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SELF-DETERMINATION, POLITICAL MEMBERSHIP AND IMMIGRATION CONTROLS

ABSTRACT
The collective right to self-determination is one of the core concepts in the political philosophy of immigration, used to justify the right of legitimate states to exclude potential immigrants. The right to exclude is seen as an essential aspect of control over membership composition, its character and future development, which are understood as essential aspects of communal self-determination. In this sense, the exercise of self-determination is viewed as largely incompatible with freedom to immigrate. This paper aims to challenge this view. It is claimed that, if self-determination is viewed as primarily serving the interest of a political community and its members to self-govern independently, control over migration is not essential for its exercise. The external dimension of self-determination entails a collective being able to choose policies and control its development without external coercion, while the internal component presupposes the existence of a political arrangement that allows some form of popular sovereignty or political participation of members of a political collective. If it can be shown that immigration is not incompatible with preservation of regimes of popular sovereignty, and if immigrants can be seen not as an external threat but as becoming a part of a political collective with mechanisms to accommodate them, then it is not clear that discretion over immigration is an essential aspect of the right to self-determination.

KEYWORDS
self-determination, immigration, self-government, popular sovereignty, membership control

Introduction[1]

One of the core issues in the political philosophy of immigration is the moral justifiability of the right to exclude immigrants from the territory and political

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membership of sovereign states. The collective right to self-determination is often used to justify a state's authority over its migration policies (Walzer 1983; Wellman 2008; Pevnick 2011; Miller 2016; Song 2018; Ferracioli 2022). This internationally recognized right to self-government is, furthermore, closely related to the idea that the exercise of political freedom and independence necessarily includes control over the composition of political membership, and therefore, immigration (Walzer 1983: 61; Wellman 2008; Song 2018: 69). Free exercise of self-determination is, therefore, in tension with more liberal immigration policies, or open borders, which is the position often motivated by global justice concerns (Carens 1987, 2013; Cole 2000; Oberman 2015) or protection of the human right to freedom of movement, which for a number of authors includes freedom to immigrate (Wellman and Cole 2011; Carens 2013, chap. 11; Oberman 2017).

Although freedom in migration is highly contested both as a way of achieving global justice (Niño Arnaiz 2022; Niederberger 2025), and as a human right (Miller 2017; Stilz 2019), there is a consensus that individuals generally have strong interests in being able to move and settle freely. To exclude a prospective immigrant thus entails a potential to harm their basic interests (Fine 2010; Oberman 2017). Therefore, to justify exclusion by claiming the right to self-determination, it needs to be shown that this right serves important collective and individual interests of citizens that free immigration potentially threatens. This analysis requires, therefore, identifying the main interests that the right to self-determination serves, and the extent to which the right to exclude immigrants is required to protect these interests. While the most prominent accounts that connect the right to exclude to self-determination invoke different interests like freedom of association (Wellman 2008), collective ownership over institutions (Pevnick 2011), or protection of national identity (Miller 2016), and the general interest to control the character and future development of political membership (Wellman & Cole 2011; Miller 2016), the standard reading of the right to self-determination understands it as protecting the right of a political collective to govern itself independently from unwarranted external intervention and coercion (Lægaard 2013; Stilz 2016).

This paper aims to challenge the view that the exercise of self-determination is necessarily in tension with the right to freedom in migration. While this incompatibility is often the result of seeing self-determination as entailing the right to control the composition and character of the membership, since this dimension of self-determination is neither standard for the right nor easily justified (Laegaard 2013; Crnko 2025), the focus of the paper will be on the standard interpretation of self-determination as internal self-government and

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non-intervention. Therefore, it will be shown that when self-determination is primarily conceived in terms of self-government, it does not require control over membership composition and is not necessarily in tension with freedom to immigrate.

