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**Between Charity and Justice:
Remarks on the Social Construction of
Immigration Policy in Rich Democracies**

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As a sociologist working on political economy, one of the most difficult questions I encounter is how social norms, the location of actors in the class structure and the collective construction of reality, present and future, hang together. How are facts construed to fit, justify and make appear possible moral or economic practices, or economic practices defended as moral ones, and how do socially constructed factual accounts of the world reflect, preserve and produce political identities and cleavages and the prevailing interpretations of structurally based social interests? This is the classical theme of *Ideologiekritik* and, later, *Wissenssoziologie* – the interrogation of collective “ideas”, legitimacy-enhancing “narratives” and the conceptual “frames” of the common sense of the time as to the hidden impact on them of material interests growing out of the social locations of actors and the specific cognitive and moral perspectives they impose on them.

It cannot possibly be my intention here to try to present a complete analysis of this extremely complicated subject. Rather, I will limit myself to exploring a few selected facets of the interconnections between interests, politics and moral values, drawing for illustration on one of the most intriguing moral-political-economic issues in the rich democracies of today, which is immigration. Four permutations of the theme I will consider in particular: how an emerging social cleavage may drive a reinterpretation of an extant normative regime, accompanied by and requiring a selective re-interpretation of social reality; how normative and political change, as they differently affect social groups, may require a re-construction of reality that excludes from perception of some of their consequences; how a practice that is considered morally unacceptable is facilitated by eliminating it from observation and thereby public debate; and how collective responsibility for the unintended consequences of supposedly moral behavior can be avoided by a modeling of reality that denies the causal connection between the two.

My own perspective, as will become clear, is not a normative one – I am not a moral philosopher or a political theorist. As a sociologist-cum-political economist, however, I feel responsible for a maximally encompassing, and in this sense maximally “realistic”, representation of the social world, in particular where it becomes a subject of democratic debate and public policy. Especially in an area like migration where problems and policies are intensely contested, the specific contribution of sociological analysis in the tradition of *Ideologiekritik* and *Wissenssoziologie* may be to point out facts and causal relationships that are prone to being overlooked or denied, not by accident but systematically, in accordance with structurally conditioned interests. This includes value conflicts, dilemmas, paradoxes, unanticipated consequences, counterproductive effects, positive feedback loops and the like, which complicate moral priorities and political strategies and therefore tend to be ignored by morally committed publics and politically overburdened decision-makers.

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There is no denying that bringing to light facts uncomfortable for social interests and the values on which they draw for their legitimation may have normative consequences. For example, committing for allegedly moral reasons scarce resources to a goal that cannot be achieved is not just futile but may be morally wrong as it forgoes more effective alternatives. Also, pursuit of a moral goal may have immoral side-effects that devalue the goal. Factual information to this effect can and should be taken into account in public discourse, and a hegemonic ideology preventing this can be politically challenged on this ground. Moreover, analyses pointing out material self-interests inspiring, underlying or corresponding to policies or political demands that claim legitimacy in the name of altruistic, other-regarding interests may discredit the moral rhetoric deployed in their support, thereby contributing to good policy and a better society.

An intervention like the present one by a non-specialist in a field of social and moral action as highly complex and emotionally charged as migration must by necessity be both selective and risky.² Recognizing this I will confine myself to three selected issues, disregarding whatever restrictions on public speech may be demanded by concerned citizens in order not to play into the hands of “the Right”. First I will address the nature of immigration regimes and the way they are politically designed, contested and transformed in today’s rich democratic societies. Second, I will remark on some consequences of immigration for the structure and politics of receiving societies. And thirdly, I will comment on the strategic capacity most migrants share with human actors generally, and on why it tends to be defined away in the name of moral values.³

Immigration Regimes as Contested Institutions

Regimes regulating the right of non-citizens to demand admission into a foreign country in order to escape from dismal political and economic circumstances at home have grown over time to be extremely complex, often internally inconsistent, difficult to enforce, and prone to give rise to extended litigation. Sources of immigration law include national legislation, conventions on human rights, resolutions of international organizations like the UN, regulations passed by supranational authorities like the European Union, and court rulings in a variety of jurisdictions; all of these may differ, or be interpreted differently, in different countries.⁴ Three basic categories of legal entrants are distinguished (Abraham 2016):⁵ seekers of *asylum* claiming individual persecution, who may be granted either temporary or permanent residence; *refugees* from collective predicaments like war and civil war, who may also be awarded temporary or permanent protection; and economic *migrants*, who may be admitted on the basis of national immigration law in response to labor market conditions and employer needs. In practice distinctions between the three

² On the latter see the experience of the Mayor of Tübingen, Boris Palmer, a member of the Green Party who became an outspoken critic of the *Willkommen* euphoria ignited by Chancellor Merkel. Boris Palmer, “Die Nazis, die Flüchtlinge und ich”, *FAZ*, November 24, 2016.

³ Among the issues that I do not address are the effects of migration on sending countries and on international and geostrategic politics. As to the former, much is being made of the positive economic effects of the remittances from legal and illegal emigrants (De Haas 2009). Brain drain, or entrepreneurial energy drain, is less frequently discussed (but see for example Kapur and McHale 2005), and so is the relief provided by emigration to dictatorial, oligarchic and parasitic regimes, which benefit from exporting dissatisfaction and potential opponents and from the inflow of economic resources relieving them of the need to invest in economic development. On geostrategy I will briefly comment, below.

⁴ A frequent source of contention seems to be how to reconcile conflicting norms from different sources, in particular national and international. For example, some countries will insist on national law taking precedence over international law, while others will give primacy to international treaties and conventions. The latter has the domestic political consequence of removing immigration from domestic political contention, in effect de-politicizing it.

⁵ The following is a very crude summary of what I believe are the common elements of the various national and international immigration regimes.

categories blur, as do those between temporary and permanent immigrants. Governments and employers may use asylum seekers and refugees to fill gaps in labor markets, especially if they cannot get their parliament to pass immigration legislation. Would-be entrants will select the category under which they apply for admission according to what they believe offers them their best prospect of success, and adjust their stories accordingly. Temporary residents may marry and have children, which may in some countries at some point will entitle them to permanency. Rejected applicants and residents that are only temporarily admitted can seek relief in court, and as their case is under adjudication they may found a family and their right to stay may “solidify” (*Verfestigung*, in German legalese). Moreover, deporting illegal immigrants, rejected applicants and temporary residents whose time has ended is politically and legally difficult, especially if they have families and are supported by, often organized, immigration advocates with legal expertise.⁶

Rejection and deportation tend to be unpopular with the more articulate “left” wing of democratic publics. Legal rules on immigration and their implementation are morally highly charged. Clearly this is because their objects are real-life people, including women and children, begging to be allowed to stay where they can hope to be safe and prosper. Pictures in newspapers and on TV showing desperate people being refused shelter in a rich country make authorities appear inhumane even if they simply apply the law of the land.⁷ In liberal public discourse, immigration policies are placed on a left-right spectrum. While restrictive regimes, associated with “xenophobia” and “racism”, are located on the right, open borders, linked to “openness”, generosity, and cosmopolitan brother- or sisterhood, are considered left.⁸ Note that traditionally in political economy, the Left favored regulation as a defense against the uncertainties of free markets, whereas deregulation was sought by the Right, especially since “globalization”. By fighting for deregulation of national borders to allow for open and open-ended immigration, the Left abandons its central element of its historical pro-regulation agenda, which importantly involved restricting the supply of labor in order to limit competition in labor markets.⁹

⁶ These may include NGOs, churches, operators of refugee accommodations, law firms etc. According to the German Federal Government (March 7, 2017), there were by the end of December, 2016, about 556,000 immigrants living in Germany that had been refused asylum. 404,000 of them had been in Germany for more than six years. 46 percent of rejected applicants have been granted an unlimited right to remain in the country, 35 percent are allowed to stay for a limited time (<http://dipbt.bundes-tag.de/doc/btd/18/113/1811388.pdf>). The rest, about 110,000 people, are “tolerated” or are legally obliged to leave, which very few do.

