

EU Migration Policy

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I. Introduction

I shall confine myself in this paper to international migration as migration across international borders. I do so despite the fact that, still today, international migration accounts only for a small share of migration at large. Likewise, I shall deal with voluntary migration and shall thus exclude deportation, expulsion and the seeking of refuge or asylum as processes of forced migration. Within these limitations, my topic begs a number of questions: What can the migration policy of a regional institution consist in? What are the goals that any migration policy can be designed to accomplish? What are the factors that can stimulate the making of a migration policy? What are the consequences of success or failure of a migration policy? What are the intellectual tools necessary for the making and the execution of a migration policy and how do these tools relate to the execution and evaluation of the success or failure of a migration policy?

The first question touches upon factual, possible and desirable institutional actors relevant to transnational migration. It is relevant because, from the turn of the nineteenth century, the making of migration policy has been ranked among the foremost properties of the sovereign state.¹ Any policy field that may be categorised as EU migration policy must therefore impact heavily on the decision-making capability of the governments of the sovereign member states of the EU. If this is so, once more, what can the migration policy of a regional institution, such as the EU, consist in?

The second question emerges from the first. The basic reason why traditionally govern-

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¹ I have described these connections in : Harald Kleinschmidt, *Menschen in Bewegung* (Göttingen, 2002), pp. 175-192.

ments of sovereign states have been credited with the capability of deciding authoritatively on transnational migration issues is that each sovereign state is considered to have to have a population that remains identifiable as a uniform politically active group only as long as it remains stable. One important factor of regulating the stability of the population of a state is the control of transnational migration. Over the last two hundred or so years, the foremost instrument of regulating migration has been the control of immigration.² Hence, when, during this period, governments of sovereign states have developed migration policies at all (and, on a global scale, most governments have not done so), they have developed administrative and policing tools to the end of preventing uncontrolled trespass across their international borders.³ Yet, in what ways whatsoever one wishes to define regional integration, it always has at least one consequence, namely that it makes international borders threadbare within a given area. Therefore, once again, what can the goals be that the migration policy of a regional institution, such as the EU, can be designed to accomplish?

As these goals can be subject to a critical inquiry so can the motives. Hence the third question is only the flip side of the second question. Obviously, institutions of regional integration can want to absorb decision-making capabilities from the governments of their member states. Thus, in order to acquire more paraphernalia of sovereignty, regional institutions can try to accumulate competence over migration policy to the end of increasing their own competence vis-à-vis the governments of their member states. However, as long as the range of migration policy remains confined to the issues on which this policy field has been focused over the last two hundred or so years (namely, the prevention of uncontrolled immigration), regional institutions can only have the desire to generate their own competence over migration policy if, at the same time, they have the administrative and policing tools to manifestly control transnational immigration. In the case of the EU, however, no institutions other than the governments of the sovereign member states have the technical means and the legitimacy to control transnational immigration.⁴ The dilemma then is this: Under the given focus of migration policy on the prevention of uncontrolled immigration, it makes little sense for a regional institution to devise its own migration policy for lack of means to implement it. Yet, if it leaves this policy field to the exclusive cus-

² For a description see: Saskia Sassen, *Migranten, Siedler, Flüchtlinge. Von der Massenauswanderung zur Festung Europa* (Frankfurt, 1996) [English version under the title: *Guests and Aliens* (New York, 1999)].

³ For a discussion see: Robin Cohen, Zig Layton-Henry, eds, *The Politics of Migration* (Cheltenham, Brookfield, VT, 1997). Daniel Kubat, ed., *The Politics of Migration Policies*, 2nd edn. (New York, 1993) [first published (New York, 1979)]. Zig Layton-Henry, *The Politics of Immigration. Immigration, 'Race' and 'Race' Relations in Post-War Britain* (Oxford, 1992).

⁴ For a review of theories of legitimacy see: William Connolly, *Legitimacy and the State* (Oxford, 1984). John H. Schaar, *Legitimacy in the Modern State* (New Brunswick, 1981).

tody of the governments of its member states, it does not contribute to the momentum towards the deepening of regional integration.

Nevertheless, the dilemma points to a potential for political action that regional institutions may devote themselves to. They may devise their own migration policy along lines that depart from the conventional habit of the formulation and execution of migration policies to the end of preventing uncontrolled transnational immigration. The decision to do so is made easier through the empirical observation that conventional migration policy has rarely accomplished its goal. Instead, much of the history of state immigration control is the history of its failure. *Prima facie*, this has been so because of the difficulty of consistently enforcing complete border control. But the deeper problem is why boundaries are so difficult to control and so attractive to trespass. One answer to the problem is that people will cross boundaries whether or not they are allowed to do so by law if these boundaries separate areas of cohabitation. In these cases the frequency of transnational migration can be an indicator for implicit popular support of or demand for regional integration. Under this condition, governments of sovereign states act in pursuit of their legitimate self-interest if they allocate the decision-making capability over migration policy to a regional institution in which they are members. However, at present, there is no empirical case where this allocation has happened. Therefore, in the context of current regional integration schemes, we need to ask what the consequences of success or failure of a migration policy can be.

The question has rarely been asked. This has been so because asking it means reflecting on the notion of migration and the intellectual tools that are necessary to the end of implementing a migration policy. Readiness to do so has not greatly advanced. In fact, most of the intellectual tools informing current migration policies go back to residentialist assumptions inherited from nineteenth-century social and political theories. These theories postulated a long-term metaphysical process of social organisation in the course of which groups appeared to have gradually given up their seemingly original 'nomadic' pattern of life became settled and integrated themselves into ever larger group structures.⁵ In consequence of these theories, migration was scaled down to an exceptional if not deviant behaviour that individuals appeared to choose who, for some psychic abnormality, seemed to be determined to practice a seemingly atavistic habit. However, over the past thirty or so years, many of the assumptions on which these theories were rested have been called into question or been given up right away.⁶ If this is so, the conceptualisation and implementation of migration policies become difficult as long as they continue to take

⁵ For references see: Kleinschmidt, *Menschen*, pp. 137-174.

assumptions for granted which are drawn on theories that are ideologies at best. Hence, once more the question, what the intellectual tools are, that are necessary for the conceptualisation and implementation of current migration policies.

I propose to discuss the issues related to these five questions in turn. I shall start with the difficult relationship between state sovereignty and the task of regional institutions regarding migration. I shall then turn to the interconnectedness of migration policy with demography and ideologies of nationalism. I shall continue with a survey of what has been labelled 'new migration', and shall then proceed to an historical analysis of the causes for the failure of many migration policies. I shall conclude with a review of the intellectual tools that migration policy makers appear to have to rely at present on for the conceptualisation and implementation of their goals and means.

