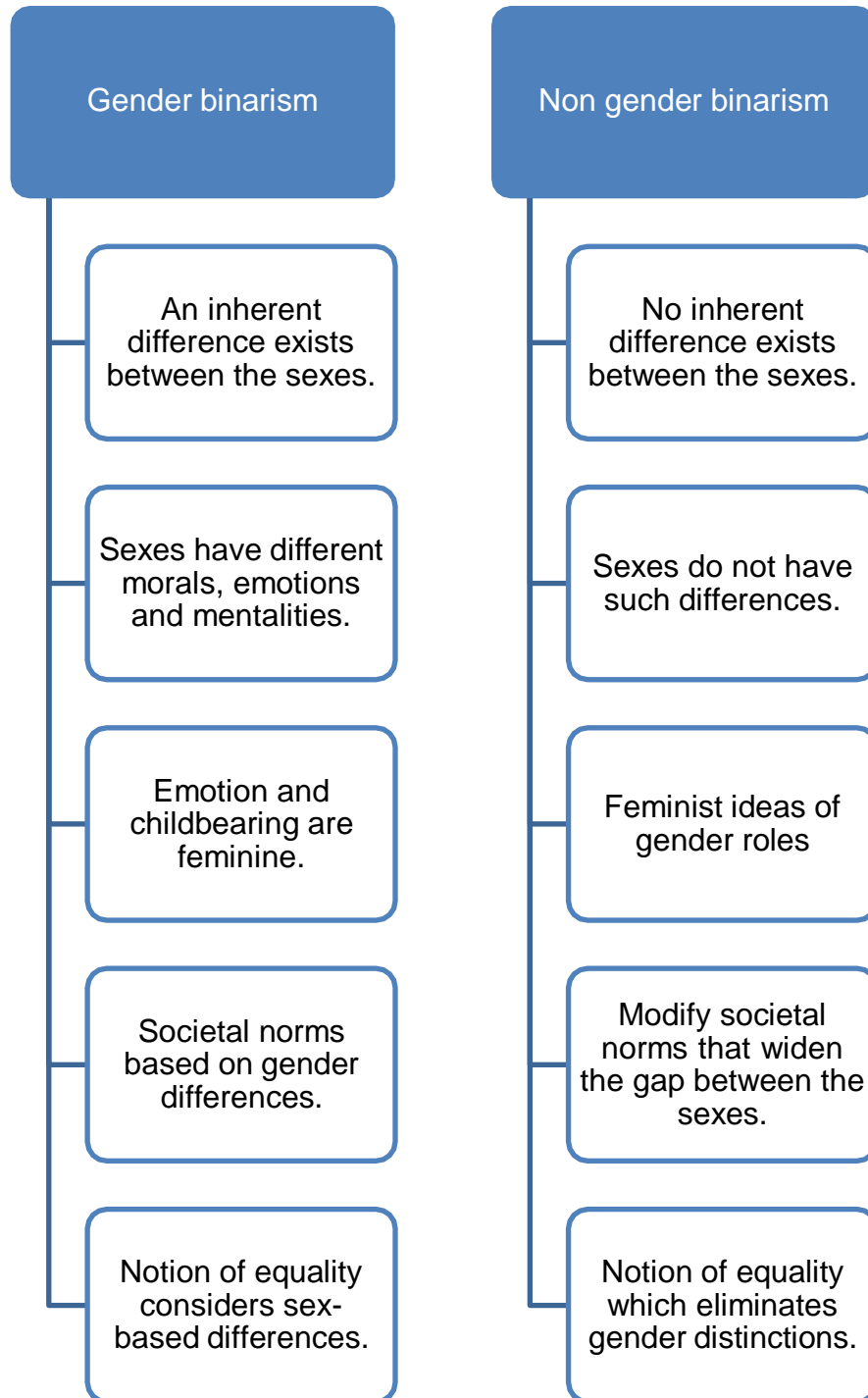
Besides, Alison Jaggar offers a different conception of feminist ethics, a picture that differs from traditional and classical ethics and even the dominant feminist ethics. In addition, it does not agree with care ethics as a feminist one. Emphasizing the existence of inequality in the world in power, economy and technology, Jaggar believes that approaches such as care due to the unequal conditions of power and development in the world cannot be a definitive solution for women's liberation, because in her view, in countries with less developed economies, women are more vulnerable than men and struggle more with injustices caused by unequal conditions. In her view, these emerging phenomena, such as new technologies and new approaches in politics, economics, and trade, or in a word, globalization, have not benefited the women of underdeveloped countries, which ironically constitute the largest workforce and still have kept them in the unequal and unjust conditions in which they found themselves (Jaggar, Alison M., 1998).

Jaggar goes on to point out that one of the abuses of technology against women in backward countries is to trap them in human traffickers for prostitution and control their fertility, reduce or increase the population because the boom in the global market is now at the forefront, and technological accessories have a significant share in this market. She proposes that if feminist ethics is limited to definitions such as care, it has virtually abandoned these women and done nothing to promote them. That is why we must create a morality that is both

feminine and global to offer a solution for those women who have no voice. In her view, this ethic is achieved when Western feminists do three things: first, to see these women and second, to talk among themselves and with all women instead of talking to those in power to ask them to eliminate discrimination and solve their problems. Moreover, third, to abandon Western monopolies and this view that non-Western women can only be better off by introducing and promoting Western feminist ideas.

Although the concept of care is apparent in the ethics attributed to it, as mentioned at the beginning of this section, after Carol Gilligan, care appeared in many concepts and examples. If Gilligan provided psychological evidence for the nature of care, Noddings followed in its footsteps in philosophy and education. Likewise, for example, Tronto perceived caring as a purely political matter or Sara Ruddick as the only way to world peace. In the following, the different areas in the concept of care will be referred to and addressed. Besides, it is essentially this broad perception and generalization of care that makes it a comprehensive theory.

Figure 6. Binary VS Non binary¹⁸



Designed by the author.

2.2. An alternative for justice-based ethics

The core of the debate here goes back to Kohlberg's analysis of psychology at Harvard University, which Gilligan challenged as his assistant. In the 1970s, while examining the results of Kohlberg's interviews with various people about some of the moral dilemmas, she found that, by the standards of Freud, Piaget, Erickson, and early psychologists, women were unable to comprehend many moral issues. Moreover, this erroneous conclusion has led to women always being seen as an inferior gender with limited mental capacity, inferential ability, and independent identity despite the equality they have found in many fields. Gilligan proved ultimately led to the emergence of a new ethic in feminist ethics, which is the main topic of our dissertation. The main conclusion of Gilligan's debate about the lack of equality between the moral perceptions of the two sexes declared that the patriarchal system permanently closes the way of strenuous activities of women in politics with this excuse(Gilligan, 1982). Gilligan continued to emphasize that the results of psychological tests, which showed that most women have a low percentage of moral growth and therefore cannot understand moral concepts as well as men, made two critical points. One is that these results are based on masculine criteria, and the other is that the perpetual and historical dominance of the male sex has always used these different results to isolate or ignore women.

In fact, by analysing the results of Kohlberg's ethical-psychological research and extending it to the realm of gender, Gilligan sought to distinguish between moral judgments between the sexes as an undeniable fact rooted in subjective differences and different moral definitions between them. In the following, she showed that this difference in mentality and morality should not prevent women from having equal access to opportunities or be seen as a perceptual defect, but that this different way of judging women's morality should be taken into account their unique moral ability.

Their speciality is back, which is a strong point for them, like what Brennan found three positive aspects in the course of ethics in the care approach. Firstly, care ethics introduced a women-centred ethical approach into the mainstream of dominant male morality. Secondly, it presented care as an attitude that is vital for a

good life. Furthermore, finally, it is a morally needed action that should be considered a part of the natural- right (Brennan Samantha, 2010).

In a word, the ethic of care not only in her view equals the traditional masculine ethic but is the best alternative to the ethical principles of justice as the essence of classical ethics. In this regard, Gilligan identified the element of justice as the core of masculine morality and thought and found it inadequate, inefficient, and imperfect for many, if not all, matters. If replaced by care, which is the heart of women's morality and worldview, an element that will solve many complications and open new horizons, it can both solve complex human problems and take a big step towards gender equality.

Kittay also observes some qualities as a power for the ethics of care, the qualities which give it the ability to solve people's problems, while a justice-based ethic fails to do so. For example, and according to her, none of the principles of justice can lead us to how to treat a child, the olds, or a person in a weaker position than us for any reason. All of that is because of the rules and principles of such ethics that are fundamentally oblivious to the understanding of many inequalities in the real world (Kittay, Eva Feder, 2011).

In other words, generally and almost in all interpretations of care ethics, it is considered the main alternative to justice-oriented ethics, and all care feminist philosophers observe care as a power that can solve almost all the problems and the conflicts of today's world justice traditional ethics cannot. They have considered that care should be the basis of any policy-making. The ethics of care - here by considering it a representative of feminine ethics- introduces and highlights the element of care as a value against other masculine values, especially justice. It seeks to demonstrate how the superiority of the masculine perspective has led to justice and duty becoming a value and a norm in many respects, and therefore women's behaviours and morality are viewed as deviant (Gilligan, 1982).

Advocates of care ethics consider this ethic to have characteristics from which justice-based ethics is devoid and therefore cannot be a suitable moral model for today's world. For instance, Brenda Green observes the ethic of care as an adjustment tool for creating a symmetrical balance between gender, race, and class

with health, justice, and welfare, if it can affect the structures that control or decide about them in the societies (Green, 2012).

Madeleine Leininger observes it as a kind of culture that can change and also be changed in different societies. It can change the feelings and judgments of people about true or false values and therefore their lifestyles in society and makes for the new care-based pattern and can be changed -even as a pattern- depending on the prominent culture of society (Leininger, 1991).

Phillip Dybicz carries out care ethics in the post-modern context and, by endowing the factor of humanity to the care, tries to make a connection between “*expertise and care*” and highlights this “*humanizing experience*” as one of the unique advantages of the care perspective, and attributes the lack of attention to this ethic, or in other words, the moral virtue of care, to the dominance of Newton's view (Dybicz, 2010). That is, if Newton's laws could justify something, it would be accepted, and otherwise, it would not. As a result, matters such as care or certain social behaviours and human relationships that could not pass through Newton's physics sieve were considered to have no scientific value. That is why he uses the terms; humanizing and dehumanization.

In addition, Dybicz tries to justify one of the constant criticisms that care feminists make of traditional masculine and justice-oriented ethics by using these two terms. In his view, justice-based behaviours have always been equated with moral and scientific behaviours because, for example, Newton's law of action and reaction can justify them, but it is also dehumanized. That is why we must look at care-oriented human relations with a different perspective, or the same humanized perspective, a view that probably is not acceptable to Newton and his accepted principles.

Dybicz seeks to find the cause of the failure of a morality based on justice. Emphasizing masculine morality that steals individuals of individuality, he points out that feminist care ethicists have also identified as a weakness in the ethics of justice. He says:

“Applying this scientific knowledge to human beings—as one seeks to do in social work—becomes an exercise in dehumanization because the social worker does not look upon the client as a particular human being (for example, Mrs. Brown) but rather

is forced to view the client categorically, as a member of a population. This population can be very broad in scope (for example, person when applying person-in-environment) or one of numerous subpopulations referred to in the social work literature: Hispanic, lesbian, schizophrenic, foster child, and so forth” (Dybicz, 2012).

Perlman, in her area of expertise; social working, shows that care is the *soul or essence* of social working that reflects in the moral responsibility as a great value because it can change the approach of a social worker or -caregiver- who care for other people and -care receiver- who have been cared for by others. She believes that care gives the same value for both sides as the persons who should consider their individualities and wants to emphasize that care is a factor that can perform the particular purpose of social working that it is, in reality, social caring (Perlman, 2018).

Another example of the impact or the entrance of care approach to the labours is the field of advocacy. Ellmann shows in his essay *Ethic of Care as an Ethic for Lawyers* how ideals of care remodel the outlines of lawyers' ethical responsibilities and also the world of juridical systems by trying to understand "*the true extent of the intersection of incompatibility of two sets of moral claims*" which both of them have great value (Ellmann, 1993).

What Ellmann first addresses as a challenge to care ethics and responds to, of course, is what Gilligan calls the core of care ethics and its ultimate goal. He gives us an example and asks us to consider two types of lawyers for this criminal example; a lawyer with a dominant legal point of view and another lawyer looking at legal cases with a care-oriented ethic. The case is about rape. Naturally, in the judicial system, they will be considered guilty and deserve punishment. However, the lawyers, who observe the case from the perspective of care ethics, try to see the hidden layers of this crime. Such layers can reflect the harsh conditions or backgrounds that have been involved in the formation of the accused and have influenced him or her (Ellmann, 1993).

He realizes that such a view does not lead to a definitive conclusion, but instead, we arrive at "*a set of conclusions*" that are according to the principal ethics of care and, therefore, acceptable. Because and as Gilligan stated, we should observe both sides of the problem and be careful that none of the individual agents has been ignored. Contrary to the acceptance that the ethic of care has gained in many areas, like the

discussion we went through now, or even someone like Ellmann considers it as a necessity in our current turbulent world, and even though although care ethics has a thoroughly feminist origin, there are people –most of them are feminists- who disagree with this view.

- Contractarianism¹⁹

Contractarianism is one of those moralities based totally on a contract as an absolute moral norm. In this section, contractarianism is not observed from a political perspective but a philosophical and moral. As a moral theory, contractarianism discusses the legal origin or content of moral norms. This theory claims that moral norms derive their acceptability and legitimacy from a contract with mutual agreement. The moral issue is equal to what has been agreed upon by the parties in the contract, and any violation of that contract is a sign of immoral behaviour. They argue that a moral belief is justified if certain peoples agree on it in certain circumstances or on the rule or system that it contains; regardless of whether the result of this agreement is in line with previous beliefs or not (Holmes, 2006).

Gilligan believes any “*absolute injunction*” hurts others because it cannot observe all aspects of the problem and issue a verdict that will harm at least one part of the case. In her view, this absolute conjunction is based on abstract principles that can only be ruled to the extent permitted by law. In comparison, the ethics of care is based on one principle: caring for others as much as possible and within the broad framework of human relations (Gilligan, 1993). We do not intend to show the advantages and disadvantages of contractarianism here, but we will quote the discussion that relates here and clarify how the ethic of care for justice and its principles claim superiority.

It is at odds with the ethic of care because it derives morality from a mere abstract of a series of treaties and contracts. Therefore their principles are different. In contractarianism, personal motivation causes people to conclude a contract about their

¹⁹ In a recent division by the Stanford Philosophical Encyclopaedia, the two approaches of contractarianism and contractualism are slightly different. Contractarianism examines the legitimacy of political systems, both politically and morally, while contractualism is more personal and seeks to justify individual interests through interaction with other members of society; those also seek their interests. Bargaining with others has a crucial role in contractarianism to reach the goals. However, in contractualism, we are looking for a justified way to reach the best and highest interests. Therefore, I have used contractarianism intentionally.

interests, which protects them from harm and makes them the winner. There is a robust ontological separation between individuals and society and their interests. In this view, all social interactions are pre-determined and shaped (Garrard, 1996).

That is why Noddings shows the ethic of care contrasts with contractarianism as a morality based on an abstract norm. In her view, what exists in the ethics of care as reciprocity is in no way comparable to the contract of John Rawls or others (Noddings, 2013). The basis of the social contract pits it against the ethics of care. That is justice. Indeed, the moral justification of contracts is that everyone is free to reject or accept the contract, and bargaining power is reserved for all equally and as a right. This justification differs precisely from the nature of care, which is to pay attention to the other before oneself or as much as oneself. In the ethics of care, as we shall see later in this chapter, the concern of others is synonymous with moral action.

Some have argued that the ethic of care due to these features cannot be considered a political theory, despite claiming to be the best alternative to the masculine approach in politics and ethics. Nevertheless, Engster proves that this ethic can be the basis of a political ideal by mentioning the natural laws and what applies today. In his view, contemporary natural law theory seeks to provide a framework for a political theory to achieve the goals of society and its members, and this can only be achieved by justifying the ethics of care for the natural rights of individuals in a society (Engster, 2004). He explains how the ethics of care can be a simple justification for respecting the rights of others, or in a word, the ethics of care and the ethics of natural rights are compatible with each other, and as a result of this compatibility bring the expected goals of society; development and well-being; because every person as a member of society must take care of the natural rights of others.

2.3. The core of care ethics

Stephanie Collins considers the core of care ethics in some of its unique features that, although related to a concrete gender, it is not limited to one particular gender and can solve human problems (Collins, S., 2015). She considers it proper because in this ethic, instead of using and invoking abstract moral laws - or as they call traditional masculine moralities - the concentration is on the peculiarities of human

relations. Hence, it operates accurately for all human beings regardless of their sex. Collins tried to prove the wide range of care ethics that includes all humans.

In another article, Kittay starts with the fact that caring for such a wide range of people who have different needs requires different patterns to meet the needs. In addition, some people are experiencing real difficulties and cannot get rid of them, which she calls *inevitable dependencies*. In her view, a caregiver in confrontation with such situations is responsible for the survival of the care receiver and their growth. She explains clearly that:

“we cannot require that everyone who attends to a dependent really care. But we need to consider 1) what is required to enable everyone to receive a certain acceptable level of care when they are needy because of inevitable dependencies and 2) how those who hold the well-being of another as a prime good or responsibility (whether out of love or duty) may be provided with the right and capability to secure that good and fulfil their responsibility by doing hands-on dependency work or overseeing formally arranged care”(Kittay, Eva, 2002).

From what Kittay has said about care, it can be concluded that in many situations where we as a moral agent need a moral decision, it is only within the framework of care ethics that we can make the right decision in the sense that it includes all people who need our help and attention, and also, take care of anyone who needs help, regardless of any relationship. On the other hand, to do this moral duty well, we must be able to see other layers of the underlying problem, not just the surface layer, that is the primary and essential need, in other words, since the quantity and quality of people's problems are not equal. Moreover, each person needs care or has a specific problem that requires a specific pattern; therefore, the ethics based on justice, rights, and rules cannot meet all needs from all aspects due to the lack of flexibility and fluidity is inherently attributed to them.

Moreover, the core of care ethics can be found in Tronto's four main elements for care ethics. According to Tronto, care must end to a result that should reflect the essence of the care ethic. This moral essence, while being integrated, has four essential elements that have corresponding relations. They are: *attentiveness, responsibility, competence, and responsiveness*(Tronto, Joan C., 1993).

In her view, this morality is primarily due to having such a gem that can become a moral ideal. Attentiveness means attention to the demands and needs of others is right at the centre of this ethic and creates the ground for care. Moreover, more importantly, it stands in stark contrast to the principle of impartiality, which is one of the principles of masculine morality. In her view, responsibility in the ethics of care is different from what we see in justice-oriented ethics or other classical ethics. Responsibility in justice-oriented ethics is tied to traditional moral obligations and accepted in the form of relevant ethical rules, and that is why considered binding.

Nevertheless, because of its inclusiveness and flexibility, the ethic of care has not limited to ethical rules, and responsibility in it means trying to understand others. The moral obligation here is our duty to know others. Competence as the third fundamental element of care focuses on the quality of care. There should be no purpose or intention other than performing a quality care-oriented operation in the care process. Of course, the quality of care only emerges as a result. Here one can trace a kind of consequentialism in the Tronto approach. It is vital that the care process is successful, which is different from Gilligan's approach. Because if the practice of care has a good result, it assures us that the care is done well and in its most complete form. Responsiveness is the last element that shows why the ethics of care can be accepted as an ideal reality in ethics. It is the response that makes an ethical ideal because moral actors must be held accountable for the quality of their moral actions to prevent possible abuses. Tronto finds this feature only in care ethics(Tronto, Joan C., 1993).

Figure 7. *The meaning of care in general*



Designed by the author.

- Relationship

Connection is a way that has always existed in the human network, but it is women who see it as a value because, firstly, it is their nature, and secondly, its lack considers as a weakness for them. The woman's maturity and perfection are crystallized in the ethics of caring for others, while in men, separation plays a role. However, in her opinion, this innate feeling has caused them harm throughout history. Because of this trait, women cannot see themselves as independent people. They always define themselves as someone's mother, a man's wife, or a daughter of somebody, while men have always defined themselves as independent and with a clear identity (Gilligan, 1982).

Nel Noddings does not consider the language of care ethics unique to a particular gender, although she believes that women's experience in this ethics is richer than that of men but does not belong exclusively to women. She exemplifies mathematics and its monopoly by men, but due to the idea that women are not able to learn mathematics, and later with the entry of women into this field, the opposite was proven. As a result, before making any judgments, we need to be familiar with the original language, and that is the relationship (Noddings, 2012). It means that this ethic is the only one established as soon as a relationship is established. Unlike all other ethics - traditional masculine ethics - in which we first encounter a set of principles, then the same ethics are defined according to those principles; in this ethic, both parties to a relationship - of any kind - are required to take care of the relationship.

Eva Feder Kittay also believes that the ethic of care continually defines human beings in a network of relationships and not wholly independent and autonomous. It is these interdependent human relationships that constitute the principles of care ethics. Furthermore, this characteristic sets it apart from a morality based on justice. Because in this morality, the moral factor happens to be wholly independent and autonomous, and those intertwined human relationships in which individuals are immersed have essentially no place in the morality of justice-based (Kittay, Eva Feder, 2011).

Noddings believes that sometimes we have to go beyond caring in the general sense because caring is multi-layered, and sometimes if we stay in one layer, we cannot achieve the primary purpose of caring, she exemplified in an article in response to Michael Slote different levels and types of care for a group of children in need of Cambodia. She outlines that somebody may donate a small amount of money while another is only content for that person's donation, and even somebody just does not neglect them- for example, by only hearing the news about them. As Noddings implies, all of them cared about them, but with a fundamental difference that is unacceptable and maybe even harmful. She distinguishes an apparent distinction between *"caring for"* and *"caring about"* that can show how care can become a harmful practice if we consider care as a *"political self-righteousness"*(Noddings, 1999).

Noddings continues: *"caring about" may be the foundation of justice. It is physically impossible to "care for" all of humanity, strangers who have not addressed us directly, or those unknown others at a great distance. Still, when we have acquired the attitude of care, we feel impelled to do something for any people who are suffering. "Caring about" becomes a sense of justice; it is important, and often it is the only form of caring available to us. However, I see it as morally important because it is instrumental in establishing the conditions under which "caring for" can flourish. This insistence on completion in the other is central to care theory, and it suggests a reason for not giving way on the present emphasis on the relation"* (Noddings, 1999).

Therefore, if this change and replacement do not occur, care will be ineffective, like all justice-oriented ethical principles, which consider the solution of human problems in abstract and predetermined moral principles. According to Noddings, care is divided into two types, natural and moral. Natural care is the care that occurs in the daily life of human beings and routine human relationships with each other, and the people rush to aid their fellow human beings and serve them freely and voluntarily. Nevertheless, moral care is about when we naturally do not want to care for our fellow human beings. For example, we are angry or upset about something.

Moreover, we do not know what decision we should make in this situation as the right one. We should ask ourselves what we would do if we could care, with

satisfaction- and we should respond ourselves in a way that suggests again “care” to us. So we come back to a natural way and approach to care (Noddings, 2012).

Ross and Parks think that we have to support each other in all circumstances in a relationship. What matters here is maintaining the relationship. The genuine concern of caring ethics is maintaining and not destroying the relationship between individuals. Now, if this relationship is influenced by a series of external factors such as stereotypes of society and culture, we must see their impact on the relationship and its maintenance. If going forward with stereotypes helps maintain the relationship, it must be maintained and vice versa. The goal is to maintain the relationship that has been established between people now. If this relationship is strengthened by trust, it must be trusted, and if an external factor strengthens it, it must be used, and if the roles must be changed, it must be done to maintain the relationship immediately. This definition of trust specifically refers to cases where the two sides of the relationship are not on the same level, such as the teacher-student relationship or the parents and children (Ross & Parks, 2018).

2.4 Care as a virtue

Raja Halwani considers care as a virtue. First of all explains that due to there is not a consensus in the definition of virtue, he picked the Aristotelian virtue definition and said: *“my point is that as long as we are able to preserve certain ideas central to the notion of virtue (an acquired excellence, the role of decision, the notion of hitting upon the right end and action, and the role of emotion) we can choose from a number of competing definitions of ‘virtue’, all of which are good”*(Halwani, 2003b). In other words, he proposes directly that care ethics is such comprehensive that we can consider its nature, that is, care as a virtue and therefore care ethics as one of those virtue ethics. In contrast, he has concluded in another article that virtue compels us to make a decision that is more compatible with the standard of care in a situation where we need to make a moral decision (Halwani, 2003a). He tries to say that virtue can help us as rational animals for going beyond abstract ethical principles that are the basis of masculine ethics. Furthermore, such morality can be

more compatible with us due to includes a virtue and, at the same time, based on human relationships.

It may be said that the morality of virtue in its Greek tradition sought a morality that could flourish man and find in him the talents needed to have a good life, by their definition. Aristotle, in *Nicomachean Ethics*, considers happiness as the flourishing of man based on virtue, which gives him a sense of satisfaction and contentment. According to Aristotle, a person who has attained virtue makes every effort to improve himself and the society around him because it is in this way, he feels satisfied and comfortable (Lotfi Tabrizi, 2011).

In further explanation of the meaning of virtue in Greek philosophy, Marissa Silverman states that virtue and morality based on it represented the logic and rational thinking of the individual. In other words, they combined rationality and emotion, like virtue and morality, to show that the wise person must love both aspects of virtue. While researching the ethics of virtue in education, she shows that virtue teaches and strengthens individual responsibility in a person as a habit. As a result, creating and institutionalizing this habit prepares him or her to have a good life, in this respect that *"virtue is both a course of action and a matter of personal choice"*(Silverman, 2012).

What she finds at the heart of this Greek ethic is what constitutes the essence of the ethic of care - with a slight difference - and that is the primacy of attention to the needs of society - others. Now, if we put her findings on the ethics of virtue alongside what the ethics of care says, we will find why care philosophers insist on showing that caring is a moral virtue. When the Greek ethic of virtue seeks to show that virtue is achieved by the primacy of society and its interests over the interests of the individual, the ethic of care invites us to pay attention to the needs of others. Thus we can understand what the relationship is between care and virtue.

However, some people like Timothy Chappell disagree and do not consider any similarity between care and virtue. He believes that the virtues of Aristotelian morality are not related to the compassion of care ethics, and care- even if we admit it as a virtue- is not teachable, while virtue is based on education (Chappell, 2011).

However, perhaps we can conclude Aristotelian ethics of virtue as a masculine moral standard that has always been accepted as a criterion that can help us understand the ethics of care as a virtue. Aristotle always warns us that in the context of ethics, we cannot have a good and faithful set of laws that guide us in recognizing the right and wrong of our moral decisions. Therefore, we have no choice but to find the right –moral- decisions according to the circumstances and “*moral exemplars*”(Aristotle, 2012). By considering the famous idea of *eudaimonia*²⁰ next to this view, we find that Aristotle did not mean happiness is being simply happy. Instead, if we can satisfy our souls according to the virtues, we have achieved happiness. So happiness in Aristotle's virtuous ethic means issuing a virtuous act.

By comparing it with the ethics of care, some common points can be found between them. First, in the ethics of care, we should not be content with just one set of ethical principles, regardless of the circumstances in which they occur. A moral decision is not a decision made with principles but a decision that must be made taking into account the people in the relationship and the specific circumstances of each. Moreover, the end of care ethics should be sought in the care-driven act and not in the result because the basis of this ethic is not to get a definite result as the final solution. Moreover, as soon as people or moral agents act according to care, which is the only virtue and ultimate goal of this morality, they have both performed a moral act and acted according to their accepted virtue, and as a result, they can feel satisfied with their decision.

Also, Martha Nussbaum, in her comparison between the ethics of virtue and moral relativism, concludes that in the ethics of virtue, the diversity of different norms and cultural practices has led to an interpretation of this ethic that gives more than one kind of virtuous life to human beings to be imagined. In fact, by comparing the ethics of virtue and moral relativism, Martha Nussbaum concludes that the idea that promotes the existence of a single moral principle as the end and criterion of moral action does not exist in moral relativism, nor is it endorsed in the virtue ethics in this way. For Nussbaum, even moral relativism is utterly unacceptable if it makes such a

²⁰*Eudaimonia* is a Greek word commonly translated as happiness or welfare and one of the main ideas in virtue ethics and Aristotle. Originally, *eudaimonia* referred to older Greek tradition and was used as the term for the highest human good and therefore in practical philosophy, political philosophy and ethics.

claim because it is not fundamentally moral. For example, how can gender discrimination in culture be defended and called a virtue that belongs to a particular geography? She sees the existence of different cultures as a sign of the characteristics of human universality, which also happens to reproduce human virtues. She shows that Aristotle, and virtuous moralists in general, do not mean to compromise with just any culture and morality because we consider them to belong to another context (Nussbaum, 1988).

For Nussbaum, Aristotle also specifically sought virtues - or in other words - what he saw as virtues based on an aspect of human life in which all human beings share. Now, if we put this Nussbaum interpretation next to the ethics of care, we can conclude that care ethics can also be a kind of virtue-oriented ethics with a focus on care. Because in this ethic, too, the criterion is not to reach a definite result and solution, but simply to perform a care-oriented act makes it morally acceptable and simply shows us our moral duty in a particular situation. As in the ethics of virtue, regardless of the result, one should act according to the virtue related to that situation.

Shirong Luo also believes that care can be interpreted according to Aristotle's ethics of virtue, and it can also be seen as a significant virtue in the ethics of care. In his view, care considers a universal virtue in the care ethics context, and it includes all the emotional, cognitive, and behavioural dimensions of human beings. In addition to the traditional philosophy of Aristotle also discusses and analyses the nature of virtue that is, what virtue is basically and what part of our actions and behaviour are affected by it (Luo, 2007).

In this regard, Jean Carmalt states that one of the best ways to practice human rights in the field is to combine it with the ethics of care because of its universal aspect. Referring to the inequality in the world that can be seen in today's geography in the field of law, economics, and society, she believes that one of the most important reasons for these inequalities to date is the lack of attention to the context of inequality. Moreover, the reason for this lack of attention is the lack of potential in the legal system by which it is not possible to understand the context of inequalities and provide an efficient and appropriate solution.

She says: “*From the perspective of geographers interested in social justice and inequality, a caring approach to human rights highlights the importance of using a relational approach to ethical responsibility*” (Carmalt, 2011).

Indeed, no universal norm can be practical and enforceable without understanding the existing background. Nevertheless, suppose a universal norm, such as human rights, which assumes the common humanity of individuals to live an equal and dignified life, is complemented by a care-oriented approach because of the special features of care ethics. In that case, a larger structure of human relationships can be created and consider the different layers of context and bring people in different parts of the world to the dignity level every human being needs.

Maureen Sander Staudt offers an integrated model that can connect the ethics of care and virtue, while both ethics still have three essential characteristics that can be agreed upon by proponents of both ethics. These three characteristics are comprehensiveness, progress, and cooperation. However, at the same time, for this model, we need a “*prenuptial agreement*” to achieve these three features, and the agreement needs to meet the following standards:

1. The integration of these two ethics may not be perfect, but the resulting combination poses a more substantial prospect with deontological Kantian theories and, therefore, will create a new approach to justice,
2. The integration should be such as to meet the main concerns of care ethics, not to overlook or override them,
3. The definition of virtue should successfully encounter both motive and consequence of care ethics,
4. Characterize virtue to influence both individuals and collectives to achieve a better relationship among women as collectives and caregivers and care receivers as individuals,
5. Demonstrating care as a liberal or, in other words, tolerant virtue that can put into operation all forms of relationships in both public and impartial spheres (Sander-Staudt, 2006).

Michael Slote also shows how caring as a virtue can create institutions and policies based on justice and in the public sphere, and in fact, he calls for the combination of these two ethics and proves the compatibility of virtue and care in an integrated ethic. Relying on English sentimentalists, Slote bases the virtue of caring on the natural feeling of empathy or concern for humankind, arguing that a moral act is defined depending on its perpetrator. He calls his theory *agent-based virtue ethics* and shows that our choice defines the correct criterion of our actions as human beings and at the same time as virtuous agents. He considers the virtue of caring to be based on the motive of benevolence found in the virtuous doer (Slote, 2007).

On this account, it can be said that caring for him is a virtue that can meet all the needs of individuals because it is based on the inner benevolence of a virtuous moral agent. Moreover, hence it is effective in all private and public fields. Slote himself emphasizes that the habits and customs of individuals can be considered moral when they are formed based on the same benevolent motive.

In the same vein, Joseph Kupfer traces the ethics of care in the *Indian Independence Movement*²¹ by the leadership of Gandhi as a leader who has used care as a practical virtue in the public sphere. He means care in this movement, had represented as the basis of a public stance clearly, besides each part of the movement connected and followed each other naturally and reasonably due to the virtue of care. He tried to show a personality that equates the motive of benevolence as a supreme virtue with sub-virtues such as attentiveness and responsiveness (Kupfer, 2007).

In other words, Gandhi was able to equate virtues such as benevolence as the primary and critical virtue accepted by the majority with the virtues we now consider them as the essences of the ethics of care; responsiveness and attentiveness and therefore, showed that the potentials of them as solid and effective as a virtue benevolence, in addition to should be grasped as the source of change and influence

²¹The Indian independence movement is a series of revolutions of the Indian people against the domination of the British Empire over India's political independence. The movement began with an uprising in 1857 and led to the independence of India in 1947. The decisive role of Mahatma Gandhi reached its peak in the mid-1940s, and the Indian National Army eventually won the movement. One of the essential features of this movement that makes it also very distinctive was Gandhi's emphasis on non-violence.

in the private and public spheres of individuals with an emphasis on their relationships.

Alan Thomas seeks a normative approach based on an epistemological perspective to unite care and virtue ethics as two distinct morals. In his view, in order to avoid falling into the abyss of extreme reductionism or fundamentalism and relativism, moral norms must be examined from two perspectives: one is the degree of probability, and the other is their epistemological basis. Referring to Occam's Razor²², he reminds us that one of the best approaches to uniting the two ethics is to invoke Occam's Razor theory to reach a justifiable and probable and common result between the ethics of care and the ethics of virtue. Moreover, we can find in virtue ethics the values that care ethics defines as the ultimate goal of care, based on the commonalities between the two ethics. He gives us an example that makes his idea clear:

“Consider a person in the advanced stages of Alzheimer’s disease who has lost many of the core cognitive functions of memory, thought, and imagination and has, in the process, lost personality and meaningful relationships to those with whom they used to be most deeply bonded. An ethics of care rightly emphasises the particular vulnerability and dependent state of this person. Such a person, we think, is deserving of equal respect. If someone proposed that it would be ethically permissible to carry out dangerous medical experiments with an experimental drug on such a person we would rightly be horrified”(Thomas, 2011).

With this example, Thomas concludes that a change of approach and perspective leads to realising the main goals of ethics, which are mutual reciprocity and altruism. However, most care-oriented philosophers do not believe in this connection. They do not accept that the ethics of virtue defines the ethics of care. In other words, it is considered a kind of struggle between strength and weakness, or the same brave men and virtuous women. They consider care to be a unique and special virtue that needs to be recognized independently by men and society and not to be known in combination with another ethic or to be coloured with virtue. For instance, Gilligan says in one of her essays before proposing her idea in her leading book: *“When*

²² This theory is attributed to William Occam, a 14th-century English logician and philosopher. According to this principle, in a similar situation, the probability of error in a complex interpretation is higher than the more straightforward interpretation.

women feel excluded from direct participation in society, they see themselves as subject to a consensus or judgment made and enforced by the men on whose protection and support they depend and by whose names they are known... The conflict between self and other thus constitutes the central moral problem for women...The conflict is between compassion and autonomy, between virtue and power..." (Gilligan, 1977).

Referring to Steven Steyl's article on the clear and complete defence of caring as a virtue will conclude this section and concentrate on two specific characteristics that have been introduced explicitly in caring ethics as virtuous examples of caring; empathy and trust. He argues that care is also an undeniable virtue and proves three categories of reasons for his claim. Calling his theory a *virtue thesis*, he acknowledges that among the ethicists of care, there are people who do not accept such a view and deny that caring is a virtue, calling their view weak and orthodox (Steyl, 2019).

The first approach that Steyl has chosen is called analogical. In this approach, he equates care with the previously and universally recognized concept as a virtue, proving that care is also a virtue. He chooses love here and quoting some care-oriented ethicists who have considered maternal love, or love between parents and children in general, as an example of care, shows that if we take care in the same sense, it can overlap with at least one virtue. Then with a simple analogy between the two concepts, he concludes that care can be considered a virtue in terms of analogy. He assumes a cardinal approach to defending the thesis of virtue in which we are allowed to consider a fundamental virtue and bring other virtues under its banner. Here we can say that care is a powerful ethic with some structural virtues, and the essential virtue that it has is the potential that can include other types of virtues, or in other words, it is a world of virtues, and each contains a virtue.

2.4.1 Trust

Stoyneva et al. claim that trust can be considered a virtue and one of the main components of social life. In their view, any social relationship at any level is based on trust. By a psychological approach, they concluded that all human interactions are made up of relationships built on trust. Alternatively, from the other side, trust is an

individual action based on our expectations of past behaviours and interactions with people (Stoyneva Irina, Tzabbar Daniel, Tzafrir Shay, 2013).

It is a relationship based on past behaviours on the one hand and will be effective on the other until the future. One thing that confirms our approach to trust in this debate as a care-driven virtue is the need to gain trust between the parties over time. Furthermore, this means that this trust is created in the context of relationships, which is a temporal phenomenon. There is no harmful competition in trust-based relationships, and relationships are based on a partnership that ultimately leads to interdependence and bonding of members.

Our relationship is based on whether our trust is right or wrong. Moreover, the first thing that happens in a relationship is trust on both sides of the relationship. Indeed, this trust is based on an initial measurement of the other person that maybe even be completely wrong and may have occurred simply because of the wrong mental prejudices that each party has in mind, but there is no doubt in the very spirit of trust that has developed between them. It can be said, the relationship itself is always based on trust in the beginning, and there is a two-condition relationship between them.

Maybe Nel Noddings has presumed the following logical situation like this: “ (W,X) is a caring relation if and only if

- i) W cares for X (as described in the one-caring) and
- ii) X recognizes that W cares for X ” (Noddings, 2003).

Noddings here assumes the same role for trust, and for this reason, she makes a fundamental difference, and a permanent role between the caregiver and the cared for. She extends this trust to society and believes both of them should be approved by society. Nevertheless, and since a care route always consists of many different parts and is often difficult, they should gradually remove monopolizing roles and enter into a mutual relationship. Once the cared for, and the caring are acknowledged by society, they change their role into a mutual trust role within a relationship. She has shown this mutual trust like this:

“When we say that “ X recognizes that W cares for X ,” we mean that X receives the care honestly. He receives it: he does not hide from it or deny it. Hence, its reception

becomes part of what the one-caring feels when she receives the cared-for”(Noddings, 2003).

Nevertheless, Ross and Parks are somewhat opposed to Noddings' theory and this kind of view of trust-based relationships. They are not simply what Noddings justifies, despite acknowledging that our initial judgments are inevitable in both the origin and dynamics of our interactions with others. The reasons given for challenging the joint growth of both parties to achieve an equal relationship after leaving behind their exclusive aspect are that, first, it is not easy to prove that such joint growth exists between the two parties. Because, incidentally, according to the same principle of inevitable prejudices, each party is affected in some way by society's stereotypes. According to them, we live in a world where social media can teach and use us. In other words, a few minutes of video without any argument can turn us into an -anti-immigrant person, for example, who has instinctively learned to stand up and judge people who are different from him or her and therefore lose the trust (Ross & Parks, 2018).

From this point of view, the components of a relationship- cared for and caring- should not be given fixed and unchangeable roles like what Noddings has been claimed, this is because the relationship must be based on reality before it can be based on trust, because reality allows us to explore and observe all aspects and capacities of the context that a relationship is shaping in and then based on what we see and feel the need for, we can redefine the roles of the two sides.

They also provide a good example of an unequal relationship and the position of trust in such unbalanced relationships to emphasize the position of trust as the basis of relationships, even in its unequal form:

“There are, for example, almost certainly times when parent(s) know that a child is making a mistake in judgment, but because of their respect for the child, and the process of growth, they let the child pursue the desired. The parent(s) care enough about the child to let the child grow and become great under his or her own terms. In this way trust is fostered within a caring relationship. This model of trust extends just as effectively to any relationship where the one-caring and cared-for do not begin as absolute equals, such as student-teacher relationships, client-contractor relationships, and more” (Ross & Parks, 2018).

In her theory, trust is a concept that Annette Baier calls the ideal care concept. In her view, since trust includes love and obligation, it can be the basis of the theory of care ethics. Moreover, in relationships based on love, the parties consider themselves obliged to maintain the relationship and not harm each other by fulfilling their obligations (Baier, Annette, 1995).

However, she considers a problem that begins when people are disconnected from the human network and serve institutions and organizations designed for specific purposes and interests, in which case trust is no longer the same as before because the role that people play in time and place will affect them positively or negatively. The example she gives goes back to the trust we have in religious people and clerics. According to Baier, a religious institution makes people who belong to that network trust each other. In other words, a priest who preaches and speaks from God is an example of the positive impact of an institution, because on the one hand, we trust him as a religious person, and on the other hand, we trust the preaching that makes us trust to a more powerful creature and wait for our dreams to come true (Baier, Annette C., 1992).

She also gives another example in the opposite direction, which shows that institutions must also be at the service of care and human relations, and if for any reason the moral agent encounters something that violates care, trust is not permissible in those circumstances and must be violated. In a military environment, the commanders always give orders, and the soldiers are obliged to obey the situation, or in other words, our moral duty is different. Because sometimes there is enough trust in the commander, trust will be fulfilled due to the specific condition that makes soldiers obey without an extraordinary decision. However, sometimes this is not the case, and the soldiers do not trust their superiors but obey their orders. Therefore, this trust will be considered a moral virtue. Because when one side is in power and the other side is in the opposite position, he is not allowed to disobey specific commands; the moral duty here is to obey his superiors or commanders despite not trusting them (Baier, Annette C., 1992). In other words, the account of obedience is separate from the trust. The example given referred to the existence of institutions that undermine the element of trust and human relations due to the existence of special situations, such as the existence of power.

By posing “*goodwill or illwill*”, Baier tries to show us that we can encounter hurt, abuse, kindness, or care in each relationship. Moreover, there is no guarantee in others intentions; also, there is a difference between “*who trusts intentionally*” and “*who has been trusted*” because when one knows about the fact- here trust- and deliberately keeps trusting without stopping it, his or her aim is not obtaining any given advantage from the other part, so, there is no need to distrust. She says as a clearance: “*Trusting, as an intentional mental phenomenon, need not be purposive. But intentional trusting does require awareness of one's confidence that the trusted will not harm one, although they could harm one*”(Baier, Annette, 1986).

Regarding her above categorization, we encounter some essential questions; why should we base a relationship on trust? The answer to this question goes back to the same principle that trust is a virtue in a care-oriented approach, and it is evident that there is no doubt about the performance of moral virtue - in the immediate context of virtue ethics. The morality of virtue, which is most similar in this section, at least to the morality of care, commands us to cultivate moral virtues in ourselves to the fullest. Therefore, virtue- here trust- cannot be ignored.

Furthermore, more importantly, why give what is valuable to us to someone trusted without any awareness or familiarity? Baier replies that we are all constantly giving our precious things to others every day and throughout our lives. Children who are placed in care centres, our health when we go to the doctor, many of the conversations we have with people are all examples of valuable things that we give to others intermediary and closely. We have no choice but to trust them without boundaries, and it just so happens that relationships lead to caring because we allow other people to be in situations that can both hurt and help us, and as a result, their choices go directly back to their views on care (Baier, Annette, 1995).

Baier offers an experiment in response to critics who do not consider trust as a factor to be created at the beginning of a relationship and whose knowledge of its quality depends on the passage of time. - Something that has not been considered from the beginning and without any ethics in the ethics of care and relationships based on trust - she shows some things in daily life between a couple or a commander and a soldier that all these people in some situations have no solutions except trust in the other side. In her view, although this experiment is not scientifically definable, it is

based on case-by-case psychological experiences. However, we should refrain from showing our weaknesses to the other party, as this can provide grounds for abuse (Baier, Annette, 1995). Nevertheless, this experiment still does not show the primary and final factor in trust and how one can finally accept a relationship in which trust is accepted a posteriori because this type of a priori trust is very different from nature. It has no contractual ethics.

In any case, the role of trust in the child-parent relationship is so essential that Engster predicts two different futures for children whose parents were trustworthy and those whose parents were otherwise unreliable. He believes that parents who can meet their children's physical and emotional needs will have a sense of trust and interdependence in the future and among the people in the human network. However, because of the absence of a relationship based on trust between them and their parents, the second group either interact very hostilely with others or have too much self-centeredness and absolute power (Engster, 2007).

Since in virtue ethics, a virtue is an excellent personality trait, and the virtuous person or the moral agent acts with the virtue of his knowledge and desire to perform virtuous behaviour. However, this - that is, doubting the intention of the moral agent, or in other words, ensuring the goodwill of individuals - is not an issue that has been raised recently. In general, the virtue ethicist, with making the difference between the approaches to "*eudaimonia*", shows that the norm of virtue can be based on both the moral agent and the moral act. The answer to this question lies in the ethics of virtue. In Aristotelian virtue, according to the degree of virtue they are, individuals can fight the immoral temptations in their souls and, by abandoning their emotions, make a rational decision at the peak of virtue (Hursthouse, 1999).

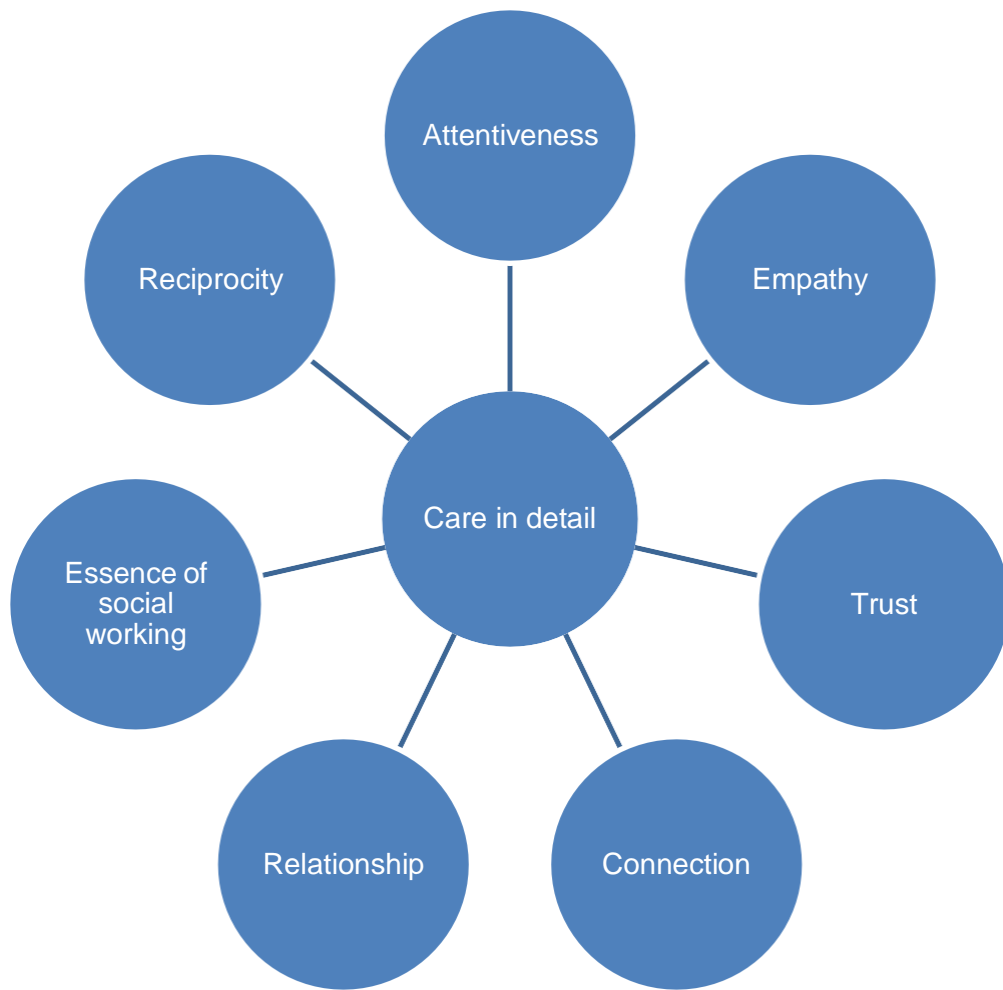
However, in the ethics of care, which is based on moral factors, surprisingly, we do not find out what and how their motives are; it is enough to perform the act of care as a moral act, and we do not need to explain the motives. In other words, discovering the people's intentions is not our moral responsibility here. Furthermore, maybe, this is one of the main differences between the care approach and sentimentalism in moral theories because motivation is essential for the moral justification of a rational agent. The goal is to take care of everyone within the interconnected human network. Maybe it is better to say the discussion with reference to nursing ethics and

show how a caring approach can, without regard to the motivation of moral agents and focusing solely on the ethical practice that care here means, build and disseminate a moral virtue such as trust in all those involved.

This interconnected human network that Peter and Morgan have illustrated can be our family, kinship, and friends, while in more distant circles, there are doctors, nurses, lawyers, politicians, and journalists. These circles are interconnected, and also the members that are in them can be present in other circles at different distances from each other at the same time. This human network, in general, contains very complex human relationships, all of which are interconnected based on trust or distrust. In their view, when relationships between people are based on trust, it positively affects the overall state of the human network. The positive effect can occur in a political context or between the patient and the treatment staff.

Conversely, if human relations in this network are based on oppression and repression, trust between individuals will be reduced to such an extent that it will no longer exist in the human network, but at a low level and between individuals - such as soldiers and commanders. An example was given at the beginning of this section - it just exists. Furthermore, the result will be that this distrust will eventually affect everyone on the network (Peter & Morgan, 2001).

Figure 8. *The detailed meaning of care*



Designed by the author.

2.4.2 Empathy

Empathy considers as one of the pillar concepts and values of care ethics. Perhaps it can be said that the closest meaning based on emotions is this. However, there are differences among the care ethicists themselves about the definition of empathy and its relationship to care ethics. One of the most scathing criticisms, or in other words, the ambiguities about the ethics of care, goes back to the specialization of empathy in a particular gender. Although many care philosophers try to free themselves from the monopoly of care in one gender and introduce it as a rudiment ability that anyone can come to. However, with the introduction of empathy as one of the virtual feature examples of care ethics, this gender monopoly is occurring more than ever.

While confirming the sexual monopoly on empathy, Michael Slote tries to provide reasons to support this theory further. He believes that there is a general difference in empathetic tendencies between the sexes. However, this difference may be due to their childhood education or their particular socialising method. Furthermore, because the care-based approach is new, educational changes in adult men may not yet be seen. Nevertheless, once this educational approach is institutionalized, we will see more empathetic behaviour on the part of men (Slote, 2007).