⁷ Pictures seem to have been important in Merkel’s decision to open the German border in September 2015, as well as in her decision to close it after the Cologne events on New Year’s Eve. See Alexander (2017), who reports that Merkel for a long time avoided being photographed with immigrants, in order not to be associated with their misery. This ended after a PR disaster involving a crying Palestinian refugee girl asking the Chancellor to be allowed to stay in Germany, and after pictures of the dead body of a five year-old boy on the shores of a Mediterranean island, followed by television reports showing columns of migrants marching into Hungary on the “Balkan route” and being held back in Budapest central station by the Hungarian government. What was intended to be an emergency measure to end the visible misery of people displaying signs to TV cameras demanding entry into Germany only increased the flow. From then on events were driven by the images of *Willkommenskultur* as citizens lined up at Munich railway station and elsewhere to welcome tens of thousands of immigrants every weekend – which made it politically risky to close the border after a week, as had apparently been intended. Later, what made Merkel turn to Erdogan to stop the migrants from crossing the sea into Greece were the images of the Paris massacre in November and, more important, of the New Year’s Eve party in Cologne.

⁸ From the 2017 election platform of the German Left Party (Die Linke): “Die Linke stands for open borders for everyone in a Europe of solidarity that does not shut itself off.” The election platform of the Greens reads: “While Trump is planning to build a wall, Europe is hiding between fences and barbed wire. This closing-off (*Abschottung*) is inhuman...”

⁹ Rhetorically, open borders are sometimes claimed to be demanded by international (working class) solidarity. Historically, however, solidarity among workers meant jointly fighting employers to prevent them from pitting workers against one another as competitors for employment. For the open borders-Left, by comparison, solidarity requires workers in rich countries allowing workers from poor countries to compete with them for their jobs. What makes this so divisive is that those who push the new solidarity typically have jobs that are out of reach for mass migrants.

This does not mean that the pro-immigration Left had no Right to fight any more. Taking the place of the *neoliberal-deregulatory Right*, associated with business, the new enemy of the *deregulation Left* is what it identifies as a *xenophobic Right*.¹⁰ Its social base tends to be among workers and the lower middle class, i.e., what used to be part of the social base of the Left when it was still a *pro-regulation Left*. Given the deep moral loading of the new left-right divide, it entails a duty for the reconfigured Left, overrepresented as it is in educational institutions and the media, to continue the old class struggle as a new culture war – as a general education effort undertaken as a replay of the Left’s lost struggle against fascism in the first half of the twentieth century.¹¹ The goal now is to open domestic labor markets for everybody from everywhere, with the Left, now as a *liberal-libertarian Left*, fighting side-by-side with the *neoliberal Right*. Not that the new battle between the classes was confined to the class room or the TV studios. If the xenophobic Right turns out to be unwilling to listen, repression is also available, in the form of exclusion from political discourse and civil intercourse, to prevent public displays of “populist” discontent with liberal anti-borderism and “cosmopolitan” pro-immigrationism.¹²

The new embrace by the Left of labor market deregulation for moral-humanitarian reasons brings it in conflict with the Left’s traditional reliance on a *democratic state* as a political instrument of social justice. Essentially it entails a liberal-anarchistic turn to an anti-statism dressed up as anti-nationalism and anti-bureaucratism in the name of humanitarian values. Now state borders appear as “xenophobic” demarcation lines arbitrarily separating humans from fellow-humans, and citizens from non-citizens. Christian ideas of supposedly universal charity and boundless beneficence¹³ are called upon to discredit legal distinctions between citizens and non-

¹⁰ The concept of xenophobia seems to be rather recent, having apparently originated in early twentieth century England to be later exported into other languages. Its meaning and that what it refers to is not obvious. Going by the Greek roots of the word it should mean “fear of strangers” – which does not as such seem morally reprehensible and may even be reasonable as a precaution. Note, however, that no composite of ξένος, stranger, and φόβος, fear, existed in classical Greek, perhaps because fear of strangers was considered so “normal” that no special word for it was needed. Indeed there are Greek composites involving ξένος and φόβος, murder; thus the name Ξενοφόν, or Xenophon, which means Killer of Strangers. In any case, in contemporary usage xenophobia denotes a generalized deep antipathy to strangers (“hate”), leaving open what that antipathy is based on. Initial research yields the impression that the word was used by British colonial officers for the reaction of indigenous peoples, in particular the Boors during the Boor wars, to the British; this would be in line with the literal meaning of the fake-Greek concept.

¹¹ In terms of a materialist critique of ideology, the latest wave of immigration may be described as a long-awaited opportunity for the middle-class Left to take leave from their historical ally, the old working class, and close ranks, in a lasting political realignment, with the libertarian liberals. This spares them from having to pretend sympathies with a declining class and a cultural milieu found increasingly embarrassing among “educated” “knowledge workers”. In terms of class interests, borderless liberalized labor markets suit them twice, as both sellers and buyers of labor power: while they can move wherever they please, they can employ unskilled service labor from wherever it comes cheapest.

¹² In the special case of Germany, this became a matter of national honor when the country’s – as it turned out: temporary – open border policy in 2015 was accompanied by international applause for Germany having finally shed its Nazi national character. The Bundestag celebrated itself for this on January 27, 2016, when on Holocaust Memorial Day the invited speaker, Auschwitz survivor Ruth Klüger, stated that “this country, which eighty years ago was responsible for the worst crimes of the century, has today won the applause of the world, thanks to its open borders.” This was when Merkel was already negotiating the “deal” with Erdogan. Another German peculiarity is how the churches and the city government of Cologne, indeed everybody from the local press to the Carnival associations and the local football club, mobilized against the convention of a new right-wing-“populist” party, AfD, being held in the city. Citizens were invited “to take a position for tolerance” by publicly expressing their disapproval of the AfD being allowed to meet in their city. (Nobody has as yet suggested that the AfD might be unconstitutional.) The churches had their faithful line up under the slogan, unfortunately untranslatable, “Unser Kreuz hat keine Haken” (meaning: our cross is not a swastika), quite remarkable in light of their record under the Third Reich.

¹³ As reflected in Angela Merkel’s rhetorical refusal to set an “upper limit” (*Obergrenze*) to immigration, even after her government had effectively sealed the German border with the support of the Hungarian and Austrian governments. While publicly rejected that support was in fact gladly accepted. The “Balkan route” was finally closed on March 10, 2016, with the “deal” between the EU, more precisely: Germany, and Turkey taking effect eleven days later, on March 21.

citizens as well as between categories of immigrants with different legal entitlements. State action is assessed in terms of Christian notions of charity instead of worldly notions of justice, although it is justice and not charity for which a secular order is, and can only be, responsible. While justice weighs conflicting rights and interests against one another, not least in the light of the scarcity of means and the need to use them efficiently, charity is defined as unconditional, spontaneous and unlimited, coming from the heart rather than from the law.