II. The Principle of Sovereignty and Regional Institutions above the State in Europe

1. Walls and migration

There has long been much talk about 'walls' in Europe. Down to the end of the eighteenth or the beginning of the nineteenth century, many cities had walls, not only in Europe. These walls visualised separation and the lack of possibility of uncontrolled access. Walls marked difference in social, political, economic and cultural terms, they divided urban communities from the 'open' countryside.⁷ In the nineteenth and twentieth centuries, most of the medieval urban enclaves were torn down or neglected but walls were erected around states. Some of these walls were of stone and concrete, others consisted of administrative regimes. Their task in either case was the same: the prevention of trespass. Geographers, political decision-makers and military organisers likened the international boundaries of states to the skin of the political body.⁸ They

⁶ See: Anthony Fielding, 'Migration and Culture', Tony Champion, Anthony Fielding, eds, *Migration Processes and Patterns*, vol. 1 (London, 1992), pp. 201-214. Fielding, 'Migrations, Institutions and Politics. The Evolution of European Migration Policies', Russell King, ed., *Mass Migrations in Europe. The Legacy and the Future* (London, 1993), pp. 40-62.

⁷ For discussions see: Gabriele Isenberg, Barbara Scholkmann, eds, *Die Befestigung der mittelalterlichen Stadt* (Cologne, Weimar, Vienna, 1997) (Städteforschung. Reihe A., Bd 45.) Harald Kleinschmidt, '中世後期の市壁', in: *比較都市史研究* 22 (2003), pp. 17-31. Heinrich Koller, 'Die mittelalterliche Stadtmauer als Grundlage städtischen Selbstbewußtseins', Bernhard Kirchgässner, Günter Scholz, Hrsg., *Stadt und Krieg* (Sigmaringen, 1989), pp. 9-25 (Stadt in der Geschichte. 15.). Cesare de Seta, Jacques le Goff, eds, *Le città e le mura* (Rome, Bari, 1989). Heinz Stoob, 'Die Stadtbefestigung', Kersten Krüger, ed., *Europäische Städte im Zeitalter des Barock* (Vienna, Cologne, 1988), pp. 25-56 (Städteforschung. Reihe A, Bd 28.) James Tracy, ed., *City Walls. Urban Enclave in Global Perspective* (Cambridge, 2000).

concluded that penetration into the skin of the political body was a dangerous violation of its integrity and should be prevented by all means. Two kinds of penetrating agents were ranked as highly dangerous: armed forces and migrants. Armed forces were relatively easy to deal with. Late in the nineteenth century, the French military, for one, put up huge fortifications behind the French-German border to the end of keeping the German military out. The German army did care but drew the conclusion that it had to circumvent the wall rather than attacking it directly if it were to invade France. Following this plan, German armed forces were marched into France through Belgium when World War I began. Yet such walls were useless against unarmed migrants as the wall separating the two German states from 1961 to 1989 made clear. The latter wall did have some effect in reducing migration between the two states but its maintenance, surveillance and administration charged prohibitively high costs under which eventually the state collapsed whose government had authorised the building of the wall for the safety of the state.

In spite of the factual failure of the French and the German tangible walls, Europeans have not banned the intangible walls from their minds. These walls no longer serve military purposes and are not built of stone and concrete. But debate exists about the question whether or not Europe should and can have walls against migrants from elsewhere. The slogan of the 'Fortress Europe' has gained currency although the slogan seems to more popular elsewhere in the world than in Europe itself. Supporters of the proposal that immigrants should not be admitted demand the implementation of stiff border control by armed forces, registration of migrants, labour market regulation, sanctions against governments of third countries unwilling to cooperate with the EU over migration issues, and the enforcement of sanctions against undocumented immigrants.⁹

'Fortress Europe' is a metaphor that draws on the image of the medieval urban enceinte. The metaphor was coined to denote the impression that Europeans were intending to seal off certain parts of the continent against the rest of the world. Indeed, some rather stiff measures of immigration restriction have been implemented, most commonly visa requirements.¹⁰ In 1995, the governments of ten EU member states finally implemented the so-called Schengen Agreements (first signed by five member states of the then EC in 1985) and thereby established an area identical with the territory of these states in which uncontrolled border crossing was permitted.

⁸ For one, see: Friedrich Ratzel, *Politische Geographie*, 3rd edn, ed. by Eugen Oberhumber (Munich, Berlin, 1923), p. 434 [first published (ibid., 1897)].

⁹ Among others, see: Andrew Geddes, *Immigration and European Integration. Towards Fortress Europe?* (Manchester, 2000). Russell King, ed., *Mass Migration in Europe. The Legacy and the Future* (Chichester, 1993). King, ed., *The New Geography of European Migrations* (London, 1993). Khalid Koser, Helma Lutz, eds, *The New Migration in Europe* (London, 1998). Robert Miles, Dietrich Thänhardt, eds, *Migration and European Integration* (London, 1995).

It was also formally understood that the privilege of unrestricted residence everywhere within the EU was given out to nationals of all EU member states, regardless of approval of the Schengen Agreements. At the same time, however, all governments signing the Schengen Agreements obliged themselves to maintain strict immigration control at all borders linking the Schengen states to the outside world. Consequently, asylum seekers and refugees were prevented from moving on legally within the EU after having entered the Schengen area. They were obliged to request asylum in the country of their entry and in accordance with the rules for granting asylum in the state of their first arrival. In partial violation of the 1951 UN Convention on Asylum, the Schengen states transferred decisions about asylum from state agencies to private carriers in air- and seaborne transport.

The restrictiveness of the Schengen Agreements was a political response to the felt increase of migration to Europe. Indeed, 1.9 million immigrants to Europe were counted from 1970 to 1979, 1.6 million from 1980 to 1989 and 2.1 million from 1990 to 1995. Yet this immigration ratio was small compared to the increase in numbers of foreign residents in several European states. For example, the numbers of registered foreign residents in the 15 EU states plus Norway, Switzerland and Liechtenstein increased from approximately four million in 1950 to approximately 11 million in 1970/71, to approximately 15 million in 1982 and to about 20 million in 1994/95. At the state level, dramatic changes of the ratio of foreign residents occurred between the 1950s, 1970 and 1982. In the 1950s, France was the European country with the highest population of foreign residents (1.8 million) whereas then West Germany had no more than about 570.000. In 1970, West Germany became the state with the largest number of foreign residents (about 3 million), followed by France (about 2.6 million), the United Kingdom (about 2 million) and Switzerland (about 1,1 million). In 1982, West Germany was still the state with the largest foreign population (about 4.7 million) ahead of France (about 3,7 million), the United Kingdom (about 2,1 million) and Switzerland (about 926.000). However, in terms of percentage relative to the totals of state populations, the ranking is fundamentally different. The 1982 data place microstates like Liechtenstein (34.1%) and Luxembourg (26.3%) far ahead of smaller territorial states like Switzerland (14.4%) and Belgium (9%). And only further down the scale one finds larger states like West Germany (7.6%), France (6.7%) and the United Kingdom (3.8%).

¹⁰ Pieter Boeles, *Fair Immigration Proceedings in Europe* (The Hague, Boston, London, 1997). Andreas Bös, 'Weltweite Migration und Schließungstendenzen westlicher Industriegesellschaften', Lars Clausen, ed., *Gesellschaften im Umbruch. Verhandlungen des 27. Kongresses der Deutschen Gesellschaft für Soziologie in Halle an der Saale 1995* (Frankfurt, New York, 1996), pp. 395-412. Jan Niessen, 'Overlapping Interests and Conflicting Agendas: The Knocking into Shape of EU Immigration Policies', *European Journal of Migration and Law* 3 (2001), pp. 419-434. Verónica Tomei, *Europäisierung nationaler Migrationspolitik. Eine Studie zur Veränderung von Regieren in Europa* (Stuttgart, 2001).

