



MeDiMi Working Paper No. 1 • 2023



# Human Rights Discourse in Migration Societies

A Research Agenda

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### **Zitiervorschlag**

Research Group MeDiMi (2023) Human Rights Discourse in Migration Societies.  
A Research Agenda, MeDiMi Working Paper No. 1,  
<http://dx.doi.org/10.22029/jlupub-17813>.

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### **Gestaltung**

Working Paper: Felix Kutschinski | MeDiMi-Logo: Warenform GbR (Berlin)

### **Förderung**

Die Forschungsgruppe „Menschenrechtsdiskurse in der Migrationsgesellschaft“  
(FOR 5321) wird von der Deutschen Forschungsgemeinschaft (DFG) gefördert.

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### **Suggested citation**

Research Group MeDiMi (2023) Human Rights Discourse in Migration Societies.  
A Research Agenda, MeDiMi Working Paper No. 1,  
<http://dx.doi.org/10.22029/jlupub-17813>.

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### **Visual concept**

Working Paper: Felix Kutschinski | MeDiMi Logo: Warenform GbR (Berlin)

### **Acknowledgement**

The Research Group “Human Rights Discourse in Migration Societies” (FOR 532)  
is funded by the Deutsche Forschungsgemeinschaft (DFG).

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# Human Rights Discourse in Migration Societies.

## A Research Agenda\*

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### Summary

The subject of this interdisciplinary research project is to determine the scope, forms and consequences of the expansion of human rights discourse in migration societies. MeDiMi's starting observation is that actors in contemporary societies often refer to human rights norms discursively to articulate images of themselves as well as their interests. We refer to this process as "humanrightization" (*Vermenschenrechtlichung*).

MeDiMi traces the humanrightization of discourse in migration societies in three contexts. These contexts include the legal system, areas of political action, as well as other professional and everyday socio-cultural contexts in which perceptions of self and the attitudes of actors within migration societies are expressed and formed. Legal analysis, social-science research and cultural studies of ten selected fields will provide the empirical basis for a theory of discursive practices in migration societies. This will enable us to achieve a new understanding of the role of human rights in contemporary societies, especially European ones.

### 1. Starting Observation: "Humanrightization" of Discourse in Migration Societies

The question of the interdisciplinary research project is: *What are the scope, forms and consequences of the advance of human rights discourse in migration societies?* MeDiMi aims to comprehend the humanrightization of discursive practices in migration societies by means of legal doctrinal analysis, discourse analysis, and qualitative social research. This will lay the empirical foundation for a theory that contributes to a new understanding of the role of human rights in contemporary migration societies.

The social structures of contemporary societies typically reflect collective migratory experiences and migration-related transnational linkages (Kritz et al. 1992; Glick Schiller et al. 1992;

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\* The German version of this Working Paper is available on <http://dx.doi.org/10.22029/jlupub-17716>. Maximilian Aigner, Jürgen Bast, Laura Borchert, Laura Holderied, Greta Olson, Stefanie Rück, and Janna Wessels contributed to the translation. Laura Holderied and Stefan Häußler gave most valuable input to an earlier draft. The paper reflects the state of our knowledge by May 2023. Comments are welcome at [MeDiMi@recht.uni-giessen.de](mailto:MeDiMi@recht.uni-giessen.de).



Pries 2008; Vertovec 2009; Weiß 2017; Gutiérrez Rodríguez 2021). They are, in this sense, *migration societies* and conceive of themselves as such (Thränhardt 1996; Sassen 1999; Bade 2004; Castles et al. 2014; Foroutan/Ikiz 2016; Soeffner/Zifonun 2016; Bast/Orgad 2017). Migration is accompanied by processes of cultural transformation and transnationalization of everyday experiences. Migration processes change the way in which social conflicts are processed, moderated and regulated. Migrants make claims to inclusion, which other actors contest (Foblets et al. 2018). Moreover, it is characteristic of migration societies that “ordinary” conflicts of distribution, participation, and recognition are (also) negotiated along lines of migration sociology or ethnically framed group distinctions (Gutiérrez Rodríguez 1999; Bommers 1999; Zolberg 1999; Esser 2010; Müller/Zifonun 2010).

