**Voluntary Disenfranchisement, Forced Migration, and the Laws of (Self-)Ownership**: **Tackling Hegemonic Concepts of Decision-Making in Migration Theory and Practice**

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**Moderator**: NN

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From the faculties of normative political theory to the processing centers of migration law in practice, the idea that we can understand migration through the primary lens of voluntariness has become hegemonic. The UN Convention on the Rights of Migrants defines them as “to be understood as covering all cases where the decision to migrate is taken freely by the individual concerned, for reasons of ‘personal convenience’ and without intervention of an external compelling factor” (Commission of Human Rights, 1998). A report commissioned by the U.S. Census Bureau asserts that although assessing the voluntariness of migrants is not always easy, “[i]nvoluntary and voluntary migrants represent a dichotomy of international migration” and “all foreign-born people can be classified as either involuntary or voluntary migrants” (2000).

In the social sciences a large number of studies distinguishes voluntary migration and reluctant migration from involuntary migration, attempting to assess and predict flows of migrants by the push-factors that compel migrants to leave their countries of origin or the pull-factors that make places attractive destinations for them (Castles 2000). In legal debates, scholars insist on differentiating between the broader category of migrants and refugees in order to ground claims of special protection and the right to remain or support the sovereign rights of nations to refuse entry (Schuster 2015, Scheel, Ratfisch 2014). Qualitative studies show that public opinion in the Netherlands, for example, is favorable towards the support of involuntary migrants on the basis of empathy and less favorable towards those perceived as voluntary migrants on the basis of feelings of anger (Verkuyten 2017). On the basis of the assumption of voluntariness, liberal nationalists like Miller defend sovereign nation-states’ rights to exclude. Social and political theorist Bauböck argues that, if inclusive naturalization laws are in place, the disenfranchisement of permanent, legal non-citizen residents is not a problem of justice because their decision not to naturalize can be seen as a voluntary rejection of the right to vote.

All these examples from different disciplinary perspectives illuminate, firstly, the generally accepted assumption that voluntariness is something that political philosophers and social scientists, lawyers, judges, and social workers are capable of assessing. Secondly, they underwrite the idea that the assessment of voluntariness then allows for certain normative judgements, such as the suggestion that if the choices made are voluntary, the institutions that provide such choices are just. Thirdly, these examples illustrate how grave the real-life consequences of our assessments pertaining to voluntariness can be for the just treatment of migrants and the flourishing and self-government of our political institutions.

Given these strong normative, legal, political, and social implications of the voluntariness of migrant decision-making and the perceived and real urgency of tending to the human suffering and considerable political upheaval caused by recent waves of misplacement and migration, particularly from Africa and the Middle East to European nation-states, the concept is recently attracting more scrutiny across the academic spectrum. The scrutiny goes so far that on the basis of qualitative research with persons from Afghanistan and Pakistan migrating to Europe, Bivand Erdal, Marta, Oeppen and Ceri suggest decoupling descriptions of voluntary and involuntary migration from state mechanisms of migrant inclusion altogether given an encouraged reorientation from a binary understanding of voluntariness to a gradual “continuum of experience” (2017).

This panel brings together perspectives from law, political theory, and philosophy to discuss innovative suggestions pertaining to these and further questions of migration decision-making, both on the level of critically assessing prevalent normative arguments on voluntariness and migration and on a meta-level of questioning scientific and institutional patterns of applying such normative arguments to real-world societies. It hence aims to stimulate an interdisciplinary debate on the normative political, and legal assumptions about both what voluntariness is and what weight it ought to have for principles and institutions of inclusion and in legal decision-making.

For whether or not migrants act voluntarily when they choose to move the gravitational centers of their lives and leave behind all that is familiar to them may be in just as much of a process of fundamental change as our ever-diversifying societies. Similarly, whether they act voluntarily if they remain citizens of their states of origin for the cost of their rights of representation and self-government is a question that could have been answered differently twenty or fifty years ago, when traditionally state-centric concepts of citizenship, migration, and representative democracy were still more or less intact. As times are changing, however, so must our answers to these questions. This panel presents a platform of interdisciplinary debate to highlight and evaluate such possible changes and the normative and institutional consequences, if any, that ought to follow from them.