The article engages a critical analysis of liberal theory in the context of transnational migration. Normative arguments provided by liberal-cosmopolitan and liberal-communitarian authors are contrasted. While sympathetic to such approaches, we argue that traditional liberal theory has attempted to downplay the contingency and resultant ambiguity of many of its moral precepts. Historically contingent borders underpin neat universal categories like “citizen” and “refugee,” which fail to reflect the diverse and contested experiences of migration. But such ambiguities need not undermine liberal approaches. Indeed, a proper engagement with the problematic and uncertain realities of migration can provide a spur to a more thoroughgoing ethical praxis. We draw on the philosophical pragmatism of Richard Rorty to outline an approach to migration that remains open to the contingent construction of terms like “migrant,” “refugee,” and “asylum-seeker.” By extending Rorty’s concept of sentimental education, we provide an imaginative and politically challenging set of agendas for the ethics of migration.

I have to welcome the Other whoever he or she is unconditionally, without asking for a document, a name, a context, or a passport. That is the very first opening of my relation to the Other: to open my space, my home-my house, my language, my culture, my nation, my state, and myself. I don’t have to open it, because it is open, it is open before I make a decision about it: then I have to keep it open or try to keep it open unconditionally. But of course this unconditionality is a frightening thing, it’s scary. (Derrida, 1997)

... We resent the scroungers, beggars and crooks who are prepared to cross every country in Europe to reach our generous benefits system. The Sun 07/03/01 You Pay, a Scrounger Stays Daily Mail 15/04/97

[D]ilemmas we shall always have with us... [T]hey are never going to be resolved by appeal to some further, higher set of obligations which a philosophical tribunal might discover and apply.

We have to start from where we are... What takes the curse off this ethnocentrism is not that the largest such group is “humanity” or “all rational beings”... but,
rather, that it is the ethnocentrism of a “we” (“we liberals”) which is dedicated to
enlarging itself, to creating an ever larger and more variegated ethnos. (Rorty,
1999:197–198)

From the point of view of Western states and media, the political and increasingly
 politicized “problem” of migration is central at the start of the 21st century. As
migration increases—one study puts the figure at 150 million (IOM, 2000)—
policies of restriction flourish. As Western states pursue “humanitarian” interven-
tions in Kuwait, Somalia, Bosnia, Haiti, and Kosovo, the nationalist press and fringe
political groups paradoxically alert us to the “invasion” of refugees and “scroung-
ing” asylum seekers who flee those very countries. And in the context of extreme
inequality within and between states and the hardening of security perceptions
after September 11th, the tensions and moral dilemmas pervading migration often
provoke closure and fear where openness and balance are required. Such trends
prompt the need to re-examine liberal ideals of order and justice. As one prom-
inent sociologist of migration notes, it is precisely because restrictive immigration
practices now appear as common sense to many that liberals must go back and
address the fundamental moral dilemmas of free movement (Cohen, 2004:1).

In practice, the dilemmas associated with transnational migration are managed
by distinguishing between two distinct categories: refugees and economic migrants.
According to the 1951 UN Convention,1 a refugee is someone who, “[o]wing to a
well-founded fear of being persecuted for reasons of race, religion, nationality,
membership of a particular social group or political opinion, is outside his country
of origin and is unable or, owing to such fear unwilling to avail himself of the
protection of that country . . .”2 An economic migrant, by contrast, is someone who
seeks the right to live in another country because of the economic opportunities the
recipient country might afford them. In policy terms, signatory states are obliged
not to return refugees to states where they may face persecution, but no such
commitment exists toward economic migrants.

These tidy definitions, while of some use in setting parameters in practice, are
nevertheless less adequate for addressing deeper ethical questions of migration.
What allows us to justify the distinction between insider and outsider—citizen and
non-citizen at all? Even if we accept that some legal distinction is necessary—if not
just—how should we set about interpreting, as we must, the definition of refugees?
And, related to this, how should we deal with those individuals—commonly re-
ferred to as asylum-seekers—who seek refugee status, as well as those who live
among us illegally? More reflexively, is it justifiable to talk of a “we” that must
answer these questions?

It is these fundamental questions that this paper seeks to both articulate and
tackle through the lenses of International Relations and Political Theory. The ex-
ercise is useful on two counts. Firstly, it enables us to shed light on the moral
dilemmas themselves: through an appreciation of the tensions between and within
our international and political theoretical heritage, we can articulate the liberal
individual’s instinctive problems in confronting this issue. And secondly, by be-
coming more self-conscious of the reasons for the moral dilemmas associated with
migration, we can critically assess and rework the theory itself where it proves
unable to help us in tackling the very dilemmas it elucidates.

What this article is not concerned with is the creation of new legal foundations.
Indeed, as will become apparent, one of our key contentions is that seeking to
overcome moral ambiguity through strictly defining or closing ethical discussion is
not only impossible ontologically, but also undesirable. Although we start from
where we are, using the terms refugees, economic migrants, and asylum seekers in

1 1951 UN Convention Relating to the Status of Refugees.
2 See http://www.unhcr.ch.
accordance with the accepted definitions outlined above, we are profoundly open to
the constant reinterpretation of such categories via an on-going (political) process.³
The key normative issue for us is of how this process might become more ethical.

Section 1 argues that both International Relations and Political Theory have
traditionally accepted—often tacitly and unquestioningly—the physical/cognitive
borders that legitimize partial closure of state frontiers, and the consequent division
of the fields of study. The claim that state sovereignty is an inevitable structural fact
of political life is brought into question by addressing some recent critical attempts
to undermine the category. Authors from neo-Gramscian, postmodernist and con-
structivist backgrounds as well as many theorists of globalization have, in different
ways, sought to problematize the notion of sovereignty and state-centrism. While
sympathetic to such approaches, we argue that any attempt to de-naturalize sov-
ereign categories must subsequently provide a normative account of why an alter-
native conception is to be favored.

Thus in section two, discussion turns to the widening discourse of international
political theory and the debate between liberal-cosmopolitans and liberal-com-
munitarians. It is contended that no knockdown arguments exist on either side of
this debate. An impasse endures between those who support the cosmopolitan
position that Kantian impartiality is the only way to secure just outcomes and the
communitarian proposition that substantive justice can only reside in the specific
social mores of the group. When such ideal theories are put into practice, both sides
are forced to make concessions to the other: communitarians often propose some
"thin" universalism, and cosmopolitans adopt a "second-best" solution, which par-
tially accepts the reality and contingent importance of borders. In terms of engag-
ing concrete issues, there exists a sense of ambiguity not always confessed by liberal
theorists.

Having exposed such ambiguities, we question whether it is possible, or even
desirable, to overcome them. This is not a criticism of liberalism per se, but rather a
critique of ideal theories of justice which, while useful in indicating some ultimate
goal, are of limited efficacy for establishing how we go from "here" to "there": how
we achieve ethical praxis. Section 3 argues that many of these problems are a
consequence of the way liberal thought derives moral principles from abstract
philosophical foundations. We propose the "anti-foundational" position of Richard
Rorty as a means to overcome the theoretical problems inherent to modern liberal
thought and more effectively confront the "real-life" issues of migrants. Rorty’s
position helps us to avoid (if not overcome) the ontological impasse of the com-
munitarian/cosmopolitan divide, by rejecting the shared epistemology of the two
traditions—the idea that philosophical foundations are a necessity of political life
(Cochran, 1999).

