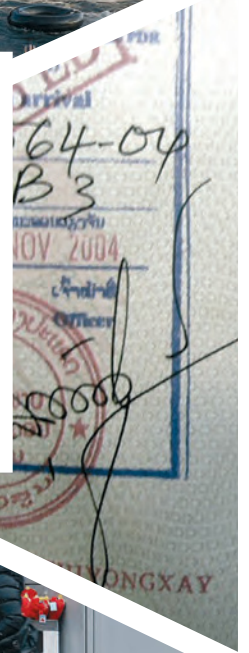Proceedings of the 2018 ZiF Workshop

Studying Migration Policies at the Interface between Empirical Research and Normative Analysis

Matthias Hoesch & Lena Laube (eds.)

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Introduction:

Why Should We Study Migration Policies at the Interface between Empirical Research and Normative Analysis?

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Abstract

The text introduces the concept behind the *Proceedings of the 2018 ZiF Workshop "Studying Migration Policies at the Interface between Empirical Research and Normative Analysis"*. It explains why there is a need to study migration policies across disciplines, includes a short note on the current literature, and provides a look back at the workshop.

Migration and its regulation by nation states is undoubtedly a complex empirical phenomenon. It includes many different actors, several localities and mostly lacks traditional social routines. At the same time, it is a highly controversial issue: normative questions surrounding migration are heatedly debated in moral, political and academic discourses. Whoever conducts research on migration policies must somehow address both these aspects: the complexity of migration and the normative controversies that surround it.

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The way academic disciplines are structured and organized at most universities promotes approaching these aspects via something like a division of labour that results in two separated academic discourses: On the one hand, there are sociologists, economists and political scientists that try to capture migration policies as the object of their empirical research, describing and explaining single developments and reforms, or theorizing about the more general tendencies of migration policies. On the other hand, philosophers and political theorists address normative issues related to migration: what would a just world look like in regard to migration policies? Are migration restrictions justified, and what are the moral claims of those who are excluded?

Of course, there cannot be any *strict* line between empirical and normative approaches to studying migration policies. And yet, generally speaking, the division of labour between empirical and normatively oriented scholars is largely what can be observed in reality.[2] Most of those who are educated in sociology and the empirical branch of political science do not attempt to reflect on normative foundations, and they are not familiar with normative theorizing. On the other hand, philosophers are largely used to discussing relations between very general normative claims; they set aside problems arising from the complexity of realities and proceed from normative questions that only apply to idealized conditions.[3] Thus, they do not usually incorporate current empirical findings.[4]

To be sure, there are good reasons to maintain that division of labour to a certain degree. In order to achieve clarity on normative claims, it seems appropriate to focus on simple cases, setting aside the complexity we are faced with in reality. Moreover, grasping the complex phenomena of migration and migration policies is likely to fail if academics always follow a normative approach instead of concentrating on the observation and description of the empirical phenomena first. Nevertheless, we are convinced that academic research could gain enormously from interdisciplinary approaches that consciously and thoughtfully cross the line between empirical and normative research.

So, why is it important for empirical researchers to become familiar with normative reasoning? As we mentioned, scholars cannot simply put aside the normative relevance of their research objects; they have to deal in some way with the

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[2] However, as we will highlight later, some of the leading writers in the field do include insights from both the empirical and normative debate.

[3] See, e.g., the assessment of the current philosophical literature in Brezger, Cassee, & Goppel, 2016.

[4] See, e.g., Wellman, 2015; Dietrich, 2017.

fact that they address questions that deeply touch peoples' suffering, human rights, life prospects, fears, hopes, and animosities. Indeed, it is no exaggeration to say that most scholars in migration studies, by doing empirical research, try, in one way or another, to send a normative message – a message that is often neither explicitly expressed nor justified by normative theorizing, but nevertheless can be read, as it were, between the lines.