It can be said that Michael Slote has achieved one of the goals of care-oriented feminists with what he has achieved by combining physiology, psychology, politics, and ethics between the sexes. He considers men's aggression to be related to their testosterone nature. It confirms that men always behave more violently than women because of the higher levels of this hormone in the body. He says: *"higher levels of testosterone make boys and men more aggressive and less socially perceptive and empathic than girls and women"* (Slote, 2007).

The point here is that with this theory, Slote practically affirms the superiority of feminine morality - or even feminine - over masculine and their morality and, by tying it to physiology, introduces it as an inevitable and unchangeable feature that even education and its influential role are incapable of changing them. As a result, one cannot expect very different behaviours from men with an empathetic background, although they have an excuse. Slote's conclusion as the final result of this comparison is ultimately the superiority of the ethic of care on behalf of the

empathetic character over liberalism as the manifestation of masculine aggression. He says: *"Men who were sensitive enough to regret and deplore the damage their increases testosterone gave them some kind of moral excuse for their behaviour. Likewise, women who suspected that care ethics was letting men off too easily might, nonetheless, take pride in the thought that, because of the greater empathic capacities and lesser aggressive tendencies, they were morally superior to men and less need of the moral excuses men have to rely on"*(Slote, 2007).

Nel Noddings defines empathy as follows: *"The power of projecting one's personality into, and so fully understanding, the object of contemplation." This is, perhaps, a peculiarly rational, western, masculine way of looking at "feeling with"*(Noddings, 2013). By explaining the empathy, Noddings tries to demonstrate that her primary purpose is not to put anybody somewhere else but to feel the reality of life and the circumstances in which the person finds him or herself. She uses the word *engrossment* to indicate that she seeks to accept facts as objective data and then test how she will feel when confronted with such facts.

Noddings makes a significant difference between empathy and sympathy that should be considered. Empathy, the newer word, has a meaning more consistent with the main context of care ethics. Empathy remarks the attempts to understand the problems of the others who need care and fill them. It means an understanding with emotion and that no one leads us to the primary goal of care without the other, while the sympathy goes back to mere feelings, which include our care. Here we do not try to understand others, and the –moral- act will fulfil through feeling others situations (Noddings, 2012).

Perhaps empathy can be called the most practical aspect of care ethics because every human being, at any age, needs empathy and cannot live without it. Although empathy is one of the main features of care ethics in moral philosophy, some examples examine empathy in a dimension outside of a moral principle. Empathy has two features that can be considered a practical approach; measurement and training. It can be perceptible, especially in nursing ethics or general health care ethics, to find the level of care performance. Besides, empathy can be taught in the sense that it can be achieved through practice.

In this regard, in 2008, a care-ethics lab in Belgium²³ organized empathy sessions to monitor it among all care providers. In these sessions, they demonstrated the importance of empathetic experiences as a basis for ethics of care and reflection, using practical methods. Together with several nursing schools and nursing homes, they created training classes to stimulate and strengthen the ethics of care based on empathy. In this training course, they sought quality and ethical training of care providers and tried to strengthen their theoretical and practical aspects by using educational tools such as workshops and internships. The goal of this educational approach was to emphasize the combination of empathetic experiences and ethical interactions (Vanlaere, Coucke, & Gastmans, 2010). The reason for quoting this example was to show how care ethics can be practical, even in its most abstract form, and how different its involvement in human affairs can be. Such approaches to care ethics can prove the difference between care-based ethics and traditional justice-oriented ethics.

If before the advent of care ethics, issues such as empathy and kindness were considered purely feminine, superficial and lacking in moral value, now not only has the hegemony of justice based on justice been shattered, but it has entered many functional areas, besides has made significant changes with its presence in definitions of human relationships.

Here again, we encounter moral motivation. It can be said that differences in the criteria of moral motivations have created different approaches in moral philosophy. For example, in utilitarianism, what motivates a person to perform a moral act is to achieve more profit, or in contractarianism, the argument is about the moral beliefs which are justified only if certain people agree on it in certain circumstances or on the rule or system that it contains; regardless of whether the result of this agreement is in line with previous beliefs or not, such as slavery. However, the ethics of care as an ethic that stands in front of classical approaches by relying on concepts such as empathy shows that the ethics of care and its principles and norms are not time-dependent and can always be acceptable and defensible as a moral practice.

²³The care ethics lab 'sTimul' was established in Belgium in 2008, focusing on the impact of empathy on the care process to examine the ethical reflection of empathy between care providers and recipients of care.

Karsten Stueber returns the route of empathy in such a way to Hume in the first place, before the ethics of care introduced it. It is considered an exceptional psychological capacity in human beings as a social creation that allows us, humans, to try to understand the feelings of others and, after understanding them, to continue to care for and live with them (Stueber, 2019). In his view, this psychological background has made empathy now an integral part of the social sciences and ethics. Empathy is a tool that can lead us to know the mind and feelings of the other party and thus lead to creating social relationships, maintaining them, and most importantly, valuing them.

Hume's view of emotion is perhaps the closest that can be found to the modern meaning of empathy. In his view, sympathy is the only thing that can influence our moral judgments. On the one hand, Hume considers morality as a set of commands based on the emotions of us as humans, and on the other hand, it causes emotions to give rise to morality (Harris, 2009). According to his interpretation of Hume, it can be seen that Hume considers correct moral judgment as a process in which, with the introduction of the element of empathy, it leads us from a self-centred position in which we see others only as our enemy or friend.

Let us see all human beings on an equal footing and give up self-centeredness. Empathy did not exist literally in those days, but as Stephen Darwall assures us, by using "sympathy", Hume was mentioning "empathy". He says: *"Indeed, 'empathy' only entered English when Edward Titchener coined it in 1909 to translate Theodor Lipps's 'Einfühlung'²⁴, which he, in turn, had appropriated for psychology from German aesthetics in 1905 and which derives from a verb meaning "to feel one's way into." Both Hume and Smith had used 'sympathy' to refer to the distinctive forms of empathy they described"*(Darwall, 1998).

Darwell observes some similarities between empathy and sympathy, although and at the same time makes a distinction between them. In general, both words go back to the description of emotions from us, which shows that we humans have unique emotional characteristics that can be compatible with other human beings' emotional states and conditions.

²⁴Theodor Lipps was a famous German psychologist best known for his theory of aesthetics and found a new translation for *Einfühlung* or empathy by concentrating on perception. He mentioned that empathy points to an appreciation of ones' reaction to the other.

For example, in a situation where a child is thrown from a high place, empathy includes those emotions that we feel from imagining that child's situation. That is, to recognize that the child is now frightened or angry or shocked. However, sympathy means putting oneself in the child's shoes and finding out what he or she may need now. It can be said that he has the exact role of caretaker. Therefore and according to Darwell, an empathetic person can be cruel and annoying at the same time because he or she only understands negative emotions (Darwall, 1998).

Of course, it should be emphasized that care-oriented philosophers recognize and define empathy in the exact definition, strengthening positive and humanitarian emotions. Empathy in the ethics of care, which is one of its foundations as a moral virtue, should make us realize the person's feelings during a problem due to avoiding hasty and absolute judgments without considering all aspects of the case. However, at the same time, the emphasis on empathy and its place in the ethics of care has made it the most criticized by rationalists.

Empathy, as an embodiment of human emotions, has acquired a place in the ethics of care, which shows the superiority of emotions over reason. That is why some liberals like Martha Nussbaum consider care ethics as a new approach to weakening women again and changing their position from questioning and challenging social institutions to their permanent and former position in society. That is, where feminine emotions were their unique character, and as a result, they were unable to be present in some areas like justice and rationality. Besides, the role of reason cannot be compared with emotions in everyday life and on a large scale. In Nussbaum's view, emotions cannot be our guide in life and moral and political decisions, so how can morality be made entirely based on emotions?

Nussbaum says: *"The Liberal tradition holds that emotions should not be trusted as guides to life without being subjected to some sort of critical scrutiny. Emotions are only as reliable as the evaluations they contain, and because such evaluations of objects are frequently absorbed from society, they will be only as reliable as those social norms. To naturalize them would be naturalize the status quo. In general, emotions, like other forms of thought and imagination should be valued as elements in a life governed by critical reasoning"* (Nussbaum, 1999).

2.5. Care as a moral obligation and human responsibility

Moral obligation is more reminiscent of Kantian ethics or traditional ethics than the ethics of care. This ethic always seeks to reject all kinds of abstract principles and requirements and has a different approach and a new definition of moral obligation. In general, in the ethics of care, when it comes to moral obligation, it is again the element of care that creates this obligation for us. For example, it is accepted that children should be cared for by their parents, and if we look at it from the other side, parents have a moral duty to take care of their young children. In the ethics of care, the meaning of moral obligation is the cases in which a person has a moral duty to care for others. It seems that the moral obligation in the ethics of care goes oppositely to traditional ethics and especially Kantian ethics. In other words, if according to Kantian ethics, ethics means acting on moral requirements; in care ethics, ethics means caring. Foot by referring to Kant has distinguished between hypothetical imperatives and categorical ones. From the other side, he defines an imperative in general, which will help us understand that distinction. Philippa Foot defines the notion of imperative in Kant's moral theory as "*A statement to the effect that something ought to be done or that it would be good to do it*" (Foot, 1972). She continues, the hypothetical imperative is a practical compulsory of a probable action as a way of achieving something else which one strongly wishes to do, whilst categorical imperative refers to an action that as of itself considering only necessary facts and without being influenced by personal feelings or opinions or any regard to any kind of end.

We need here to work on the categorical imperative as the principle, which shows clearly the distinction between these two approaches of moral obligation. Kant considered categorical imperative as an "*objective, unconditional, and necessary*" principle that demands all rational agents in any conditions or other words, he knows this principle for all human beings in the natural world but on different levels (Johnson, Robert and Adam Cureton, 2019).

However, for Noddings, the ethic of care reverses Kant's priorities. In other words, if Kant considered moral acts to be those performed solely based on moral duties and nothing related to compassion, feelings, and even love, in care ethics, love and affection create a relationship based on care. In Kant's ethics, moral obligation

means the obligation to laws, while in the ethics of care, there is no more moral obligation that has value, and that is care (Noddings, 1994).

Ethics has always seen the deontological approach of Kantian ethics of care as a shortcoming because it has limitations in recognizing the roots of the problem and, therefore, the right moral decision. It can be said that care-oriented philosophers have used the same defect and consider the moral requirements to be incorrect because it does not specify what moral duty a person has. However, in the ethics of care, whatever helps to maintain and continue the care-oriented relationship and meet the needs of others, even if it does not reach a definite result, is our moral duty.

However, Sarah Miller does not accept this view and believes that in terms of defining and recognizing moral obligation, these two morals do not stand against each other and coexist peacefully. She considers care ethics to be responsible for recognizing and acquiring the necessary knowledge about the needs of individuals, and Kant's ethics as a guide to caring ethics in showing how to perform a moral duty, and as a result, these two approaches complement each other by crossing each other's boundaries. They pursue mutual interests for the moral agent and specifically in the fields of moral perception and moral judgment (Miller, S. C., 2005).

Soran Reader observes that care ethics are proper in acting and recognizing moral obligation. In her view, the mere existence of a relationship means the moral obligation of both parties. From the very beginning of the relationship, she assumes a moral commitment, an obligation that, on the one hand, leads the parties to know each other and, on the other hand, to adopt a way to help or minimally not harm each other. Some may think that the relationship between mother and child, which is a biological relationship, is at the highest level of communication and, as a result, moral commitment and obligation. In contrast, the relationship between two co-workers in an institution is not closely related, and consequently, the commitment is more diminutive. However, any violation of moral commitment will have a more profound impact on the moral evaluation of the offender by society and individuals (Reader, 2003).

Therefore, the relationship that has been established is directly related to the degree of moral obligation and commitment of the parties. In other words, the ethics of care

confirms that everyone cares about something which loves and, as a result, must take care of it.

However, Harry Frankfurt does not accept this view and believes that people care about some things more than others in some circumstances and according to different situations, which may be even more attractive. He seeks to show that the situation is not always the same that care can be shown as the only moral duty of the individual. Besides, sometimes a person cannot obtain what he or she cares about immediately and willingly (Frankfurt, 1982). Also, how can it be epistemologically proven that the reality that one cares about and seeks to take care of is fundamental? There is no definitive justification for showing that what is essential to one person and caring is essential to another.

Engster also shows our need for care as dependent on many areas of human life. In other words, he acknowledges that in the ethics of care, we are required to care as a moral obligation, but it also has a root, and that is the natural dependence of human beings on each other, and in particular in certain exceptional circumstances. By distinguishing between the psychological and moral roots, he shows how our minds sometimes call us to care for others because of sympathy or feelings for another person. In the ethical principles of care, our approach to moral action is measured as an obligation to those with no interest (Engster, 2005).

In Engster's view, dependence is a strong theory that has a strong justification for showing why we are required to care for others in care ethics. When we humans live in an interdependent human network, our moral duty is to maintain and care for that human network. However, not just because other network members need care due to their probable weakness and vulnerability, but because we have all been, are, and will be dependent on each other at times. Furthermore, this dependence has different forms and levels. For example, a newborn is dependent on his or her parents in every way, and as he or she gets older, the form and extent of this dependence changes, but it does not disappear, nor does our commitment to care and only its form can change.

However, Honneth and Farrell argue that moral commitment can vary in the number of different approaches and shows that in feminist ethics, what is referred to as a moral commitment is quite different from other approaches. For example, if in ethics

of care, maternal concern or love between individuals is presented as a moral obligation, in feminist ethics, and especially in care ethics, individuals are not recognized as independent or autonomous. Instead, their relationship is based on “*care and esteem*”, and as a result, moral obligation includes everything that maintains the bond between them (Honneth & Farrell, 1997).

Noddings outlines that care ethics is the only one that can connect humans naturally. Because as a human being or a moral agent, when we are in a caring relationship, we take care of others on the one hand and others take care of us on the other hand, but most importantly, our ideal self is in the exact moment arises. Moreover, as a result, we have an honest self-awareness that was not possible before this caring relationship. Of course, this achievement of the ideal moral self is gained in a process, which has changed our perspective on what we need to do. When we take care of each other, we get involved; both from others and ourselves. Because on the one hand, we take care of others, and on the other hand, we take care of ourselves to fulfil the obligation that we owe, as a result of this care that always keeps us in moral commitment and makes us our ideal (Noddings, 2013).

However, what is important to note here, and to address, is that the type of moral obligation in the care ethics approach is fundamentally on the contrary with Kantian morality. In this approach, morality as a specific law that defines good or bad is presented as a fixed rule, and just following it makes us moral beings. We are faced with a current in this morality that creates a wide range of rights and duties for us, and every human being who has benefited from reason is required to follow these principles to act morally. In contrast to this morality, in which care, empathy, and emotions between the human beings are generally part of morality and, that is why she considers the moral obligation to be based on a kind of culture. Since we are always in a human network of relationships, our morality can neither be achieved nor acted upon without attention and influence from this network. So caring is a culture that needs to be promoted to become part of one's moral requirements gradually.

- Culture of care

Ethics of care, as its name implies, is a moral theory that seeks to create and promote a culture that emphasizes human relationships in a way that introduces the core and vital responsibility of human beings to help and support others, in that

morality, culture appears with the principle of “*meeting the needs of, our self and others*” as the primary concern (Sander-Staudt, 2011).

It may seem that this culture of ethics is not a new word or practice that has been recognized as one of the natural and common standards in human history. Nevertheless, if we look again at it in a historical context in which no culture originated in women's thought and morality, and if it was found, it would not be considered, then the value of promoting care as a culture with feminine roots becomes clearer. In the eighteenth century, for example, Rousseau considered the duty of women only to serve men and measured the existential and natural value of women, which, of course, was unchangeable, only concerning men.

Wexler, in this regard, says: “*There can be no doubt that in Rousseau's natural society women would have a secondary place. There would be no equal opportunity and no possibility for competition; all this is obvious enough. But when we consider Rousseau's estimation of woman's power to govern her emotions, we discover just how powerful she is, even within a restricted role. Sophie²⁵ is second to man and "made for his delight" because of her physical weakness...*”(Wexler, 1976).

Moreover, Brenda Green believes that adhering to ethical principles of care as a tool to strike an asymmetrical balance between gender, race, and class with health, justice, and well-being can influence the controlling or decision-making structures in societies where culture can be (Green, 2012).

Also, Madeleine Leininger observes it as a kind of culture that can change and be changed in different societies. It can change the feelings and judgments of people about true or false values and therefore their lifestyles in society and makes for them new care-based patterns and can be changed -even as a pattern- depending on the prominent culture of society (Leininger, 1991).

However, on the other hand, the same culture of care is not seen by many feminists as a positive point but also as a culture that pulls women back into the valley of weakness. According to them, care ethics ideals place women in a powerful position of oppression that cannot easily be changed or removed.

²⁵The female symbol and character in Emile Rousseau's famous work.

Catharine MacKinnon considers care as a kind of self-sacrifice and excludes women from equality, thus violating women's rights.

Catharine MacKinnon says: *“For women to affirm their difference, when difference means dominance, as it does with gender, means to affirm the qualities and characteristics of powerlessness [...] Woman value care because men value us according to the care we give them [...] Women think in relational terms because our existence is defined in relation to men”* (MacKinnon, 1987). It can be concluded here that she not only does not consider the way of judging based on the ideals of care - difference as the most important of them- to be moral, but also considers it wholly unfair and discriminatory – in women cases especially.

In this regard, Daniel Engster steps forward more and claims that not only does care ethics insists on meeting everybody's needs but also it should be our moral priority to fulfil all human needs at any level and anywhere by empowering and equipping them with care and this will be our moral duty. Thus we should be prepared for shifting our strategies in any situation but according to the capacity of people for care. It means achieving care at any time should be the moral target even though we teach people to care for each other and says: *“we should shift the actual delivery of care whenever possible to the most local and personal levels. We should care for others whenever possible by enabling them to care for themselves”*(Engster, 2007).

To continue is tried to illustrate this quote of Engster by his words in another essay. He insists a lot on the quality of care between caregivers and care receivers. The quality that he follows is a way of behaving towards the care receivers to avoid the difference in position between these two sides. He exemplifies: *“Social service programs that fail to treat their clients with respect tend to breed resentment and mistrust and ultimately are less effective than programs that treat their clients as knowledgeable and capable persons”* (Engster, 2005). This example shows Engster's concern is about the quality of care as an act in relation.

Moreover, if they do not apply, the care act will not have a great value and impact. Engster believes that if caregivers and care receivers are at the same level, care will be fulfilled completely and correctly. For this purpose, firstly, care-receiver should be able to address their needs directly to the caregivers, and this only will be fulfilled if the care receivers could see themselves at the same level as those who want to help

them. Second, the caregiver tries to enable care receivers to do and perform their needs by themselves, and thirdly which is the logical result of the former strategies, is the respect flowing during the care act; a respectful response with enablement.

Noddings marks the most crucial function of care in education. She believes that many of the skills we teach children at school are unnecessary and need to be re-examined, leading to structural changes based on the ethics of care. She invents *deprofessionalization* to convey the meaning. By inventing this word, she wants to emphasize a culture based on care that diminishes the quality of education and focuses on the high quality of teaching and expert teachers. Noddings firmly holds that only a professional teacher can attract students and carry them on the correct route to reach their destinations.

Furthermore, the ethic of care is the best tool or approach to achieve this goal. A successful teacher can have a maternal approach and attitude, and this can be a bridge above the gap between parents as the child's primary educators and the school system. From Nodding's perspective, a care-based structure and culture, instead of a traditional hierarchical system that always existed between children and school, proposes a new system in which teachers, parents, and students are based on a care-oriented framework that oversees everything (Noddings, 2003).

The culture of care unveils a model based on supervision and puts all those involved in the issue, including teachers, students, and parents on an equal footing in a human network that monitors each other simultaneously. In other words, if in common cultures people have different responsibilities according to their positions, in the culture of care, everyone in each position is responsible for supervising another equally.

Cavanagh et al. are seeking to promote the ethics of care as a cultural educator and explicitly defends this culture while considering it applied in some categories like immigration. By observing care as a culture that insists on relationships, especially in schools and workplaces, particularly in multicultural societies like the United States and New Zealand. They believe that the emphasis on relationships than curriculum can start from school and end at the institutional level in the future. They encourage *one-on-one relationships* with this argument that without focusing on a personal relationship, there is no guarantee for meeting their talent, potentials, and

intelligence. In their view, this is the only culture that can overcome the pessimism, discrimination, and sad distinctions in environments, especially multicultural ones. Because in the culture of caring, everyone is known as one person. Furthermore, the differences in that vast network of human relations disappear (Cavanagh, Macfarlane, Glynn, & Macfarlane, 2012).

From another aspect, Parvati Raghuram believes that one of the most critical aspects of care ethics is observing it as a distinguished item that varies in different geography and culture. According to her studies on human geography, she concluded that many of the problems in this field of humanities could be solved with the normative aspect of care ethics (Raghuram, 2016).

And she lists some characteristics of care ethics that can open critical approaches in Human geography or anthropogeography; first, the ethics of care is a relational ethic, and this feature makes it possible to enter as a norm in all branches of the humanities and social sciences, including geography, to play its normative role and help theorize the geographical issues on a care base.

Raghuram highlights *geohistory* as our necessary element for investigation about care ethics. As geography in today's world, especially about the care debates, was noted differently in the north and the south. By addressing that care is present in the north while it is absent in the south, she precisely used "*localization and dislocalization*" to show that in these two parts of the world where policy and development have a tremendous difference, care and the belonged ethic not only could have different meanings but are present in one part and absent in another part. Third, an inter-subjectively feature of care ethics makes it qualified and operate by its rationality. The phrase "*contingent acts of care-giving/care-receiving*" reminds us of Engster mentioned above.

So, care is not enough; instead, we need "good care" to be valuable, and it is not performed without the contingency that both sides of a care relation should consider. As an explanation, Raghuram, tracing the different meanings for care even between two countries located in the same geographical parts, concluded that these differences could influence the different global zones. For example, the authoritative social welfare rules in the UK are quite different from the Scandinavian countries due to their different meaning of it in the countries. It is not the government's duty to take

care in the UK, but it should have a supervisory role to keep it. However, in the Nordic countries, caring is defined as a severe and inseparable task of the government; therefore, when the welfare policies of two countries, such as the United Kingdom and one of the Scandinavians, which are both on the same continent, change depending on their region and culture. It can be concluded that the meaning and policies of care in the north and south of the world are different and depend on geography and culture (Raghuram, 2016).

In fact, by questioning the different concepts of care that are entirely relevant to global geography and economics, Raghuram is questioning this cultural inclusion of the care and cannot just understand its American or European meaning. As an example, in India - or most of the southern countries, where care still retains its traditional meaning, In addition to all the effects that colonialism has had on the southern countries and taken care away from its positive meaning, one cannot expect the same perception of it as such as global North. She says: *“Another formative influence on care in many countries of the global South has been the history of colonialism and its handmaiden – missionary activity. Religious institutions, especially the Christian Church, with its strongly professed ethic of ‘compassion’ and ‘care’, alongside its civilizing mission in the colonial project, meant that it had a defining role in rearranging whom to care for and how to deliver care”* (Raghuram, 2016).

Another example that nicely illustrates this difference is the meaning of care in different political geographies mentioned in one of the UN reports. The report, which compares welfare services in developing and developed countries, notes that differences in the meaning of care in these countries have led to deep gender inequality. This report shows us a direct relationship between the presence and meaning of care ethics among women in the North and South. In northern developed countries, due to solid social systems, women are more able to participate in the economy and thus increase their social role and economic income, while in developing countries, in the absence of public welfare services, care is found only in the traditional sense. Women and girls are responsible for caring for others (Razavi, 2007). Needless to say, these unpaid feminine services for the family, on the one hand, prevent them from being outside the domestic environment and thus stop or delay their social and economic growth.

Furthermore, all refer to the difference in care meanings and approaches in different geographies. On the other hand, and given this aspect of care ethics, which generally believes in radical gender segregation, it can be concluded that the culture of care is similar to the culture of democracy in this respect. In ethics based on democracy, gender differences must be considered, and moral obligations are formed based on these differences (Vachhani, 2020).

Sheena Vachhani goes on to explain that what is intended and desirable are ways in which, despite differences of opinion as well as differences in tactics and policies, women's differences - whatever they may be - should be taken into account and thus the capacities for interaction and solidarity in these societies are created and strengthened democratically.

One of the most critical issues in care ethics as a matter of care culture is motivating and caring for people not related to us. In other words, as mentioned in the previous sections, caring for children and relatives, and in general, those interested in us does not need much moral justification but caring for strangers who are simply with us in the human network. They need to be morally justified, and caring ethics seeks to create a culture in this area.

According to Maurice Hamington, genuine care can be measured by the attitude of care ethics and its proponents towards people who have different identities and cultures from us. These people are usually not highly supported and endorsed by traditional ethics and ethical systems. In his view, the reason for this is that the principles of traditional ethics deal only with individuals and groups who are familiar with us, and any group whose understanding does not fit into the category of traditional ethics is faced with mistrust, violence, and discrimination (Hamington, 2015). He believes that the nature of traditional ethics is incapable of understanding the complexities of different identities. Instead, we should use the ethics of care, which generally values the relationship, examining and analysing different and complicated identities.

His claim is because he enumerates several features of care ethics that show that with the care approach, it is possible to identify and examine different types of identities and individuals that cannot be classified into a specific category; those are empathy, albeit imaginative, not visual, recognizing differences and respect to them.

The reason for emphasizing respect here is that the care culture seeks to accept all minor and general differences that arise from people's feelings in different situations, must necessarily be given a special place to respect.

However, some researchers consider respect necessary for everyday life and extend its meaning to individuals' public and private spheres, providing a basis for social equality and a strategy to combat discrimination, hatred, and violence in society (Cuthbert & Quallington, 2017). In their view, respect can start with respect for one, end with respect for the ruling power, and affect one's behaviour, feelings, and attitudes. Nevertheless, what is important here is that the culture of care is mixed with concepts such as respect, consideration, and differences in a way that does justice even in its traditional sense.

The evidence for this claim is that in the ethics of care, we always have a non-selective criterion in relationship with people and are obliged to respect and care for others equally. Perhaps it can be said that what culturally separates the ethics of care from other ethics is a view equal to human beings. According to this culture, we owe ourselves to respect and care for all human beings. Moreover, as a result, it is possible to understand why care ethics can recognize different identities by relying on its vast human network. How we perceive our surroundings and the identities and emerging structures around us is neither separate from us as members of the network nor completely identical with us. Our new understanding of the around belongs, on the one hand, to the culture in which we interact with the human network to others, and, on the other hand, to our culture as the individuals in the human network. So when people's relationships are based on a culture of care in the human network, it will not be difficult to see and understand the differences of other members.

In this regard Hamington says: *"If my identity and morality is found in my relational context, then it is in attending to my relationships that I can seek to improve my interactions and interconnections with others. Caring, then, is an art of living. The canvas is our relational, embodied selves. Like any artist, we must attend to, and hone our skills"* (Hamington, 2015).

The *art of living* is an expression that, according to Schuchter and Heller, was common in ancient times. In their opinion, this view contrasts crucially with what we

now call the ethics of care (Schuchter & Heller, 2018). Because traditional ethics recommends only caring for oneself, while caring ethics recommends caring for others. They called care ethics an “*ethics from the bottom up*”, trying to force us to pay attention to worthless things in classical and dominant ethics, such as relationships between people and the hidden stories in this context. For this reason, the culture of care is not defined by moral principles, but it is the intensification of relationships between people and the strengthening of empathetic participation between them that defines the culture of care. Perhaps the very term “from a bottom up” can be viewed as such.

Given the above, maybe it can be said here that in the moral decisions, when we are based on shared principles and rules, in this case, a verdict or, in other words, the moral judgment is issued from a high position to a lower one. Law based on rule and justice always refers to two levels; one level is the legislator who makes the laws and has the power to change them at will, and the other level is the law enforcer who naturally has to carry out the orders of his superiors and is not able to interfere in them. However, there is no such level in care ethics. Furthermore, what we see is a level playing field where, incidentally, what is more important, is a person in a situation that needs attention. Therefore, the decision made for him or her has been made by a reference that is on the same level with him or her, but also, if there is a difference in level and position, the direction is the opposite. The priority is with the side that suffers more and needs more attention according to the care culture. It may be worth mentioning here that the culture of care in the traditional view may have a meaning other than its ancient meaning and only self-care. Moreover, that is the traditional culture that has been going on for years and maybe even somehow.

Care culture goes back to the gender roles of the child and how the parents take care of it. As Nancy Chodorow points out, caring for boys and girls was done entirely differently in traditional education. In this way, girls were constantly cared for and educated by their mothers and other women in the family, and as a result, they learned their gender roles - both good and bad - from them. However, boys often had difficulty taking on gender roles due to the absence of family men, as they had to try to find their role models. As a result, the characteristics of a girl have always been defined in contrast to the characteristics of a man (Chodorow, 1999).

She says: *“Dependence on his mother, attachment to her, and identification with her represent that which is not masculine; a boy must reject dependence and deny attachment and identification. Masculine gender role training becomes much more rigid than feminine. A boy represses those qualities he takes to be feminine inside himself and rejects and devalues women and whatever he considers to be feminine in the social world.”* At first glance, Chodorow may seem to promote a culture that cares about beings and gender stereotypes.

Nevertheless, perhaps the above statement can have a different interpretation and can be measured from other angles to clarify its relationship with the culture of care. First, dependence and independence in care ethics are specific identity signs of each sex. In other words, the basis of this ethics is to magnify the differences between men and women in the field of ethics, culture, and identity.

However, in her early theory, even Gilligan makes a fundamental difference between masculine and feminine identities. She also sees dependence as a sign of girls' and women's identities, but reaching maturity strengthens the dependence and observing their identity within a relationship. While men are entirely different, the sign of maturity for them is independence, separation and the ability to see their identity vividly and apart from any other person (Gilligan, 1993).

In this regard, Jennifer Pierce also affirms what has been concluded above. She says: *“Gilligan finds that men's development is marked by increasing independence and autonomy, whereas women's development entails a continuing, unresolved struggle to balance responsibility to others with a commitment to self”* (Pierce, 1983).

The second angle is that the time and context of writing such books must be considered. This second angle shows how the concept of care as an ethical approach arising from psychological differences established a culture that, while assuming and distinguishing gender differences, also pursues gender equality, even if the equality defined by it is different from the general approach to feminism and gender equality. What Chodorow says about the feminine instincts and interconnected identities of girls and mothers in taking on the role of mothering is indeed not widely accepted in our day. Nevertheless, as psychologists, Gilligan and Chodorow seek to clarify and describe an identity that has previously been solely influenced by Freud's ideas and even acknowledged by women as some dependent

creatures or dark continents who are incapable of entering into many fields. If women today are free to choose whatever kind of life they like, on those days, their choice is only limited to mothering as their intrinsic attribution. Moreover, the vital thing that was done, and incidentally can be seen in the cultural consequences of care ethics, was to change this view of women's psychological inferiority, and the other was to accept differences by emphasizing their strength for women.

One of the issues that need to be considered is that the culture of care should be used in schools to model how teachers and students interact. In *Care theory and culture*, Engster argues that the education system, particularly teachers, should monitor and reinforce students' care and social behaviours by setting rules within the classroom. The schools should show and promote the importance of care and the culture based on it. Schools should also interact with teachers in the same way so that social attitudes and behaviours are gradually based on a culture of care (Engster, 2007).

2.6. Care as a political practice

The ethic of care has more political potential than it seems. Moreover, this potential manifests itself not only in theory but also in practice. This potential is due to some features that set it apart from other ethical theories. This ethic, for example, embraces all differences with a concept called inclusion, so it can address many challenges in areas where policies focus on race, rights, and equality.

Joan Tronto sees care as a profound and practical concept. Care is a practice that must affect our world exactly, and we must see that impact. For example, to say that we suffer from the hunger of others and that their bad conditions are sad for us, but that we do nothing to eradicate or at least reduce their hunger, in which case we have not taken care of them. Tronto assumes that care can be the first step in a decision, and then as a second step, it will be an action that starts from within us and leads to solving the world's problems. In other words, caring from an individual or abstract concept emerges and becomes a phenomenon that we face throughout life and every day, and just in this condition, it can improve the situation in the world realistically (Tronto, Joan C., 1993). She considers caring a completely non-abstract and pragmatic concept rather than a mere stereotype. Genuine care should have a purpose: continuity to protect our world. Care begins with ourselves internally and

reaches into another, including everything we need to live in our worlds, such as maintenance, continuity, and restoration. Consequently, with this definition, care does not only include human beings and is not merely a "dyadic" or "individual" relationship.

To prove that caring is more than an abstract and clichéd concept, it is an action that can and, of course, must make a difference in the world. Tronto first observes it as a process and secondly assumes four steps that we need to have a complete care process. She emphasizes that these four stages are not distinct and disjointed but intertwined. Those are: "*caring about, taking care of, care-giving and care-receiving*". Through these processes, she demonstrates how a primarily psychological-feminist theory emerges from the world of politics. In other words, by introducing these four phases, she confirms the validity of his three claims about care, namely the practicality, necessity, and effectiveness of this approach. Now the care process posing by Tronto is mentioned here:

The first phase; *caring about*

The first phase is concerned with us as human beings. The whole focus of a caring person is on the issues on his mind. The human mind acts as a tool here that moves the person to make a change around him. In Tronto's view, one cannot be a carefree human being and claim care. She leaves this example for this phase: "*Recognizing that people who are debilitated with AIDS might have difficulty with mobility creates a need: how will they be able to eat? to shop?*"

The second phase; *taking care of*

At this stage, the person considers him or herself responsible for finding a solution to meet the needs that existed around him and caused him concern and has now discovered them. In fact, at this stage, mental worries lead to a practical solution. This phase entails considering the possible situations, feeling responsible for the identified shortages or requisites, and deciding how to solve them. Her example determines her intention: "*Having recognized the needs of people with AIDS, a number of service-providing agencies have appeared... obviously, the task of "taking care of" the needs of people with AIDS goes beyond simply driving up to the door of someone with AIDS, knocking, and offering a hot meal.*" In her view, what is

happening here is not just a simple act of feeding a sick person, but a stage of the care process in which many people participate, whether it is the charity that pays for the food or the volunteer who delivers the food to the patient or the person who coordinates the work. All of them are in the “*taking care of*” stage.

The third phase; *care-giving*

There is only proportionate action. Care is formed directly and explicitly that requires a relationship between the two sides of the issue: the caregiver and the being cared for. Connection and physical work are the unexceptional requirements of this stage. She considers this example: “*Delivering food to camps in Somalia or washing the very AIDS patient laundry.*”

The fourth phase; *care-receiving*

At this stage, we reach the end of the care operation, and of course, there must be signs of improvement in the situation of the people who have been cared for. In other words, the conditions of those who have been cared for must be different before and after the care, and this difference must be made very clear and tangible. Otherwise, care has not been obtained. According to her, what confirms the quality of care, or in other words, indicates the completeness of the care process is, for example, that the patient is better recovered, or that hungry children are no longer malnourished, or at least looks healthier and better than before (Tronto, Joan C., 1993).

Olena Hankivsky also believes that the ethics of care through its innovative approach can play an influential role in politics, especially in social equality. According to her, intersectionality and the ethics of care have many common priorities due to their attention to the contexts, causes, relationships between people, and dependencies in the human network and do not see any phenomenon without considering these factors (Hankivsky, 2014).

In her opinion, intersectionality has three features comparable with the ethics of care for showing how people and their concerns can be addressed in society and politics. First, both approaches go beyond race, class, and gender. That is, they take into account different aspects of individuals' identities. Moreover, reject any separate classification or, in the words of ethics, care outside the human network. Second, while rejecting any separate category, it also refrains from bringing together different

social groups and identities because such a conclusion also prevents considering fundamental differences and causes social and political inequality in some situations. Third, the analytical approach in these two perspectives makes it possible to consider all aspects of the issue and not to analyse anything human-related, regardless of the time, place, and structure of the existing power and the society in which they are present (Hankivsky, 2014).

Intersectionality, first introduced by Kimberle Crenshaw in the 1980s, gradually became a vital and controversial topic in the feminist movement and then found its way into political literature. The importance of this keyword or concept and its relation to feminist ethics is its focus on power relations with the background of gender, identity and race. Simply put, patriarchy is one of the manifestations of power that, although challenged by women's movements and women's desire for power, is still closely linked to other power systems, specifically racism. That is why we cannot consider equality inside the different women's groups and classes. It can be observed that black women locate in a weaker and more discriminatory position than their other white women (Disch & Hawkesworth, 2016).

Patricia Collins first used the term “*matrix of domination*” to clarify the concept of intersectionality in this discussion. In her view, oppression in society is, in fact, a particular form that results from the intersection of all kinds of oppression in that society and affects all groups. In other words, there are reciprocal links between the types of powers in a society, which are the result of these intersections, including the intersection of race and gender or nation and gender and as a result. Despite these intersections, the discrimination, injustice, and oppression in a society cannot be attributed solely to a particular type of oppression or discrimination but to an intertwined set of power that creates a matrix of domination (Collins, P. H., 2002).

Besides, some feminists call this challenging issue “*multiracial feminism*” and enumerate six features for the multiracial approach to a more evident concept of intersectionality and matrix of domination. Those are:

1. “*Gender is constructed by a range of interlocking inequalities,*
2. *Multiracial emphasizes the intersectional nature of hierarchies at all levels of social life. Class, race, gender, and sexuality are components of both social structure and social interaction,*

3. *It highlights the relational nature of dominance and subordination. Power is the cornerstone of women's differences,*
4. *It explores the interplay of social structure and women's agency. Within the constraints of race, class, and gender oppression, women create viable lives for themselves, their families, and their communities,*
5. *It encompasses wide-ranging methodological approaches, and like other branches of feminist thought, relies on varied theoretical tools as well,*
6. *And brings together understandings drawn from the lived experiences of diverse and continuously changing groups of women” (Zinn & Dill, 1996).*

Virginia Held also believes that care can help people solve problems. Furthermore, this capacity makes it a practical approach to ethics. Held points out that care has the same normative and practical features of justice, but what we need to keep in mind is that justice has changed a lot throughout history, from a primitive form like this old *eye for an eye* norm to other punishments and Has been transformed into a new form. The same is true of care now, and it has various forms, which incidentally indicate its practicality and its consideration as a moral norm (Held, 2006).

From Zembylas and Bozelak's point of view, it is only with a care-oriented approach that one can decide on the specific conditions of a particular feature at a particular time and place in a way that, while taking into account all the differences, can prevent the development of contradictory behaviours. Focusing on the cultural diversity of continental Europe, which is increasing due to migration, they concluded that only a caring ethic could provide us with an acceptable norm. It is because caring ethics can include and separate at the same time. Moreover, it calls for a solution to the unity and diversity of multicultural Europe today. Because unity without diversity leads to oppression and hegemony, and vice versa, diversity without unity leads to chaos and disintegration (Zembylas & Bozalek, 2011).

They explain how care ethics can influence countries' policies in both national and transnational realms. In the latter arena, we face uneven power relations that care ethics can solve by concentrating on its principles, i.e. trust, connection, and linkages while in the former, we confront government interests, leading to conflicts. These

conflicts are between the democratic principles and care ones due to the fundamental views about individuals' inclusion or exclusion.

However, Tove Pettersen believes that conflict can also be part of the nature of care because when the basis of morality is based on relationships, it can be seen that its theme can be mixed with aggression, hostility, and even violence. She considers the existence of conflicts between family members to be of the same type that occurs in a small environment, and therefore the expectation of conflict between governments and nations is inevitable. Nevertheless, these conflicts appear when the balance between violence and hostility with care becomes altered. While acknowledging that *"hostility and violence are the flip side of caring"*, she states that an excellent care-oriented relationship creates a balance between these bitter aspects and the element of care itself, both in the private and public environment and globally (Pettersen, 2011).

Marit Hem considers the remedy of the mentioned imbalance in mature care. Mature care has three prominent parts which can solve these conflicts. They are; *"balance between the interests of one's own and others, the relational ontology, and developing a caring attitude"*(Hem, 2012). This claim can be explained by the fact that a fundamental distinction must be made between altruism and self-care in the ethics of care. In this view, duality gives way to dialectics, resulting in a connection between the individual and others.

Also, some researchers consider this connection includes both a care-oriented relationship and acting accordingly. In this approach, care is defined as having several layers, all of which are interconnected. In other words, the identity of individuals in mature care is formed and confirmed within relationships (Van Nistelrooij & Leget, 2017). Care ethics has a relational ontology because only in this ethics can we see that issues are tied to relationships and insists that our ethical decisions must always be based on maintaining relationships between members in the vast human network. The sole responsibility of the moral agent is to maintain the human communication network in all circumstances. As mentioned above, one of the critical discussions of this approach is prioritising care receivers concerns with the caregivers' interests.

Nortvedt et al. show how the nurses as care professionals can be partial but at the same time treated based on their concerns over the patients. They illustrate three arguments; firstly, the relationships and priorities of the medical staff, especially nurses, are measured here based on the needs and effectiveness of different patients. It can be said that the priority of attention and care in such situations depends very much on the consequences. Secondly, some exceptions should not be overlooked. Because patients' conditions are not the same, and incidentally, their care is related to their specific conditions. What is essential is to take care of him or her so that his or her quality of life not only improves but at least does not decrease. Thus by applying some policies - even using some impartial strategies as a principle of justice-oriented ethics, the efforts should be made to perform the duty of care well.

Moreover, ultimately we can resolve these conflicts by invoking the principles of care ethics. Just as no general principle can determine the right course of action for us, allocating space for exception-oriented care also solves this problem. At the same time, by observing the justice principle of impartiality and combining it with a kind of moral consequentialism, proper prioritization can be achieved. Furthermore, of course, all these results are provided when health care institutions consider preconditions for nurses and physicians to take care of themselves and their patients(Nortvedt, Hem, & Skirbekk, 2011).

In general, promoting care and its behaviours have different needs and cannot be limited in a specific environment. In other words, just as the family can play a vital role in this, so do schools and educational institutions, and most importantly, government policies. However, they all have in common that the development of care-based relationships has complexities at any time and place, and therefore, no definitive judgment can be made.

Margaret Barrow mentions Noddings and Gilligan as arguing that the education system has the most significant and most fundamental role in transmitting care values and making them the most privileged piece in the characters of adolescents. She says that any care-oriented action is challenging. She gives for proving it because caring for and educating it requires a serious and emotional commitment from the caregiver in asymmetric situations, where the two parties are not equal also continue. For example, the teacher-student relationship is an asymmetric one, the

nature of which is based on unequal power, and as a result, its continuity depends on the moral commitment of the teacher, and that is his or her concerns about care(Barrow, 2015).

Considering what Barrow said about care-oriented education and its relation to power symmetry, it can be concluded that promoting a culture of care in a way that is reflected in practice is directly related to the type of government. Because the government's position and the citizens are always different from each other, and the influential part that is the government here can easily change the equation of power and its balance in its favour. Now, let us make a superficial comparison between totalitarian and democratic governments. It becomes pretty clear that in authoritarian governments, this asymmetry is more apparent than in democratic, and since one of the principles of care ethics is to include and establish an asymmetrical relationship between the two sides of the issue. Therefore, it can be concluded that democratic governments are more compatible with care ethics.

Moreover, these asymmetries do not occur only in the field of power and political performance. It is even found in medical and health practices, which are the most important arenas for showing the importance of care. If caring for their citizens in the field of medicine, and especially in the context of the Covid-19 pandemic, is one of the most important priorities of any government, some dictatorial governments prevent the vaccine from reaching their citizens. For example, by comparing vaccination policies between dictatorial regimes such as Iran and democratic governments, we will see that a totalitarian government not only does not take care of its citizens but deprives them of access to their fundamental rights. Human Rights Watch reports:

“In light of the statement by Iran’s Supreme Leader Ayatollah Ali Khamenei on January 8, 2021, that the Islamic Republic will not import any COVID-19 vaccines made in the United States or the United Kingdom, we the undersigned organizations call upon the Supreme Leader to rescind this order and allow Iranians to purchase any safe and effective vaccines as soon as they are available, regardless of their country of origin. It is the responsibility of all governments, as stipulated by international covenants which the Islamic Republic has ratified, to protect the right to health and the right to life of its citizens. In the current context of the COVID-19

global pandemic, those rights are gravely endangered by the politicization of vaccine policy and the failure to base state policies regarding COVID-19 on anything but science, medical evidence and respect for human rights and the public's health needs. This is particularly urgent in the case of Iran, which has experienced the highest infection and death rates from COVID-19 in the Middle East”(Joint Statement: Iran should base COVID-19 vaccine decisions on science.2021).

The purpose of this example is to show that the quality of life of the people in democratic political regimes is different from that of a dictatorial system. In the sense that sometimes the basic needs are subject to political games, which show how we need a global democracy. Because although entry into the private sphere and individual decisions should not be under the command of governments, the facilities of a country should be such that the people's basic needs for free decision-making are met. Not that people wait and die one by one to convince their government to do something for them.

- A route to peace

Nel Noddings believes that the ethics of caring leads us to consciously accept the different and even contradictory traits that exist within us due to having an element; care as a natural human trait. It means that we are usually all confronted with a variety of contradictory traits such as love, hate, compassion and despair, honesty and hypocrisy, etc., and the idea of care shows how to treat all traits to our life in a proper way and other words, make peace with ourselves firstly (Noddings, 2003). Understanding these fundamental feelings that are common to all human beings gives us a global perspective that, after reaching peace in ourselves and individually, can lead to the spread of peace in the world outside ourselves, ultimately and thus the ideal of peace will promote in the world.

Sara Ruddick tied the ethics of caring, especially motherhood, to a kind of peace policy. According to her, the methods of care and activities related to motherhood generate a kind of thinking. The idea is called *mothering* which supports a principled resistance to violence that is not limited to women who have given birth to children but to anyone who takes responsibility for and takes care of children - whether because of their biological relationship or their job. As a result, mothering cannot be related to a specific gender or biological ratio. Moreover, that is why Ruddick sees

motherhood on a large scale as a thought and an approach that promotes peace. Hence, she seeks to turn mother verbs into political symbols and states that: *“If war is masculine and abstract, peace seems feminine”*(Ruddick, 1980).

Steve McCartney also believes that the nature of care ethics is peaceful and pervasive. Because caring for others is primarily essential in this ethic, the ethical system of care is based on two concepts: first, maintaining relationships between human beings is the core of this ethic, and second, that to maintain these relationships, positive effective interaction is a prerequisite. So it can be seen that the concept of care ethics is in complete harmony with peace. He believes that care ethics can affect even law enforcement officers, making them more compassionate and flexible in their job of law enforcement (McCartney, 2015). The peaceful culture of this morality becomes more apparent when, in situations such as law enforcement, where circumstances can somehow be a moral dilemma, it helps the people involved in the affair form a cordial relationship with the officers, resulting in crisis. At the same time, their needs are best met in this situation.

According to Olena Hankivsky, the ethics of care helps us adopt different goals and actions for any decision about people in need or anyone who is somehow dependent on us. She considers the need for modern life to be a care-oriented approach because it enables us to understand ourselves and society's people better and respond to our needs to become better human beings. As a result, as care helps us be better people than before, it is a fundamental value embedded in community policies and the same value given to justice as care (Hankivsky, 2004). She begins the process of peace in the ethics of care by recognizing her or his strengths and weaknesses. Cognition that leads to the improvement of weaknesses and strengths, and ultimately peace with the inside is reflected in society that needs peace, help, and detente.

Noddings believes that patriotic thinking and its strengthening make us live in a more insecure world. On the contrary, cosmopolitan thinking can pave the way for peace due to increased global participation. She on her book *Peace Education: How We Come to Love and Hate War* says: *“Many of us today would like to find a way to move toward a more universal sense of citizenship, guiding patriotism towards*

becoming a cosmopolitan form whilst accepting global needs and contributions”(Noddings, 2011).

This problem creates a conflict between our minds and attitudes, leading to a moral and dual duality. This contradiction is formed by questioning the correctness or value of patriotism or cosmopolitanism.

However, some do not find this belief very accurate and believe that the presence and advocacy of women in many wars call into question this pattern. Nevertheless, Ruddick has not backed down from his position and still sees the mother model as a practice in which peace is at its core and considers the presence of women in war as an act and their personal choice against their caring nature. Ruddick says: *“When mother’s fight with the children or on their behalf, when they teach their children ways of fighting safely without being trampled on or trampling others, they engage in non-violence action”(Ruddick, 1980).*

Another point to note is that in the care ethics literature, masculine norms generally create insecurity and are recognized as anti-peace. As Reardon and Snauwaert state, many men firmly believe in peace and reject the - only justice-oriented norms of men, and in this way, are condemned to oppose the prevailing social values. What can be seen more in this context is the tying of the category of militarism or the same war with masculine norms (Reardon & Snauwaert, 2015).

Indeed what exists in the ethics of care is not to accuse men of injustice and war, but to show their standards, values, and norms are capable of inciting war, and this is precisely the opposite of the ethics of care that its nature is anti-war and its application creates peace. Although the ethic of caring emphasizes the preservation and promotion of peace within its framework, and in a way, introduces itself as the only ethic concerned with peace and its essence has a peacekeeping approach, many other thinkers doubt this capability.

Sigal Ben-Porath, for example, argues that the ethic of care cannot provide a viable framework for replacing war. In other words, the subject of war is a subject that does not belong only to morality, and therefore it cannot be viewed exclusively in a moral context because our responsibility to other human beings, in this case, remains unanswered. Also, the ethic of care does not opine about the ethics in war, that is,

and is silent about behaving justly-morally (Ben-Porath, 2008). Maybe it can be concluded here that the ethics of care cannot be very constructive in this regard is keeping the distance from traditional ethics based on justice.

Tronto, by posing a notion called *responsibility to protect* states: *"Feminist thinkers committed to peace and human security might want to support the "the responsibility to protect" for a number of reasons. First, the answer to the realist charge that the world is a dangerous place is simple: make the world a safer place. Then we need to argue for a changed notion of sovereignty such that the "responsibility to protect" becomes a part of sovereignty. On this account, in the face of anarchy, states should, understanding their own best interests, become more involved in the processes of making, keeping, and building peace"*(Tronto, Joan, 2007).

She wants to affirm that the ethics of care or the approach to care are, in general, consistent with the humanitarian dimension of many issues. However, given the above, the ethics of care cannot end all world wars and eradicate them forever because war is not a one-dimensional issue that can be resolved solely by moral advice. Furthermore, many factors like power, economy, race and environmental issues are even involved. At the same time, the existence of many international rules and protocols makes it impossible to solve everything with one moral principle. However, the ethic of care can give more grace and make it more humane, both in creating and implementing the law, war, and all other forms of violence.