That immigration regimes tend to be frozen in their present condition of inconsistency and half-hearted enforcement¹⁴ may be explained by their one-dimensional framing on a continuum between *xenophobic closedness* and *humanitarian openness*. Any attempt to reform them thus appears to require a choice between the two, one that centrist political leaders in a democracy prefer to avoid at almost all cost. To the liberal-deregulatory Left in particular, intent on maximizing “openness” as a matter of human charity and moral obligation, state law now appears as an instrument, not for the creation and maintenance of a just social order, but of bureaucratic meanness, pettiness, stinginess, and lack of empathy. With the problem and its solutions located on a right-left continuum between particularistic racism and universalistic humanism, orthogonal to the older left-right continuum between social democracy and capitalism, or labor and capital, immigration policy becomes an expressive as opposed to an instrumental affair: an opportunity to communicate a progressive-altruistic social identity¹⁵ – to say something on “us”, who “we” are – rather than a regime for the allocation of scarce resources in line with legal conceptions of social justice.¹⁶

Summing up, an important reason for the dismal condition of immigration regimes in Western Europe is their high political sensitivity, which stems from immigration having evolved from a matter of public policy and international law into one of, as the sociologist would be inclined to call it, civil religion.¹⁷ Note the surprisingly frequent recent references to Christian charity among the proponents of open borders in the highly secular societies of advanced capitalism,¹⁸ which seem intended to legitimate the conversion of the progressive-humanitarian Left to deregulation. One may also suspect that calls from the Left for unconditional admission of fellow-hu-

¹⁴ One example being that illegal entry by migrants into a country is *de facto* no longer being treated as a legal offence.

¹⁵ With national specifications. Being in favor of open borders signals antifascism in Germany, and anti- and post-colonialism in a country like Britain, expressing in both cases moral awareness of a historical debt and the willingness to pay for it.

¹⁶ While action-theoretical sociological analysis of instrumental action looks at its objectives and the rational calculations made to achieve it, expressive action is understood as a statement by the actor on herself, its subjective side determining its object-orientation.

¹⁷ To which the established Christian churches of Western Europe appear eager to hitch on, presumably to refill their exhausted supply of spirituality. In Germany, as the latest wave of refugees began to arrive in 2014, a growing number of local parishes, both Protestant and Catholic, rediscovered the medieval institution of “church asylum” (*Kirchenasyl*) to house in their otherwise underused church buildings migrant families that had been refused asylum by state authorities. To avoid conflict with the churches the government in these cases abstained from implementing deportation orders. It was only after protracted negotiations at the national level between church leaders and the government in February, 2015, that a compromise was found and the churches officially ceased condoning the practice (<https://www.welt.de/politik/deutschland/article144168983/Faelle-von-Kirchenasyl-neh-men-um-45-Prozent-zu.html>). Shortly thereafter the Merkel government opened the German border unconditionally to allow almost one million immigrants to enter in one year (2015), keeping the churches more than busy taking care of the new arrivals.

¹⁸ Whose lack of familiarity with the Christian tradition makes it easy to overstate the unconditionality of Christian charity and the self-sacrifice demanded of the faithful. In the parable of the Good Samaritan (Luke 10:25-37), the hero exhibits remarkable common sense as he doesn't invite the victim of the robbery into his house but takes him to a hostel, paying for his bill and returning after a few days to see if everything was alright. One can safely assume, moreover, that he would have dropped his charge immediately had he by some accident found out that his injuries were only fake. Similarly, St. Martin, the other model of Christian charity, cut his coat in half rather than give it to the poor man whole, so he could keep warm as well. Both the Samaritan and St. Martin did not feel compelled to change their lives or share in the suffering of the sufferers to do their Christian duty.

man beings on the move serve the latent function to cover up and make more bearable the technocratic transformation, under “globalization” and the neoliberal revolution and endorsed not least by the center-left, of the national welfare state into a free-market competition and consolidation state. Seen this way, the social figure of the would-be immigrant, as construed by a liberal public, resurrects the beggar of medieval Catholicism in his function of appeasing the bad conscience, justifying the existence, and soothing the fears of the well-to-do.¹⁹ With the modern, rights-based welfare state, largely a product of the Reformation, dissolving into the world market, Christian mercy returns to replace social rights, substituting for social progress. Very importantly, as the global supply of misery is endless, acts of altruism, however generous, can only be symbolic, exempting them from having to account for their efficiency and effectiveness. A stark indication of the expressive nature of liberal-libertarian immigration policies is that almost nobody (“only right-wingers”) cares about the fact that sustaining refugees as immigrants in European countries is far more expensive, and therefore benefits a much smaller number of individuals, than providing for them near their countries of origin, as envisaged by international law.²⁰

Receiving Countries: Managing Diversity

I will now turn to some of the consequences of mass immigration for the social structure and the politics of receiving countries. Again I will focus on a few selected aspects. I start with some of the economic costs of a large-scale intake and resettlement of immigrants, proceed to the mode and the limits of social integration in a culturally diverse society, to finally address the touchy issue of immigration policy as an instrument to influence the composition of a country’s population.

A frequent misunderstanding is that rich societies must find it easier than poor ones to accommodate large numbers of immigrants. Most rich countries still operate elaborate welfare states and are committed to eradicating poverty and providing for a relatively egalitarian income distribution. Although immigrants might be happy to live well below local minimum standards, receiving countries tend to be reluctant to allow them to bring their poverty with them (although employers will sooner or later ask for abolishing or lowering local minimum wages). For this immigrants need to get social assistance, job training, housing, language courses, schooling for their children etc. All of this presupposes bureaucratic registration and identification for individual de-

¹⁹ Of course in the cities of the Middle Ages, begging was all but unregulated, and access to begging as a way of making a living was far from unconditional. Not everybody was allowed to beg (Isenmann 2012, 585-604). In Cologne, for example, beggars were organized in local guilds. To be admitted into membership they had to pass an examination, to prove that they knew the prayers they had to say for their benefactors, so these could be certain that their gift would do the trick and save them from hell. As beggars made an indispensable contribution to the salvation of the faithful, alms-giving was never intended to end begging by ending poverty. This changed only with the Reformation, which perceived the misery of the poor as a political problem to be resolved by a state devoted to (worldly) social justice. That very state is today regarded with suspicion by those eager to erase its borders.

²⁰ In December 2015 the United Nations estimated that its assistance plan for the roughly 4.8 million Syrian refugees in Lebanon, Jordan, Turkey, Iraq and Egypt – its “Regional Refugee Resilience Plan (3RP)” – would require 5.78 billion U.S. dollars in 2016. In February 2016, 70 states agreed to contribute together 4.54 billion dollars. After ten months, only a little more than half that sum had actually been paid (ZEIT Online, October 13, 2016). In Germany, the Federal Government alone expected to spend 8.8 billion euros on immigrants in 2016 (*Frankfurter Allgemeine Zeitung*, February 25, 2016). A year later, Federal Government expenditures for 2016 and 2017 as reported by the Finance Minister had risen to 28.7 billion euros (*Tagesspiegel*, January 27, 2017). As a crude estimate, while the UN expects to spend 1.2 billion dollars per million refugees per year, Germany spends on the same number 14 billion euros, i.e. roughly 14 times as much. (The same relationship is found comparing German and UN sources on yearly per capita spending on refugees in Germany and the Middle East, which is reported to amount to 12,000 euros in Germany and to 1,000 dollars in the Middle East, again a relationship of 14:1.) Not included in the German figures are the long-term costs of training, social assistance, unemployment benefit and the like. Optimistic estimates published by the Federal Employment Agency (Bundesagentur für Arbeit) for the peak inflow in 2015 and 2016 suggest that after five years, about 50 percent of the new arrivals will be employed, 60 percent after six years, and 70 percent after seven years.

termination of needs and entitlements. It also requires disciplined compliance with legal procedures on the part of the immigrants themselves. This alone limits the number of immigrants that even the richest country can take in during a given period of time, unless it was willing to accept, for an uncertain duration, a steep increase in poverty, inequality and welfare dependence, an intensification of market pressures at the lower end of the income scale, and a decline in public safety.²¹