This analysis builds on previous conceptual work in the political philosophy of immigration (Lægaard 2013; van der Vossen 2014; Stilz 2019) that aims to destabilize the connection between self-determination and the right to exclude, understood as a *general* pro tanto right of the state to prevent foreigners from entering and settling on the state's territory (Lægaard 2010). To contribute to these discussions on the role of self-determination in the philosophy of immigration, this paper focuses on the dynamic between the internal (i.e., self-government) and external (or non-intervention) dimensions of the right and membership control exercised as the right to exclude immigrants. This paper, however, is primarily concerned with the conceptual analysis of the right to self-determination, and its connection to the general right of the state to exclude prospective immigrants. In this sense, it does not prescribe any specific immigration policy, especially in non-ideal contexts, and it leaves open the possibility that the exercise of self-determination may, in some contexts, justify some limits on freedom to immigrate[2].

First, the right to self-determination is more closely inspected with a focus on the interests it serves, namely self-government and political freedom. Then, its relationship with migration is laid out with a focus on the tension between the right to freedom to immigrate and the right to control membership composition. In the third part, this tension is further explored by connecting migration controls with the external and internal dimensions of self-determination with the intention to show that self-government, as a central reading of self-determination, is not necessarily in tension with more liberal migration. Lastly, some implications for future work on self-determination and migration are offered.

Collective self-determination and political autonomy

As introduced, self-determination is standardly conceived as a *moral* claim of a political community to govern itself independently (Lægaard 2013; van der Vossen 2014; Stilz 2016; Song 2018: 53). It is a right recognized by international law, and it is codified in major human rights documents (e.g., Article

2 It is important to highlight the difference between understanding the right to exclude as a general and conditional right. State's having a general pro tanto right to exclude means that this right holds in all cases, in general, but is subject to being constrained and overridden by other normative principles (Lægaard 2013: 254). In this sense, it is different from conditional right to exclude, which holds in certain conditions and contexts, which is relevant in thinking about migration in non-ideal contexts or situations in which migration may impact institutional stability of the state. Proponents of the argument from self-determination generally claim that states have a moral right to exclude in the former, and not the latter, sense.

1 of the *International Covenant on Civil and Political Rights* (1976)). It grants all peoples[3] the right to freely determine their political status and pursue their development. Historically, it is related to the creation of states and justification of the Westphalian state system, but also to challenges to existing territorial sovereignty by grounding claims for secession, decolonisation, and autonomy for minorities (Rodríguez-Santiago 2016; Macklem 2016; Stilz 2016). It is a widely studied concept, tied mostly to issues of humanitarian intervention, colonization, global justice, democracy, globalization, minority and indigenous rights (e.g., Wellman 2005; Miller 2007; Brock 2009; Altman and Wellman 2009; contributions in Tesón 2016a). Its connection to migration is, historically, often tied to racism, discrimination and imperialism (e.g., Menge 2023), while in contemporary philosophical discussions it relates to the idea of membership control, mostly within the constraints of the liberal-democratic framework (see Crnko 2025).

Standardly, however, self-government, or freedom of the collective to independently self-rule, is at the core of this right (Margalit and Raz 1990; Nine 2012; van der Vossen 2014, 2016; Stilz 2016; Song 2018). It is generally recognized as having two main dimensions (Angeli 2015: 101; Stilz 2016: 98, 2019; Song 2018: 54), one referring to the relationship with external collective agents (i.e., the external dimension) and the other pertaining to internal conditions of self-government (i.e., the internal dimension).

The external dimension, tightly connected to the notions of territorial sovereignty and non-intervention, refers to the political collective, usually represented by a state, being able to freely determine its political status without outside interference or coercion. Historically, this dimension generally referred to claims of particular groups for an independent state, or sovereignty over a particular territory. As a negative right against intervention (Lægaard 2013), it protects its holders from outside interference, mostly from other external collectives, associations or institutions.