Rorty’s emphasis on contingent social practices promotes a sensitivity to context
in opposition to the abstract deontology of communitarian and cosmopolitan posi-
tions. "We" must start from the uncertainty of where we are rather than abstract a
transcendent conception of "what is." By observing contexts, we realize the com-
plexity and ambiguity associated with transnational migration. However, recognize-
ing ambiguity does not mean succumbing to relativism. By fostering an ethic of
sentimental education across diverse social contexts, we can increase a sense of
solidarity and sympathy. The pragmatic resolve that justice is made—and not
found—provokes a theoretical responsibility at once more engaged and engaging
than orthodox liberalism would permit.

³ Peter Nyers (1999:4) explores how these terms act in practice as "limit-concepts." By that he means "a concept
which expresses the limits of a certain logic of intelligibility, in this case, the 'political.' " He emphasises how "limits
are also foundational, as they serve as a condition of possibility for making distinctions such as inside/outside, self/
other, friend/enemy, citizen/refugee and so forth."
The practice of sentimental education is ongoing and multi-level. In Section 4, we offer an extension of Rorty’s ideas that draws on films like *Bread and Roses* and *Dirty Pretty Things*. Such narratives give us a sense of the migrant “as person” who can suffer because they do not fit within particular liberal legal concepts/boundaries. Often, a migrant is forced into a halfway house where he/she can work but not claim citizenship rights; prostitution or organ donation can become viable welfare safety nets. Traditional liberal theory has approached this problem by offering reasons for granting or withholding citizenship rights (Gibney, 1999). Instead, critical scholars emphasize that such a distinction may itself be constitutive of the problem (Nyers, 1999; Soguk, 1999; Hyndman, 2000). For instance, when political refugees follow the “legitimate” route, they often end up in “camps” lumped together as (large) societal “question marks”—Other, Outsider, threat, etc.—whose only cause is to become citizens; the implication is that as refugees, they are empty of agency. Against this discourse of emptiness Soguk argues,

\[\ldots\] there is no intrinsic paradigmatic refugee figure to be at once recognized and registered regardless of historical contingencies \ldots there are a thousand multifarious refugee experiences and a thousand refugee figures whose meanings and identities are negotiated in the process of displacement in time and place. (1999:4)

From a pragmatic perspective, the discourse of emptiness must be contested. As well as film narratives, change can come from the work of human rights NGOs, which lobby the government and media about the lived experiences of migrants. We identify some key areas of discursive contest in the British media and show how different groups—including migrants themselves—can engage with it.

The question of what is right or wrong legally—the technocratic decision of whether to open borders—has dominated approaches to migration. While liberal theorists have generated good discussion of this intellectual problem, they have not addressed the political construction of insider/outsider in the public consciousness. But a turn to problematize the category assumptions of this debate does not require us to *throw the baby out with the bath water*. By following a pragmatic approach to migration, we can accept the worth of this debate between liberals, which ultimately gives us good reasons for “second-best” positions on migration, while also questioning the evolution of meaning associated with terms like “migrant” and “refugee”: challenging these definitions as well as the consequent misperceptions/cruelty they cause. Such an approach takes reason-giving seriously, as a contribution to ethical conversation, but leaves open space for the recognition of different forms of suffering, exploring mechanisms with which to expand the vocabulary of such conversation.

**Contingent Borders: Bounded (in)justice?**

Implicit in the distinction between Political Theory and International Relations is the belief that the possibility of history as a progressive teleology is precluded in IR (Wight, 1966). The distinction is centered on the idea that the sovereign state is the community within which the good life—and the ideals of freedom and justice—can be construed and realized. Hegel believed that the modern sovereign state constituted a space within which the temporal goals of community could be formulated and realized. Consequently, ethical or moral goals cannot be sought in relations between states because these states do not constitute a community. In crude terms, political theory cannot be applied internationally; morality cannot exist beyond the state. In this sense, the related disciplines of Political Theory and IR have been mutually reinforcing. While the former deals with substantive conditions of justice
possible within states, the latter addresses the anarchical international, debating the extent to which a notion of justice can exist at all in this context.

Conceptually, and in practice, the legitimizing notion in this separation is sovereignty. Sovereignty can be understood in its “internal” or “external” form. Internal sovereignty refers to the presence of an absolute authority within a society whereas external sovereignty refers to the consequent absence of any similar international authority.

The distinction between internal and external sovereignty, although analytically useful, ignores much of the complexity and controversial character of this concept. Sovereignty can be perceived as in tension with notions of democracy, legitimacy and the popular will. Jean Bodin, the first to conceptualize internal sovereignty in systematic form, struggled to reconcile the notion of absolute power with the restrictions imposed on the sovereign by divine law. Hobbes went some way to clarifying this problem; his employment of the social contract lent legitimacy to the sovereign’s authority. However, the ambiguity did not disappear altogether; Hobbes makes it clear, for example, that sovereignty is limited to the purpose for which individuals originally covenanted—security, freedom, and most fundamentally, the preservation of their lives (Hoffman, 1998:40).

Notwithstanding these problems, the discourse of international relations—and specifically, the realist discourse—has accepted the notion of sovereignty and the consequent systems of inclusion and exclusion as a given, born out of the Westphalian cartography supposedly established in the 17th century (Devetak and Higgott, 1999). This spatial fencing denotes a temporal distinction between the realm of Political Theory and morality within, and the realm of power politics and contingency without. In realist accounts, attempts to conceive of an aspect of society in international relations and the efficacy of international law are thus problematized by the logic of an anarchical state of nature at the international level.

Many contemporary IR theorists, including many with realist tendencies, accept the notion that law and norms can act as a regulating mechanism in international society. The English school, for example, has long sought to demonstrate the ways in which the world is not simply a reflection of the Hobbesian viewpoint. Hedley Bull has argued that

[Bull’s conception of an “anarchical” international society accepts a given state structure within which broad traditions have evolved to enable co-operation among states. Norms of behavior thus become ingrained in the international law of that society, and such laws are, at the very least, acknowledged in the breach. In this way it is possible to perceive the procedural forms of justice, such as adherence to the norm of non-intervention, emerging over time in international society. Whether these norms can be extended to encompass substantive notions of individual justice is a source of tension in the contemporary English school. On one side, there is belief in the potential for co-operation beyond the basic requirements of international order: that is co-operation beyond that required for mere co-existence of states. The converse view is that a truly pluralist conception of the good would preclude such ambitions. Thus, the pluralist side re-affirms the importance of the state structure as a mechanism for facilitating difference, against solidarist beliefs/ambitions regarding the emergence of a consensus on substantive notions of justice (Wheeler, 1992).]
The implication of realism for the issue of migration is that the openness of borders will depend largely on the interests of the recipient state(s). The question is not engaged in terms of morality; rather, security, political or economic considerations will dictate whether individuals are allowed access to a country. When a state has a requirement for economic migrants, a realist would certainly advocate the opening of borders to appropriately qualified individuals. Similarly, if there were good political reasons for allowing entry, such as the admittance of Eastern European émigrés to the U.S. during the Cold War, then a realist would accept this.