2.7. Care as a moral ideal

First of all, here we need to explain more about the moral ideal or, in other words, the position and relationship between morality and ideals. Davidson gave us a classification for showing the signification. He says any kind of morality has two aspects one of them is about nature and what is made up of human character, and the second one is about developing all the details of the rules besides expressing and explaining them for human behaviour. Besides, for knowing a moral ideal for human beings, we have no choice to know the moral and mental nature of humans; therefore, we need more investigation in sociology and psychology (Davidson, 1888).

One can now understand why care ethics claims to be the ideal standard of care. As we know, this ethic is related to psychology on the one hand and to philosophy, on the other hand, so considering the criterion of care as a comprehensive and sufficient criterion in every way to recognize its moral necessities and ideals. Nevertheless, on the other hand, the ethics of care as a kind of ethic, that is in some ways, is associated with the dominant practice of feminism and, in a sense, is not generally opposed to anything presented in the form of general theory and principles. Moreover, the same goes for moral theory. Therefore, it cannot be said that we are accompanied by a theory that expresses the ideal of this ethics in the ethics of care. According to the ethic of care, our pattern for moral thinking, decision, and finally choosing an ideal should be “*contextual and narrative*” instead of “*formal and abstract*”(Gilligan, 1993).

According to Rebecca Walker, these two qualities cited by Gilligan show that in the ethics of care, we need things that lead us to what is behind human narratives to make sound moral judgments. Furthermore, these goals accomplish for us to get to know people's feelings and other moods accurately. She wants to say that in the ethics of care with such criteria, it is impossible to rely on philosophical reflections to reach a definite solution in ethics because the narrative criterion of this morality relies more on psychological perspectives than on philosophical principles, which also vary from person to person. In her view, this attitude, tied to the centrality of people's inner feelings and emotions, prevents us from having a norm like other moral attitudes for the right and wrong of our actions and decisions. She even finds it impossible to correct people in the relationship between teacher and student according to these standards of care ethics (Walker, 1989).

If we want our judgment to be based on people's inner feelings, it will be practically impossible. After all, everything that shapes a person's personality arises from certain feelings. In other words, it is based on many things that we are unable to judge. Citing moral awareness, which she also sees as a moral ideal, Walker argues that for achieving this awareness, our judgment of the things and phenomena around us must be based on a fixed and real point of human need.

On the other hand, what makes the moral ideal in the ethics of care so variable and different goes back to the fundamental difference between this ethic and masculine

ethics. One of the main differences found in the ontology and epistemology of care ethics, or more generally, the feminist ethics with traditional ethics. In traditional morality, there are many differences between others and the individuals to the extent that others are seen as a threat to the individual. And that is why we have every kind of moral standard and ideal centred on rights and contracts and principles (Wicks, Gilbert Jr, & Freeman, 1994).

In feminist ethics, on the other hand, there is no individuality. Each person is concerning another person and is defined. Virginia Held, for example, considers the basis of all relationships, and the moral ideals and even the culture of human society, to be based on mother-child relationships. In her view, the mother's relationship as a caregiver with the child as a care receiver leads to the creation and re-creation of society. When this relationship develops a little and reaches a linguistic relationship, culture in human society is formed (Held, Kittay, & Meyers, 1987).

So when there is such a difference that on the one hand the law and the contract are our legal reference and on the other, the most personal and - seemingly - the most trivial human behaviours such as raising a child, then the moral ideals between these two groups are not only fundamentally different but in some ways contradict each other. Alternatively, more clearly, as Burton and Dunn say: *"Feminists' ontology of humans as essentially relational beings is tied to their epistemology. They believe that humans only know through relationships. If relationships are identifying characteristics of humans, then the abstract, universal, impartial, and rational standard of what is knowledge is inadequate in decision making"*(Burton & Dunn, 1996).

As a result, and after all these comparative explanations, it is clear that the moral ideal of feminists is not similar to what we have heard so far from moral ideals. If there is an ideal that is very difficult to find due to the involvement of feelings and emotions and cultural contexts and time and place, then, in any case, there is no fixed law and standard for good and bad morals. The more one maintains and strengthens the relationship between human beings and protects the element of care, the closer it is to the moral ideal.

Nel Noddings explicitly states that the ideal morality is only the ethics of care, a natural characteristic of human beings. She uses the expressions *"self-serving and*

other-serving” to demonstrate the distinction of care ethics with other ethics. She also gives three reasons for what has been claimed; first, this ethic is based on human relations, not principles and rules, and as a result, such an ethic does not have the ineffectiveness of other ethics-based solely on principles and rules. Secondly, care-oriented ethics is available to all human beings based on their natural and innate characteristics. Thirdly, maintaining a relationship with others is the most crucial characteristic of this ethics, which introduces it as an ideal ethic that worries others (Noddings, 2003).

Also, we can introduce care ethics as a moral ideal in the combination that Halwani calls *self-evaluation* theory. In this view, the ethics of care follows a pattern that accepts reason as the supervisor of its relationships, and at the same time, has agreed on the element of care as a criterion for the moral evaluation of their relationships (Halwani, 2003a). Indeed, the self-evaluation theory relies on wisdom as a necessary virtue, and on the other hand, emphasizing human relations highlights the importance of care. Moreover, as a result, it can be called a moral ideal.

In general, ideals refer to models of superiority that can be moral or immoral or substantive or consultative. Whatever the ideals, we will have complex and inevitable conflicts with them. These problems are more about justifying ideals or possible differences between ideals and other values and ultimately determining how to resolve moral demands (Rosati, 1998).

In classical ethics, we are confronted with an ethical approach based on standard practices or beliefs that are considered valid without any proof, and thus people use them as their moral ideals. Utilitarianism, contractarianism, Kantian deontology, and the ethics of virtue are considered in this context. Phillip Pettit counts five elements as the main characters that are more restrictive and identify as the principles of this morality; nature, self-interest, benevolence, reason, and justifiability (Pettit, 2008). He believes these criteria, which focus on some central demands as an ideal or pattern, include “*strict imperatives and looser ideals*”.

The ethics of care cannot find its ideals in the classical approach. The values of this ethics are different from the above ones. These values should be essential for an

accepted democratic society. In general, they should be not authoritarian²⁶ and should promote respect and non-violent attitudes in society, exactly when some moral disagreements happen. In this view, individuals must have deliberately and voluntarily reached a stage where they can accept all other views.

In this regard, these researchers try to clarify the main distinction between these two ethical approaches by employing “*An inclusive consensus-building*” to describe the difference in conflict resolution encounters. In traditional ethics, we do not observe a place for resolving moral dilemmas and conflicts, expressly, by relying on a codified and inclusive method, but here and in a consultative approach, we find quite this unique ability and potential by relying on non-violent methods (Aulisio, Arnold, & Youngner, 2003).

To clarify how this ethical approach works and show that it is precisely reachable to the physical and mental details of human beings' health with being morally cared for, we review a report published by the ASBH²⁷. This Research by Aulisio and his group acknowledged that what can be very compatible with the core values of the liberal American society is the consultative approach which with its inclusive perspective makes ethics easy for us or by their expression “*an ethic facilitation approach*”. They believe that the nature of some values is uncertain, and to be able to identify and analyse them correctly, we need to resolve the conflicts that fundamentally exist in this ethical approach with four strategies:

1. *“Gather relevant data,*
2. *Clarify relevant concepts,*
3. *Clarify related normative issues,*
4. *Help to identify a range of morally acceptable options within the context”* (Aulisio et al., 2003).

These four strategies, if followed, lead us from an ethical approach to a straightforward one, and this is when the primary goal of care ethics is achieved. They declare in the process of health care or treatment of a patient, after the implementation of these strategies, it can be seen that the patients and their families, as well as the treatment staff and any other person who is somehow involved in the

²⁶Aulisio et al. have used the term “nonauthoritarian” in the original text.

²⁷American Society for Bioethics and Humanities

case, will leave the hospital satisfactory. Furthermore, the reason for this pleasure and contentment is nothing but meeting their needs, hearing their voices, and finally dealing with and caring for them.

Sara Ruddick thinks that the act of caring has a special kind of moral value, and for this reason, she insists that women have a gender-specific mindset, called *maternal thinking*. However, she does not recognize gender-specific care for having this way of thinking; by tracing the three basic needs of each child, she believes that anyone who can meet these three needs can be a mother, regardless of gender or biological relationship. These demands are *preservation, growth, and social accessibility*. By introducing these three basic requirements, she first observes care as a job called *mothering* and secondly defines a goal for this job: upbringing the child by love (Ruddick, 1980).

The Ethic of care of Held's idea is a moral ideal because of its essence, *trust and mutual concern*, encompassing a wide range of human relationships. Comparing care and justice, she concludes that only good or bad is found in morality by the standard of justice. According to our action's relation with justice, good or bad is attributed to it. According to her, human relations and human actions, in general, have spectra and layers that need a broad and flexible field to be able to be evaluated morally, and the ethics of care has such a breadth feature and can be the moral ideal for this inclusiveness (Held, 2006).

Care is positioned at the top of the moral and humanistic values in her opinion, and if we cannot see the impacts of this approach and morality, it is due to it had hidden in history- for the power of patriarchy. Care can show us how we can help people have what they need and demonstrate why we should consider their demands. A care-based relation logically has more than one member, and the relationship will continue as far as all members consider each other, help, and meet the demands.

- A universal value

Nel Noddings considers ethics based on principles and rules to be inherently violent. Citing the situation in the world, which is full of war, killing, and destruction, she believes that this situation is the result of this ethic based on principles that can deprive others of life based on one or more principles. Because the moral act in this

approach is equal to performing the rules that have been already determined and approved, and violating them for any reason is considered immoral (Noddings, 2013).

The ethics of care rejects the prevailing ethical theories and arguments about the preference and value of abstract principles. By focusing on the relationship between children and parents, Virginia Held shows that the fundamental difference between a caring approach and a law-based approach can lead to care being recognized as a universal value. She considers the first fundamental difference between these two ethics as their central position against the principles and laws of abstract ethics and considers the ethics of care as an ethic that, unlike rule-based ethics, rejects any absolute and abstract principle in human relations (Held, 2005).

In her view, abstract principles impose moral priority and impartiality on the individuals as unchangeable values, while the emotional relationship between human beings is valuable. For example, according to Kantian moral principles, a father should spend more time doing the tasks assigned to him by society as a dutiful loyal member of that society while caring considerations encourage him to spend more time with his child. Moreover, this is where these two morals come into conflict. What makes care ethics a universal value is that it changes our interpretation of issues. That is, it compels the moral agent to consider all aspects of his or her moral decision, regardless of principles that are assumed to be immutable and permanent, and by considering care as the moral priority can decide universally. She states:

“We will then be able to see how the model of caring relations can apply and have priority in some contexts, and how it should not be limited to the personal choices made by individuals after they have met all the requirements of impartial rules. A comprehensive moral theory might show, indeed, how care and its related values are the most comprehensive and satisfactory model within which to locate more familiar components”(Held, 2005).

At the same time, in the ethics of care, we seek to show that the contradiction of opposing the universality of abstract moral principles is not equal to the fact that there is no morality. Instead, we want to show in care ethics that there will be

conflicts between care and justice if we do not abandon universal abstract standards and consider them universal and unchangeable.

Held gives an example in this regard that clearly shows why the ethics of care seeks to prove the inadequacy of justice-oriented ethics. Referring to the story of the slaughter of Ishmael/Isaac²⁸ by Abraham, which is common among the three Abrahamic religions, she stated that according to the principles of the ethics of care, nothing could be considered involved in the relationship between children and parents, even if it is God's command. *“Ethics of care and morality built on impartiality and why a satisfactory feminist morality should not accept the view that universal, impartial, liberal moral principles of justice and right should always be accorded priority over the concerns of caring relationships, which include considerations of trust, friendship, and loyalty”*(Held, 2005).

She shows why and how ethics based on universalism cannot cope with these conflicts. For example, in the same issue of child slaughter, if they want to proceed according to the divine command theory, they will be stuck with the theory of conscientiousness and consequentialism.

In a morality whose basic principle is moral neutrality, one cannot expect conflicts to be resolved because the potential of this kind of attitude does not allow this. As a result, we can now understand what care ethicists mean by the unreliability of justice-based theories and universal principles. In their view, a theory can be considered universal when it can resolve all conflicts and is based on a value or values that can be implemented in any doctrinal framework. In their view, the ethics of care is universal because it relies on interfering with matters with tools such as loyalty, trust, and relationship, and on the other hand, it sees the ability to resolve moral conflicts by relying on partiality.

Annatjie Botes compares the ethics of care and the ethics of justice and tries to find some equivalents for the main principles of justice and ethics of care, and finally, she found *contextuality* as an equivalent of *universality* in justice Ethics. She attributes to each of these concepts characteristics that, for the same reason, are eligible for being universal and contextual, and therefore have different functions. In universality,

²⁸ Isaac was the son who has been selected in Judaism and Christianity, and Ishmael was him in Islam, but the whole story has come in all sacred texts in these three religions.

we seek to formulate credible laws that underlie ethical principles. While the strategies and decisions are unique in contextuality, they are related to the main context and are coherent (Botes, 2000).

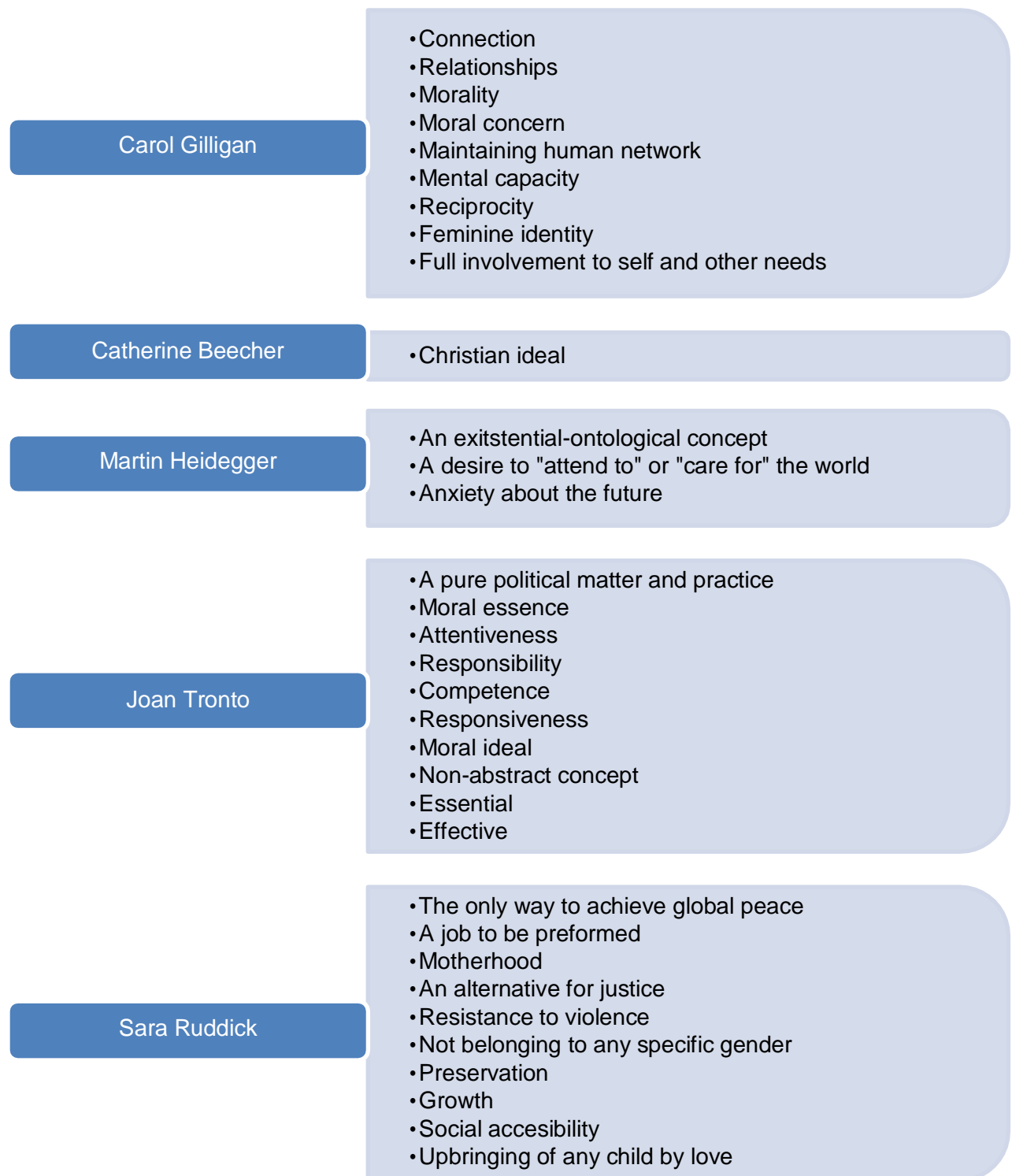
What she wants to say is that the difference between these two concepts can be seen in the reality of the world; when morality has a universal aspect or attributes to itself, it also interprets all moral phenomena according to the laws that are agreed upon. It is universal, and as a result, can represent more people in the world. Nevertheless, the ethics of care does not accept this assertion and states that moral phenomena are not essential and worthless unless they are examined in the context and background in which they are because they cannot meet the unique needs of individuals involved in the issue. Furthermore, a universal morality should consider each human's concern. What needs to be clarified here is that the claim to universality is not a claim that ends solely with moral and philosophical theories and views. Especially in politics, it has some feedback that directly affects people's lives. For example, in the consequentialist view, torture is permissible if it leads to the expected results of government, while in Kantian deontological ethics, this is not accepted at all because the nature of the act is not moral.

Due to this issue, the ethic of care attacks these two ethics -and traditional ethics in general- with the argument that neither can resolve the conflict of torture despite relying on the accepted moral principles. We know that both deontological and consequentialist ethics are considered masculine ethics and, while claiming to be universal, also claim to resolve conflicts, but as we have seen, they confront conflict among themselves as to whether the torture is morally permissible or not. However, in the ethics of care, we see the ability and characteristics that imply this ethic can be counted as universal morality. It has borrowed these features from Pettersen; those are "*reciprocity, dependency, connectedness, and asymmetry*"(Pettersen, 2011).

The characteristics she mentions may seem worthless for observing and studying them carefully or far from the moral concepts and theories that we usually accept as universal. However, she shows that these characteristics have different degrees and spectrums that penetrate all kinds of human relationships. They range from intimacy in private relations to power relations in a political system, and this is why in

masculine ethics, many small angles in human relationships do not be noticed and ignored totally.

Figure 9. *Philosophers' definitions of care*



Eva Feder Kittay

- A solution for inevitable dependencies
- Survival and growth of people
- No intrinsic connection with gender

Phillip Dybicz

- A post-modern concept
- Moral virtue
- A humanized experience
- Overcome the dominance of the Newtonian point of view

Milton Mayeroff

- A conditional responsibility
- Mutual trust
- An action that helps others grow
- A process to smooth the development of others

Nel Noddings

- An alternative for justice
- Trust
- Mutual relationship
- A philosophical capacity
- Engrossment
- Full attention to self and others' needs
- Moral obligation
- Route to peace
- Multi-layered act

Michael Slote

- Empathy
- Natural feeling
- Moral act
- Inner benevolence of a virtuous moral agent
- Feminine dependent capacity
- Feminine tied physiologically
- Responsiveness
- Attentiveness

Annette Baier

- Trust
- Love
- Moral obligation
- Moral virtue
- Moral emotion
- Moral ideal

Catherine Mackinnon

- A kind of self-sacrifice
- Violation of women's rights
- Increases male dominance
- Affirms gender gap
- Maintains powerless condition of women

Daniel Engster

- Political ideal
- A kind of natural law
- Moral obligation
- Meeting all needs at every level
- Moral priority
- Moral duty

Raja Halwani

- Moral virtue
- Primacy of a society
- A preference of collective rather than individual interests
- Normative criterion

Maureen Sander-Staudt

- Culture
- Virtue
- Meet all needs of self and others
- Comprehensive progress and cooperation

Maurice Hamington	<ul style="list-style-type: none"> •Empathy •Culture •Art for living
Virginia Held	<ul style="list-style-type: none"> •Practice •Moral ideal •Moral essence •Trust •Mutual concern •Universal value
Nancy Chodorow	<ul style="list-style-type: none"> •Feminine identity •Relationship •Feminine signal of maturity
Marit Helene Hem	<ul style="list-style-type: none"> •Remedy for global imbalance •Solve conflicts

Designed by the author.

Concluding remarks

As mentioned, the ethics of care is primarily known as morality that originates from women, introduces the moral and emotional characteristics of women, and finally introduces care as a comprehensive solution that can solve universal conflicts. This morality is considered feminist morality in a sense, but as mentioned, it is not feminist due to the abandonment and highlighting of gender differences by some currents of feminism. Ethics of care, in a word and all fields such as philosophy, ethics, and politics, considers itself a contradictory and reciprocal alternative of ethics, philosophy, and classical politics. In the various definitions and examples given for care, this ethic puts itself first in opposition to the deontology of the Kantians and then in all theories based on justice. The main reason that care feminists reject justice and its necessities and, consequently, the ethics based on it are that justice has no more than one aspect and is by no means applicable to many things. However, instead, care and its ethics are an extended ethic that considers all aspects and angles of the issue. As a result, traditional masculine ethics, which are based on the principles of justice, are incapable of solving human problems whilst care, by taking into account human feelings and emotions, seeks a solution to a problem that meets at least three goals. First, no one should be ignored; second, all people should be treated with empathy, and third, that care should be the first and last word as a moral responsibility. In care ethics, it is not necessary to achieve a definite result, and instead, everyone should be listened to, and their words heard, even if no definite solution is found to solve the moral dilemma. It is important to note that, in general, we cannot find a single definition of care among feminist philosophers. Some have interpreted it as trust, while others observe it as empathy, some as attentiveness to everything in the world, and others as nurturing, educating, and mothering. However, what they all have in common is that the ethic of care is the solution to our troubled world with many problems and inequalities due to the dominance of justice as the representative of masculine morality and thought. Although this theory was founded by a psychological study by Gilligan as Kohlberg's assistant, it later found two main aspects. One aspect was the vast extension of this ethic to politics, philosophy, education, the environment, medicine, and nursing, and the other aspect was to show it as an alternative to justice and all that is based on it. Relying on moral judgments or any kind of judgment, the ethic of care practically and explicitly rejects impartiality which was for centuries not only a value and sign of

morality but was a requirement for a just and fair judgment. The reason for this claim is that moral impartiality means ignoring the feelings and emotions of individuals. In contrast human emotions are worthless and represent layers that should pay attention to them and be considered a valuable source.

CHAPTER III. ETHICS OF IMMIGRATION AS A MASCULINE MORALITY

Entry to the debate

The gender definition of morality in terms of masculinity and femininity goes back to before the ethics of care. We can find biological connection with the sex of individuals in many ancient texts, whether religious, literary, or even scientific, but what has explicitly emerged since the time of the ethics of care is a morality in which identity and moral development and also moral decision people are different in the two sexes and are entirely tied to their gender. In other words, masculine and feminine ethics were interpreted differently with the advent of care ethics.

For the first time, by contrasting the ethics of care as feminine ethics with the ethic of justice as masculine ethics, Gilligan showed that men use absolute moral standards that have no place in feminine ethics. In care ethics, care is the only principle that must be observed, and all moral decisions are made according to it. This principle is not only absolute but also has one different concern: not to hurt others. In fact, instead of the principle of right, we are dealing with the concerns of others, and in any case, if we can do the act of caring, we have succeeded morally (Murphy & Gilligan, 1980).

However, morality has a different definition in masculine morality and has absolute principles and standards that are accompanied by different criteria. In this regard, Gilligan believes that truth and fairness in their absolute form have an essential role in the male mentality. Moreover, of course, these factors themselves are rooted in the concepts of equality and reciprocity, which leads to a stark difference between the other and self in the masculine mentality (Gilligan, 1993).

This section needs to note that paying attention to this category and placing a classification of ethics that belongs to a particular gender does not go back to the discussion of purely biological differences. The reason is that there is no single opinion in this regard. Just as in the ethics of care, the definition of masculinity and femininity goes back to their distinction in subjectivity, moral concerns and standards of moral judgment. In the belief of feminists like Simone de Beauvoir, the distinction is made only in the culture that governs society and the environment.

Alternatively, for example, Judith Butler questions de Beauvoir's same view, stating that being a woman and being a man are merely historical situations. The body of each sex finds a particular structural definition which implies the existence of implicit conventions on how each gender is perceived and its structure, which means that gender and gender are not only indistinguishable but merely go back to the cultural perception of any nation throughout history (Butler, 1988).

So we see that there is no consensus even among feminists about a precise and clear definition of masculinity and femininity because they have each chosen a criterion for their cognition. It has been mentioned in the previous chapter how Michael Slote relates the testosterone level in men with the occurrence of aggressiveness in them, and in the same way, it has been shown how the care ethicist philosophers discover peace within the feminine morality characters as a key feature (Slote, 2007). The approach examined here and throughout the dissertation emphasizes the moral and mental differences between the sexes. In this section, too, by juxtaposing the feminist concept of morality with masculine morality, it becomes clear where the scope of the debate lies, and precisely what it means here by masculine morality goes back to this long-standing debate.

The most crucial feature of masculine morality is the relationship and its evaluation in masculine morality. Indeed, intimate relationships between individuals are generally recognized as having no moral value or are not considered in masculine ethics. According to Koehn, all philosophers of care ethics observe that the relationships between men are not like what exists among women as friendly and intimate relations. Their relationships are reduced between co-workers or distant contractual relationships. Although this morality is a model of masculine morality, it is only helpful in environments where all relationships are based on pre-determined contracts and not some places where vulnerable persons exist. In a word, their moral reasoning model is very similar to specific mathematical laws (Koehn, 1998).

Koehn says: *“In these male schemes, ethical reasoning qualifies as mature only if it decides ethical dilemmas by employing universal principles and appealing to a hierarchy of rights in which some rights trump others. Ethical reasoning is not distinguished by any effort at consultation with others but rather, by a desire to state, defend and apply universal principles. Ethical reasoning gets identified with one*

particular sort of thinking about human actions namely a principled, universalistic mode of reasoning.”

Masculine morality is so tied to principles and rules that Kohlberg considers three completely different steps to show the process of men's moral understanding; pre-conventional, conventional, and post-conventional. By examining these three stages, we can see how masculine morality is defined by rule and principle, and standards of politics and judgment differ from feminine standards. These stages, expressed by Kohlberg and criticized by Gilligan, show that human beings reach moral development by transferring these three stages; pre-conventional, conventional, and post-conventional.

According to Kohlberg, men, in the pre-conventional stage, are incapable of building and forming social views, that is, any construction with more than one person. In the conventional stage, they learn that being proper means being reasonable and using this principle as the norm and the only value they cite. In the post-conventional stage, they can find a universal perspective by going beyond the previous stages, and thus they reach moral maturity (Kohlberg, 1976).

As an explanation to what Kohlberg has determined in men's moral development levels, they start seeing the world as being managed and controlled by an autonomous individuality. Then, at the second level, they show that just action means avoiding any inequality; right as the ideal representative of values means justice. Furthermore, in the post-conventional stage, they deal with their standard, which is at the same time moral, again due to their understanding of rights and justice.

The equivalent of these steps for women is described by Gilligan and Ball as follows; in the first stage, women try to take care of themselves only to survive, and their aim concentrates on continuing to live and exist. The pre-conventional stage for women can be equated with the same selfish attitude of men at this stage, with the difference that Gilligan considers it a necessary step for a transition from their self-oriented character to find ways to communicate with others later. In the conventional level, women start to understand the responsibility defined for them in care; caring for them becomes fade in this level, but caring for others appeared strongly, specifically in the roles of mother and wife. They observe goodness as being a self-

sacrificing person. Moreover, finally, if they can reach maturity in the post-conventional stage where caring for others is vital to them, but they are also responsible for taking care of themselves, then they have reached the final stage of moral development, which shows that they are now able to know themselves independently and not to others such as spouse and child (Ball, 2010).

After showing these steps and the fundamental differences they have with each other from beginning to end, we will find the cause of this moral difference based on the two genders. In fact, by confirming the existence of stages of moral development by Kohlberg, Gilligan tried to show that he did not make a mistake in recognizing male moral character. However, at the same time, by generalizing these stages to women, he did not notice their moral differences and priorities, which is not relevant to his characteristics of moral development. As a result, now we can understand why Kohlberg, like Freud and his predecessors, considered women incapable of understanding the concepts such as justice and why we are required to distinguish between masculine and feminine morality.

To clarify the discussion, Durkheim, as a human rights sociologist, is criticized today for ignoring women. In his opinion, whenever he talks about human rights and dignity, he intends men and talks with them. Durkheim considers human rights and dignity to be based on the principles of equality and justice, but in no way does man include the two sexes in his view, but he, like his predecessors, considers women far from a concept such as justice and defines the basis of social order and rights for men and based on them (Cristi, 2012).

3.1. Justice-based ethics

In general, the idea of justice is closely related to political science. In every government, there are a series of mandatory laws that people must obey. Justice occurs here. Because the laws that governments have required people to implement must always avoid violating their fundamental rights, indeed, people may disagree on these rights, but as long as they have a common understanding of justice, there is no conflict. The problem with justice and the obligation to do so here is that if we assume that a nation does not face any injustice within its government and therefore does not conflict with government forces. However, the same country by attacking

the other one violates the rights of its inhabitants, and it cannot be easily proven that the guarantee of the rights of foreigners is also mandatory and enforceable.

Besides, justice is a complex moral principle and has various meanings, from fair treatment of individuals to fair allocation of economic and health resources and how the rights of individuals are realized. As a result, there are different approaches to it, but the areas of justice are vast. If we consider the four main approaches to justice- distributive, retributive, procedural, and restorative- we find that despite these different approaches, they have in common justice as the core theme and the principal value and aim.

In his book *liberalism and the limits of justice*, Sandel gives almost all the existing definitions and meanings of justice and concludes that justice is not only of particular importance but also has the precedence of any other value over most thinkers. In his view, liberal deontological thinking carries the most profound meaning of justice because it is based on liberal ethics (Sandel, 1998). From Sandel's point of view, justice takes precedence over anything else in today's world politics because it can take over the design of power. Also, in the world of open morality, it precedes another subject and is considered a value and other existing values that the criterion of negligence must measure.

- Distributive justice

Rawls' two well-known principles of justice, *original position and veil of ignorance*, do not explicitly contain distributive. Nevertheless, what lies at the heart of these two theories is distributive justice. In short, Rawls, referring to the wealth and economic power at the disposal of society and the state, sees the significant difference between the weak classes of existence and the sources of wealth and power due to their lack of equitable distribution. Although the basic structure of distributive justice refers to Aristotle, he gives us apparent detail of it in three parts: "*The participants in the distribution; the thing to be distributed; and the criterion/criteria for distribution*"(Keren-Paz, 2007).

However, the keynote of this debate is John Rawls, he argues that the two principles he has stated for justice include the most rational choice for those in the original or natural position. By creating equitable equality, these principles in the fair distribution

of job and educational opportunities, all members of society can be entered into a competitive field that can reasonably achieve their goals. Rawls believes that individuals should compete for power in complete freedom. This power is both political and economic. The tools of this ability must be given to the citizens by a just system (Freeman Samuel, 2018).

Therefore, Rawls considers applying these two theories of politics and economics to eliminate discrimination and create equal opportunities necessary. In Rawls' view, inequality in wealth should not be so great as to affect the political influence of low-income people. The political process of society should be like a distributional economy, and people with less economic advantage should be in a position to participate in their political future (Freeman, 2007).

Lamont et al. believe that distributive justice deals with the principles of distribution in various dimensions, including the income and wealth of individuals or society, the opportunities and jobs of individuals in society, and the welfare and services available in society. Depending on how and to what extent the distribution criteria of these items are, the definition and nature of distribution also change (Lamont, Julian and Christi Favor, 2017). Also, in their view, distributive justice, unlike some, although not the ultimate goal of an ideal society, is clear about the current state of societies and the world.

Wright and Boese have mentioned that sometimes justice and equality are perfectly integrated, and *equitable* is synonymous with *fair*. However, in general, the principle of distributive justice is widely accepted, which is quite the case in economic and competitive fields, especially in capitalist cultures such as North America (and perhaps other 'Western' Nations) that have a strong focus on economic and competitive relations. In this principle, we deal with meritocracy in a wide range of areas, including educational, economic, political, organizational, and interpersonal, and it is generally believed that in this way, justice is observed in the true sense between individuals and institutions. It is because if a person has enough talent or puts in more effort, he or she can receive a more significant share of resources in proportion to his or her talent and effort, and at the same time help and accelerate the progress of the community (Wright, S. C. & Boese, 2015).

Alternatively, it can be said that it deals with the fair distribution of resources and the interests of society. It is, in a word, the equitable allocation of resources socially and is at odds with the legal and executive approach to justice. This view is most focused on community outcomes. Moreover, according to Deutsch, this social approach has made it one of the most fundamental teachings of the Catholic Church (Deutsch, 1985).

The ethical debate about distributive justice is also fundamental. Rawls' theory is prominent in that it pays special attention to the needs of human beings. In particular, the principle of difference has shifted from a mere economic theory to a moral area. As Altham expressed:

“In A Theory of Justice the difference principle plays a very important role, since the justification of social and economic inequalities is made to depend upon satisfying it. The difference principle states that the long-run expectations of the least advantaged social group should be maximized... The difference principle can be used to justify inequality in the following way: if the greater expectations of a representative man in one social group work out to the advantage of the least advantaged, then those greater expectations are consistent with justice. For the absence of that inequality would give the least advantaged less than the practicable maximum, which would violate the difference principle”(Altham, 1973).

The exciting thing here is that although this morality emphasis on justice and logically should be reminiscent of Marxist morality, at least rather than representing liberal morality and economics, Ross Zucker believes that Marx's egalitarian view is quite different from the liberal view. In his view, individuals have a weak position in Marx's theory because social work is the agent of production, not individuals. Moreover, that is why Marxism's egalitarianism has little to do with morality. In his view, the consumer is a consumer and does not affect value creation (Zucker, 2000).

Figure 10.*Distributive justice VS Care*

Distributive Justice	Care
<ul style="list-style-type: none">• Justice fulfillment is the only goal• Resource allocation to anybody in equal form• Fair resource distribution• Every person should be treated fairly• A justice-based framework \equiv ethics• Demands welfare for all members of society• Maximize prosperity• Equal distribution	<ul style="list-style-type: none">• Caring is the concern• Caring for everybody everywhere all the time• Considering everybody's feelings and emotions• All members of human network should be represented• A care-oriented framework \equiv ethics• Demands care and being cared for by all members of human network• Maximize caring• Equal caring

Designed by the author.

- Retributive justice

In a word, it refers to the proportional relationship between *crime and punishment*, the retributive justice, which happens to be widely discussed in the social sciences, especially in psychology and law, is commensurate with the punishment of those who have violated the laws and norms of society and, in legal terms, have committed violations. These punishments can be of any kind, whether material or symbolic, but what is essential is their appropriateness and not going beyond the limits of justice in doing them.

This approach, as Wenzel and Okimoto have said, on the one hand, seeks that after a crime is committed, only the perpetrator should be retaliated against and punished for what he or she has done. The feedback of his or her actions in society should not be considered in aggravating the punishment. On the other hand, no individual interference as a third party is eligible to punish them and only qualified individuals and institutions in that community are responsible. In a word, any “*self-inflicted punishment*” not only is not considered as retributive justice but also is an injustice act absolutely (Wenzel & Okimoto, 2016).

Besides, what should be considered in this principle is to ensure that the law of punishment is applied relatively so that certain conditions such as error, provocation, insanity, or coercion and accident are included in the offender's punishment. The punishment will be fair when the person has done it voluntarily, and it can be proven. Only then will the interests of the individual and society be best preserved. The whole focus of this approach is to justify the situation in which the punishment of the innocent is avoided - by the exact definition as the deliberate non-commission of a crime. Thus, they seek to provide legal safeguards that reduce the risk of misdemeanours for innocent people and demonstrate the usefulness of such an approach in creating justice over other approaches, especially the distributive approach (Sterba, 1977).

Some thinkers like Alan Walc try to explain how proponents of this type of justice, despite all the criticisms levelled at it, have been able to find a way to justify harsh punishments by combining intuitive and instrumental values. In his view: “*Retributive justice has a deep grip on the punitive intuitions of most people. Nevertheless, it has been subject to wide-ranging criticism. Arguably the most worrisome criticism is that*

theoretical accounts of why wrongdoers positively deserve hard treatment are inadequate. If they are inadequate, then retributive justice provides an incomplete theory of punishment, one that at most explains why wrongdoers deserve censure. Even the idea that wrongdoers forfeit the right not to be suffer proportional hard treatment might be better explained by appeal to other explanations of why hard treatment (1) is instrumentally valuable, and (2) is consistent with respect for the wrongdoer”(Walen, 2021).

Figure 11. *Retributive justice VS Care*

Retributive Justice	Care
<ul style="list-style-type: none">• Punishment can be morally permissible• Punisher is inherently a good person because they perform justice• Punisher seeks justice• Retribution \equiv valuable instrument for performing justice• Justice institutions are necessary• Punisher is morally innocent even if the punished suffers serious harm• Intentional revenge in the name of justice is moral• No individual interference in the performance of justice is moral	<ul style="list-style-type: none">• No place for punishment• Punisher is a wrongdoer• Punisher harms another person• Care is the only valuable instrument• Judicial institutions are not necessarily ethical• Not harming others is the minimum level of care• No place for revenge• Any third party interference to conflict is moral

Designed by the author.

- Procedural justice

This approach takes care of the administration of justice by the upper classes of society. In this type of justice, we are faced with processes that examine the results and decisions issued by those in power. In procedural view, what is more, important than the outcome of the trial and the final decision is the procedure and approach that those in power adopt as justice and achieve the fairest verdict. It can be said that this approach formed for the first time between citizens' perception of authority and the responsibility of those in power towards citizens.

Bennett et al. give an example of what is meant by procedural justice and its connection to authority and citizenship rights. They cited the example of a police officer as someone who has the power in a particular situation and is allowed to intervene in it. They identify four features for being the police officer- as a sample of authority- in a just procedure; fairness in the processes, transparency in actions, opportunities for voice, and finally, impartiality in decision making (Bennett, Hine, & Mazerolle, 2018).

On the other hand, who has worked in this field, Tyler essentially recognizes the threat of punishment to individuals as an ineffective law. In his view, the administration of justice has a minimal impact on individuals and distances itself from its primary goal of legitimacy and morality, which are the only values associated with the law. His argument for his claim is that procedural justice focuses on social values and paves the way for better and more access to the law. Because in today's political systems, laws have legitimacy and authority on the one hand and following them is a moral rule on the other, that is, when people consider laws and legal authorities obligatory to obey, they observe that these laws are carried out according to a fair procedure otherwise the laws will lose their legitimacy (Tyler, 1997).

From Tyler's point of view, what is essential is to consider the public ethics of law-making. In his view, if the existing laws in a society do not correspond to public sentiments, and the meaning of justice and injustice is not clear to the legislator, the official law must also change. Here he says clearly: *"In other words, law can relegitimize itself, and it can do so through the use of legal procedures that the public views as fair."*

Figure 12. *Procedural Justice VS Care*

Procedural Justice	Care
<ul style="list-style-type: none">• Focuses on the concept of fairness• Fairness \equiv Morality• All parties must be able to comment• A fair procedure necessarily leads to a fair result• Prefers powerful societal classes• Classist morality with two distinct and unequal levels• Procedural transparency• Impartiality in decision making• Concentrates on collective social values• Moral ideal is to legislate fairly according to public sentiment	<ul style="list-style-type: none">• Focuses on the concept of care• Caring \equiv Morality• Requires listening to different voices• Caring is moral regardless of the result• Does not belong to any class, but rather to all• Eliminates class differences• Procedural uncertainty• Partiality in moral judgement• Concentrates on individual emotional values• Moral ideal is caring, which requires that different people be heard

Designed by the author.

- Restorative justice

In the restorative justice²⁹ approach, the principle is based on participation. A partnership plays an essential role in administering justice and enables the interaction between criminals, victims, and in the next stage with family members and society in the direction of justice. In fact, in this view, justice is administered when all individuals and members who have been involved in the crime in some way are considered, and information is exchanged with them.

Howard Zehr considers restorative justice, First of all, as an approach that focuses on harm and seeks to repair the harm caused by a crime to individuals and communities. Second, it is an approach that, in their view, is often overlooked in legal systems, and instead of focusing on the inherent needs of victims of crime, it focuses on the perpetrator as violating the law, which means that victims of crime play a secondary role in other approaches. The relationship between the crime and the perpetrator makes sense (Zehr, 2015). Thus, for restorative justice, justice begins with the concern for victims and their needs. The approach seeks to repair the damage as much as possible and therefore seeks and sees justice primarily for the victims, not the perpetrators.

Johnstone and Van Ness also consider restorative justice as a global and social approach with a tremendous internal variety which looking for a transformation from the current and contemporary judicial method in facing crimes and troublesome attitudes to morally social control that replace our *"punitive justice system to a community-based reparative justice system"*(Johnstone & Van Ness, 2013).

According to them, one of the characteristics of this type of justice is the phases needed to fulfil it and call it humanization. The restorative justice needs, first of all, full participation by both sides of the case, that is, victim and offender; they should be heard first and then we can see the reparative outcomes. The process starts with participation from the victims, offenders, and stakeholders. After their critical participation, we will recognize restorative justice, and by evaluating the *"restorativeness"*, we enter into the experimental phases. These phases consist of apologizing, a *"sense of vindication"*, *"empathy"* and finally *"reparation"*. By reaching

²⁹ In my opinion, the restorative approach of justice is most in line with the ethics of care.

the reparation, we have “*humanized*” the process, which has been fulfilled (Johnstone & Van Ness, 2013).

What is essential, and what makes this view effective alongside the previous one, in its approach to women's issues, is that caring ethicists have tried to show that the involvement of emotions in women's decisions is immoral and reveals another ethic that belongs to them. What stands in the way of justice here are the feelings that arise from the nature of women and make their moral understanding different from the issues and their surroundings.

By accepting this difference, these feminist philosophers try to show that what creates this difference and transmits it to the two sexes' moral concepts and decision-making criteria must be seen in its context. Gilligan says: “*Women come to see the violence inherent in inequality, while men come to see the limitations of a conception of justice blinded to the differences in human life*” (Gilligan, 1993).

Whatever definition of justice we offer or accept any of the definitions offered, they all have a common thing, and that is this consideration that in justice-oriented ethics, every assessment and decision that must be made is only one criterion. It exists for right or wrong, and that is justice. Alternatively, as Velasquez et al. say: “*Nevertheless, justice is an expression of our mutual recognition of each other's basic dignity, and an acknowledgement that if we are to live together in an interdependent community we must treat each other as equals*” (Velasquez Manuel, Ander Claire, Shanks, S.J. , and Meyer Michael J, 1990).

The other important point is that the significant confrontation between masculine and feminine morality does not go back to the constant struggle between reason and emotion. In other words, it is no longer a matter of debate whether we should use reason or emotion in decisions and policies. Instead, the main issue is that when one sex always considers morality to be justice and the other sex defines morality in maintaining friendship and human relations, in politics, law, and ethics, which should be considered a criterion because the morality of each of these two elements requires separate policies that are in stark contrast to each other.

An example will describe the confrontation of reason and emotion in an economic vote to clarify the matter. Shu et al. want to show that the policy proposals reject

when voters' desires affect the other voter's reasons; if there is a vote in the public budget to increase the gasoline tax. We will have two types of voters, those who vote with their intellect and consider their needs and those who vote with their emotion and only consider their wishes. They state: "*The conflict exists between an emotionally guided "want" self and a deliberate and reflective "should" self*"(Shu Lisa L., Jung Tsay Chia, Bazerman Max H., 2012).

They want to show that if a criterion other than reason is included in individual decisions, it will lead to macro-level results that may not be desirable. If we now consider the proponents of "should" as men and the proponents of "want" as women, we can observe again that this result promotes Freud's idea.

Freud considered feminine emotions to be the dominant element in their decision-making. He believed that the boiling of emotions, both positive and negative, such as love and hate or friendship and jealousy, is so ingrained like women that it prevents them from adequately understanding the issue of justice. Furthermore, for this reason, or in other words, this deficiency, his description of women generally included creatures that were absurd, jealous, dependent, sedentary, and most importantly, less morally (Nolan & O'Mahony, 1987).

It is clear here that when a politician looks at the world through the lens of justice, which sees differences as fundamentally the essence of human life, he makes different decisions from another politician who equates any inequality with violence. As a result, moral and political decisions must be considered in the context of each to examine the issues and their consequences more closely. Therefore, if we want to know justice ethics with its main features, we can put these three features for it, the characteristics that have the exact opposite equivalent in care ethics, and show the difference between a justice-oriented and a care-oriented approach. They are individuality, equality, and impartiality.

Figure 13. *Restorative justice VS Care*

Restorative Justice	Care
<ul style="list-style-type: none">• Implies interaction between all effected parties• Seeks to repair damages caused by the crime for all sides• Justice requires an open exchange of information• Moral act \equiv repair of damages• Focuses on the impact of damages on all sides• Victims have priority rather than offenders• Global approach• Restorative approach to evaluating injuries• Accomplished in four phases<ul style="list-style-type: none">• Apologizing• Vindication• Competence• Reparation	<ul style="list-style-type: none">• Considers the feelings and needs of members of human network• Seeks to bring peace to those involved in conflict• No specific indicator of completion, just a change after care is applied• Moral act \equiv comprehensive attentiveness• Focuses on not harming anybody• Everyone has the same value <i>a priori</i>• Universal ideal• Care is acheived through compassionate empathy for everyone• Accomplished in four phases<ul style="list-style-type: none">• Attentiveness• Responsibility• Empathy• Responsiveness

Designed by the author.

3.1.1. Individuality

In the older definitions, that is, individuality was still paramount when there was no mention of morality and definitions related to gender. James Lindsay, for example, defines individuality as the evident and exceptional value of man and considers it to be what human morality goes back to. In his view, every human being - of course, he has used every man - is a person, but he is not perfect until he finds individuality. This individuality is unique to human beings and distinguishes them from other types (Lindsay, 1920).

It can be said that individuality is a good starting point to show this difference due to the different approaches to the ethics of justice and care. As mentioned earlier, a more robust and better understanding of the concepts of justice and care is seen as the attainment of moral maturity in both sexes, and therefore paying attention to a concept called individuality is a point of divergence for them. Since justice, by whatever definition we give it, on the one hand, needs an agent and, on the other hand, finds meaning among individuals and in how the moral agents treat among them. Thus, the individual's concept and position and individuality are principal in it.

David Miller has stated in the entry to the justice of the Stanford Encyclopaedia of philosophy that *“Issues of justice arise in circumstances in which people can advance claims – to freedom, opportunities, resources, and so forth – that are potentially conflicting, and we appeal to justice to resolve such conflicts by determining what each person is properly entitled to have. In contrast, where people’s interests converge, and the decision to be taken is about the best way to pursue some common purpose – think of a government official having to decide how much food to stockpile as insurance against some future emergency – justice gives way to other values”*(Miller, D., 2017).

Perhaps one of the best sources that can fully show how individuality is a pillar of justice-oriented theories is John Rawls' famous theory of justice. While Rawls sees justice as the only possible virtue for society and its affiliates, it also sees it as a source of happiness and prosperity for individuals. Justice in Rawls' theory is so dependent on the individuals and their destinies and quality of life that only within the

framework of justice can individuals pursue their desires and have the opportunity to bloom and obtain their values and talents (Rawls, 2009).

In fact, according to Rawls' theory of justice, the person is the centre of everything. He or she has special rights. Furthermore, everything done in society and other social institutions should promote better welfare and meet their desires. Whether we defend Rawls' theory of justice or not, the importance of the issue of individuality cannot be ignored. In other words, all discussions about the importance and function of political, social, and economic institutions directly address individuality and influence it in Rawls' theory. Moreover, this is the point made in this section to further clarify the role of the individual in Rawls's theory of justice as one of the most important political theories of the twentieth century.

Thomas Nagel links Rawls' theory of individuality to individualistic tendencies. In his view, this strong connection is evident when he sees the goal of justice as providing the maximum good for individuals. From Nagel's point of view, Rawls distinguishes them personally and individually by taking the principles of justice objectively. For this reason, he has tied fairness to the amount of benefit obtained for individuals, and his theory has a solid individualistic bias with the original position approach and can vary as much as different people's motivations as Nagel interprets (Nagel, 1973).

Rawls devotes a part in his theory to individuals by calling it the principles for individuals, divided into two parts; *"the principle of fairness and natural duties"*. Each of these sections also deals with two issues that, on the one hand, clarify the concept of individuality in justice-oriented thought and, on the other hand, deserve many comparisons with the ethics of care. The idea of the institution and intuition is a subset of the principle of fairness and considers the different duties of individuals as their natural duties (Rawls, 2009).

Therefore, as Nagel interprets, the principles of justice and individuality cannot be proved with certainty. Because everything depends on the relationship between the situation of the person and others, it cannot be neutral, and at least jealousy or lack of motivation can be found in these relationships. As a result, fairness and neutrality in this structure are practically impossible. From Nagel's point of view: *"The original position seems to presuppose not just a neutral theory of the good, but a liberal,*

individualistic conception according to which the best that can be wished for someone is the unimpeded pursuit of his own path, provided it does not interfere with the rights of other” (Nagel, 1973).

Alex Voorhoeve believes, however, that Rawls's principle of individuality is purely moral, which can reduce inequalities between individuals by strengthening stability in social cooperation between individuals. Thus the destructive motives that result from jealousy between individuals will be reduced by the same participatory approach based on cooperation. He considers this theory to have an ethical approach, which seeks to create equality among members of society. He argues emphatically that many of Rawls' commentators, citing these seemingly small individual freedoms such as job freedom, conclude that Rawls' individualistic theory seeks to create equality -of course, this is everyone's wish and desire- and enjoy the freedom (Voorhoeve, 2005).

What is important here is that we see that even if we interpret Rawls' theory of justice as an egalitarian ethical theory, it still targets all the economic and moral consequences of those individuals. The advantages or disadvantages, job satisfaction or dissatisfaction, and anything that can be considered a consequence of Rawls' opinion directly affects people before society and are measured by their level of satisfaction. Nevertheless, while these people enjoy such benefits and attention, they also have countless responsibilities as democratic citizens.

Some Rawls commentators consider the role of institutions to be more important than individuals in his theory, arguing that in Rawls-defined society, it is the institutions that intervene and legislate in *“the system of property, contract, inheritance, securities, taxation, and so on”*, as Freeman said (Freeman, 2007). However, they are individuals who are making the rules behind them. Freeman believes that Rawls saw all these differences in motivations- which mentioned above- as ultimately in the best interests of the citizens of a democratic society because it would bring them common interests. Secondly, citizen-driven behaviour toward democracy simultaneously moves society towards this target. Freeman observes a two-way relationship between laws and legislators which affect individuals totally; *“the decisions of legislators as they enact laws to realize the common good of democratic citizens. Individual’s conduct is to be guided or*

regulated by these laws and norms made pursuant to the difference principle ... and indirectly apply to individuals."