The internal dimension, in turn, refers to the aspects of the rule, or the idea of popular sovereignty (Song 2018: 54). For a collective to be able to govern itself, a political order in which power is derived and authorized by the people must be present. The internal dimension, therefore, requires a political system (e.g., democracy or similar political arrangements, see Stilz 2019: 127-131) that allows participation in the political process and public accountability. This dimension, therefore, connects members of the group with political power and authority, relating closely to the idea of legitimacy, which requires that institutional structures that impact the lives of individuals are justified (Mandle 2006: 20-21; Song 2018: 54-55). It is, in this sense, interpreted as a positive claim right

3 Different collectives are recognized as bearers of the right to self-determination, e.g., nations, peoples, cultural minorities and indigenous groups or citizens of existing states. For the migration debate, it is primarily the latter which is taken into consideration (see Stilz 2019 for the discussion on pre-political and political agents of self-determination).

to self-government (Lægaard 2013), entailing the freedom of the members of the collective to participate in political decision-making.

These dimensions point towards the identification of interests that the right to self-determination serves. On the one hand, being a *collective* right (Altman and Wellman 2009; Moore 2015; Miller 2020a), it serves the interest of the *collective* to a degree of political freedom and self-rule. This dimension of the right points to what is wrong with acts like colonialism, annexation or intervention that interfere with the collective and its institutional structure (Altman and Wellman 2009: 40). On the other hand, it is the interest of individuals, as members of the collective, that self-determination ultimately serves. This interest can be identified as the ability to be, in the relevant sense, authors of and not just subjects to political institutions (Song 2018: 55; Stilz 2019: 93). In this sense, individuals have an interest to participate in the political process and creation of laws, which prevents alienation from the political and social conditions in which they live (Miller 2020a) and allows a degree of control over one's political environment (Nussbaum 2019). It is claimed that even though the individual impact on institutional structure, laws and collective projects is restricted, having the opportunity to participate and co-create these structures serves a fundamental interest to be (politically) autonomous (see Angeli 2015: 97; Moore 2015; Stilz 2019, 2022, compare Wellman and Altman 2009: 20; Pevnick 2011: 29), adding to the general well-being of individuals, stability of institutions and justice (see Stilz 2016: 113). The value of self-determination also connects to other dimensions like nationality (for overview, see Banai and Kollar 2021); however, the political freedom of collectives and individuals comprising them is recognized as primarily grounding this right (Stilz 2019: 94).

Self-determination, therefore, apart from serving collective interests to be free from external domination, serves important intrinsic and instrumental interests of individuals to be free from alienating institutional coercion. As such, it is a part of the human rights framework, protecting the claim to collective self-government, and political autonomy of individuals.

It is important to note that not all political collectives or groups are justified in exercising this right. In international law, it is a notoriously problematic issue (Ohlin 2016; Tesón 2016b). In political theory, claims for self-determination are generally tightly connected to the idea of legitimacy. Only states which are sufficiently just, or those that are compliant with the human rights framework (both for members and foreigners) and which allow internal self-government for their members, have a claim to self-rule without interference, and to exercise belonging rights, including the right to exclude immigrants (Stilz 2009; Wellman and Cole 2011: 28; Lægaard 2013; Stilz 2019, 89).

The right to self-determination and immigration

As canvassed above, self-determination may be considered a valuable principle protecting important collective and individual interests to a degree of political freedom and autonomy. Immigration, primarily understood as the movement

of persons across borders with the intention to permanently settle, is also, especially taking into consideration the poverty and inequality that often motivate it, considered to serve relevant human interests. For proponents of the right to international freedom of movement, the right to immigrate is claimed to protect essential well-being and freedom interests, including the exercise of personal autonomy in setting the course of one's life according to personal judgments, values and choices (see Carens 2013; Oberman 2017). Thus, it is important both intrinsically, as a valuable freedom in and of itself, and instrumentally, as a prerequisite for other freedoms.

While neither the right to self-determination nor the right to freedom of movement are considered to be unlimited, nor entailing completely closed or open borders respectively, they are often understood to be in tension, in which the exercise of one right curtails the exercise of the other. This, on the other hand, means that exercise of the right to exclude is limited when there are particular claims for admission (e.g., in cases of refugees or family reunification) (e.g., Pevnick 2011: 93–40; Moore 2015: 209; Miller 2016: 76–93; Song 2018: 113–131), and on the other, freedom in migration is limited by protection of institutional stability and security (e.g., Carens 2013; Oberman 2017: 33).

