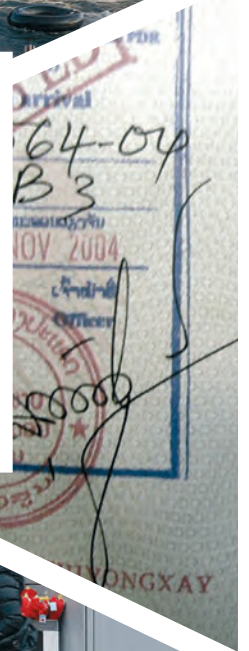




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**Studying Migration Policies at
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Matthias Hoesch & Lena Laube (eds.)



Christof Roos

**Comment on Joseph Carens:
On the Relationship between Normative
Claims and Empirical Realities in Immigration**

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Comment on Joseph Carens: On the Relationship between Normative Claims and Empirical Realities in Immigration

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Abstract

This paper comments on a paper provided by Joseph Carens for the 2018 ZiF Workshop “Studying Migration Policies at the Interface Between Empirical Research and Normative Analysis”, September 2018, in Bielefeld. Carens’s paper is available under doi: 10.17879/15199614880.

Keywords

Ethics of migration; migration studies; political theory; political philosophy

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The relationship between normative analysis and empirical research in studying migration policy, so far, has been uncharted terrain. Joseph Carens addresses this theoretical gap by drawing a conceptual map by asking how this relationship is defined and how it ought to be defined. Specifically, he looks at debates in political philosophy, or, to be more precise, normative debates on migration policy, and the place that empirical findings have in these discussions. He identifies three meta-perspectives on how normative political theorists engage with empirical research or become politically active: first, he endorses empirical research delivering context to

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normative theorization; second, he indicates potential problems that may arise if moral arguments depend on empirical claims; and finally, he reflects on what it means for the political theorist to engage in political activism. This comment deals with each perspective critically and considers the effect of Carens' arguments for normative political theory. In addition, it debates Carens' arguments at backdrop of a societal debate on migration and policy that is infused more by arguments of the moral rather than pragmatic kind.

I.

Carens' first perspective is an advice for the political theorist, it calls for caution concerning the taken for granted knowledge on social institutions and practices. Theorists may take those as a given in their analysis, however their thinking should be sensitive for the fact that context and respective knowledge on context is subject to change. He illustrates the importance for context sensitive theorization by taking examples from his seminal publication *The Ethics of Immigration* (2013). Among others, he drew on findings from historical research on the evolution of different forms of citizenship regimes or residence rights which helped him to avoid certain false conclusions. Historical accounts, in particular, may also be used as a reminder of past experiences that provide reason for resisting some of today's practices. Thus, normative arguments based on historical experience can be used as a reference point for claiming societal change. For an empirical researcher this claim could be understood as a trivial reminder for context sensitivity and critique of overgeneralizations based on small scale findings. However, the claim is much more fundamental than a call for context sensitivity. From the perspective of the commentator, current normative and political debates on immigration and asylum might indeed build on false assumptions, such as an outdated understanding of statehood and citizenship. In terms of asylum seekers, access to the refugee status is often justified on the distinction between refuge from state led persecution in the country of origin and general economic and societal misery. For the latter, dysfunctional societies and respective dysfunctional societal norms are considered to be the reason (cf. Collier 2013). As a consequence, state failure rather than state led persecution can be observed in ever more countries that produce asylum seekers. Within this illustrative example, Carens' remark on context sensitivity reminds the normative theorist to consider whether it is actually sound to theorize decisions on access to territory on the premise that every person, in principle, holds the citizenship of a state that provides for a place to be. Without looking into the empirical reality of

statehood and citizenship in countries of origin, theorizations on in- and exclusion from the refugee status in countries of destination seem to be fundamentally flawed.

II.

The second perspective that Carens elaborates somehow compromises his first claim: he calls for caution if normative principles are dependent on contested empirical premises: “But while my normative arguments thus rest on empirical claims about the way the world is organized, these are not contested empirical claims.” In the latter case, the derived principle is vulnerable to new empirical findings or risks validity altogether, if it rests on findings that are incorrect. Thus, he suggests adopting a range of different assumptions about what appear to be the key factual questions in order to see whether a different set of facts will lead to a different normative conclusion. His answer on the level of engagement that theorists should seek with empirical research is not necessarily clear. Theorists should be careful about empirics but should not ignore them either since ‘*de esse, posse*’ and thus has normative implications: “From the fact that something has actually happened, we can conclude that it is possible.”