Moreover, if one measures migration into Europe against the total of migration everywhere in the world, European in-migration accounts for no more than 5% of the world's total migration.¹¹

The figures have provoked continuing controversy over migration issues. Yet the figures also offer insight into a variety of problems. The first is that ongoing regional integration processes affect migration because regional integration provides additional potentials to move, makes borders threadbare and reduces the capability of governments to effectively control migration. The second is that regional integration enforces changes in public policy of defining who is a migrant and who is a resident and thereby makes it more difficult to determine what the population of a state is. The third problem is that regional integration renders obsolete the more significant of the postulates on which the migration policies of sovereign states used to rest, namely that migration is definable in strict terms and controllable through the surveillance of international borders. The three problems amplify the policy fields upon which migration in conjunction with regional integration may impact. Put differently, regional integration politicises migration in the sense that it enhances controversy over the norms and values informing attitudes towards migration. I shall deal with the first problem in this current chapter and with the others in the two following chapters.

2. *Regional integration, sovereignty and migration*

For convenience, I shall define a region as the identity-conveying part of a whole and integration as the shift of identities and related loyalties within a hierarchy of levels of regionality. Levels of regionality (or regionalness) are assemblages of institutions of public governance or sets of intergovernmental agreements ranging from local institutions to institutions above or schemes of cooperation among sovereign states. With regard to migration policies, this definition allows a way out of the sterile question whether a given regional integration process is 'open' or 'closed'.¹² If there were a case where the competence of decision-making concerning migration is reallocated from the level of the sovereign state to an institution of regional integration above the sovereign state, the migration policy itself need not become different, would therefore neither become more 'open' nor more 'closed'. That is to say that shifting decision-making competence from one level of regionality to another does not necessarily affect the material side of migration policy. The EU presents a case that supports this contention to some

¹¹ For the statistics see: Klaus Jürgen Bade, *Europa in Bewegung* (Munich, 2000), pp. 378-452.

¹² I have argued this definition in a previously published paper. See: Harald Kleinschmidt, 'A Preparatory for a New Regional Integration Theory', Mikiko Iwasaki, ed., *Varieties of Regional Integration*, (Munster, Hamburg, 1995), pp. 47-71 (Studies in the History of International Relations. 2.)

extent. The Maastricht Treaty of 1992 constituted the EU as a set of communities arrayed in three pillars. The first pillar combined the former EC, ECSC and Euratom as supra-governmental organisations staffed and legitimised by the governments and parliaments of the member states. The second pillar established the Common Foreign and Security Policy based on inter-governmental agreements whereas the third pillar defined a set of policies regarding the administration of justice and also emerged from intergovernmental agreements.

The Amsterdam Treaty of 1997 incorporated the Schengen Agreements into EU law, thereby obliging governments of member states to enforce identical measures of border control, policing and registration methods concerning migration. The Amsterdam Treaty went into force in 1999 and thus effectively transferred migration policy and related nationality policy issues from the third into the first pillar. But it did not bridge the continuing wide disparity of measures pertaining to the administration and control of migration within the EU member states. Thus, for example, standards for the admission of refugees and asylum-seekers have continued to differ widely between the United Kingdom and France and still not all EU member states have signed the Schengen Agreements. The shift of the Schengen Agreements from the third to the first pillar within the EU legal framework has not had an effect on the migration and nationality policies of the EU member states and little impact on the attitudes and behaviour of migrants.¹³

The reason for this defect is plain and simple. The EU bureaucracy has no popular mandate and is not totally subject to control of the European Parliament. Therefore, EU authorities have insufficient legitimacy to conceptualise their own migration policy and no power of enforcement. The case of the EU, then, appears to confirm the nineteenth-century principle that migration and nationality policy belongs to the core elements of the powers of the sovereign state constructed and proclaimed as a nation-state. Nationalism continues to levy a heavy toll on policy-making. In the years 1999 and 2002, the German federal parliament passed nationality and immigration acts as instruments of national law without consulting European institutions and as acts of sovereign policy making. It did so despite the fact that Germany belonged to the five original signatory powers of the first Schengen Agreement.

¹³ For a discussion see: Kay Hailbronner, 'Migrationspolitik und Rechte der Drittstaatsangehörigen in der Europäischen Union', *Zeitschrift für Ausländerrecht und Ausländerpolitik* 3 (2002), pp. 83-89. Hailbronner, Claus Thiery, 'Amsterdam – Vergemeinschaftung der Sachbereiche Freier Personenverkehr, Asylrecht und Einwanderung sowie Überführung des Schengen-Besitzstandes auf EU-Ebene', *Europarecht* 5 (1998), pp. 583-615. Klaus-Peter Nanz, 'Das Schengener Übereinkommen: Personenfreizügigkeit in integrationspolitischer Perspektive', *Integration*, 17 (1994), pp. 92-108. Steve Peers, 'Key Legislative Developments on Migration in the European Union', *European Journal of Migration and Law* 4 (2002), pp. 85-126.

But does that mean that regional institutions where they exist and can impact on migration policy play no material role? Two indicators seem to suggest that regional institutions hold the sway over migration policy in an indirect way. The first indicator is that any regional integration process at any level eases cross-border traffic if several sovereign states are involved in it. Increased frequency of traffic entails an increase in the migration potential. If regional integration processes are institutional, the activities of the regional institutions above the sovereign states have a bearing on migration even if the formulation and execution of migration policies do not fall into their competence. The second indicator is the attraction of regionally integrated areas for migrants from other parts of the world. Not only the EU, also ASEAN and NAFTA provide examples that migrants looking for opportunities for themselves focus more intensely on areas in which regional integration takes place in one way or another than elsewhere. While these indicators support the assumption that there is some political connection between migration and regional institutions, the problem is that the same indicators also support the expectation that there is a wider framework of correlation between migration and regional integration even where regional institutions are not involved. In other words, the interconnectedness between migration and regional integration is subject neither to the political will nor to the control of regional institutions. Nor to that of sovereign states as soon as or as long as governments of sovereign states engage in policies to the end of enhancing economic, political and cultural ties within a region and smoothing the crossing of international borders.¹⁴ The literature on 'new regionalism' has, for some twenty years, shown that the reduction of government capability to formulate and execute migration and nationality policies is part and parcel of regional integration in this broad sense. Because, however, regions are demarcated along fuzzy boundaries and because, as a rule, regional identities are multiple, in competition among themselves and do not always relate to identical boundaries, the concept of 'closed regionalism' is a contradiction in itself.