As can be seen, Rawls's first principle, which is the principle of justice, defends equal freedom for all, and his second principle, the principle of difference, is a little far from that maximum and absolute state. Rawls adds to his first principle of equality, his second culturally "*principle of difference.*" This states, in particular, that permissible distributive inequalities among individuals are acceptable only to the extent that their existence benefits the low-income members of society (Rawls, 2009). It can be said here that a socio-political-economic structure that is fundamentally different has well-accepted criteria of fairness. In other words, Rawls presents a structural justice of the society that has benefited less from the difference. In contrast, by completing it with the principle of difference, he shows the difference in the structure of the society economically, politically, and socially but has considered it a principle. Therefore the principle of fairness is one of the principles that go directly under Rawls' principle of individuality.

To clarify Rawls's idea mentioned above, the example given by James Buchanan will explain this principle. He asks us to consider several people who are voluntarily discussing the rules of a regular card game. These people try to agree on some norms that allow them to separate "fair" and "good" from "unfair" and "bad" as a set of rules in their future games. Their agreement needs some casts about the general norms of the game and their alternatives, and due to its quasi-scientific nature, there will be some doubts about the self-interests of the participants. There will be a series of laws that may be considered pessimistic and unfair and laws that almost everyone agrees on being good and fair (Buchanan, 1972). Buchanan wants to show that Rawls' principle of fairness depends more than anything else on people's opinions. When any individual or group is free to make and defend laws based on its definition of fairness and goodness, then the criteria of fairness and goodness are according to the number of people and the methods that are fair to any game - any interaction – in their idea.

Robert Nozick does not entirely agree with Rawls' principle of fairness because he does not consider it fair or even moral. If we accept what Rawls says about the principle of fairness, for example, in the form of certain definite rights and obligations

that occur in a cooperative act or contract, we can understand why Nozick considers this principle to be fair. According to Nozick;

“This principle holds that when a number of persons engage in a just, mutually advantageous, cooperative venture according to rules and thus restrain their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to similar acquiescence on the part of those who have benefited from their submission. He develops some counter-examples to which it seems objectionable to apply the principle. Suppose that you benefit from the practice of some others in your community of broadcasting interesting music and entertaining shows over loudspeakers. Are you obliged to contribute your share of the costs and participate in the broadcasting activities?” (Morris, 1983).

There may be a critique here that one should not expect Nozick to be close to Rawls's theory from his anarchist point of view, but Nozick is not a traditional anarchist but an individualist anarchist. As an individualist anarchist, he states that Rawls's principle of fairness can even violate Kantian ethics due to the monopoly form of power that will generate, which is why it is unacceptable and objectionable.

To clarify the matter, Nozick considers the two groups, A and B, who want to make an agreement or interaction in the form of a contract. He then shows how one of the parties justifiably and legally can seriously harm the other party and even violate his rights in the form of this contract. Although from the point of view of a traditional anarchist, gaining the power to protect one's rights can involve exercising exclusive authority. But an individualist anarchist will pose and solve the dilemma like this:

“What has happened if A prohibits competition?”

- 1. The independents' right of self-defence has been violated,*
- 2. Free exchanges have been repressed, namely, those between the independents and firm B,*
- 3. The monopoly has coercively restrained the free exercise of the right of contract. Thus, it has violated the Libertarian Principle, which permits all voluntary exchanges,*

4. *The Kantian Principle has also been violated, as the independents are not being treated as ends. If they were, I should think, they could not be stripped of their right of self-defence*"(Davis, 1991).

This argument is intended to show that even among philosophers of justice, there is no definite and uniform agreement on the characteristics and coordinates of justice. While Rawls's principles show that this kind of contract is moral and just, Nozick considers it indefensible both in terms of the standards of justice and in the eyes of the anarchist.

Rawls' answer to this may not be obvious, and in fact, leaves the audience free to conclude. Rawls's quotation in one of his articles, *Justice as fairness: Political not metaphysical*, by turning to his second principle, natural duty, which is closer to the issue of immigration and care ethics. Rawls says: *"One thing I faded to say in A Theory of Justice, or faded to stress sufficiently, is that justice as fairness is intended as a political conception of justice. While a political conception of justice is, of course, a moral conception, it is a moral conception worked out for a specific kind of subject, namely, for political, social, and economic institutions. In particular, justice as fairness is framed to apply to what I have called the "basic structure" of a modern constitutional democracy... By this structure I mean such a society's main political, social, and economic institutions, and how they fit together into one unified system of social cooperation. Whether justice as fairness can be extended to a general political conception for different kinds of societies existing under different historical and social conditions, or whether it can be extended to a general moral conception, or a significant part thereof, are altogether separate questions. I avoid prejudging these larger questions one way or the other"*(Rawls, 1991).

Rawls sees the natural duties as principles central to our choices as individuals. They are important because, from the point of view of justice theory, they form an essential part of our perception of right and define the relationship between individuals and institutions. Of course, Rawls believes that we as individuals succeed in our natural duties when the basic structure of the society in which we live is just or at least reasonable. There is a difference between natural duties and voluntary actions in two attributes that make one category optional and the other natural. The first characteristic is that we, as individuals, must respect our share in society or any

other just institution, and the second is that if there were no fair conditions, we, as responsible individuals with natural duties, would strive for providing a just system (Rawls, 2009). Rawls has said in his famous theory of justice about natural duty can be seen as the difference between his political theory and other theories. In fact, by creating a relationship between individuals and the government or other institutions of society and defining it in the form of natural duty, he offers another definition of the duties of citizens and politicians.

Perhaps what has been said about this distinction in *The Cambridge Rawls Lexicon* can be discussed here to clarify the discussion: *“The natural duties are those that are binding on individuals without the performance of previous voluntary acts. Among them, Rawls mentions the duties of mutual aid, mutual respect, not to harm or injure another, and not to cause unnecessary suffering. From the standpoint of a theory of justice, the duty of justice is the fundamental requirement for individuals. These duties are “natural” because they are owed to persons generally regardless of any institutional relationship, and their content is not defined by the rules of institutions or of social practices. Rawls contrasts them with “obligations,” which are grounded on the principles of fairness. Obligations, in this sense, are defined by the rules of just (or fair) institutions or practices, they arise as a result of voluntary acts, and they are owed to definite individuals. The natural duty of justice has two parts: “it requires us to support and to comply with just institutions that exist and apply to us”; it “also constrains us to further just arrangements not yet established”. According to this, everyone has a natural duty to do his or her part in a social scheme in which the basic structure is just or “as just as it is reasonable to expect in the circumstances”. Thus, the duty of justice has an important role in making social cooperation stable”* (Rivera-Castro, 2014).

Jeremy Waldron also, by citing one of Rawls definitions of duty, tries to show the insistence of a strong relationship between justice, morality, and an individual’s natural duties; *“Our duty is to support and to comply with just institutions that exist and apply to us”* (Waldron, 1993). He draws our attention to the fact that these tasks become an obligation for people when they are in a fair situation from Rawls' point of view. He then concludes that natural rights can link the moral relationship between individuals and institutions when the existing conditions comply with justice; otherwise, these duties are nothing but pure obedience.

It can be concluded that such principles, which define public obedience unquestionably as a natural political duty, do not seem very moral. Needless to say, Rawls' theory has many critics who do not need to discuss it in the subject under discussion. Nevertheless, one of his foremost critics is about the very obedience.

To clarify the immorality of this obedience and its connection to our natural rights, John Simmons' criticism of Rawls can help us. He considers it the duty of individuals to support a just government if it is not too costly for the individual and does not make them difficult. However, if the condition of justice is not fulfilled in any way, there will be no reason to perform this duty (Simmons, 1981). Simmons considers Rawls' argument, in this case, to be neither serious nor strongly intuitive, and therefore concludes that obedience to individuals in these cases cannot be imposed in the name of natural rights.

George Klosko also believes that Rawls appeals to the naturalization of rights, in this case, because he knows and has accepted the flaw that the principle of fairness cannot create political obligations. Because according to his justice theory, people follow the law who have particular interests and possibly more than others; therefore, forcing people to obey the governments as a natural duty is not fair (Klosko, 1994).

As a result, these natural tasks can be related to the discussion of this dissertation in two ways. First, Rawls' emphasis as one of the most important representatives of justice and ethics based on individuality and its crucial role in creating a just society is contrasted with the central role of care in care ethics. On the other hand, linking it to nature and human nature is similar to the intrinsic relationship between caring for the feminine nature and justice to the masculine nature. It is like the definition given like care ethics about the quality of care. As explained so far, the natural duties in the theory of justice are most closely related to the concept of individuality because they are the tasks directly related to individuals, regardless of the relationship with the institutions. Moreover, for this reason, Rawls has divided them into the two types mentioned earlier; mutual aid and avoiding harm to others. In other words, the most important of these tasks is justice, and therefore the duty of justice is not removed from individuals and is naturally their responsibility. Moreover, for this reason, they cannot be considered as obligations because the obligation may exist between individuals with an institution and is also done voluntarily, so it is more about fairness

than justice. However, since it is the natural duty of individuals, justice can lead to the stabilization of social cooperation, or in other words, the supervision of voluntary duties.

3.1.2. Equality

Equality can be considered the main characteristic of a morality based on justice because even the literal meaning of justice implies it. In Merriam Webster Dictionary, we can find justice as the principle of an ideal which “*dealing the establishment or determination of rights according to the rules of law or equity*”(Merriam-Webster online dictionary, 2020).

Equality was the basis of the liberal view in the past and before the emergence of new approaches to rights, freedom, and politics, and every liberal politician pursued a society full of equality as a utopian goal. Ronald Dworkin generally considers equality to be a political ideal, but not because it is a perfect idea, but since it is the most suitable that society could be and due to the necessity for a state and a political system, it can be observed as an ideal. He, who has focused most on the equality of resources available to the citizens of a country, states that although the different situations of individuals and the extent and manner of their access to resources should be considered to address the welfare of citizens more fairly, with that said, equality in everything must be the ultimate goal. Dworkin sees the only goal of a desirable political society as equality and nothing else and says: “*A political community might aim that its members be equal in their resources or in their welfare*” (Dworkin, 2002).

In fact, with all the details he gives to clarify his view of equality, he still does not detach himself from the core of the liberal justice-oriented and egalitarian view. He believes that everything from economic and social resources to the well-being of citizens in a liberal system should depend on the idea of equality.

To better understand the idea of equality in Dworkin's view, we refer to the Stephen Guest interpretation. He believes that Dworkin's idea of equality is political philosophy and a moral ideal of two kinds. According to him, if there are two children, one blind and the other no, their father may treat them in two ways which are at the same time equal and different. If their father treats them *equally*, the resources are

equal for both of them regardless of their health situations. Nevertheless, if the father treats each one *as an equal*, it means spending more money for the sick child because he or she will need more. He concludes from this example that each person's moral duties differ according to the meaning he or she addresses for equality (Guest, 2005).

It can be said here, although Dworkin also values differences between people, he still sees the best way to interact in society as the basic principle of equal distribution, and therefore the moral principle he espouses should be the principle that can bring justice and fairness together. So between his political and moral philosophy, what does not change is an ideal called equality.

The most significant difference between these masculine ethics or politics shows with the ethics of care as a moral and political approach, and indeed the purpose of this dissertation, is Dworkin's view of the distinction between political decisions; choice-sensitive issues choice-insensitive ones. In his view, issues that have a definite and clear solution according to the standard of justice are in the sensitive category, and other issues are in the non-sensitive ones. For example, the death penalty falls into the second category because there is no essential justice solution. In other words, Dworkin does not consider capital punishment as a matter of human sensitivity and, as a result, links it to the will of society: *"The case against capital punishment, I believe, is just as strong in a community where a majority of members favour it as in a community of people revolted by the idea"* (Dworkin, 1987).

Equality has always been used as a measure of the ideal of justice, as even its literal meaning shows, but what has made it even more critical in modern times, and especially relevant to our discussion, is gender equality and its meaning in these two ethics which are based on gender. In general, equality emerges between different things.

Stefan Gosepath defines it broadly as: *"The terms "equality", "equal," and "equally" signify a qualitative relationship, correspondence between a group of different objects, persons, processes or circumstances that have the same qualities in at least one respect, but not all respects, i.e., regarding one specific feature, with differences in other features"* (Gosepath, 2011).

What is controversial about equality is that, on the one hand, we are dealing with a concept that manifests itself as in the actions of individuals. It influences the decisions, criteria, and moods of individuals, and sometimes are exposed to potential contradictions. The contradictions may lead to conflicts when many people with similar interests become stressed about equal use. In fact, for one group, the same justice with equal focus is considered as injustice and discrimination for the other group. As a result, equality between two people can be examined and between two groups. Equality in a general Aristotelian sense is the equality of the conditions of individuals in a similar situation and terms of an equal norm (Lotfi Tabrizi, 2011). There is a problem here regarding who defined these equations and based on which norm and logic. For example, should equality be considered a moral or economic matter, or should it be discussed in law, judgment, or politics?

One of the most essential points that shows this conflict in the concept of equality is the conflict between the theory of liberalism and Marxism about equality. Gerald Cohen, has criticized liberals for defining equality only among themselves or in other words within a capitalist system, while equality is far from capitalism in any sense. Criticizing the principle of personal property, he explained that here, according to this liberal principle, every person has the moral right to have full private property, while it can neither be considered fair nor moral (Cohen, G. A., 1995). This is because the possession and authorization of the innumerable ownership of physical property for a person cannot be reconciled with egalitarian ideas such as Marxism. He accused liberalism of political dichotomy by tracing the "*progressive and reactionary*" features of the principle of ownership. He also emphasized that one of the main problems in the field of equality - both theoretical and practical - is the different and sometimes contradictory approaches and judgments that can create two separate schools of thought, politics, and morality, each of which has own knowing the right and not the other.

Also, the general concept of equality arises precisely in the debates about the difference. That is the subject of our main discussion. In our discussion, the concept of equality is examined specifically in masculine ethics because, as mentioned earlier, equality is one of the values specific to male mentality and therefore one of the well-known approaches in gender studies.

With the same approach, Kenneth Baynes confronts the problem of equality and presents it as a serious critique. In his view, the principle of equality, especially when it enters the field of legitimacy, not only loses its definition but works in complete opposition to it. In his view, equality means when all persons involved in the matter have at least one legal level because otherwise, equality does not make sense, and the more vital or more populous party can define and construct standards and norms resulting from incorrect behaviour. Furthermore, goodness or rightness is defined and measured by that dominant group's criteria (Baynes, 1997).

Michelman mentions the *dilemma of difference* in his article and explains what Baynes means. Michelman believes that in legal debates, which happen to be the goal of fair behaviour and sentencing, one can sometimes have a fair view. His example goes back to the meaning of differences in the context of women's rights. In his view, a just sentence for a woman may mean that she is equal in all cases and all respects to men, while in another woman's view, a fair sentence in which to consider her gender differences (Michelman, 1986).

It should be noted that justice in the individual concept has a meaning that should be considered because it shows a more apparent contrast with the ethics of care. Justice becomes an individual demand when there are instances of conflict between individuals over possession or using some materials or opportunities, such as access to foods or asking for freedom. However, if we are basically in a situation where there is no need for anything or the resources are so abundant and available that there is no competition between people and conflict between goals, then justice will not be the value we use.

As Miller says, when the goal is shared between individuals or the interests of individuals are close to each other, or at -a definitive version- do not exist any conflict with each other; therefore, the criterion of justice is not needed for a moral decision, and justice can give its place to other values. The function of justice in this view is only to resolve conflicts between individuals, and with the disappearance of the issue, justice becomes ineffectual (Miller, D., 2017).

Nevertheless, what is important here and can be considered a brief conclusion of this part is the answer to when or how these needs are eliminated, and there is no conflict over resources and other things? The answer to this question is only

equality. In other words, one of the most important aspects that show how much the justice-oriented view emphasizes equality is that if equality is achieved, it means that justice has fulfilled the mission. Here we can see one of the main differences between justice-based ethics and care ethics. In the ethics of care, the duty of care is not taken away. In other words, maybe we cannot find a situation where there is no need for care. However, justice with these characteristics and on an individual scale, with the elimination of conflict by having equal portions, is no longer needed and can be replaced by other values.

3.1.3. Impartiality

It may be said that the issue of impartiality is like an arrow thrown from the bow of care-oriented philosophers at masculine ethics to show them how far they are from the ethics of care and its standards. Perhaps it can be said with certainty that the moral and political theorists of the past have considered any intentionality in moral judgments as a perfect example of immorality and as a distortion of right and justice.

Another approach to moral impartiality is the consequentialist approach. Consequentialist moral theories on this issue also raise the same age-old question: does applying this rule lead to a better or greater result in good progression? In particular, their concern in this regard is to determine the excellent value of moral impartiality, to consider the identity of the moral agent independently, and in such a way that his or her interests are as influential in the outcome of the decision as the rest of the interests.

In this regard, Troy Jollimore has said, the standard for moral action in this approach is moral neutrality directly and explicitly. In a way, if a person's children are hungry, but they know more hungry people who will do more good if they are survived, they should prefer them to their children and sacrifice the children. This decision shows that our moral agent has not valued any personal concerns in any way and has therefore acted in a completely ethical manner (Jollimore, 2020). It can be said that in a consequentialist approach, we should consider only the amount of profit at the end of the action as a measure of our moral action.

Brad Hooker has another concern in this issue. He prefers to categorize impartiality into three types: *"Impartial application of good (first-order) moral rules, secondly,*

impartial benevolence as the direct guide to decisions about what to do, and thirdly impartial assessment of (first-order) moral rules" (Hooker, 2010). He made this division to remove the moral objections to impartiality that, like the example above, ignore the individual's concerns. At the first level, according to Hooker, we need to consider whether impartial enforcement of a law is more beneficial or performing it with a relative level of impartiality? This type of evaluation only refers to rules that are not always good to enforce, which means that if we have rules that are always good, they will be fully enforced. Otherwise, we need to evaluate the good in the actions or non-actions of impartiality.

What should be noted here is that impartiality is a feature of masculine morality and, conversely, has no place in feminism, either in thought or practice. Consequently, it cannot be evaluated in the philosophy of women because not only have they not valued it, but they consider it entirely masculine and in their interests. Iris Marion Young refers to the famous feminist slogan. *The personal is political*, and accepting the difference between public and private explains what women deny impartiality. She has two interpretations: *"No social institutions or practices should be excluded a priori as being the proper subject for public discussion and expression, and, No persons, actions or aspects of a person's life should be forced into privacy"* (Young, 1985).

In the second type of Hooker classification, what matters is the equal benevolence that we, as moral agents, must apply to each of the people involved. As a result, our day-to-day decisions directly target this kind of unbiased benevolence. Furthermore, the third type proposes the resolution of concerns and questions that could have been raised in the previous two steps. He shows why our distinctions between good and bad laws can be straightforward and unbiased. He believes that the proper distinctions, and therefore the right laws, can also be defended impartially. It can be supported well by performing it with an impartial moral agent, who can impartially evaluate rules, relations, and attachments (Hooker, 2010).

The other manifestation of moral impartiality is seen in the proponents of Kantian morality. Alternatively, deontological theories are too much and demand the moral agent's impartiality. In other words, in this prevailed impartial approach, nothing should be personal in the relationship between us and others.

On this point, Marilea Bramer says: *“Impartial moral theory is that it is something that either prevents us from having the close connection we think personal relationships entail or, less drastically, it stands in the way to some degree of our giving beneficial treatment to those in personal relationships with us”* (Bramer, 2010).

By comparing Kant and Arendt in an article, Andrew Norris shows that in the modern world, in general, political theories advocate that our judgments, especially in politics, should be objectively impartial. Moreover, the supports are based on the fact that political judgments are different from aesthetic judgments or expressions of personal pleasure. Therefore, impartiality in political positions and judgments does not negate the multiplicity of views and voices but seeks a theoretical model in which all political judgments are considered. However, the superior theory is also distinct (Norris, 1996). On this matter, the problem arises when we are confronted with a myriad of political judgments that all claim to be correct in their theory, which is not logically possible, and as a result, we need a valid, impartial, and objective judgment. However, it remains to be seen what its credibility and impartiality include.

Kant links rationality to morality and morality to pure impartiality because he merely considers rational beings to have an autonomous will. The importance of moral impartiality lies precisely in his view of the existing autonomous will because our will as human beings determines our actions and decisions as moral agents. Kant says: *“A free person is one whose actions are not determined by any external force, not even by his own desires”* (Gregor, 1997). In other words, Kant asks us to act according to the laws to which everyone can use them to act, and those are rational ones. Understanding Kant's impartiality relates to understanding his moral rule based on rationality intimately and significantly.

However, precisely for this reason, among the defenders of moral impartiality, Kant's view is problematic. In this regard, Bernard Gert believes that rationality should not be tied to impartiality at all because these are two completely different concepts, and it was Kant's mistake to argue that the rational person is impartial, while one can also be wise, and had both his concerns and the concerns of others. He tries to prove that rationality can be part of moral neutrality in a broad definition, but it is by no means equal to all of it. Gert says: *“Impartiality and rationality are completely distinct*

concepts; that one is rational implies neither that one is impartial in the way required by morality, nor that one is not” (Gert, 1998).

Other interpretations of impartiality can shed light on the debate from another angle and show the prevailing view of impartiality, the ethics based on justice. Marilyn Friedman distinguishes between the varieties of the terms that seem to have the same meaning for “*being unbiased*” as a norm in the moral theories, whilst they are not. Those are “*impartial and impersonal, and objective*”. Impartial is very common in use for the very moral notion as an absence of bias or prejudice, but the objective is understood as a contrast with subjective. They emphasize the quality of mental consciousness in confronting some issues. Objective concepts are found in our minds clearly due to their nature, while subjectivity refers to a kind of quality that makes the issue far from any existence in the external world. Moreover, as it shows, impersonality is a general notion that does not refer to any particular person (Friedman, 1989).

However, Friedman points out the importance of being impartial in moral criticism. Even among those who advocate moral impartiality, some see impartiality as a neutral issue that can be only a tool in our critical judgments because it does not undermine public trust. Otherwise, impartiality is never considered a moral duty.

In the continuation of this terminological approach, we can refer to Habermas. By establishing discourse ethics, he has based the basic principles of justice on a specific conception of impartiality. Criticizing the absolutist theories of people like Rawls, he argues that norms such as impartiality must be viewed in their discourse to be cited as the norm. Habermas's view on this discursive theory is based on pluralism. In this detail, norms always express wills and desires that contain commonalities, and other justice-oriented theories fail to understand these commonalities because their definition of impartiality is isolated in limited political aspects. Philosophers or politicians cannot deduce the basic principles of justice because they have misunderstood moral impartiality. Habermas considers impartiality to have been achieved in pluralism with the participation of all in the extraction of the principles of justice, and only in pluralistic approach impartiality can show better in a practical way (O'Neill, 1997). Shane O'Neill continues and considers an insistence by Habermas on some standards of justice as a moral norm that in a

pluralistic view open for us a new route about impartiality that is against the traditional concept of it and consist of *“individual conceptions of the good in modern world plus the different historical impartiality conceptions”* that leads to a different interpretation and understanding of justice.

Perhaps Habermas's emphasis and this new approach to his understanding of the concept of common will and moral impartiality can also be traced in Amartya Sen's point of view. In this respect, he has reminded us that a concept such as human rights is also based on shared humanity and our understanding of it all. These rights have nothing to do with the rights of our citizenship, which are subject to a particular society or country. For this reason, it can be shown that while being neutral, they are based on norms that are accepted by all human beings because of the same common ground, like the right of every human being to non-torture or terrorist attacks, which demonstrates the apparent impartiality used in a universal approach. He argues that these shared hatreds are an example of that impartiality should be observed by ordinary people - not those in power and legislators - and that it is only in this approach that the fundamental human rights considerations are taken into account because first of all, this framework is very vast, the size of all human beings, secondly, it does not depend on the power and criteria and norms set by them. Thirdly, their violation puts people to help each other, reminding us of the same practical aspect Habermas pointed out (Sen, 2002).

Habermas, in essence, argues that a norm is justified only when it can satisfy those affected by that norm in practice. Of course, this principle seems to contradict impartiality, but Habermas means this collective satisfaction, based on the principle of justice globally. In his view, *“the universalisation principle from the pragmatic presuppositions of moral discourse, which states as a condition of acceptability for norms of justice that all those affected by them can accept the consequences that their general observance can be anticipated to have for the satisfaction of everyone’s interests”* is reconstructing (Habermas, 1990).

3.2. Global Justice

After explaining the concept of justice and introducing its categories, global justice is now related to our discussion. Global justice follows three main questions related to the concepts of justice mentioned earlier. These questions are about the scope of

justice, how to distribute resources fairly, and the responsibilities of justice-related institutions. The concept of global justice is achieved and significant here because, on the one hand, it deals with the limitations and aspects of justice and inequality in the real world and enters the field of politics, and on the other hand, by examining what can bring us to ideal conditions, appears in the field of ethics. We are indeed somewhat familiar with the concept of justice, and of course, there are different approaches and other classifications to it that we cannot address. However, when we treat justice as a noun to which a universal or global adjective has been added, we must distinguish between them.

Chris Brown says that international justice leads us to normative principles that can lay the groundwork for just relations between nations and states based on those same normative principles. Nevertheless, global justice observes the issue of justice in general and seeks to create justice for all human beings, regardless of their states. The international aspect of the issue is the creation of international legal mechanisms, and the global realm, considering that the existence of international mechanisms is not a guarantee for the creation of global justice, looks at the issue of justice and benefit of nations and not governments (Brown, C., 2006).

By distinguishing between two levels of practices, Frøslee showed how justice could be a global matter. Assuming that all human being practices depend on two levels, we claim that our practices should be basic or institutionalised and will not be outside these two areas. Basic practices or (BPs) *“are fundamental to any form of human activity. Indeed, they must be considered inherent in human nature, since they reappear in most – if not all – past and existing forms of human life”*, whilst the institutionalised practices or (IPs) are *“culturally variant and historically limited phenomena. Rather than being objects of discovery, they are deliberate human constructions to which human beings have had a reflexive relationship from the start”* (Frøslee, 2013).

We can see that this difference in practices makes one subject to global norms and the other subject to the principles that the relevant institutions have set as the norms. As a result, they play a fixed role in man's cultural and trans-historical identity, they are not separated from his existence, and they form part of man's consciousness about himself, the part on which our being human depends. However, the

institutionalised practices are entirely dependent on our decision, in fact, the result of our choices at certain natural or social times, and are therefore prone to instability and need constant legal protection.

Alix Dietzel considers global justice is concerned with who deserves what and for what reason? In other words, the principles of global justice are based on how all the world's people can be given what they deserve. Global justice does not devalue other theories but does not observe its approach and its primary purpose in them. For example, Rawls's theory of justice defines life in the shadow of justice as a form of happiness that can only be achieved through a democratic government but has no prescription for other people to enjoy justice. At the same time, justice is an issue that should include all human beings, regardless of the type of government they have (Dietzel, 2017).

These questions can be answered according to various definitions of justice, such as Rawls' distributive justice or Marxist views global justice has a different approach. The concept of global justice can be considered as a reduced form of cosmopolitanism that emphasizes justice and makes it its starting point. Just as cosmopolitan humans assume a single moral value, global justice advocates require the right to justice for all human beings. It has been mentioned before that the theory of global justice primarily criticizes Rawls' distributive justice and deems it ineffective in creating justice for all the inhabitants of the earth, not just the United States.

One of the most influential critics of this theory is Thomas Pogge and his famous idea; collective responsibility that considers one of the pillars of Pogges' argument for global justice. In his view, the fundamental inequalities we face are not instantaneous matters that can be remedied by changing emerging countries' social institutions and cultural resources. Instead, the roots of all of them go back to the colonial era, when today's prosperous countries destroyed the political and cultural institutions of the countries under their domination, appropriated their resources, and changed their culture and customs (Pogge, 2005b).

In Pogges' view, although we are not responsible for the actions of our predecessors, we cannot ignore what they have done that has been led to such inequality. As a result, in his view, world inequality is more of moral responsibility for rich countries than a political or economic one. To hold deep-seated inequality that

has led to extreme poverty, social deprivation, illiteracy, and even slavery in the contemporary world for billions of people, he holds the citizens of rich countries morally responsible for taking action to end this discrimination.

Thom Brooks argues that the governments of rich countries are primarily responsible for the extreme poverty that afflicts developing countries and that only a human rights-based approach and determination can save them. Because the reality of our world is that the profound difference between the political and economic powers of the two sides of the world is not only due to a disorder in the distribution of wealth but is fully institutionalized, and only a global institutional order can remove those governments from unjust domination of wealth and power and reduce inequality (Brooks, 2020).

While Pogge believes that this discrimination is directly related to the world economic system created by rich countries, citing the *“ideal type homo economicus”* among economists, he claims that global justice is far removed from the real world and that this lack of knowledge has made normative theories of global justice inconsistent with empirical reality. As a result, as long as economists continue to practice and base their information on homo economics ideals, they are the elites reforming the economic policies of powerful countries, serving the powers, and meeting their goals. In this condition, they have taken their knowledge from the preferences of those in power and not the reality of the people of emerging countries (Pogge, 2005a).

In another article, Pogge claims that the order of the world today is shaped by the weakening and poorer countries and outlines four reasons for his claim; *“what sorts of persons exercise political power in these countries, what incentives these persons face, what options they have, and what impact the implementation of any of their options would have on their most-disadvantaged compatriots”*. Explaining his argument, he says that it is true that the poor of our world have their own countries and states, but their governments and rulers have virtually no effect on the world economy, politics, and legislation, and only to maintain their power and gain more wealth, they approve the policies of rich countries and do not care about the people under their rule (Pogge, 2001).

Even the human rights and shortcomings of poor and developing countries are the results of the direct support of developed countries for their rulers because it is the

tyrants of developing countries who make the resources needed by developed countries cheaper and with less restriction available to the rich countries. The order that the world seeks to establish is directly related to the impoverishment and further harm of developing countries. Furthermore, the first moral priority of wealthy residents must be to eliminate this discrimination.

Thomas Nagel also seeks a solution to end this discrimination by acknowledging that justice has not yet been achieved on a global scale and there is still a long way to reach political concepts and theories that can administer justice on a global scale. In his view, there is a direct relationship between justice and sovereignty, and achieving equality is the first and most fundamental goal of justice. The first step, in his view, is that our efforts for justice are divided into two parts in the current world situation, which is associated with extreme poverty. Moreover, that is our urgent human duty to help those in need, and this part of the issue has nothing to do with global justice and our efforts to create it. It is an urgent need that must be met in various and effective ways. In Nagel's view, the humanitarian duties of human beings are paramount in all circumstances. Nevertheless, to create global justice, we need *"institutions that make sovereign authority possible"* more than the individual's responsibilities (Nagel, 2005).

From Midtgaard's point of view, there are strong objections to Pogg's view of global justice, which, of course, has been dramatically influenced by Rawls. He thinks the idea is vague because it is not clear how welfare will be distributed and the moral responsibility of groups in society and its consequences, or better is to be said, Midtgaard has doubts if all individuals can reach their proper demands on a global scale. From his point of view, there must be three conditions for the moral responsibility of a group and group to be responsible for the distribution of justice and its consequences:

"First, the group should be capable of performing an act – Agency,

Second, the group should be capable of making moral judgements regarding the options it faces – Value judgment,

And third, the group should be capable of controlling the act or outcome in question – Control" (Midtgaard, 2012).

However, the objections to these three conditions presented by Midtgaard, who believes that Pogge theory cannot meet these conditions, are as follows: If the group's wishes and beliefs are not fundamentally addressed. The members of that group have no role in the constitution or decision-making mechanisms. They cannot be expected to have moral responsibility for their actions and results. Again, the decision-making method plays a key role.

Mathias Risse, based on previous systematic theories of justice, proposes a new theory called *pluralist internationalism* to expand global justice. In his view, while we should think about equitable distribution around the world and find a solution to the existing discrimination, we should not neglect the role of internal governance or the state in the distribution of justice. Domestic justice has standards separate from global justice (Risse, 2012). This means that membership in a country can mean joint ownership of a part of the planet, and if this criterion is to be applied outside the borders of that country, many things will change due to the different areas, therefore and due to these many areas of justice, we need a pluralistic principle of justice to address the justice both domestically and globally. He explains what he means by a pluralist internationalism as follow:

“Internationalism shares with statism a commitment to the normative peculiarity of the state. Internationalism also holds that nothing as egalitarian or demanding as Rawls’s account of justice [...] applies outside of states, though it does apply inside the state. At the same time, internationalism accommodates multiple grounds, some of which are relational and some not. [...] Internationalism’s inherent pluralism transcends the distinction between relationism and nonrelationism, formulating a view ‘between’ the two common views that principles of justice either apply only within states (as statists think) or else apply to all human beings (as globalists and nonrelationists think)”(Risse, 2012).

In this view, Risse presents a combination of Rawls and Pogge's theories and shows that his internationalism has three different approaches: individuality, universality, and generality. In the individualism approach, each individual alone is the first and last representative of all moral concerns, while in universalism, all human beings are a homogenous set that our concern for all of them must be the same. Moreover, the third type of cosmopolitanism, his ultimate proposal, expands the scope of justice on

a global scale. His chosen approach is a middle way that goes beyond moral obligations.

If we look at it from a purely statistical theory, the structure of the state, which has a set of obligations to its nation, limits it and does not allow the commitment-based relationship between the state and the nation to fall out of its sovereignty. Nevertheless, according to the globalist theories, the world consists of human relations, where all people are connected in interactions. The concept of *common humanity* also reflects this view, which establishes a committed relationship between all human beings, not a nation-state (Chung, 2013).

Nagel thinks of the achievement of global justice in two ways. The first one is cosmopolitanism, which in the field of justice means that human beings are indebted to each other as equals, and these institutions are provided to us - the rich countries - as tools to provide more equitable conditions for other human beings who are in a worrying situation. Furthermore, the second way is a change in the political concept of justice by considering it as a purely political matter rather than a moral one and, of course, the essential condition for creating social institutions. It has the advantage over cosmopolitanism because the governments can administer justice within their independent sovereignty and among their people (Nagel, 2005).

Charles Beitz considers global justice in a new classification: political realism, the morality of states, and cosmopolitanism. However, his interest is in cosmopolitanism in this issue. He observes the context of political realism for global justice and rejects it with scepticism, then tries to concentrate on moral states by posing a dichotomy between state and cosmopolitanism ideas. He believes this idea is very connected with the notion of domestic policy and then international order because of these three elements that it has: *"the principal bearers of rights and duties are states rather than persons; they are obligated to follow a system of norms analogous to those that apply among individuals in the state of nature, and the value of equality is expressed in a principle requiring states to treat each other as equal moral persons"*(Beitz, 2005).

In Beitz's view, global justice is an issue that seeks to provide political solutions to the normative problems of governments to transform economic and political structures. However, what makes this more difficult is what is happening in our

actual world, and it shows that we still do not have a clear understanding of global prioritization and justice. For example, war is one of the realities of our world. Nevertheless, it is not clear whether our approach to war should be political or moral. Because many see global justice in the realm of political philosophy and some see it as an economic issue related to the cross-border policies of countries, and some consider it a moral issue. However, defending the cosmopolitanism favouring global justice tends to a moral cosmopolitanism that establishes a relationship between the individual and their cultures with morality in the global political base. Alternatively, perhaps it is possible to become better acquainted with what cosmopolitanism rejects and removes from its theory, with a better understanding of its meaning and the sphere it affects. He says: *“Cosmopolitanism stands opposed to any view that limits the scope of justification to the members of particular types of groups, whether identified by shared political values, communal histories, or ethnic characteristics. It also stands opposed to any view that allows the justification of choices to terminate in considerations about the non-derivative interests of collective entities such as states or social groups. If one takes the morality of states to posit that state boundaries are limits to the scope of justification, and then cosmopolitanism is incompatible with it”* (Beitz, 2005).

After all these discussions, it can be summarized that global justice will be achieved when there is a world government. Because otherwise, and as it has been shown, in the international realm, every country pursues its interests, and more than trying to unite on the world stage, it is a competition that we see between governments. However, at the same time, efforts to eliminate or reduce inequalities should not be neglected as the least that can be done to achieve global justice. However, there are more optimistic views that the same contemporary international interactions between organizations, institutions, states, and nations are the basis of global justice.

3.3. Global democracy

Although some observe global democracy as merely and currently a study and academic theory that is more effective in theory than in practice but in terms of concepts such as global justice and the efforts made in this direction, it can be hoped that global democracy will be strengthened with the help of international institutions and will be possible in today's world. In short, the focus of global democracy is on

transnational political powers. In other words, in this category, we are looking for ways to pave the way for the creation of laws that are universally accepted by using the tools such as international law and, of course, international relations.

Mathias Koenig-Archibugi believes that the essential issue is the feasibility of such a democracy worldwide. Furthermore, this is not achieved by the mere presence of a branch of science such as political science. Instead, the discussion of the possibility and limitations of global democracy should be presented in projects involving everything from the social sciences to psychology and sociology. He shows that a comparison between democratic and non-democratic systems shows that just as democratic governments are now possible and many of the political systems are based on democracy, it can be generalized and concluded that if international mechanisms work properly, democracy can be experienced globally. Moreover, of course, opponents of the possibility of this at the global level use similar arguments but in the opposite direction. By generalizing the failure of some countries to establish democracy, they do not consider the possibility of its emergence at the global level (Koenig-Archibugi, 2012).

In this regard, Raffaele Marchetti critically examines the three main models of democracy in the world; intergovernmentalism, global governance, and global polity and tries to analyse their different aspects according to their different criteria; *“demos’Scope, democratic principles, and institutional design”*(Marchetti, 2011).

Of course, before entering into the explanation of the mentioned divisions, it seems that a brief explanation should be given about the difference between *demos* and *demoi* in political science. Here is quoted what Cheneval et al. have said in definition of these: *“In a ‘demoi-cracy’, separate statespeoples enter into a political arrangement and jointly exercise political authority. Its proper domain is a polity of democratic states with hierarchical, majoritarian features of policy-making, especially in value-laden redistributive and coercive policy areas, but without a unified political community (demos). In its vertical dimension, demoi-cracy is based on the equality and interaction of citizens’ and statespeoples’ representatives in the making of common policies”* (Cheneval, Lavenex, & Schimmelfennig, 2015).

The difference between them will observe in the root and the result. These researchers have embodied this distinction in the European Union and believe that

its vertical form refers to the majority's decisions in the European Parliament, which results in the empowerment of the parliamentary system at the EU level. Moreover, its horizontal level goes back to the domestic policies of governments that seek to protect national independence, which ultimately leads to a kind of policy coordinated with the Union.

In this regard, Andrew Moravcsik explains the vertical level as follow length; the first stage is national preferences, which are determined solely based on economic gains and losses, and the second stage is institutionalized as the Union's dominant approach by transferring the results of these preferences from the member states to the EU level. Although this approach is very close to democracy and takes into account the general preferences of the people, especially in the field of economics, and also meets the goals of governments, it is still passive in the field of unilateral options that merely the desire of governments to A particular decision shows, suffers, and consequently, other functions must be added. This new approach demonstrates how to increase the efficiency of international institutions in the EU. First, the institutions of the EU should be given more power by making critical decisions about what is beyond the control of national governments. In other words, with a united approach, they can increase the power of the Union above the power of the national powers in this regard, because governments usually weigh the potential benefits of cooperating with the Union with political risks within their own countries. They reduce that risk by delegating their power to the Union's international institutions (Moravcsik, 1993).

Returning to the discussion and mention to Marchetti, who thinks, it should not be forgotten that global democracy is a political ideal that is almost certainly not practical in the short term. It sometimes may seem so idealistic that even the possibility of its implementation cannot be considered. He defines democracy as: “*a political system is more or less democratic to the extent that it is characterized by non-exclusion from an entitlement to an equal share of public power*”(Marchetti, 2011). Furthermore, he justifies his definition by a consequentialist approach due to its value in providing maximum public welfare to citizens through free choice, besides having a global value. He also says: “*either democracy is global or it is not democracy.*”

- Intergovernmentalism

It is a kind of global democracy that passes the borders and is considered a multilateral version. Due to the connection with *demoi*, and although it has some political severe inclusion issues, intergovernmentalism is one of the classical accepted models. Its demos' scope is both national and international, the associations are its democratic principles and the institutional designs are regional or universal, but in any case, it is a multilateralism global democracy (Marchetti, 2011).

However, Steven Bernstein argues that such a democracy cannot be fundamentally guaranteed legal legitimacy. Because if globalization shows that the economic and political situation of the world can be improved in the light of it, then it is democracy that must follow globalization. Although not all ambiguities about the values associated with its legitimacy can be fully answered, the ambiguities that exist specifically about its legitimacy can be addressed. These three cases show precisely where these ambiguities are; first, global democracy, in this sense, cannot be reasonably justified to ultimately replace normative theories of states as well as normative theories of intergovernmentalism. Because the basic principles of global intergovernmental democracy are parallel to the basic principles of the non-ones, and of course not only are not fundamentally different, they are almost identical. Also, in institutions, this approach offers no precise and standard criteria to determine whether it has a legitimate advantage even to the extent of a "*minimum moral acceptability*" compared to the standards that currently exist (Bernstein, 2011).

The very issue of moral acceptance is a very complex one to the extent that it is also part of the research of neurologists. "*Many important moral decisions, particularly at the policy level, require the evaluation of choices involving outcomes of variable magnitude and probability. Many economic decisions involve the same problem. It is not known whether and to what extent these structurally isomorphic decisions rely on common neural mechanisms*" (Shenhav & Greene, 2010). After researching the relationship between moral and economical decisions and, in general, fundamental decisions that are directly related to politics, they found that complex moral decisions that affect the lives of people and those around them are closely related to specific neural circuits in the body and are compatible with a series of material reward

systems. The purpose of giving this example was to show that finding moral acceptance of an issue is not an easy task and depends on physiological factors that can be very variable and beyond the control and will of politicians and any decision-maker.

The second problem with the intergovernmental legitimacy of global democracy concerns its understanding of the history of democracy. The view now presented as the dominant normative theory does not conform to current standards and is based solely on the same dominant historical conception of democracy. In other words and to avoid problems, there can no longer be an international law that is agreed only among the powers that be, but every independent state must be heard and seen for legitimacy to be genuinely realized (Bernstein, 2011). In explaining the second case, it should be said that the history and culture of a region or a nation significantly impact the patterns of that environment. Besides, according to Ronald Inglehart, they can control and form "*from fertility rates to economic behaviour.*" Consequently, it cannot be said that a definition of democracy is under the norm accepted by all. Because societies place so much emphasis on "*survival values*", and in such societies, there is essentially no way for democracy to thrive (Inglehart, 2000).

The third problem refers to the justifications for authority in international institutions containing an empirical approach to various sources, including order and stability, control and balance, political dialogue, and ultimately the "*correct process*" for decision-making. From the other side, we need to gain legitimacy in the institutions, but for being able to know their legitimacies, we need to evaluate precisely the process and also the performance of the sources and decisions, that calls "*functional legitimacy*", and this approach lacks it (Bernstein, 2011).

In this way, Moravcsik unveils another method called neo-functional legitimacy, used in the European Union. Moreover, it can be said that it is an intergovernmental democracy with a new function and a liberal approach. In this view, he considers the European Union to have a two-stage functional legitimacy, on which all its decisions are based. One of them is vertical that has been explained above, and the second stage or horizontal level, refers to a new policy that can increase the influence of national governments with a new functional theory that reaches more influence in the EU. Moravcsik talks about a kind of internal technocracy within the Union that forms

the core of this neo-functionalism. In his opinion, we achieve this goal by gathering and analysing preferences and bargaining of liberal governments and then transferring them to the European Union itself for final decision (Moravcsik, 1993).

This approach creates opportunities for the common good, not just governments. Because, in this type of liberal intergovernmental, instead of passive institutions that only affirm and strengthen the autonomy and power of national leaders, we will deal with institutions that reduce the relative power of politicians and instead increase the supranational power of the Union. Nevertheless, this approach of liberal intergovernmentalism, after Moravcsik's theory, has been challenged by two prominent opinions; constructivism and postfunctionalism. The constructivists have opened a theoretical debate, while the postfunctionalists have posed an empirical field. Constructivists have criticized Moravcsik's theory of preferences, arguing that there is essentially no independent distinction between the preferences of the domestics within the Union or national preferences over the transnationals.

As a result, all those social norms that have been accepted in Europe regulate the general behaviour of Europe and define the interests, preferences, and identities of Europeans. By considering Kleine and Pollack opinion in this issue that mentions *"how EU membership feeds back through a process of 'Europeanization' or 'socialization to affect how European states define their interests'"* (Kleine & Pollack, 2018). It can be seen that postfunctionalism empirically showed that European ideas and identities operate independently and prevail over national preferences. Postfunctionalists show that if liberal intergovernmentalism theory had been accepted as the framework of the European Union, problems such as refugees would not have occurred, which represents the failure of the European Union policy, because this theory can deal extensively with the interactions between governments and societies, both nationally and transnationally.

- Global governance

Global governance is the most popular model and emphasises a kind of global management, or in other words, it is a set of authorities located in a net of the ruling, coordinating, and solving borders problems. Its scope is transnational, and a stakeholder model is the basis of its approach to democracy. Therefore a hybrid network is its institutional design (Marchetti, 2011). One of its main features is the

process that has made for jurisdictional boundaries, which relies on a direct causality that only affects the individuals. Besides, there is a general concern about this type of democracy, and that is that sometimes global democracy is another name for domination, or in other words, it violates democracy.

It means, in any case, political participation finds at the local, national, or transnational levels. On the one hand, this enlargement includes all, but on the other hand, it only accepts participation from those in high interact positions, that is, have a voice. The section above shows that the demoi can only be seen in intergovernmentalism and global governance. The scope of democracy in these two approaches includes demoi in three ways; national, international, and transnational (Marchetti, 2011). National and international belong to the intergovernmentalism, and transnational is the leading democratic principle of global governance in global democratization.

According to some eighteenth-century thinkers, Iseult Honohan explains that domination outside borders destroys or weakens domestic democracy. Furthermore, on the other hand, some believe that global democracy is only a justification for domination outside the borders of a country that is inherently violating democracy because all those involved in the process have not the same power or position, or even the levels of freedom are not equal in the process of global governance. Therefore, global democracy is achieved when both sides of the border are equal in defining the boundaries of democracy, including norms, powers, rights. Alternatively, as she defines precisely if global governance crosses among this process, we can be hopeful that it will not dominate by the supervision of institutions that require protecting democracy as a non-dominance system across the borders (Honohan, 2010).

On the other hand, James Bohman considers the emergence of democracy on the world stage as a condition for optimism and believes that we live in a world where inequality is seen in most cases and democracy is the only tool to achieve global justice. He sees the current need of the world as a transnational organization that can solve people's problems inside and outside the borders through a kind of continuous cooperation. Nevertheless, the point that should not be overlooked is that Bohman does not deny the possibility that democracy can be considered a form of

domination if it goes beyond borders. Instead, he sees the potential for democracy that can lead to both the spread of justice and injustice. Relying empirically upon this approach, he states that the existence of pluralism in democratic societies, and despite its complexity, strengthens democracy (Bohman, 2005).

However, and due to the general situation outside the borders - in non-democratic countries - democracy spreads domination and injustice. Bohman believes we must approach this issue with both normative and empirical methods to reduce the likelihood of domination in the name of democracy in the world. He argues that global conditions now increase the probability of domination rather than the possibility of democracy outside the borders, so it is not enough to have a world government in addition to we need a certain kind of democracy that can create the ground for democratization outside the borders (Bohman, 2005).

However, one cannot deny that one of the most important reasons for the lack of progress of democracy outside the borders - Europe - is due to the special conditions and lack of infrastructure of third world countries. As Leonardo Morlino considers economic growth of most democracies is about equality and other angles and infrastructures that need to be considered, including education, physical and mental health, life expectancy, delinquency, and even obesity. If there are deep social problems in society, equality has not been achieved at the social level. Even if we do not create a causal link between democracy and social equality, we deny its complementary role (Morlino, 2020). As a result, it is possible to depend on global governance, and the role of countries and their proper management and, most importantly, their approach to democracy is non-negotiable.

Since equality and the elimination of the significant difference between the North and the South is one of the goals of global governance, it must therefore be determined whether this equality is practical or not. Because the emerging countries, although they seek equality - at least their nation - but at the same time do not want this equality to be achieved at the cost of the re-domination of the strong countries over them. In this regard, Walzer defines a two-step process for creating this equality concerning anti-domination concerns. Firstly, international regulation and oversight must be further expanded because these monitoring will have positive consequences such as involving women alongside men, preserving the environment,

ending child labour, and many other outcomes. Moreover, the second step is to empower existing governments (Walzer, 2004).

Walzer highlights the role of international oversight and related institutions are mediating. Furthermore, we should not expect inequalities to be eliminated entirely and only through these agencies, but that the national governments can, with the right policies and service arrangements, take steps to eliminate inequalities between the countries under their control and those of other countries. He explicitly says: *“What most of the world’s poor most need are better states.”*

Another major problem that Steven Hoffman sees in global governance egalitarian objects is that no tangible results have yet been presented empirically for in the world, and there is no real progress in eliminating the existing discrimination, and this has led to a strong distrust of the efficiency and integrity of the international institutions. According to him, although the United Nations, as an international legal body, is working to eliminate inequality, there are still gaps in the world that indicate imbalances in the political structure of some countries and the existence of actual economic barriers to their participation in an equal manner. Furthermore, the main reason for this lack of results is replacing the economic approach with ethics. Financial support is tied to political influence, which contradicts the inherent moral value of the concept and purpose of equality (Hoffman, 2012). In other words, countries do not always convey the views and demands of their people but try to get closer to countries that have more influence in global decisions and help the survival of those governments. As a result, human values and national interests in lobbying give way to political bargaining and personal interests.

- Global polity

Global polity works to reach a kind of political system where all the globe's inhabitants are observed and heard. Its demos' scope is on a global level, and the principle of the democracy that they cite is *“all-inclusiveness” that as an institutional aspect, it will end to a “federal integration”* model. Federal integration is now considered the most exciting model compared to the two before models. In addition to it offers two new political models that generate a non-unitary power that can constitute a standard set of rules for solving problems at the global level. Federal

integration appears in both federalism and cosmo-federalism, and each of them has its characteristics (Marchetti, 2011).

Higgott and Ougaard believe the global polity has found the most use after the Cold War. Moreover, the general purpose of it is to institutionalize world politics. In theory, this theory created the concept of the nation-state to show that world politics, as an emerging discourse, seek a new political approach. In their view, if such a phrase had previously been merely an ideal or naive theory, it has become a necessity in the world of nation-state presence and has taken the traditional understanding of the concept of state to the international arena. However, they are also correct that this concept is currently more advanced in the theoretical stage than the fundamental reform of the world. *“Liberal institutionalism, to give but one example at this stage has gradually added a series of non-state and transnational dimensions to traditional state-centered realist understandings of international relations”*(Higgott & Ougaard, 2002).

