

Contested crises

Migration regimes as an analytical perspective on today's societies

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“Maybe there are some of you who will ask me or who would ask me what I think about the future of right-wing radicalism. I think this is the wrong question because it is much too contemplative. This kind of thinking, which views such things as natural disasters about which we make predictions like we do about hurricanes or other weather events, this already contains a kind of resignation. In this resigned view, we don't see ourselves as political actors – our relationship to reality is that of an audience, and a poor one at that” (Adorno 2020: 55)

Introduction, or: History does not repeat itself

Are we back in the 1990s? This question has been repeatedly raised in German debates when the discussion centres around the increase in racist violence and attitudes for some years until now. In this context, the 1990s act as a sort of appalling reference. In Germany at that time, the end of the political confrontation between East and West developed a specific dynamic. On the one hand, there was a rise in the number of asylum seekers immigrating, and on the other hand, nationalist attitudes and policies increased with so called German reunification. The division of Germany between 1949 and 1990 had by many been viewed as a symbol of the country's crimes during the National Socialist era. After reunification, the memory of these crimes and Germany's particular responsibility seemed to fade, while a new kind of racism emerged at the same time. City names became bywords for racist violence that was often murderous – Rostock-Lichtenhagen, Hoyerswerda, Mölln, Solingen, Lübeck, and the list goes on. German politicians allowed catch-

words to be placed in their mouths by neo-Nazis, and the necessity of a change in asylum law was paradoxically justified by racist violence. This change was then enacted, leaving the right to asylum in Germany to wither away until it was unrecognisable.¹

Understanding 2019 as a return to the sentiment of the 1990s is not appropriate, however, because it means looking at societal developments from only one perspective. To take up a term which is frequently used, we do not think that the current situation is characterised by a 'shift to the right'. Instead, society is now marked by an increasing number of conflicting positions: right-wing extremist, openly nationalist and racist statements on the one hand, and affirmative actions for plurality in the migration society on the other. Statistics also point toward this situation. In 2018, 173 attacks took place on houses where asylum seekers were living (Bundesministerium des Inneren/Federal Ministry of the Interior 2019), and in the same year, the number of right-wing acts of violence in Berlin and the eastern German states was 1,212 (VBRG, 2 April 2019).² The AfD (Alternative for Germany) represents the first contemporary right-wing party that has been able to recruit a large number of members in a very short period of time and get elected to the state parliaments as well as to the Bundestag. In contrast to the political parties preceding it, the AfD has not lost its ability to act despite internal disputes (Friedrich 2015), at least for the time being. If we look at studies on attitudes, we find that authoritarian perspectives are becoming more widespread (Zick et al. 2019). Meanwhile, these attitude studies also show that the number of people who view immigration positively has increased as well (ibid.). In some respects, these findings correspond with demographic developments. In 2017, 23.6% of people living in Germany were considered as having an 'background of migration', according to the German definitions.³ Among residents under 18 years of age the percentage was one third (Destatis 2018). Identifying with multiple communities, multilingualism and transnational ties are becoming the personal and/or social reality of life for a growing number of people who live in Germany (Foroutan et al. 2014). The

1 A related version of this text was published in German in: Foroutan, Naika/Karakayalı, Juliane/ Spielhaus, Riem: *Postmigrantisches Perspektiven*. Frankfurt a.M.: Campus, pp. 225-237.

2 The official statistics on right-wing violence usually only represent a small portion of the actual violence, as many acts are not reported or the acts are not classified as right-wing violence. That is why independent advisory centres document right-wing violence in alternative statistics. For the year 2018, as in previous years, these advisory centres have recorded a continued increase in right-wing, racist and anti-Semitic attacks in all German states with the exception of Schleswig-Holstein (Verband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt e.V. 2015).

3 "Background of migration" or "Migrationshintergrund" in German defines that a person was not born with German nationality or has at least one parent who was not born with German nationality.

huge number of volunteers, who in recent years have supported newcomers and refugees in Germany, can – not only, but also – be understood as an expression of a fundamental acceptance of immigration and plurality (Karakayalı/Kleist 2015).