One of the main reasons for tensions between these rights is the interpretation of self-determination as requiring control over the membership composition, or control over the *self* of the political community. It is claimed that, to be self-determining, a political community needs to be able to determine its own character, and relatedly, its future development (Fine 2013; Lægaard 2013). This dimension of the right, or self-composition, is recognized across self-determination accounts (see, e.g., Crnko 2025). For nationalist accounts (Miller 2016), immigration is seen as affecting the national culture and identity (or national character of the self) relevant for the stability of political institutions. Institutionalist conceptions (Wellman 2011; Pevnick 2011; Angeli 2015; Song 2019) similarly stress how changes in the character of a community (including values, goals, aspirations, etc.) affect the direction in which a community develops in the future. Both control over the constitution and character of the self, and, relatedly, the way it develops in the future, are seen as key elements of self-determination.

Since there is a consensus in the liberal political theory of immigration that permanent settlers are to be awarded full membership and political status as a matter of justice (see Walzer 1983: 61; Wellman 2008: 131; Carens 2013: 45-61; Song 2019: 173-188; Stilz 2019: 197), immigrants are seen as potential new members of a political community. However, by bringing new cultural and political values, they affect the constitution, character and future development of the community. Without control over membership, which in the case of migration includes admission, integration and naturalization policies, members of the political *self* lack control over these dimensions that are understood to be essential aspects of self-determination (Walzer 1983: 62; Wellman 2008: 115; Wellman and Cole 2011: 40-41; Angeli 2015: 98; Miller 2016: 63; Song 2018: 69). To be self-determining, therefore, existing political members of the state

need to be able to define what the self is, and controlling immigration is an essential aspect of this control. Following this interpretation, it is evident how freedom to move and settle as one wishes would render membership control impossible, and thus the right to self-determination void.

Free immigration and self-government

To explore this tension further, the effect of this freedom to move and settle on both external and internal dimensions of self-determination, and their relation to political freedom and autonomy, is considered.

External dimension of self-determination

As previously indicated, the core understanding of the external dimension of self-determination refers to a claim for self-government without external interference. Acts like colonialism, military intervention or forcible annexation, which are cases of external coercion, are perceived as standard threats to the self-determination of political collectives and their freedom to determine their political status. Wellman (2008: 112) uses similar state-to-state, or state-to-supranational organizations (e.g., state associations with the European Union) dynamics to show that states should, as a matter of their self-determination, have a discretion over associations with other agents, including choice over how they wish to be governed in relation to these external agents. The intuitive power of these examples, where it is evident that the political freedom of the collective and its members is violated by external agents, is, however, used to derive a conclusion that political collectives should be able to reject associations with potential immigrants (Wellman 2016: 84).

Without going into the full analysis of the analogy on which Wellman builds his case (see Fine 2010), the relationship between a potential immigrant and a state cannot be easily compared to the cases in which other states or associations engage in forcible interference with a state (see van der Vossen 2014). Immigrants are individuals, who usually cannot have a comparable impact on state institutional structure, its members and their self-government, as decisions pertaining to association with other collective entities do. For example, while it is clear that colonialization or annexation severely limits the political freedom of the state and affects its political status, this is not so clear in the case of standard migration.

Regular immigrants, that is, generally have the intention to settle permanently on the territory of the state and eventually become members of the political collective (see Sager 2007: 73). In this sense, they do not seek to associate themselves with a collective or a state as an institutional entity, but rather they seek to become an integral part of the community (see van der Vossen 2014: 276). This integration is generally achieved by contributing to a state's institutions and *playing their part* in its political project (see Stilz 2016), minimally by willing participation in its social life, by respecting the law, working

and paying taxes. It is not clear that by becoming a member of the collective, an immigrant threatens self-rule as colonialism or military intervention would. State-to-state associations or forcible interactions often affect state institutional structure (e.g., by a takeover or imposition of limits), which affects the possibility of members to make independent decisions regarding their political status and future development of their community. In the case of migration, the political status, institutions and political freedom are not comparably affected, since migrants aim to become a part of the community and its institutional structure, and not engage with it either with the intention to take it over or to enter into association with it.

