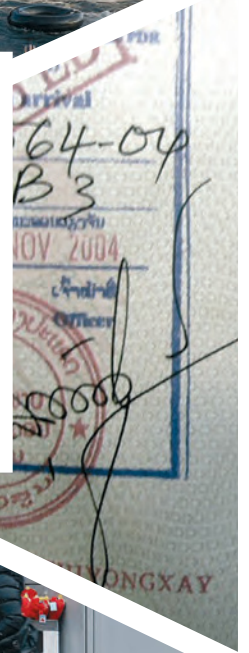




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**Studying Migration Policies at
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Research and Normative Analysis**
Matthias Hoesch & Lena Laube (eds.)



Matthias Hoesch

**Comment on Johannes Servan:
'What Justice Requires' – a State-Centric
Bias in the Ethics of Migration**

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Comment on Johannes Servan: 'What Justice Requires' – a State-Centric Bias in the Ethics of Migration

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Abstract

This paper comments on a talk given by Johannes Servan at the 2018 ZiF Workshop "Studying Migration Policies at the Interface Between Empirical Research and Normative Analysis", September 2018, in Bielefeld. Servan rightly emphasises the problem of biased attitudes in political philosophy. However, that problem can only be countered by evaluating the arguments that are raised in the debate. Although some of Servan's observations might be true, more normative reasoning would be necessary in order to level fundamental criticism at the current debate. Servan's paper is available under doi: 10.17879/95189431960.

Keywords

Cluster of Excellence "Religion and Politics"; state-centric bias; ethics of migration; refugees

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I am glad that Johannes Servan addresses the problem of biased discourses in political philosophy in forthright terms. Indeed, it is a plausible assumption that there are (and have previously been) certain biases in the normative debate. When Europeans emigrated to the newly discovered Americas, European intellectuals predominantly argued for a general right to acquire unworked land. Today, faced with migration flows from the global south, many philosophers argue for a (qualified) right to close

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borders. Thus, the idea suggests itself that philosophers might be biased towards what serves their interests (or, at least, what serves the interests of the society they belong to and that forms their intellectual background). Similarly, there could be a bias towards academic methods that have been common sense in the recent past, or a bias towards asking questions that are central in public discourse, or a bias to give a greater weight to those ethical considerations that are familiar or belong to one's own realm of experience. I am personally inclined to see a bias at work in the case of some German philosophers who provided claims on how to balance the need of asylum seekers and the interests of the host states in recent years. I consider it doubtful whether those philosophers would maintain their views if they had once experienced the world from the perspective of refugees, a perspective that naturally is unknown to them. My conviction that normative theorists should engage in empirical literature on migration much more than they normally do today is, in part, based exactly on that fact: the more we know about how others perceive certain rules or normative problems, the more likely we will argue from an impartial point of view, seeking fair treatment of all those affected.

However, how are we to decide if a certain attitude or a certain focus on problems is indeed biased in a problematic way? My assumption that certain philosophers would change their view if they also learned to see the world from a different point of view is simply nothing more than a mere assumption. And it could even turn out that those who are familiar with the perspective of migrants are analogously biased, with the only difference that they are biased in the opposite direction (in the eyes of some, precisely those left-wing researchers from critical migration studies are biased in that direction). As an example of philosophers who seem to be free from any bias, Servan mentions in his paper those utilitarians who, setting aside many of their moral intuitions, just straightforwardly spell out what the utilitarian principle implies. However, why not claim that those people in particular are problematically biased, since they focus only on well-being, setting aside all further aspects that are morally relevant?

What I'm trying to say is that every claim concerning a problematic bias in philosophy is based on assumptions of what a balanced view would be. These assumptions are not supported by facts on how philosophers in fact approach the debate, but they have to be justified within normative reasoning. As far as I can see, Servan doesn't engage much in laying out and justifying his normative assumptions, and a full answer to the question he raises would need more discussion.

Let me turn to the concrete points Servan addresses. According to him, in the current discussion there is a focus on admission and resettlement, setting aside

questions on what people living far away need to flourish. Thus, according to Servan, millions of people remain “in the shadows” of the debate; and issues such as environmental destruction, extreme poverty and long-term encampment are widely ignored. I am not sure if Servan’s description of the current debate is right here. Of course, nobody can address all normative problems, so we need a kind of differentiation. I don’t think that we should accuse those working in migration ethics of not addressing environmental destruction: they simply have chosen to ask different questions.

Nevertheless, Servan could be right in claiming that the question of admitting asylum seekers finds more attention than questions concerning human flourishing in countries of origin. I will not decide that question, but it could be the case that some philosophers give priority to the question of how to deal with those who are on the territory of a state or on the way towards it. The situation of those living in refugee camps for long periods especially seems to be ignored as an important issue in its own right within current debates (today, we tend to talk about improving the conditions of those living in camps as a way of preventing them from trying to immigrate into our country). Even if that were true, it is far from clear that giving priority to the question of how to treat those who are here is a mistake. There could be reasons to set priorities in that way. To be sure, if we were pure act utilitarians, we should address the needs of all those who could be made better off, regardless of who and where they are. However, most philosophers are not pure act utilitarians. Most of them believe that it is more important that we not actively violate anyone’s rights than it is to improve the situation of those who are worse off. If the German state deports some asylum seekers to Afghanistan, it is our responsibility that those people now are exposed to danger. Hence, it seems to be reasonable to focus on the question of whether the German state is justified in deporting these people, and not to ask in the first instance which duties we have towards those who are living in Afghanistan. Of course, this statement is arguable, and it could turn out that the focus on those who are on the territory of a state is indeed misleading and ‘biased’. However, there is a lot to be done in order to provide evidence for that claim.

According to Servan, a further problem of the current debate is that it is unconsciously assumed that it is up to us, or up to the Western countries, to decide the best solution for refugees: resettlement, repatriation, or ongoing encampment. The paper suggests (at least between the lines) that instead we should enable refugees to decide for themselves what solution they prefer, and we should give them a voice within the debate to articulate their preferences. Although in principle Servan faces, in my view, similar problems to those I highlighted in the previous passage, I believe

that this observation is more likely to be true. However, in recent years, there is a tendency to incorporate the perspective and the preferences of the refugees into normative reasoning, as is shown, for example, in Lukasz Dziezic's paper in that volume, or by Anna Lübbe in her recent publications.