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# On the Intersections of Globalized Capitalism and National Polities

## Gastarbeiters, Refugees, Irregular Migrants

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When talking about migrants and refugees we immediately encounter problems of definition. In sociology, anybody moving from one country to another is a migrant. A rather old – as well as old-fashioned – theory of migration defines “push and pull factors” of migration (Lee 1966). Flight here would form a specific type of migration, namely “forced migration,” or, to put it in the terms of Everett S. Lee’s theory, a form of migration mainly or exclusively triggered by push-factors.

According to the legal situation in most countries of the global North, however, a refugee has the right to find protection in another country on the grounds of having a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion" (Geneva Convention). The rights of most migrants to immigrate, in contrast, depend on their utility for the target country – above all, the need for their work capacity.[1] Thus, the

reasons for the right to stay lie in the needs of the refugee in the case of asylum and in the needs of the receiving country in the case of labor migration.

This is what the law states, and it does not always or necessarily mirror societal reality, but it constructs it nevertheless, subsequently working against the intentions of the law in some cases. We shall get back to that, though. During the last few years, it has become quite obvious how politics interprets laws according to its own aims. Generally, one can state that the right to asylum forms a problem for (potential) receiving countries. At the same time, until recently, it has not been openly challenged. Rather than denying refugees protection, nation-states have tried to keep them out of their territories. Legal provisions hindering asylum applications in an embassy in the country of origin are probably one of the most effective means to that end, but also the EU Dublin Regulation, which stipulates that in most cases the first EU country that a refugee enters is responsible for asylum procedures, works very well for EU countries without an outer EU border.

Furthermore, the EU has recently faced different crises. First, the economic crisis, which, among other things, has made it impossible to send refugees back to Greece according to the Dublin system. And then the so-called refugee crisis, which, in fact, was as foreseeable as the economic crisis. So one could speculate that EU governments intentionally overlooked all previous signs, and, in fact, planned their chaotic and ineffective reactions to the high influx of refugees. The message in the first half of 2015 was: It cannot be done. We would like to follow the Geneva Convention – but it is beyond our means.

Then came August 2015, with images of refugees stuck in Hungary (which were in fact not much different than images of refugees in

other parts of the world that had been around for many years), 71 dead refugees in a truck in eastern Austria (a number of deaths not really worth mentioning when this takes place in the Mediterranean) and Angela Merkel's statement, "we can make it." And the climate changed – for about two months – but still. Why ever did this happen? Refugees were welcomed, people were helping, every self-respecting German or Austrian had at least one refugee protegee...

Then things changed again, supposedly due to the terrorist attacks in Paris in November 2015 – but they were not carried out by refugees. Then there were the sexual attacks on New Year's Eve in Cologne – but sexual harassment is not really unusual. According to police investigations, no refugees from the largest national refugee groups in Germany participated in these activities – and, in any case, welcome culture had found its end well before New Year's Eve.

So, one could also put that the other way round: Some reasons had to be found – and could always be found – to bring welcome culture to an end. Or, one could argue in an even more paranoid way that, in fact, welcome culture and its failures were part of a plan to end the right to asylum in the EU.

This is a conspiracy theory – and not even a good one – but whatever the reasons for that, at the end of the day, the outcome of welcome culture has consisted of heavy restrictions on asylum in the EU. However, we should also not downplay another outcome, namely the thousand or so people who received asylum or subsidiary protection during the short summer of migration.[2] For quite some time now, though, welcome culture has been a kind of four-letter-word (similar to *Gutmensch*/do-gooder) and it is

more or less generally agreed upon that realistic refugee politics are necessary.

However, what does *realistic* mean? Probably, it means *Realpolitik*, i.e. "politics based on practical and material factors rather than on theoretical or ethical objectives," according to the Merriam-Webster dictionary,[3] as well as "policy based on power rather than on ideals," according to dictionary.com.[4] What does *Realpolitik* mean then in the 21st century with regard to migration?

**National political orders and globalized capitalism**

Realpolitik as a form for describing political activities, as well as the theory of realism in International Relations, focuses on power as the main driver of politics. Realism is, furthermore, based on the assumption that states are still the most important actors in international politics. This may or may not be true – but it seems safe to assume that states in the Global North are understood by their representatives as the most important actors in international politics and that these representatives think that they can politically act with some autonomy.