The term “postmigrantisches Gesellschaft” – typically translated as “postmigrant society” – attempts to describe this polarisation of society (Espahangizi et al. 2016; Foroutan et al. 2014; 2015; Karakayalı 2015; Tsianos/Karakayalı 2014; see also the introduction to this volume).⁴ Although the term may be considered problematic (Mecheril 2014), it refers to the history and present of (postcolonial, immigrant worker [‘Gastarbeiter’] and refugee) migration and the related political, cultural, legal and social transformations that go hand-in-hand with new forms of solidarity and alliances as well as new forms of manifest and subtle racism. But how exactly can this polarisation or this simultaneity of divergent developments be understood theoretically and hence analysed? In order to do so, we need a perspective which can expose the dynamics and contestedness of conditions in society. In the following paragraphs, we suggest such a perspective with considerations related to the term migration regime.

Crises, subjects, migration regimes

At this moment political conflicts are intensifying and multiplying. This is partly because migration poses the fundamental question of the functionality and legitimacy of the social order. Antagonists and protagonists of an open and plural society are not clearly juxtaposed with one another in this process. Instead, complex patterns of overlapping, complementary and tension-filled conflicts take place between politically opposing groups and alliances who are not only diverse but also fluid, temporary, dynamic and less clearly defined.

The term regime, which we would like to use for the analysis of these conflicts, can be traced back to especially regulation theory (Lipietz 1989) and has been further developed in the context of migration research (Karakayalı/Tsianos 2008; Mezzadra 2007). A regime is to be understood as the consolidation of a compro-

4 In our opinion, the English translation of the term “postmigrantisches Gesellschaft” as “postmigrant society” – certainly against the intentions of the respective authors – contributes to the idea that the social present is a present in which migration and the social and societal form of “the migrant” is a past (cf. the corresponding criticism of the term “postmigrantisches Gesellschaft”, Mecheril, 2014). This is why we choose the term “postimmigration society” here (see also Lentin/Lentin 2006). The term “postimmigration society” is intended to point out that current social contexts are characterised by diverse forms of migration, whereby social normality is not limited to permanent settlement and mono-national affiliation and migration cannot be understood solely as a one-time change of location with the subsequent requirement of integration into the “new” nation state

mise arising from contradictory societal processes and conflictual confrontations in which various actors participate. The term regime questions the central role of the nation state in the regulation of social matters, thereby enabling us to include many different actors in our analysis. The practices of these actors are of course related, but not in the form of a central (systemic) logic (Tsianos 2010). The regulation of the phenomenon called “migration” is thereby understood as product of the actions of many different actors such as local, national governmental, European political, transnational, NGO, self-help migrant organisations, media and foundations. In turn, these actors have many diverse, complex and competing associations with one another – round table discussions, conferences, expert reports and declarations, to name a few – in hierarchical and vertical (power) relations.

This differentiates the concept of the migration regime from that of the migration system, which in contrast puts emphasis on the centrality of political, economic and legal structures vis-à-vis the individual or collective practices of the subjects in societies shaped by migration. Furthermore, the concept of the migration regime can be distinguished from other approaches that understand migrants, directly or indirectly, as oppositional and subversive individuals who circumvent logics of state and national identities in many ways, regardless of the reality of structural imperatives (*ibid.*).

Antagonistic relationships structure the reality of postimmigration societies. Competing actors (for example federal politicians, business associations, activists, local politicians, or the potential victims of racial discrimination attempt to realise their own interpretation of the social reality (for more, cf. Mecheril, 2018a). The actors have access to various forms and resources to do so. These resources are not necessarily used intentionally or according to a plan as the actors try to assert their own interpretation of social reality. One constituting element of migration regimes is social disputes, which have also been called migration disputes (Bojadžijev et al. 2001). These disputes take place not only as organised protests but also as “invisible” practises of border-crossings, of appropriation or the breaking of rules (Ataç et al., 2015). Migrants are “not dead bodies that are mobilised by the objective dynamics of capitalism” (Mezzadra 2010, without page number). Rather, with their many activities, they participate in the ongoing transformation of social relations. By doing so, even though this is not necessarily and not always explicitly accompanied by political intentions or programmes, they are a part of the political shaping and transformation of social relations.