Therefore, it is not a change in the membership composition by immigration, but rather external coercion that is the main threat to the collective interest to self-rule. Immigration, similarly to regular population changes by procreation, entails adding new members to the community that aims to self-govern independently, and it does not constitute external coercion to this community.

However, it may be claimed that a homogeneous and large number of immigrants unwilling to become part of the collective would pose a threat to the external dimension of self-determination (Sager 2007: 73-74; Carens 2013: 273), if such immigration has become similar to cases of external collectives interfering with the state. This is, however, different from the case of regular immigration, which is often more paced and in which immigrants become a part of the community, through processes of integration and naturalization. Clearly, extreme cases, in which masses of immigrants in a short period of time seek to enter the state territory, would justify restrictions of freedom of movement to protect institutional stability and self-rule (Carens 2013: 276-279). In such cases, the exercise of self-determination would be imperilled, and the state would be justified to prevent admission of immigrants. Exercise of this right would, however, be conditional on the described situation, and not an instance of a general right to exclude, which is generally argued for.

Internal dimension and immigration

The internal dimension of self-determination, as introduced, entails securing institutional preconditions for popular sovereignty. In this sense, the analysis focuses on the connection between changes in membership and communal character and the conditions of the internal self-government. This matter can be explored both conceptually and empirically, and may be related to understanding the impact of changes in membership and character on autonomy and the effect of immigration on institutions that enable political participation.

Proponents of the argument for the right to exclude immigrants generally understand migration as impacting the character of the community and its future (Wellman and Cole 2011: 40, Miller 2021). Migration is understood to impact the national culture, traditional ways of life, economy, political values, social and civic life, and other aspects of society. It also brings demographic changes to society and requires that society adapts to accommodate

new members (Miller 2021). The extent to which immigration (i.e., membership change) leads to changes in the community character, and whether such changes have a positive or negative impact on society, is, however, an empirical matter. It has been argued that often the impact of immigrants is overemphasized (Sager 2007; Carens 2013: 285), and dependent on a number of factors like the absorption capacity of a society, immigration rates, differences between the values of immigrants and the community, efficiency of integration and naturalization policies and other social, cultural and political measures. Furthermore, the interpretation of the communal character and investment in communal development can be further analysed. While it is often taken that this character primarily includes the public culture of the society (see Sager 2007; Miller 2016), it also encompasses more general ways of life. Proponents of the argument, in this sense, seem to take it that there is a shared will of the people or communal character which directs future development, which can be challenged by the fact that citizens of contemporary states are often multicultural, non-homogeneous and polarized around a number of relevant issues including political values and ideas about the ways in which their communities should develop (see Sager 2020: 64-69). Many empirical issues regarding the change of the community character, and it being something discernible and unified, therefore, remain. However, the point which is stressed by proponents of the argument from self-determination is that changes, positive or not, and the ways a community develops, should be in the hands of the collective (Wellman and Cole 2011: 40; Miller 2016, 2021), and are important aspects of their self-government. In this sense, the point is not whether immigration in reality brings changes, but whether self-determination requires states to have control over character change and future development.

Van der Vossen (2014: 282), in the analogy with individuals, shows that not all aspects of one's character should be under control to preserve personal autonomy and self-determination. Personal *autonomy* is taken to require having the authorship over one's life and aligning one's agency with personal values and commitments (see Stilz 2019: 101; Miller 2021: 172). People change their character constantly and still remain autonomous. For an individual to remain autonomous, it is important that any changed values or traits of her character are subject to her standard rational and evaluative capacities, and not a result of coercion and manipulation (van der Vossen 2014). As an example, a very dedicated meat eater can radically change her views as a result of the outside influence by her vegetarian friend. However, unless her friend manipulated or coerced her into changing her views and eating habits, her autonomy is not restricted by this change in values. According to van der Vossen (2014), similar conditions hold for the political community, which is seen as self-governing if it can make choices about collective actions based on collective values, commitments and goals, without some other external force interfering[4]. While