¹⁴ For studies of the lack of capability and competence of regional and state institutions to control see: Reginald Thomas Appleyard, *International Migration. Challenges for the Nineties* (Geneva, 1991). Klaus Jürgen Bade, Myron Wiener, eds, *Migration Past. Migration Future* (Oxford, 1997). Michael Bommes, Ewa Morawska, eds, *Reflections on Migration Research* (Berkeley, 2000). Stephen Castles, Mark Miller, *The Age of Migration. International Population Movements in the Modern World* (London, 1993) [2nd ed. (ibid., 1998)]. Robin Cohen, ed., *The Sociology of Migration* (Cheltenham, Brookfield, VT, 1996). Cohen, ed., *Theories of Migration* (Cheltenham, Brookfield, VT, 1996). Cohen, *Global Diasporas* (London, 1997). Cohen, Steven Vertovec, eds, *Migration, Diasporas and Transnationalism* (Cheltenham, Brookfield, VT, 1999). Nancy Foner, Rubén G. Rumbaut, Steven J. Gould, eds, *Immigration Research for a New Century* (New York, 2000). Subrata Ghatak, Anne Showstack Sassoon, eds, *Migration and Mobility. The European Context* (Basingstoke, 2001). W. T. S. Gould, A. M. Finlay, eds, *Population Migration and the Changing World Order* (Chichester, New York, 1994). Gerald C. Neumann, *Strangers to the Constitution. Immigrants, Borders and Fundamental Law* (Princeton, 1996). Nikos Papastregiadis, *The Turbulence of Migration. Globalization, Deterritorialization and Hybridity* (Cambridge, 2000). Ludger Pries, ed., *Transnationale Migration* (Baden-Baden, 1997). Pries, ed., *Migration and Transnational Social Spaces* (Aldershot, 1999).

III. The Quest for Population Stability

Deciding what constitutes the population of a state politically is part of nationality legislation. The overall goal under which population policy and nationality legislation have stood in Europe for about one hundred and thirty years has been the maintenance of population stability. Migration destabilises populations and regional integration eases migration. Therefore, regional integration can be construed, perceived or even experienced as an obstacle against the accomplishment of population stability. These constructions, perceptions and experiences have dominated in a world that was considered as a world of states and in which the nation-state ranked as the prototype of the state at large. They have received support from a theory of legitimacy that derives justification for the existence of states and governments from the consent of population groups residing in given areas. Population groups as groups of settlers were credited with a degree of social cohesion sufficient to enter into an agreement to act to the end of establishing a government. From the learned Abbot Engelbert of Admont early in the fourteenth century, to Justus Lipsius at the turn of the sixteenth century, to Thomas Hobbes and John Locke in the seventeenth century, contractualism generated an interventionist migration policy the goal of which was to contribute to population stability through the enhancement of immigration.¹⁵ The reasons for immigration generating policy were, first, that most cities in the larger territorial polities had a death rate higher than the birth rate;¹⁶ second, that some of the larger territorial polities such as Russia were composed of vast thinly settled lands that rulers tried to populate;¹⁷ third, that in some cases such as the boundary between the Habsburg territories and the Ottoman Turkish Empire, new settlement were considered necessary for defence purposes.¹⁸ In any case, migra-

¹⁵ For late medieval international theories see: Harald Kleinschmidt, *The Nemesis of Power* (London, 2000), pp. 45-68. for interventionist migration policies see: Kleinschmidt, *Menschen*, pp. 123-131.

¹⁶ The demographer John Graunt concluded from studies of the London population that the number of deaths was larger than the number of recorded baptisms. John Graunt, *Natural and Political Observations Made Upon the Bills of Mortality*, 4th ed. (Oxford, 1665) [first published (London, 1662)]. The eighteenth century witnessed a debate on the demography of urban populations. Richard Price, *Essay on the Population of England from the Revolution to the Present Time* (London: s.n., 1780), pp. 17-31 [first published in: William Morgan, *The Doctrine of Annuities and Assurances on Lives and Survivorships* (London: s.n., 1779), pp. 277-309]. Similarly: John Howlett, *An Examination of Dr. Price's Essay on the Population of England and Wales* (Maidstone: s.n., 1781), pp. 15-19. Price's observations were contested by William Wales, *An Inquiry into the Present State of Population in England and Wales* (London: s.n., 1781), who argued that the population was not declining at all. Johann Peter Süßmilch, *Die göttliche Ordnung in den Veränderungen des menschlichen Geschlechts*, vol. 1, 3rd ed. (Berlin, 1765), pp. 103-108 [reprint, edited by Jürgen Cromm (Göttingen, 1988)]. Süßmilch, *Ordnung*, vol. 2, p. 461-534, vehemently criticised government support for the growth of the urban populations because he feared disadvantages for the rural population and concluded from the fate of cities of Antiquity that every city would perish anyway.

tion policies were so designed as to create positive, attractive images of and conditions for life at the destinations of migrants. To the extent that such policies were successful, propagandists disseminated the conclusion that the migrants had, in a way, voted by their feet to conclude a contract with the rulers of the areas of their destination.¹⁹ In the seventeenth and eighteenth centuries, several rulers devised such policies simultaneously thereby creating a migration market where they competed over attracting the largest number of immigrants.

In the nineteenth and twentieth centuries, contractualism continued but merged with nationalism. The contract on the establishment of a government was understood to be a contract among nationals, and nationals were considered to be members of a *geno group* as a group of people whose relationships were described metaphorically in kin terms. The fair degree of openness that had been characteristic of border control regimes up to the early nineteenth century gave way to rigorous measures of border control and migration restriction. Immigration of non-nationals was regarded as a jeopardy to the social cohesion of the *geno group*, emigration was taken to be a dangerous reduction of the national war-making capacity.²⁰ If, under these circumstances, populations were found to decline, such as after major military conflicts, the increase of the birth rate emerged as the main feature of population policy. Under the premise of nationalism, fulfilling the contract between rulers and ruled was identical with closing off one nation against others. Nationals were expected to be settled in a given area and remain settled there. The postulate of residentialism, enshrined in most nineteenth- and twentieth-century theories of society, helped downgrade migration to a deviant form of behaviour for which explanations were sought and found mainly in economic conditions of life. Thus the image of migrants as poor and lonely people, pushed and pulled away and around, dominated nationalist migration policy in the

¹⁷ Tsarina Catherine II, [Manifesto to Promote Immigration to Russia, Print, 25 July 1763], Stadtarchiv Ulm, A 3889, fol. 3r-4v. The file also includes reports on the activities of recruitment officers in Russian service active in the city of Ulm. See: Andreas Gestrich, 'Pietistische Rußlandwanderung im 19. Jahrhundert. Die Walddorfer Harmonie', *Historische Wanderungsbewegungen*, edited by Andreas Gestrich, Harald Kleinschmidt, Holger Sonnabend (Münster, Hamburg, 1991), pp. 109-125. Otto Wiegandt, 'Ulm Stadt der Auswanderer', *Ulm und Oberschwaben* 31 (1941), pp. 102-104.

¹⁸ Emperor Leopold I, [Mandate on the Settlement of Hungary, Print, August 1689], Donaueschwäbisches Zentralmuseum Ulm. See: *Migration nach Ost- und Südosteuropas von 18. bis zum Beginn des 19. Jahrhunderts*, edited by Mathias Beer, Dittmar Dahlhausen (Sigmaringen, 1999) (Schriftenreihe des Instituts für Donaueschwäbische Geschichte und Landeskunde. 4.)