Sabino Cassese, by example, shows us how global polity can impact the world with this new model. His example goes back to the World Trade Organization, which has had a significant impact on countries' domestic laws, including the agreements that are signed by the country, the implementation of the obligations of WTO to enter into force. Therefore many countries have changed their laws in line with this organization and reached the necessary standards(Cassese, 2012).

Inclusion is generally related to the concept of cosmopolitanism. Perhaps the history of this conflict can be traced back to Kant. On the one hand, Bohman and Bachmann considered Kant believes that peace is based on the subordination of all countries to a government of a world republic, and on the other hand, he believes that this government carries in itself a kind of tyranny. Because it is dominated by a superior power and agreements between countries are not made freely but under the influence of this authority. In their opinion, Kant recognizes the world's countries as legal entities and grants them the right to enjoy the law arbitrarily. Nevertheless, at the same time, the citizens of such a world republic are expected to, despite living inside countries, consider themselves as the cosmopolitans in the public sphere and consistently seek to do things based on human rights and not on the orders of power (Bohman & Lutz-Bachmann, 1997).

The idea of *perpetuating peace*³⁰ of Kant is considered one of the critical ideas of the global polity, and there are many interpretations about it, which each of them has taken into account from different angles. In this regards, Fichte by citing Kant's second statement of his peace manifest, shows that he directly linked peace with eradicating wars. Kant says: "*No independent state (be it small or large, for here this makes no difference) may be acquired by another state by inheritance, exchange, purchase, or donation*"—for, like the hiring out of troops by one state to another, this would entirely violate the state contract [Staatsvertrag]. Indeed, this is clear in itself with reference to the intended goal of perpetual peace, for this has been and will continue to be a cause necessitating many wars" (Fichte, 2001).

Habermas's interpretation of *perpetuating peace* is different. He thinks that Kant could establish his ideal world republic by this idea. In his view, cosmopolitanism is not just an idea, but the law is written based on the rights of the citizens of the world. In other words, just as Kant considers a democratic government to be orderly for the protection of human rights, so a world government on that basis recognizes the only way to world order, peace, and the abolition of all wars. In Habermas' view, the state and government that Kant sees as the path to lasting peace is compatible, firstly, with natural human rights and, secondly, an eternal norm for all civil constitutions, and ultimately as a tool in the service of peace is the abolition of all wars, and these laws are nothing but human rights laws (Habermas, 1997).

Another word for inclusion in a community in this area is membership. It is challenging for people to become members of today's world, which is not universal and cosmopolitan, and in addition to what is related to the government and the system of a government, it is also related to the environment and the people living in that environment. And that is why Hans Lindahl believes that sometimes people in a society cannot accept strangers due to self-restraint. Being alien to the accepted norms of a society can lead to an adverse reaction from the members of that society, but if the laws of a society are defined in a way that includes human rights. Human rights norms form the basis of it, in which case we can see the elimination of such

³⁰ Perpetual Peace is a state where peace is permanently established in an area. The concept of lasting or sustainable peace was first introduced in the 18th century by Charles-Irene de Saint-Pierre, who greatly influenced Kant, especially in Kant's essay on *Perpetual Peace: A Philosophical Sketch* in 1795. After publishing this treatise of peace by Immanuel Kant, Perpetual Peace as an idea has had a profound effect on modern politics and international relations.

behaviours. Because the constitution of any country is a set of irrevocable laws, nobody will be judged by its non-familiar attitudes. Since the constitution of any country is a set of irrevocable laws, no one else can legally ignore the human rights of strangers due to some normative differences (Lindahl, 2013).

Besides, in the federal method of federal integration, we can see that at the same time, it can preserve individual identities by benefitting from a *centralization and decentralization* approach, a self-government principle. We can see a very good organization for political powers at different levels in federalism. It means our citizens will find a “*double loyalty*” in themselves due to a monopoly mechanism that lets them be autonomous by enjoying their identity in a plural democratic system (Marchetti, 2011).

Pierre-Joseph Proudhon was one of the leading thinkers of French political philosophy, who first called himself an anarchist and spread the view of anarchism in the fields of philosophy, economics, and politics and used the term *mutuality* for a just system. He argues that for an actual law to exist and be implemented, we need moral beings to be able to follow those laws, which we call as a nation in society, and as a result, “*that the people saw their states to be the moral incarnation of their collective will, and law and suffrage (for what it was worth) consecrated states as such*”(Proudhon, 2021).

Besides, he invented another term, possession for the use-ownership possession, and tried to debate against land and capital as the most important reason for social instability due to its emphasis on Individualism. Indeed, his theory of mutualism had an essential effect on the growth of anarchism movements, specifically *the French Labour movement and the Paris Commune of 1871*. Some opinions also confirm his idea of mutualism as the *General Idea of the Revolution*(McKay, 2008).

His purpose in the invention of the same terms was to convey the concept of equality and justice in all dimensions and at all levels of society. That is, the workers who have engaged in production themselves and the artisans and peasants who bought and used the products of workers' labour should have an equal share in a democratic society. As a result, in his anarchist view, governments should be abolished and replaced by trade unions and agricultural and industrial federations to set out this mutuality. In other words, he saw the root of all disorders in concentration

and individuality, which is manifested in the state. Instead, he saw federations and associations as a viable alternative to eliminate this one-sided power and create a balance between all nation sections (Proudhon, 2021).

Referring to Proudhon's idea of mutual society, Michael Burgess defines this mutualist as the arrangement of balanced contracts between autonomous groups. According to this definition, the concept of federalism is the achievement of freedom and justice through the democratic self-management method. Proudhon's emphasis on the autonomous individual gave rise to individualism, known as integral federalism. In this model, we deal with individuals in the form of families, groups, economic units, and local communities who go beyond the national level and become a transnational federation. This type of federalism constituents are individuals whose independence and freedom are achieved only in their interaction with others and their responsibility to other human beings. Participation and interaction with others are the guarantors of their intra-group relationships (Burgess, 2000).

In the cosmo-federalism method, we are confronted with the rejection of the old and accepted representation models by prevailing democracy on diplomacy. It means people directly elect each of their political representatives and are introduced and proposed to a legislature. As a result, citizens are more involved in political decisions than states (Marchetti, 2011). In another article about this issue, he says: "*A brief presentation of the consequentialist cosmopolitan theory then introduces the core argument for an all-inclusive, cosmopolitan interpretation of citizenship and institutions at the global level*" (Marchetti, 2006).

Perhaps it can be said that the emergence of cosmopolitanism came after the world showed that democracy could not be the solution to all our problems. Daniele Archibugi believes that there are many turning points in democracy, such as "*majority principle, universal suffrage, minority rights, constitutional guarantees, and so on.*" Moreover, some political communities have reached these peaks to a large extent. However, democracy, like any other idea, can be an unfinished journey. In his view, although democracy has been able to rule internally in some countries, it still faces many weaknesses on an external or global scale (Archibugi, 2008).

The main reason and necessity for reaching this stage is the excellent instability that has gripped the world due to the simultaneous growth of economic growth and emerging policies and the merger of powers. These emerging powers are trying to expand their constituencies and institutions day by day and harmonise the world's economic and social order under their policies. As a result, today's world has a wide range of ideological positions by those in power. In fact, despite the existence of various democratic models, he sees a weakness in current interpretations and models of democracy and believes that global democracy has suffered relative erosion. Furthermore, this shows our need for an inclusive political system (Marchetti, 2011). However, an extraordinary correction and a deadline cannot be expected. He states: *“While this does not necessarily entail that reformist or indeed revolutionary reading of legitimate global politics will influence concrete political action, the mere opportunity of initiating a change of norms in international politics makes this global public arena and its ideal content extremely important for current global politics. It is to this global public discourse that we need to look in order to understand the future, long-term transformation of global politics.”*

It can be concluded that global democracy is the result of a process that has taken place in some countries and societies and not in others. Some agree with it and observe it as a unique way to the growth of weak nations and countries through it, while others, on the contrary, see it as a new way to dominate the strong over the weak. Nevertheless, in general, it can be said that global democracy is the result of an interaction that has taken it from a micro to a macro level, or from a demo to a demoi, and from a national to a transnational level and finally, from federalism to a cosmo-federalism. However, this has not yet been achieved.

3.4. Democracy-based ethics

In this context, we need to clarify the relationship between democracy and justice - in itself. Furthermore, this goes back to the premise that every researcher should clarify according to their field of work. Because there are all kinds of definitions for democracy, it is impossible to show who has the correct definitions. If we define democracy based on equality and respect for all people, then we can more easily understand these ethics. This respect for all, also known as mutual respect, lays down principles for the duties of the general public and the realm of action. The

ethics based on democracy is a morality directly linked to politics. It means that if other justice-oriented ethics can be studied in law, sociology, philosophy, and theology, then ethics linked to democracy can only be political ethics.

Dennis Thompson believes that democracy-based ethics is a kind of political philosophy because it discusses the policies of a state and the provisions of the ruling system and its laws. In his view, when philosophy examines politics, it does not merely cite fundamental moral theories. It shows that the philosophy of politics is an independent approach that examines the relationship between the decisions of political agents and their relationship –democratic- ethics (Thompson, 2013).

Prothro and Grigg stated that there was essentially no idea that the basic principles of democracy were common to all. In his view, despite the general popularity of democracy, no precise term can be found to describe its characteristics. As a result, it is necessary to discuss a series of commonalities that are widely agreed upon to identify the principles of democracy on which ethics and politics are based. These commonalities should be concentrating on responding to the fellow questions; what is a flourishing democracy? Furthermore, what issues or problems must our consensus for a democratic policy exist? Moreover, the most important is about how political power should have triumphed? In their opinion, *“a necessary condition for the existence of a democratic government is widespread agreement (approaching 100 per cent) among the adult members of society on at least the basic questions about how political power is won”*(Prothro & Grigg, 1960).

On the other hand, there may be views and systems that have not convergence on this common consensus due to the origins of the difference in politics, culture, and other matters. To this end, Schmitter and Karl believe that many concepts are not essentially democratic concepts but have been presented to us in the form of democracy, and on the other hand, we are faced with numerous concepts that have been removed from the general definition of democracy. As a result, we must carry out a general cleansing of the concept of democracy and its principles to improve both the understanding and the practice of democracy in the political realm. Nevertheless, what goes back to the realm of democratic-based ethics is that we need to define the norms and processes that help to clarify the moral concept and approach of democracy. In a general view and answer, what is morally necessary is

that, for example, the victors or the majority in politics do not abuse the superiority and power that has fallen into their hands. Citizens should also obey these groups that have come to power - through democratic competition - to strengthen the set of laws that satisfy both groups and shape a *democratic bargain*(Schmitter & Karl, 1991).

After pointing to some examples, it became clear that democracy can choose meaning and approach in any form. However, what is essential in this section, and related to the primary approach of this dissertation, is to show that democracy is a representative of justice-oriented ethics that men have always defended, and the ethics of care is opposed to it. Of course, this does not mean that women and their morality have a problem with democracy and reject it, but in feminist care-oriented ethics, women seek to demonstrate a democracy based on care rather than justice as the core of morality.

The question now is whether democracy is necessary for justice or justice is a tool that helps build democracy. In this approach, justice and the justice-oriented view are the origins of democracy. That is, democracy is the fruit of policies based on justice. Another type of question is that democracy should be evaluated in two different dimensions: whether there is inherent justice in a democratic system or thinking, or whether it is the results of democracy that bring us to justice. As a result, according to this approach, two divisions have emerged in democracy. One is instrumental, and the other is non-instrumental, and of course, each has its defenders and opponents.

3.4.1. Instrumental approach

Tom Christiano believes that there are two main advantages to democracy from an instrumental point of view; "*The relatively good laws and policies and improvements in the characters of the participants*". Examples of this kind of view are democratic governments, in which free and competitive elections elect politicians with the participation of parties. With the existence of a free press that correctly reflects the realities of society, they can do practical work to meet society's needs, such as poverty and inequality (Christiano, Tom, 2018). In this case, we have assumed

democracy to have only instrumental value, the preferences of individual members of society have become necessary, and therefore democracy serves the will of the people.

Elizabeth Anderson extends the scope of the will of the people and the responses by a democratic government to social relations between members of society and believes that in a society where democracy is a tool to achieve collective aspirations, even the existence of titles that may reflect different degrees in society have no justification. In her view, members of society should live together with dignity, and mutual respect should replace the concept of the upper and lower classes. Because it is only in this way that people feel equal and have joint pains and worries, from marriage to labour union problems, and as a result, plan freely for the future of their society (Anderson, E., 2009). She considers society to be improved when it uses democracy to achieve universal participation and collective diversity. Moreover, this goal can only be achieved with these three democratic features; *“sympathy, autonomy, and intelligence”*.

In defending the instrumentalist approach to democracy, Elena Ziliotti sees it as a tool that has value in itself, regardless of the outcome. Because, for example, if we consider freedom of expression, privacy, and respect for individual freedoms as the main features and goals of a government, only democracy can bring and undertake them to us. Democracy here works as a bedrock that creates the institutions through which these rights can be guaranteed, and the people's favourable political and social conditions will be achieved (Ziliotti, 2019).

According to Jonathan Kuyper, this consultative approach which is very strong to the instrumental democracy has led to the creation of a special kind of political democratic system- deliberative democracy- that increases cooperation between members, reduces the prejudices of specific classes and groups of society, and, in a word, replaces differences with a shared understanding by granting the prestige and importance of participation. In addition to the role of consultation in creating and increasing empathy can resolve serious conflicts in politics, resulting in a healthier civic life for members of society (Kuyper, 2018).

- Epistemological justification

An epistemological study can be helpful here to help us find the origin, nature, and scope of instrumental democracy. Christiano also believes that it is essentially epistemology that has led us to the conclusion that democracy is the best way to make decisions. In other words, the democratic method of governing has been able to have epistemological validation that justifies it for us. The epistemological argument of democracy includes these cases. First, democracy involves many people in the decision-making process. Second, in a democratic system, critical evaluation of laws and access to information resources is possible, and therefore the interests are given more attention. As a result, this public participation based on critical discussions increases the ethical vision of policymakers (Christiano, Tom, 2018).

Another question we confront here is the relationship between participant evaluations and democratic standards? In fact, how can it be understood that the decision was made based on what standard and criteria? This question is essential because it is impossible to determine the procedure in a given democracy without an independent standard for evaluating decisions. For example, is it in line with moral ideals or political realism?

David Estlund believes that rationality can calculate the value of democracy and the authority and correctness of the laws that produce it. Moreover, show the participants, the same people, which aspect of the action to be taken and the decision to be made is correct and factual. Estlund wants to draw our attention to the epistemological dimension of a political decision so that we can correctly calculate the value of democracy. He called this theory *epistemic democracy* (Estlund, 2008).

This epistemological theory offers a variety of versions based on the various procedures adopted in participatory democracy. For example, one version may make us try to find the correct answers, while in some other versions, there is no correct answer to understand how the political process works. Although these diverse epistemological approaches do not ultimately lead us to a single epistemological approach to democracy, Estlund considers that all of these approaches can be

effective and referential in our cognitive practice and pave the way for understanding the epistemological approach of participatory democracy. Those are *mathematics, science, and discussions*(Estlund, 2008).

- Deliberative democracy

Carole Pateman, a proponent of deliberative democracy, believes that this type of participation has evolved over the past decades, but it is still desirable and practical. The *deliberation* was used only as a cover for a wide range of activities. However, the difference between rich and emerging countries in this partnership was evident in the early decades of this approach. In the sixties, emerging countries were involved in anti-colonial struggles, and popular movements and deliberation were only for freedom. Nevertheless, in the western and more affluent countries, participation was purely for achieving more democracy. However, over time, by the nineties, consultative democracy had precisely become a political theory based on the political experiences of the participants and defined using consultative methods. As a result, a consensus emerged on the meaning and function of deliberative democracy after the 1990s. To the extent that now in the recent decade, "*Deliberative democracy has, for example, been seen as "participatory democratic regeneration," and the claim made that "deliberative democrats tend to be participatory democrats, too"*"(Pateman, 2012).

Curato et al. have found twelve characteristics for this particular type of democracy, and with these twelve cases, they have shown that not only is consultative democracy not a minor issue, but its scope has expanded to most scientific fields, which have been summarized in follows:

Deliberative democracy does not look solely at utopian ideals. Instead, it is pretty (1) *realistic* with its consultative approach to various political systems and governmental and non-governmental institutions. The fact that the traces of the opinions of the citizens of these societies on the policies of their government can be seen proves its realism. Second, by emphasizing the (2) *essentiality of consultation*, and more precisely, the fact that its structure is from consultation, it shows to what extent it has distanced itself from instability and self-determination and does not allow a structure to collapse in society that is subject to existing formal laws and informal guidelines. (3) *Manipulate or restrict* because the nature of consultation does not allow such. (4)

The value of deliberation is greater than debate, and a system based on consultative democracy avoids some of the harms of mere dialogue. It creates a position that, by focusing on the interaction that arises during the consultation, can create an emotional interaction among the participants, resulting in a broader impact of mere verbal communication among the members.

It has a (5) *multidimensional* perspective that includes different types of communication. This aspect of consultative democracy can include racial and sexual groups in society and is not found in other democracies that emphasize mere rationalism. In other words, all kinds of narratives are seen in this type of democracy and are considered instead of eliminated. Given this multidimensional nature of deliberative democracy, (6) *the charge of elitism is removed*, as there are no restrictions on citizens' participation in the theory, and it includes marginalized and traditional groups in society. This democracy opposes any threatening and coercive treatment of its citizens and has the very (7) *nuanced view of power* and its preservation. From this point of view, any behaviour that disrupts communication between members is unacceptable. In this democracy, there are power relations between individuals, but they are used in a way that leads to the strengthening of relations, the establishment of order, and the strengthening of consultation. This type of deliberation does not simply mean reaching an agreement but an obligation in which dissenting voices are silenced, and there is a consensus of everyone's participation. However, proponents of this view also argue that such an approach is not feasible in the real world, at least in the realm of reason, so it must be borne in mind that deliberative democracy is (8) *plural, not consensual*, and seeks to reach a consensus that values the judgments and opinions of all participants (Curato, Dryzek, Ercan, Hendriks, & Niemeyer, 2017).

It has added here another justification for this idea from Bohman, who argues that if we remove pluralism from democracy - as is the case in other approaches - our democracy loses much of its ability to solve problems. Furthermore, the reason is that the participants, the citizens, have inherent limitations, but also because when there is no pluralism, many perspectives are ignored. Eventually, democracy becomes a structure with much loss and will lead to the exclusion of their citizens (Bohman, 2006).

(9) *Deliberative transformation takes time*, and it shows that time is significant in this approach, and one cannot expect a quick and easy change. Moreover, this is because the achieved changes are based on collective preferences and only reflect the decision-making process, and the main result of change requires time. Despite criticism of this type of democracy, which is the creation of group polarization, its proponents, on the contrary, believe that deliberative democracy will be the (10) *solution to this group polarization*. Because on the one hand, it makes all voices heard and everyone's opinions are taken into account, and on the other hand, it offers structural solutions to eliminate the polarization that arises between different opinions. These researchers, by reminding South Africa, Northern Ireland, Bosnia and Herzegovina open a debate that mentions if the conditions are right, the process of consultation is divided among communities in such a way that each person, who is of a different religion, race and ethnicity than the majority, contributes to consultation. The dialogue between individuals is based on mutual respect and understanding, and only in this way the majority is freed from monopoly and deliberative democracy is fully observed. As they mention, this kind of democracy (11) *applies to deeply divided societies*. In this democracy, by analysing the content of consultations, qualitative normative standards are obtained that assess both the quality of the consultation provided by the participants and the views and behaviour of those in power, therefore and despite some criticising, (12) *deliberative research productively deploys diverse methods*(Curato et al., 2017).

3.4.2. Non-instrumental approach

When we talk about a non-instrumental phenomenon, we mean whether those phenomena are morally valuable in themselves and regardless of any outcome. In the case of democracy, too, when we look at it as a tool, we show that there are values that we can achieve through democracy, and if our goals are achieved, democracy becomes valuable. However, some believe that democracy is a phenomenon that has value in itself and regardless of the results it achieves for us. The most common intrinsic or non-instrumental values for democracy are equality and liberty. Equality has been sufficiently discussed above, and as one of the constituent elements of masculine morality in this section, freedom and equality will be discussed as the unanimous features of democracy.

Christiano believes that the main question that always arises in any approach to democracy is directly or indirectly related to the concepts of justice, liberty, efficiency, and the public interest. In his view, democracy, whether deliberative or procedural, as described above, seeks only a democratic justification of the outcomes. They consider only one dimension and method of evaluation and ignore the rest. In Christiano's view, one of the significant weaknesses of the instrumental view of democracy is that not all individuals and groups participate in decision-making. Contrary to what consultative democracy claims, Thomson shows that, for example, in the procedural justification of democracy, not all citizens are equal, and some have more authority than others, which is not consistent with the concept of equality (Christiano, Thomas, 2004).

And also contrary to the instrumentalist theories of democracy, he cites a view that, while defending the non-instrumentality of democracy, shows that in this view, democracy will be evaluated independently. By adopting a doubleness or, as Christiano calls a *dualism* approach to the evaluation of democracy, he recognizes that liberty and equality are those intrinsic values, which make democracy inherently valuable and non-instrumental. This dualistic explanation of democracy has been considered valuable in both forms, instrumentally due to the results and inherently because of the elements of equality and liberty in both practice and results.

Although Van Parijs sees this argument as a flaw in seeing democracy as an intrinsic value and states that real democracy happens to be the right tool to combat all sorts of privileges in the real contemporary world, this feature is not indicated why its essence is. Instead, it can be said that it is a general and necessary condition for realising justice. Moreover, contrary to what non-instrumental democracy claims, democracy is more successful with an instrumental approach. Democrats who believe in the just nature of democracy see democratic systems as more desirable than other systems in reaching a just society. At the same time, defined policies such as Machiavellianism, despite their brutal methods, have better results in achieving lasting justice in society (Van Parijs, 2003).

3.5. Right-based ethics

Rights, in general, mean the worthiness or unworthiness to do certain things in the sense that everyone's understanding of rights is a modern understanding of the

concept of permissibility and fairness. Examining its relation to justice gives the content of moral laws, and examining the permissibility of doing or not, constitutes the essence of a law.

Leif Wenar believes that basically, all the voices we hear around us are legal claims that exist in many different ways. He sees law as wildly diverse and different classifications with different sub-categories. For example, the right to life is equal to the right to have a telephone call or to each spouse's right to each other, in the sense that the right itself is as diverse as all the needs and relations between human beings and the environment. However, what we have today as jurisprudence, or any legal study we do, is based on a specific classification of the standard features between these rights. Natural law, for example, is a subset of moral law, and it can also be said that human rights derive from the same natural rights (Wenar, 2021).

Ethics based on rights, just like ethics based on justice, are opposed to ethics of care. In right-based morality, a moral issue arises when there is a conflict between moral agents and the responsibilities of competing laws. As a result, it is clear that what helps resolve moral disputes are the abstract and formal principles that see ethics as a basis for a better understanding and practice of rights and laws, and this reaffirms that moral perceptions are different between the sexes.

During the same moral development stages mentioned above, Gilligan concluded that rights-based ethics are different from responsibility-based ethics, and each belongs to a different sex. In other words, the system of moral agreement between the two sexes does not show the same meaning, and each man and woman have a separate understanding and interpretation of the essence of morality. Kohlberg observed women as incapable of reaching the post-conventional stage and found some profound differentiation between them and failures among women (Gilligan, 1993).

After interviews, he shows that men know and defines morality only in law and rights, in respect for the rights of others, in the *Golden Rule*, and human rights. Kohlberg attributes the highest levels of moral development to a proper understanding of law and principles, explicitly claiming that "*rights prior to social legislation*" and therefore concludes that the women he interviewed established the existence of fixed laws. They do not know it as a solution to moral problems. He also stressed that a moral

understanding is not the same as individual rights, both in primacy and universality (Kohlberg & Kramer, 1969).

A normative ethical theory called *non-consequentialism* shows the primary approach of ethics based on rights. The theory of non-consequentialism does not consider the rightness or wrongness of individual acts only following its consequences. Instead, while acknowledging that in some cases, the consequences of an action or moral decision can be considered as a factor for its correctness or wrongness, but does not consider the mere result as a determining factor of a moral act (Kamm, 2008). It can be said that such a theory may, more than any other approach, clarify what is meant by rights-based ethics because it shows that moral action is not related to the result and does not even play a role in creating a balance between good and evil. Indeed, this theory opposes the existence of good or evil forever.

Thomas Nagel also believes that although it is not possible to say what is right is good, and it seems that the two are equal in value. The value of right equals the value of goodness, with the difference that good has a much more relative and floating meaning than right. The rightness and wrongness of things deal with the effects of an action on the perpetrator and others exposed to the action. By committing a right or wrong action, a person puts him or herself in a moral position in the first place and is measured by this atmosphere. In the next stage, the effects of one's actions can affect the feelings of others and can also bring material gain and loss to others. Consequently, in applying the true or false value of a thing, one should pay attention to its effects on the perpetrator and its effects on others (Nagel, 1987).

Regarding Nagel, it becomes clear that what is a crucial concern to determine good or bad? Furthermore, what criteria are needed to know it? According to its criterion, which is the law and rules, it can be fully understood that, for example, right-based ethics seeks an answer to this question and the ethics of care. So, depending on what legal basis everyone follows or accepts as their moral principle, a morality based on rights is formed. These rights can be legal, they can be an absolute and abstract duty, or they can be completely relative laws.

3.5.1. Liberal ethics

Perhaps the roots of liberal ethics can be found in the idea of John Stuart Mill more than any other thinker. Desire is the source of individual growth, which, of course, in his view, is the end of the well-being of individuals and the factor of capacity building in the existence of freedom. The desire to pay attention to individuality is the basis of development because it can bring human beings to their full development. In the third chapter of his book *On the liberty*, he constantly points to the intrinsic value that each person has and shows that the condition for achieving a desirable – moral-society is the promotion of people based on the unique characteristics of each of them. In desire, the action does not matter in itself, but the person or the moral factor values action. In his view, when a person is exposed to more freedoms - Mill believes in more than one freedom - as a result, his personal growth will increase, and as each person gains more value for himself, so will others gain more value. For this reason, justice plays an irreplaceable principle in liberal ethics because, as Mill says: *“To be held to rigid rules of justice for the sake of others, develops the feelings and capacities which have the good of others for their object. But to be restrained in things not affecting their good, by their mere displeasure, develops nothing valuable, except such force of character as may unfold itself in resisting the restrain”* (Mill & De Quincey, 1885).

Liberal morality is most firmly based on individuality and justice, according to what Mill has said about individuality because the development of society depends on the development of the individuals and justice from the perspective that the observance in society creates the bedrock of society individual growth.

In Michael Sandel's view, liberals have always defended what they oppose, thus seeking to affirm freedom as the fundamental tenet of liberalism. From the liberals' point of view, if someone wants pornography, a liberal state cannot pressure them or forbid them because it has no right to impose any lifestyle preferences on its citizens. What is required of a liberal state is to leave its citizens as accessible as possible in choosing their values and goals. Moreover, it should not be overlooked that liberals do not seek to approve or reject an act; that is, if pornography or abortion are free in liberal states, it does not mean that they support these categories, but freedom of

action and choice has been emphasized as the principles of liberalism (Sandel, 1984).

Although liberalism cannot be limited to one, it is generally within a range where many things can be traced together. In other words, as it has shown above and in the definition of rights, rights and responsibilities arise in a competitive context of doing or not doing something. As a result, the study of rights in democracy does not fit into a fixed theory. While Maurice Cranston considers liberalism a liberal person who believes in one right and liberty, it can be said that although there are many other definitions and preferences inside of liberal views, they are the same as being a kind of right (Cranston, 1967).

However, what we are looking for here is the place of law in a democracy, which makes it subject to a morality based on rights. Liberalism is a philosophical and moral system that relies on individual freedoms as a fundamental principle. This political philosophy is based on the observance of individual rights, and its goal is to preserve these rights.

Perhaps personal autonomy and its value that Steven Wall has discussed can be found in liberal ethics as a principle. In his view, liberalism is a kind of perfectionist theory that relates the principle of human prosperity to his individuality, and it is neither Kantian nor metaphysical. Also, individual autonomy in liberal ethics is not a ground for individuals' preferences, but individuals are inherently independent and autonomous, and the way individual preferences are formed has no effect on their degree of autonomy (Wall, 1998).

According to *The concise Oxford dictionary of politics*, the main goal of liberalism is to protect individual rights and increase freedom of choice for all and as far as possible. It has been traced the history of liberalism back to the Enlightenment and is considered a critical factor in shaping a new definition of "*human agency, rationality and responsibility*" in liberalism (McLean & McMillan, 2009). Furthermore, although some see this legacy of the Enlightenment as a kind of promotion of a bourgeois culture that has led to the current capitalist, equal rights and the foundations of an egalitarian democracy cannot be denied. As mentioned in the liberalism index, the primary concern of liberalism is individuals, their lives, and their general understandings of goods.

Humboldt³¹, whom Ursula Vogel recognizes him "*as known as the writer who provided John Stuart Mill with the motto for On Liberty*", observes freedom as a necessary condition for development because it can go and monitor the narrowest area of legal action of the government. In his view, freedom is the first and most necessary condition that can bring man to true perfection. Humboldt believes there are no positive or negative categories in freedom, and freedom inherently arises from the natural inclinations of every human being. His self-development hypothesis reflects an ambitious conception of human nature and freedom is the right of every human being who wants to grow and reach the very self-development and consists of a decisive role in freedom and considers it as the only "*possibility of the various and indefinite activity*"(Vogel, 1982).

As the father of liberalism, Locke provides a model in natural law that emphasizes the creation of a civil state governed by common natural rights among all people. A government that leads to the protection of individuals' property and freedoms, and if it disobeys this duty, it will essentially overthrow the government. Locke's connection between natural rights and freedom goes back to the fact that, in his view, all human beings are free only when they are in their most natural state because, in these conditions, they are in a state of complete freedom and without dependence on anything or anyone(Locke, 2010).According to what he said in the second part of his book, natural equality does not originate from human nature, and something is not acquired or given to him by the government, and therefore the government must be elected with the common consent of the people for expediency. People's natural right requires them to decide and act independently and to own.

Furthermore, John Stuart Mill considers the root of tyranny in the defeat of freedom against the authority of the rulers, the authority that must be broken by granting freedom to the citizens. In Mill's view, the primary cause of established authority is, in fact, a state of war that is necessary, and if this authority continues again when the country returns to normal, it will lead to tyranny. Mill believes that even if the procedure for electing the government is achieved through the participation and vote of the majority, in other words, the ruler enjoys the support of the majority in society,

³¹ Alexander von Humboldt, known as the founder of modern geography, was one of the most outstanding scientists and adventurers of the 18th and 19th centuries, a German geographer whom Charles IV of Spain has authorized to travel and research in Spanish territories in the south of America.

or with any other reason, the thoughts or ideas of a group overcome and spread, there is still no reason for eradication of tyranny. Instead, it can evolve to the tyranny of the majority (Mill & De Quincey, 1885).

John Gray states that within liberalism, some concepts and ideas are in no way compatible with each other. However, they have some rules in common. One of them is neutrality, a key role in liberal thinking, although the principle of freedom is still one of the primary and critical features of liberalism despite the many differences in its concept and practice. He argues that while there can be no denying that the principle of freedom in liberalism is a neutral one, it is metaphysically - and metaphysically - a moral obligation and that this is why liberalism hides a rule-based approach. These rules can be the same as freedom of choice or natural human freedom. Nevertheless, whichever of these we accept (Gray, 1978).

Indeed, one cannot expect a single definition of liberalism, but this multiplicity has nothing to do with the fact that liberalism is also a right-based ethic. Gaus et al. examine liberalism in several areas that are sometimes at odds. Like old or new liberalism, political and social, or classical and republican (Gaus, Gerald, Shane D. Courtland, and David Schmitz, 2020). However, what is essential, and what our discussion includes, is that liberalism, by any definition, is based on the principles that make it a right-based ethic.

Michael Sandel states that in political liberalism, each person is defined as a free and independent agent who is always accompanied by a political potential. Sandel means that every human being in a liberal society is free and independent, regardless of whether he or she meets society's goals. Because existing political goals may not be moral goals - at least for all - a liberal society sees all its members as having the political ability to choose their own goals. Due to their independence, ability, and equality, it imposes no a priori duties and obligations on the citizens of a liberal society. He says: "*As free persons, citizens view themselves as independent from and not identified with any particular such conception with its scheme of final ends*"(Sandel, 1994).

Nevertheless, with all the emphasis on individual rights, people like Pateman do not find a place for women in the roots of liberal thought and therefore condemn the lack of equality between the sexes as a fundamental deficiency. She shows that the

liberal ideology that stems from Freud and Rousseau's theories has influenced the structure of women's personal and political lives. By pointing to Rousseau and Hegel, she gives us a reflection of their ideas about women. For example, Rousseau shows that wine diverts men from their human virtues but poses a much lower risk than unbalanced feminine traits. Because women are the source of vices and can cause the fall of a government or Hegel explicitly observes women as the enemies of humanity, and therefore should always be kept away from the government or any ruling power (Pateman, 1980).

Also, Nancy Hirschmann clarifies that in the tradition of liberal democracy, what always exists and needs to be changed is the view about women. Because liberal democracy cannot ensure equality between men and women and not only the inequality between the sexes has not diminished, but only its form has changed from a "*traditional patriarchy*" to "*fraternal patriarchy*"(Hirschmann, 1990). In her view, the reason for this inequality remains the insistence of liberal democracy on the concept of individuality.

In this tradition, although there is no explicit definition of the sex of the individuals, there are women who cannot find their ways to power and the political system (Lechte, 2006). What is shown here is, in fact, the conclusion that the ethic of care for the element of justice has taken as a central part of masculine ethics, and an element focused on individuality. Freud, Rousseau, Kant, and Hegel all agree that justice is the only moral element that is a criterion and benevolence for those who can achieve the highest stages of moral development and that it is beyond the reach of women.

An ideal moral life in a liberal culture is based on continuous choices and independent decisions of individuals, although over time, choices and decision-making methods may not be different; in any case, independent individuals must be preserved. Because independence allows people to commit to what they want consciously, this autonomy-based perfectionist attitude makes people always happy with themselves and their lifestyles because they are allowed to prioritize. Find their values and commitments and therefore actively pursue them. This distinct individual identity is a feature of liberal morality that allows individuals to pursue their goals freely without creating conflict (Wall, 1998).

In other words, Wall believes that only people living in a liberal society can adhere to liberal values, led by the independence and autonomy of individuals. Because in this case, people gain the ability to recognize what is ideal and worth doing, and on the other hand, they consider themselves committed to doing what they have undertaken. That is, nothing from the outside violates their autonomy, either in choice or in practice.

Even the original position that Rawls puts forward in his famous theory of justice reaffirms the role of autonomous individuals in society. Although he puts participants in a hypothetical decision-making process, the fact that participants must agree on principles designed to regulate the primary conditions of social cooperation shows that voters must be free and equal. Moreover, the condition of fairness is observed in all stages, and no one has the right to bargain (Rawls, 2005). In Rawls' theory, the autonomy of individuals is a presupposition that shows how decisive the choice of individuals with these conditions can be. That is why we need independent individuals with independent decision-making power for a just approach in a liberal policy. Even we can see in the difference principle the effect each individual can have in distributing justice.

According to Rawls, to be secure from *“an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all”* make a restriction for participants behind the veil of ignorance, to their personal preferences or social status have no bearing on the process or outcome of the participation. If these conditions are not met, it is impossible to ensure that fairness and equality have been observed (Rawls, 1999). Again, it is clear that these conditions confirm the autonomy and independence of the members of the liberal society.

The discussion and approach of the individual in liberal ethics is the most significant difference from other ethics in the policy realm. As shown above, independent individual identity is the basis of this ethic and can be considered the exact opposite of populist morality, which shows that everything in society must be justified and done by the power but in the people's name. Gaus et al. say: *“That the good life is necessarily a freely chosen one in which a person develops his unique capacities as*

part of a plan of life is probably the dominant liberal ethic of the past century”(Gaus, Gerald, Shane D. Courtland, and David Schmidtz, 2020).

What they have said is important because, in both liberal democracies and populist governments, it is claimed that the people have the upper hand and that all contexts of society are set for their purposes. Populist ethics seem to put people at the centre of their decisions. Nevertheless, inwardly they are merely how the forces of populism legitimize their policies. Even though populists consider the people to be the first and most important audience of the values that govern society, in reality, the people are of very little importance in this type of government.

Fabio Wolkenstein opines that paying attention to people and giving importance to their individuality is the leading and critical norm of liberalism versus populism. Considering this approach as a starting point allows us to see the difference between the two ethics and their approach to those under our rule. In his view, populists never give in to constant scrutiny of their norms, which has become the most decisive pretext for liberals to consider themselves inherently superior to any political ethic(Wolkenstein, 2019).

This different approach to people and their role as independent individuals in society can be considered the most crucial difference between liberalism and populism. As Gherghina et al. show, populism is an annoying contrast to modern liberal governments. The existence of two completely different classes in populist systems called the people and the elite shows why and how the approach to the people in such governments differs from liberalism and the role of the people in it. They mentioned: *“Key elements are thus the anti-establishment position and the antagonistic view of the relationship between “the elite” and “the people”* (Gherghina, Mişcoiu, & Soare, 2013). So it is obvious that the position of people and their importance have nothing to do with the liberal and popular moral and political systems.

If we can name a crucial factor that manifests itself in a very prominent way in liberal ethics, it is the attention to the individuality of the people and the intrinsic value of human beings. This characteristic sets liberal ethics apart from other ethics of its kind because this intrinsic value, on the one hand, is associated with the inherent equality of human beings, and on the other hand, is a view in which value, virtue,

goodness, and evil are not tied to religion. On the other hand, in some secular readings, one can see why they have introduced democracy as an ideal lifestyle. It is because liberal thinking, which is the foundation of democracy, sees the most desirable ways of governing as one in which the rights of all people are respected, and so is a democratic government.

As a result, it can be said that liberals, with all their divisions and classifications, believe in the natural rights of individuals with an emphasis on their individuality, and that is why a theory and idea such as human rights has been formed and is now become as one of the foremost institutions in the world. Besides, the care ethicists prove their claim and show that limited abstract rights are the source of and core of morality in masculine morality. In liberal philosophy and morality, rights and laws are overall priority good. For this claim, Michael Sandel quotes Rawls and Kant: *“The right is prior to the good in the sense that certain individual rights “trump,” or outweigh, considerations of the common good.”* –and- *“The right is prior to the good in that the principles of justice that specify our rights do not depend for their justification on any particular conception of the good life”*(Sandel, 1994).

- Liberalism and human rights

Perhaps it can be said that the democratic reading of liberalism, which deals with the equality of citizens of liberal society and strives to spread this equality to all sections of society, in addition to emphasizing the individual value of each member of society as a human being, requires a shared understanding of relationships. It also highlights the human being known today as human rights.

In the decades after World War II, the first signs of the approach to human rights as a universal code have appeared and embodied the idea that we all belong to a global community and should all do our part to ensure every human being can live a dignified life. Moreover, after the Universal Declaration of Human Rights was drafted and endorsed by the world's nations, a joint global ideal held all human beings to belong to the same family.

In particular, those articles indicate as follows; *“all human beings are born free and equal in dignity and rights.”*³² and *“everyone is entitled to all the rights and freedoms*

³² Article 1

*set forth in this Declaration*³³ showed that the concept of universal citizenship could give a role to every individual in the world, even those who are deprived of their first fundamental rights that he or she feels in the world as a person residing in, have the power to change or impress it, that is, the best starting point for a common understanding of the meaning of global citizenship (Global, Citizenship Commission. 2016).

Morlino believes that the valuable roots of equality and freedom go back to before the nineteenth century and that the result has now reached us and has become part of our political regime called liberal democracy, which aims to improve the economic and social quality in the societies (Morlino, 2020).

The Universal Declaration of Human Rights idea shows that its founders have tried to show the commonalities of human beings with a completely neutral approach and without bias and bias towards any ideology, party, or even history. Although these principles have been present in cultural and religious traditions, the lack of emphasis on anything that can highlight differences is a sign of the proclamation's fully humane approach, in other words, its liberal nature. Furthermore, some have even considered the tendency to any ideology in a liberal democratic system based on human rights to violate the basic principle of this view. In the same case, Hashemi, citing Roreti and Tocqueville, demonstrates the relationship between religions liberal democracy *"rarely have authors theorized about the constitutional and institutional boundaries between religion and state that are needed to sustain a liberal democracy"*(Hashemi, 2009).

Others, however, see this liberal approach as a weakness for the Universal Declaration of Human Rights and therefore see it as a continuation of colonial culture. Makau Mutua, for example, believes that the very fact that this declaration was written citing Western legal principles suggests that its predominant approach is the Western definition of democracy. The Universal Declaration of Human Rights drafters merely reiterate and emphasize Western democratic values and norms and promote a version of liberal ethics for all human beings (Mutua, 2008). The evidence presented for this claim dates back to the declaration when Africa had no representative in the draft declaration, and Latin America sent representatives who

³³ Article 2

not only did not belong to that region but were European somehow. Mutua quotes what Antonio Cassese³⁴ has been told in this issue that “*The West was able to impose its philosophy of human rights on the rest of the world.*”

In this context, different thinkers have a different view of liberalism as the only political system that fully respects human dignity and the rights of individuals. Mitchell et al., For example, think that liberalism is inherently incompatible with human rights. However, liberals have defined it as a set of values consistent with human rights because liberalism is an abstract definition that ignores the ideological realities of all human beings and seeks only a kind of hegemony (Mitchell, Howard, & Donnelly, 1987). Nevertheless, at the same time, the reality of our world shows countries that are very weak in human rights practice, and there are even countries that are wholly undemocratic and where human rights violations occur. So even assuming the affirmation of the positive and valuable human rights in terms of civil and political rights, we still cannot deny human rights violations in the above countries and offer a solution. As a result, the connection between the Universal Declaration of Human Rights as a theory has had disappointing practical consequences that cannot be ignored.

3.5.2. Ethics of immigration as a liberal ethics

It may be said that the ethics of immigration belonged to a phenomenon in our contemporary world before it was presented as a theory. A phenomenon that is changing the lives of millions of people has created challenges in politics, ethics, and economics, making migration one of the most critical issues of this century. It is impossible to say which of these issues will influence more the life and future of the engaged people because both immigrants who leave their homeland for any reason and the host countries face a variety of challenges and problems, sometimes in the short term and sometimes in the long term.

In this regard, Veit Bader mentions a theory called *Global Moral Obligation* and considers two theoretical and practical areas. These two areas show precisely why

³⁴ Prominent Italian international lawyer who died in 2011, a professor of international law at the University of Florence, he was elected the first president of the International Criminal Tribunal for the former Yugoslavia (ICTY) and served on that tribunal for the rest of his life. He was the UN representative on the genocide in Darfur, Sudan, and the first head of the Lebanese Special Court for the assassination of Rafik Hariri.

the ethics of immigration is more theoretical and practical than any other ethics in the policy. The theoretical field returns to the philosophy of politics, and in the practical field, it focuses on national and transnational policies on immigrants, refugees, and borders. Theoretically, we deal with moral commitments that go back to minimalist policies, like our moral duties against poverty. Furthermore, in the second area, these ethical commitments are examined on a larger global scale and deal with how resources are redistributed to address global inequality and universalism. Moreover, these areas collide in egalitarian liberalism and distributive justice (Bader, 2005).

It means that the immigration debate has countless advocates and opponents in many areas. There are arguments for or against immigration depending on each person's attitude. Arguments that are false, but in a way can be valid. Immigration ethics addresses the same issue. That is why it opens a very vast debate in different fields, to show the complexity and range of the issue cite to Carens: *“State sovereignty and democratic self-determination are morally constrained. The decisions of a sovereign state may be morally wrong even if the state is morally entitled to make those decisions. The actions of a democratic community may be unjust even if the community has not violated any democratic procedures”* (Carens, Joseph, 2013).

Michael Walzer argues that governments are morally permissible to apply whatever policy they see to restrict the entry and employment of immigrants. According to Walzer, the issue of immigration cannot be resolved by international law alone, and the domestic policies of countries cannot be suspended. Nevertheless, at the same time, just as the political right of governments to immigration cannot be ignored, the moral rights of those who need our humanitarian assistance must not be overlooked (Walzer, 2008).

Perhaps the reason for this particular kind of Walzer's view of immigration can be deduced from what Joshua Cohen³⁵ has said about his thinking and vision. Cohen indicates: *“There is a clear and sharp boundary between what is “inside” and what is “outside,” between community norms and critical standards, between common-sense morality and philosophical ethics”* (Cohen, J., 1986).

³⁵ Here means the philosopher “Joshua Cohen” and not the writer.

As Shelley Wilcox interprets, for Walzer, therefore, immigration is both a political and a moral issue. He tries to solve the problem somehow using both politics and ethics. On the one hand, he believes that countries have a "*right to free choice*" in whether or not to allow immigrants, and on the other hand, he thinks that countries have a moral obligation to eliminate their border restrictions on individuals such as asylum seekers, who need human help (Wilcox, 2009).

Caleb Yong observes Immigration on a large scale and thinks it will have a considerable impact on various aspects of the host government's economy and policy, and it makes sense for a government loyal to its nation to adjust its domestic policies to these influenced communities. He says that no criticism can be levelled at governments because they are obliged to work and make decisions based on their preferential policies. Moreover, other countries cannot morally force another country to adopt and implement a particular policy because, in this case, they have violated the principle of non-interference (Yong, 2018).

Explaining Michael Walzer's consensus theory on immigration, Shelley Wilcox states that it is an accepted right of members of a liberal society to decide who joins their community and who does not freely. As a result, Walzer seeks to understand the impact that immigration, as a reality, has on liberal society and on what policies should be adopted so as not to interfere with or violate the liberal nature of democracy. One of Walzer's models is that countries should not keep their borders open because this is a violation of democracy. He presumed that even if a country's economic capacity allows immigrants to enter there without restriction, it will not prove that the residents should want strangers in their country for reasons other than the market and the economy (Wilcox, 2009).

Of course, the nature of liberal democracy, which Walzer considers preserving, one of the most important goals of liberal governments and immigration violates, varies from person to person depending on the context. In the field of the environment, for example, Magnus Ekengren believes that it is not possible to issue a decree that is in line with the constitutions of democracy on the one hand and at the same time safeguard the interests of non-human affairs such as the environmental issues. It is because he emphasizes that we are part of the world on the one hand and animals and the environment and plants on the other and as part of it, so sometimes acting

solely on the democratic principles chosen by us is impractical for the other side, or stressful "*ontologically, politically, and legally*" (Ekengren, 2006).

We encounter a prioritization approach to determine policy-making criteria, which lead them to a specific and different approach to immigration. As an instance, Walzer, on the one hand, believes that liberal countries are primarily responsible for their national preferences, and secondly, for members who need help and do not belong to that society. Assistance to these outsiders is unrestricted only if the risks and costs to the host country are not high, but admission is still limited, even in the case of refugees. The citizens of a liberal society have the right to regulate immigration to protect their freedom, welfare, and culture, and if the government does not intervene, they will do so in the form of "*a thousand petty fortresses*". Nevertheless, at the same time, their moral duty is not waived. Walzer, of course, considers this moral duty obligatory only for neighbouring liberal countries because, in his view, liberal democratic societies are members of the same family that have priority over accepting outsiders (Wilcox, 2009).

On the contrary, someone like Joseph Carens believes that we have no political or moral justification for treating immigrants differently in terms of their admission and that we need to pave the way for them to achieve equal rights and citizenship. He thinks that immigrants can easily integrate with the domestic conditions of the host countries if the host community makes the necessary efforts in this direction. Although in the beginning, the immigrants are asymmetrically adapted to the host society, over time and of course, with more cooperation from the host country, this asymmetry moves towards equality (Carens, Joseph, 2005).

It can be said, the ethics of immigration is inclusive in the sense that, first, no consensus can be found among those who have entered the immigration debate in any way, as has shown before, the views of two liberal thinkers who oppose each other within the framework of liberalism. Second, at the heart of immigration ethics, we deal with general and minor issues, neither of which is less important than the other, from education to access to treatment, from citizenship to social membership. This debate is so broad and has completely different approaches that even within a liberal framework, a single consensus cannot be reached.

Nadia Urbinati believes that the post-Westphalian world defined a new order that changed many international orders and resulted in new principles and practices that also changed the definition of immigration and citizenship. Inspired by Benhabib, she acknowledges the need for governments and sympathizes with him to make democracy porous in the face of cultural diversity and immigration. According to Benhabib, the solution she offers is the liberation of democracy from the rule of nations. Because as long as an immigrant cannot interfere in determining his or her destiny, at least democracy will not work for him or her (Urbinati, 2005).

According to Carens, as a democratic society, the European Union comprises countries with independent sovereignty, which alone has adequate power over the world. Carens does not deny the fact that the EU did not open its borders internally, not because of human rights or its commitment to justice - as the moral essence of liberalism, but because it was the EU's economic concern to use these coordinated policies to destabilize the economies of emerging countries (Carens, Joseph H., 1999). Moreover, this fully confirms that border policies are necessary to protect society. However, Carens emphasizes that these policies have no moral legitimacy on any basis and cannot be morally endorsed. He says: *"I do not imagine that moral criticism moves the world, at least not often. But one function this sort of criticism can perform is to unmask (for a moment) the pretensions to moral legitimacy that are supplied by the conventional view that every state has an inherent right to control its own borders."*

Jonathan Seglow shows that given the policies of today's liberal governments on immigration, it can be concluded that they are using a much smaller version of liberalism. Citing the principles of equality and freedom of every individual with other people in liberal ethics, which was also discussed in the previous section, he shows that their liberalism is defined within their national borders and that no relation can be found between liberalism and their border policies. By distinguishing between border crossings between immigrants and tourists, Seglow wants to show that there is more to immigration than just free movement. Rather, the main problem is that there is a fundamental difference between the goals of immigrants and tourists, and governments change their border policies for immigrants in light of this difference (Seglow, 2005).

As Seyla Benhabib points out, immigration in the contemporary world is so far removed from its basic concept that the two can no longer be compared. Immigrants are no longer free to choose as before, and social contracts determine the fate of human migration. Given the significant conceptual changes in geography, ethics, and politics, he argues that what we see today in the immigration policies of liberal democracies is in apparent contradiction with universal human rights. For example, despite accepting liberal values, these countries turn a blind eye to people migrating due to economic poverty. She states: *“I want to argue that transnational migrations, and the constitutional as well as policy issues suggested by the movement of people across state borders, are central to interstate relations and therefore to a normative theory of global justice”* (Benhabib, 2004).

However, in this regard, Seglow believes that the very spirit of movement and freedom of movement is a multifaceted and complex matter. Governments have specific policies and constraints, including traffic control, public demonstrations, public transportation, and many more. As a result, a conflict between ethics and law can arise in this case. Today, immigration is a moral and legal phenomenon, and this has led to the conflict between law and ethics becoming a confrontation between the conditional and the absolute. As a result, the question arises whether immigration is a right reserved for all human beings or a conditional phenomenon for some of them (Seglow, 2005).