The pluralist wing of the English School would agree with such an assessment. While international law can affirm procedural justice (Nardin, 1983)—the norm of non-intervention and associated practices that allows for the co-existence of states—the difficulties of affirming purposive rules about how migrants should be dealt with internationally is acknowledged. However, those with solidarist leanings would be more optimistic about the potential for effective international law and governance on the issue, at least among like-minded liberal democratic states. On the question of the movement of people, it is precisely such states that are in the best position to provide meaningful refuge, and such states are in fact signatories to laws that guarantee the right to refuge in certain (if unclear and arguably changing) circumstances.

The right of states to enforce their sovereign will on this and other issues may be to the detriment of individual justice. Indeed, the notion of universal human rights—arguably a “settled norm” of international society (Frost, 1996)—can clash with state sovereignty in many contexts. Many contemporary IR theorists who seek to question the notion of state-soverignty-as-reified-category on historical and sociological grounds are—inasmuch as “theory is always for someone and for some purpose”—surely motivated by this normative premise that individual justice can clash with the sovereign will (Cox, 1981).

Many post-positivist theorists, including those labeled constructivist, critical theorist and post-modern, thus seek to undermine the naturalized notion of state sovereignty (Cox, 1981; Ashley, 1984; Walker, 1993; Ruggie, 1998). In demonstrating the historicity of the sovereign-state, and the contingency associated with Westphalia itself, these theorists de-reify the category. They argue that our acceptance of such categories as pre-given might in fact be constitutive of the world around us. As Chris Brown argues,

\begin{quote}
It is precisely because certain kinds of theory draw distinctions between insiders and outsiders in the way that they do that the borders we find in the real world have the significance they have. (2000:190)
\end{quote}

Thus the imagining of our national community requires that the idea of sovereignty be accepted, at least subconsciously, as legitimizing the limits of our political activities. The belief in, and practice of, sovereignty has moral significance: “... the social space of inside/outside is both made possible by and helps constitute a moral space of superior/inferior” (Campbell Cit. Devetek, 1996:199). For such theorists, the focus on justice domestically and, conversely, contingency internationally has, in practice, been legitimized by, and constitutive of, the categories of inclusion and exclusion implied by the theoretical state-centric legacy discussed. As Brown surmises,

\begin{quote}
There is nothing in the world of brute facts that requires us to draw a sharp distinction between our concern for the interests of our fellow-citizens and those of strangers—there are no “natural” frontiers, moral or otherwise—although once we have drawn such a distinction, we have no difficulty in finding features of the world which legitimate our actions. (2000:190)
\end{quote}

\footnote{4 Imagined, not meaning unreal, but in Benedict Anderson’s (1983) sense, meaning that because we are not able to know all of our compatriots in any direct way, any sense of community must be imagined.}
Our ideas about sovereignty create a world in which sovereign structures are morally relevant and these structures will themselves impact our thinking on the parameters of justice. In this sense structures and ideas, theory, and practice are co-constituted (Giddens, 1984; Wendt, 1999). International Relations, as a discipline, has tended to accept the sovereign system, despite the fact that there seems no fair way in which we can legitimize the borders that divide individuals. Democracy cannot perform this task because democracy comes after the definition of the community and not before it. Someone must decide who the people are before the people can take control of their destiny via democratic processes. Borders, then, are of real political significance, but are arbitrary at the point of inception.

Today, of course, the Westphalian system has been increasingly perceived as under threat from processes of globalization. Inasmuch as globalization involves a shrinking of social space and time, we are able to discern one reason why today questions of transnational migration, and global morality generally, are more pertinent than ever in both practice and theory. It seems increasingly difficult to limit our moral enterprise to the domain of our own state when we in the West are, more than ever, privy to a world of apparent injustice (Pogge, 2002). Thus we can argue that an appreciation of the arbitrariness of borders through historical and socio-logical analysis has become normatively important because of the social impact of globalization, which highlights more than ever the significance of these borders to individual lives.

This is not to say that because state sovereignty appears to be breaking down (or at least changing) in the face of increased interdependence, this is a one-way street to either inter-state-solidarism or a cosmo-polis (Brassett and Higgott, 2003). Indeed, the very fact that states commit acts that cause their members to flee demonstrates that there is no discernible global moral consensus. Globalization may or may not be a good thing. Rather than simply expanding a sense of global we-ness, a tangible outcome of this shrinking of space is that it becomes ever more possible for us to discern differences (Higgott, 2000). The response to asylum-seekers in the West is a case in point. On the one hand, we are more aware than ever of the plight of others, feeling at once an obligation to help them, and on the other hand, when they inhabit our particular society, a magnified sense of their otherness can manifest in hostility.

In dereifying sovereign categories and, more generally, showing us the contingency involved in social structures, the post-positivist insight combined with the questions provoked by globalization prompts us to ask why, normatively, a particular solution to the question of migration is to be favored.

Migration in (International) Political Theory

Political theory has increasingly been compelled to extend a theoretical account of justice to the international level. We can discern the emergence of a discourse on international political theory in recent times (Beitz, 1979; Walzer, 1983; Brown, 1992, 2002a; Cochran, 1999; Rawls, 1999; Pogge, 2002). Numerous accounts from a variety of ethical traditions have sought to address notions of the international—including utilitarianism, Marxism, and libertarianism—but the mainstream of this debate is made up of those liberal thinkers who seek a middle way between the extremes of the other traditions (Walzer, 1983; Carens, 1992, 1996; Rawls, 1971, 1999). For the purposes of this paper, such theorists will be termed simply “liberal,” although we might also call them liberal egalitarian inasmuch as they seek to strike a balance between liberty in its negative sense and the Marxist concern for equality.

In terms of their work on the international, these liberals can be divided conceptually between liberal-communitarians who, in accepting Westphalian cartography, seek to provide substantive moral reasons for restrictive borders and the maintenance of state-sovereignty, and liberal-cosmopolitans, who provide reasons
for the moral illegitimacy of such borders while in some cases, nevertheless, acknowledging their necessity (Brown, 1992). This debate is of significance to the issue of migration because one position begins with the proposition that morally, individuals are to be regarded as equal regardless of boundaries, whereas the other proposes that it is only in the context of a particular society that a full account of justice can be worked out.

As outlined in the previous section, political theorists have historically accepted the boundedness of societies and communities; starting with Hobbes, the social contract tradition has seen the sovereign state as a necessity of ordered political life. Rawls (1971:4), the most famous of modern liberal contract theorists, proposes that conationalists should be conceived of as engaged in “a co-operative venture for mutual advantage.” It is within the confines of such a venture that a full account of justice can be worked out. This is not an empirical account; rather, it is an ideal normative position that coheres with the tradition of social contract theory and is compatible with a moderate realist belief in the limitations of international justice. Although Rawls is often taken in opposition to communitarian thinkers because of his deontological approach—he is criticized by many self-proclaimed communitarians because he abstracts his theory from a pre-social individual behind a veil of ignorance (Sandel, 1982)—his belief in the importance of bordered polities means that he will be considered a liberal-communitarian in the context of this discussion of the international.