¹⁹ See: Johann Heinrich Gottlob von Justi, *Die Grundfeste zu der Macht und Glückseligkeit der Staaten* (Königsberg, Leipzig, 1761), pp. 235-246. Justi, *Grundsätze der Policeywissenschaft*, 3rd ed. (Göttingen, 1782), pp. 77-84 [reprint (Frankfurt, 1969)].

²⁰ For the nineteenth century classically summarised by the Prussian statistician Richard Böckh, *Der Deutschen Volkszahl und Sprachgebiet* (Berlin, 1869), pp. 7, 10-11 [reprint (ibid., 1870)]. Similarly in the Nazi period: Günter Herold, *Der Volksbegriff im Sprachschatz des Althochdeutschen und Altniederdeutschen*. Ph.D. diss. (University of Munich, 1940), pp. 287-288.

nineteenth and twentieth centuries.

Persons migrating nevertheless had to take high hurdles to find acceptance at their destinations. Lawmakers and administrators delved in a plethora of laws and other legal rules apt to define immigrants as non-nationals. In some states, for example the USA, nationality and citizenship were separated. US immigration policy proceeded from the assumption that migrants carried with them and could retain the nationality that they acquired through birth. By contrast, US citizenship was a status that migrants appeared to be able to acquire through state controlled admission and registration procedures. Elsewhere, for example in Germany, citizenship and nationality were defined in ways that established largely overlapping though not completely identical terms (in German, there is still today no word for the US term 'citizenship'). Instead, immigrants were given the status of resident aliens, temporary or permanent. A permanent alien resident is entitled to stay but does not participate in the political activities of the nationals.

Much as these distinctions may have appeared to be mandatory from an administrative point of view, they were nevertheless informed by the nineteenth-century concept of the nation as a *geno group*. This concept positioned the nation at the highest level of a hierarchy of social groups all of which were modelled upon that occupying the lowest level. That was the kin group. Social theorists, proclaiming this hierarchy of social groups, insisted that membership in nations was to be acquired in the same way as individuals acquired kin membership, namely by birth. Naturalisation as an administrative procedure for the integration of immigrants was regarded as a rare exception, usually conditioned by marriage relations.²¹ The likening of national identity to kin identity conferred the image of unchangeability upon national identity, even under circumstances of long-distance international migration. This image has been characteristic of migration and migrants in the nineteenth and twentieth centuries and has entailed important consequences for the making and the enforcement of migration policy. While during the *Ancien Régime* when 'national characters' were derived from climate (Montesquieu) or from contractual agreements on human made political order (Hume),²² change of national identity through migration or political reform and revolution was considered to be perfectly normal. Yet the subsequent conceptualisation of the nation as a *geno group* has promoted political strategies and administrative tactics designed to widen the difference between nations and to make the

²¹ See: Gustav von Schmoller, 'Über Wesen und Verfassung großer Unternehmungen', Schmoller, *Zur Social- und Gewerbepolitik der Gegenwart* (Leipzig, 1890), p. 397. Already in his address to the French National Assembly of 7 April 1832 [printed *Archives Parlementaires* (1832), p. 324], François Guizot demanded legal action against the immigration of 'vagabonds, persons with a criminal record or simply hapless characters' as a safeguard for the nation.

change of national identity difficult.

Theorists of regional integration and political decision-makers wishing to promote schemes of regional integration in early post-World-War-II Europe sensed the obstacles that the image of nations as isolated *geno* groups posed against regional integration. In the 1950s, neofunctionalists developed elaborate theoretical frameworks to steer regional integration processes against what they perceived as the basic option of Europeans in favour of the nation-states. These frameworks soon proved inapt and insufficient and obsolesced. They did so primarily because the perception of the attitude of Europeans allegedly favouring the nation-state was in fact a perception of the political class with little or no roots in popular attitudes. For the concept of the nation as a *geno* group was, from the very beginning, the concoction of élites seeking to manipulate consent to their rule. The carnage of World War II disclosed the vanity of this concept and opened the pathway to European integration. However, the emerging European institutions of the 1950s and 1960s and the governments of the sovereign states making up these institutions were too slow to recognise and utilise the potential for regional integration. Stuck in the legacy of the interwar period, the old men at the helm of most European states in the 1950s and 1960s vainly sought to restore the international system of the 1920s.

The result was that European institutions long suffered from inertia and a lack of legitimacy and have continued to be constrained by the reluctance of the governments of most EU member states to yield significant sovereign rights to the EU, even though there is a popular demand for doing so. Migration policy is the case in point. It has continued to fall into the competence of the member state institutions, precisely because the quest for the stability of state populations has continued to be maintained by the governments of the member states and even though the Schengen Agreements have been integrated into European law. Instead of conceptualising a migration policy of its own, the EU relies for its own decisions on previously accomplished intergovern-

²² David Hume, *The History of England* [London, 1759], Newly edited (Philadelphia, 1856), vol. 1, pp. 38-41. Similarly already: Raphael Holinshed, *Chronicles of England, Scotland and Ireland* [London, 1577] [newly edited by H. Ellis, vol. 1 (London, 1807), pp. 555-558; reprint (New York, 1976)]. For Hume's views on 'national character' see: David Hume, 'Of National Characters', Hume, *Essays Moral, Political, and Literary* [(Edinburgh, 1741); 3rd ed. (London, 1748)], edited by Thomas Hill Green, Thomas Hodge Grose, vol. 1 (London: Longmans, Green, 1882), pp. 244-258 [reprint (Aalen, 1964)]. On the concept of 'national characters' in the eighteenth century see: Franz Karl Stanzel, 'Schemata und Klischees der Völkerbeschreibung in David Hume's Essay "Of National Characters"', *Studien zur englischen und amerikanischen Literatur. Festschrift für Helmut Papajewski*, edited by Paul Gerhard Buchloh, Inge Leimberg, Herbert Rauter (Neumünster, 1974), pp. 363-383 (Kieler Beiträge zur Anglistik und Amerikanistik. 10.) Stanzel, *Europäer* (Heidelberg, 1997), pp. 28-32 [2nd ed. (ibid., 1998)]. Stanzel, 'Zur literarischen Imagologie', *Europäischer Völkerpiegel*, edited by Franz Karl Stanzel (Heidelberg, 1999), pp. 22-23.

mental agreements. As a consequence, a potential for conflict arises between EU migration law and the national migration policies within the current EU member states and, even more so, among East European candidates whose governments seek admission into the EU in the years to come. The increasing lack of coordination between EU migration law and national migration policy cannot be desired by the populations in the member states. For example, a number of East European states, among them Hungary and Romania, have passed what they termed 'status laws' in 2001. These laws guarantee nationality rights, such as the privilege of unrestricted immigration, to persons claiming Hungarian or Romanian nationality without having residence in Hungary or Romania. These laws directly oppose the Schengen Agreements. After Hungary's admission into the EU, it will have to become a EU member on the basis of the Schengen Agreements. But these Agreements impose strict immigration control on the borders between the EU member states and other states. Insofar as the Hungarian status law allows people claiming for themselves Hungarian nationality but residing in a non-EU state, Hungary will have to change its 'status law' upon admission to the EU and cancel unrestricted immigration of people claiming Hungarian nationality for themselves from Slovakia, Romania and Serbia. Thus a clash is programmed between Hungarian nationalists demanded adherence to the 'status law' and integrationists seeking admission to the EU. It is to be noted in this context that the Hungarian 'status law' found about 90% approval among the Hungarian electorate. Consequently, it is difficult to imagine that an EU migration policy will succeed that is modelled upon principles ultimately derived from the nineteenth-century conceptualisation of the nation as a geno group and is enforced through institutions of the nation-state. Instead, EU migration policy-makers can only succeed if they abandon the monism enshrined in this outdated concept and opt for the admission of multiple loyalties and identities allocatable to various levels of regionality as they happen to exist simultaneously.