In other words, what can be concluded from the above section is that the main problem is inclusion and exclusion. That is, what are the criteria for accepting or rejecting immigrants? What can justify the policy of liberal governments to reject or accept immigrants is to prove that their criteria for inclusion or exclusion are under the principles of liberalism.

Sarah Song has sought to find criteria for excluding immigrants from the United States as a liberal-democratic government. By distinguishing between criteria, she classifies them into criteria that directly and indirectly affect immigrants. In her view, in general, none of the liberal democracies explicitly states that the immigrants' race, religion, ethnicity, and nationality exclude them from the scope, but their exclusion is based on these criteria (Song, 2018).

According to Song, liberal countries have explicitly violated one of the central tenets of liberalism, equality, because the criteria they set for excluding individuals from liberal society are not only politically indefensible but also morally too. Her example goes back to those who came to the United States from Southern and Eastern Europe in the 1920s. She shows that the Americans' argument for not accepting them at the time was that the host countries were directly influenced by their presence, especially in the area of security and ethics, and therefore did not consider it a violation of human rights and consider it as the protection of their community. This type of exception which directly excludes people who do not belong to that community in terms of culture, religion, and race, is different from the indirect one like *Muslim Ban*³⁶. In her view, this policy deprives American Muslim citizens of many of their fundamental rights, such as travel and visiting family members, and places them lower than other non-Muslims, and it is again a violation of equality somehow (Song, 2018).

In Richard Arneson point of view, equality is also cited as one of the core values of liberalism in immigration ethics. The advocates of open borders and ease of immigration, one of their main foundations are the *principle of equality* and the egalitarian view. Equality is a thought process in political philosophy. A person who has an egalitarian view considers him or herself to be somewhat and in some ways the same as other people, even if not wholly. This egalitarianism exists in the areas of rights, wealth and, social and political opportunities. The premise of this view is, in fact, the idea that all human beings are inherently equal in value and morally equal in dignity (Arneson, 2013).

Therefore, the idea of egalitarianism in immigration ethics has always been widely criticized by opponents for its ignorance of the actual situation and following a utopia that does not exist in the real world. On the other hand, proponents of this view rely on cosmopolitan egalitarianism to emphasize that no human being can prevent another human being from migrating. However, what can be seen is that liberal governments have accepted equality as a principle but does not take much into account in their immigration policies.

³⁶ Executive Instruction 13769, entitled "Protecting the American Nation from Foreign Terrorists Entering the United States", was implemented by Trump. The order included a ban on citizens of six Muslim-majority countries, including Iran, Iraq, Syria, Libya, Somalia, and Sudan.

Ottonelli and Torresi have specifically investigated the claim of immigration advocates and argued that the claim of incapability of the liberal governments of adhering and inclusion of all people equally is valid. By focusing on seasonal workers, or in other words, temporary migrants, they showed that even if they were granted citizenship, there was still systematic inequality in these societies, which effectively prevented them from being included as equal members. In their view, migrant workers, even legally and officially employed somewhere, still have a different quality and quantity of life from citizens. Even in better living and working conditions and full entry is officially available. Because they did not enter that country on an equal footing, this inequality has been ignored in a liberal society and continues (Ottonelli & Torresi, 2012). They refer to agricultural workers in southern Italy as saying that the EU welcomes this type of seasonal migration for two reasons. One is that these workers are willing to accept any kind of job, and the second is that they benefit the EU more than irregulars and refugees- due to their legal permission and employment pay taxes- while their salaries are lower than the salaries of the Union members, but they accept these slave conditions.

However, Howard Chang thinks conversely. He claims that the projects like guest workers have more advantages for them and exemplifies the seasonal migrant workers coming from Mexico to the United States and shows that when they are legally accepted into a defined project, there is not any possibility of abuse by employers and also will be immune from the consequences of illegal presence and government questioning. Chang defends the idea and says: *"We could accommodate the desire of guest workers to remain here by lifting restrictions on the duration of a guest worker's residence and employment in the United States. As long as we restrict their access to public benefits for a sufficient period of time, they seem unlikely to impose a net fiscal burden on natives"* (Chang, 2002).

Chang considers these conditions equal and refers to it as an acceptable and desirable policy in a liberal society. So, it can be concluded that the mere existence of a liberal system cannot be considered an inherent guarantee for the implementation of equality. Therefore the mere existence of an egalitarian theory as the basis of liberal ethics does not guarantee equality between immigrants and hosts.

Figure 14. *Masculine/Justice ethics VS Feminine/Care ethics*

Masculine/Justice Ethics	Feminine/Care Ethics
<ul style="list-style-type: none"> • Restricted • Law-based • Intertwined with masculine character • Performing justice ≡ main task of moral agent • Hierarchical structure • Disregards weaker position • Insufficient • Limited range • One pattern of justice • Inflexible • Rigid • Impartiality is necessary for moral action • No dependancy on geography or culture • Harm in the course of justice is justified • Involvement of love and affection ≡ immoral judgement • Comprehension of other's feelings unimportant for moral action • Limited • Exclusivity • Formal and abstract 	<ul style="list-style-type: none"> • Comprehensive • Human nature-based • Intertwined with feminine character • Maintenance of relationship ≡ main task of moral agent • Network structure • Considers everyone • Sufficient • Wide ranging • Different patterns of care • Flexible • Fluid • Partiality is necessary for moral action • Dependent on geography and culture • Harm is always unjustified • Moral judgement must involve love and affection • Comprehension of other's feelings is required for moral action • Expansive • Inclusiveness • Contextual and narriative

Designed by the author.

Concluding remarks

This chapter has been used to distinguish between care ethics and classical or masculine ethics and examine its relationship to open borders, one of the most critical issues in immigration and ethics. Its name goes back to masculine ethics, which Gilligan first used as an ethic that is opposed to care ethics and is based on justice and related principles. Although justice theorists, like care-oriented philosophers, have come up with different definitions of justice and different approaches, they all have in common that they are far from the care approach. This distance is because all components of care ethics are inconsistent with what masculine ethics say and are in complete contradiction. For example, the equality and moral impartiality that is considered the essence of masculine morality in the ethics of care is taken into account that they are the elements that should be rejected in moral judgments. Most of the care philosophers have assigned to this category any kind of morality that depends on principles and rules, and continue to believe that if justice is not directly the basis of these moral systems, but indirectly, it is based on principles that are based by masculine thinking system and are justice-oriented. Including liberal ethics, contractarianism, and utilitarianism have equated morality with what they advocate and justice based. After all, justice is intertwined with the principles and teachings of this view and is inseparable. One of Joseph Carens's moralities attributed to liberal ethics is immigration ethics because most immigrant countries experience some liberal democracy.

On the other hand, one of the essential principles in the world, especially in the West, which is very valuable and almost universally agreed upon, is the Universal Convention on Human Rights. This convention, which has a democratic origin and considers equality between human beings, should be respected and enforced in all areas, but it is also considered masculine principles and agreement. In other words, the issue of immigration in today's world and its various contexts is again something whose laws are based on justice-oriented ethics or the rights that men have based them and have reflected in the current policies. However, according to Carens, what we see in the immigration policies of liberal countries is not in line with its principles, and it can be seen that in many cases, despite the strong emphasis on justice and equality, it is not reflected in the immigration policies of host countries. On the other hand, most, if not all, philosophers of care believe that care ethics can solve all

problems in all areas. So it seems that in the real world, a combination of the care approach with liberal principles needs to be incorporated into new immigration policies in particular in order to achieve a better and more comprehensive outcome.

CHAPTER IV. STUDY SOME EU BORDER POLICIES IN LIGHT OF CARE AND IMMIGRATION ETHICS

Entry to the debate

As shown in previous chapters, care ethics and immigration ethics, as feminine and masculine ethics representatives, each defend certain ethical principles and state their moral values as superior values. Indeed, like thousands of thinkers over the centuries, it is impossible to prove who has the last word and found the pure essence of morality. Both of these ethics have critics who are quite right in some cases and consider these two ethics to have serious weaknesses and shortcomings. Nevertheless, what is relevant to this chapter of the dissertation is a review of some EU rules on the entry and exit of non-members and comparing them with EU human rights values, one of its pillars.

The idea of forming the European Union goes back before the *Maastricht Treaty*³⁷, when the resistance fighters, members of the European Parliament, lawyers, and a diverse range of people wanted peace and stability. The bloody world wars that engulfed Europe more than anywhere else on the planet made European countries think of a way to lasting peace on the continent. After World War II, the path began during the Cold War, culminating in the 1993 Maastricht Treaty. Along the way, with the collapse of the communist regime and the unification of the two Germanys, the European Union almost defined its primary approach. With the increase in the number of members and the simultaneous growth of technology and different generations of smart phones and more accessible communication, the Union reached strengths that changed the lives of its inhabitants. Among them, the Schengen Agreement, this allowed cross-border crossings without the need for visas and passport visits, and implemented four freedoms legally guaranteed in 1993; *“The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured in accordance with the provisions of the Treaties.”*³⁸

³⁷https://europa.eu/european-union/sites/europa.eu/files/docs/body/treaty_on_european_union_en.pdf

³⁸<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012E/TXT>

What we see in this agreement is a ratification of a law that has not been enforced in the EU before. Because the borders were still in place, these were part of the rights of any country required by its policies for its citizens.

The root of the four-point agreement can be traced back to the 1950 statement by French Foreign Minister Schuman, which calls ECSC or *Treaty establishing the European Coal and Steel Community*³⁹. French Foreign Minister was proposed in 1950 to prevent further war between France and Germany, and in a way to combat German domination, creates a common market for coal and steel among some European countries, as he believes in The future of this could reduce the potential for competition and war between Europeans over natural resources.

Although there are many criticisms of ECSC, the group believes that the current position of the European Union and its success goes back to the history of the treaty. If we list the goals and achievements of this treaty, we can mention the following. One is that it highlights the role of foreign forces in promoting cooperation among Europeans. The existence of a foreign geopolitical concern - Germany at the time - also affected domestic politics. Moreover, even after this agreement, which eliminated the threat of German domination, the multilateral cooperation continued, although maybe in mechanism and not in policy (Alter & Steinberg, 2007).

If this unification can be examined in terms of its goals, it can be described in one word as peace and its creation in Europe. In fact, after the global wars, Europe thought of creating inputs that could eradicate war on the Green Continent. In Loth's view, post-war Europe faced Germany as a hegemonic power on the one hand and anarchism on the other due to thinking of a society in which all powers merged and became stronger - because of unity. On the one hand, it stands against the United States, as the emerging superpower, and on the other, against the spread of the communist revolution (Loth, 2015).

Harry Anastasiou sees these historic efforts as a tool that we now have an evolved form of, as follows:

1. *“Economic integration through institutionalized, joint democratic management of competing and common national interests,*

³⁹<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legissum:xy0022>

2. *Shared sovereignty through institutionalized inter-governmental and trans-national democracy,*
3. *Regionalization of the rule of law across societies and above nation-states,*
4. *Enlargement as a proactive process fostering socio-economic reform, democratization, conciliation, peace-enhancing norms and integration,*
5. *Endorsement and promotion of politico-cultural values of inter-societal/inter-state peace in the public domain” (Anastasiou, 2007).*

This approach has further highlighted the value of security and prosperity, and the European Union has promoted democracy as a link between peace and governance. Although there are different definitions and levels of democracy, some of which have been addressed in previous chapters, there is generally a maximalist view of democracy, and freedom and equality are standard features of this broader view.

4.1. EU countries as the leading destinations for immigrants

After it was shown that one of the most important goals as well as the achievements of the European Union since its establishment is to firm, strengthen, and maintain lasting peace, another statement by this Union is referred here, a statement that is now one of its primary and indisputable pillars. The European Convention on Human Rights⁴⁰ tries to protect “*Human Rights and Fundamental Freedoms*” and has been working since 1953 and was the first document to enforce some of the rights enshrined in the Universal Declaration of Human Rights.⁴¹

At a glance, one can see the various institutions and mechanisms for the protection of human rights in the European Union. Organizations and institutions that show that the foundation of the European Union is primarily based on the Convention on Human Rights and to what extent it always emphasizes human rights and the preservation of the inherent dignity of the human person. The most outstanding are:

⁴⁰https://www.echr.coe.int/documents/convention_eng.pdf

⁴¹<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

The European Commission of Human Rights⁴², the European Court of Human Rights⁴³, and the Committee of Ministers of the Council of Europe⁴⁴.

As a result, it can be said that one of the main reasons why Europe has become a destination for many immigrants is the emphasis on human rights under various protocols. Furthermore, of course, the particular condition of the Mediterranean Sea and the massive difference between the west and east of the sea in every way cannot be ignored.

Due to the large size of the Mediterranean coast, Europe has been most affected by the influx of refugees who have fled to Europe following the crisis - unfortunately perpetual - in the Middle East. It can be said that the profound differences in the Mediterranean countries are the most crucial reason for Europe to be a destination for other people living on the other side of the Mediterranean.

The European Union report examines four main routes in the Mediterranean, each with specific migration characteristics. For example, the Eastern route refers to the entrances of countries such as Greece, Cyprus, and Bulgaria, and the level of Turkish cooperation with the Union in the regular or irregular entry of migrants through this route is directly related. The second and third routes both return to the western Mediterranean. Moreover, two names are considered: the Western Mediterranean and Western African routes. These two routes refer to the entrances that enter Spain. On the Mediterranean route, migrants enter Spain mainly by land and sea, via the cities of Ceuta and Melilla, but the African route that migrants most use for entrance to Spain is the Canary Islands in the Atlantic Ocean. Finally, the very busy Central Mediterranean Route is the route that brings migrants into the Union via Malta and Italy (EU migration policy.2021).

Although the European Union has a high level of stability and security, the areas that are the gateway to Europe, and in particular the Mediterranean countries, here, due to the high demand for entry to the continent by immigrants in these areas, therefore, maintaining security and addressing related challenges has always been a concern

⁴²<https://www.coe.int/en/web/commissioner>

⁴³<https://www.echr.coe.int/Pages/home.aspx?p=home>

⁴⁴<https://www.coe.int/en/web/cm/home?desktop=true>

of these countries, which from time to time also changes their immigration policies. On the one hand, the Mediterranean border countries adhere to human rights and the laws passed within the Union, and on the other hand, are not able to face the wave of people trying to cross the border. For years, these countries have faced repeated requests that are not limited to neighbouring non-member countries but also cover other continents, and of course, there is no hope of an early end in the most optimistic case. These include the wars of the 1990s in the former Yugoslavia, the suppression of the Tunisian popular movement in 2008, the bloody Arab Spring in the North African coastal states in general, and the Palestinians since the Israeli bombing in 2014, and most importantly, unfortunately, more extended the Syrian crisis (Fargues & Bonfanti, 2014). In the strategic importance of the Mediterranean, it is enough that many illegal immigrants do not belong to the Mediterranean countries and travel even longer to reach one of the Mediterranean coastal countries because of the closer way to the Mediterranean to enter Europe from the eastern and southern parts. For example, citizens of the Horn of Africa such as Ethiopia or sub-Saharan Africa such as Mali, the Middle East such as Iraq, East Asia such as Bangladesh, and Central Asia such as Afghanistan have no choice but to enter Europe.

Catherine Duryea, in a report examining the history as well as the future of human rights in the Middle East, shows that any act of human rights has always been a threat and a red line for Middle Eastern regimes. She described the nature of these countries as highly undemocratic and said that intolerance of any institution for the protection and defence of human rights was a constant demand of the people. Human rights abuses in the Middle East are so widespread and long-standing that they have become a form of identity in that part of the world. By studying the Arab Spring and the situation in the Arab countries of the Middle East that faced this uprising, he does not see human rights progress in the last few years as very positive (Duryea, 2019). She cites severe punishments in these countries for which there is no apparent prospect of suspension, and repression, imprisonment, and torture continue in the region.

According to these explanations and the mentioned countries, it can be understood that the main reason for the wave of migration from one side of the Mediterranean to the other is a big difference and entirely different conditions between the east and

the west of the sea. The western Mediterranean basin includes coastlines belonging to countries such as Spain, Italy via the Strait of Sicily, Malta, and France, which have strategic positions relative to the rest of Europe and form one of the world's main corridors connecting Africa and Europe. Recognizing the sensitivity of this region, the countries in this field seek to strengthen their role in the political, social, economic, and environmental fields such as water, defence, and safety, transport, environment, education in both areas of universities and scientific research, tourism, and renewable energies, by creating various protocols and laws and try to plan this field with long-term and macro planning towards sustainable development (West Mediterranean.2020). And of course, apart from the different political conditions between the West Coast and the East Coast, other factors such as the economy and even the environment have caused the living conditions in these two sectors to be fundamentally different.

It should be noted here that the northern countries in this dissertation, and specifically in this section, are the countries of Western Europe and North America, and the southern countries are all countries whose inhabitants due to economic, political, security, social and even environmental have been forced to migrate. What is important to note is that in many cases, immigration has not been and is not a voluntary decision. Alan Findley even cites arguments that show that southerners are reluctant to migrate most of the time, despite livelihood disruptions due to environmental change. Citing *the immobility paradox*, he argues that most immigrants, even in unfavourable economic and social conditions, do not want to leave their country and shared value systems such as family, community, and friends, or that most people prefer to choose short distances and close destinations. However, unfortunately, migration due to environmental changes is still not a valid reason for accepting immigrants in many countries, like what is happening on the border of Bangladesh and Northeast India. Therefore, they have no choice to move toward the Northern countries (Findlay, 2011).

Some researchers within a program in UK Economic and Social Research Council believe that one of the reasons for the increase in immigration in the EU and through the Mediterranean is the executive function of the EU, which must change. In their view, the EU has focused its containment policies on countries of origin. It means that instead of accepting migrants in the EU, it wants to cover the cost of meeting

their needs in the regions of origin, and ignoring that many of these people emigrate because of the conflict, the lack of human rights, and the persecution of their fundamental rights. As a result, the EU must allocate funds to countries that host refugees and migrants and provide them with international support by providing economic and social opportunities (Dynamics of migration across the Mediterranean.2017).

The human rights reason, which was briefly described at the beginning of this section and the history of human rights, is the reason that draws most immigrants to this area. Carens argues that immigration ethics can be challenged primarily because North American and European countries are the countries with the highest number of immigrants, on the one hand, and democracies on the other. He states that what he means by democratic principles is very broad and general. Because it merely seeks to cite the broad moral commitments on which contemporary institutions and policies in North America and Europe are based (Carens, Joseph, 2013).

In Carens' view, whatever the definition and level of democracy, it is a principle that is prevalent and agreed upon throughout North America and Europe. Principles such as the equality of human beings and the equality of our moral duties with each other, respect for the rights and freedoms of individuals, equality before the law and its rule. In other words, he refers to the ruling policies in North America and the EU as a democracy which is the common denominator between liberal democracy and a democratic republic.

Giebler and Merkel also see freedom and equality as common to all different types of democracy. Furthermore, they acknowledge that in all forms of democracy, the debate over equality and freedom is endless. At the same time, there is a direct connection between political equality, i.e. democracy, and socio-economic equality. They could show an empirical study in 50 countries over 20 years that with more freedom, or in other words, democracy, the level of equality in society increases, and there is a positive relationship between freedom and politics as well as socio-economic equality, with reminding that political equality has a direct relationship with all kinds of freedoms; de jure and de facto (Giebler & Merkel, 2016).

Morlino also shows that socio-economic and political equality has been a classical value in the culture of democracy. Nevertheless, what separates liberal democracy from other ideological policies is that the role of equality in a democratic system is not the same as the place of equality in some other ideologies, such as Marxism, because, in the principles of Marxism, equality forms the heart of the theory and method of government and is considered a genuine norm. However, in democracy, equality is a value that lies in its essence (Morlino, 2020). His argument for this claim consists of two suppositions; first, democracy requires equality at its core. It means that the practice of democracy is based on voting and public participation, but at the same time, the participants hold the existing powers responsible for the needs of a just life. Moreover, such a practice is possible only in an equal society; secondly, in a democratic society, equality is seen from different angles and applied at different levels.

Robert Post argues that the relationship between democracy and equality is complex because equality in society varies with the number of definitions of justice. As a result, it is essentially impossible to give a precise and detailed definition of democracy and its specific characteristics. Nevertheless, in a broad definition or, as he says, “*elastic*” one, the term democracy can be applied to a good government that governs well. However, if we want to give an overview of a democratic government, we must infer its relation to equality and show what policy of equality and freedom of citizens is adopted in a desirable government - here in the democratic sense (Post, 2006). However, in general, the relationship between democracy and equality is not a smooth one. Moreover, if Robert Post sees it as a logical result in democratic governments, it is because it is one of the definitions of democracy as a form of government formed and exercised to realize its values .

In Post's view, there is fundamental equality in a democracy that requires citizens to be treated as much as they participate in government. This kind of equality means that the fate of every citizen is *self-government*, and a democratic government also needs the equality of the democratic agents. This definition of participation shows how and to what extent every citizen can and should have the freedom to be self-reliant and treated in a way that cannot be called an inequality. Furthermore, as Post exemplifies, “*the principle of “one person, one vote” signifies that each citizen is to be*

regarded as formally equal to every other in the influence that their agency can contribute to public decisions” (Post, 2006).

So far, we have reached three conclusions:

1. The European Union values human rights inside the Union and considers it one of its core objectives.
2. An EU is the most accessible and good destination for immigrants.
3. The political system of the EU member and even non-EU states is democratic. As this statement: *“Supporting democracy in non-EU countries involves encouraging dialogue between legislatures and civil society organisations, and empowering key vectors of democracy.”*⁴⁵

The reality we are facing these days is that immigrants from all over the world join the union in different ways. It means that Europe is still the primary destination for all types of immigrants and people try to enter the Union either legally, through the visa process or illegally, which leads to the visa process and immigration policies of the Union with different approaches. To be placed. What is relevant to our discussion is an analysis of the EU's border policies on immigrants, or in other words, non-Europeans, entry into the EU. In the first chapter, the reasons for and against the border restriction were sufficiently examined. In the third chapter, justice and equality and its place in liberalism as the origin of democracy are discussed, and in this chapter, we examine these laws with what is said about the ethics of care and the meanings and interpretations that exist about it.

Standard foreign and security policies of the EU define as follow:

- *“Preserve peace,*
- *Strengthen international security,*
- *Promote international cooperation,*

⁴⁵[Overview | Civil society & human rights | Global democracy support | European Parliament \(europa.eu\)](https://www.europa.eu)

- *Develop and consolidate democracy, the rule of law and respect for human rights & fundamental freedoms.*⁴⁶

These goals have been designed and set by the European Union as entirely correct and logical goals, and they should certainly not allow any factor to weaken it, but they should try to strengthen it day by day and use appropriate tools and mechanisms to maintain security and goals under the European ideals. However, given the validity of all these cases and the recognition of the necessity of such laws, it has been tried to show to what extent the existing border laws in the European Union are based on the principles of care ethics and immigration ethics shown in the previous chapter. Moreover, to what extent is it compatible with liberal principles and democracy?

4.2. Schengen Borders Code⁴⁷

The Schengen Borders Code, which is a significant part of the management of the issue of external borders, has different chapters and articles on the laws of external borders and deals in detail in seventeen articles on different aspects of the issue and will analyse all articles of this part and also Visa Code as the last part of the dissertation.

- Article 5; *“Crossing of external borders and conditions for entry”*

This phrase indicates that the external borders of the European Union must be open at certain times and certain places, and except in exceptional cases, any violation of this law will be accompanied by effective, proportionate, and dissuasive penalties. Naturally, we are no different at all. Here is a piece of related evidence; the first article of the Universal Declaration of Human Rights refers: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”* However, according to the first principle of human rights, there should be no conditions for people to enter or leave, and everyone is free to live freely anywhere on earth. If we

⁴⁶https://europa.eu/european-union/topics/foreign-security-policy_en#:~:text=The%20EU's%20joint%20foreign%20and,in%20the%20EU's%20international%20rol

⁴⁷<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32016R0399>

consider "living" to be synonymous with today's residence, this paragraph shows that not only does the Union not allow free residence, but even entry and exit are subject to acquisition.

Nevertheless, despite emphasising this inherent equality in this paragraph, people like Spinoza have affirmed that some are powerful and therefore superior to others. He believes that humans are not naturally different in the physiological sense but that their enjoyment of power changes their position and differences. Like all other components of creation, he believes that we humans are part of nature but has more natural power. Our power allows us to continue our life on earth and among other creatures. Assuming that power is unequal among beings, Spinoza considers it a legitimate natural right and concludes that whoever has more power also finds a natural right (Lord, 2017). Spinoza draws the same inequality into the realm of morality. In his view, just as man is more potent than a horse, he is weaker than a bear. So man can serve the horse, and a bear can eat him. In his view, the weak have no natural right to compete with the strong. Inequality of people is quite natural in countries governed by the laws of nature, and as a result, these people can only be used to achieve their goals. Although moral equality is not natural and inherent, it is equally defined amid collective agreement and democracy.

Moreover, that is why the members of a democratic government are not equal to each other as much as they benefit from reason and power. Spinoza indeed seeks to defend equality by raising the issue of civil rights and enforcing it in a democratic government, but what is essential in his theory and related to this debate is to tie the intrinsic value of individuals to their intellect. Because the greater the degree of rationality, the more power they have, and ultimately the superior position.

So it can be said that the European Union has accepted the same principle in setting entry conditions for other people. The political situation and the degree of enjoyment of power determine who can freely enter and stay in the EU and others not. Carens argues that it is fundamentally accepted that the general idea and the principle that open borders threaten national sovereignty has led some to defend closed and limited borders. Furthermore, completely deny the public the right to move freely and cross borders. Because today's world is a collection of independent political units, and everyone rules their borders (Carens, Joseph, 2013), this means that the EU

has a double standard for individuals. If we are all free according to this principle of human rights and can equally travel or live anywhere in the world, some cannot be considered as such and others as not, unless, as mentioned, by accepting the unique definition for equality like and connect it directly with power and position.

According to the rest of the Code, *“Member States shall introduce penalties, in accordance with their national law, for the unauthorised crossing of external borders at places other than border crossing points or at times other than the fixed opening hours. Those penalties shall be effective, proportionate and dissuasive”*(Official Journal of the European Union, 2016); non-citizens are not only allowed to enter the European Union but will be punished if they enter and stay longer than allowed. Spinoza's interpretation of equality seems quite evident here. The position of individuals causes them to be punished by individuals or bodies that have superior power and position. Because, morally and human rights, these people have not made a mistake in seeking to be punished and compensated, and they have not even made a mistake in the liberal and egalitarian idea of democracy, so what allows them to do so? Spinoza's interpretation can only justify punishment for the number of days left. Reminding the point here is not legal but moral and philosophical. The question is not whether any breach of the agreed contract is subject to compensation under contractualism but whether it is morally permissible to enter into such unilateral contracts knowing that our counterparty has no choice but to do so.

- Article 6; *“Entry conditions for third-country nationals”*

Here, a phrase indicates a significant difference will come across: those who do not belong to the European Union and therefore do not enjoy the freedom of movement. Moreover, in the same paragraph, we find a significant difference between the parts of humans entering into a region of the planet. The question that arises here is who are the third countries?

According to European Commission, *“A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union right to free movement.”*⁴⁸

⁴⁸https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/third-country_en

What seems here is the difference between EU citizens and those who belong to the third countries. As noted in previous chapters, the various definitions of democracy have one thing in common: equality and freedom among human beings. Moreover, according to them, we, as human beings, cannot treat another in a way that undermines his human value. On the other hand, according to contemporary teachings and must respect all human differences, including physical, intellectual, and cultural differences, so how can it be justified that a group of people prevent another part from entering the land?

Therefore, this difference between third countries and member states of the Union cannot be justified by this criterion either. However, at the same time, it can be said that the main difference between third countries and the Union is in their position. If we look at the list of third countries, most of them are countries with comprehensive problems such as poverty, insecurity, and discrimination, and in fact, there is a big difference between the situation of these countries and the countries of the European Union.

The question of the status of third-country nationals and the differences they see in their standard of living in and with these countries is not limited to some apparent cultural differences. Max Roser says that global inequality goes back to where somebody was born because it is a decision that does not depend on any choice. *“The extent of global inequality – it is not who you are, but where you are”* (Roser, 2013) because where we are born can significantly determine how healthy, happy, rich, and educated each of us will be in the future. Furthermore, for that reason, he sees the human duty of the people of affluent countries as creating an opportunity to change the lives of people suffering from fundamental inequalities.

Roser believes that in addition to being moral, it is also realistic because if inequality continues today, it will affect the lives of future generations. Therefore, it can be concluded that most of the third country people who seek to reach and enter European countries are other human beings who were born in a place on earth where inequality has affected their whole life and prevented them from reaching their basic desires.

However, Fiona Robinson considers the ethics of care as a global solution to eliminate inequalities and believes that due to its high capacity, it can solve conflicts and problems globally because every human being has a vital role in the world around him or her. She says: *“A feminist ethics of care reveals the existence of multiple, diverse, and crosscutting relations among a variety of global actors—including migrant caregivers; their husbands/partners; their children; the children for whom they care; their women employers; their male employers; their home (sending) states; the receiving states; and various social and political associations of migrant caregivers in receiving countries. Many of the relations among these actors span both physical and discursive geographical spaces; others, however, are located within one physical space (such as relations between husbands and wives and migrant caregivers in the space of the home). While some of these relations are between individual men and women, or individuals and collective actors such as states and their institutions, other relations are primarily at the level of structure and/or discourse”*(Robinson, 2015).

In summary, third-country nationals have entirely different situations and conditions compared to Union members. It means that, in fact, not only do they need a visa to join the Union, but they will not be allowed to stay for more than six months if they are allowed to enter. Of course, the restrictions continue, and the person who wants to enter one of the member states must officially explain to the Union and finally prove the purpose of the travel, where exactly he resides, and most importantly, the financial situation. Moreover, amid all these inspections, inquiring records from Schengen Information System⁴⁹ is logically and necessary to maintain the security of the Union and its residents and check that they are not threats to the EU in any manner.

Therefore, it was found that people who want to join the Union from a third country will have different conditions with the Union members. In this way, a person belonging to one of the member states does not need any document to cross between the countries of the Union, and all the routes are open to him or her without any restrictions. However, the case is different for Asian or African citizens. The rest

⁴⁹https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en

of the world is considered potentially a threat due to this part of Article (1), which indicates all restrictions are due to *"public policy, internal security, public health or international relations of each member state"*. Furthermore, even after fulfilment the conditions that have a long process and are accompanied by many limitations, the visa officer has a right to ask about more documents- unlimited- besides asking about the traveller's purpose for entering the European Union, his or her money, the inviters and the address of the place of residence and the amount of money that comes with it and the correspondence of that amount with the expenses of the travel.

Moreover, if the responses do not convince the officer, he or she cannot enter. It may seem trivial, but on the one hand, it violates the right to freedom of movement, and on the other hand, there is no fair process for refusing and accepting people to enter Europe. For example, many parents cannot join a Union when their child needs help or needs to be with them for any reason because getting a visa, even for a few days, is practically impossible for some residents of the countries.

Of course, the same essential conditions and needs change among third countries. In the sense that the applicants for entrance to the EU that belong to these countries - and their number are not minor- basically cannot apply for visas at the border like everyone else. *"Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement"*.⁵⁰ Furthermore, they have to go through much more complex, complicated, and lengthy steps in their own country and through embassies, which in many cases is frustrating.

The difference is our debate's keyword and the most basic and obvious things we deal with in this world. From differences in language and culture to differences in belief and gender, and race, each gives us a particular characteristic that makes us different while being similar. However, what is relevant to this section and has created an insurmountable contradiction is that if we humans are forced to migrate for some reason, should these differences be taken into account?

⁵⁰<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1806>

A global genetic study shows that differences in the human species are due to genes and complex genetic differences on the one hand and environmental influences on the other. That is, it is not possible to prove whether our human phenotypic differences go back to our genetic differences or that it is simply natural selection that separates us (Guo, J., Wu, Y., Zhu, Z., Zheng, Z., Trzaskowski, M., Zeng, J., Robinson, M. R., Visscher, P. M., & Yang, J., 2018).

Therefore, according to these scientists, although we all differ in genes, the human gene is all the same. So there is no scientific reason for discrimination. However, even if we accept that we humans are different because of our skin colour, race, religion, and gender, since we live in the twenty-first and not the eighteenth century, these differences still cannot be used as a basis for discrimination.

In addition to the second Article of the Universal Declaration of Human Rights says: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.”* So, where does this discriminatory difference for non-European citizens come from? In other words, what is the argument behind all these questions, answers, documents, permits for a multi-day trip? Apart from all this, has this clause prevented a criterion for judging between human beings and using different behaviours?

What needs to be said here is that the EU can undoubtedly act on any policy it chooses and set border laws, and no one can politically challenge this type of EU law. In other words, it can be democratic or totalitarian. However, what creates the contradiction is the valley of morality. The EU's moral compatibility with such discrimination is lost. That is, if the EU seeks to close and limit its borders to non-Europeans, it does not in itself realize any political, legal, or, even slightly negligent, moral forms. The problem starts with the fact that people's criteria for closing and opening borders change according to irrelevant criteria. The moral problem is that the inequality and discrimination of immigrants cannot justify the Union's border

policies. On the one hand, we see free and unconditional movement, and on the other hand, we see all kinds of laws that deprive people of even a short stay.

Moreover, there is no moral standard for this difference, and the only criterion needed is money and the economic situation. It may appear that this issue does not have moral and political problems in itself. Any country and any military can use financial conditions as a benchmark to open its borders, but why is this moral contradiction for the EU?

Firstly, as mentioned, at least three international conventions for the protection of human rights have been signed by the Union - as shown above - and secondly, one of the goals of the Union is to promote global peace and equality - as shown above - as a result of the because of the above, the European Union intends to pave the way for the entry of people, most of whom have escaped poverty, war and global inequality.

While caring looks at the issue as a human obligation, and in the words of Engster, if traditional moral proponents consider reason as the moral foundation that compels people to consider it, emotions in the ethics of care require us to help, understand, and prevent suffering others. Furthermore, this is a unique moral imperative that must be met directly to meet the needs of others to enable them to make progress in their lives (Engster, 2007).

This debate shows the extent to which EU border policies are handled. The question now maybe, how can emotions and empathy, one of the primary meanings of care, be used in border policies? In other words, can compassionate feelings have a place in border policies and security? However, as has been shown, the EU's border policies towards third countries are not defensible even on the basis of liberal ethics and democratic goals such as global justice and the elimination of inequality.

It is one of the main criticisms of care ethics. The prevailing view of traditional ethics considers this ethics capable of resolving trivial issues. However, Rita Manning has shown that what care ethics seeks is not limited to maternal feelings but that this ethic invites us to change our tools and solutions to complex issues, such as borderline policies. For example, in one of the juridical cases in the United States,

*Moore v. Regents*⁵¹, we find Rita Manning as a care ethics theorist who questions the court's ruling by the failure of empathy. By remembering the court's process, she claims that if the Supreme Court observes the issue by the ethic of care in general and empathy as precise as the virtual guide, the verdict would be different and more ethical (Manning, 2015). Because this court ruling, like most of the rulings in general, is measured only by the standard of justice and is devoid of empathy and care while ignoring many aspects. She uses care into a vast function and integrates it with human issues. Like other care ethic defenders, Rita Manning characterizes care as an essential need in all categories by highlighting the element of empathy in it as a key. She believes a caring approach causes having a society that consists of different communities full of understanding and sympathizing, and like other favourable feminists, care is the counterpoint of justice, which is inspired by Kantian ethics.

If it is said that the visa requirement is not a reason to close the borders and anyone can enter the EU with a valid visa and travel documents, the answer should be that first of all; visas are not available to everyone, that is, it is not the case that anyone applies for a visa. The visa process itself and the obligation to enter indicate fundamental discrimination, while the terms and conditions of the visa indicate more decisive and more fundamental discrimination. Discrimination is based on the economic and geographical differences of individuals.

Therefore according to this part of the Schengen Borders Code; *“they justify the purpose and conditions of the intended stay, and they have sufficient means of subsistence, both for the duration of the intended stay and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully.”*

At least morally, the justification of the criterion of these fundamental inequalities is impossible. Because even if we assume that any country can determine the limits of

⁵¹ John Moore asked a treatment for leukemia at the University of California. His doctor, David Golde, recommended removal of Moore's spleen and then he used Moore's cells for research without Moore's permission. Then and with collaboration of the Regent of the University of California established a patented cell line, and made a significant amount of money from the cell line. And Moore sued them for the lack of information of financial interests which they received in his cells. Finally, the Supreme Court did not accept Moore's realization and this became a subject for care ethic feminists to defend their idea.

its sovereignty - which it does- it cannot be accepted that these discriminatory laws are moral at the same time. In this last paragraph, it is clear that immigrants are perceived as potential threats that should be rejected rather than accepted, while the reverse process has always been logical and correct, that is, the principle of innocence.

There are different interpretations about the principle of innocence according to different laws and approaches. For instance, one of them consider this principle as “a selective presumption, contingent on prior conditions of social status or prior conduct”, but and In contrast to the continental European school of thought that treated the presumption of innocence as dependent on factual preconditions, canonical law treated the presumption of innocence as a general principle - applicable to all individuals. This approach was based on the assumption that a person is good by nature. Kitai observes the fifteenth-century secular law of Italy as a kind of presumption of innocence and also a general principle rooted in natural laws and, at the same time, is in contrast to other European law traditions that considered this presumption as proof of innocence for a person who had a good reputation and proper conduct in the past (Kitai, 2002). Also, it can refer to the Green Paper⁵², and a principle recognised explicitly in criminal law by the European Union.

- Article 7; “*Conduct of border checks*”

This term indicates that the border guards are obliged to treat all people following the inherent human dignity, and nothing, including gender, race, religion, physical or age conditions in the decision-making for visa granting, should affect them.

The problem that remains unresolved here is that no one can justify this inequality and give a moral reason for it. It is because the two scales are not essentially the same, which has led to inequality in all aspects and parts of the Union's border policies. In other words, the meaning of individuals in Schengen law is not the same, and individuals are fundamentally different from each other. Some have the right to pass freely and unconditionally, and others not only do not have such a right but also need a series of requirements to achieve this right if they do. It is true that this section is ideally in line with human dignity and shows the morality that is expected

⁵²<https://eur-lex.europa.eu/legal-content/GA/LSU/?uri=CELEX:52006DC0174>

of a democratic set, but it can be said that it cannot be justified morally. Because if we start from the end of the phrase, we come to a prohibition that contradicts the most basic principles of democratic freedoms: the obligation of a visa.

This example can make this part more tangible; if a person is dying of thirst in the desert and there are other people a short distance from him or her, who have water in their territory, our morality requires that providing water unconditionally and no one has any doubts about that. Now imagine that the same people bet on delivering water to their thirsty fellow human beings, and not only do they pay attention to their emergency, but they also make conditions that practically prevent them from accessing water. Here, too, when the premise is based on inequality, conditioning and defining any other task has priority.

In this regard, Carens says: *“Although, the very idea of constitutional democracy is built upon the notion of self-limiting government (that is, that states have the capacity to restrict the exercise of their power in accordance with their norms and values). There is nothing in the nature of sovereignty that prevents a democratic state from recognizing that outsiders are morally entitled to enter and settle on its territory and that it has an obligation to permit them to do so, at least under normal circumstances. It may be unlikely that democratic states will agree to recognize such a claim, but that does not make the idea intrinsically incompatible with sovereignty”* (Carens, Joseph, 2013). Carens wants to show us the difference between the two levels of authority, the principle and the sub-principle. When the principle of a subject violates a moral and even legal principle, the addition of conditions and benefits are sub-principles that do not diminish the contradiction of the subject.

It seems the conditions of borders such as the Schengen borders where third-country nationals cannot enter at all upon arrival in the country in question are similar to the conditions of the emergency department of a hospital. If a patient is not treated promptly, he or she will suffer further and sometimes irreparable damage. The same is true at borders. When they reach a European border in a situation where they have gone through hundreds of dangers and hardships and in most cases have escaped the danger of death, they should be noticed and taken care of at the beginning of the arrival, because it happens at the worst time and place that suffers more risks and more severe damage if not treated in time. As this Afghan refugee

says, "I didn't care about borders. All I cared about was to save my life, seriously. I thought I could find a safe place and find work and that's all"(V. Squire, A. Dimitriadi, N. Perkowski, M. Pisani, D. Stevens, N. Vaughan Williams, 2017).

- Article 8; "Border checks on persons"

The law focuses on the rights of border guards to inspect the vehicles and the personal belongings of those who intend to cross the border. It can be said that taking care of the safety and health of the Union and its members is one of the goals of the Schengen area and also is a part of intergovernmental cooperation between the five countries of the European Union, which of course now includes 26 European countries. In such a way, these countries have no internal borders, and instead, common borders are defined as their external borders. As a result, maintaining the security of the Union is very difficult and precise, and there is no doubt that the inspection will be carried out correctly (Papademetriou, 2013).

The inspection calls a *minimum check* and must be done under both the general laws of the Union and the national laws of the countries. Here again, we encounter three cases that are not very justifiable. First, the existing laws for people inside and outside the Union are different and create a profound distinction. While some do not require any inspection, except in rare cases, another group encounters a variety of inspection levels and is necessarily applied to them. Secondly, this essential inspection applied to members of third countries reinforces the view that they are potentially seen as a threat. Otherwise, what is the logical correlation between inspections to maintain security and exclude some individuals? If security is to be ensured, everyone must be inspected equally. Third, border guards can ask for any documents and inspections they deem necessary, which means that the law leaves them free to make decisions based on what they think. In this case, what guarantee is there that the relevant officer will decide pretty and out of absolute necessity towards the immigrants or travellers and that his behaviour will not arise from his personal views?

In this regard, Moreno considers any demarcation not only prevents the control of immigrants and the phenomenon of migration but also strengthens insecurity and creates grounds for illegal activities. He lists the reasons as follow:

“First, it leads to the disempowerment of migrants, who are left with no options for safe and legal escape, being instead coerced into dangerous courses operated by smugglers,

Second, it legitimizes the actors enforcing externalized control on behalf, and for the benefit, of the European Union and its Member States. Repressive forces in third countries gain standing as valid interlocutors for cooperation, as a result; their democratic and human rights credentials becoming secondary, if at all relevant, as the Libyan case illustrates below,

Third, legal alternatives, like the relaxation of controls or the creation of safe and regular pathways, are rejected; perceived as an illogical concession to the failure of the externalization project,

The final outcome, and what constitutes the focus of this contribution, is the ‘border-induced displacement’ effect, resulting from the combination of the processes of extra territorialisation and externalization taken together. Border-induced displacement is not equivalent to the original reasons forcing people into exile, but rather functions as a second-order type of (re-)displacement, produced precisely via (the violence implicated in) border control”(Moreno-Lax, 2019).

As a piece of proper evidence to prove what Moreno mentioned, here will cite a history of those people with regular status who are often exposed to various forms of exploitation at the border, mainly by human traffickers. Because, as this Afghan refugee says, their goal is only to enter Europe and not a specific country, so the smugglers can take them from one border to another with false promises and finally release them. Moreover, no one knows about their fate. Alternatively, a young Cameroonian woman abducted in Libya with her children for five days without anyone knowing it. *“In the sea I saw corpses, people crying, and boats capsizing. I fell at sea, and I do not know how to swim. And it is not a small pond, but a vast sea”* (V. Squire, A. Dimitriadi, N. Perkowski, M.Pisani, D. Stevens, N. Vaughan Williams, 2017).

However, the above applies more to the external borders of Schengen. Nevertheless, in general, the problem does not make a difference. Because, in the situations where there are all kinds of unilateral inspections, and there are severe

restrictions on the entry of people, the special conditions of people in some situations such as fear, weakness and harm can be much easier, for example, smugglers or anyone else taking advantage of these critical and vulnerable situations. As a result, if one person has the right to cross unconditionally and the other party does not have any right to enter the area, this unilateral right causes the party barred from entering to resort to any means to enter the Union. While the authorized party can also take full advantage of this - in any way - this is, in essence, a violation of the security objectives of the European Union.

The question may arise how the ethics of care can question a series of legal issues agreed upon by the majority and offer an appropriate solution? It should be noted here that the ethics of care does not seek to change merely these rules but to change the approach. For example, if we cannot abolish border inspection and control, we can choose a manner as a solution and implement a policy that harms fewer people and puts more people in the spotlight.

Like what Meagher and Parton suggest, they consider the ethics of care as a necessary condition for progress in the modern world, and therefore the involvement of the care approach in both politics and society is essential. In their view, what we see today as management and related techniques in all matters is a masculine solution to the problems caused by men themselves, which are "*relational bureaucracy and professionalism*" as the masculine ideals, moreover, all the problems and disorders in politics and society today result from the domination of these masculine ideals. That is why we need a view in which other ideals are at stake. For example, the idea of care as a female ideal can solve many of the problems (Meagher & Parton, 2004).

- Article 9; "*Relaxation of border checks*"

This part of the discussion also does not erase the essence of the issue and cannot be reconciled with the principles of care and immigration ethics, based on democracy and justice. The issue here goes back to the differences between individuals and the Union's different approach to individuals that ignores equality between human beings. As shown in the ethics of care, everyone has a level playing field. Because of being in that human network, no one has a higher position than the other, and the only concern is to take care of each other by any means.

While border inspections and various laws, large and small, with this approach are fundamentally different, creating two or more different levels of individuals and their powers. While this hierarchical view, as mentioned earlier, is a view that is specific to liberal and masculine ethics, and for this reason, Tronto believes that it is a network-oriented view that enables this ethic to reform all matters, especially political matters.

She states: *“care is a necessary, though not by itself is sufficient, part of our account of moral life. To address and to correct the problems with care that we have noted requires a concept of justice, a democratic and open opportunity for discussion, and more equal access to power. An ethic of care remains incomplete without a political theory of care”*(Tronto, Joan C., 1993).

This difference in level is formed here so that a group of people - who are usually illegal immigrants or seasonal workers in this situation - reach the Union border after a dangerous and unsafe journey and face a closed border. They do not have equal priority here and have to wait for someone who can allow them to return and start operating at the border. We are dealing with two groups of people at two completely different levels, a group of people who need care and attention and the group that is responsible and has the power to solve their problem. Nevertheless, contrary to the principles of care, we are not dealing with a human network here but with a fundamental difference in authority, responsibility, and needs. This level difference ignores the moral obligation to care that was shown in Chapter 2 for all human beings as moral agents.

Although, the EU believes that the purpose of creating the Schengen area is not only to restore the right of free movement for its inhabitants but also to design and maintain security throughout the EU. Cooperation between members allows them to have a unified approach to non-Union members. This unity of strategy forces member countries to use standard criteria to control the entry and exit of third-country nationals and thus achieve security in the Union (The Schengen area and cooperation.2020).

However, as noted, the claim is not that the security of the Union is weakened, but rather that the discussion here is about changing the inspection procedure and related matters within the framework of ethics of care. Furthermore, if it is repeated that moral issues are fundamentally separate from legal arguments and justifications,

its moral weakness towards third-party immigrants cannot be ignored, and this justification is accepted. Instead, according to the ethics of care, our responsibility as moral actors exists and does not disappear in all matters, including security, politics, and international relations.

Some advocates of care ethics, such as Rita Manning, believe that, ironically, care ethics is the only ethic that can balance rights and ethics. In her article *Care, normativity, and the law*, she says this ethic has failed to find its place in legal debates for three reasons this ethic has failed to find its place in legal debates for a reason. In other words, they have closed the roads on it. The first reason is that many consider care practice as an only feminine issue, which women perform as their motherly duties, while this morality, according to Manning, can enter many sciences, including law, due to the breadth of the subject. The other reason is that many jurists emphasizing the application of the law consider the ethics of care as a normative ethic, which in practice cannot solve serious legal problems. However, Manning also rejects this and does not regard the ethic of care as merely normative, nor does she accept it as merely an emotional ethic that seeks to justify things and phenomena solely by relying on emotions, as Hume did. Instead, she believes that the ethic of care, with all its interest in emotions and considering it, has accepted "*ordinary moral intuition and social action*" as the basis of its theory (Manning, 2015).

Perhaps before an approach called care ethics was developed, raising such issues seemed fundamental, not only worthless but also ridiculous. There was no legal or formal justification for questioning the border inspection and assessing its performance regarding the quality and quantity of attention paid to immigrants. The characteristic of justice-oriented ethics was that it performed its duties only by performing the employee's duties in question. Nevertheless, in the ethics of care, with definitions and concepts such as caring for others, caring for the other, and the interconnected human network, it can start with the seemingly insignificant and, as Manning and Tronto have been shown, extend to the courts and politics.

- Article 10; "*Separate lanes and information on signs*"

By establishing these Schengen Code and other border policies, the EU is maintaining security among its members and, at the same time, fully respecting the fundamental rights of individuals. It complies with and does not contradict the

mentioned laws and principles. But there is a fundamental problem with the word “individuals”. The problem starts from here, the people in this Union are different from others, and their rights are also different from each other. This dual definition of “individuals” goes so far as to suggest completely different consequences for the same behaviours.

When we observe that the passengers have to use different lanes to enter the European Union depending on their nationality and residence conditions, it means that citizens of the Union, for whom the law explicitly allows freedom of movement without any restrictions, are separated from third-country nationals who do not have a residence permit or a long-stay visa. It means these separate queues are not just some airport signs but signify a profound difference rooted in time and place. The people in these queues are each a function of a specific time and place that allows them to cross one line freely and not the other. Perhaps at a general look and per the masculine ethics approaches, it is essentially without value that the sealing passport and travel documents have a moral concern or not. The assignment is clear and not at all in ethical studies. Nevertheless, precisely the various definitions of ethics determine the value and importance of affairs for us. However, when we confront what Engster has been said: *“it is our universal duty to care for others”*(Engster, 2007)it turns out why we have some concerns in this particular approach.

It has an express agreement about the approach of care that can be distinguished from other existing theories. If care is considered a process, many proponents of care ethics believe that they can solve problems that remain unresolved in other approaches, particularly the justice-centred approach. Also, this ethic can solve problems that are not fundamentally considered in other ethical approaches, and that is why care-based philosophers consider care ethics both quantitatively and qualitatively can solve all human problems. Quantitative reason means that the care approach is not limited to one area because it can enter all areas and solve problems at any level and area. On the other hand, it can solve problems qualitatively in the best way by relying on the concept of human-related networks, by taking equal attention and care for all people.

In this regard, Rita Manning has defined four stages;

The first stage or the turning point is a kind of moral attention. This attention makes our perceptions and actions in different situations different according to those circumstances. In the second stage, when our approach is to pay attention to others, this attention in the context of morality causes us to understand those in an unfavourable situation sympathetically and therefore provide their needs and desires as our moral duty. This understanding must also include realizing the other person's human dignity. The third turning point in the care process is the awareness that relationships between individuals also shape their identities and interests.