In this context, the proclamation of a crisis is of particular importance to convince others that one’s own interpretation of the social reality is valid and true. The various actors develop diverging interpretations of crises. They orchestrate them accordingly, and utilise them in the fight for the most convincing interpretation of the social reality and the conflicts unfolding in society. To be perceived as a crisis by the public, crises must be communicated as such and made credible.

Diagnosis of crises give rise to practical effects when they are considered plausible. In this case crises affect the practical shaping of social order. Key moments in creating and restoring political order are regulatory requirements that seem to be inevitable following the crisis diagnosis. This is the case because specific regulatory principles can be the consequence of recognised crisis diagnoses. By specifying needs for regulation and the possibilities for creating these regulations, diagnoses of crises in societies shaped by migration continue to offer different subject positions and can therefore be investigated to offer different subject positions with regard to subjectivating consequences. In particular, the subjectivating effect of crisis diagnoses lead to the definition and framing of people as specific kinds of subjects. They are e.g. considered as affected by the crisis or as the cause of the crisis, as either belonging or not belonging, as either valuable or not valuable, as migrants whose status of belonging is precarious – granted with conditions in a certain sense – or as non-migrants, whose natio-racial-cultural membership is neither formally nor informally in question (cf. Mecheril 2003; Mecheril 2018b). Migration regimes therefore do not only regulate the options of *migrants* for acting and thinking, but are also constitutive for the definition of who is perceived as migrant and thus for the societal conditions as such. Once a certain description of a crisis has become accepted, possible solutions to the crisis are discussed and then implemented if they can be legitimised (for more details, Mecheril, 2018a). It is often the case that not just one dominant description of a crisis is accepted in a certain political space. Instead, various descriptions of the crisis compete and in consequence, differing and often contradictory forms of regulation arise. Accordingly, the reference to the migration regimes offers an analytical perspective for understanding the social struggles taking place on the field of migration – and their dynamics and ambivalences. Here, a connection exists between the concept of the migration regime and the thesis of autonomy of migration (Boutang 2000), which is influenced by the considerations of workerism. This political movement and theoretical school, also known as *Autonomia Operaia* or workers' autonomy, was particularly strong in Italy in the 1960s. In this movement, autonomy is understood not as an individualistic form of independence (as is repeatedly, and falsely, attributed to the concept of the autonomy of migration), but is instead considered to be the collective "blocked out ability of living workers to escape the structures of (re-)production" (cf. Hess/Karakayalı 2017: 31). According to this, the development of the capitalist method of production was not the consequence of technological developments, but instead the outcome of labour disputes in which workers fought against their role in the production process, especially in factories, either offensively (strikes) or in daily practices (sabotage, calling in sick, go-slows) (Alquati, 1974; Lazzarato et al., 1998). Workerism thus analyses capitalism with the focus on resisting it. When adapted to migration, this implies the importance of

focussing on the regulation and on understanding it as the product of complex negotiations among unequal actors.

Current, contradictory orchestrations of crises

In Germany, as in the rest of Europe, we can currently observe differing, publicly important descriptions of crises that are competing against one another. One of these crisis diagnoses focuses on integration. Discursive, political and physical disputes about the boundaries of natio-racial-culturally coded affiliations are carried out in ways characteristic of postimmigration societies. One example: In the second half of the 20th century in the Federal Republic of Germany and in the German Democratic Republic, migrant strategies overcame restrictions in daily life primarily via practices of social self-inclusion and via subversive practices in relation to acquire a sense of belonging. At the same time, a decades-long political, cultural and daily battle took place to recognise the life of immigrants as a respected part of social reality (Bojadžijev 2010; Karakayalı 2008).

Around the beginning of the millennium, at least rhetorically, immigration was recognised as fact in Germany (cf. Bade/Oltmer 2004). Germany's history shows that for a long time, first a nationalist and then republican understanding was predominant both in the treatment of so-called minorities and when dealing with the question of what it meant to "be German". This understanding, and the structure of belonging based on this understanding, was challenged by actors who were neither migrants nor addressed as migrants, but nevertheless supported the concept of a plural society.

