West European Politics,
Vol. 28, No. 3, 680–685, May 2005

Routledge
Taylor & Francis Group

REVIEW ARTICLE

The Politics of Immigration in Western Europe: A Decade of Change

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Justice and Home Affairs in the EU: Liberty and Security Issues after Enlargement. Edited by J. APAP. Cheltenham and Northampton: Edward Elgar, 2004. Pp.xii + 339; £65.00 (cloth) ISBN 1-84376-787-2.

The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees. By M.J. GIBNEY. Cambridge and New York: Cambridge University Press, 2004. Pp.x + 287; £15.99 (paper) ISBN 0-521-00937-5.

Becoming Europe: Immigration, Integration, and the Welfare State. By P. IRELAND. Pittsburgh: University of Pittsburgh Press, 2004. Pp.x + 274; £21.50 (paper) ISBN 0-8229-5845-7.

Immigration and Politics in the New Europe: Reinventing Borders. By G. LAHAV. Cambridge and New York: Cambridge University Press, 2004. Pp.xviii + 316; £17.99 (paper) ISBN 0-521-53530-1.

A decade ago, *West European Politics* published a special issue: *The Politics of Immigration in Western Europe* (Baldwin-Edwards and Schain 1994). Edited by Martin Baldwin-Edwards and Martin Schain, the issue became a seminal source for scholars analysing the dramatic impact of human migration on West European politics. The issue's contributors highlighted six key trends: (1) the surprising complexity of European public opinion vis-à-vis immigration; (2) the conflation of political asylum-seeking with immigration; (3) the transformation of some countries from immigrant-sending to immigrant-receiving; (4) the growing supranationalisation of immigration policy at the European Union (EU) level; (5) the wide variation in national models of immigrant incorporation, but with a growing trend towards policy convergence; and (6) the

ISSN 0140-2382 Print/1743-9655 Online
DOI: 10.1080/01402080500112055

key role played by immigration in political party competition, including the rise of the radical Right.

Ten years on, the field of European immigration studies has matured and become more specialised. Four important books each examine one or more of these six themes in great detail, while analysing the many new political developments in the past ten years. I will highlight each theme in turn.[1]

The Complexity of Public Opinion

Gallya Lahav's book is an empirically rich analysis of the factors explaining the tentative construction of a common EU immigration policy. Lahav's primary hypothesis is that public opinion is a much more important explanation for immigration policy than previously thought, especially at the supranational level. Analysing both public and elite opinions (through surveys and interviews with European parliamentarians), Lahav seeks to refute the common argument that 'public opinion is too diffuse to influence policy, and that more progressive and influential elite, business, legal, or bureaucratic interests are likely to produce more liberal, open outcomes' (p.20). In addition to arguing that public opinion matters, Lahav also hypothesises that public opinion is much closer to elite opinion, and is much more 'rational' and informed vis-à-vis immigration, than typically assumed (see Fetzer 2000; Guiraudon 2000; Hansen 2000; Freeman 1995).

Lahav's findings on these questions are mixed. While some of her data do indeed demonstrate that public opinion 'matters' and that publics are less xenophobic than is often suspected (and are also well aware of the advantages and pitfalls of Europeanising immigration policy), other data seem to show the opposite. For instance, Lahav finds that public opinion on immigration cooperation became more pro-European *after* successive steps towards integration, which casts doubt on the ability of public opinion to *explain* cooperation. On the question of public 'rationality', Lahav finds some apparently self-contradictory attitudes: 70 per cent of the public want common rules on immigration, but only 50 per cent think that immigration policy should be 'dictated' by the EU. And on the similarity between elite and public opinion, Lahav finds that members of the European Parliament (MEPs) were 'dramatically more likely than the European public to prefer extending the rights of immigrants' (p.95).

These problems aside, however, Lahav succeeds in making her broader case, which is that the *restrictive* nature of EU cooperation on immigration can be linked to restrictive attitudes among publics and elites alike. This question is also taken up by several of the authors in Joanna Apap's edited volume, though with different conclusions. Contrary to Lahav's hypothesis of opinion convergence, Apap argues that there is a 'great divide between elites in Member States, European Institutions and at-large populations throughout the EU' (p.1). And Sarah Ludford, herself an MEP, finds a lack of public pressure to defend liberty and human rights at the EU level, as EU

policies veer towards security. 'Public pressure is lacking only because the EU powers are not well understood; and because the European Parliament has no legislative ''clout'', our reasonable concerns are not well reported' (pp.30–31).

Political Asylum as an Immigration Issue

Political asylum cannot be separated from the political issue of immigration. As legal immigration channels closed, and numbers of asylum-seekers grew, Western European publics began to perceive asylum-seekers as 'bogus' economic migrants. In recent years, EU Justice and Home Affairs meetings have discussed the possibility of building processing 'camps' for asylum-seekers outside the EU. Though often justified as 'protecting' refugees, human rights advocates worry that such camps would allow European governments to shirk their humanitarian obligations.

Into this debate steps Matthew Gibney, a political theorist, whose book attempts to construct an 'ethically defensible' asylum policy. He first refutes arguments for fully closed or open borders, and then attempts to theoretically balance humanitarian obligations with real-world constraints, examining the cases of Germany, the UK, Australia and the US. His theory is that Western states are duty-bound to take in as many refugees as possible 'without undermining the civil, political and ... social rights associated with the liberal-democratic state' (p.230). One important corollary is that states should shift their focus more to refugees in far-off camps than those arriving at their ports, because this would be less politically risky. There would be greater predictability, lower cost, and less controversy, since claims could be processed overseas. Surprisingly, then, Gibney seems to endorse the idea of offshore processing camps, an idea which is treated sceptically (though not wholly refuted) by the two authors on asylum in the Apap volume: Constanca Urbano de Sousa, and the UNHCR's Johannes van der Klaauw, both of whom call on member states to shift their focus from security and deterrence to legal obligations.