IV. 'New Migration'

This requirement is further strengthened by newly emerging attitudes and perceptions among migrants.²³ The nineteenth century inherited a legacy of negative perceptions of migrants. Administrators, political decision-makers and lawmakers perceived migrants as impoverished lonely individuals being pushed and pulled away and around in a country and the world at large.

²³ For example, see the studies by: Daniel Kubat, Hans-Joachim Hoffmann-Nowotny, 'Migrations. Vers un nouveau paradigme', *Revue internationale des sciences sociales* 33 (1981), pp. 335-359. M. Martinello, 'L'immigration. Menace pour l'état-nation ou révélateur de son caractère obsolète?', *Revue suisse de sociologie* 18 (1992), pp. 657-673. Sarah Collinson, *Beyond Borders. West European Migration Policy Towards the 21st Century* (London, 1993), p. 103.

The categorisation of migrant behaviour as deviant entailed a search for reasons that might make people move. Against empirical evidence suggesting that a large number of people moved for private reasons or because of some political dissatisfaction, the authorities usually assumed economic motives. The push- and-pull-model cast these fuzzy perceptions into terms. It suggested that migration occurs where pull factors as factors of 'attraction' meet with push factors as factors of 'repulsion', as the *London Times* put it in 1851. The physicist model stigmatised migrants as passive targets of anonymous 'factors', a maneuverable mass that, like rivers, flows into a certain direction and precipitates destruction when out of control. Nineteenth-century scientism induced several statisticians to condense recurrent observations about migration into statements that they proclaimed to be laws. First and foremost among them was Ernest George Ravenstein, a German émigré living in London who studied the data provided by the British population census of 1881. Among Ravenstein's 'laws' featured ten observations, for example, that women migrate more often than men, that migration is not a uni-directional movement, and that long-distance migration evolves stepwise from short-distance migration.²⁴ Statisticians concerned with the trans-Atlantic migration used statistics to show that urban in-migration to North American cities was not a demand as the local birth rates in American cities on the east coast were rising in the course of the nineteenth century.²⁵ The statistical method applied at the turn of the twentieth century reduced individual migrants to numerical digits. Their motives were gleaned through manipulations of the statistics rather than through direct inquiries. Moreover, the statistical method opened up a wide field for political debate and controversy. US immigration data promoted the demand for effective immigration restriction from the turn of the twentieth century. Comparisons between European emigration data and US immigration data fuelled concerns about the loss of military personnel to the US and the rising of US military power as a consequence. Within these debates, migrants appeared as persons who were unwilling to remain settled in their areas of origin without a likelihood of finding reintegration at their eventual destinations. Political decision-makers, lawmakers and administrators almost everywhere in Europe rated the chances of successful reintegration unanimously low and thereby promoted the image of migrants as 'uprooted' people. Hence their primary concern was the prevention of the return

²⁴ Ernest George Ravenstein, 'Census of the British Isles 1871. Birthplaces and Migration', *Geographical Magazine* 3 (1876), pp. 173-177, 201-206. Ravenstein, 'Laws of Migration. Counties and General', *Geographical Magazine* 3 (1876), pp. 229-233. Ravenstein, 'Laws of Migration', *Journal of the Royal Statistical Society* 48 (1885), pp. 167-225, 52 (1889), pp. 214-301. Collected and reprinted in: Ravenstein, *The Laws of Migration* (New York, 1976).

²⁵ Adna Ferrin Weber, *The Growth of Cities in the Nineteenth Century* (New York, 1899), p. 233 (Studies in History, Economics and Public Law. 11.) [reprint (Ithaca, 1963)]. Similarly: Richard Mayo Smith, *Emigration and Immigration. A Study in Social Science* (New York, 1890), p. 290, who argued that there was no need for the immigration of unskilled labor.

of penniless remigrants whom they expected to become a burden for the national social welfare systems.

The image of uprootedness was unfounded already in the nineteenth century, as the hundreds of millions of letters show that were sent back and forth only between North America and Europe at the time. Nevertheless, the image became the foundation of much social science research methodology establishing criteria for the determination as well as taxonomies of causes for migration and promoting instruments for the measurement of social integration and disintegration.²⁶ Against Ravenstein's warning, twentieth-century social scientists concurred with their nineteenth-century predecessors in regarding each migration as a uni-directional finite process, differentiating countries of immigration from countries of emigration on vague, statistical grounds, imposing a sharp conceptual division between internal and international migration and, above all, assuming without further argument that migration needs to have specific causes to result from.

However, towards the end of the twentieth century, most of these core postulates and assumptions have been called into question, even though new images of migration do not seem to have yet penetrated the minds of political decision-makers, lawmakers and administrators. Empirical data show that migration is frequently not a finite process but a recurrent or even continuing activity. This activity may engage an individual over a long period of his or her lifetime, or it may connect the life experiences of one individual with those of his or her kin members, neighbours and friends, even across generations. These experiences may range from continuing migration without specific concern for destinations, return to place or area of origin, the purposeful movement to a specific destination, usually at the advice of friends or relatives. Frequently, migrants establish networks among themselves as well as with people at places of their origin and communicate their experiences. In areas where migration has been frequent over long periods of time, such as across the Atlantic, across the Pacific, in between two or more states, special relationships come into existence creating systems within which migration takes place without specific identifiable push and pull factors. In short, the image of the poor, passive, lonely and 'uprooted' migrant has given way to the picture of well informed, active, well-to-do persons who consciously rank their diffuse desire to move above their concurrent desire to stay. This new picture of the migrant suggests that it is of the same importance to ask the question why people move as it is to ask the opposite question why people stay. Generally speaking, migration takes

²⁶ For a classical study see: Oscar Handlin, *The Uprooted. The Epic Study of the Great Migrations That Made the American People* (Boston, 1951), p. 6 [reprint (Boston, 1973)].

place when the motives to move win over the motives to stay and a latent potential for migration becomes activated. The critical situation, in which individuals or groups opt against residentialism needs to be analysed at the level of individual behaviour and cannot be reconstructed or hypothesised on the basis of aggregate statistical data.