As we see it, scholars currently address the great normative import of migration studies in at least four different ways. Firstly, it is quite common to describe policies as objectively as possible to begin with, but then to switch to a more *emotional* level as soon as normativity becomes central. Thus, many empirical scholars mention that the findings of their studies are 'questionable', 'shocking' or 'worrying', without explaining the normative basis for these statements (Boes, 2000; Natter, 2016; van Houtum & van Naerssen, 2002). Secondly, scholars formulate criticisms by referring to apparent *paradoxes* in how migration policies are adopted. Thus, many political scientists apply the widely used frameworks known as the "liberal paradox" (Hollifield, 2003; Joppke, 1998) or the "gap hypothesis" (Cornelius, Tsuda, Martin, & Hollifield, 2004). This strand of literature aims to identify fundamental contradictions between what states *claim* to be their normative and legal foundations and their *actual* migration and asylum policies. Thirdly, others take an explicitly *critical* stance towards border regimes, often drawing on Foucauldian theories of governmentality. According to them, border policies are important manifestations of a state power that so often hinders individuals to flourish. A focus on control mechanisms and security issues recurs in this strand of literature (Bigo, 2002; Pallitto & Heyman, 2008; Salter, 2007; Tsianos & Karakayali, 2010; Walters, 2006). Less prominent is the fourth approach: some sociologists adopt a normative understanding of the concept of inequality and they highlight the fact that migration policies reproduce existing social inequalities at a global level, or even intensify them by distributing individual life prospects unequally (Lessenich, 2016; Mau, Brabandt, Laube, & Roos, 2012).

What all four approaches have in common is the reluctance to say *explicitly* what their normative conclusions are. For example, why is the difference between the political claims that states make in public to justify coercive power and the way that they act problematic at all – does that constitute a legitimacy problem, or is it only due to the requirements of the language of politics? Are unequal opportunities that result from the national regulation of human mobility indeed unjust, or do societies have a moral claim to maintain some of the advantages they have acquired? Why should we share a critical attitude towards state coercion, instead of highlighting the empowering features of states?

This silence about one's normative convictions, however, is unsatisfactory: we are convinced that assuming that others agree with our unspoken normative assumptions, instead of stating them explicitly, often hampers discussions and leads to polarizations within the academic community. If, for example, a scholar implicitly assumes that living in a refugee camp is unacceptable under any condition, while another scholar is concerned with the question of how to design camps in order to make them acceptable, then there is the risk that each might hastily condemn the other's position as ideological or biased, instead of identifying the actual reason for disagreement. In consequence, social scientists who work empirically would benefit enormously from becoming more familiar with normative approaches, with how to defend them, and with how to deal with normative disagreements. Doing so would enable them to express moral scruples in a much more suitable way.

On the other hand, it is no less important that philosophers take notice of empirical literature on migration much more than they do. The first and obvious reason is that philosophers normally start from a common-sense impression of what migration phenomena are and which social problems are linked to immigration. Following that impression, they single out supposedly relevant normative questions. However, this common-sense picture largely derives from news stories and images in the media – and it is therefore a picture that often does not tell the whole story. In contrast, gaining academic insights can lead to a more balanced view on what actually constitutes migration and migration policies.

The second reason is that, as we see it, philosophers fail to ask many important application-oriented questions on migration issues that presuppose knowledge of how migration policies work in reality. The ethics of migration is quite a young discipline, and philosophers were right to begin with general questions on the justification of immigration restrictions. However, asking these general questions often leads to approaches that only apply to an ideal world, as we have already pointed out. But, how should immigration restrictions operate in an ethically appropriate way in a world like ours? To be sure, we should not expect philosophical ethics to give us clear answers to *all* questions in a non-ideal world. However, we are convinced that ethics can provide helpful reflections at least in many cases – and also in cases that, at first sight, seem to be hopelessly disputed. There is, for example, a controversy in philosophy on the extent to which Western states are obliged to admit refugees.[5] However, if we also consider by which *means* states are allowed to reduce the number of refugees they admit, there could be a greater prospect of agreement between

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[5] See Gibney, 2004; Miller, 2016; Owen, 2016; Hoesch, 2018.

philosophers: if we take a closer look at those numerous policies intended to reduce the number of asylum seekers who reach European territory, we will certainly be able to identify some that should without question be condemned from a moral perspective. Nevertheless, we will also find others that are probably admissible.[6] It is only by collaborating with empirical scientists that philosophers can address such issues adequately.