The Rawlsian view is compatible with the belief that a world without states would be radically unjust and profoundly undemocratic. As Walzer (1983:39) rhetorically puts it, “To tear down the walls of the state is not . . . to create a world without walls, but rather to create a thousand petty fortresses . . .” Walzer states his normative views more explicitly than does Rawls. For him, a liberal’s tolerance dictates not that we open borders, but that we partially close them and in most cases refrain from interfering in the affairs of other states:

> The distinctiveness of cultures and groups depends upon closure. . . If this distinctiveness is a value as most people . . . seem to believe, then closure must be permitted somewhere. At some level of political organisation, something like the sovereign state must take shape and claim the authority to make its own admissions policy, to control and sometimes restrain the flow of immigrants. (1983:39)

Citizenship, meaning membership of a particular political community and the possibility for democratic participation, or at least some kind of self-determination, is something to be normatively valued for such theorists. Indeed, it is interesting to note that although Walzer believes states have a strong right to limit entry, when they do permit it, new entrants should be granted the full social and political benefits of citizenship within the parameters of certain, but limited, naturalization criteria, such as an ability to speak the native language:

> The members must be prepared to accept, as their own equals in a world of shared obligations, the men and women they admit; the immigrants must be prepared to share the obligations. (1983:32)

It is unjust, indeed, undemocratic, to neglect to give certain groups the right to respond politically to the authority of the state to which they are subject.

For communitarians, attempts to describe forms of political membership and democracy beyond the state—a frequent response to the pressures of globalization—are seen as vague and unrealistic and regarded with some scepticism. Miller (1988), for example, believes that redistributive principles that extend beyond the boundaries of state will face problems of democratic legitimacy, whereas a common national identity is a firm basis for the endorsement of such principles within. In
practice, those states with the most generous welfare systems, such as the Scandinavian states, have implemented strict immigration policies because of concerns that their welfare systems would be overwhelmed if borders were opened. In this sense, the normative basis for the preservation of the nation-state, including a right to restrict entry, is that justice can only, or at least more easily, be realized in this context. Such a view coheres with traditional International Relations theory, which states that there exist significant limits to the fulfillment of individual justice beyond borders, if in fact international justice is possible at all.

In accordance with this position, Rawls’ *Law of Peoples* (1999) specifically opposes a right of free movement and a duty of redistribution beyond the state. For Rawls, peoples are to be considered as bounded communities, not necessarily culturally homogenous, but bound by an institutionally strong state. His difference principle—the notion that inequalities should be structured to the benefit of the least well off—does not apply beyond borders because he believes there exists no “co-operative venture for mutual advantage” internationally. Peoples should be granted the moral autonomy to establish economic policies independent of others, which might increase or decrease their relative wealth accordingly: in this ideal world, if not in the “real” world, economic success is a function of internal politics rather than external dependencies.5

In Rawls’ ideal conditions the movement of people would be unnecessary, or certainly of less political importance. Each community would ideally be “well-ordered.” By well-ordered he means that peoples are either liberal, in accordance with the conditions worked out domestically (read social democratic), or decent. While privileging one comprehensive doctrine, the latter respect a basic list of human rights and would independently agree to the same *Law of Peoples* as liberal societies. Thus, in ideal conditions, individuals within particular states are protected by the rule of law and a significant welfare safety net, even though it is quite possible that the least advantaged in one state are significantly worse off than those in another state. The necessity of movement for political reasons is unlikely, and movement for economic reasons is certainly less likely, if conceivable. It could be argued that the central reason for having barriers to movement—a fear that a society’s autonomy would be threatened by large inward movements—consequently disappears in his ideal conception. Movement would be limited and, because political differences are small—adherence to what he calls public reason (a secular form of public discourse) is a way of life—the impact on recipient countries’ political culture would be limited.

Rawls’ key point then is that some notion of bounded community is necessary if we value a right to communal autonomy. In ideal form, Rawls’ account would come close to achieving a world in which Kant’s *Perpetual Peace* was reality. However, and as acknowledged by Rawls himself in the non-ideal part of his theory, this is not reflective of the world we actually inhabit. Indeed, well-ordered peoples, or political communities in Walzer’s terms, do not cohere with our world of states. This is a world of radical inequality and manifold political corruption in which refugees flee persecution and individuals seek to escape economic hardship. States are not ideal communities, either culturally or institutionally. State sovereignty, while it can provide a basis for a flourishing civil society, can also—contrary to the intentions of many social contract theorists—provide protection to those sovereigns that abuse human rights.

It is often with reference to such realities that cosmopolitans take up their critique of the communitarian position, which, it is claimed, can hardly be considered just if it perpetuates, in many ways, a world that appears to be patently unjust. For such critics, it is difficult to delimit liberal values to a given territory. It is therefore difficult to provide a fair justification for closing borders, either to political refugees or economic migrants.

---

5 Rawls’ *Law of Peoples* was received with some ambivalence in the IR community. This situation is changing. See Brown, (2002b). The construction of a “realistic utopia”: John Rawls and international political theory. *Review of International Studies* 28(1):5–21.
Human freedom, equal opportunity, and the limitation of inequality are ideals associated with the broad tradition of liberalism. For Rawls, these ideals should, and can only, be aspired to in the context of bounded communities, implying the right of states or peoples to regulate their immigration policies as part of their “mutual venture.” However, “the Rawlsian version of the original contract, on which many liberal egalitarian theorists rely . . . has . . . generated a startling profusion of interpretations” (Nardin, 1992:275). Indeed, the values that underpin Rawls’ “justice as fairness” principle can also be taken to imply that the movement of individuals across borders should be unimpeded. Carens (1992), for example, rejects the limited application of Rawls’ “veil of ignorance” because the borders within which we are born are no less arbitrary than skin color, gender, or our genetic make-up. For cosmopolitans, it is easier to conclude that nation of birth is arbitrary than to establish whether certain social outcomes are the consequence of an individual’s lack of effort or owing to factors beyond his/her control.

The suggestion is that if we are serious about establishing fair conditions, then citizenship must not be particular. The same reasoning leads us to the conclusion that our liberal project should not stop at the boundaries of currently existing states. Fairness implies impartiality, which cannot include the endorsement of arbitrary borders. Carens would thus argue that liberal democracies should, in principle, practice policies as compatible as possible with open borders. However, like many other cosmopolitans, he acknowledges that there may exist good contingent reasons for restricting immigration—such as the possible threat to public order, a threat to national security, or the potential political backlash such a policy could provoke—and he would encourage policies such as forms of income transfers, which, in apparently alleviating inequalities, might effectively treat one of the causes of transnational migration (Carens, 1992).

Beitz (1979:144) proposes just such a redistributive policy. In line with Carens, he sees reason to extend Rawls’ difference principle beyond the state, controversially perceiving in conditions of interdependence “the existence of a global scheme of social cooperation.” Interdependence is moving us toward a global society that might realize the basis of a global “co-operative venture.” But Beitz’s move to the empirical, while theoretically interesting, is nevertheless politically unconvincing (Brassett and Higgott, 2003). Buchanan’s (2000) claim, that Rawls provides us with “Rules for a vanished Westphalian world” might be partially true, but believing in the reality of globalization is a long way from accepting a world society analogous to the political community of the state. Moreover, as some have argued, interdependence is an insufficient critique of Rawls inasmuch as he is concerned with ideal theory, not a view that matches with the reality of the world in which we live (Brown, 1998:110). Rawls’ point is that a world of states could be a just one—this is not to say that the ideal liberal and decent peoples conceived in his Law of Peoples actually exist in contemporary politics. We cannot assess the cosmopolitan-communitarian debate with reference to empirical evidence, although both sides do so, if only implicitly.