Migration historical research has thus shown that the emergence of the new picture of the migrant is not a consequence of recent changes of migratory behaviour but represents a change of perception of what represents a long-established pattern. Therefore, 'new migration' is more than an appropriate description of a recent trend in migration but the result of a revision of social science theories of migration. 'New migration' has proved that the residentialism inherent in nineteenth-century social theories is not merely obsolete but was manifestly wrong from the very beginning. Neither are the majority of migrants poor, lonely, passive and uprooted individuals now nor were they so in the past.

'New migration' has important consequences for the formulation and execution of migration policy. If migration is recognised as a normal, not a deviant behaviour, migration policies that impose constraints and hardships upon migrants in service to the sovereign state are violations of human rights. Many states have constitutions that guarantee the right to emigrate. But no state exists in which governments recognise the right to immigrate. This is so despite the simple fact that the right to emigrate from one state is meaningless without the complimentary right to immigrate into another state. Hence migration policy can no longer be defined as the quest for organising legitimate and morally acceptable immigration control. Instead, migration makes borders threadbare and deterritorialises states. If migration occurs with considerable frequency in a definable region, it is a platform for the organisation of regional integration.

V. The Failure of Immigration Control

The inertia with which political decision-makers, lawmakers and administrators in European states as well as the EU have responded to the challenge of 'new migration' has added to the volatility of political processes, a legitimacy deficit in the administration of border control and, last but not least, the failure of measures of immigration control. Neither the Schengen Agreements nor bilateral agreement between, say Germany and Poland or Germany and the Czech Republic, have frightened away immigrants planning to enter or move across EU member states. Neither has careful patrolling of the coasts of the Mediterranean Sea obstructed the immigration of Africans to Italy and Spain, nor have rigorous measures of surveillance and detention of asylum seekers in EU states such as France prevented persons from moving on from France to

the United Kingdom illegally. The EU is not alone. Strict enforcement of control of the US-Mexican border has not prevented undocumented immigration into the US from Mexico, with many recorded careers of individuals moving across that heavily guarded border in either direction without significant constraints at their own discretion but without official permission.²⁷ And persistent measures of immigration control have hardly reduced clandestine Chinese immigration to Japan, despite its recognised potential as a security threat to Japan.²⁸

The lack of success in immigration control is not unique to the present. Instead, as has been said above, the history of migration control is the history of its failure. This has been true for attempts to control emigration as well as immigration. The reason is easy to identify but the underlying problem is difficult to solve. In the eighteenth and nineteenth centuries, the few recorded attempts to control or even ban emigration were designed as short-term measures to the end of reducing or stopping what was being perceived as a sudden exodus. In the later nineteenth and the twentieth centuries, attempts to reduce or obstruct immigration were born from the same intention, mainly to fend off what was being experienced as a sudden 'wave' of immigrants. The language of disaster that was commonly employed to rally domestic support for rigorous measures of immigration control characterised the perceptions and expectations of lawmakers, political decision-makers and administrators vested in charge of formulating and executing immigration policies. This language of disaster constructed migrants as an anonymous threatening mass against which the nationals or citizens as the inhabitants of a state were to be guarded. Closing the doors was the simplest measure at hand.

But the measure was no more than a temporary deterrent. It added to undocumented immigration rather than actually reducing migration. The deterrent proved ineffective the more often governments of states eventually agreed to legalise the status of undocumented immigrants who managed to stay on for a while. If time would allow undocumented immigrants to accomplish citizenship or a legal permission of stay, strict border control was both useless and unnecessary. More often than not, governments whose authorities were well aware of the weakness of their

²⁷ See on the case of migration across the US-Mexican border: Barry R. Chiswick, ed., *The Gateway. U. S. Immigration Issues and Policies* (Washington, DC, 1982). Arthur F. Corwin, ed., *Immigrants – and Immigrants. Perspectives on Mexican Labor Migration to the United States* (Westport, CT, 1978). Paul R. Ehrlich, Lory Bilderback, Anne H. Ehrlich, *The Golden Door. International Migration, Mexico and the United States* (New York, 1979). L. E. Guarnizo, 'The Rise of Transnational Social Formations. Mexican and Dominican State Responses to Transnational Migration', *Political Power and Social Theory* 12 (1998), pp. 45-94. Richard C. Jones, ed., *Patterns of Undocumented Migration. Mexico and the United States* (Totowa, 1984). J. Edward Taylor, 'Undocumented Mexico-US Migration and the Return to Households in Rural Mexico', *American Journal of Agricultural Economics* 69 (1987), pp. 616-638.

²⁸ *East Asian Strategic Review 2000* (Tokyo, 2000), p. 129.

positions yielded nevertheless to pressure from either side, namely domestic requests to keep borders closed and human rights concerns to recognise the status of undocumented immigrants. A 'liberal paradox' has emerged that has prevented granting rights and privileges to nations as geno groups of residents and, at the same time, barring access to these rights and privileges to non-residents.²⁹ The implication of the 'liberal paradox' is that nineteenth- and twentieth-century nationalism has helped widen the gap between the actions and perceptions of migrants and the actions and perceptions of lawmakers, political decision-makers and administrators in charge migration control. Whereas migrants will usually set a certain goal or set of goals for themselves and choose appropriate means to accomplish them, the formulation and execution of migration policies is informed by concerns for the maintenance of the stability of the population of the state. The nineteenth-century response to the failure of emigration control was the making of stimulus packages for the reduction of economic push factors within the states. By the same count, twentieth-century responses to the failure of immigration control was the making of stimulus packages for the reduction of economic push factors in states perceived as areas of emigration. Yet high-grade emigration out from Europe ceased to exist at the turn of the twentieth century not because of the success of the social welfare policies designed to reduce economic push factors. Likewise, there is no reason to expect that current policies designed to reduce economic push factors elsewhere in the world will be more successful for the simple reason that much international migration is not due to economic push factors. Hence, lawmakers, political decision-makers and administrators have so far not learnt their lesson. As long as massive willingness to migrate across long distances continues in many parts of the world, border control and other administrative deterrents against persons willing to migrate are determined to fail because persons who have decided to move have displayed their willingness to accomplish their goal of settling elsewhere. Reducing the willingness to move can be a political goal but it needs to be operationalised at the level of individuals and not at the level of aggregate statistical data. The right to emigrate should be compensated by the right to immigrate in accordance with existing legal rules. It is the task of the future to establish an equitable international footing for the foundation of comparable immigration rules. Without such a platform, measures of immigration control will be bound to continue to fail, within the EU, around the EU and elsewhere in the world.

²⁹ See: Gary P. Freeman, 'Can Liberal States Control Unwanted Migration?', in: Mark J. Miller, ed, *Strategies for Immigration Control* (Thousand Oaks, London, New Delhi 1994), pp. 17-30 (Annals of the American Academy of Political and Social Sciences. 534.) 73. Freeman, 'Modes of Immigration Politics in Liberal Democratic States', in: *International Migration Review* 29 (1995), pp. 881-902.