MeDiMi examines the role of *human rights*, which actors make relevant as an authoritative resource (Giddens 1995, 316) in such conflicts. This interdisciplinary research agenda starts from the observation that in the discourse of contemporary migration societies actors frequently refer to human rights norms to articulate images of themselves and their interests. According to our assumption, this discursive humanrightization emerged in the 1990s and is particularly pronounced in European jurisdictions (on the United States, cf. Bradley 2016, 230 f.; Motomura 2014, 93). The project’s primary research interest focuses on this temporal and geographical context, without, however, implying a unique characteristic, implicitly postulating European superiority, or assuming a uniform global process (cf. Mutua 2002; Santos/Rodríguez Garavito 2007).

The expansion of human rights into the field of migration is particularly prominent in the legal discourse. In the practice of migration law, human rights arguments are now almost omnipresent, particularly with regard to the case law of the European Court of Human Rights (ECtHR; cf. Bast/von Harbou/Wessels 2020 and 2022). Notwithstanding this remarkable development, other perspectives on migration – security concerns, foreign policy, economic utilitarianism, cultural othering – also remain present in the law as it stands (Bast 2011, 101 ff.; 2012; Thym 2016, 306 ff.; 2018, 85 ff.). References to human rights do not necessarily occur in formalized legal contexts. MeDiMi is also explicitly interested in the expansion of human rights from the legal system to other professional and everyday contexts of migration societies, where actors interpret their experiences as human rights violations, align their understandings of their roles and actions with an ethics of human rights, and present their moral and political claims as expressions of universally guaranteed rights. When actors in professional legal discourse embrace such performative assertions of validity, such claims can trigger innovative legal developments (Merry et al. 2010; Buckel 2013, 226 ff.; Leisering 2015, 195 ff.). The particular power of invoking human rights norms seems to lie precisely in the coupling of a semantics that lays claim to the authoritative potential of the law with the moral-political persuasiveness of human



rights and their affective quality linked to subjective experiences and testimonies (von Harbou 2014; Bradley 2016, 180 ff.; Olson 2022).

The humanrightization of discourse in migration societies is in line with an incremental process of the generalization of human rights. In the wake of this process, human rights have risen to become the globally leading semantics of justice in the 1990s (Ignatieff 2001, 53; Cassel 2004; Heintz/Leisering 2015), even if this should certainly not be idealized as the result of a seamless and irreversible development (Moyn 2010, 11 ff.; Hoffmann 2011; Brysk/Stohl 2018). The “discovery” and increasing prominence of migrants’ human rights contradicts the skeptical diagnosis that the emancipatory potential of human rights has been depleted (Hopgood 2013; Posner 2014; differently, for instance, Sikkink 2017). However, the rights and interests of migrants are by no means a “classic” topic of human rights discourse. For a long time, this discourse was based on the fictitious model of an immobile society with borders under sovereign control, regardless of the fact that human rights were always intended to apply to non-citizens as well. It was only with the onset of globalization in the 1980s that the mutual attribution of state territory, public authority, and rights that used to be static began to loosen (Sassen 2008, 143 ff.). This opened up spaces for a human rights framing of migration processes (Bosniak 1991; Soysal 1994; Farahat 2014, 104 ff.).

## 2. State of Research

There are numerous studies on the history of *human rights* since the 1940s (Moyn 2010 and 2018; Eckel 2014; Aust/Demir-Gürsel 2021). Besides, researchers from social and cultural sciences have engaged with the conditions and manifestations of their development into leading global norms (Risse 2002; Heintz/Leisering 2015; Brysk/Stohl 2017) and their translation into local processes of politicization (Goodale/Merry 2007; Bachmann-Medick 2012; Bradley 2016; Buckley-Zistel 2016). Moreover, the advance of human rights is discussed in the context of the legalization of international relations (Fischer-Lescano 2005; Liese 2006; Simmons 2009; Sikkink 2011). However, more recent research on the dynamics of international norms also refers to “counter-frames” to human rights (Jetschke/Liese 2013, 35 ff.) and to resistant actors or “norm antipreneurs” (Bloomfield 2016), countering the spread of liberal norms (Wolff/Zimmermann 2016). MeDiMi connects to this by looking at human rights discourse in its interaction with alternative and opposing discourses.