These actors contributed to the evolvment of more fluid structures of belonging – and the blurring of its boundaries. The more intensely contested the natio-racial-culturally coded structure of belonging is, the more important are the orchestrations of crises which we understand as engagements in the battle for the legitimate interpretation of the present. The dominant crisis orchestration from the beginning of the 21st century was constructing migration as a problem of integration. Significantly, this happened just after the reality of migration was recognised by German society. And the assertion of the necessity of integrating the nationally, ethnical-racially and culturally marked Other – instead of focussing on, for example, the prominence of racism in the context of a nation-state that still holds on to a national concept of belonging, even after the Holocaust –, was accompanied – and still is accompanied – by one-sided regulatory requirements, demanding that only those who are labelled as migrants has to make efforts to adapt. Following these requirements, 'migrants' can 'refuse' or 'miss their chance' to adapt, and their efforts can hence be 'unsuccessful' or even 'fail'. Relevant subject positions included in the crisis diagnosis 'integration' can thus be found not

only in the position of the 'person willing to integrate' or the 'person who refuses to integrate', but also in the unquestionably integrated position of the 'authentic German'. The continual demand for integration is regulated by sanctions, for example by penalties under residency law, or penalties that are symbolic and economic. And it, also functions by producing charismatic (unquestionably integrated) and subordinate (potentially non-integrated) subjects (Mecheril 2011). In the context of the refugee migration in recent years, this particular orchestration of crisis has become even more prevalent: scenarios of over-foreignisation and, in particular, the image of the Muslim immigrant in urgent need of disciplination, have been and continue to be created in public discourse (e.g. Karakaşoğlu/Klinkhammer 2016). These scenarios use historically well-known figures (cf. e.g. Attia 2009) of a *religious Othering* (Mecheril/Olalde 2011) and link them to the present day.

Another current crisis orchestration has set its sights on the *overburdening* (of municipalities, states, the nation state, or Europe) that can only be solved by isolationist politics, closing borders and a *policy of turning people away*, which results in two important subject positions: *embodied subjects* (whose sensitivity and vulnerability is talked about as fear and anger, for example; cf. Mecheril/van der Haagen Wulff 2018) and objectified *corporeal beings* who become a threat as a mass. At the same time, however, yet another crisis orchestration has become extremely influential: the diagnoses of an emergency *need for human capital*, including a potential future human capital emergency. This requires *selective immigration* and offers subject positions that can be placed along a spectrum between (*permanent*) *uselessness* and (*temporary*) *usefulness*.

These crisis descriptions, which are given by way of example here and sometimes/often compete against each other, and the subject positions produced therein, lead to highly contradictory regulations. Whereas the aforementioned regulatory moment 'discipline' was predominant for years, the increased refugee-immigration in 2015/2016 and the crisis orchestrations developed in that context have strengthened the regulatory principle of selection in particular: overburdening and a simultaneous human capital emergency come together in rejecting inner-European migration from the Western Balkan states and an increased recognition rate for refugees from Syria. Additionally, also the competition between the crisis orchestration of a humanitarian emergency on the one hand and the crisis orchestration of overburdening on the other leads to contradictory regulations, e.g. when local authorities financially support volunteers supporting refugees, while at the same time deporting refugees to Afghanistan, or when a moratorium is being put on deportations to Greece in 2014 but not to Afghanistan in 2017.

Closing remarks

Migration regimes represent a heterogeneous ensemble of regulatory practices of natio-racial-culturally coded structures of belonging that are preceded by the assumption of certain crises, which then lead to regulatory solutions that are viewed as being plausible and legitimate according to the assumed crisis.

Migration regimes arise when various actors compete for the recognition of their respective crisis orchestration. This competition ends, at least temporarily, when certain specific subject positions are opened up and the probability of certain regulatory needs increases significantly compared to the probability of others. In the end, the regulations that most convincingly correspond to the dominant crisis orchestration are implemented. As we have described in this chapter, the concept of the migration regime allows us to analyse current relationships in postimmigration societies as contested, antagonistic realities characterised by complex constellations of actors at various social levels. Tendencies of pluralisation and polarisation, unfolding on an interactive-everyday, cultural-discursive and political-institutional level, can thus be understood as expression of a conflictual struggle between different crisis orchestrations. In this chapter, we have therefore suggested and argued for making the conflict between those different crisis orchestrations the key focus for the analysis of the social reality in postimmigration societies, not ideas of social development that could proceed linearly or circularly, but in any case in ascertainable and possibly predictable ways.

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