Carens is a practical philosopher, he derives principles from empirical observations. Likewise he is concerned with the validity of any moral principle and its applicability in practice. In this vein, any moral principle calls for an assessment of its effectiveness in the empirical world. This claim for effectiveness, however, needs a qualification in terms of conditions that must be met for the principle to be able to take effect. The translation of this threshold on how migration policy should be theorized has serious implications for the political theorist. Usually, they are exempt from acting on their principles, seeing towards their applicability in practice. If they had to be concerned with what might work in practice or not, it would add a layer of justification and constrain on the philosophers’ work, inhibiting their potential impact on theory development. As described above, the call for practicality of philosophical principles avoids detachment of political theory from real world experiences and developments. This also holds for the open border hypothesis where he suggests to model an ideal situation within the regional setting of the European Union or globally, in terms of a ‘just world order’ in which the principle could take effect. However, Carens does not consider whether a more radical detachment could also be a condition for the articulation of alternatives and avantgarde ideas. Ideas seem to populate a theoretical space that find their applicability one day or never, depending on the circumstance, that cannot be imagined at the time of thought creation.

As much as the empirical researcher, writing this comment, sympathizes with Carens' two perspectives of context sensitivity and applicability, a debate on what is lost by applying these principles would have been appreciated. The comfortable middle ground of a 'yes and no' recommendation, in terms of the political philosopher's engagement with empirical research begs for another perspective that dares to theorize on migration and policy unbound from empirical research.

III.

In his third perspective, sort of a synthesis between perspective one and two, Carens promotes his principles as a guide for engagement with political activism. This, traditionally, is the stronghold of normative political theorists, the ability to guide practice by devising normative alternatives and their moral implications. He suggests to take into account the risks, probabilities, and consequences both of the recommendation and its alternatives. Further, theorists should decide whether they give advice for the best possible in principle or the best possible in a given context. Broadening this discussion with reflections on feasibility, Carens takes the stance that political change is more likely if the theorist dares to challenge the constraints of context by being aware of them. Again, this recommendation on the theorist's engagement with political activism is a compromise, a reflection of perspective one and two, the applicability of moral principles within their specific contexts and conditions.

However, the activist theorist is a highly controversial figure. Scholars working within the framework of critical migration studies, for example, promote positions that are more and more based on doctrines rather than research findings. In this school of thought the starting point for researching and theorizing borders is a 'no-border' perspective which is highly critical of the legitimacy of migration control. Founding empirical research on an explicit normative standpoint introduces a bias that does not only inhibit conversation among scholars but also undermines the voice that researchers could have in political and public debate. In a polarized public discourse, such as the migration issue, scholarship that does not aim at informing the debate with objective knowledge becomes a partisan.

Western societies currently see a public debate in which moral claims and doctrines instead of pragmatic arguments dominate the discourse on migration. In applied political liberalism such polarization puts constraints on liberal democracy which depends on actors trying to find compromise. This condition calls for actors with contrasting positions to act in good faith trying to find compromise among each other and by engaging into a kind of rational dialogue that excludes what Rawls called

‘comprehensive doctrines’ (Rawls 1993). These days it seems hardly possible to find a rational debate on migration policy that is of a pragmatic rather than moral and doctrinal nature. From this background, it seems wise to first identify the place and role of the activist theorist in this contentious environment before giving advice on how to engage. Carens does not specify enough how the normative theorist can engage with public and political discourse without making apodictic moral and doctrinal claims. The application of perspective one and two leads to the activist theorist; however, now more than ever, we might have to ask the question whether or under which conditions the normative theorist should rather remain in the world of ideas, not necessarily aiming for the infusion of the polarized political with more positions of the moral kind.

References

- Carens, J. H. (2013). *The Ethics of Immigration*. Oxford: Oxford University Press.
- Collier, P. (2013). *Exodous. Immigration and Multiculturalism in the 21st Century*. London: Allen Lane.
- Rawls, J. (1993). *Political Liberalism*. New York: Columbia University Press.