Migration, however, is rarely used as a reference area in these multidisciplinary debates on the emergence, vernacularization, and contestation of human rights norms (see, e.g., Leisering 2015 and 2016, who examined disputes over the rights of refugees in “extraterritorial” spaces, or Mann 2013, 2016, and 2018, who focuses on maritime zones of lawlessness). The struggle over the validity of human rights on the high seas is one of the few aspects that have received



attention in both social science (Buckel 2013; Pichl/Vester 2014; Perkowski 2021) and legal scholarship (Mungianu 2016; Markard 2016; Gammeltoft-Hansen/Vedsted-Hansen 2017; Moreno-Lax 2017; Moreno-Lax/Papastavridis 2017; Fink 2018; Costello/Mann 2020), with a thematic focus on the EU border management agency FRONTEX, the *Hirsi* jurisprudence of the ECtHR, and the relationship between the law of the sea and human rights protection.

Empirical research on discursive practices of human rights in migration societies hardly seems to exist. Studies on the formation of a “human rights consciousness” concern emancipatory movements of marginalized, yet non-migrant groups (Friedman 2011, 15–17, 50) and social processes in transition societies (Humphrey 2013, 99; Bellino 2014; Capdepón/Figari Layús 2020). Studies similar to this “human rights consciousness” approach focus on social movements of refugees and irregular migrants (Gutiérrez Rodríguez 2010; Doppler 2018; Schwietz 2019; Pichl 2021). Apart from that, references to migration are scattered, e.g., in research on the history of exile which situates social work as a “human rights profession” (Staub-Bernasconi 2007; Greenhouse-Gardella 2019), or in references to the role of conflict-induced migration and diaspora communities for processes of transitional justice in countries of origin (Wiebelhaus-Brahm 2013; Haider 2014).

This is also the case in *migration research*, which seldomly considers the practice of human rights as an explicit object of study. Human rights of migrants or a (moral) right to immigration form part of a widely ramified discourse in normative political theory and practical philosophy (Benhabib 2004; Bielefeldt 2007; Nagel 2005; Carens 2013; von Harbou 2019). A significant strand of discussion follows Hannah Arendt’s critical assessment that human rights remain an empty promise for those who do not belong to a political community (on the figure of the refugee, see for example, Schulze Wessel 2017; Schmalz 2020). Notwithstanding the empirical-reconstructive focus of MeDiMi, these debates are relevant to the project not least because of their intertwining with legal discourse. MeDiMi further takes cues from *citizenship studies*, where authors have conceptualized forms of migrant membership beyond nationality and observed their legal institutionalization (Soysal 1994; Jacobson 1996; Bosniak 2000 and 2006; Bast 2013), while others emphasize the continuing relevance of this form of membership (Joppke/Morawska 2003; Abraham 2008; Shachar 2009; Thym 2018; Fargues et al. 2020). For MeDiMi, a distinction needs to be made between civil rights and human rights as defined here, both at the level of discursive practice and legal forms.

Among the empirically working disciplines of migration research, we share a focus with social anthropological studies on how migrants engage with the law of the host society (Scheffer 2001; Eule 2014; Cabot 2014; Eule et al. 2019). However, these studies have so far not specifically focused on human rights. More attention is paid to human rights issues in social science research on forced migration. Studies in this field have examined, e.g., living conditions in



refugee camps in the Global South (Purkey 2014; Krause 2021) or violence experienced by refugee women (Buckley-Zistel/Krause 2017). The international refugee regime, including the Geneva Refugee Convention (GRC), is among the traditional subjects of *forced migration studies* (Betts 2010; Betts/Loescher 2011; Kleist 2018). However, the framing of persecution and refugee experiences as human rights violations is often posited by the researchers without becoming the object of study from the perspective of the migrant actors.

By contrast, studies on the nexus of migration and human rights have become more prominent in legal scholarship. Following pioneering work on universal international law (Lillich 1984; Weissbrodt 2008), the human rights of migrants are now attracting growing interest (Cholewinski 2010; Dembour/Kelly 2011; Rubio-Marin 2014; Crock 2015; Gil 2017; Guild et al. 2017; Gross 2020). Broad attention has been paid in this context to the case law of the ECtHR (Battjes et al. 2009; Bossuyt 2010; Spijkerboer 2014; Viljanen/Heiskanen 2016; Costello 2016; Walter 2017, 27 ff.; Feihle 2021). Particularly noteworthy are the monographic study by Dembour (2015) and, more recently, the volume edited by Çalı et al. (2021). The relevance of the ECHR for migration law practice is reflected in the application-oriented field of literature (e.g., Hailbronner/Thym 2016). This strand of debate in legal scholarship has received an additional boost from the 2018 Global Compact on Migration (Chetail 2019, 283 ff.; Bast 2019), which is interpreted as a human rights document regardless of its formal status and substantive ambiguities (Guild et al. 2019; Cholewinski 2019; McAdam/Wood 2021; Garlick/Inder 2021).