Costs do matter even and precisely in rich countries, and they easily turn into a political issue. Under optimistic assumptions, the fiscal costs of “integration” may be recovered at a later time once immigrants have jobs and pay taxes. The question is how long this takes. Upfront the “investment” must in any case be significant,²² and certainly higher than the fiscal costs *per capita* of unemployed citizens. This can give rise to popular resentment, especially if integration takes longer than promised and balanced budget policies cause competition for scarce resources between immigrants and the local population, for example in housing.²³ That providing for refugees in their regions of origin costs much less than providing for them in rich countries might point to a way out. But this misses the problem that it would have to be accompanied by deportation of those trying to get in nonetheless. Moreover, even economists given to cost-benefit analysis warn against completely ending resettlement as this might allow voters to forget about far-away misery, making it politically more difficult for governments to support victims of war and starvation abroad. They therefore recommend admitting a limited number of families, for heart-breaking and mind-softening illustration of distress and for a direct experience of gratefulness.²⁴

The latter points to the significance, already touched upon, of mass resettlement in particular for rich Western societies’ emotional-sentimental life and, connected to it, their mode of social integration. Welcoming *les misérable* offers an opportunity, in an age of economism and technocracy, to demonstrate unconditional compassion: a soft heart under the hard shell necessary for survival in neoliberal markets. It also opens new lines of conflict that cut across the class conflict of old and tend to take its place: between altruists and egoists, good and bad, the anti-regulation Left and the pro-regulation Right. That conflict can assume an international dimension; remember public disapproval in Germany of the French and the British for the “jungle” near

²¹ During the open borders episode of 2015-2016, the German bureaucracy, from the border police to the Federal Migration and Refugee Office (Bundesamt für Migration und Flüchtlinge, BAMF) suffered an almost complete breakdown. By May 2016, 7,100 case officers at the BAMF were facing a backlog of 460,000 applications, up from 221,000 the year before, with an additional 300,000 immigrants already in the country having not yet been able to file their application. (“Große Mehrheit der Flüchtlinge hat offenbar keine Papiere”, *Frankfurter Allgemeine Zeitung*, June 8, 2016). By the end of February, 2017, the backlog was still at 330,000 (<http://www.bamf.de/SharedDocs/Meldungen/DE/2017/20170308-asylgeschaeftsstatistik-februar.html>). This was in spite of the fact that the number of case officers at the BAMF had been increased from 1,120 in May 2015 to 6,320 (!) in August of the following year (BAMF personnel department; personal communication), a formidable bureaucratic feat and an equally formidable fiscal burden.

²² Estimates of so-called “integration expenses” vary widely. In Germany, the Council of Economic Advisers (*Sachverständigenrat*) calculates € 2,000 per capita during the first year, and € 1,000 during the second (https://www.sachverstaendigenrat-wirtschaft.de/fileadmin/dateiablage/gutachten/jg201617/ges_jg16_17.pdf). Exact numbers would seem to depend on the level of training provided on average.

²³ To alleviate housing shortages (and prevent “ghettoization”), authorities may restrict the mobility of asyilants, obliging them to live where the infrastructure is better suited to “integrating” them. But as the number of refugees increases this may not be enforceable and it may collide with human rights.

²⁴ A rather expensive reward for compassion, considering the opportunity costs. Note that declining financial support for the UN World Food Programme (WFP) forced a complete stop of food subsidies for Syrian refugees by the end of 2014. Subsequently, in spring and summer of 2015, the WFP cut its budget for Syrian refugees to avoid another cessation of the program. When in September 2015 immigration into Germany increased dramatically, partly in response to deteriorating conditions in regional refugee camps, the Federal Government (just as the European Union) reacted by more than doubling (and the EU more than tripling) its contribution for 2016. See *Frankfurter Allgemeine Zeitung*, November 8, 2015, and <http://www.wfp.org/funding/year>.

Calais, followed by German self-approval for its *Willkommenskultur* in 2015-2016. At the same time, mass immigration tends to give rise to segregation, by ethnicity and class. As immigrant children crowd inner-city public schools, “white” parents, especially of the educated middle class and regardless of how welcoming they may otherwise be, will find ways to send their children to schools where they learn the national language properly. Similar developments are under way in housing markets, with “white flight” from areas where immigrants cluster. The result may be another line of conflict, between “nativist” defenders of what they consider their old rights to material support and cultural comfort, and the advocates, in politics and the liberal public, of new and sometimes, at least for the time being, superior rights for the victims of war and persecution.

Segregation is not just caused by white backlash, though. Not all immigrants, although quite a few, prefer to live near other immigrants from their home country, region, or village, for family reasons or for mutual support in dealing with their receiving country. “Integration” may gradually end segregation, but this can take time, up to two or three generations, depending on the group in question. For a long intermediate period at least, the “diversity” celebrated by local internationalists is not individual but collective diversity, with integration not of individuals but of groups, or “communities”,²⁵ giving rise to cultural fragmentation. Ethnic enclaves and the ethnic economies that tend to come with them often import family structures and forms of social and political organization that are at odds with liberal values and may put liberals’ commitment to “diversity” to a test, unless empirical observations can be suppressed. Enclaves often police themselves, in line with the cultural norms and through the social authority structures their members have brought with them. Official police forces strike tacit agreements with informal community leaders, on the China Town pattern, leaving it to them to maintain order in exchange for case-by-case cooperation when red lines are crossed. Liberals tend to deny the existence or play down the importance of such arrangements, which they consider as embarrassing exceptions to the rule of law and their ideal of *individual* integration. Citizens, on their part, sometimes perceive ethnic enclaves as lawless “no-go areas”. While the liberal mainstream believes that more and better policies of “integration” will eventually make enclaves disappear, even in countries like Sweden this has not happened as yet.

Ethnic enclaves may be beneficial, for receiving countries as well as immigrants. But they may also protect criminal clans and mafiose families, posing new kinds of problems for law enforcement, for example finding informants, interpreters, and officers hailing from the ethnic group in question. They also may function like “echo chambers” leading to political radicalization, in response to experiences of discrimination in the wider society. This seems to apply in particular to second or third generation immigrants, at least from some countries and cultural backgrounds, which in extreme cases may feel attracted by terrorist groups using enclaves for retreat and regrouping.²⁶ Formation of ethnic enclaves demands of the local population acceptance of “diversity” not just in the form of exotic foods and street parties but also in relation to ways of life that some of them cannot get themselves to like or approve. Societies with high levels of immigration therefore tend to be culturally “balkanized”. Immigration societies must learn to live with less social cohesion than traditional societies; they must house more than one collective home, or

²⁵ The American term is used in German as well, since *Gemeinschaft* is considered contaminated by Nazi speak. With a slightly pejorative nuance, Germans speak of *Parallelgesellschaften* (parallel societies).

²⁶ By mid-2017, the German Minister of the Interior spoke of 680 potential terrorists under observation, all militant Islamists. A fraction of them is being observed around the clock, each allegedly requiring around thirty officers full-time (<http://www.faz.net/aktuell/politik/anschlag-in-berlin/ueberwachung-von-gefaehrden-ist-eingeschraenkt-14588140.html>).

Heimat.²⁷ This implies that, like the newcomers, the home-grown population must make arrangements to preserve, if they so desire, an inherited cultural milieu that now needs cultivation to survive. Indigenous conservation efforts to this end may shade into anti-immigrant hostility, especially if condemned by liberal public opinion placing the local *Leitkultur* under moral pressures to allow the newcomers to move into and transform public spaces they consider theirs. So, at the height of Germany's "refugees welcome" episode, one of the leaders of the Green Party, who likes to present herself publicly as a Protestant theologian, triumphantly expressed her delight that as a result of the arrival of hundreds of thousands of Muslims, Germany would become "more religious".²⁸ And a professor of sociology predicted a "cultural challenge" caused by a "masculinization of the public space, especially by young men".²⁹

Summing up so far, mass immigration in rich societies tends to cause a realignment of political forces, resurrecting a national "Right" that becomes the principal enemy of a liberal "Left", a line of conflict that is orthogonal to the class conflict. Public controversy is about the economic effects and moral legitimacy of national borders, and borders generally. Internally *Parallelgesellschaften* are likely to form that represent and require a new sort of public order and public policing. Social segmentation carries with it a risk of sectarian conflict, collective obsessions with crime and discrimination, and political radicalization in ethnic "echo chambers". As borders attenuate and selectivity of entrance declines, internal surveillance is likely to increase; declining external control is compensated by increasing internal control. Moreover, growing economic competition in specific sectors of the economy is likely to come with growing inequality, resulting in new problems of social justice and social policy.