Many philosophers indeed consider their claims to be relevant to practical questions and the evaluation of concrete border policies, as we can see, for example, in many conclusions to journal articles. In Germany, some philosophers have also contributed to public debates on concrete issues concerning refugee policy, especially commenting on Angela Merkel's decision not to close the borders in 2015. However, some of the positions that have attracted public attention are, in our view, unconvincing – perhaps just because they may not have drawn sufficiently on empirical knowledge about what given policies would mean for those directly affected.

All in all, these remarks might suggest that an interdisciplinary approach to migration studies could contribute to policy-making: ethical reflection on possible political measures and their foreseeable consequences seems to be an appropriate basis for political advice. Of course, that is an important aim. However, in our view, the interface(s) between empirical research and normative analysis need to be addressed first of all within *academic research*. Academics have to reflect on how they can improve how they engage with realities and normativity when studying migration policies, while political advice could then constitute a possible, second step.

Crossing the line between empirical and normative research: a short note on the current literature

Of course, this collection is not the first to call for more interdisciplinary approaches in migration studies. There have been several recent acknowledgments that there is a need to overcome the gap between empirical and normative approaches. A prominent example is the *Oxford Handbook of Refugee and Forced Migration Studies* that points out in its 'Introduction' that there should be more mixed normative-empirical research in that field (Fiddian-Qasmiyeh, Loescher, Long, & Sigona, 2014). Nevertheless, the few normative entries of the handbook contain purely normative arguments without substantial attempts to overcome the gap. Similarly, Celikates (2016) demands that

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[6] A first (and still unsatisfactory) step towards that direction is Hoesch, 2017.

philosophers should take notice of (critical) empirical migration studies, without sufficiently pointing out what philosophers could learn from that literature.

Thus those acknowledgments have not been followed by sufficient efforts to develop productive ways of working together in practice, or incorporating other disciplines in one's own work. Even though there is an appreciable literature dedicated to issues that, by their nature, are situated at the intersection of empirical and normative migration research, only few authors themselves combine empirical and normative approaches. Those integrative approaches exist, and we should highlight the great work of scholars like Ayelet Shachar, Rainer Bauböck, Joseph Carens, Matthew Gibney and David Miller here.[7] Still, given the large extent of migration studies, normatively inspired work is rare.

Even more strikingly, fundamental methodological reflections have been more or less non-existent in the international debate on migration policies. Something that comes close to our idea of methodological reflection is perhaps elaborated in "critical" migration studies. In Germany, for example, the founding of the journal "movements. Journal für kritische Migrations- und Grenzregimeforschung" (Journal for Critical Migration and Border Regime Research) aims to stimulate migration research towards an interdisciplinary examination of normative issues. Representatives of critical migration research in particular address the relationship between research and political commitment;[8] these publications explicitly promote a responsibility of research to stand up for the concerns of migrants.[9]

However, from the perspective of contemporary political philosophy, the ethical foundations of that 'critical' approach seem to be underdeveloped. One of the few examples of an explicit discussion of such a foundation is Mecheril et al. (2013). The authors propose the idea of human dignity as the normative basis of critical migration studies. However, they show little attention to how this principle can be used to make normative assessments of border policies possible. It is not only that the content of the idea of human dignity is controversial in philosophical debates, with most philosophers attributing only limited normative implications to it. What is more, in the case of migration processes, it is often an open question as to which state can be held responsible when specific people cannot lead a life corresponding to

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[7] For combining normative and empirical approaches in studying global inequality, see especially Anja Weiß, 2017; and for the issue of deportation and repatriation, see the recent work by Mollie Gerver, 2018.

[8] De Genova et al., 2015; Jacobsen & Landau, 2003.

[9] On the political orientation of critical migration research, see also Hess & Kasparek, 2010; Hess, 2009; Walters, 2006, 2015; and Transit Migration Research Group, 2007.

human dignity. So the idea of human dignity alone is not sufficient for criticizing Western states for their supposedly over-restrictive immigration policies, and much more theorizing is needed – which is not to say that many of the assumptions of the critical approach will not withstand further elaboration.