4 It is important to note that the analogy between individual and state is not perfect. States, after all, are administrative entities, and they are not similar to individuals in

immigration may bring changes in values and commitments, for these changes to affect autonomous decision-making they need to occur by subverting standard processes by which members deliberate and decide. When these changes are introduced regularly, over time, mediated by institutions of society, and filtered through regular integration and naturalization policies, they do not seem to limit the possibility of autonomously acting based on the collective values (van der Vossen 2014: 283-284). It simply means that the collective gained new values or traits, and therefore changed some of its character. This process is, moreover, hardly tied only to migration, since societies and their cultures change through globalisation, technological advances and different media and cultural influences. It is clear that not all of these changes can (nor should) be under control to preserve self-determination. As long as the institutional ability to integrate, reassess or reject new inputs remains, collective autonomy does not seem restricted. As the person who radically changed her conception of the good life by gaining new insights and values can remain autonomous if this change did not occur by force, a community remains self-governing, even if its communal character changes, and as a result its future trajectory alters.

In this sense, it seems that regular changes that occur in the communal character and its future development, by gaining new values or aims which are standardly processed by the institutions of society, do not seriously restrict the interest of political members in political freedom or autonomy. It is still the same political community engaged in decision-making, even if the content of the policies and future development is changed to reflect changes in communal character. The ability to exercise internal self-government rather hinges on there being institutions which allow popular sovereignty.

This issue is often framed in terms of the effect that immigration has on democratic institutions and social justice (Miller 2016: 64-65; Song 2018: 67). It is, for example, claimed that changes which migrants bring to the public culture of the community lead to the decline of mutual trust, and subsequently to the destabilization of welfare and liberal democracy. Clearly, if it would be shown that changes in membership endanger political institutions which allow

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many aspects. Political communities are not agents in the same sense as individuals; unlike persons, they depend on institutional continuity, shared political practices, and historically developed forms of collective identity rather than psychological continuity. Regardless of the differences, analogies between individuals and collectives are often used in migration debates (e.g. Wellman & Cole 2011, Miller 2021, van der Vossen 2014). In this context, the comparison is used to highlight what are the conditions and restrictions on autonomous agency. The comparison is intended only to illuminate one specific aspect of self-determination: that neither individual nor collective autonomy requires preserving all existing values or characteristics unchanged over time. Rather, in both cases, autonomy depends on the capacity to incorporate change through the agent's own deliberative and decision-making processes rather than through coercion or manipulation. The analogy does not imply that individual and collective autonomy are identical phenomena or that the same autonomy-protecting rights follow in both cases; rather, it highlights a shared normative structure despite the different mechanisms through which autonomy is exercised.

popular sovereignty, and a degree of political freedom and autonomy for individuals, then there would be a case to show that important interests that self-determination protects are restricted by the exercise of freedom in immigration.

However, as explored in more detail elsewhere (Crnko 2025), the connection between migration and democratic backsliding is empirical, and its results are contextual and inconclusive (e.g., Nannestad et al 2014; Banting and Kymlicka, 2017; Holtug, 2021). Furthermore, as argued in Crnko (2025), even if it can empirically be shown that diversity and immigration negatively affect social trust and democracy, the right to exclude is not the only, nor always preferable, measure to protect institutional orders of popular sovereignty. States already possess mechanisms to foster solidarity and trust (Song 2018: 68), and to integrate immigrants into the political, social and cultural life of the community (Miller 2016), including support to institutions of political participation and social justice, political and media discourse regarding immigration, and support to civil society (e.g., Nannestad et al. 2014; Zelič 2020; Brock 2020). These policies are, moreover, directly in the hands of the collective, and they ultimately determine the conditions of the permanent settlement and membership. Therefore, it is not clear that the general right to exclude immigrants from admission to the territory, which normally frustrates important interests they have, can be grounded by the contextual and inconclusive impact of immigration on trust and democracy (see also Abizadeh 2002), especially when there are other internal policies and mechanisms that can be used to protect democratic institutions (Holtug 2021), and consequently the interests that self-determination serves.