The topic of forced migration/refugees also has a special status in legal scholarship, which corresponds with a greater sensitivity to human rights issues. A human rights-based reading has today largely replaced an older, intergovernmental paradigm in international refugee law (Chetail 2014; Markard 2015; Farahat/Markard 2016; fundamentally Hathaway 1991 and most recently 2021; on paradoxes, see Wessels 2021). The shift to a human rights paradigm is further reflected in research on the prohibition of refoulement beyond the Refugee Convention (McAdam 2007; Wouters 2009; Hamdan 2016; de Weck 2016; Bast 2018). A comparable conceptual shift in migration law in the broader sense – i.e., beyond refugee law – has not yet been accomplished in legal scholarship either (Bast/Wessels 2018), although the central importance of human rights is recognized in numerous individual studies (see Opeskin et al. 2012; Chetail/Bauloz 2014). In addition, legal studies regularly fail to ask whether the human rights framing of refugee or migration law corresponds to discursive shifts outside the law.

Overall, MeDiMi makes a significant innovative contribution to existing research by systematically examining the discursive nexus of migration and human rights with a genuinely interdisciplinary approach, while embedding findings from refugee and forced migration studies in a broader research agenda on migration and human rights. If, in a multitude of discursive



formations, human rights have become the authoritative language in which individual and collective self-understandings are communicated in migration societies, this is of fundamental importance for the further development of interdisciplinary migration and human rights research. To date, a “human rights paradigm” in migration research has primarily been a normative standpoint, i.e., a commitment to side with migrants as vulnerable persons and potential victims (cf. Thym 2009, 225 ff.). MeDiMi, in contrast, pursues an interdisciplinary research agenda that responds to profound changes in its very subject matter, and thereby locates the normative resource which it places at the center of its analyses in social practice itself. If the theoretical proposal presented here is able to convince the disciplines involved, MeDiMi has the potential to establish a new human rights paradigm in migration research and to lay the theoretical foundation for a multitude of further research projects.

### 3. Conceptual Foundations

This disciplinary breadth of the MeDiMi Research Group allows to capture discursive practices of human rights within as well as outside the legal system, and thus to identify sociocultural and political effects of legal semantics that remain invisible to the methods of legal scholarship alone (McInerney-Lankford 2017, 40; Forsythe 2009, 61). The Research Group responds to calls for empirically based human rights research (Sano/Thelle 2009, 61), theoretical ordering and systematization (Coomans et al. 2009, 13), and interdisciplinary, multimethod collaboration (Langford 2017, 167–172, 190). MeDiMi pursues the overarching question of the scope, forms, and consequences of the advance of human rights discourse in migration societies based on a cross-disciplinary understanding of human rights (3.1) and a shared, transdisciplinary conceptual framework (3.2).

#### 3.1. Understanding of Human Rights

The work program of the Research Group is based on a shared understanding of human rights across all individual projects. According to this understanding, human rights are subjective rights that serve to protect fundamental human needs and interests, and which every person is entitled to by virtue of their humanity, regardless of their membership in a particular community (based on von Harbou 2014, 259 ff., with further references). Accordingly, three cumulative elements are necessary for the concept of human rights used here: their *subjective, fundamental, and universal character*.

According to this definition, we encounter human rights whenever

- human rights catalogs are referred to, which have been promulgated as law on a global or regional level (*human rights as legal norms*), or



- actors explicitly formulate their claims in the language of human rights (*human rights semantics*), or
- implicit references to fundamental and universal subjective rights are made (*human rights narratives and tropes*).

