Rethinking Migration Regimes: Lesson of Post-Communism

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Recent thinking about migration regimes is often defined by an object-subject divide and focuses on aspects of regulation by state and non-state actor. If considered at all, migrants are mere challenges to the regime. Historiography often further reduces this approach and uses “migration regime” as a vague metaphor for state-centered sets of regulations, often only administration. In opposition to this, new research on border regimes emphasizes the so-called “autonomy of migration”. This school of thought argues for borders as social zones shaped by migrants, not as demarcation lines of enacted policies. Even though this is an important critique to the policy-based definition of migration regimes, it nevertheless reinforces a divide between state and non-state actors and exchanges the bipolarity of object and subject with the one of perpetrator and victim. In my response I will focus on the “German migration regime”, shaped by the development from the highly militarized German-German border to its center position in unified Europe today. For research on migration regimes, I suggest to rethink the original “Krasnerian” definition and to bring in a more complex picture of society. In short, I understand a migration regime as a changing and internationally negotiated field based on norms, principles and laws, in which actors (persons, institutions, organizations) communicate in order to manage migration to their favor. These interests often go beyond the primary field of migration. Therefore we need to step back from outcome oriented research and rather ask for the internal mechanisms that shape the regime and for the constitution of its actors.

Communist states considered migration policies as part of their daily fight against “Western imperialism”, “Fascist annexation policies” or subversive propaganda. This was most obvious in the case of GDR whose constant battle for sovereignty was challenged by Western German debates and practices. Before 1961, about 3.5 million East Germans migrated to Western Germany. With the construction of the Berlin Wall, the epitome of the “Iron Curtain”, GDR leadership ended this hemorrhage by sealing the border through militarization. However, as little as Western German officials accepted the movement from the East as “migration” and only talked about systematically created “escape”, also GDR officials denied individual decision making as the main motivation for emigration and attributed this to “hostile-negative elements” such as organized criminals, trafficking gangs and, of course, Western spies. Consequently, in historiography and in contemporary debate, emigration from GDR after 1961 is shaped by stories of heavily (and therefore falsely) armed guards, mine fields and automatic firing system, and appears only as high-risk emigration. This is theoretically underpinned by
the persistence of totalitarian theory. However, after 1961 more than half a million workers and many more retirees legally emigrated from Eastern Germany – despite the fact that even applications were illegal.¹

This was a result of both, the internal process of “opposition via emigration” and the international integration of the GDR. Step by step, after the construction of the Berlin Wall, the GDR became recognized as a sovereign state. This culminated in its full integration into the OSCE process. The Helsinki Agreement gave the GDR leadership the aspired recognition but it came with the cost of signing into an agreement on human rights and the freedom of movement. GDR leadership now with even more force referred to the increasing amount of complaints about its migration policy as mere “internal matters”. New research has shown that they entirely underestimated the time bomb this treaty was. Calling for individual rights, now the so called “Illegal Requests for Relocation to FDR and Capitalist Foreign Countries” sky-rocketed, countered by increasingly the Stasi’s wild attempts to tame this movement. Migrants tried to force the topic of migration into the center of German-German debates and with their often highly conservative relief organizations in the West, which for instance aired programs to both German states. Even though a minority, they posed a serious challenge to the policy of détente. Experiences of successful émigrés published and aired could also be read as motivations and instructions for new applications. Based on migrants’ agency, a huge spiral that changed the whole migration regime set in motion. Also, the West German public discourse now changed from the sole focus on the “undividable Germany” toward the systematic repression of individuals. One lesson to learn from this is that even though most states develop migration policies in their Departments for Internal Affairs, in fact migration never is an “internal matter”.

However, despite the public presence of migrants, no one talked about “migration”. To-date many “Übersiedler” or “Ausreisende” heavily dispute that they were migrants. The mentioned activists often only talked about “escape”. For decades West Germany had shied away from understanding any movement into the country as migration, reducing the German-German migrants to “refugees” and foreigners to “asylum seekers” or “guest workers”. Also in East German society, the state stigmatized prospective emigrants as “hostile agents provocateurs”, sanctioned with professional degradation and overall disintegration from society. Furthermore, also the oppositional movement condemned emigration as a threat to society (as well as to their own goals).

The negative stigmatization of “migration” continued with the “Fall of the Wall” in 1989. It rapidly changed the conditions of migration, but not its direction. Despite unprecedented federal support, the collapse of the GDR created economically deserted lands shaped by large scale emigration, unemployment and austerity. Now the absence of previous intercultural contact, the cognition of

¹ For retirees and disabled persons this changed in 1983, for workforce 1.1.1989.
migration as a “threat” as well as a new search for a German identity created strong right wing tendencies. This clashed with the complex reality of Western German society which expected immediate assimilation and thereby turned those who stayed at home into outsiders. Western Germany, however, itself was highly – but unreflectedly – heterogeneous, most importantly due to the presence of working migrants, the so called “guest workers” and their children who due to “ius sanguis” were denied the right to naturalize. Politicians to the right and the left channeled these problems by focusing on several “outgroups” such as asylum seekers. As a consequence of outspoken xenophobia and open racist violence, the right for asylum was mostly abolished in 1993. Simultaneously regulations of migration were formally externalized to European institutions.

