



Public Lecture Series Spring 2015

Paradigmatic Perspectives on Migration and Mobility

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Thursday, 7 May 2015

**Migration, Sovereignty and Human Rights: How Law Mediates
between Conflicting Perspectives on People on the Move**

Prof. Jürgen Bast

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**Discussant: Prof. Christin Achermann, University of Neuchatel and
nccr – on the move**

18:15 – 19:45 h, University of Neuchatel, Rue Abraham Louis Breguet 1, Lecture Hall 301

Abstract

Migration is a colorful phenomenon whose shades reflect highly diverse legal and political judgments. One can consider migration as an issue of international security or as a challenge to state sovereignty, but also as a primarily economic process, a cultural phenomenon, or a human rights issue. None of these perceptions can be deemed right or wrong. They represent normative perspectives that assign a certain meaning to a social situation, and hence 'construct' it by approaching it from different perspectives. The dependency of migration on such paradigmatic perspectives and a multitude of constructions is characteristic of attempts to exert a meaningful influence on, let alone control of, processes of migration by means of public authority and its language, public law.

The lecture will identify five paradigmatic perspectives on migration that can be related to distinctive social constructions of migrants and aims of migration governance, respectively. These perspectives are the public order perspective, the inter-state perspective, the economic perspective, the cultural perspective, and the individual rights perspective. The lecture will trace their genealogy and identify typical legal institutions that are affiliated with a particular perspective. The lecture will conclude with a broader reflection on the role of public law in mediating between conflicting perspectives on people on the move.

Curriculum Vitae

Jürgen Bast is Professor of Public Law at Justus Liebig University Giessen, Germany. Earlier he was a Full Professor of International and European Law at Radboud University Nijmegen, The Netherlands, and a Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany. Jürgen Bast holds a PhD in law and degrees at master level in law and sociology. In Giessen he teaches German and European Constitutional Law and Public International Law. His main research interests are in European and international migration law and policy, including refugee and citizenship studies. Further, his research centers on European constitutional law, in particular the institutional law of the EU as well as studies of the future of economic governance and the welfare state in Europe. In the realm of public international law, he is interested in developing the public law of globalization, in particular studies of the exercise of public authority by international institutions and theories of supranationalism and multilayered governance.

Selected Publications

- Aufenthaltsrecht und Migrationssteuerung, Tübingen (Mohr Siebeck), 2011.
- Solidarität im europäischen Einwanderungs- und Asylrecht, in: Michèle Knodt/Anne Tews (eds.), *Solidarität in der EU*, Baden-Baden (Nomos) 2014, 143–161.
- Migration und Entwicklung, in: Philipp Dann/Stefan Kadelbach/Markus Kaltenborn (eds.), *Entwicklung und Recht: Eine systematische Einführung*, Baden-Baden (Nomos) 2014, 229–246.
- Denizenship als rechtliche Form der Inklusion in eine Einwanderungsgesellschaft, *Zeitschrift für Ausländerrecht und Ausländerpolitik* (ZAR) 2013, 353–357.
- Ursprünge der Europäisierung des Migrationsrechts, in: Georg Jochum et al. (eds.), *Grenzüberschreitendes Recht – Crossing Frontiers: Festschrift für Kay Hailbronner*, Heidelberg (C.F. Müller Verlag), 2013, 3–10.
- Asyl, in: Rolf Gröschner et al. (eds.), *Wörterbuch der Würde*, München (W. Fink, UTB), 2013, 305–306.
- Das neue Aufenthaltsgesetz in Deutschland (2002–2011): Zwischenbilanz und Trends, in: Alberto Achermann/Cesla Amarelle/Martina Caroni/Astrid Epiney/Walter Kälin/Peter Uebersax (Hrsg.), *Jahrbuch für Migrationsrecht 2011/2012 – Annuaire du droit de la migration 2011/2012*, Bern (Stämpfli Verlag) 2012, 63–79.
- Of General Principles and Trojan Horses – Procedural Due Process in Immigration Proceedings under EU Law, *German Law Journal* Vol. 11 No. 9 (2010), 1006–1024.
- Annex on Movement of Natural Persons, in: Rüdiger Wolfrum/Peter-Tobias Stoll/Clemens Feinäugle (eds.), *WTO – Trade in Services*, Leiden et al. (Martinus Nijhoff Publishers) 2008, 573–595.
- Transnationale Verwaltung des europäischen Migrationsraums: Zur horizontalen Öffnung der EU-Mitgliedstaaten, *Der Staat* 46 (2007), 1–32.