In line with the assertion that borders are essentially arbitrary and of decreasing significance owing to globalization, many cosmopolitans critique the idea that borders articulate differences. For example, Bader says of Walzer,

He wants states to be what they historically and actually have never been—linguistically and culturally homogenous worlds of common meaning, free associations based on democratic consent. Only in this way is he able to link state sovereignty to the democratic principle of self determination . . . . (1995:221)

6 Such factors and their legal translation into American law is examined by W. J. Booth (1997: 271–279). He points to a process of “muddling through” where case law evolves in such a way that the rights afforded non-citizens residing in the U.S. have generally grown, but nevertheless have always been curtailed in certain ways.
In accordance with this, Walzer’s position has been criticized for Romancing the Nation (Lubans, 1985), but Walzer himself would argue that the state actually remains of far more importance than these critics claim. Moreover, it should remain important because of the socializing function, such as the provision of welfare, it provides.

In valuing self-determination so highly—in opposition to a cosmopolitan universal impartiality—Walzer is perhaps guilty of under-emphasizing the (virtuous) tension that exists within the liberal-democratic state. In Rousseau’s terms, the general will and the will of all are not always coterminous: democracy alone does not ensure justice for all, even within states. Indeed, it is an appeal to the universal that has often ensured justice for minorities that might otherwise be overlooked or even persecuted (Linklater, 1992). The democratic state, while seeking to establish internal unity, is often founded on the basis of an appeal to the universal because of the absence of internal unity.

To take the American Declaration of Independence as an example, “we the people” appeal to the “self evident truths” that “all men are created equal and endowed by their creator with the rights to life, liberty, and the pursuit of happiness” (Cit. Benhabib, 2000). We can see that the tension between the local and the universal is in part constitutive of liberal-democracy. This is of great explanatory power in terms of the moral ambiguity raised by questions of rights of entry and rights of citizenship. On the one hand, we acknowledge universal values—including equal rights of all to liberty—which would seem to imply, in accordance with Carens, open borders. On the other hand, we preserve the right of a we to determine our own fate, implying with Walzer a right to control entry. However, if we actually enforce the universal invocation, opening borders, imposing human rights norms, and undermining the autonomy of the state to decide its own version of the good, then we must at some level undermine the individual’s freedom to choose to belong to an association that can pursue independent projects for justice. In one sense, we thus undermine the liberal value of tolerance that underpins Walzer’s thought.

This paradox provides an explanation for the impasse within liberalism. Gellner (1994:94) succinctly describes the cognitive tension that is constitutive both of liberal-democracies themselves, and the debate which continues in perpetuity among (in better cases within) their political theorists: “free order is based in the end not on true and firm conviction, but on doubt, compromise and doublethink.” The ambiguity in liberalism is something that liberals often seek to close off: faith in rationalism does not sit easily with an acknowledgment of such ambiguity. But might we do better to not seek closure? Perhaps it is in living with ambiguity—an ambiguity vividly illustrated by the question of borders and brought to life by the movement of people—that we can most sensitively and most morally respond to particular political issues?

**Engaging Ambiguity: Toward a Pragmatic Approach?**

Both the liberal positions discussed are ultimately unsatisfactory in dealing with specific political issues of migration because they accept a separation between morality and politics. For each of these liberal accounts, justice is a transcendent set of principles constructed in the realm of the ideal that must exist alongside a political reality where choices will often conflict with such principles. For ideal theorists, principles can be constructed in the abstract, and it is such principles that should generally guide political action and policy, although occasionally, for reasons of political contingency, we might have to make choices that do not cohere with these ideals (Walzer, 1973). Realists in International Relations also tend to accept this distinction between morality and politics, although they are willing to forgo morality for the sake of political expediency to a degree that ideal theorists generally would not.

Although at odds in the realm of the ideal, in practice both liberal communitarian and cosmopolitan are capable of advocating similar policy propositions. And even in principle, we can argue that both are convergent: the liberal communitarian sees the cosmopolitan’s “second best” as their “first best” only because ideal theory is
perceived differently. For the communitarian, ideal theory must better engage prevailing realities—that individuals will only feel a degree of solidarity capable of precipitating a substantive notion of justice when it is based on local ties. Kant’s “categorical imperative” cannot generate the solidarity necessary to achieve the same degree of justice globally. For example, Walzer seeks to engage with a world of “second best” to a degree that many cosmopolitans would not; he believes that we must avoid too large a gap between the ought and the can. In Carens’ summary of this position,

An ethics of migration that requires abolition or even radical transformation of the state system is not a morality that can help us to determine what is to be done in practice. (Carens, 1996:158)

Conversely, an ideal cosmopolitan might argue that “ought” implies “can.” Although it may be necessary to adopt second best principles, to not acknowledge them as only second best is to negate the possibility for the ideal of equal opportunity to be realized globally. As Carens argues

...we ought to know what our deepest convictions are and ought to be, even if we cannot act upon them. It is essential to distinguish between a regrettable but useful tactical concession to powerful political forces pursuing a morally objectionable path and a legitimate defense of an important and honourable value. (Ibid. 166)

In short, all liberals accept that equality of opportunity is a just and fair ideal, but the communitarian is perhaps more prudent in envisaging the potential to realize such a principle. In this sense, the differing ontologies, although argued over, may be largely a consequence of different conceptions of the art of the possible. In their epistemologies, the similarity is clear. Both sets of theory are engaged in deontology. Against consequentialist reasoning they seek to abstract transcendent principles from philosophical foundations or some “Archimedian point.” Both are antiteleological, in the sense that subjects are conceived to be apart from and prior to their ends, such that principles of justice are open to human construction (Sandel, 1982:175). Whether these writers attain neutrality—and whether it is desirable to attain such a position—is contestable. For example, although Rawls derives “first principles from a hypothetical choice situation,” he cannot achieve the neutrality he seeks. Why would we derive principles of justice from his fair “original position” in the absence of some telos? Arguably, a truly abstracted subject will tend to nihilism, not justice. The sovereign subject of deontology is effectively dethroned when we realize the authors have attributed to their subject certain characteristics in order to precipitate particular transcendent principles. Put simply, the individual is stripped bare of all attributes except those that facilitate the emergence of a particular account of justice.7

Deontological theory of this sort can thus be critiqued on the basis that its epistemology is excessively simplistic. Such theory relies on an individual subject who is capable of rationally arriving at principles of justice. Such theory does not consider important that the point from which we reflect is impacted by historical, cultural, and social contingencies. We contend that such contingencies need to be accounted for if we wish to effect change in the here and now. To acknowledge the reality of ambiguity is to appreciate that the liberal human subject and/or the derivative

7 Although see Rawls’ (1985) response to this line of criticism where he gives a more reflexive account of his individuals behind the veil of ignorance: “since justice as fairness is intended as a political conception of justice for a democratic society, it tries to draw solely upon basic intuitive ideas that are embedded in the political institutions of a democratic society and the public traditions of interpretation. Justice as fairness is a political conception in part because it starts from within a certain political tradition”(Cit. in Rorty, 1991a:180).
liberal communitarian’s ideal nation-state is unlikely to fit perfectly with the far more complex, probably irreducible, prevailing realities of global politics.