The Proceedings of the 2018 ZiF Workshop "Studying Migration Policies at the Interface Between Empirical Research and Normative Analysis"

In the light of these ideas and considerations, in September 2018 we invited more than 40 scholars from Law, Political Sciences, Sociology, Education, Philosophy and Political Theory to meet at the Center for Interdisciplinary Research at Bielefeld University. The workshop bore the title "Studying Migration Policies at the Interface between Empirical Research and Normative Analysis" and included five keynote lectures and twenty panel talks; each talk was followed by a comment, cutting across disciplines. Much to our delight, some of the most influential authors on migration policies worldwide accepted our invitation, amongst them Veit Bader, Joseph Carens, Sandra Lavenex, David Miller, Ayelet Shachar, and William Walters.

The keynotes by Joseph Carens and Sandra Lavenex and two of the panels were dedicated to methodological issues. How to define the role of norms in empirical research and the role of empirical knowledge in normative work? The speakers, coming from political science and philosophy respectively, reflected on how to use empirical material when elaborating moral arguments on migration policies and how to take into consideration ethical questions when designing and conducting empirical research projects; they discussed the possible gap between critical migration studies and social philosophy on the one hand and liberal thinking on the other hand; and they asked how to empirically study the references of political actors to moral norms. The keynotes by Ayelet Shachar, William Walters and David Miller, as well as four other panels, addressed central issues from specific research areas, namely citizenship, inequality, deportation, and refugees. The research questions addressed in these papers most often involved issues of (global) justice and the proportionality of certain policies and their implementation, such as the promotion of voluntary return, deportation practices, and the process of decision-making about asylum applications.

Participants enthusiastically shared our intuition on the necessity of crossing the line between empirical and normative work, and despite the omnipresent risk of getting lost in translation between the codes of the different disciplines, we experienced remarkably lively discussions. Let us just mention one example here:

following Ayelet Shachar's persuasive talk on 'Global inequalities in access to territory and membership'[10], the audience accepted Ayelet's claim that there is something morally problematic in the tendency for European states to 'sell' their citizenship in return for real-estate investments. However, the comment by Anja Weiß initiated a lively debate on what exactly might be problematic: Is the main problem, as Ayelet understands it, that citizenship is viewed in economic terms as something that can be traded with? Or is it the case that those practices are only possible as long as few states pursue them, so that those few states gain an unfair advantage from being an exception of the general rule not to sell citizenship? Or is the real moral problem that those practices reinforce, as a side-effect, the global inequality in life prospects?

We believe that the most important outcome of the workshop is beyond what can be published here: it is the growing sensitivity for how to deal with empirical complexity and normativity in the field of migration policies. However, the present open-access collection of papers assembles some important pieces that stimulated the productive interdisciplinary discussions we enjoyed so much during the workshop. These *Proceedings* aim to share our general concern and present some possible research strategies in order to promote further interdisciplinary research on migration policies in the future. We are delighted that many participants agreed to publish their talks or their comments in an open-access form, amongst them three of the five keynote talks. Besides Joe Carens' and Christof Roos' methodological contributions, the collection of papers mainly includes work from the broad area of refugee studies and on deportation. From our point of view, this is an important part of migration studies, since its normative relevance and the responsibility of academics to provide the public discourse with diligent work and reliable research results on all its normatively relevant aspects is beyond question. However, there may well still be a long way to go to reach the ideal of normatively informed empirical studies and empirically informed normative discourse. With this online publication, we aim to make a difference by carrying the interdisciplinary debate on migration policies forward.

Acknowledgements

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[10] Ayelet Shachar's talk is not included in this volume, but an extensive version of it can be found in *The Oxford Handbook of Citizenship* (see Shachar, 2017).

with the opportunity to pursue our common interdisciplinary approach and autonomously follow our own research interests, which is rather unique at the level of postdoc researchers. Furthermore, we would like to thank Luicy Pedroza, Christof Roos and Anja Weiß for their contributions to conceiving of the event; Veit Bader for filling in for Joe Carens's keynote at such short notice; Trixi Valentin and Marc Schalenberg from the ZiF for all their help in organizing the event at Bielefeld; and our student assistants Joanna Comendant, Jeremias Düring, Anna Kahmen and Ariane Kovac for their commitment to the preparation of the workshop as well as this publication. Last but not least, we are grateful to all the speakers, chairs, and commentators at the workshop, and to those who submitted their texts for publication in the present collection of papers.

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