Most states are officially organized as national democracies. Ideally, in a national democracy, the national population, national territory and national political order are congruent. As it goes with ideals, this is rarely the case in real, existing nation-states. However, this is the myth on which national democracies are constructed – and it is a very important and effective myth which includes a whole lot of well-known elements such as national genealogies, national culture, national interest, etc. In any case, the construction of the common nation forms the basis of a collective identity/loyalty/solidarity, which is a necessary presupposition of democracy – note:

the *national* part is not a necessary presupposition but the *collective* part is. Without an understanding of cohesion, citizens will not be prepared to grant their co-citizens "equaliberty" (Balibar 2010), and, as we all know, collective identities or group solidarity are not only defined by inclusion, but also, and maybe even more importantly, by exclusion. By saying who belongs to a group, we also say who does not belong. In the case of nation-states, thus, those who are not national citizens or maybe also those who have not been national citizens their whole lives – whose parents were not national citizens, etc. – do not belong. The nation is, thus, not only a political demarcation but also a multi-layered myth.

In order to be autonomous, a state also needs a strong and functioning economy, the so-called national economy. However, the modern nation-state has always been intertwined with the economic system of capitalism, which is continuously striving for expansion. Nowadays, large parts of this economic system work globally. Thus, the global free movement of goods and services, and, to a degree, also the workforce, is paramount for global economic players, thereby bringing them partly into contradiction with the interests of nation-states. On the other hand, nation-states of the Global North also profit from global economic exchange as, e.g., consumers in these states can buy cheap products produced in the Global South.

Migration is generally caused and structured by the needs and activities of transnational economy. This was obvious in the case of the *Gastarbeiter* / guest worker. A lack of labor in specific parts of Western European economies could be compensated by importing this labor. As is generally known, the beginning of the system of guest workers was, rather naively, based on the idea that such an import of labor was possible without any further reverberations or changes: The labor force would be imported as long as needed and

would be sent back when no longer necessary. The first guest workers had consistent plans for their lives: They would stay just long enough to earn money for a good life at home. Thus, the political and economic systems, as well as the individuals involved, reduced these individuals to their economic function as a labor force. However, when both sides of this trade realized that this mechanical view was short-sighted – that, in the words of Max Frisch (1967, 100), *a labor force was called for but human beings arrived* – the exclusionary part of national identity became of impact. Guest workers became a problem for so-called cultural reasons – depending on the concept of culture applied, because they had a foreign culture or were regarded as having no culture at all.

Economically, this exclusion is ambiguous. On the one hand, absolute exclusion of foreigners from a national territory, i.e. the impossibility of migration, is detrimental. On the other hand, in political reality, in Realpolitik, this absolute exclusion has never been possible or intended. And the relative exclusion of foreigners from political and social rights, as well as from integration into society, creates a hyper-exploitable work force, and reduces problems of unemployment as this work force can be sent away if no longer employed or employable.

Nowadays, we find a similar and even exacerbated situation for *Sans Papiers* or irregular migrants – in everyday language: "illegal migrants." As opposed to guest workers, they have never been called for, they simply should not be there. Although this structural assessment does not hold true for all irregular migrants, as there are many reasons for people to become "illegalized" – negative asylum decisions, loss of residency due to job loss or divorce, visa overstay, etc. – individuals who were called for at one time can also become irregular later.

Irregular migrants are not only a – very diversified – sociological group; they are also often a scapegoat. They incorporate everything problematic with regards to migration. They cannot be counted, cannot be controlled – as a group, that is. Individually, they are controlled all the time. Not only do they *do* what they must not do (e.g. work), they *are* and must not *be*. When every migrant is a disturbance of the national order, the *Sans Papiers* incorporates this disturbance, s/he is the migrant *par excellence* (Cf. Sayad 2015, p. 42). At the same time, s/he is just as hyper-exploitable – or even more so – as/than the guest worker.

But what about refugees? With their individual as well as universal right to protection? As mentioned, for quite some time, this right has officially remained untouched, but this is an exclusive right of refugees. Thus, a generalized doubt in the rights to the status of refugees has become part and parcel of legal procedures and public discourses in the EU. This can be observed on a collective level with more and more countries officially being declared "safe countries," e.g., rather recently, Afghanistan. Not only are these assessments doubtful to say the least, asylum is, moreover, an individual right and reasons for asylum have to be assessed individually: Many countries are relatively safe for some people but not safe for other ones, e.g. sexual minorities. (Afghanistan is not safe for anybody – thus, the German embassy in Kabul has been closed for an unlimited period of time since May 31st, 2017, and Austria has issued a travel warning on the highest possible level for its citizens – but Germany as well as Austria keep deporting people back to Afghanistan.)