In questioning the necessity of philosophical foundations, Richard Rorty eschews the ontological debate within liberalism in favor of an ethic that might better confront political reality. For Rorty, too much intellectual energy has been wasted on the question “what are we?” and justice theory’s more sophisticated derivative: “what transcendent principles will the reasoning human subject produce in the context of fair conditions?” Instead, we should ask the more practical question, “what can we make of ourselves?” (Rorty, 1998:170). In this way he rejects the transcendental blackmail of liberalism—the idea that political conduct requires ethical foundations upon which to proceed, and politics itself is imbued with an ethical aspect (Connolly, 1987).

How do we proceed without foundations? How does the state endure in lieu of some ethical grounding? Rorty’s (1991a) “post-modern bourgeois liberalism” is not to negate the state or the institutions associated with modern liberalism. The difference is that these institutions are not perceived in any transcendent sense, but rather in a historically and culturally specific way; for example, the human rights regime is conceived of as a Western cultural phenomenon. Crucially for this article, in acknowledging the universal liberal claim as culturally specific, Rorty holds on to the ambiguity inherent in liberalism. He advocates a universal invocation while appreciating its contingency. Indeed, just as Gellner highlights the role of double-think in liberalism, Rorty speaks of irony: we can promote liberal ideals while recognizing their precariousness.

For Rorty (1998:169), there is no transcendent identity; on the contrary, “the main lesson of both human history and anthropology is our extraordinary malleability.” Although there are distinct and inevitable differences between people, these are not primordial, and interactions between cultures can and do change those cultures. The desire to find grounding in a notion of truth—to try to answer the “what are we?” question or, in Rawls’ more sophisticated terms, construct a view of justice derived from fair conditions—is outdated. It is outdated in the sense that the Enlightenment philosophers were under pressure to frame their justifications in such terms because they were responding to the certitudes of religion, whereas we are not. It is also outdated in the sense that this search for the essence of being has not produced any enduring certitude (Rorty, 1997).

Although in the contemporary global context we have to respond to a plurality of beliefs in promoting liberal cultural values, we do not need to do this by seeking to privilege a metaphysical ontology. It should be enough for the wealthy Western nations simply to accept that what we have become is morally better than we were. By “better” is meant an increased propensity to concern ourselves with the plight of those beyond our immediate community, regardless of culture.8

Rorty is in danger here of advocating a Western moral superiority. However, in his account, the non-West is not perceived as inferior, or as irrational; rather, it is perceived as less fortunate. The good Serbian family man, in massacring Kosovar civilians, is less fortunate inasmuch as he is living “in a world in which it would be just too risky—indeed, it would be insanely dangerous—to let one’s sense of moral community stretch beyond one’s family, clan or tribe” (Rorty 1998:178). This might seem like moral ambivalence, but it is an important recognition, because it allows us to understand that such hatred is heartfelt and powerful, while realizing that we are

8 For Michael Ignatieff (2001:4) “Our grounds for believing that the spread of human rights represents moral progress, […] are pragmatic and historical. We know from historical experience that when human beings have defensible rights—when their agency as individuals is protected and enhanced—they are less likely to be abused and oppressed. On these grounds we count the diffusion of human rights instruments as progress even if there remains an unconscionable gap between the instruments and the actual practice of states charged to comply with them.”
no more rational. Those committing atrocities are not deprived of the ultimate truth or moral knowledge (certainly, no more than we are!); rather, they are deprived of two perceptible things: security and sympathy. For Rorty, the absence of security refers to the absence of liberal-democratic institutions that allow for a relatively risk-free life. And the absence of sympathy refers to the absence of sentimental stories that have allowed us in the West to develop a sense of compassion or conscience beyond our immediate relations.

In a pragmatic sense, this recognition is more useful than our efforts to uphold a dogmatic foundationalism that we find increasingly difficult to believe in. Pragmatism directs ethical projects toward the concrete—toward the promotion of secure liberal-democratic institutions in lawless or corrupt states and towards the use of what Rorty calls “sentimental education.” What moral “progress” there has been during the past two centuries in the West has not come about because of a movement closer toward a definitive truth. We have not built a universal consensus around Kantian notions of the reasoning man. Rather, for Rorty, it is our sensibilities that have increased dramatically during this period and might continue to be developed. As he surmises, solidarity, the solidarity that might be required to extend our sympathies to refugees and asylum-seekers:

. . . is to be achieved not by inquiry, but imagination, the imaginative ability to see strange people as fellow sufferers. Solidarity is not discovered by reflection, but created. . . . [It] is a matter of detailed description of what unfamiliar people are like and of redescription of what we ourselves are like. (Rorty, 1999:XVI)

Such an ethic adheres to the belief that the political can itself be moral. The contingencies facing actors in political situations are important and “real,” but those contingencies can be altered to effect change. This view echoes the constructivism discussed in section one: social structures are important and real, but not immutable and are in contrast to the ideal theory of cosmopolitan and communitarian liberal theorists. Ideal theorists endorse the proposition that we can discover transcendent rules of justice to act as a pre-emptive guide to our actions (even though they disagree on the contexts—community, nation, state or globe—in which such rules can or should be applicable). Hence, as Williams (1981:21) says of these theorists, “Just as in the realm of character it is motive that counts, not style, or powers, or endowment, so in action it is not changes actually effected in the world, but intention.” In other words, as long as we can justify our actions in terms of moral principles, then we can be satisfied that we have done all we could.

Such an approach is clearly problematic if applied to “real” issues because it potentially sanctions failed efforts at pursuing justice: consequences are secondary to the principles upon which action is based. For example, in relation to the issue of migration, a cosmopolitan would, in principle, clearly require borders to be open, but, as already discussed (and as acknowledged by many realists, communitarians and cosmopolitans), opening borders is deeply problematic. To not have at least some appreciation of context and possible consequence, and to act purely on the basis of abstract principles, can hardly be ethical. Indeed, as Williams (1981:54) notes, “the limitation of the moral life is itself something morally important.”

An ethic of sentimental education takes political realities seriously: we cannot judge what ethical behavior will be in the abstract; rather we must remain sensitive to the particular context. Such an ethic is of greater efficacy in dealing with the issue of refugees. We are able to hold on to the ambiguity inherent in our liberal projects that seek to care and provide for refugees while realizing the precariousness—the double think and the irony—that underpins the order we seek to preserve. And we are able to do this without the nihilistic despair that the ideal theorist might expect of the relativist, by actively attempting to affect the discourse on refugees and
asylum to expand a sense of solidarity. A solidarity that we as egalitarian liberals believe to be desirable.

**Engaging Criticism: Rorty in Reality?**

Thus far, we have considered Rorty in relatively uncritical terms; relative that is to the mass of critique, attack, and flat dismissal that his version of pragmatism has provoked. As one article comments, there are now diminishing returns on attacks to Rorty’s version of pragmatism (Knight and Johnson, 1996:69). In this final section, we respond to two critiques of Rorty by elaborating on what sentimental education could mean in practice for the issue of migration.