Therefore, and with some respect, we thus can speak of the development of anti-migrationism as a “cultural code” (Shulamit Volkov) in both German societies. After the fall of the wall, both developments met in most unfortunate combination, with an unforeseen spread of xenophobia and outbursts of systematic violence including, as we now know, the racist terror by the NSU. A second lesson to learn therefore may be that the cognitive dissonance of migration regimes that deny their own existence will create gaps that can threaten general order in society.

During the last 20 years, the Schengen process combined intra-European inclusion with intensified exclusion at new and moving external borders. Ironically the new control regime has made borders invisible, but omnipresent. However, as shown above even the most fortified borders never stop migration. Irregular migrants find their ways and thereby interact with the enlargement of the border regime. But, even though slowly, this process of inclusion has lead to rethinking German citizenship and the presence of migrants in society. Nevertheless anti-migrationism persists as a cultural code. When in the early 2000’s, the Social Democrat-lead Government introduced Green Cards for highly qualified immigrants, the Conservative Party mobilized against any such attempts. During an election campaign they employed, with some success, the infamous slogan “Kinder statt Inder” - “Children instead of Indians”. However, the need for highly qualified migrants only increased and in 2012 the now Conservative-lead government finally introduced their “Blue Card” rule. Critiques observed that this rule only repeated most errors already known from the “guest worker” hiring campaigns in the 1960s. But the world has changed and in this case migrants’ agency consists of simply ignoring the offer. Only a few hundred Blue Cards were applied for, with most of the applicants already being resident foreigners who wanted to renew their status. Again, political rhetoric and regulations are only but aspects to the mechanics of a migration regime.

On this basis and as a more pronounced response to the “provocation”, I suggest the following
hypothesis on the constitution of the German migration regime in both phases, the German-German as well as the German Post-Communist:

• Despite its emphasis on “German conditions”, the German migration regime has always been international. Soviet or Western-Allied influence and leaders’ orientation towards these poles were as important as were the process of European integration or the consequences of globalization and transnational economic competition.

• In most cases it was the migrants’ agency that connected different parts of the regime and forced them into communication, sometimes with the detour over international institutions. Migrants never stand outside of the regime nor can their movement be “autonomous” – their practices, communication and institutions are the integral links within the system.

• Historically speaking, Germany has always been shaped by internal and international migration. Because debates and policies in both German states concentrated on questions of “the nation” and “the people”, they ignored this historical fact. This turned “methodological nationalism” into policies and resulted in the fact, that state actors on either side were overrun by the normalities of population movement. Evasive talk about migration does not make it disappear.

• The German migration regime questions the easily applied categories of forced and voluntary migration. Paradoxically, the more migration became stigmatized and the more the GDR repressed attempts to migrate, the less it became escape and the more it built on networks and individual and economic motives. Migrants often construct their own opportunity structures and framings (including institutions developed by and for migrants).

• Western Germany denied the German-German migration its international dimension and reserved this for the many contract workers and their children. But these migrants were also reduced to temporary guests who then “surprisingly” decided to stay. Until most recently, Germany denied its character as a country of immigration, and more importantly as an immigrant society, by keeping “foreigners” foreign and by ignoring the fact that Eastern German emigration was not internal migration but rather brought in hundreds of thousands differently socialized persons.

Rethinking migration requires rethinking what migration regimes are. Instead of understanding them in opposition to migration movement, a notion suggested by what cold war policy makers wanted the regime to be, we now must pay tribute to their entanglement. It is today’s complexity of international migration that makes us rethink historical migration regimes as well. Therefore the herein presented German case is by no means special. It is only a highly pronounced case of problems and idiosyncrasies of a migration regime in self-denial. It allows us both to understand national framings as well as to challenge them.
During the Communist era, migration regimes were seen as border centered and as defined by “demarcation lines” whereas now most arguments emphasize the function of migration regimes in market related terms. However, German-German migration before 1989 was already market-related and started far beyond the Iron Curtain – with filing an application at the local government office and the first visit at home by the secret police. To an even greater extend today's borders have become permeable and invisible, as long as you are allowed to move through them. For migrants without permissions, borders have not become impermeable, but omnipresent. Therefore the last lesson to be learned from this case is that even behind most recent regimes lies the greater passport and identity regime that emerged with the visa system in the 1920s. And from this perspective, the 21st century has inherited a lot more of the 20th century than recent debates on “super diversity” or “new migrants” want to make us believe.