On the other hand, care is at the core of our ethics, and human relationships must be shaped by it. The last step is the step that should lead to the creation of care networks. Networks are made up of people who are not just trying to solve the problems of other networks members because they know that sometimes we cannot achieve results that are both relational and ethical, but we can comprehend the people involved, and their feelings and problems are heard and felt, and it so happens that the person has done a moral act (Manning, 2015).

It means that the caregiver helps the care receiver in a way that impairs his or her self-esteem. Therefore, the more a person adheres to the principle of care ethics, i.e. this central core, the more he or she has supported and strengthened human relations. Expressing these four stages, with all their quantitative and qualitative differences, she considers it a sign and reason in defence of care ethics. In her view, even in some societies, despite the prevalence of a culture of care, we do not see much self-esteem, but what should be noted is that the ethics of care has paid attention to this issue and incorporated it.

- Article 11; “*Stamping of the travel documents*”

Except in exceptional cases, entry and exit stamps are required for third-country nationals, and the law even stipulates that if for any reason their travel documents are not stamped upon arrival and departure, they should ask the border guards to stamp their travel documents. Some cases include people who have travelled to the Union for some diplomatic missions or are one of transport companies' air or sea crews. Also, if stamping on a person's documents poses severe risks to him or her, the entry and exit stamps will be stamped on a separate sheet for him or her. However, the entry and exit of a third-country national to the European Union must

be carefully recorded. On a general view, this issue has referred to the different fundamental definitions about the individuals who observe people differently: care, justice, and equality.

Virginia Held believes that our moral responsibility not only focuses on meeting the needs of others, but it is also our moral duty to understand others' emotions. Held contrasts this approach precisely with liberal individualist theory, which defends an abstract ethic of neutrality and the distinction between the private and public spheres. The moral principle for Held, like other care philosophers, is the relationship one person has with another to understand his or her emotions and doing something that can benefit others by an increased feeling of well-being on both sides (Held, 2005).

Moreover, if we look again at Rawls' concept of distributive justice, as Morlino puts it, we come to a close relationship between equality and justice, and their close and intertwined relationship cannot be denied. Moreover, if, on the other hand, we look at freedom as an individual value and equality as a social value, and any definition of equality and freedom that we offer, their violation leads to injustice and psychological dissatisfaction of the people (Morlino, 2020).

Such cases hurt some people's feelings and even their dignity by seeing the root of the difference in the passports they hold; perhaps it can be seen incompatible even with a view equal to the axis of liberal ethics. As shown before, the Union's border policies treat individuals in very different ways, with very different rights and obligations. However, from a cosmopolitan point of view, this is not justifiable either, because any kind of restriction on entering and leaving a part of the world that no one can claim to own is not justifiable.

We need a caring culture that embraces women's ideals, which should include everyone without any distinction. Alternatively, according to Meagher and Parton, gender segregation in its fundamental sense is not allowed, and we are facing the segregation of gender cultures. While men's culture relies on ideals such as economics, propaganda, reason, separation, justice, doing things, women's culture supports society, privacy, emotions, communication, care, existence, and subject matter (Meagher & Parton, 2004).

The main point here is that stamping on passports can be examined in several ways. For example, if we refer to the principles based on maintaining sovereignty and security, stamping passports is unquestionable and necessary. A sovereign government should not allow the security of its country to be undermined under any circumstances. Nevertheless, as it has shown, it can be criticized if stamping passports and any other behaviour reflect differences in rights and freedoms and equality. Of course, as mentioned before, given the principles of cosmopolitanism, basically most of these restrictions are unacceptable. However, even from a non-patriotic position, it can be said that. A different approach between third-country and European nationals discriminates against a simple act. In particular, this paragraph of this regulation requires the passenger to ask the border guard to stamp his passport on entry and exit. The fifth part of this article says: *“Whenever possible, third-country nationals shall be informed of the border guard’s obligation to stamp their travel document on entry and exit, even where checks are relaxed in accordance with Article 9⁵³.”* It may be trivial for people who have never been involved in these issues, but in many cases, it is very problematic for immigrants and passengers who do not know the law - even the details. Really, why should a human being need a hierarchy of bureaucracy to enter another country, and he or she should be required to pursue things that he or she is unaware of, and if a passenger without an entry and exit stamp is questioned later, he or she again is to blame.

- Article 12; *“Presumption as regards fulfilment of conditions of duration of stay”*

The entry and exit stamp requirement are because the EU wants to ensure that the third-country national has complied with EU rules on length of stay and declaration of entry. In this regard, he must provide any kind of document or evidence that the relevant officer asks of him to show that he has complied with the time limit.

Now we can deal with another question from the proponents of EU policy. Maybe they claim that even if we assume that the EU differentiates between the Members and third-countries individuals and has assumed this principle in its policies at all, it is legally acceptable and according to the international law. They will refer to the principle of sovereignty, exercising a government's authority. Whether we consider

⁵³<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0399>

the Member-states of the Union as the main power or the European Union itself, they both have the legal right to exercise sovereignty over their domestic and foreign policies and decide independently. However, this argument is not justified by the ethics of care because one of the most important principles is the obligation to care. In other words, care in this ethic is not optional but a moral obligation, and there is no difference between people who need care. Thus, although the existence of double standards may make these cross-border policies unacceptable under domestic or international law, in the area of the care debate, the very essence of not paying attention to others in the intertwined network of human relations is immoral.

Fiona Robinson is one of those who claim that care ethics is not just theoretical ethics but several laws that can be observed interconnected as a care-centred policy. She believes that caring has the potential to be seen in the micro and macro contexts and be an influential factor, so it can take a practical stance on feminism and politics. Explaining how care ethics work in politics and the impact it can have on the field as a whole, she said that just as care ethics was able to cross the line between women, regardless of culture, race, or class to connect, so in the world of politics has the same capability. This ability is the core of ethics with a caring approach. Care is a trait that can be confined to both the small family environment and the broader field without changing its function, i.e. politics (Robinson, 2015).

According to Robinson, if the relationship between individuals is in the form of caregivers and the cared for in the family, the same view in the world of politics should reflect. The proposed way is as follow: *“Indeed, the relationality of care ethics should not be limited to a simplistic understanding of the relation between “carers” and “cared for;” rather, a care perspective allows us to see politics, across multiple scales, as relational. Categories such as “strong and weak,” “North and South,” are relational in nature.”* What can be deduced from her view is the wide range that she considers and proves for care ethics. Using the family model, she shows that just as a healthy family benefits from a care-oriented relationship, a healthy society and a healthy world should follow the same pattern. By mentioning two common terms in political science, she reminds us that the distance between the strong and the weak countries or the north and the south must be reduced with care-oriented ethics to have a refined and ordinary world (Robinson, 2015).

Adding this section, it may seem that what is the connection between the restriction of days of residence for non-Europeans in the Union with the ethics of care and politics? Moreover, can a legal restriction that does not violate any right be considered immoral? The very value and essence of care ethics are shown in these topics. First, legal restrictions can be immoral, but they can be. It goes back to the same different approach to justice and care. It is unethical for an institution to formulate its macro-policies so that the micro-rights of others are violated. When there is a restriction of residence, the issuer of the law, without any attention to human affairs and matters that occur or are not known to anyone, issues a ruling and makes a law, which shows that it is against individuals. That the law applies to them is neglected.

As a result, it is very superficial to look at this approach to law only at the level of wisdom and personal matters. Instead, the goal is to show that sometimes a seemingly customary law, principle, or condition in the field of law and politics can be seen from another perspective and become aware of its macro effects. Ethics of care always claims that in other traditional ethics, human emotions and relationships are not given moral value, and that is why creating a limit of a few days during a traveller's stay is not a concern. Nevertheless, from the point of view of care ethics, a simple case like this can be considered immoral because it deprives people of their rights and ignores their wishes.

In this regard, Carens says: *“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. The radical disjuncture that treats freedom of movement within the state as a human right while granting states discretionary control over freedom of movement across state borders makes no moral sense. We should extend the existing human right of free movement. We should recognize the freedom to migrate, to travel, and to reside wherever one chooses, as a human right”* (Carens, Joseph, 2013).

It is precisely why these seemingly minor differences and these accepted political and legal laws cannot be considered moral. When the nature of human beings is

entirely similar to each other and even their desires and aspirations are very similar, then why does the citizenship law override all these common characteristics and, in many cases, treat them in a discriminatory manner?

- Article 13; *“Border surveillance”*

Monitoring the borders of the Union to prevent the unauthorized passage of people from non-member countries is unavoidable and very important. Cross-border surveillance should be carried out by border guards whose numbers and methods are consistent with the existing or anticipated dangers and threats. It should include frequent and sudden changes in surveillance periods so that unauthorized border crossings are always at risk of being detected. These surveillances are carried out both by individuals, i.e. border guards, who are constantly and unexpectedly changing, and through electronic means. However, they all have the same goal: to arrest people crossing the border illegally.

The issue here is to monitor the illegal passage of individuals across the Union's external borders. If we put aside the cosmopolitan view and do not deal with the necessity or non-necessity of such monitoring tools and policies at the moment, according to the ethics of care, this monitoring should be done only and only for the care of individuals. Now consider that most people who want to cross the border like this do not have enough money and knowledge of foreign languages, and they may have fallen into the trap of smugglers and squandered all their capital. Is this oversight in a way that takes this into account? Or is anyone who crosses the border illegally guilty and should be punished? What if, by mistake or the darkness of the path and the fear and illiteracy and thousands of other factors that potentially exist in such a situation, someone entered a sector that was not allowed or did something that was defined as illegal in the context of border policies? Is such a person guilty again?

The ethic of caring pays attention to these things and highlights these hidden and neglected angles for us. According to the definition of care by Engster, it will clear again that there is no difference between “individuals” and that each alone has a value that cannot be neglected and should be taken care of. He says: *“Caring is defined as a practice encompassing everything we do directly to help individuals*

satisfy their basic biological needs, develop or maintain their basic capabilities, and avoid or alleviate pain and suffering” (Engster, 2007).

By observing this definition, we can conclude that Engster attributes some natural features for the ethics of care that enable it to be a political theory from one side and clarify its meaning about the individuals. He believes that it is an act, and we should do it often as something like our social custom or even moral responsibility in a wide range of every aspect of our lives- as caregivers- and others’ lives- as care receivers. Caregivers found three moral duties by their definition of care. First, they must meet all the basic needs of caregivers, especially the biological ones; second, they must be allowed to improve their basic abilities. Caregivers need to help care receivers achieve their goals and aspirations. Finally, caregivers must avoid bad things that make recipients' lives more difficult to tolerate or cope with. All his emphasis is on his individual and moral duties, but we see no sign that one is different from another because of his affiliation with particular geography or particular political system, or any other such factor. What is the boundary between people, according to Engster, is only their ability to meet the needs of others and nothing else. He believes in anyone as a caregiver who can solve another person's problem or be an obstacle so that he does not suffer more(Engster, 2007).

The ethic of care requires us to act like a family in all situations. Furthermore, to do our moral duty to all people in the way we do for our families because we are all moral actors who are not deprived of caring for us. What is emphasized in the ethics of care is that the duty of caring for anyone and in any situation is not taken away and seems to be talking about the need for a moral obligation in the world, the primary model of which is the family. In other words, none of us considers caring in the family as an extra kindness, but incidentally, the sign and criterion of a healthy family is the existence and strength of the element of caring among its members. Only as such an obligation is felt and defined among family members, so is the same obligation among world members. This surveillance is no longer a mere moral principle, but a duty that solid countries such as EU members have towards third countries, and the EU's border policy can be a benchmark for measuring the presence of a core element in EU policies. Now, if it is said here that the European Union is responsible for taking care of its own family and is doing its duty well towards the Member States, then this argument is rejected based on the ethics of

care because, in this ethic, human beings are equal and connected in a network and do not consider individually. Therefore, our moral obligation is not only necessary but must be done equally for all.

Moreover, most importantly, caring for one another should not be seen as a favour. However, as assumed above, *caritas* as an act, is a moral obligation that seeks to bring the world members closer together after showing that the position of care in the eyes of philosophers of care ethics is a theoretical position and a moral obligation. It should not be considered something dependent on the authority of the moral agent because it becomes a duty as soon as he or she can do it.

We are facing EU policies at the external borders because there is no easy way out for people outside the EU, and there are various structures that are not only not as flexible at the family level as Engster puts it, but in many cases are discriminatory. When we look at Union law in general, it is as if people outside the Union are fundamentally different from what is inside. However, the Union's restrictive policies are not in line with the principles of care ethics, but they are also not in line with the idea of universal justice that removes barriers to growth for vulnerable countries.

- Article 14; *“Refusal of entry”*

It indicates, if a third-country person fails to meet the conditions mentioned in the Schengen Borders Code and also above, he or she cannot enter the European Union, and of course, the decision to prevent the entry issue without any delay and implemented by the legal authority, but the reasons for this refusal must be stated in detail and reasoned. The decision and its reasons must be notified to the third-country person in a determined form. The rejected persons have a right to appeal under the country's national laws that rejected them and not the laws of the Union, although it will not officially stop the entry order even for a time. Moreover, if the appeal is not accepted, the border guards must make sure that the person in question does not enter the Union territory in any way.

The argument here goes back to an objection which, in this view, is contrary to the ethic of care and - further to the ethic of justice. There is no doubt that the EU has a responsibility to protect the security of the EU and its members. Nevertheless, the problem starts here that the definition of a “person” or “individual” in the EU is not

clear. Because the European Union constantly refers to the security and rights of its citizens as “individuals”, but when it comes to third-country members, it makes a fundamental change in the meaning of the “individual” and, as a result, deprives them of many rights. This dual approach is in stark contrast to the ethics of care because this ethic does not make any difference between human beings as individuals and considers care and empathy as the right of all human beings. Perhaps the question arises as to how this issue can be resolved through care ethics? Rita Manning sees care ethics as a process with four milestones, and if we approach any issue, even legal issues where the function of each principle is carefully defined, with care ethics, these are our strengths. They help solve problems. They are: *“moral attention, sympathetic understanding, relationship awareness, and harmony and accommodation”* (Manning, 2015).

Everyone knows that those who are usually barred from entering and denied visas come from countries where there is a big difference between them and Europe in many ways. These differences, which start from natural needs and reach the needs of other levels, are sometimes basically impossible to achieve in the countries of origin, and the individual has no choice but to emigrate. This visa refusal sometimes means losing one life and thousands of hopes. There is no place for it in masculine and rights-based ethics, and when a border guard or embassy official refuses an individual visa for reasons other than security reasons and anything that is a real threat to security, the other official after It is not and its subsequent events and consequences. That is, he is not legally allowed to act illegally. While in the ethics of care, we have to protect the opposite as much as possible and empathize if it is not possible. The fundamental difference in such a case can be seen in one of the most differences between the very two ethics; impartiality.

However, according to one of the main features of caring ethics, impartiality is not a moral basis. Furthermore, all the efforts of care-oriented philosophers emphasise that impartiality is one of the weaknesses of masculine and justice-oriented ethics and should be fundamentally eliminated. Gilligan argues that this inherent flaw in moral impartiality stems from men's efforts to achieve a certain standard that can solve all problems, while these two examples show that this is not the case. We are witnessing now the affirmation of the ethical principles of care. It is worrying that migrants who have escaped from their difficult situation have reached the Union's

external borders with great difficulty, with a view based on impartiality, ignoring all their needs and being sentenced on a basis based solely on a set of principles (Gilligan, 1993).

If it is said that the soldier cannot violate the law in the name of care ethics and follow its principles, because then he or she endangers his or her position, and according to this particular mature view, they must also take care of their own lives. Here must say that they certainly cannot and should not do so. However, according to mature care, if one fails in completing care in the process, it does not mean that one is excluded from the vast circle of this ethical approach but can reduce the level of care. For example, they can listen to the other party's words or sympathize with them or do anything else that removes the bitterness of this non-entry decision from her or him. So, where is the problem? The problem here and in the foreign policy policies of the Union indicates that the difference between people is based on an emergence that cannot be morally justified.

What has been said so far in this chapter is Schengen Borders Code analysis. It is the same general rule that the European Union sets for the movement of third-country nationals, but as mentioned above, some third-country nationals are not allowed to apply for visas at border crossings and need to be in their own country. Moreover, apply for a visa through the relevant embassies. However, the requirements for people in such countries are far more complicated than in other third countries, which are allowed to apply for entry at the border and directly with border officials.

Figure 15. Schengen Border Code (SBC) VS The Universal Declaration of Human Rights (UDHR).
Designed by the author

UDHR articles violated by SBC

- Article 2: **"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status..."**
- Article 11: **"No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence..."**
- Article 13: **"Everyone has the right to freedom of movement and residence within the borders of each state."**

UDHR articles that are minimally overlapped by SBC

- Article 1: **"All human beings"**
- Article 3: **"Everyone has the right to life, liberty and security of person."**
- Article 5: **"... degrading treatment or punishment."**
- Article 7: **"All are equal..."**
- Article 8: **"Everyone..."**
- Article 12: **"Everyone has the right to the protection of the law against such interference "**
- Article 15: **"No one shall be... denied the right to change his nationality."**
- Article 26: **"Everyone..." "...and higher education should be equally accessible..."**

UDHR articles that are somewhat overlapped by SBC

- Article 22: **"Everyone..."**
- Article 25, part 1: **"Everyone..."**

UDHR articles that are mostly overlapped by SBC

- Article 25, part 2 (depending on circumstances such as the situation of the parties and their domestic and religious laws): **"Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."**
- Article 28 (Overlaps, although with different proportions between Union citizens and third-country nationals.): **"Everyone..."**
- Article 29 (Overlaps totally for EU citizens and minimum overlapping for third national citizens.): **"Everyone..."**

UDHR articles that are overlapped by SBC

- Articles 4, 6, 9, 10, 14, 16-21, 23, 24, 27, 30

4.3. EU Visa Code⁵⁴

The Visa Code refers to a set of rules on EU visa policies and standard consular guidelines that have been on the agenda of all member states since the Schengen Agreement and are what is now known as the standard visa. This strategy primarily facilitates legal travel, prevents illegal travel or immigration, and strengthens EU security. Although this section focuses on the Visa Code and its rules, there is no change in the whole discussion. Because there is not much difference between what is stated in this code and what is stated in the Schengen code, except that, as mentioned, they encounter another kind of discrimination that the same limited right is somehow taken away from them. One of these is that basically, the person applying for a visa has no authority to determine their travel limits. If an Iranian or any other person from the second group of third countries, which have to obtain a visa like other third-country nationals, the application process and the required documents are generally different. Here is trying to show some of the items in this code that seem incompatible with the ethics of care and its particular view and the principles and rules of human rights and democratic ethics.

- Biometric identifiers

“Member States shall collect biometric identifiers of the applicant comprising a photograph of him and his 10 fingerprints in accordance with the safeguards laid down in the Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms, in the Charter of Fundamental Rights of the European Union and in the United Nations Convention on the Rights of the Child.”⁵⁵

Here, when the Union states that respect for human dignity is a priority for visa applicants and should be taken into account and calls on those responsible for processing visa applications under the objectives set by the EU, we are in a fundamental contradiction. We face it because many visa requirements, priorities, and functions violate human dignity. For example, the necessity for biometric identifiers is one of the most debated issues in the European Union. Moreover, many reasons have been raised against it for violating human dignity.

⁵⁴<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009R0810>

⁵⁵<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32009R0390&rid=5>

Human biological parameters are not considered a common mechanism in human rights that can be used easily and compulsorily. Because of its critical challenges in maintaining human dignity should be used only in exceptional cases and under special and protected conditions. One of the points that Paul De Hert says in his essay about this criterion is the discussion of its necessity. Due to its accuracy and exclusivity in identifying individuals, the biometric method is a kind of intrusion into the privacy of individuals and should only be used when necessary. In fact, in his view, if there is no strong need to use such a powerful method, its use will not be justified (De Hert, 2013). He goes on to say that not only is the use of this method one of the most challenging human rights issues, but it also contradicts human dignity. He attributes the conflict to the damage done to people during the biometric test. Because when we are assigned to look at the camera in front of us⁵⁶ - and then press our fingers on the scanner to make sure that the results are accurate, they are inspecting and monitoring our bodies or, in other words, our private sphere, and of course, it is an unpleasant feeling that even if these tests are done with the utmost courtesy, respect, and kindness, the human dignity of the people is still harmed.

Here will discuss the root causes of the need for biometric identifiers and human rights, but what is relevant here is that in the visa application process - at the relevant embassies and not at the border. - Despite the submission of many documents by the applicant, which has been fully approved by the relevant ministries and the translation agency⁵⁷, the applicant is still forced to perform biometric testing. This biometric test is not in the absence of other identity verified documents, but in addition to what the applicant has provided and the embassy is sure of its accuracy is still required to perform some biometric tests.

What is a violation of the privacy of visa applicants here is that if such an objection is raised to a violation of the privacy of EU residents while their biometric information is used only for the country concerned or ultimately EU member states in the case of non-EU nationals, the range for using and sharing this information is multiplied. The privacy infringement of a person outside the EU will be even greater. Furthermore,

⁵⁶I remembered the criminals photographed and fingerprinted when they entered the prison.

⁵⁷All documents required to apply for a Schengen visa, including identity documents, must be approved by the Ministry of Justice, the Ministry of Foreign Affairs, and the translation agency approved by the country's embassy.

even according to a report released by the IOM a few years ago, immigrants who undergo biometric identity tests are more prone to privacy breaches and risks for three reasons. The first reason is that their biometric information is stored in databases worldwide with different standards and different approaches to the issue and definition of privacy. Second, as long as there is no coordinated system among all countries at an internationally acceptable and universally agreed level, this risk remains, and there is no guarantee that the immigrants' personal information will be protected. Moreover, third, much of this information is essentially available to private airlines and immigration rather than to governments, effectively eliminating the possibility of more precise and coordinated controls (Redpath, 2007).

- Personal interview

Perhaps we would be astonished if one of us were told that for a multi-day trip, in addition to gathering and presenting all the necessary documents and after months of research, we might be allowed to enter a country for a few days. It is exacerbated when, after all these steps, we are required to have a personal interview in person to be allowed to enter. In such a situation, many of us may skip the trip and do not consider such repeated requests and controls necessary for a trip. But the second group of third-country nationals - those who need to obtain a visa from the source - not only need to have the necessary documents and bank accounts full of money but also to be interviewed to determine if they are eligible to travel to the Green Continent.

Now the question will find: what is the reason for this interview?

Suppose it is only a matter of matching the documents with the applicant. In that case, it is the duty of the airport police alternatively, if it is to match the documents and their accuracy, which is not necessary because, as mentioned above, all documents must be translated and approved by the institution approved by the relevant embassy.

If it is for security control, how can the people's intentions be understood from the outside and confirmed that they are not detrimental to security?

Since one of the most important emphases of the European Union is to prevent any discriminatory behaviour based on gender, colour, and religion, what is the reason for this face-to-face interview? According to what criteria is it determined whether a person is eligible for a visa or not? Moreover, is it possible to value people like that? What is most striking about this is that the definition of human rights among stronger countries is different from what is dictated by weaker countries. What seems to be at stake is that just as we are fighting to eliminate gender discrimination as much as possible, we must also take action to eliminate overt discrimination based solely on geographical, social, and political differences by thinking of a plan that eradicates or at least fades the discriminations which in the name of the law is being applied among human beings.

- Punishment

According to Schengen and visa laws, as mentioned, the presence of more than the allowed number of days within the Union is considered a violation that will be punished and fined. Regardless of the quality and deterrence of punishment or not, this is an important question that arises.

Are these mistakes that a human being should be punished for?

Is it possible to classify such errors in the category of judicial crimes?

If we want to be accountable according to the principles of care, which is clear and according to what has been explained, the answer is no.

Nevertheless, according to liberal and democratic principles, and above all human rights, people cannot be punished for staying for several days or even permanently and simply changing their residence.

Moreover, even if the principles of democracy or liberalism allowed it, was it moral?

Even if we assume punishment as a legal right of the Union, from the point of view of care, it should be borne in mind that the people waiting at the border for visas are often people who are either not financially able to travel by air or are caught by human traffickers. In any case, most people who reach the border at unusual times and in unusual circumstances should not have the exact expectations of them as we would expect from other people under normal circumstances. As a result, there is no

moral reason to punish immigrants or people who have entered illegally, and if anyone should be punished, it is the traffickers who leave them stranded.

As a result, and with few exceptions, the issue of human trafficking in any form is so complex that it is challenging, if not impossible, to separate the guilty, the victim, and the innocent. Furthermore, there is no clear way to determine whether an immigrant who smuggled across the border last night was a victim, whether his or her escape was beyond his or her natural reaction, and therefore should be punished as mentioned in the third part Article. 5; where are mentioned; *"effective, proportionate and dissuasive"*. In the following link, the types of sanctions and punishments of each member of the European Union for this issue can be found separately.⁵⁸

Moreover, many international legal authorities like United Nations Office on Drugs and Crime (UNDOC) does not consider illegal border crossings to be victims, but they believe that despite all this, and given the context, what deserves to be punished is not these individuals but the act of human trafficking. It has mentioned in Doha Declaration; *"Smugglers make a profitable business out of migrants' need and/or desire to enter a country and the lack of legal documents to do so. International law requires governments to criminalize migrant smuggling, but not those who are smuggled. Since migrants give their consent to the smuggling venture, mostly due to the lack of regular ways to migrate, they are not considered victims in absolute terms. However, smuggled migrants are often put in dangerous situations by smugglers (such as a hazardous sea crossings), and might therefore become victims of other crimes during the smuggling process, including severe human rights violations"*(Human trafficking and migrant smuggling.2015).

So how can people who have fled their countries because of poverty and all kinds of problems due to lack of human rights be punished without addressing the root causes? This crime - crossing the border does not deserve to be punished in these circumstances.

In defining care ethics as an ethic that also protects the rights of non-humans, Curtin points to characteristics that illustrate why care ethics is a moral imperative. Moreover, it is needed in these cases that were mentioned. In fact, by comparing the

⁵⁸https://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-annex_en.pdf

right approach or masculine ethics, in other words, with the care approach, he explains why the ethics of care can be a moral obligation. First, in the ethics based on rights, the insistence is on moral interests, which means a definite identity is defined for the moral interest that cannot be ignored, whereas in care ethics, we recognize many moral interests, and as a result, we cannot excel one over the other. Second, we have to make decisions based on the laws as accepted methods and manners in right-based ethics. However, in the ethics of care, we must always include the context and background factors in our ethical decision-making. The third significant difference between these two approaches is a comprehending people's interests (Curtin, 1991). Where rights-based ethics have an "*adversarial*" perception of the interests of others, the ethics of care perceive the interests of different individuals as "*non-adversarial*" by making a change in approach. The fourth factor is seen in right-based ethics and even as the essential difference between the two approaches is observing human beings. He believes in this morality; a person is considered independently of others. While in the ethics of care, we confront human relationships. No human being is seen as autonomous but within a relationship with others. As a result, the punishment, violence, and exclusion of people suffering from inequality cannot be justified by the ethic of care, and as shown above, it cannot be justified even by a universal egalitarian view.

Following is a brief description of the details and some of the conditions and laws in force in the European Union concerning third countries; two general headings for these policies can be considered, double standard and presumed threat.

- Double standard

As far as the role of the element and concept, we have pointed out in the ethics of care, and we have pointed out that this morality is contrary to the decisive majority of feminist approaches that denies any difference between the two sexes and consider the difference between humans has a particular emphasis. One of the fundamental differences between care ethics and masculine and classical ethics is their approach to categories. History shows that justice has the least flexibility in judging, and due to ignoring all the different layers and angles between human beings, it sometimes leads to violence. Therefore it can be said - and of course, witnessed - that many

judgments are cruel in some ways, instead, by emphasizing the differences between human beings, the ethic of caring sees it as helping and eliminating worries and a factor of empathy with other human beings, that is, in the opposite direction to the justice-oriented approach.

In classical ethics, the above may not be discriminatory and are merely rules that must be observed to protect the members of the European Union as individuals to whom the Union and the Member States are directly responsible. However, in the ethics of care, which in some of its readings considers even the environment to be subject to care, and for everything that has a body in the world, it defines a moral duty centred on care, and this duty is inseparable and permanent. The moral agent knows that described above is an example of discrimination because he has withheld the duty of attention and care from a person in need.

In this regard, Curtin considers and proves a moral factor for anyone who physically exists and must be recognized and therefore respected by others as a moral agent. In fact, by proving a direct and inalienable relationship between "*body and morality*", he showed us that even animals deserve care because of their physical bodies, which makes them moral agents. He implicitly states that there is a "*minimum*" in the ethics of care that almost everyone attends, and because of this vast circle, everyone has a moral obligation to each other. In other words, Curtin sees the mere physical existence of anything as a prerequisite for ethical behaviour. Borrowing from Gilligan's care ethics, he stated that every physical owner is a moral agent (Curtin, 1991).

Consequently, when we are dealing with a comprehensive morality and consider every physical owner phenomenon to have a value that should be given importance and efforts should be made to meet its needs, it is clear what place man has in this morality. Therefore, the most minor or most trivial thing that degrades human beings is immoral in its view.

It can be said that the EU's restrictions on the protection of its borders suffer from a double standard, which ultimately leads to systematic discrimination between third-country nationals because all individuals do not meet a single standard for entering the EU as a multi-day or part-time traveller. Instead, it is the geographical and political situation of the countries that are important to the Union and set different

criteria accordingly. In other words, here we did not find any logical connection between the permission of a young Japanese traveller that enhances his cultural experience and the prohibition of a young Somali for this purpose, so the only option that can provide a valid but bitter reason is discrimination. This discrimination is defined and firmed systematically and accepted even if other names are given.

Regardless of whether the criteria chosen in the law are accurate and sufficient or not, there is no change as a result, and therefore these discriminations become systematic. Because only the law allows a law enforcement officer - even against his or her own will - to ignore the person and enforce the law, this is precisely the contradiction between the ideals of care and justice. One of the accepted cases is following the law. As one example of justice is the equality of all before the law. When the law is formulated in a way that defines justice in discrimination, individuals and law enforcement officers can no longer be expected to renounce the law but can be expected to behave caringly, even if it means listening to what immigrants describe their lives and creating empathy for them.

This behaviour change is considered a capability based on an idea in care ethics known as *mature care* that seeks to show that caring is an idea based on a broader relationship that must involve both the caregiver and the care receiver. In the idea that Gilligan first used, care is a purposeful process. In other words, in a care-oriented relationship, not only are both parties obligated to strive to achieve the goal of care but other people who are involved in the matter in any way are required to strive to establish and maintain care. This reinforcement is because the normative value of his view of caring is universal (Gilligan, 1993).

Tove Pettersen also stated that we need to understand the broader meaning of caring for the benefit of both parties in the relationship, or as she put it, "*carer and caree*". It means the progress of one side should not limit the development of the other side or hurt them. In other words, we need to take care of ourselves as much as others (Pettersen, 2011). This mature care looks to address the equality between the two parties to the element of care. In this theory, the moral agent is not one who only cares for the other and forgets him or herself but is also responsible. By emphasizing mature care and citing Aristotle's theory of mediocrity, Patterson wants to conclude that proper care takes care of everyone, not one side of the account,

and therefore mature care is the best and most accurate type of care. Now, if we return to the discussion of discrimination, we can argue that, according to care theory, care is a moral duty that focuses on preventing harm to both parties. So no form of discrimination is justified, even if there is a legal justification.

Now, let us go back to the discussion of the borders and policies of the European Union. We can raise the issue that according to the theory of mature care, the border guards in particular and the European Union, in general, should also take care of themselves, and this is the duty entrusted to them not only by the rational Aristotelian approach but also by the ethics care. Moreover, the very mature care that focuses on preventing harm to both parties confirms it.

Therefore, it is acceptable that European Union says that maintaining the economy and open stability of the member states is one of the priorities that mature care has given, and that is why we will pursue these border policies. It can be said that economic care is a part of caring for the people and their lives. Indeed, the people who need special permits to enter the border are not from rich countries, and most of them are looking for work and improving their economic situation. Supposing we accept that the European Union is only responsible for the economic care of its members and that what is essential is to maintain the prosperous lives of the members, then, according to the main criterion of care ethics. In that case, it can be said that caring for human beings as a part of human society takes precedence over caring for the economic well-being of a particular group.

In addition, we again encounter the forms of prejudicial outlook between individuals, which we are discussing in this section. Moreover, that is the issue of prioritization. Again, the quality of life of one part of the people differs from that of another, and the existing criterion for justifying this difference is based on geography and politics and not something inherent and natural.

Of course, this issue is one of the topics that have always been discussed in the ethics of right or other traditional ethics, and it is also one of the points that the ethics of care has considered one of the negative points of the ethics of right. The issue is the lack of care in the ethics of law or, in some way, prioritization between individuals. In such an ethic, where individual independence is paramount, the question arises as to what the priorities will be for care, especially in certain

circumstances (Kroeger-Mappes, 1994). In such a situation, is maintaining the independence and power of individuals the priority, or helping others and caring for them, even at the cost of weakening?

The ethics of care cannot clarify what should be done in such a situation where, according to masculine ethics, it is not discrimination and is merely the security of the people who should be cared for to eliminate discrimination, and neither side will be harmed. Even the definition of adult care cannot help, because in the end, it does not eliminate discrimination but justifies it in some way. These positions criticize the ethics of care, a conservative ethic and ultimately offer no definitive solution from which a clear verdict can be obtained. However, care ethicists answer that rights-based ethics also fail to provide solutions that eliminate disputes and conflicts. Because their criteria are only the rights and principles that are not flexible, if it seems that a problem has been solved, another conflict has arisen elsewhere.

According to the definition of the dual standard, when multiple rules are applied to individuals in the same situation, a kind of contradiction arises called the dual standard. There is a similar contradiction in European border policies. Even though we are all equal human beings and live on the same planet, we cannot enjoy human rights benefits, which provide free movement for all human beings. Nevertheless, our difference can be viewed in two directions. First, residents of third-party countries are born at a point other than the Union, and secondly, they also have rankings among themselves. Third countries can be divided into two groups: citizens of wealthy and powerful countries and other groups of other wealthy countries. The dual criterion begins here that the European Union has laid down rules and has restrictions for third countries. These constraints, as mentioned above, are mainly due to maintaining the security of the Union and the people living in it. It is assumed that anyone who wants from outside the European Union should be allowed to enter an unlined residence for him from the Union. The two sides have the same human value, but what applies in practice and the EU approach as legislators is different.

Moreover, we face other criteria. The EU makes maintaining EU security conditional on the control and expulsion of third-country nationals, but in practice, controls and restrictions apply only to certain countries.

If we look at the list of authorized and unauthorized countries, the authorized countries are rich, robust, and developed, and the countries that face various kinds of restrictions are the poor, insecure, and weak countries. If it is criticized that the European Union is doing the right thing in its policies and maintaining the sovereignty and security of its member states is its top priority. Again, this double standard will not be resolved because some countries only have more money, wealth, and power than other third countries, yet they are allowed to enter unconditionally - at least without a visa. Moreover, if the main task of the Union is to protect the security of its inhabitants and therefore create border restrictions, then how is it that some third countries are not considered a threat to security and others are considered a threat and their entry should be limited?

In other words, to clarify the cause of the double standard for the border policies of the Union for the sample, we pose some questions:

What determines which people can jeopardize the security of the Union and the other not?

Are the risk criteria differ depending on the countries' political, economic, and social conditions?

The answers to these questions can be found in the EU Blue Card and Golden possibilities. The Blue card indeed is: *"An EU Blue Card gives highly-qualified workers from outside the EU the right to live and work in an EU country, provided they have higher professional qualifications, such as a university degree, and an employment contract or a binding job offer with a high salary compared to the average in the EU country where the job is. The EU Blue Card applies in 25 of the 27 EU countries. It does not apply in Denmark and Ireland."*⁵⁹ And the other facility is Golden Visa, which indicates *"a residency by investment program. It is directed to wealthy foreign nationals who want to acquire residency in a certain country by investing a substantial amount of money or by purchasing a property."*⁶⁰ And also Golden Passport that is *"investor citizenship which aims to attract investment by*

⁵⁹https://ec.europa.eu/immigration/blue-card/essential-information_en

⁶⁰<https://www.schengenvisainfo.com/eu-golden-visas/>

*granting investors citizenship of the country concerned.*⁶¹ All of these possibilities show that even the strict rules for third-country nationals will vary depending on their economic status. Despite the investment, people's circumstances change entirely, and the potential threat becomes a real opportunity, the logical connection between the union's border policies and security is practically distorted, and a double standard is created.

- Presumed threat

Another thing that happens to some third-country nationals is that they are faced with the assumption that they are a potential threat that must first be investigated and allowed to enter. There is no doubt about the need for border inspection and control, but tying security or violating it with people who belong only to a specific geography or ideology and no evidence that they are a threat to the security of the Union, not only is considered morally but a violation of human dignity.

Human dignity is the most important thing that human beings have in common. Nothing can make an exception for it or value it. Therefore, what is discriminatory in EU law in this regard is its approach to human dignity. As mentioned in the previous sections, the objectives of the European Union and the text of the Maastricht Agreement are of the highest importance to the protection of the human dignity of the members of the European Union. According to that, *“Human dignity is inviolable. It must be respected and protected.”*

Nevertheless, as mentioned at the beginning of this section, it seems that human dignity and its functions for people inside the Union are different from those outside it, and it is this contradiction that is considered and analysed in the ethics of care and even the ethics of immigration based on justice. As an expert on the ethics of care before dealing with the place of human dignity in this ethic, Carlo Leget has studied the concept of dignity throughout history, theology, and philosophy and has discovered different types of it; *“subjective dignity, social and relational dignity, and finally intrinsic dignity”*(Leget, 2013). In subjective dignity that will be concentrated on here, we encounter two dominant views. Although these two views are fundamentally different, they all have one thing in common: their impact on a

⁶¹https://ec.europa.eu/info/investor-citizenship-schemes_en

person's life. Sometimes we humans can have an idea in our mind or even a feeling that directly impacts us and our lives without being real. An example he gives is a girl suffering from anorexia caused by her delusion of obesity. Although she is not overweight, in other words, her mental evaluation is wrong, and this wrong evaluation caused her subjective dignity, which makes her idea about her dignity less attractive, functional, or valuable.

The second type refers to a concept that everyone understands of dignity. In other words, the difference in perceptions and definitions of dignity that each person has is directly related to his or her past and the situations he or she experienced throughout life and the culture and beliefs in which he or she grew up. Social and relational dignity goes back to human relations. However, it should be noted that this view is derived from the former assumption, the hypothesis that knew the feeling and definition of human dignity depending on time and place. Therefore, to clarify the concept of social dignity, Leget proposes relational dignity. That is the dignity based on a mere relationship between human beings and not their social status and class.

Moreover, finally, moral dignity is one that he believes is superior to all other existing views because of its three internal characteristics. The first is that it is independent of existing empirical reality, and the second is that it leads us to the concept of fundamental equality between human beings. The third is that it is not as vulnerable as some religious, historical, and philosophical beliefs, and in fact, there is a consensus about it (Leget, 2013). He goes on to say that although these perspectives have a direct impact on people's lives in the contemporary world, each of them alone has problems that cannot be relied on solely for the sake of human dignity, and therefore one should seek a perspective that the very three perspectives are integrated into it, and that is the ethics of care.

As mentioned, the main problem here goes back to the same set of priorities in setting priorities. That is to say, just as prioritizing any subject is a good and rational thing, it is not valid for feminist moral philosophers. For example, if some agree with the EU's border policies and consider the entry and exit controls of non-members are rational and permissible and are also following European priority policies, others consider them immoral, as noted above. Nevertheless, what are the roots of these two completely different views? In other words, why do advocates of care ethics

consider this practice immoral? The reason is precisely due to their perception of the arrangement of human relations.

Gilligan considers the male system of thought to be a class system and, here as a psychologist, not a feminist, states that this hierarchical system is the source of differences in many moral judgments and, in a word, all decisions between the sexes. She says: *“The proclivity of women to reconstruct hypothetical dilemmas in terms of the real, to request or to supply missing information about the nature of people and the places where they live, shifts their judgment away from the hierarchical ordering of principles and the formal procedures of decision making”* (Gilligan, 1993).

This different approach to human dignity shows the concept of dignity and also how to understand it; although it has a single foundation, it can be completely different at the same time, and everyone sees human dignity based on their desired approach and interest. However, in the social sphere, human dignity, in this view, occurs in the relationship between human beings and can define dignity, and therefore considers the ethics of care by human dignity. However, in this opinion and this case, when there is a situation in which a part of human beings is placed in a bed whose level is fundamentally different from each other, despite the relationship between them, human dignity cannot be found in it. When we are faced with a series of rules that are designed to put people in the human network indirectly facing each other rather than side by side, this relationship can by no means be care-oriented.

Margaret Walker observes the first characteristic of the ethics of care which is forming our moral understanding in relationships and social practices (Walker, 2007). It means that the dignity of every human being must be respected not only individually but also in society and the world by care ethics which considers as a guardian to maintain human dignity and can promote human well-being and prosperity, even in both environments of family and also globally.

In response to Walker, it should be said that if a student's moral understanding has been formed in a school or community that has consistently and regularly seen him as a second-class citizen and has therefore been directly or indirectly deprived of some facilities, in this case, and with such a situation in which the character is formed, no kindness, care, and love will change the outcome, and the corrective

efforts act as a pain reliever and not a surgery without having any considerable change. As a result, sometimes we are faced with things that care ethics can improve, but cannot change, while the inherent dignity in those particular circumstances can only be achieved through change, not an improvement. Therefore, there is a long distance from a global perspective to reach some fundamental changes based on an ethic of care.

Although some consider another benefit of introducing the ethics of care into the category of politics, which is related to our discussion here, is the correction of some methods that have existed before as the dominant methods in administrative, managerial, and political affairs and even remains to this day. For example, Joan Tronto puts it, the very fact that the ethic of care pays special attention to isolated people and marginalized minorities shows that this ethic places a particular value on human dignity (Tronto, Joan C., 1993).

A group of Australian researchers has concluded that caring ethics provides a model quite different from the masculine pattern in these areas. To investigate the relationship between care ethics and social work; they could classify some areas where women can observe them differently. They say: *“We argue that rehabilitating the ideal of care can counterbalance pervasive and corrosive managerialisation. Unless care is relocated at the centre of debates, policies, and practices, what makes social work (and social care more generally) distinctive will be lost”* (Meagher & Parton, 2004).

Alternatively, Gilligan emphasizes that one should not be impartial with others and that the concerns and problems of others should be seen and thought in our lives. The dignity of all human beings is confirmed; when we all have to be responsible even for the feelings of others, then it clearly shows that the ethics of care is concerned with maintaining the dignity of all human beings in all areas related to them (Gilligan, 1993).

Also, according to Van Heijst, *“The ethics of care tries to be sensitive to the particularity of situations rather than the features that can be generalized. It is more interested in the way people try to pursue the good life in complex webs of personal relations than advocating for maximal autonomy of self-supporting individuals”* (Van Heijst, 2011). The unique quality of care seeks to care for all human beings, whether

they are in a connected human network or not. However, the ethic of care is always trying to strengthen relationship-based human networks so that no one feels alone. It does not ignore the people who have been left out of this network for any reason, and this support and attention to human beings shows the importance of human dignity in this approach.

My whole argument is that when there are laws that violate human dignity and are tied to concepts such as security and the issues that consider have priorities over other issues, the first thing to do is to respect dignity. What is vital for human beings is to reform those laws. For example, before feminism and egalitarian movements emerged, the white European man was the only creature whose dignity had to be preserved because the woman was not essentially an independent person to be treated with inherent dignity.

Moreover, the situation we are in now - because we do not see the difference between the two sexes as meaning sexual superiority over the other sex - is due to the fundamental change that, although rooted in a culture change, have started in a change in the law. If women still did not have the right to vote, would talking about a culture of gender equality be fruitful? We are talking about a trust that does not exist. It means that some people are barred from joining the Union without any criminal record because there is a law that defines preventing them from entering the EU as a prerequisite for maintaining European security, and this is precisely in contrast with the concept of trust in ethics care.

As has mentioned in the second chapter, some care ethicists define care as trust. Baier believes that the hierarchical system cannot meet the goals of care ethics because it is fundamentally at odds with it. Baier insists that if we do not know the previous conditions of individuals, we are excused from presenting a moral norm. In her view, each individual should be considered because a person who grew up in a kibbutz will be different from a person who spent his childhood in a villa, and these differences must be taken into account to provide an ideal moral system. She says: *“Moral development is at least as complex as psychologists who have studied it have claimed, but no a priori hierarchy captures its complexities nor represents all its possibilities”*(Baier, Annette, 1985).

Besides, in her view, rights should be separated from morality. To show the inefficiency of male morality, she assumes a world governed by Kantian principles, that is, a world with a codified legal system. She believes that such a world would not exist because it is impossible to have a world full of legal and moral rules and not suffer from destructive conflicts. However, even if we assume its existence, we must keep in mind that the existence of a set of rules and a system based on rights does not necessarily mean that it is moral.

If we want to compare what Baier said with the EU border laws, we will see that these laws are also flawed according to her standard of care. Referring to masculine morality, she acknowledges that from the point of view of this morality, whatever is under the universal laws based on justice – Kantian morality - is not only moral but the guarantee of its implementation is maximum due to the rule of law. However, Baier, like other care ethics, shows that this is not the case and that such a world would have no external reality, and even if it did, it is lawless and idealistic but full of immoral conflicts. What makes this world immoral for care theorists is the famous hierarchical system fundamentally at odds with the ethics of care and its norms because it is governed by laws that cannot apply to all levels of society.

What we see in EU border policy again confirms that it cannot be included in the ethics of care according to this criterion. If we consider the world today as the classified pyramid and put the members of the European Union at the top, as it is, then when we look at the countries at the base of the pyramid, what we see is a profound difference that many layers of Includes people's lives. This stratified pyramid has boundaries that classify people and, on the other hand, does not allow people to cross the classes to which they belong and change their living conditions. So it is natural that such a situation is contrary to the morality that sees human beings in a network and even within the network has the strategies opposite to the laws of the pyramid.

The EU's strategy on the issue of borders leads to a principle that people living in the EU should not have any security, economic or social problems. And not explain whether members of third countries do not have such a right? Furthermore, now that for whatever reason there is such a profound difference between the parts of this pyramid shouldn't the people at the bottom of the pyramid be helped to reach the

top? The answer to this question, according to the masculine rights ethics, is that it depends on the existing priorities and laws, but the answer given by the care-oriented is entirely different, and that is, of course, our duty to help all people in the borderless human network to enable them to improve their situation.

If we assume that the EU, for whatever reason, is willing to separate its members from other third countries unconditionally to protect its members, maybe it is justified by the mature care version, but it is totally unlike the main target of care ethics, and that is connection. The principle and pillar of care ethics are to take care of the relationship between human beings. Human relationships are fundamentally based on being in an inseparable human network. It means that there is no separation, and any attempt to separate human beings from each other promotes negligence and impartiality. This assumed decision by the EU cannot be justified by the ethics of care - even in its minimal form. In this morality, human beings are interdependent, and whatever discovers to break this dependence, even if it conforms to the standards of rationality and justice, still violates the principle of care.

In this regard, by referring to what Kroeger has mentioned, the case will clear. His description helps us understand the concept that our ethical responsibility care ethic pursues in a human network. He says: *"The ethic of care understands responsibility within a context of relationship or connection. The image is that of a web which ultimately connects everyone. Responsibility is equated with the need to respond. Individuals need to respond when they recognize that others are counting on them and when they are in a position to help. The ideal of care is an activity of relationship, of seeing and responding to need. The moral imperative is to care, namely to discern and alleviate trouble in the world"*(Kroeger-Mappes, 1994).

If traditional masculine ethics always emphasizes the order between principles and law enforcement and chooses and acts as a superior model in all its policies, decisions, and strategies, feminine ethics will show no luck with this kind of way of thinking. As Gilligan pointed out, the main characteristic of this morality ignores many important things for women; the matters that are not fundamentally viewed in the moral justice of men and are marginalized, such as the background situation of people as human beings. However, as mentioned earlier, hierarchy measurement has no role in the care-oriented thinking system, but all human beings must be seen

in an interconnected human network. The pyramidal shape of the hierarchical model shows that there is always a vast difference between the base and the top of the pyramid, the difference that, if not taken into account, would not be essentially a pyramid (Gilligan, 1993). It means that the preservation of classes with the specificity of each of them is one of the principles that, if violated, there will be no more pyramids. For further explanation, it can be said that, for example, if the rule "X" is present and acceptable at the top level of this pyramid and disobedience to it is defined as something wrong and unpleasant. In terms of care ethics, it has two drawbacks. First, as Gilligan puts it, as mentioned above, we are dealing with some of the missing information in the hierarchical system, and therefore we cannot make accurate judgments about the situation and condition of individuals. Second, what guarantee is there that what is accepted at the top of the pyramid is acceptable at the base of the pyramid? In other words, when different distances and boundaries define the classes of this hierarchical pyramid, how can each level have the same moral norms as the other levels? It is clear that the answer is negative according to the ethics of care but positive, citing masculine ethics based on rights. In a moral system based on the human network, the hierarchical moral system is dysfunctional and immoral.

Although this section has shown that compassion in many cases - for example, when it exists for something legal - cannot fundamentally make a difference, it can still be more effective than masculine and classical morality. It can cause an internal change in all human dimensions by making fundamental changes. It means that if before this approach, no formal and accepted law and approach can be criticized with things like care and compassion and attention, but the ethics of care will open the way. As Eisler claims, we need new narratives in all fields to create new human capacities inside ourselves based on care because these care-oriented abilities can mix our human development with the awareness and creativity that distinguishes us from other beings. She cites numerous examples of our world's need for a careful approach and argues that care approaches have always been limited to what women have traditionally done and that care and related work have been underestimated because of the male-dominancy. Even explaining one of Adam Smith's theories, she considers attention to others or the same care as an inseparable principle of every human being. *"Kindness and caring are integral to our humanity. In The Theory of*

Moral Sentiments, Adam Smith recognized this positive side of human nature. While he did not focus on this in *The Wealth of Nations*, behind his advocacy of a free market was the assumption that self-interest will be tempered by consideration for others” (Eisler, 2007).

If we look at people in a system based on a pyramidal hierarchical format, we will see that people of different stages do not only have not the same conditions but also each level has its requirements that cannot be generalized to other levels inhabitants as a norm and therefore expected them to be obedient. So we find again that the EU's border policies are not in line with the ethics of care. Because even though they know that people who want to enter the border in this way have a completely different situation and a lower standard of living than people inside the EU, it does not let them go quickly. As mentioned, this strategy of the European Union is flawless from the point of view of ethics based on rights because its criterion is the unequivocal implementation of the law, and this legal criterion is also considered from the point of view of male moral morality. Because in a hierarchical moral system, it is not a condition to consider each individual, but it is crucial and moral for them to be equal before the law and for the existing laws to be implemented by each of them.