Firstly, there is the question of where we find the initial impulse for liberal sympathy. Rorty’s neat definition of liberalism as the community of people who agree with Judith Sklair (Rorty, 1999:XV) that “cruelty is the worst thing we do” leaves under-represented a long tradition of reason-giving liberal argument. More pointedly, his extension that such work is no more than the summation of a particular set of liberal sentiments arrived at through historical chance has prompted many to ask what, if anything, we can say to people who are not part of that historical community (Geras, 1995). And secondly, even if we accept Rorty’s reading of liberalism’s historical contingency, his ongoing defense of that system as simply the best we have so far achieved has grated at numerous levels. What is the ethical status of liberalism when understood as coterminous with structural oppressions like capitalism, patriarchy, white dominance, and a multitude of environmental harms? For someone who does so much to shift the question of justice from philosophical to political deliberation, Rorty offers remarkably little by way of political content. This draws on Bernstein’s critique, (1987, 2003) of the potentially obfuscating nature of Rorty’s broad rhetorical brushstrokes. Clarification is required as to the content and political agenda of Rorty’s “We” if we are to support it.

On the question of first impulse, Rorty has burnt his bridges somewhat with regard to entering any debate about the human essence or rational criteria of persuasive argument. He simply refuses to accept that there is anything that could or (importantly) should count as proof of humanity. When we value arguments for human rights, it is not because they have transcultural, transhistorical validity but because they chime with a particular set of historical sentiments that we have learnt to value. Cutting to the chase, Western liberals are more prone after the Great Depression, the Holocaust, Hiroshima, and the Cold War to see cruelty and humiliation as morally wrong and to defend stories like human dignity as morally right than at any point previously. For Rorty, attempts to build a “Truthful” account of human rights can be no more than a summary of the sentiments Western liberals have developed in time and space.

We could enter a discussion of whether this is philosophical relativism, but—if we want to make a difference to the world around us—Rorty finds it more useful to get on with the business of expanding these sentiments via narrative. He views novels like 1984 and Lolita as at least as important for developing our moral vocabulary as any philosophical tract (Rorty, 1999). This is not to dispense with the project of reason-giving covered in preceding sections; rather, it is to see such discourse as just one voice among many in a broad and ever-expanding conversation. The rejection of an “either–or” mentality in favor of a “both-and” logic is sometimes overshadowed by Rorty’s assaults on foundationalism. For developing Rorty’s ideas in practice, the question of finding a philosophical justification for first impulses is on a level with the question of creating and sustaining the contemporary impulse. A suggestion is that we might actually be better equipped to pursue the latter.

Imaginative narratives explore new ways of understanding cruelty—the cruelty society and individuals can inflict; they develop our knowledge of human suffering.
Until the very end of 1984, Winston is not beaten or tortured; he is constricted in his capacity to think and act by a pervasive party state. In this way 1984—and not say, The History of Sexuality (Foucault, 1979)—has become a popular (Western) reference point for scrutinizing new forms of state oppression. We read films like Bread and Roses (Loach, 2003) and Dirty Pretty Things (Frears, 2003) as potential equivalents for the subject of migration. By taking up the story of “illegal” immigrants in Los Angeles and London, such films tell a sentimental story about the ways in which migrants experience suffering; paying close attention to the confused legal status of many migrants, which can render them “invisible” and “exploitable,” as well as highlighting potential avenues of resistance.

In Bread and Roses, Maya is smuggled across the Mexican-U.S. border to join her sister Rosa and family in Los Angeles. In a precarious position legally and financially, she is threatened with rape by her traffickers and then forced to pay one month’s wages to secure work in a cleaning company. Throughout the film, the company is able to control the workers by using their fear of being investigated by immigration control; as their supervisor often intimates, “Join a union! They’ll check your fucking papers!”

At one level, the film engages the difficulties and normative necessity of defending the rights of immigrant workers. At a more profound level, Bread and Roses opens up a narrative history of female migrants. Many of the workers resist the idea of unionizing because it risks exposing their precarious status. Maya’s sister provides the strongest resistance to joining the union, even moving to inform the company of Maya’s activities in order to secure promotion. But when she is accused of being self-serving, a different explanation emerges. How was she able to survive this long? How did she manage to send money back to her family in Mexico? How did she secure the job for Maya? By working as a prostitute: “Who gets screwed? Rosa! Rosa goes out to fuck! Fuck and suck every cock on the earth! [. . .] She can fuck the whole world, right?”

By exposing the tensions between and within migrants in this way, the film is an exercise in sentimental education. It is not just a linear question of whether Maya is legal or illegal, whether borders are open or closed; it is a relational narrative that illustrates the different forms of suffering and lived experiences that migrants have to contend with. One of the most glaring inadequacies of the undifferentiated concept of the migrant is the gendered experience of displacement.

In Dirty Pretty Things, the main characters are depicted in a twilight world of taxis, hotel work and organ donation. If you are in need of money in London, you can sell your kidney for 10,000 pounds. If it goes wrong you can lose your life. When the Nigerian born Okwe discovers a human heart in one of the hotel toilets and is faced with the possibility of alerting the authorities, his manager reminds him of his own situation: “Go ahead tell the police, just give them your name and your place of work it will be fine.” And his friend reminds him: “It does not pay you to ask questions, you are an illegal. I am a certified refugee and I still remain quiet.” In both films, migrants are portrayed as lacking in political and ethical agency because of the invisibility afforded them by liberal categories. As with Bread and Roses, the issue of female sexual exploitation is brought to the fore. When Okwe’s girlfriend Senay is investigated by the immigration services, her employer—in exchange for protecting her—respects her virginity but insists that she use her “beautiful mouth” to “relax him.”

Such films do not seek definitive legalistic conclusion to the dilemmas associated with migration. To some extent they demonstrate the problem with seeking such conclusions. The destruction of the self, placed in a powerless situation, is only possible because of the invisibility afforded by low-wage jobs—“when we put on the uniforms we become invisible” (Loach, 2003)—and problematic legal standing of many immigrants. When asked “Who are you?” at the end of Dirty Pretty Things,
Okwe responds, “We are the people you never see. We drive your cabs, make your beds and suck your cocks.” And this is why such films are so important for the ethical discussion of migration: because they draw the subject full circle to how “we” (Western liberals) see/construct the other in daily practice. In this vein, Peter Nyers has undermined the common “humanitarian” construction of refugees that arguably underpins many liberal approaches to migration:

One of the central difficulties of portraying refugees as “mere humans” is that all notions of political agency are emptied from refugee subjectivity […] refugees are silent—or rather, silenced—because they do not possess the proper subjectivity (i.e., citizenship) through which they can be heard. (1999:20)

The task of sentimental education is to expose the problems and possibilities involved with the category assumptions of liberal approaches. But if a pragmatic approach to sentimental education translates well to narrative form, there is without doubt a sense in which more can be said and done about the politics of migration that Nyers identifies. Caricaturing Rorty, it is not enough that we turn up with a pile of good books or films and hope the bad guys get the message. Indeed, it might be that the bad guys don’t even show up; after all, and as the artists themselves would acknowledge, political films and books of the kind described rarely reach large audiences. We need to go further and provide an account of the political processes at work. As Bernstein says,

Inspirational liberalism may be a healthy antidote to legalistic rights-based liberalism and to the abuses of the infatuation with theorizing by postmodern cultural critics. But without pragmatic toughness and a concrete programme for reform, [Rorty’s] … liberalism too easily degenerates into an empty rhetorical hand waving. (2003: 138, emphasis added)

Bernstein expresses the exasperation of many who find Rorty’s work increasingly self-referential and rhetorical. A response to such critique could be to dismiss Rorty on his own terms; to stay at the level of theory and highlight the inadequacies that permeate his work. Another response, the one we make here, is to think through Rorty’s ideas in the context of the limitations identified by Bernstein and others; to see how the creative elements work themselves out in practice. A comprehensive programme of reform is beyond the scope of this paper. We outline a brief critical analysis of representations of migrants in the U.K. media and point to some future avenues. “Pragmatic toughness” requires that we highlight the important role of human rights and refugee NGOs in the contest over representation. By analyzing the coverage of asylum-seekers and refugees in the British press, we gain insight into how public perceptions of transnational migration are shaped and how they might be altered via sentimental education.