Following a widespread understanding today, we also consider legal norms of international refugee law and international criminal law as part of the human rights regime. “Human rights semantics” are any utterances that make use of the lexicon of human rights. “Human rights narratives” or “tropes” in the transdisciplinary sense defined here are meaningful narrations or images that are based on the above-mentioned understanding; they need not explicitly refer to human rights (cf. White 1978). Compared to notions of human rights with stronger normative premises, as can be found in philosophy (of law) (cf. Gosepath/Lohmann 1998), this broad concept of human rights has the advantage of permitting an open-ended empirical investigation into which understanding of human rights the relevant participants in the discourse themselves adopt. At the same time, it has sufficient definitional precision to be able to identify implicit references to human rights in non-legal discourses.

In order to work with the necessary analytical precision, MeDiMi distinguishes human rights norms from two other types of norms, or semantics/narratives/tropes corresponding to them: on the one hand, fundamental rights (*Grundrechte*, i.e., constitutional rights), on the other hand, empathic humanitarianism. While constitutionally guaranteed fundamental rights share with human rights the concern to define and protect fundamental interests as individual entitlements, they differ in that the former are institutionalized at the level of the state (or the state-like EU) and do not necessarily share the universal claim to validity of human rights. It will have to be determined in specific contexts whether a reference to a constitutional entitlement is materially a human rights discourse, or whether membership of a political community is assumed, i.e., whether a *civil right* is articulated. While the distinction between human rights and fundamental rights is firmly established in legal discourse, it will be important to observe empirically whether and how it is also relevant for other contexts.

Humanitarianism shares universalism with human rights, since those affected appear per se as fellow humans (capable of) suffering (Hunt 2007). However, humanitarianism lacks the attribution of subjective rights that endow those affected with the agency to claim their interests themselves and act on their own behalf (Douzinas 2007, 66–70; Gutiérrez Rodríguez 2019; von Harbou 2014, 340 ff.; Olson/Wessels 2020; Olson 2022, 114 ff.). While human rights and humanitarianism are distinguishable discourses both in terms of their history and their normative implications (Barnett 2011), it remains to be empirically determined whether and how they connect in the practice of social actors (on the hypothesis of a progressive “humanitarianization” of the human rights discourse, see Moyn 2020).



### 3.2. Transdisciplinary Conceptual Framework

Conceptually, MeDiMi follows structuration theory as developed by the English practice theorist Anthony Giddens (Giddens 1995), without claiming its orthodox application (on the importance of Giddens as a pioneer of practice theory, see Nicolini 2012, 44 ff.). In particular, MeDiMi uses a discourse-theoretical terminology that does not play a prominent role in structuration theory. By “discourse”, MeDiMi understands the entirety of communicative acts through which symbolic systems of meaning or orders of knowledge are collectively generated (Keller 2011, 7). In this sense, linguistic acts of communication are particularly considered as discursive practices, but also the production and reception of aesthetic representations.

Central to a Giddens-inspired approach is the insight into the mutual conditionality of social actors and social structures (Giddens 1995, 77–79, 246; Lamla 2003, 45–47). Giddens’ structuration theory proves to be particularly useful for the purposes of MeDiMi because it provides a transdisciplinary terminology that addresses the dynamic interplay of *actors, norms, and structures in social practice*.

(1) In all projects, *actors* constitute the point of departure: the projects investigate which individual or collective actors (including public authorities) use human rights as an authoritative resource (Giddens 1995, 316). These actors try to participate in the legal or moral-political persuasiveness of human rights, or they produce such normative contents through their jurisgenerative practice in the first place. The studies also examine which relevant counter-actors (“norm antipreneurs”) can be observed in the relevant field and which discursive strategies they pursue.

(2) All projects ask which *norms* actors refer to in their discursive practice and how this is done. The focus is on human rights norms. In this context, the individual projects pay particular attention to whether and how actors refer to legal discourse, namely by postulating their concerns as justiciable legal claims. At the same time, human rights norms will have to be distinguished from alternative norms that actors could (or do) invoke to articulate migrants’ interests in being included. Such alternative norms are, for instance, civil rights, religious norms, or professional ethics of another provenance. Furthermore, the individual projects identify the relevant counter-norms mobilized by other actors as discursive resources for exclusionary purposes such as considerations of sovereignty, security dispositives, or imaginaries of ethnic homogeneity.

(3) Finally, all projects have in common that the actors relate to certain *structures* which they potentially change with their discursive practice. A structure is understood as the respective constellation of norms and authoritative resources, including their entrenchment in social and legal institutions (Giddens 1995, 45, 69, 240). Legal norms, systems of interaction, and established formations of consciousness can therefore also be structures for MeDiMi’s purposes.