On the individual level, asylum procedures mostly consist of raising doubt on the "well-founded fear of persecution" of the asylum applicant. Sometimes, judgments on asylum applications rather read like a form of literary critique than a legal decision: When

talking about torture, the applicant did not show enough emotion. Or too much so that it did not seem authentic. Or s/he could not describe those who persecuted/tortured him/her well, killed their family, etc. S/he could not prove that there were really political reasons for that. Or, maybe, it was just a family feud, which does not count as a reason for flight. And, maybe, s/he could have gone to another part of the country, so that there was no need to come to Europe. Or s/he just had economic reasons (such as fear of starvation), which makes the refugee a migrant without the right to stay (Cf. Mokre 2015).

It makes economic and political sense to keep refugees out of Europe. Somebody with the same labor and social rights as a citizen does not create extra profits and could even burden the public budget. It also makes sense to keep asylum applicants for a long time in this situation. Admittedly, during this time, the state has to provide for them – but it does so in an extremely and ever more limited way. And while the residency of the asylum applicant is legal, employment is usually not legal or is only in a very limited way – which brings us back to the possibility or probability of hyper-exploitation on the illegalized labor market.

**Universalism as exclusion**

What about universal human rights? After all, Realpolitik is never only Realpolitik. Politics needs some kind of moral underpinning and some kind of a vision of a society that it is striving for, e.g. the illusion of the heritage of enlightenment and democratic revolutions. Obviously, with regard to the individuals concerned, these universal rights are toothless. Since Hannah Arendt, we have known that the most elementary human right would be the right to have rights, i.e. a political right to fight for one's rights,

including those rights not granted until now. It is precisely this right which is withheld from non-citizens (Arendt 1968/1951, p. 177).

On the other hand, human rights and democracy are of paramount importance for Europe. Assumedly, Europe invented them and practices them – as opposed to other countries and as opposed to many migrants not respecting, e.g, equal rights of women and sexual minorities or even contesting the state monopoly on the use of force. Universal human rights, one could argue, warrant the superiority of European (or Western or Northern) culture.

**Becoming visible**

This is a dilemma – universal human rights are needed as a cultural marker, but politically and economically counter-productive when actually implemented. However, this is not a new dilemma. After all, the wealth of the enlightened states of the Global North has been based for a long time on the more or less unlimited exploitation of colonialism and post-colonialism, i.e., on the fact that the universal rights of enlightenment did not apply in other parts of the world. The secret of this strategy is the invisibility of infringements of human rights, which can be reached rather easily if these infringements take place in parts of the world far away from here. In these cases, it can even be productively combined with a specific form of visibility, e.g. of human rights violations of the regimes of post-colonial states once again proving the superiority of "our" political culture. In this way, all kinds of violence can be legitimated, including, of course, war.

Invisibility becomes more difficult, though, when those without human rights become part of the population. Still, it is not

impossible to make people invisible in spite of their physical presence – guest workers who are only a work force and not human beings, *Sans Papiers* who can be ignored – as, legally spoken, they are not here – or asylum seekers hidden in camps. Furthermore, nowadays, the EU seems to fall back on the colonial way of producing invisibility, by keeping refugees away or bringing them away: By outsourcing asylum procedures and camps for asylum seekers to states such as Libya – not really internationally renowned for its perfect rule of law – and by deporting (or organizing the “voluntary return” of) refugees to "safe countries," such as Afghanistan or Nigeria.

During the short summer of migration in 2015, refugees became visible – as individuals and as a collective – with experiences, needs, and hopes. This was important. At the same time, it was not enough. Refugees became visible as victims, as people needing and deserving “our” help, not as rights holders. Probably, it was also this form of representation which made it easier to end welcome culture. If asylum and support are granted due to deservingness, they will not be granted when asylum seekers behave problematically and are, thus, no longer deserving.

But even this form of visibility could have been a start for a fight for political rights – as political rights can only be fought for by visible people – but this fight does not need visibility as victims and receivers of charity, but visibility as activists defending their rights and demanding more rights. Therefore, for several years now, refugee movements in Europe have strived for visibility (and audibility). In public spaces. Using their bodies. For occupations. For passive and active resistance. For hunger strikes.

These are eminent political acts. These are acts enabling further political acts, showing and embodying the right to political rights

beyond the nation-state and the right to free movement beyond the requirements of capitalism.

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[1] There are exceptions to this rule, above all family reunification, which can be a form of migration that is a right of migrants, due to Art. 8, Declaration of Human Rights.

[2] Cf. http://transversal.at/blog/Autonomy-of-Migration-After-its-Summer

[3] https://www.merriam-webster.com/dictionary/realpolitik

[4] http://www.dictionary.com/browse/realpolitik