A recent MORI poll revealed that the British public hugely overestimates the amount of migrants Britain accepts each year: on average, respondents believed that Britain hosted nearly a quarter of the world’s refugees when in fact the figure is less than 2%. The coverage of asylum-seekers and refugees in the British press goes some way to explaining this misperception. The same poll also revealed that the public associates “negative words” with the British press coverage of the issue: words such as bogus, beggars, illegal immigrants, and scroungers. 10 Empirical studies on

9 Such (New York) toughness is well expressed in Woody Allen’s film Manhattan. Considering how to contend with the New Jersey Nazis, Isaac Davies notes: “Well, a satirical piece in the Times is one thing, but bricks and baseball bats really gets right to the point.”

the media’s portrayal of this issue confirm that this is the dominant discourse. A recent European report on racism and the media notes the “overall anti-racist position of the tabloid press . . . seems to be related to British ethnic minorities and does not extend to immigrants and asylum-seekers. Indeed, the only variation across the overall pattern of media positions is that tabloids take up a strongly anti-immigrant stance (emphasis added).”11 The parameters of the tabloid media’s tolerance for “the other” continues to mirror the contingent state borders described above.

The perception that asylum-seekers are a drain on Britain’s generous public resources is as common as it is misleading. In fact, asylum-seekers cannot claim mainstream benefits (they receive basic support from the National Asylum Support Service) and Britain is not the most generous in this regard—Ireland, Denmark, and Belgium are more generous. Moreover, asylum-seekers are actually not permitted to work for the first 6 months after their application date, so they have little choice but to claim benefits. And the claim that most asylum-seekers are judged to be “bogus” is also misleading.12 Actually, there exists a significant and worrying gap here between the percentage of asylum-seekers granted refugee status after an initial Home Office assessment—31% in 2001—and the percentage achieving this status after judicial appeals when the total rises to 51%.13 Indeed, refugee groups and academics in Britain have expressed concerns that Home Office decisions are frequently flawed and that procedures, such as the requirement to complete forms in English within a 10-day period, are skewed against the asylum-seeker.14

We see then a widespread misperception of the migrant, often as a consequence of misleading and, in some instances, patently false press coverage. To challenge such misperceptions, we must, from a pragmatic perspective, identify those refugee and human rights groups that are currently engaged in sentimental education over this issue. The tabloid media seek to close off the ambiguity inherent in the issue of transnational migration by implicitly declaring borders natural; applying to the asylum seeker the language of invasion, take-over and deviancy. As Nyers argues, the language of “emergency” often acts to restrict possible responses to the

...practical ways in which order and normalcy can be re-instated. Critical questioning of both the unequal power relations and desirability of this order are de-emphasised, marginalised or ignored. Also de-emphasised is any attempt to question the purity and coherence of such key foundational concepts as citizenship and sovereignty. (1999:15)

Against media rhetoric, the pragmatic sentimental educators we identify seek, not necessarily to open borders, but to reflect on the lived experiences of those seeking refuge from persecution. This can be seen in the work of “alternative press” activists like Barbed Wire Britain, who highlight the treatment of migrants in detention “camps.”15 Their independent production of pamphlets like Voices From Detention: Testimonies From Immigration Detainees In Their Own Words (2002) provides an example of the activism required to actually tell stories from a migrant perspective. By publicizing the experiences of migrants in their own words, such groups practically develop the political agency of the excluded. A dual strategy of contesting the

12 “Around 80 percent of those who claim refugee status are eventually judged to be bogus.” Mail on Sunday 14/10/01.
14 For example: “Unfair and arbitrary methods continue to be the norm when the Home Office makes decisions on asylum claims,” and “Still No reason At All” by Asylum Aid (www.asylumaid.org.uk).
15 See www.barbedwirebritain.org.uk.
practice of immigration control while drawing on the contributions of migrants themselves creates a nexus in which our moral vocabularies can be expanded. Migrants are not simply “empty,” “helpless,” or “in need of a home,” as in the discourse of humanitarianism (Nyers, 1999). They are also “active,” “contesting,” “engaged.”

Of course, such organizations are constrained by the real world exigencies of resources and opportunities. For every NGO actively engaged in sentimental education, there are countless mass media organizations able to recycle the familiar story about outsiders stealing “our” jobs, possessions and women. But sentimental education is not intended as a panacea, a short-term quick-fix solution—if such a thing could exist. Rather the (political) ethic of sentimental education we are suggesting is long-term and reformist. In concrete terms and with limited funding, the influential mass media is a strategic target for sentimental educators. Indeed, the work of groups like Presswise, a media ethics charity, epitomizes the kind of sentimental education that is required. Their project Refugees, Asylum-Seekers and the Mass Media (RAM) is aimed at assisting organizations working with migrants throughout Europe to obtain fair and accurate representation in the media.16

Taking seriously the historical construction of the migrant as moral agent—as Other, illegal, refugee, human etc.—a pragmatic approach must give respect to the problems and possibilities of constructing future histories, actively democratizing the category assumptions of liberal discourse over time.

Conclusion

The article has exposed some central ambiguities within liberal thought via a discussion of the ethics of migration. These ambiguities were engaged via an elaboration of Richard Rorty’s version of pragmatism. By developing his concept of sentimental education, we contribute to the ethical discussion of migration as well as issues of Rorty’s potential contribution to (international) political theory.

Sentimental education is clearly an open program. This is both a benefit and a hindrance. Positively it allows us to associate the ethical dilemmas of transnational migration with the contingent political reality of the everyday lives and stories around us, engaging directly in the writing of those very stories. By drawing on narratives like Bread and Roses and Dirty Pretty Things we have shown how certain constructions of migrants underpin our moral vocabularies; and how they can be changed. This is to place in a broader context—and not to refute—the liberal project of reason-giving outlined in earlier parts of this paper. Negatively, as Bernstein has suggested, such engaged and inspirational liberal ideals can all too easily fall into empty rhetoric and hand waving. As such we must (perpetually) identify and justify the agendas we value in political context. Such a process is of crucial importance for the practical politics of transnational migration, which has so often emphasized a legalistic rights-based argumentation at the expense of ambiguity.

References


16 See http://www.presswise.org.uk.