The analysis of relevant structures examines changes that occur as a result of references to human rights, and how these changes affect actors' practices.

#### 4. The Goal: a Theory of Discursive Practice in Migration Societies

A theoretically ambitious understanding of the relevance of human rights for discursive practices in contemporary migration societies still is a desideratum of research. The Research Group therefore pursues the goal of developing an empirically substantiated theory informed by legal, social science, and cultural studies research that adopts a holistic approach to the various contexts and discursive formations in which the conditions and consequences of migration processes are negotiated, and which reflects in particular the role of the law. In doing so, MeDiMi follows a practice-theoretical approach (4.1).

Depending on the epistemologies of the disciplines involved, the complementary projects work either with legal doctrinal or with empirical methods (discourse analysis or qualitative methods of empirical social research), or they combine both. These studies form the empirical basis for a theory of the role of human rights in the discursive practice of migration societies. In methodological terms, the theory-building is guided by the research logic of grounded theory (4.2), which brings together the findings from the individual projects in a multidimensional comparative perspective (4.3).

##### 4.1. Practice-theoretical Approach

MeDiMi pursues a theory that belongs to the "family" of practice theories, i.e., a theoretical approach that places routinized practices at the center of understanding the social world (on the *practice turn* in the social and cultural sciences following Wittgenstein, Giddens, and others, see Bueger/Gadinger 2018; Schäfer 2016; Reckwitz 2003; Schatzki et al. 2001; in legal scholarship see, e.g., von Bogdandy/Urueña 2020; Aalberts/Gammeltoft 2018; Rajkovic et al. 2016). Here, MeDiMi focuses on *discursive practices*, thus referring to "discourse" not primarily as "text" but rather as "practice" (cf. Reckwitz 2002, 246 ff.; on practices as "embodied, materially mediated arrays of human activity centrally organized around shared practical understanding", see Schatzki 2001, 2; on practices as "performances of routines", see Hansen 2011). Discursive practices can be encountered in different "cultural states of matter" (*Aggregatzustände des Kulturellen*, Hirschauer 2014, 187), in everyday language or performative political acts as much as in institutionally "hardened" legal distinctions. This practice theory of human rights discourse locates the meaning of human rights in the multiple social practices of referring to them – whether as a legal argument, a moral-political claim, or a maxim of (professional) ethics. A practice-theoretical approach is also particularly suitable for a theory of humanrightization as a legal, political, and cultural phenomenon, which is empirically grounded and which provides



a diagnosis of our time. Such a theory is open to the exploration of both legally institutionalized actors (Nicolini 2012) and implicit practical knowledge, everyday situations, and cultural phenomena such as visibility or affect (Bueger/Gadinger 2018, 26–30).

The practice-theoretical approach to the human rights discourse in migration societies enables the exchange and cross-fertilization of the disciplines, projects, and objects of research involved in MeDiMi (on practice theory as an intellectual “trading zone” with a plurality of methods, see Bueger/Gadinger 2018, 6 et passim): First, the practice-theoretical framing of the overall project serves as an interdisciplinary “hinge”, i.e., it provides a medium of communication between the disciplines involved (both within and between the individual projects). Second, it creates comparability between the projects and thus allows for the consolidation of the results from the empirical fields of investigation on a common conceptual basis. Third, the practice-theoretical approach is sufficiently flexible to allow for the ongoing reception of (new or previously disregarded) results from human rights and migration research beyond the exemplarily designed MeDiMi projects, or at least to facilitate the processing of these results if they were produced under different theoretical premises.

The planned legal doctrinal analyses also feed into a practice-centered perspective on law: They can be received by other disciplines as a specific form of knowledge about legal practice. At the same time, the argumentative practice of legal doctrine is itself part of the legal discourse and therefore subject to specific rules and routines (on the self-conception and disciplinary autonomy of legal doctrine in the continental legal tradition, see von Bogdandy 2009). Furthermore, a practice theory approach allows for integrating cultural studies concepts such as “legal culture” (Friedman 1997; Cotterell 1997), “legal consciousness” (Merry 1990; Hertogh 2004; Silbey 2001, 2005) or “Rechtsgefühle/legal affects” (Olson 2022, 96 ff.), which connect to empirical research on law in action in the tradition of Eugen Ehrlich (“Rechtstatsachenforschung”) and Anglo-Saxon Law & Society research. MeDiMi wants to investigate how these social phenomena are produced in discursive practices, i.e., how they are part of an order of interaction or of collective systems of meaning to which the actors refer.