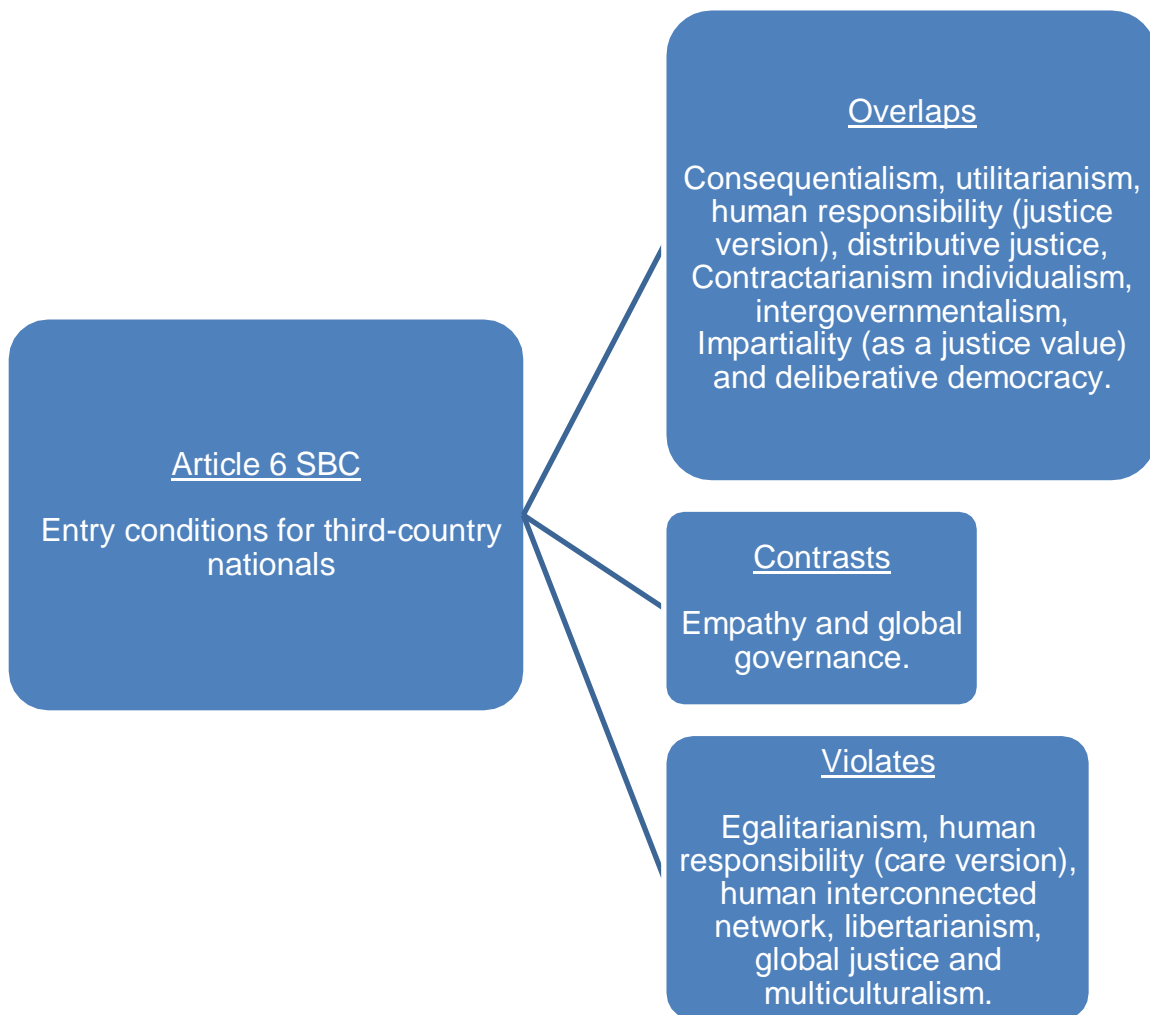
Concluding remarks

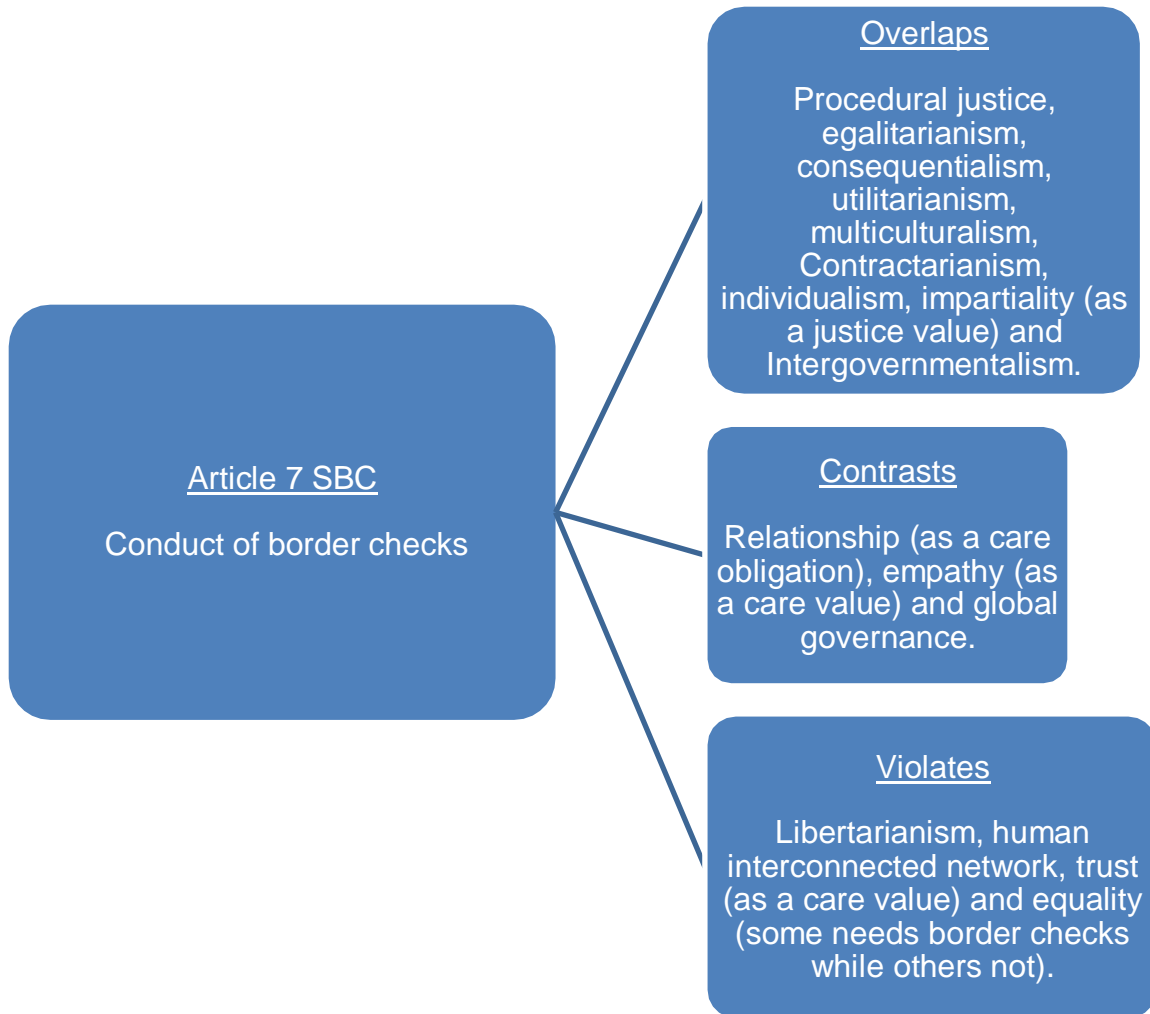
The approach used in this chapter is a combination of macro and microanalysis. In this way, the border policies of the European Union have been examined in general and with a broad approach to the principles of care ethics as well as the Universal Declaration of Human Rights, and in the micro approach, paragraphs 5 to 14 of the Schengen border code. This chapter shows that the European Union places great emphasis on the observance of human rights and has many protocols in place to guide the overall structure of the Union as an intergovernmental political body towards the realization of these rights. Historically, the European Union has played an essential role in shaping the International Covenant on Human Rights. Despite all this, some of its immigration policies do not comply with some of the principles of ethics of care and the International Convention on Human Rights, which represents ethics based on democracy and liberalism. The survey in this chapter suggests that

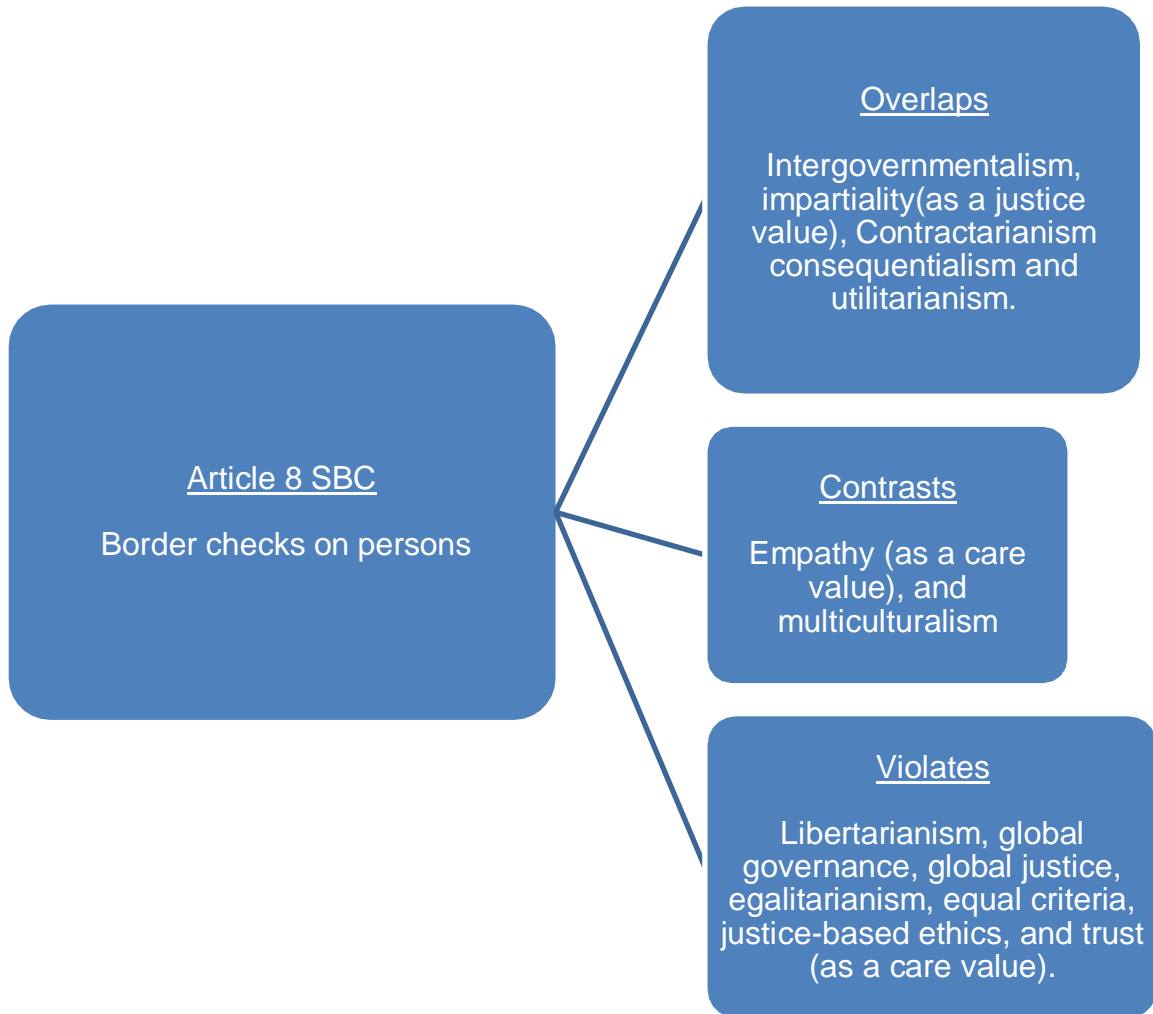
if a care-based approach is taken in its border policies, it can be more successful in achieving the EU's human rights purposes for two reasons.

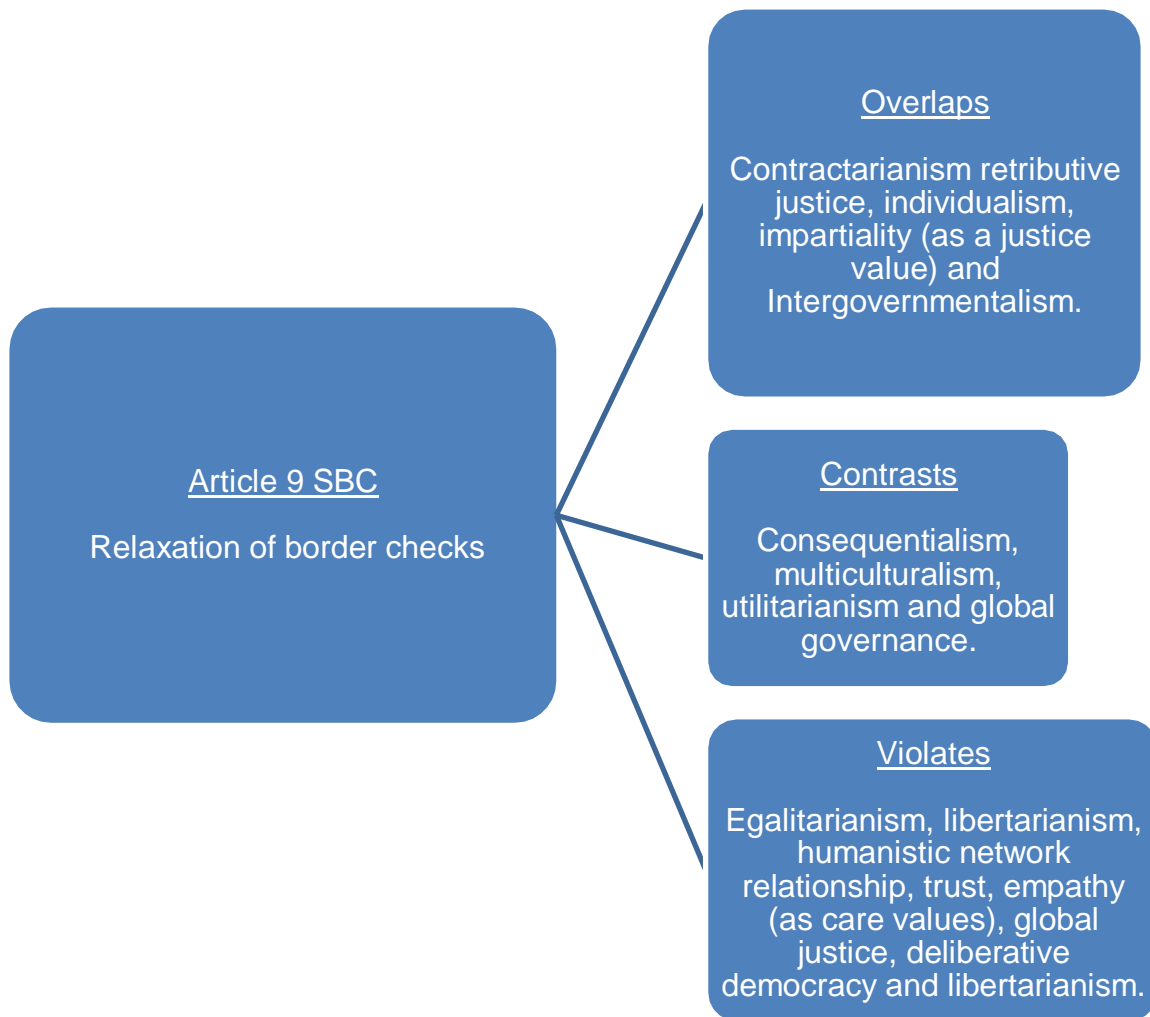
Furthermore, pave the way for the humanitarian goals it has always pursued because the ethic of caring considers paying attention to the needs of others as a moral duty that all human beings are required to perform. Moreover, another important principle that exists in this ethical approach, and is fundamental, is that it views the world and its issues from the perspective of women. Furthermore, it claims to make fundamental changes in many things in the world and solve many problems and conflicts.

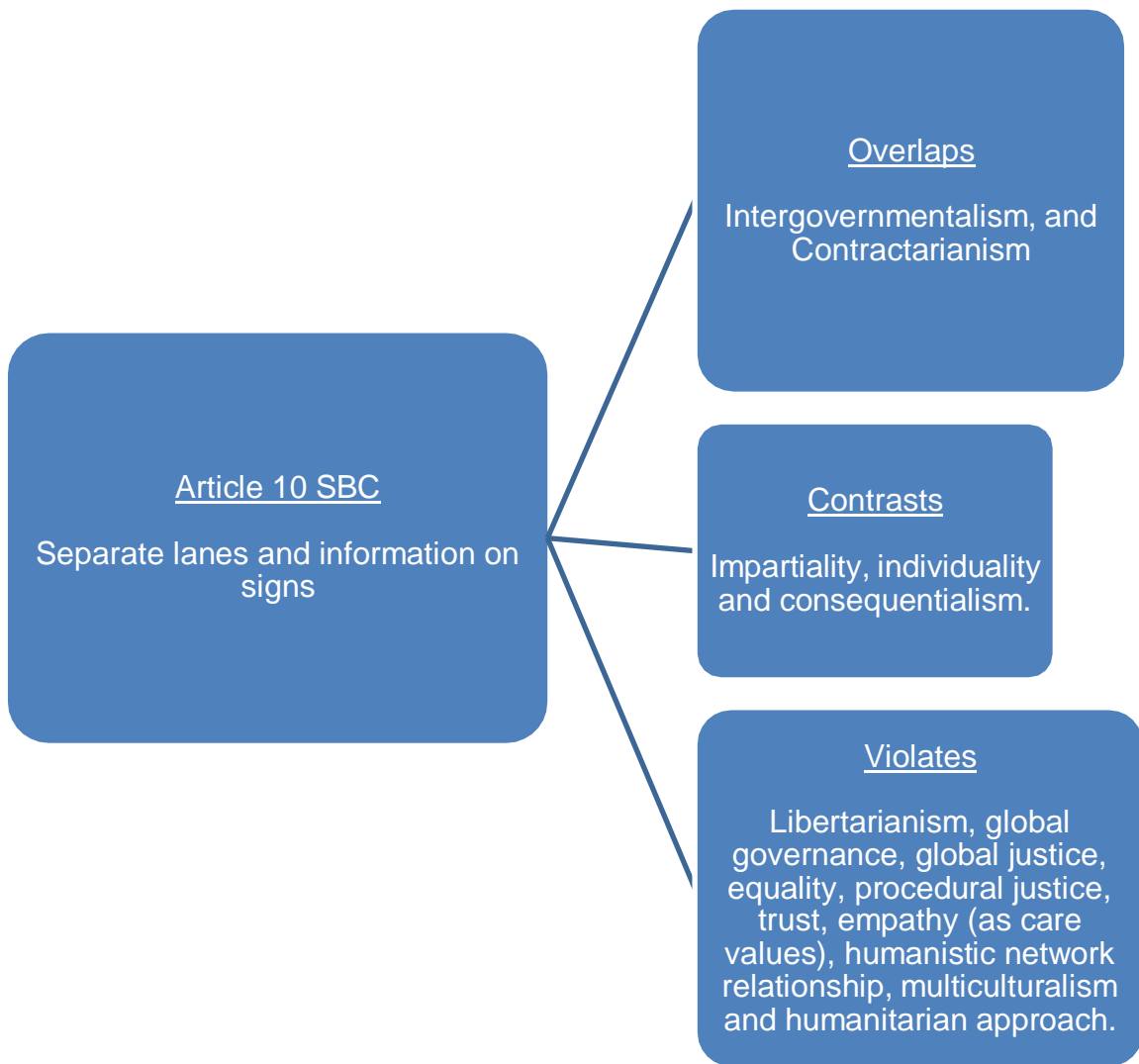
Figure 16. External border policies of Schengen Border Code (SBC) VS Care and justice ethical approaches and concepts

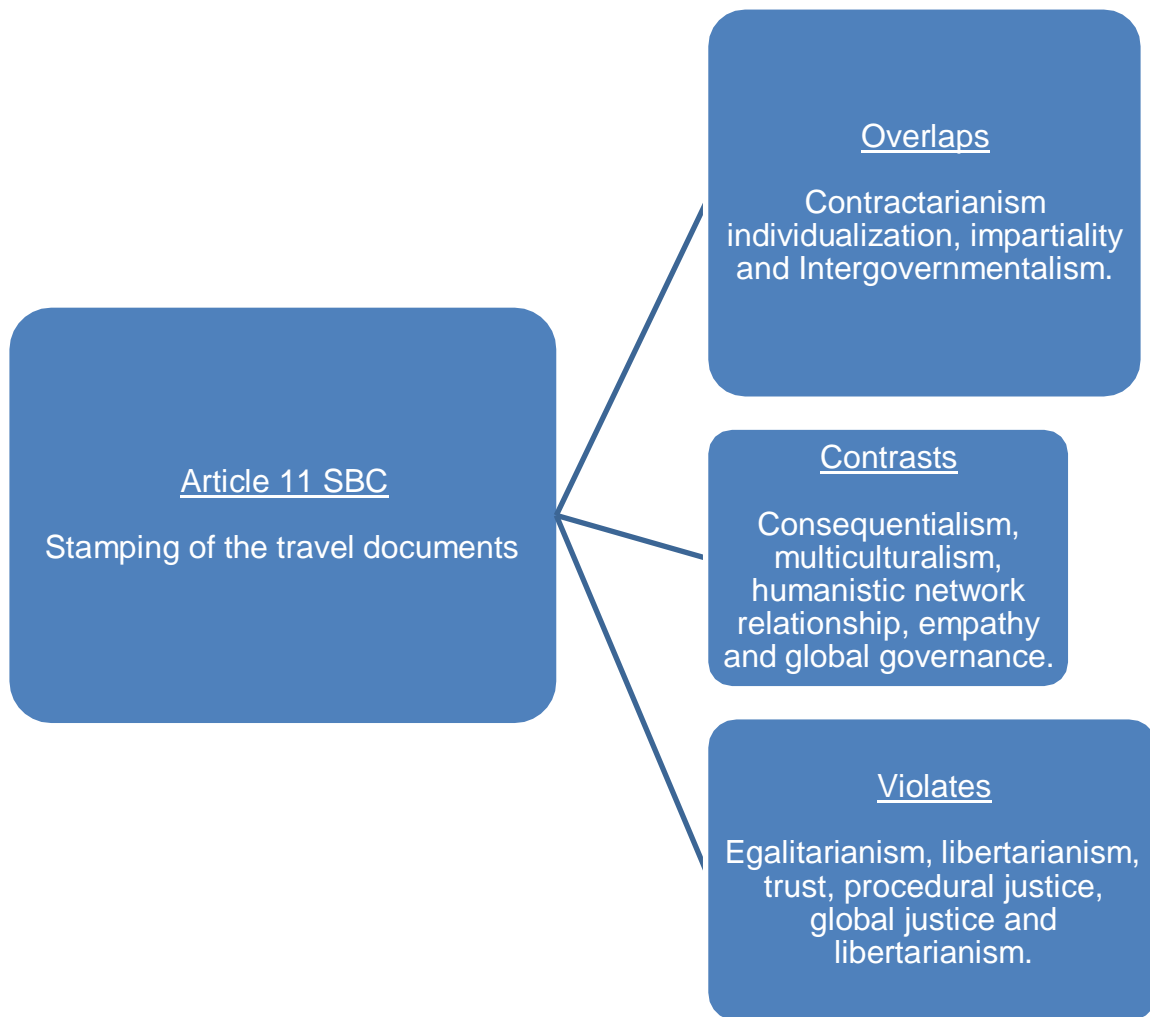


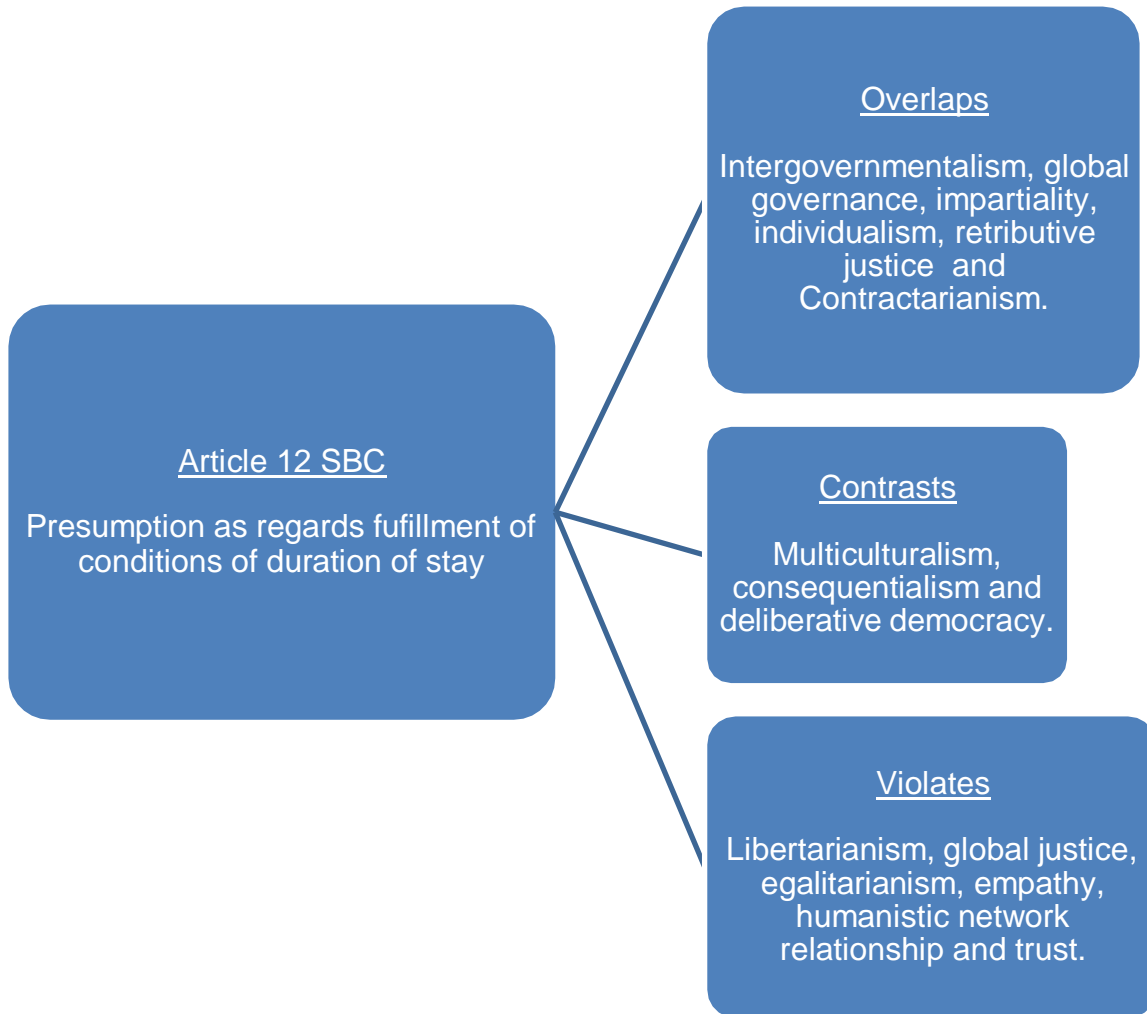


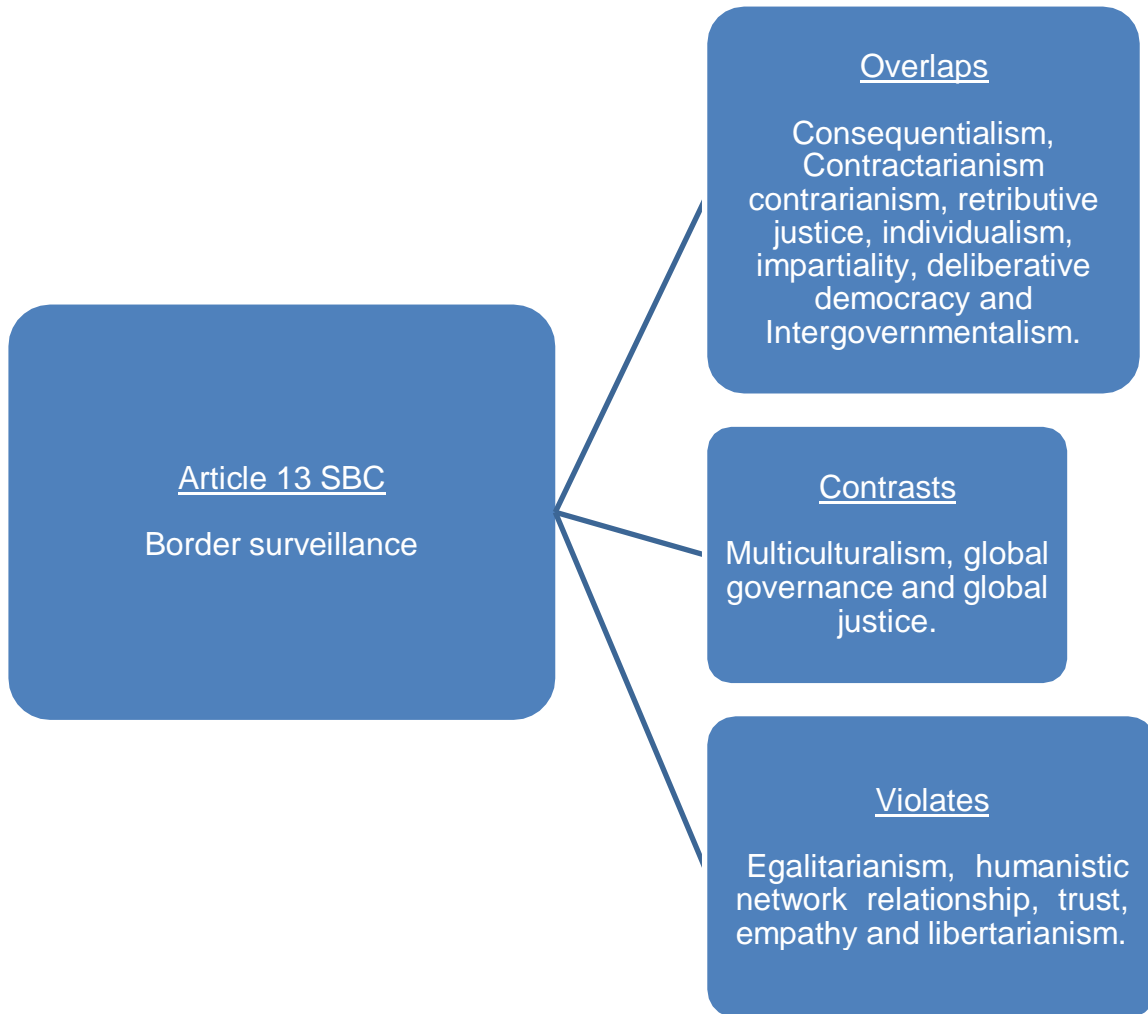


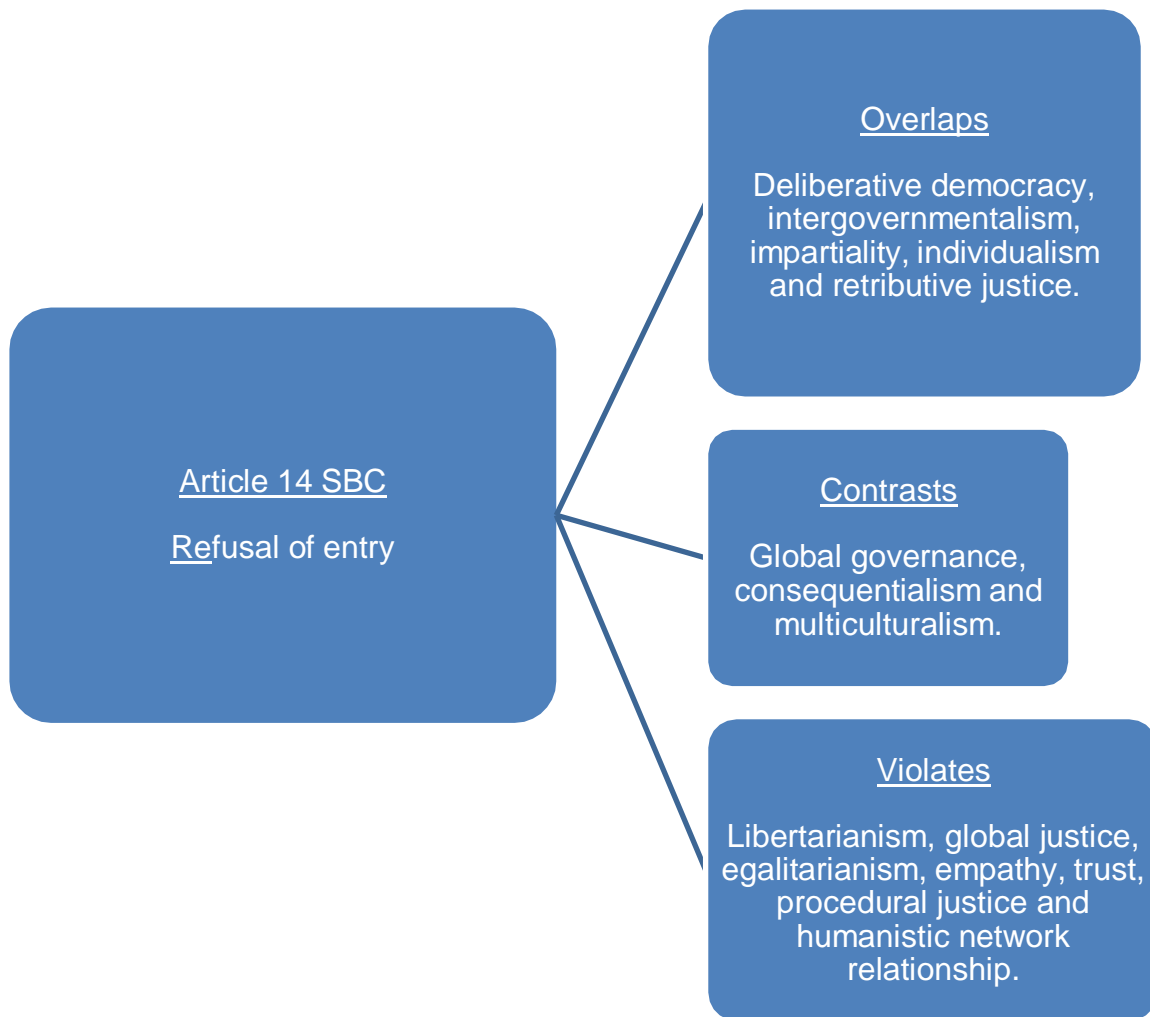












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CONCLUSION

What has been addressed in this research from different aspects is an issue that is one of the vital issues in our time. Immigration is not the first issue in our world today, but it is closely related to all current issues, including the environmental crisis, energy, human rights, and international and diplomatic relations. We need to explain here, however, that despite addressing this issue from different angles in this dissertation, there is no claim that one view is definitively superior to another. What is vital in this situation is finding ways to open new windows and offer a new practical solution for millions of people. Care ethics is one of those windows that, by emphasizing human relationships within a vast network, consider the essential characteristics of human beings to be attention to each other and maintain relationships. In the sense that each human being is considered a moral agent at the same time and the same level, and the only moral duty is to understand the needs of others and respond to them. That is the point of separation between caring or feminine ethics and justice-oriented or masculine ethics. In a caring view by a network form, everyone is interconnected, and one person's suffering is not separate from the other, while masculine pyramid ethics is hierarchical and the position and level of individuals varies from class to class, and no class is aware of the needs of another class. These cases are enough to introduce this ethic from the care point of view as an inadequate and inefficient morality, which is the root and foremost reason for the complex world. On the other hand, global democracy -as a competitor on the other side of the field- is seen as a system resulting from the spread of justice and its principles in the world. Although there are different types of democracies, they are all based on the view that all political philosophers seek in the element of justice. Whether we look at democracy as a tool for equality or as the result of an egalitarian approach, they are all undoubtedly rooted in the principles laid down by Kant, Hobbes, Locke, as some prominent examples. In this morality, all the insistences are on justice and dispreparing it as the most effective value, which contains equality and impartiality as the unnegotiable pillars reflecting the different principles and rules. That is why the Universal Declaration of Human Rights represents a rule-based masculine ethic based on liberal values and a democratic outlook and approach. However, a study of some of the EU's border policies, which is also a democratic one, reveals restrictive policies that are neither compatible with liberal ethics nor with

ethics of care. Most importantly, with the application of certain geographical divisions, systematic and unfair discrimination happens between humans by performing these policies and knowing that the main reason for migration is to improve living conditions and reach a level equal to the inhabitants of another part of the planet. This segregation has been created by a disregard for equality between human beings and has led to the EU unintentionally discriminating between human beings. At the same time, the difference between the Union's border policies and the general context of care ethics is transparent and predictable. Because in this morality, a moral duty towards others and to improve their conditions is the responsibility of all moral actors, and the moral actors are all human beings. Furthermore, the criteria and the kind of distinction that the European Union applies for the entry of individuals are not in line with this ethic because its policies change depending on different people's geographical and economic location. In fact, according to the laws passed in the European Parliament, all persons belonging to third countries, i.e. those that are not members of the Schengen Agreement, cannot freely enter any of the countries within the Union and need a visa. However, the central conflict arises when some of the members of third countries have superiority over others, and by examining these countries, we find that mainly weak, poor and southern countries face double difficulties and different criteria from other third countries. Furthermore, this lack of uniform treatment of individuals who have an equal definition according to the Union protocols and therefore should have equal rights inside the third-country nationals leads to discrimination which results from a dual standard for North and South countries. In addition, there is no convincing evidence that EU security is more endangered by the entry of third-country nationals than by first-class nationals, as one of the most important reasons for border restrictions is EU security, but no fixed relationship. There is no security or insecurity among the members of a country. In other words, there is no guarantee that the members of rich Northern countries will not adversely affect the economic, political and social security of EU countries, but consider this adverse effect as a proven presupposition for poor Southern countries. The lack of a solid argument in this regard has left this question unanswered. The fact is that even this discrimination is not seen symmetrical, because some countries are almost free of all border restrictions, and others face all kinds of restrictions. For example, some residents of countries are not allowed to apply for visas in border areas and are not even allowed

to stay temporarily. We are facing tying the dignity and capacity of human beings to their passports. Contrary to the ethical principles of care, which consider human beings in an interconnected human network and with equal value. At the same time, this criterion is contrary to justice and human rights, which do not consider the value of human beings to be dependent on any external value. It is clear that what was said about EU border policies in this dissertation does not mean questioning the human rights of the EU and its member states, but merely an academic work that emphasizes the concept of equality in all areas. The belief in the equality of all human beings of all colours, races and religions dries up the roots of many threats and discrimination and brings us several steps closer to world peace. If we look at the roots and causes of human migration, we see that in some parts of the world, the only way for some people to survive is migration, and that is why, in any way, regardless of the danger and consequences, thousands of people are They are trying to reach a place where they can survive by sea and land. As a result, if we open the way for criticism and discussion in this field and universities and research institutes, these discussions, on the one hand, open the hidden angles of the issue for us and, on the other hand, show us the existing potentials and capabilities to solve the problem. Moreover, all in all, it can help us get out of the current situation and take a step towards improvement. For example, and on the subject of border policies, it can be shown that from the point of view of international law and many modern political theories, the European Union policy against some third countries is accepted, accurate and specialized. Nevertheless, critical and academic analysis plays a constructive role, showing that an ethic by a new and different approach does not accept these policies because it violates the vast human network of relationships. Moreover, it is academic studies that can provide other ways and perspectives on accepted and seemingly unchangeable immigration policies and alleviate the suffering of many people.

- Findings

The essential element in this dissertation is neither the ethics of care nor justice. Instead, what it has been sought to show as an essential element to be considered is the issue of immigration from a different perspective. This new perspective shows that some immigrants are ignored and tormented by the injustice - which, of course, requires an independent inquiry into the causes of this injustice - in their own country

and find no way except immigration as a single solution for getting rid of the oppression and inequalities. Nevertheless, despite the change of place and the confrontation with many problems, this inequality has never disappeared with the existing system in the world, and it is always with them, and only its form has changed. What needs to change from its current form is the ruling system of the world, which is designed so that inequalities not only do not disappear but also deepen to the point that birthplace becomes an advantage while virtually there is no superiority or value between the lands and earth parts. Although a series of concepts and definitions should be analyzed and discussed after each academic research, which was also attempted in the four chapters of this dissertation, what should be considered here is that neither immigration ethics nor care ethics were not the primary purposes of this study. However, both were necessary to clarify the discussion. The main point and final finding are to pay attention to the deep and systematic inequality in the world, which can be the leading cause and root of a phenomenon called migration.

A triangle shape can clear the case more. This triangle consists of (the lack of) global justice, human rights, and equality, or in other words, what creates migration and then turns it into a crisis. Examining the situation of immigrants, we find that most of them either suffer from economic scarcity or social inequality, which has made them one of the people who have nothing to lose and therefore just looking for a way to migrate for earning those things that are impossible or long to achieve. For this reason, and to show the roots of the inequality that manifests itself in immigration, the dissertation discussions focus on the various aspects of immigration and its implications. Immigrants who have been forced to emigrate due to economic poverty or even severe political conditions and social inequalities cannot enjoy society's same conditions. Though all conditions and facilities seem to be equally available to all members of society, in reality, some laws make some more equal than others. This inequality is rooted in unequal conditions among developed and developing countries in all realms. It means that, as mentioned earlier, migration is a multi-step process in which crossing borders is the first step. However, as assumed, even after solving this problem, it is challenging, if not impossible, to solve this inequality due to a global system of inequality between rich and developing countries. This global system is such that the people of emerging countries are at a

lower level than those born in developed countries due to lack of access to adequate education, nutrition, security, and thousands of other reasons rooted in the conditions of those countries.

The other important finding in this dissertation is the distinction between difference and valuation. Due to the background of the moral philosophy in my studies, the issues and phenomena of immigration and legal restrictions in the European Union have been studied with a descriptive approach instead of a normative one. This is because we live in a world where there are more differences between people in a society and even a generation than in the past. Now, if we go back to the same issue of immigration and once again review the reason for the cultural opponents and supporters of the issue of open borders, we find that the approach of individuals to the issue of difference is very decisive. While we can look at the arrival of immigrants from different countries from a descriptive point of view and consider it a positive feature that leads us to a more multicultural and enriched society, at the same time, we can look at the differences between people with an evaluation perspective.

Moreover, consider one culture superior to another. As a result, we must return to this keyword of care ethics, difference and remember that we are different but at the same time equal. Furthermore, no one is better or worse than the other. This view teaches us to consider all human beings as equals, pay attention to their differences, and not ignore or judge anyone for their differences. One can now see the claim of care ethics that it can solve many of the problems of today's world, care by promoting the idea that differences should be taken into account, but at the same time, all should be observed in a shared, and interconnected human relational network seeks to pave the way for the elimination of global inequalities. Because in this view, considering equal people in a global interconnected network, not only is no human being ignored, but all people are on an equal footing with each other - because of the same interconnected form in the network instead of hierarchical pyramidal shape - so they all benefit or suffer equally from what happens in the world. In this case, the arms trade and drug cartels, religious fundamentalism, the creation of regional wars and provocations, the destruction of the environment, racial and gender discrimination will not end to the detriment of some and the benefit of others. Instead, show us that we all suffer from these cases, maybe the form,

severity and time of the sufferings are different, but in principle, all of them are the same.

- Addressing limitations

One of the essential restrictions shown in this regard is the legal restriction. It means that although the ethics of care claims that its application will solve many of the problems of today's world, it should not be overlooked that just some moral statements cannot solve many problems. No doubt considering people's feelings and getting involved in issues instead of following the principle of impartiality will solve many problems, and most importantly, it will show our adherence to the ethics of care, but in some cases, the application of these principles is impossible due to the political or legal rules and legal restrictions cannot be ignored. For example, in the case of open borders, although it is our human duty to help people who are looking for a better life - which is the inalienable right of every human being - without hesitation, at the same time, we confront many limitations that in practice they cannot be ignored or violated.

Another limitation of this research, in addition to the above, can be its idealism. Although both the issue of cosmopolitanism and universal justice is somewhat idealistic and their realization in our world today is not very compatible with the current reality and conditions, in any case, addressing them caused at least other dimensions of them. Moreover, identify the existing problems on the way to their realization. The same can be said of the care approach. It may seem acceptable to some to consider emotions anywhere outside the borders of countries merely, but according to the principles of care, this duty is never taken away from any human being. The problem that arises here and is considered a severe limitation to this ethic is the inability to apply it in some situations. What we encounter in the ethics of care is the rejection of any generalization of rules and the prioritization of human relations over anything else. As mentioned, the application of such a view in many areas is complex and unacceptable, if not impossible. For example, in political and economic decisions, one cannot act based on an extensive human network and make policies without considering the micro-conditions of society. In other words, society and its related policies must have a clear definition for policymakers, and this is what in ethics, care is limited, and as a result, its non-implementation in border policies may

be due to this potential ambiguity. At the same time, in such a wide-ranging ethic, any kind of criticism and correction may not be possible because any behaviour based on considering the feelings of others and trying to get involved is a moral thing that should be done. According to the principles of justice and ethics, it cannot be entered into moral action without considering the details, consequences, and other human values.

- Further Studies and Questions

This study showed that inequality between the North and the South of the world is not only economic and social, and its causes are not only related to the domestic policies of countries but also the new world order is defined in a way that some people in the world are superior to others. The following steps in future studies will include the search for solutions that, first, do not recognize moral impartiality as a moral principle but consider the application of care ethics, with all aspects when entering into the issue. Secondly, by focusing on the intertwined human network, seek a solution that does not have the ambiguity of a network of relationships defined by ethics but proposes some new and clear strategies for migration so that no human being is ignored.

In future studies, we can look for solutions that do not act according to the impartiality that exists in the masculine morality, which ignores anything that is outside the defined framework and rules, and not, as the ethic of care, by considering a human network as an infinite and without any clear and transparent policies in the border issues. What we see today on the issue of immigration is the result of policies in which there is an approach other than care.

Therefore, the future debates can be concentrated as follows:

1. Can it be reconciled with the claim that the ethic of care solves all human problems, including migration?
2. Do liberal ethics lack the ability to solve the immigration problems? Or in other words, is there any significant reason for proving the roots of the immigration problem is due to liberal policies?
3. Can the principles of care leave the issue of immigration, which has become a crisis today, especially in the European Union?

4. What will be the prioritization according to the ethics of care? Will people living in the EU have priority or immigrants who want to enter the EU?
5. How can the differences between host and immigrant countries be minimized? Is it possible to eliminate fundamental inequalities by applying care ethics within borders?
6. Can a hybridization of justice and care be considered a moral and political ideal for all people of the world?
7. What is the relationship between cosmopolitanism and the related human care network?

- Suggestions

It seems the most critical effort that should be made in this direction is the effort to achieve relative equality between the two sides of the world. Because as long as the distance between the north and the south is so deep and its depth is increasing continuously, not only will the number of immigrants and illegal migration routes not decrease, but it will increase day by day. It is certainly not to be expected that the EU and its member states alone will bear the burden of inequality in the world, but at the same time, given the Union's high human and historical potential, it allows it to play a vital role in global equality. As a matter of fact, the root of many problems and injustices is the lack of education, and most people living in countries with dictatorial and dysfunctional systems are deprived of the right to education. Furthermore, human rights education would most likely not be included in their curriculum even if they could be educated. As a result, fundamental inequality takes root, which fundamentally deprives them of their fundamental rights and even portrays the truth to them in a different way. An example from which I get help goes back to my country, a country that is in the second category of third countries, i.e. countries that are not allowed to travel to the airport of one of the member countries even as a transit passenger. Currently, the situation in Iran is such that even the mention of human rights is prohibited, and not only is there no formal education for it, but it is also not allowed to be taught in universities.

An example is a university professor arrested and imprisoned a few months ago for a human rights course⁶². As a result, when there is no education, people are not aware of their rights, and instead of demanding it from the government, they either remain silent or emigrate. On the other hand, economic inequalities are also present in most Southern third countries beyond legal and civil inequalities. There is no doubt that many EU member states and related institutions continue to provide economic assistance to these countries. But if another approach is taken to the EU's border policies, we can see events that first make people in the South aware of human rights and the need for them and take practical steps to address inequality and discrimination. As an idea, the EU could offer a variety of training courses - depending on the needs of southern countries - to make them aware of both their civil rights and their fundamental and international law. The Union may conduct these courses with a care-oriented approach. Using communication technologies can cover more people from developing countries to receive this training, not just wealthy people or residents of big cities. It may not seem like a big deal, or rather a priority, but it does facilitate education for citizens of the world who have neither the economic nor the social facility to learn and qualify for an international language, but in the long run, given the goal of the world today, which is sustainable development, first of all, reduces the educational gap between the North and South. Secondly, it makes it possible for these people to find future job opportunities, and most importantly, in the following steps, they can be the ambassador of transmitting teachings to future generations. In this way, what they have trained will be spread, and the people of these countries will be informed about their minimum rights.

As a practical approach, it can be suggested that the EU invite third countries to these courses by creating short courses in various fields among the member states. It means that a package can be designed that includes training courses, accommodation and travel grants, and most importantly, facilitates these people's visa process. Because the Union knows their conditions and purpose, so can be sure who enters, how many days and where will stay, and their return by termination the course is guaranteed. Unfortunately, as mentioned in the fourth chapter, the current visa process is only possible for certain people who enjoy good financial and

⁶²<https://www.fidh.org/en/issues/human-rights-defenders/iran-arbitrary-detention-of-human-rights-defender-reza-eslami>

social conditions, and there is practically a one-sided approach. Such projects bring us several steps closer to global justice without being utopian or complex.

First, that the people of the South feel and, of course, see that they have not been forgotten, that their improvement is important to other human beings, that they have not been left alone, and the other citizens of this world are worried about their unequal conditions with themselves and are trying to eliminate these inequalities, this means that empathy has been achieved.

Secondly, it opens a cultural exchange path for both sides. Because it is only in a cultural exchange that we all realize the differences and try to respect other cultures of other ethnic groups, and continually remind ourselves that these differences do not mean higher or lower. Instead, it is the differences with which our world becomes more beautiful and more prosperous. On the other hand, some residents of Southern countries are unaware of some of the modern values of developed countries, such as gender equality and citizenship rights, so such courses, which are accompanied by direct observation, help to become closely acquainted with many modern values and reconsider some discriminatory behaviours. In any case, what is important is acknowledging the existence of inequality and then trying to find its roots and finally take practical action to eliminate it. Because according to the principles of care ethics, we all live in an interconnected human network and must always help and improve the situation of vulnerable people in the network with care, attentiveness, empathy, and trust because we are all moral agents who are never deprived of moral responsibility.

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