However, it can be claimed that even if democracy is substituted for some other political arrangement as a result of new members bringing new ideas and values to the collective, if this change did not arise as a result of coercion, but by integrating new values through standard mechanisms of society and regular decision-making, it did not restrict internal self-determination. Rather, though unfortunate, it is the expression of it (Stilz 2019: 129). As long as there are mechanisms that allow members of the collective to revoke this institutional change or to express dissatisfaction, and as long as institutional change came about by reflecting the shared will of the collective, it does not restrict the political autonomy of individuals (Stilz 2016: 110-111). As long as conditions of popular sovereignty obtain, that is, political autonomy of members is not necessarily restricted even when political institutions and government change (see Stilz 2019: 128; see also Wenar 2016: 227-228).

Exercise of internal self-government, therefore, requires an institutional structure which reflects shared commitments and interests of the political membership, and not control over membership change and the character of the community. The general right to control migration is not in this sense required for protection of interests in political freedom, especially since there are alternative measures to have a degree of control over communal character. Merely claiming that members of a political community are strongly invested in the communal character and future (Wellman and Cole 2011; Miller

2016), does not immediately warrant exclusion (Blake 2020). Clearly, in cases in which institutions are changed by radical changes in values imposed by large groups of immigrants that current institutions cannot regularly process, internal self-government may be at risk, and these situations would justify a right to exclude. The right to exclude in this sense is, however, conditional on there being situations in which institutions are taken over (van der Vossen 2014: 284) or usurped by outsiders, which is more comparable to colonial annexation (Stilz 2019: 193), than regular immigration.

Clearly, one might object by indicating that some control over membership is essential for a community to govern itself. Self-determination, after all, requires that there is a *self* that self-governs. If there were no permanent members, it could hardly be continuous, or bounded or relatively stable, so that self-government can be achieved (Miller 2020, 2021). This is an important challenge for discussing migration and self-determination, including the ways in which the political self can meaningfully be determined and bounded (see Abizadeh 2008; Lepoutre 2016; Miller 2020b). However, it is not clear that securing self-government and continuity of self requires a general right to exclude. As highlighted by Stilz (2019: 133), in states, like in large institutions or associations, membership constantly changes, and continuity is preserved by institutional structures (i.e., statutes, documents, rules, etc.) in which new members are integrated. Control over the composition of membership is not essential for there being a continuous institutional self which self-governs. Furthermore, it seems that self-government requires that it is clear who is engaged in self-government at any given moment (Honohan 2010), and not control over admission of new members, either by birth or migration. This means that some mechanisms to specify membership are required (like citizenship or residential status, or something else entirely, e.g., Bauböck 2008), but not necessarily the right to exclude prospective immigrants (Crnko 2025).

Self-determination and membership change – some concluding remarks

This paper tried to offer some reasons to abandon the view that the right to self-determination and freedom in immigration are incompatible. When self-determination is understood as protecting the interests in political freedom and autonomy, its exercise requires political institutions being of a certain quality and freedom from external coercion, and not control over changes in membership composition, communal character, or future development.

On the one hand, individual immigrants cannot affect political collectives in the same way as other states or supranational institutions do. They generally aim to settle permanently in the host community and become a constitutive part of it, and it is not clear that becoming a part of the political self can, in standard and non-extreme situations, become similar to taking over the self, or restricting its freedom externally.

On the other hand, political autonomy of members requires an institutional structure that allows popular sovereignty and the negative effect of immigration on these mechanisms is not clear. The change of the *character* of the self, or what it looks like, and membership control connected to it, does not seem necessary to preserve that functioning, due to the mechanisms society has at its disposal to integrate new members, and the conceptual separateness of autonomy and control over one's character. Members of the political community can, that is, exercise their political autonomy even if the communal character is changed, as long as this change did not arise as a result of force, but through internally endorsed processes.

Moreover, political institutions being of a certain quality (i.e., compatible with popular sovereignty) is what self-government seems to require, and the negative effects of migration on those institutions are at best inconclusive and contextual, with a number of other policies at the disposal to the community apart from exclusion.