VI. The Predicament of Social Science in the Light of Studies of Migration and Regional Integration

But not only lawmakers, political decision-makers and administrators in charge of migration are at a loss to reorient their perceptions to deal with migration and regional integration. So too are academics, specifically social scientists. Many social scientists still today rely on statistical data compiled from state-centred sources. This may be a necessary practice that can hardly be changed as long as sovereign states continue to exist. But social scientists are not always aware of the impact that their choice of data can have on their work and its results. As a legacy of the nineteenth century, official statistics are records compiled by state institutions or subordinate agencies. Hence these statistics end where the state borders are. Yet migration and regional integration have the joint effect of making these borders threadbare. Regional integration flexibilises institutions of the sovereign state as migration changes the size and composition of the state population. Hence, migration and regional integration obfuscate the statistics of the state. Structural changes in state populations together with changing borders render official demographic data inadequate where they exist at all. Thus essential data for any social science enquiry need careful scrutiny and are of limited value as a starting platform for theorising. Moreover, official population statistics have been available for no more than approximately 200 years. Consequently, long term statistical surveys are impossible and so are qualified statements on trends of numerical increase or decrease of migration. The frequent claim that migration should have increased worldwide during the nineteenth and twentieth centuries is unascertainable.

The lack of reliability of data adds to the inadequacy of migration-related perceptions. One important such perception is the political theory that states are united or uniform 'Actors'. The theory is drawn on the residentialist postulate that the population is essentially stable and will eventually integrate immigrants. But this postulate is unwarranted in general because of the frequent coexistence of and competition among diverse identities within one state. In many empirical cases, the diversity of identities includes or is informed by a variety of memories of and perceptions on past migrations. The sets of identities may be horizontally stratified in a hierarchy manifest in an order of more or less comprehensive institutions of governance at the local, microregional, national or macroregional levels. Where this is so, such as in the EU, the level of regionality above the sovereign states is the preferred level of social science analysis, although data may be lacking.³⁰

Awareness of these restrictions and problems pitched against a straightforward application of state-centric social science methods has increased over the past twenty or so years with paradigm shifts from conventional to 'new migration' studies and from neofunctionalist regional integration theory to 'new regionalism'. The common features of both simultaneous paradigm shifts are, first and foremost, that they call into question state-centric perspectives and approaches. Second, and even more importantly, they facilitate the recognition of subjective consciousnesses and perceptions of migrants and the competitive interaction of various coexisting identities in regions. They also promote a degree of relativism and demand a comparative perspective in the process of obtaining definitions and the making of standards. Thus 'new migration' studies have added to our knowledge about the various possibilities of experiencing and conceptualising migration from the points of view of migrants as well as those of lawmakers, political decision-makers and administrators. Likewise, 'new regionalism' has promoted the comparative study of regional integration processes and one important result of these studies is that the EU has been dismissed as a model and scaled down to one particular (and to a large extent: odd) case. Thus students of migration have learnt to live with fuzzy definitions in a scope that is limited in terms of space and time. Careful description and analysis have taken priority over grand theory.

But these changes have undermined basic creeds inherent in social science methodology. The scientific quest for generalisation used to feature at the core of these creeds but migration and regional integration are foes of generalisation and advocates of intersubjectivity. Prediction has been a further victim. One of the most stunning experiences of social scientists in recent years has been the recognition of the apparent suddenness of migration movements. Even though this experience is not a novelty – similar kinds of observations are on record already from the eighteenth century -, it does contain the admission that migrations are difficult to predict. So too is regional integration. In the case of the European regional institutions, the prediction of neofunctionalist theory up until the late 1970s was that regional integration in Europe was more likely to collapse than that it would thrive. The strengthening and widening of the European regional institutions was recognised as a sudden occurrence that caught theorists on the wrong feet. It took theorists about ten years to develop new schemes and approaches for the study of the processes of the enlargement of the EU and even longer to recognize that the promotion of regional integration in Europe in the 1980s was paralleled or closely followed by regional integration processes elsewhere in the world. The question why people cross borders still makes

³⁰ For a case, see the studies edited by: Alec Stone Sweet, Wayne Sandholtz and Neil Fligstein, eds., *The Institutionalization of Europe* (Oxford, 2001).

sense. But it needs to be complemented by further questions. These are: Why do people stay rather than move? Do they have a consciousness of crossing a border when they move? If they have this consciousness, do they accept the border as a legitimate dividing line whose trespass is subjected to measures of administrative control?

VII. Conclusion

I have tried to address the issue of the 'Fortress Europe'. I have pointed out that the military imagery enshrined in this phrase is drawn on the tradition of categorising migration as an agent of disaster against which population groups as residents within a state have to be defended. I have argued that this imagery belongs to the legacy of the nineteenth-century residentialist social and political theory. And I have suggested that the slogan of open vs closed regionalism is mistaken and a treacherous piece of propaganda. In fact, regions can never be closed unless we build walls around them as walls of stone and concrete, not simply as walls of administrative constraints. Carl von Clausewitz already observed early in the nineteenth century that the Chinese Great Wall, a piece of 'ultimate defence' as Clausewitz called it, was useless in military contexts because, once built, it could not be moved when the enemies changed their positions. *Mutatis mutandis*, the same applies to the talk about closed regions. Apart from the physical and financial difficulty of walling in regions, against whom should these walls be built and defended and who could guarantee that potential migrants only use tracks blocked by these walls? Walls of administrative constraints have even poorer chances. They do not prevent trespass by people determined to cross them. Closed regions are a contradiction in itself.

Unfortunately, the false alternative of closed vs open regionalism is informed by a number of conventional attitudes enshrined in social science approaches to migration and regional integration. The first is etatism. It suggests that studies of migration and regional integration should have the state as their focal point. Thus studies of regional integration are conceptualised as investigations of processes of the transformation or even destruction of states for the benefit of the establishment of overarching regional institutions. Likewise, studies of migration are understood to penetrate into the conditions under which states, their governments, populations and territories can be safeguarded against the alleged threats emanating from the doings of migrants. Unfortunately, empirical evidence does not confirm the salience of etatistic attitudes. For most of the regional integration processes in fact leave existing institutions of states untouched, and the most threatening aspect of migration from the point of view representatives of states is that migrants tend to ignore states altogether. Against this evidence, the second important attitude underlying conventional studies of migration and regional integration is Eurocentrism. Many

social science studies of migration have the European experience of migration or what appears to have been this experience as their starting point. Many studies in regional integration have focused on the European regional institutions and have tended to judge experiences elsewhere in the world in the light of the European experience.

Against the combined legacy of etatism and Eurocentrism, studies of 'new migration' and 'new regionalism' have begun to take new approaches and directions. They have begun to accept the premise that migrant behaviour may be natural and not necessarily in need of explanations. They have begun to demand that the freedom to emigrate should be complemented by the right to immigrate. They have begun to describe regional integration processes as flexibilising shifts in hierarchies of loyalties and identities and have begun to recognise the transforming effects of migration on residential population groups. They have begun to regionalise concepts of the state and regional integration and to acknowledge that almost everyone is an immigrant or a descendant of immigrants almost everywhere in the world. What needs to be done is to accomplish a closer understanding of the interconnectedness between migration and regional integration as processes promoting intersubjectivity.