Rich countries with low fertility and insufficient population replacement require mass immigration for compelling economic and social reasons.³⁰ Here in particular, immigration policy touches on strong emotions and fundamental human values. For lack of a better concept, and to make the issues at stake as transparent as possible, I consider immigration policy in its function as population policy, borrowing from Michel Foucault, as an instrument of modern "biopolitics" (Foucault 2003, 242-243). Population biopolitics is beset with moral puzzles. This is why societies and governments are eager as long as possible to treat the composition of their population as a product of nature rather than choice, although low-fertility countries depending on immigration

²⁷ Immigration recreates patterns of social cohabitation like in the imperial port cities of antiquity and the modern world, from Rome to Constantinople to Venice, Genova, Lisbon, Amsterdam, London and New York, which were collections of co-existing ethnic districts. Integration was predominantly collective, or confederal, rather than individual.

²⁸ Karin Göring-Eckardt on November 8, 2015, at the Synod of the German Protestant Church, and a few days later at the Green Party convention in Halle: *Deutschland* will be "more religious" as well as "more colorful", "more diverse", and "younger". See <http://www.idea.de/gesellschaft/detail/fluechtlinge-machen-deutschland-religioeser-vielfaeltiger-und-juenger-92675.html>.

²⁹ See <https://www.welt.de/debatte/kommentare/article147191323/Die-Energie-der-vielen-jungen-Maenner-kanalisieren.html>. Masculinity became an issue on New Year's Eve in Cologne 2015/16. Commentators, some from the "Willkommen" community, noted that while there had been roughly 1,000 complaints by women to the police for rape and theft, not a single case was reported of a German man being roughed up by partying immigrants for defending his wife or girlfriend. The present author and his wife happened to be on the square between the cathedral and the railway station roughly an hour before the immigrants, then already crowding the "public space" in unusually large numbers, began celebrating. Not being used to fist-fighting any more, one wonders what one would and could have done had one been caught in the fray.

³⁰ An example is Germany – a country with low fertility (Streeck 2014) that is the economic growth pole of the Eurozone. Shortly before Merkel opened the German borders in September 2015, the consulting firm, Prognos, had published received a paper according to which Germany needed net immigration of half a million people per year for fifteen years until 2040 just to keep its labor supply constant (Prognos AG 2016, 12-13). A year earlier, the same firm had delivered a government-commissioned, 425 pages long "comprehensive evaluation of family policies and benefits in Germany" (Prognos AG 2014). According to it, the German state was spending about 200 billion euros a year on family-related programs. The report did not discuss whether this had increased fertility, or was about to.

for their economic reproduction *cannot choose not to choose*. Who is and is not allowed into a country is prone to be contested among interest groups and social movements of all sorts, domestic and foreign. Contending parties are prone to suspect the government of cultural, ethnic or “racial” eugenics, social or biological or both, after domestic eugenics were discredited by the 1960s at the latest. One way to avoid highly divisive debates on the different “worth” of different categories of people, and with it on the nature of human dignity, is to declare immigration to be uncontrollable politically, analogous to physical reproduction, something that governments must let happen since, like a tsunami, it is beyond their power to prevent.³¹

More or less submerged under a blanket of moral and political taboos, biopolitical concerns and interests in population engineering are in fact powerfully present in any immigration policy. Sometimes the subtext becomes a text. In Germany in 2010 a former social-democratic politician, Thilo Sarrazin, suggested in a best-selling book (Sarrazin 2010) that immigrants from the Middle East, especially Muslims, due to their higher fertility were lowering the average intelligence in the resident population (*ibid.*, 98-100), undermining the competitiveness of the German economy. The same effect Sarrazin attributed to widespread “inbreeding” in family clans, in particular from Turkey (*ibid.*, 316-19), which he held responsible for “the failure of parts of the Turkish population in the German school system” (*ibid.*, To make Germany great again, Sarrazin suggested a more aggressive family policy, including paying a cash premium of 50,000 euros to German-born women³² with an academic degree giving birth to their first child before their thirtieth birthday (*ibid.* 389-90). On the other side of the battle, Merkel’s finance minister, Wolfgang Schäuble, came to the Chancellor’s help in the summer of 2016 by warning against Europe falling back economically due to national “inbreeding” (*Inzucht*), pointing in particular to “the third Generation of the Turks, especially the women” whom he considered “an enormous potential for innovation” (*FAZ*, June 6, 2016).³³ Following the open borders episode of 2015, the suspected use of immigration policy as population policy caused a fierce debate among German legal scholars on whether the government was under the constitution entitled intentionally to restructure the very population that had voted it into office (Depenheuer and Grabenwarter 2016). That debate soon got stuck in suspicions of an elitist conspiracy against the integrity of the German *Volk* on the one hand and accusations of nativism and racism on the other, laying bare some of the deep fears and strong emotions associated with the biopolitics of immigration.

That immigration is sometimes used to replenish and upgrade a country’s people supply is not particularly difficult to see. American opponents to the immigration restrictions imposed by the Trump administration, including the courts that invalidated Trump’s first executive orders, considered these illegal mostly because they violated a vital interest of the United States in

³¹ Biopolitically, a *laissez-faire* immigration (non-) policy involves a bet that among the immigrants streaming in, somehow the desired workers can be found, or produced through “integration”, while the rest – as it were, the bycatch – can be maintained at reasonable cost, the overall balance being positive. It may also amount to a tacit Darwinian “survival of the fittest” mode of selection, especially if immigrants can reach their country of choice only via something like the “Balkan route”. Making it to the border can then be seen as a test of entrepreneurship and physical and psychological endurance. To avoid sensitive political choices, borders may be declared physically or, alternatively, legally uncontrollable, the latter due to international obligations and human rights generally. The Merkel government during its “welcome” period used both “narratives” in parallel.

³² The text refers more carefully to women from “groups among which higher fertility is particularly desirable for improving the socio-economic quality of the structure of births” (*ibid.*, 390).

³³ The economic concerns informing biopolitical immigration policies are typically hidden under a humanitarian cover and become apparent only in situations of stress. In June 2016 the German government complained that Turkey, under the agreement between Merkel and Erdogan, was sending only unskilled and otherwise difficult-to-integrate Syrian refugees to Europe. Refugees with a university education were kept in Turkey (*FAZ*, June 21, 2016). The Turkish government responded by saying that they were sending those applicants that were most in need of resettlement.

attracting foreign “talent” into its economy and society.³⁴ Immigrants were described by immigration advocates as “the Americans we need”³⁵: hardworking, thrifty, family-oriented, and entrepreneurial. In particular the Silicon Valley technology firms let it be known that without an extension of their human capital supply through immigration they would not be able to defend their global leadership and the local prosperity resulting from it.³⁶ That the possibility to “poach” skills worldwide might help explain the dismal condition of the American education system – apart from the leading universities which, however, just as Google and Facebook as a matter of course recruit their personnel globally – is not mentioned in this context. The situation is similar in the UK where the Blair government used Britain’s EU membership to replace allegedly insufficiently skilled, bad-tempered and unenthusiastic British with eager, competent and happy Polish workers (Bower 2016).³⁷ Extolling in public speech the virtues of immigrants as workers is politically acceptable among liberals of both kinds, old and new, as it stands for economic reason and non-racist xenophilia, whereas unfavorably comparing home-grown national workers to immigrants is politically inexpedient since it may prompt a “populist”-cum-“racist” backlash. What is also forbidden are public rankings of the relative value of immigrants from different countries, although such rankings are likely to play a part in the backrooms of immigration policy, including the setting of quotas and the design of admissions tests.³⁸

Migrants as Strategic Actors

Immigration regimes assign rights to migrants by motives to migrate. Opening an immigration regime (moving it “to the left”) may be achieved by downplaying the significance of the differences between the motives of individuals asking for entry. Seeking protection from the hardships of war would then be considered equivalent to fleeing from religious, political, or ethnic persecution, as would be striving for economic improvement: they would all carry the same entitlement

³⁴ As a typical example, see the letter by forty-eight university presidents and chancellors sent to President Trump on February 2, 2017, responding to Trump’s attempt to restrict immigration from seven Muslim countries. “America’s educational, scientific, economic, and artistic leadership depends upon our continued ability to attract the extraordinary people who for many generations have come to this country in search of freedom and a better life”. In: *The New York Review of Books*, March 9, 2017.