One such real-life example of the compatibility between freedom in immigration and self-government is the European Union. Nations that are members of the EU allow for free movement of citizens within the Union. This does not restrict the self-determination of member states within the parameters of Union membership. Member states, that is, seem to remain autonomous, and even preserve their distinctive national characteristics, in spite of more liberal immigration. This example is, however, limited, since freedom of movement is reserved only for members of the EU, while exclusionary policies are exercised on the outside. Nevertheless, apart from the conceptual analysis which testifies to potential compatibility between more freedom in immigration and self-government, even some real political examples, like the EU, support this idea. However, even if this paper aimed to show that self-government need not conceptually rely on membership control, it is clear that such a connection may obtain in real, non-ideal circumstances, where migratory movements, especially when forced by political instabilities and wars, may affect the democratic structures of host societies.

This analysis is, therefore, limited. Self-determination is a complex concept and a contested right, and many of its aspects remain unspecified (see Miller 2020a). Even if it can be *primarily* conceived as self-government, additional conceptual levels of this right may be recognized, including the right to control membership composition, or self-composition (see Laegaard 2013), on which the argument from self-determination seems to rely, even if it is not an internationally recognized dimension of self-government. Furthermore, as explained above, self-government may additionally be connected to having some control over the composition of the membership, minimally in the sense of retaining relative boundedness and stability of the self that is engaged in self-government (see Miller 2021). Immigration policies may, moreover, rightly be seen as policies self-determining collectives have a right to choose and exercise as an expression of their self-government.

All of these issues place freedom in immigration in a specific relationship with self-determination, and require additional conceptual (and empirical) work by migration scholars. On the one hand, the relationship with migration and the ways political membership is conceived may need to be further analysed, especially taking into consideration that a significant portion of migration is temporary, and not necessarily permanent. On the other hand, understanding migration policies, that affect the rights and interests both of members and foreigners, as part of the standard decision-making process of the community, may in turn take into consideration the way it relates to the overall global justice and human rights framework. Since immigration is especially relevant and highly polarized topic in our contemporary societies, its relationship with the idea of self-determination and territorial sovereignty of states that are facing increased mobility of individuals, who are among other things responding to global inequalities by migration, will remain an important research interest. With this paper, I hope to add a small contribution to this growing field of research.

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Tamara Crnko

Samoodređenje, političko članstvo i imigracione kontrole

Apstrakt

Kolektivno pravo na samoodređenje jedan je od temeljnih pojmova u političkoj filozofiji imigracije, koji se koristi za opravdavanje prava legitimnih država da kontroliraju imigraciju na teritorij zemlje. Pravo na isključenje imigranata smatra se ključnim aspektom kontrole nad sastavom članstva političke zajednice, njegovim karakterom i budućim razvojem, što se smatra bitnim elementima kolektivnog samoodređenja. U tom se smislu ostvarivanje samoodređenja uglavnom smatra nespojivim sa slobodom useljavanja. Ovaj rad nastoji problematizirati takvo shvaćanje. Ako se samoodređenje promatra prvenstveno kao ostvarivanje interesa političke zajednice i njezinih članova za neovisnim samoupravljanjem, kontrola nad migracijama nije nužna za njegovo ostvarivanje. Vanjska dimenzija samoodređenja podrazumijeva sposobnost političke zajednice da upravlja vlastitim razvojem bez neopravdane vanjske prisile, dok unutarnja dimenzija prava na samoodređenje pretpostavlja postojanje političkog uređenja koje omogućuje političko sudjelovanje članova političkog kolektiva u samoupravljanju političke zajednice. Ako se može pokazati da imigracija nije nespojiva s očuvanjem političkog uređenja koje omogućuje samoupravljanje, te ako se na imigrante može gledati ne kao na vanjsku prijetnju, nego kao na osobe koje postaju dijelom političkog kolektiva koji raspolaže mehanizmima za njihovu integraciju i uključivanje, tada nije jasno da je diskrecijsko odlučivanje o imigraciji nužan aspekt prava na samoodređenje.

Ključne riječi: samoodređenje, imigracija, samoupravljanje, narodna suverenost, kontrola nad članstvom