## 4.2. Methods of Theory Building

It corresponds to the methodological self-conception of the researchers involved not to use a research design that tests hypotheses in the narrow sense. Instead – following the research logic of grounded theory methodology (Strauss/Corbin 1996) –, theoretical statements about the object of investigation are generated from the analysis of qualitative research data itself. Accordingly, the development of theory across subprojects takes place in an iterative process: via the comparison of the individual study results in several steps, first within three clusters of projects and then across clusters, and along three dimensions of comparison (see below).



Through extrapolation and conceptual condensation, this enables theoretical statements about the discursive practice in migration societies in its entirety. This takes place in interplay with literature-based theory reflections and the joint discussion of working papers on individual aspects of theory. The thematic structuring of this process is again guided by the three dimensions of comparison, without conceiving them as isolated issues. For theory designs that exceed the level of abstraction that grounded theory usually aims at, Eulitz and Leistner have proposed the term “grand grounded theory” (Eulitz/Leistner 2018, 12).

#### 4.3. Dimensions of Comparison and Desiderata of Theory Building

The case studies of the subprojects promise rich material on argumentative figures, semantics, narratives and tropes in discourses of migration societies. Within the framework of a Research Group, the integrated research process’ “added value” lies in the practice-theoretical consolidation of findings on discursive practices and their dynamic interplay in a multidimensional comparative perspective.

(1) A first comparative dimension is provided by the common conceptual framework (*actors, norms and structures*, in their interdependency) that the projects are based on. Systematically taking into account the heterogeneity of the objects of study of each project, the common conceptual framework enables a direct comparison of the projects’ results and further generalizations. The assumption guiding the research is that this will reveal fundamental commonalities and recurring patterns, but also specific deviations and ruptures. These findings demonstrate how dynamics of humanrightization take place in diverse fields of practice, which can thus be interpreted as facets of an overall phenomenon. We will have to explore whether the processes observed in the individual studies can be generalized to a model of typical dynamics of discursive practice in migration societies.

(2) A second dimension of comparison concerns the interplay of the *contexts of action* in which human rights are articulated (legal, political and socio-cultural contexts). It is to be expected that the advance of human rights in the legal system, in political spaces, and in everyday or professional contexts is mutually dependent. Thus, it is likely that the ability of migrants to invoke human rights as legal norms in supranational and national courts has positive repercussions on the prevalence of human rights in the practice of social movements, in professional ethics, or in cultural representations. In the opposite direction, the progressive opening of the ECHR to the claims of migrants can hardly be understood without the parallel development of human rights consciousness among non-legal actors. The discursive practice in contemporary European societies is characterized by *interwoven processes of legalization* (“*Verrechtlichung*”) *of human rights and their increasing prevalence in everyday contexts* (“*Veralltäglicung*”) – this is the assumption that MeDiMi aims to substantiate or correct.



(3) A third dimension of comparison concerns the contested nature of invoking human rights norms. Presumably, in all fields of practice and contexts of action, there are actors who articulate *alternative and/or counter-norms* to human rights and thus challenge, and potentially even revise, the advance of human rights in the discourse of a migration society. MeDiMi will examine, inter alia, whether a field-specific strengthening of counter-discourses must be interpreted as a response to a preceding phase of an advance of human rights – and how these dynamics in turn influence human rights discourse. A theory of discursive practice in migration societies will include this *inherent tension between human rights discourse and counter-discourses*, i.e., the entanglement of *doing* and *undoing human rights*, in its theoretical generalizations.

The combination of empirical breadth and conceptual consistency enables not only a continuous cross-fertilization of the individual projects but also a theoretical generalization of the findings that feeds back in a circular process to the next research phase of the projects. The goal of MeDiMi's theoretical work is a more sophisticated reformulation of the initial observation of humanrightization that offers interpretations of the dynamics of (1) actors, norms, and structures in migration societies, (2) of legalization and prevalence of human rights in the everyday, and (3) of human rights discourse and counter-discourses. In doing so, MeDiMi aims to decode these dynamics as expressions of a long-term and fundamental change in discursive practice in contemporary societies.



## 5. Bibliography

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