³⁵ The title of an article by Sue Halpern and Bill McKibben in *The New York Review of Books*, January 30, 2017. A few quotes, to convey the flavor: “They tend, for instance, to be ferociously hard workers... Just to have a job was wonderful... ‘When I was a little girl’, the woman added, ‘I apparently asked the American woman next door, Why do you stay at home? You could be making money...’ They’re doing America a favor by coming here – revitalizing our economy, sure, bringing new talent and energy and enterprise to every part of our society, but also helping shore up our culture at its weakest spots... Even Dick Cheney, the architect of the Iraq war, spoke forcefully against the ban...” etc. etc.

³⁶ See “Why Silicon Valley Wouldn’t Work Without Immigrants”, New York Times, February 8, 2017, https://www.nytimes.com/2017/02/08/technology/personaltech/why-silicon-valley-wouldnt-work-without-immigrants.html?_r=0.

³⁷ There is little doubt that this was a factor in the Brexit referendum. As long as national elites are able to open national labor markets to the world, inviting non-nationals to outcompete their national counterparts, underinvestment in education is economically rational for them and a moral hazard for their societies. In the UK this seems to have changed with the Brexit, and it is not by accident that the new conservative Prime Minister kept emphasizing the need to upgrade the British education system, as distinguished from bringing in “talent” from abroad and generally upgrading the British labor supply by way of biopolitics.

³⁸ The United States operates a particularly complex immigration regime with several categories of immigrants, defined among other things by continents and countries of origin and level of education. No one nationality must receive more than seven percent of the visa allocated in a given year. In addition to family members, refugees, asylum seekers, skilled workers and people investing more than half a million dollars, 55,000 individuals are admitted by lottery. Participation in the lottery is limited to people with experience in a skilled occupation or a High School diploma. Citizens of countries from which 50,000 or more people have been admitted into the United States during the last five years are barred from participating. See https://www.americanimmigrationcouncil.org/sites/default/files/research/how_the_united_states_immigration_system_works.pdf.

to indefinite residence. Refusing entry to would-be immigrants of whatever kind would then conjure up the memory of German Jews during Nazi rule trying to escape from their murderers into Switzerland or the UK, only to hear that “the boat is full”.

No longer distinguishing between the motives of migrants means accepting at face value what they say about themselves and their journey, discarding as irrelevant the question of their veracity. Doubting any such story is consequently frowned upon as a moral deficiency of the doubtful. In this way individual migration histories disappear behind a stylized standard account of escape from circumstances always dire enough to entitle migrants to admission, justifying any legal infractions committed in order to get in. Verified simply by the fact that the migrant has taken upon himself the arduous trip to his country of choice, the standard account construes the migrant as a socially uprooted individual, torn from his roots without strategic capacity, just like the half-dead victim of a gang of robbers picked up by the Good Samaritan. That image is protected against empirical evidence and common sense by moral and political prohibitions against critical questioning, even though it should not be surprising that someone having traveled from the disaster areas of Africa and Asia to seek entry in a rich European country should be ready to present any story that he could expect might help him getting in.

That many migrants are far from having no alternatives – and equally far from being indifferent as to where they receive protection – is indicated in the case of Germany already by the fact that almost all of those applying for asylum there had passed through other European Union countries which, however, they found less attractive. Moreover, many migrants coming to Europe had since leaving home stayed in third countries where they were safe from war and persecution. As to strategic capacity, about sixty to eighty percent of applicants in Germany claim to have on their way lost their passports and any other documents proving their identity.³⁹ It was also estimated that thirty percent of those claiming to be Syrians were actually from somewhere else (*FAZ*, May 26, 2017), although just as on the number of arrivals without documentation, there are no official statistics kept about this. Under German law, having no identification cannot legally be held against asylum seekers, resulting among other things in multiple registration of an unknown number of refugees.⁴⁰ For example, the Tunisian refugee who later attacked a Berlin Christmas market had been registered under fourteen different identities.⁴¹ Having no papers also protects applicants from being deported if rejected. Almost all those arriving had mobile phones, however, and were aware that German privacy laws prohibited German authorities up until early 2017 from impounding these to read out their content.⁴²

Refugee choices of identities and narratives to fit the standard account sometimes become outright bizarre. According to German authorities, there was a sharp increase in early 2017 in the number of Afghan asylum seekers accusing themselves of having fought on the side of the

³⁹ During the first three months of 2016. “Große Mehrheit der Flüchtlinge hat offenbar keine Papiere”, *Frankfurter Allgemeine Zeitung*, June 8, 2016.

⁴⁰ Which makes it impossible to know exactly how many immigrants entered Germany in 2015/16. The latest official estimate is 890,000 (<https://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/09/asylsuchende-2015.html>).

⁴¹ The overburdening of the immigration authorities that followed the opening of the German borders in September 2015, together with political deference to *Willkommenskultur* and legal concerns over privacy protection, made it possible for a Bundeswehr officer, Franco A., to register as a Syrian refugee although he does not speak a word of Arabic. A. was alleged to be a right-wing extremist planning to assassinate a leading German politician, with the intention to blame the murder on Islamist terrorists. In his interview at the BAMF he demanded, as is his right under German law, to be interviewed in a language of his choice, which was French (at the time A. was stationed in France with a German-French army battalion). The reason he gave for his choice was that he was descended from a French-speaking Syrian minority.

⁴² Which is, for example, why it could never be determined with certainty whether the young Arab participants in the 2015/16 Cologne New Year’s Eve celebration had appeared there individually by coincidence or in a conspiracy.

Taliban. Apparently this was because smugglers had spread the word that former Taliban fighters might be eligible for asylum in Germany since they were at risk of being tortured by the Afghan police if deported to their home country (*Spiegel Online*, April 22, 2017). Meanwhile other Afghan migrants are granted asylum in Germany for having worked as interpreters for the U.S. army interrogating Taliban prisoners – in effect providing indispensable assistance to torture. The United States under Obama took only a fraction of them, and only after an extended vetting process – so extended in fact that apparently many were caught by the Taliban before they could move to the U.S.⁴³ The absurdity of the German state providing humanitarian protection to Afghan accessories to American “harsh interrogation” is compounded by the fact that Germany has a sizeable number of young men and women stationed as soldiers in Afghanistan. The reason given for this is that the Afghan government, whose “stabilization” is allegedly in the German national interest, is unable to maintain a functioning military of their own, due to rampant corruption and desertion. Meanwhile, debates are beginning in Germany about post-traumatic disorders among German Afghanistan veterans, although unconnected to the granting of asylum to young Afghan males fit for military service. The only exception is the far right which, however, is considered not to deserve being heard or answered.⁴⁴