New Countries of Immigration

Southern and Central European countries are rapidly changing from countries of emigration to countries of immigration, with accompanying political changes. One of the most important findings in Lahav's book is that the 'phase' of immigration that a country finds itself in has a large impact on politics. This finding connects with debates over political party affiliation as a factor in immigration preferences. Lahav finds a temporal sequence: 'during the early stages, there was a large cross-party consensus in each country in an attempt to defuse the issue. However, as the immigration debate invariably became politicized, parties have increasingly struggled to differentiate themselves and break the mainstream consensus' (p.142). In

other words, the longer a country has been receiving immigrants, the more divided is elite opinion.

This finding holds important implications for Central and Eastern Europe, a region which is the focus of several of the chapters in the Apap volume. Jörg Monar highlights the challenges on the EU's Eastern border, given that the new member states will be responsible for controlling entrants to the Schengen zone. Monar argues that a security system is only as strong as its weakest link, and that the EU's external border regime has imposed costs on the new member states in the form of disrupting trade and human flows with their Eastern neighbours. He concludes by arguing that the creation (already underway) of a European Corps of Border Guards 'could play a crucial role in building trust' between the new and old member states (p.51). Other authors highlight the worrying issues of democratic and judicial oversight, given that the nascent EU border control regime faces little scrutiny from parliaments or courts.

Europeanisation of Immigration Policy?

In the 1994 special issue, Alan Butt Philip hypothesised that EU cooperation in other policy areas might be expected to 'spill over' into immigration cooperation (Philip 1994). And it would seem that the EU constitution proves him right, given that it makes immigration policy-making subject to the 'Community Method', in effect granting the EU full control (though lacking some competences, such as citizenship). But Lahav and the authors in the Apap volume sound a more cautionary note. Even if the constitution takes effect, the *nature* of EU policy appears likely to remain quite restrictive vis-à-vis immigrant rights (with a high degree of latitude given to member states to use national discretion). In other words, the Lahav and Apap books highlight the important degree of supranational cooperation established thus far, but also show how the practical effect of this cooperation is limited by political factors, including the national obsessions with security in the wake of 11 September 2001, and the fact that EU immigration policy is set mainly by justice and interior ministers.

Immigrant Incorporation: National Specificity or Convergence?

Patrick Ireland's well-researched book, *Becoming Europe*, analyses the links between immigration, integration and the welfare state in Germany, the Netherlands and Belgium. His argument is that the degree of ethnic conflict and 'disconnection' in Europe can be explained by a combination of two factors: welfare state restructuring (the degree to which welfare provision has been decentralised, privatised and/or delegated) and policies of immigrant incorporation (liberalism, stressing structural factors, versus cultural pluralism, stressing political-cultural factors). These arguments are

largely confirmed by Ireland's fascinating case studies, which include eight city-level analyses.

In contrast to the wave of earlier scholarship that sees robust and unique national models of immigrant incorporation, Ireland finds that policy-makers across countries and regions have learned from each other, and that a trans-European convergence towards a hybrid 'liberal multiculturalism' is indeed occurring (see Kastoryano 2002, Favell 1998, Soysal 1994, Brubaker 1992). In the face of welfare state restructuring, policies that stressed *only* structural or political-cultural integration apparently led to higher levels of ethnic conflict, and thus formerly extreme cases of cultural pluralism (Flanders, the Netherlands, Berlin) and liberalism (Wallonia, Essen) are now converging on a mixed approach recognising some degree of cultural autonomy, while also stressing the obligations of citizenship.

Party Politics and the Radical Right

Confirming recent work by other scholars, Ireland also finds that party politics are an important factor in determining integration policy (see Givens and Luedtke 2004). In Germany, he finds that jurisdictions run by the SPD were more proactive on immigrant integration policy, although the case of Berlin (where a CDU government made great strides on integration) is an outlier. Ireland also finds that radical-right pressure (the Pim Fortuyn List and the Vlaams Blok) was a symptom of ethnic disconnection, stemming from welfare state restructuring and its effect on immigrant integration policies.

Lahav's analysis confirms the importance of partisanship on immigration policy in general (though again it matters less in newer immigration countries). She finds that ideology of party is a better empirical indicator of immigration preferences than national or cultural values. 'Partisans of the left are more likely to endeavour to amend social inequalities and to extend immigrant rights, to delegate authority about immigration regulation to EU institutions, and to be open to increased immigration' (p.133).

Many of the authors in the Apap volume focus on partisanship as well, primarily by highlighting the effect of radical-right pressure on pushing EU policy in a more restrictive direction. Several of the authors, however, see the recent rise of the *mainstream* Right as complicit in this shift as well.

Conclusion

Scholars thus have much to work with in terms of new questions and hypotheses. If the European constitution is passed, it will dramatically increase the level of Europeanisation of immigration policy, handing new competence to the European Parliament and Court of Justice. Lahav's book thus offers an important window into the views of the European Parliament (and its constituents), and the Apap volume, which has a legal focus (many

of the authors are immigration lawyers), highlights the need for a more coherent body of immigration law at the EU level, along with accompanying judicial scrutiny, if the EU is truly to live up to its promise in the 1999 Tampere Council to develop an 'Area of Freedom, Security and Justice'.[2]

Notes

1. See Maarten Vink's (2002) review essay in this journal, for analysis of seven recent books highlighting many of the same themes.
2. For the full text of the EU's goals in immigration policy, as spelled out by the Tampere European Council Conclusions, see http://europa.eu.int/council/off/conclu/oct99/oct99_en.htm.

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