The standard account constructs refugees as isolated monads on the move that have severed all social ties and left all their social capital behind in their country of origin. While this may be true in some cases, in others especially young male refugees seem to have been sent as fore-runners of extended families that have invested considerable sums of money in their journey to Europe and are waiting to be repaid in one way or other. For them migration is as much a business venture as a last resort. Repayment may consist in a share of wages or welfare benefits sent home as remittances, or in a future family reunion in a European country once permanent residence has been achieved. Young migrants in Germany are said to decline offers of three-and-a-half year apprenticeships because the pay is too low for them to discharge their obligations back home.⁴⁵ A while ago the *Frankfurter Allgemeine*⁴⁶ reported on an Afghan family, obviously middle-class, which had selected its younger son – the older one was at the time finishing a degree in sociology (!) – to go on the journey to Germany. For this he gave up his job with the state anti-corruption agency (!). To finance the trip, to the tune of 6,500 dollars, the brother sold his taxi. When the would-be asylant returned to Afghanistan, having determined after six months in Berlin that his prospects of receiving asylum were nil, he was ostracized by his family. The article continues: “His feelings of guilt are so deep that he has conceived the unbelievable idea to make the trip to Europe again, even though because of the closing of the Balkan route the costs are now much

⁴³ In mid-2016, the group in question comprised an estimated 12,000 individuals. They had been promised resettlement in the United States, together with their families, at the beginning of their service. See “‘They Will Kill Us’: Afghan Translators Plead for Delayed U.S. Visas”, *The New York Times*, August 9, 2016 (https://www.nytimes.com/2016/08/10/us/politics/afghan-translators-military-visas.html?_r=0).

⁴⁴ A side effect of the standard account is that, by rendering the reasons for migration irrelevant, it eclipses the memory of the military “human rights” adventures of Western powers, in particular the United States, France and Britain, in countries like Afghanistan, Iraq, Syria, and Libya. One could even suspect that by declaring it a moral duty to absorb refugees “ohne Obergrenze” (without upper limit), a “post-heroic” country like Germany, unable as yet for domestic political reasons to contribute a more than symbolic number of ground troops to foreign “nation-building”, may provide useful support for its allies’ geostrategic projects, allowing them to go ahead by promising to clean up after them if things go wrong. Obama’s untiring celebration of Merkel’s humanitarianism, even after he had left office, may be a hint here.

⁴⁵ See “Sieben von zehn Flüchtlingen brechen Ausbildung ab“, *Welt-N24*, October 14, 2015 (<https://www.welt.de/wirtschaft/article147608982/Sieben-von-zehn-Fluechtlingen-brechen-Ausbildung-ab.html>).

⁴⁶ “Die Schande der Rückkehr”, *Frankfurter Allgemeine Zeitung*, August 4, 2016.

higher. ‘My family could sell their house’, he says seriously. His brother sees it differently: ‘This time I’ll go; I’ll make it’.⁴⁷

Another aspect of the standard account’s denial of refugee strategic capacity is that migration is imagined to be caused only by the dismal conditions in countries of origin, independent from the attractions of target countries – in the language of labor market theory: only by push and never by pull. Pull making no difference, target countries’ immigration policies, real or imagined by migrants, cannot therefore increase the number of migrants. For example, Merkel’s selfies with happy refugees in Berlin in September 2015 (“Mutter Merkel”) could not have boosted the wave of immigrants in subsequent months. Nor could reports, probably spread by smugglers, on Germany providing each immigrant with a house of his own – something that a large majority of immigrants interviewed in Berlin in early 2016 actually seemed to believe.⁴⁸ It was only after the 180 degrees turn in Germany’s immigration policy following New Year’s Eve 2015 that the Federal Government began to make efforts to dispel stories, at first perhaps considered beneficial to the German image or the German labor supply, about Germany as a refugee paradise.

If migrants lack strategic capacity since their circumstances have rendered them incapable of rational choice, target countries’ immigration policies cannot create perverse incentives. It is remarkable how differently immigration is treated in this respect from social assistance, where suspicions of clients cheating abound as they are as a matter of course accorded a capacity and inclination for “opportunism with guile” (Williamson 1985; 1993). A case in point is the German treatment of unaccompanied juveniles – below age 18 – seeking asylum (*Unbegleitete minderjährige Flüchtlinge*, UmF), of which Germany housed 62,000 by in February 2017.⁴⁹ UmFs are placed in foster homes rather than assigned to refugee housing, and they enjoy special privileges with regard to education and family reunion.⁵⁰ Total government expenses for an average UmF amount to about 63,000 euros per annum,⁵¹ which is more than four times what a family of four is paid in social assistance (“Hartz IV”). Suspicions that families in countries of origin may in significant numbers direct their younger sons to try to get into Germany before they are 18, to take advantage of the country’s UmF legislation – “anchor children”, in the jargon of German federal bureaucrats – are hard to prove. What one knows is that young men who arrive in Germany frequently claim to be below age 18 even though they look older. Since they as a rule lack documen-

⁴⁷ In the passionate German debate on whether Afghan immigrants that are denied asylum can be sent back to their country, an expert on Afghanistan argued that they cannot because, contrary to what the German government claims, they will upon their return not be supported by their families: “Often families had to (sic!) sacrifice all they have to enable a member to get to Europe. They expect to be supported by him, not vice versa” (*Frankfurter Rundschau*, May 29, 2017).

⁴⁸ The research group interviewed 404 refugees in April and May, 2016, in refugee housing centers and while lining up for registration. Between 85 and 93 percent of refugees from Syria and Iraq had heard that Germany would provide them with a house of their own, with social and medical assistance, and with a right to family reunion. Of these, between 70 and 90 percent believed this to be true (Emmer et al. 2016). Generally on refugee myths on European welcoming, see “Facebook Envy Lures Egyptian Teenagers to Europe and the Migrant Life”, *The New York Times*, June 24, 2016.

⁴⁹ Out of 170,000 that had in 2015 and 2016 applied for asylum in Europe (<https://www.unicef.de/blob/141422/aca7e52cf898706ebbf71702fb471c/a-child-is-a-child--unicef-report-17-05-2017-data.pdf>).

⁵⁰ The same is true in Italy. See “Facebook Envy Lures Egyptian Teenagers to Europe and the Migrant Life”, *The New York Times*, June 24, 2016.

⁵¹ See “Milliardenkosten für junge Migranten“, ZEIT online, February 22, 2017, <http://www.zeit.de/gesellschaft/zeitgeschehen/2017-02/migration-unbegleitete-minderjaehrige-fluechtlinge-kosten>. The estimate is based on an unpublished report issued by the Federal Ministry for Family Affairs. When the report became public the Ministry explained that the figure was only of a “technical” nature and that it was “in principle not possible to calculate average costs” as costs were too different from child to child”.

tation, they have to undergo extensive medical examinations for determining their age, the results of which they can challenge in court. Not all of those older than 18 are detected, and there are cases of criminals who were found to have successfully applied for UmF status although they were already in their mid-twenties.

Probably the most dramatic example of moral hazard caused by not taking into account refugees' strategic capacity is the public and private "rescue missions" in the Mediterranean. As Paul Collier and others have suggested, the larger the number of ships cruising between the African coastline and Europe to save refugees from drowning and take them to Italy or Greece, the more boats the smugglers will send, and the fuller they will be with refugees hoping to get into Europe, if need be by being rescued. Moreover, as rescue ships operate closer to the African coast, to get closer to the refugee boats, these will get less stable, the number of passengers will rise further, and so will that of those perishing (Betts and Collier 2017).⁵² Suggestions to end the dangerous and often deadly traffic over the Mediterranean by offering refugees safe and legal entryways from Libya to Europe miss the point as the number of people that would in this way be admitted would always remain miniscule compared to the number of those wanting to get in. Only if those rescued from shipwreck would be returned to the starting point of their boat trip, instead of being taken to Europe, they would cease to entrust their and their families' lives to the boat operators. The myth of the non-strategic refugee effectively prevents public debate about the unintended consequences of moral action due to strategic reaction on the part of intended beneficiaries.⁵³

In Conclusion

The paper discusses some effects of mass immigration pressure on rich post-industrial democracies, caused by the wars in Afghanistan, Iraq and Syria and the failure of states in Somalia, Eritrea, Libya and elsewhere. One effect is a potentially lasting political realignment alongside a division between a vocal middle-class Left and a silent working class Left, the two having become increasingly uneasy allies in the last three decades. The new line of conflict is between a "left" and a "right" interpretation of immigration regimes, which is orthogonal to the classical left-right conflict between labor and capital. What is at issue here is the construction of a moral obligation to open national borders essentially to everybody demanding to be let in, championed by the urban, "cosmopolitan" population of the "knowledge economy" eager to fall in step with the anti-nation-

⁵² In an interview with the Frankfurter Allgemeine ("Merkels Flüchtlingspolitik ist verwerflich", February 2, 2016), Collier argued: "Inviting all refugees to Germany was a colossal mistake on the part of Angela Merkel. Especially since she had obviously made no preparations to cope with the resulting stampede. Apart from this her invitation was also morally reprehensible. [Reprehensible?] She had practically invited people to swim to Europe. This is Russian Roulette: find a smuggler and hope that the boat will not go under. What is to be defended about this?" The moral conundrums posed by the Mediterranean rescue missions were brought to light by occasional complaints of Italian officials about private rescue ships helping refugee boats to get near European or Italian navy vessels, or calling the latter to the former, perhaps having learned about their position from the smugglers with whom some are suspected to maintain regular contact, for the purpose of saving human lives. See "Charities saving refugees in the Mediterranean are 'colluding' with smugglers, Italian Prosecutor claims", *The Independent*, April 24, 2017. In the summer of 2017 Italian and European authorities began to crack down on the private rescue operations, although softly in order not to wake up the national "refugees welcome" lobbies.

⁵³ How poisoned this entire issue is is shown by the following incident. The year-end party of the Berlin Press corps, an event going back to the Bonn era, is traditionally accompanied by the publication of a book lampooning political events in the past year. In 2016 the book contained a section criticizing Merkel's agreement with Erdogan by claiming that it would result in more refugees trying to get to Europe by boat from North Africa and drowning on the way. The section was written as an advertisement offering swimming courses to refugees, organized by a "Federal Bathing Agency". Merkel being long beyond good and bad, several leading politicians pretended not to have understood the satirical nature of the contribution and immediately expressed on Twitter etc. their outrage over the "cynicism" and "*Menschenfeindlichkeit*" (anthropophobia?) of the article. The next day the authors and the Berlin press association apologized profusely, in language resembling Chinese self-criticism (FAZ, November 30, 2016).

statism of liberal globalizers. As a result the old working class is forced into a coalition with the protectionist wing of the capitalist class and the remnants of the anti-liberal, nationalist Right. The impact of this on democratic governability is unclear.

A liberal immigration regime may also affect the receiving country's social structure, the more so the higher the number of immigrants. Open immigration is bound to make political intervention against poverty and inequality more expensive and less effective. While it makes the distribution of incomes and life chances less egalitarian, it reduces the pressure to correct it as immigrants tend to feel happy to be where they are while the left middle-class enjoys the benefits of an unending supply of cheap service labor. Immigration also changes a country's pattern of social integration, especially as migrants form enclaves in which they preserve elements of their home country's culture and authority structures. Social exchanges across the borders of enclaves may become politicized, for example concerning the role of the police in the maintenance of public order. Generally both immigrants and locals are likely to feel a need to defend their ways of life against "assimilation" pressures from the other side, which may cause disruptive cultural conflict. While liberals expect integration of immigrants to be on an individual basis, more often than not integration will be between collectivities if at all. Furthermore, in societies with sub-replacement fertility, mass immigration may be seen as an opportunity for "bio-political" management of the national economy's quantitative and qualitative people supply. This may further exacerbate cultural conflict and political polarization as it raises fundamental ethical problems with respect to the role of government in social life and the social obligations of national elites in relation to national non-elites.

Finally, justifying an open-borders immigration regime requires the public institutionalization of a standard account of applicants' migration history, one that construes migrants as non-strategic actors driven by unfortunate circumstances and without resources and alternatives. Sustaining that account requires high investment in social and moral pressure, which may cause resentment against opinion-leading sectors of society. In addition to rendering opportunism and strategic behavior on the part of migrants irrelevant for the decision whether or not to admit them, the standard account serves the crucial function under a liberal immigration regime of ruling out *a priori* any pull caused by the regime itself, increasing the number of immigrants by adding to the push caused by migrants' situation at home.

References

- Abraham, David, 2016: The Refugee Crisis and Germany: From Migration Crisis to Immigration and Integration Regime (February 1, 2016). University of Miami Legal Studies Research Paper No. 16-17. Available at SSRN: <http://ssrn.com/abstract=2746659>
- Alexander, Robin, 2017: Die Getriebenen. Merkel und die Flüchtlingspolitik: Report aus dem Innern der Macht. München: Siedler.
- Betts, Alexander and Paul Collier, 2017: Refuge: Transforming a Broken Refugee System. London: Allen Lane.
- Bower, Tom, 2016: Broken Vows: Tony Blair - The Tragedy of Power. London: Faber & Faber.
- De Haas, Hein, 2009: Remittances and Social Development. In: Hujo, Katja and Shea McClanahan, eds., Financing Social Policy: Mobilizing Resources for Social Development. Basingstoke and New York: Palgrave Macmillan, 293-318.
- Deppenheuer, Otto and Christoph Grabenwarter, eds., 2016: Der Staat in der Flüchtlingskrise – Zwischen gutem Willen und geltendem Recht. Paderborn Verlag Ferdinand Schöningh.
- Emmer, Martin, Carola Richter and Marlene Kunst, 2016: Flucht 2.0: Mediennutzung durch Flüchtlinge vor, während und nach der Flucht. Berlin: Freie Universität Berlin, Institut für Publizistik- und Kommunikationswissenschaft.
- Foucault, Michel, 2003: Society Must Be Defended. New York: Picador.
- Isenmann, Eberhard 2012: Die deutsche Stadt im Mittelalter 1150-1550: Stadtgestalt, Recht, Verfassung, Stadtr Regiment, Kirche, Gesellschaft, Wirtschaft. Köln und Wien: Böhlau.
- Kapur, Devesh and John McHale, 2005: Give Us Your Best and Brightest: The Global Hunt for Talent and Its Impact on the Developing World. Washington, DC: Center for Global Development.
- Prognos AG, 2014: Endbericht. Gesamtevaluation der ehe- und familienbezogenen Maßnahmen und Leustrungen in Deutschland. Auftraggeber: Bundesministerium der Finanzen und Bundesministerium für Familie, Senioren, Frauen und Jugend. Berlin, 2. Juni 2014:
- Prognos AG, 2016: trendletter: Vom Krisenmodus zur Strategie - Zuwanderung und Teilhabe.
- Sarrazin, Thilo, 2010: Deutschland schafft sich ab: Wie wir unser Land aufs Spiel setzen. München: Deutsche Verlags-Anstalt.
- Streeck, Wolfgang, 2014: Volksheim oder Shopping Mall? Die Reproduktion der Gesellschaft im Dreieck von Markt, Sozialstruktur und Politik. In: Steinbach, Anja et al., eds., Familie im Fokus der Wissenschaft. Heidelberg und Wiesbaden: Springer VS, 353-380.
- Williamson, Oliver, 1985: The Economic Institutions of Capitalism: Firms, Markets, Relational Contracting. New York: Free Press.
- Williamson, Oliver, 1993: Opportunism and its critics. Managerial and decision economics. Vol. 14, 97.

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