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The Varying Degrees of Liberalism in Migration and Immigration Policy Within the European Union: Causes, Consequences and Clashes

Paula Hafner

Northern Michigan University, phafner@nmu.edu

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Part I

Abstract

This essay seeks to examine the most common factors that contribute to the varying degrees of liberal policies for the member states of the European Union (E.U.) regarding immigration issues. Additionally, it will expand on this topic and further study why some member states accept and grant asylum to significantly more immigrants than others. Secondly, it will look at how the political and ideological diversity within the E.U. affect the union, as well as E.U. policy and legislation regarding immigration. Hence, it seeks to determine whether the E.U. is becoming more or less liberal when it comes to these issues. Finally, it will try to answer the question of whether the E.U., considering its immigration problems, should continue with its open border policy for immigrants coming from outside the union and open its borders, or if it should impose more restrictive border controls.

The E.U. seeks to be a liberal community, and therefore this paper will view these questions from a liberal perspective through the lens of the classical liberal theories of John Locke, as well as contemporary theories of the likes of Joseph Carens, John Rawls, and Robert Nozick. This paper will also compare and contrast the liberal arguments for open borders and border controls. Additionally, this paper will examine possible results from border controls and open border policies. To tie these issues together, this paper will provide an overview of the problems that arise for the E.U. and its immigrants who increasingly tend to come from non-liberal countries.

Expected Results and Conclusions

With the enormous influx of non-European immigrants mainly coming from Muslim countries, one could make the argument that the policies of E.U. member states will become

more polarized. The eastern countries that do not have the same experience as western countries when it comes to dealing with immigration will continue to protest liberal immigration policies. At the same time, one could contend that the pro-immigration movement within the E.U. will become even fiercer, promoting even more liberal immigration policies. Additionally, with the cultural clash between the native population and the Muslim population already evident within many E.U. member states, policies for the new Muslim immigrants will be somewhat illiberal.

In order to preserve liberal values, European states will continue to resort to illiberal means to achieve the preservation of liberal values. Thus, a purely liberal E.U. does not lie in the near future, and the E.U. will only achieve liberality if it can solve its internal political problems, as well as diminish the cultural and social differences between the native population and the Muslim population. Considering this, more restrictive border controls at the E.U.'s external borders as well as at the borders of the individual member states lies in the near future of the European Union.

Literature Review: Liberal Theories Supporting Free Migration

When analyzing liberalism in foreign policy, it is important to remember that liberalism is in essence a domestic policy. It builds upon the centrality of basic individual rights, private property, and representative government, which derives largely from the classical liberal theories of John Locke and Thomas Hobbes (Doyle 2008, 59-61). According to Locke, the state is essentially a pragmatic arrangement designed to protect individuals in their private pursuits and prevent conflicts among them from erupting into violence. Both Locke and Hobbes agreed that people do not unite under a government to fill their lives with a new purpose; they unite under a government that can protect their individual rights so that they can pursue the goals they had

before they entered the state (Rapaczynski 1987, 118). One can interpret this as an argument for open borders and free migration.

One fierce proponent of open borders, Joseph Carens, uses the contemporary theories of Nozick and Rawls to support this argument for unrestricted borders (Meilaender 1999, 1062). Nozick himself quotes Locke and his “state of nature” in which individuals are in “a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit” (Nozick 1974, 10). In this state of nature, Carens argues that the function of the state is solely to enforce the rights of the individuals who are residing within a certain territory. However, prohibiting people from entering this territory just because it is not the land of their birth is no part of the state’s legitimate mandate (Meilaender 1999, 1063).

When formulating this argument using Rawls’ theory, Carens uses the concept of the original position and the veil of ignorance that Rawls developed (Meilaender 1999, 1063). Reviving the notion of a social contract, Rawls argues that justice consists of the basic principles of government that free and rational individuals would agree to in a hypothetical situation of perfect equality. A situation in which a group of individuals are ignorant of their social, economic, and historical circumstances provides a basis for the concept of the original position and the veil of ignorance. This concept also includes their basic values and goals, including their conception of what constitutes a ‘good life.’ Rawls argues that by being ignorant of their own position and opportunities in society and life, these individuals would come to the conclusion that they all have the equal rights and opportunities necessary in order to achieve their goals in life, regardless of their current social situation (Duignan 2014).

Although Rawls himself assumed a closed society for the purposes of his theory, Carens argues that it is equally useful for thinking about international justice. In an international system,

one can argue that behind the veil of ignorance one would imagine a world with open borders for the reason that one's birthplace can have a great impact on one's opportunities in life. Therefore, in order to secure free movement, which might prove essential to one's life plans, a person under the veil of ignorance would promote open borders (Meilaender 1999, 1063).

Literature Review: Liberal Theories Supporting Restricted Immigration

Carens provides some arguments for limited immigration within his liberal framework. He argues that a state can impose restrictions on comparably situated liberal egalitarian states. The principle of collective responsibility provides a basis for Carens' argument, and he argues that equally prosperous communities that satisfy minimum standards of welfare provision for their citizens may legitimately restrict immigration from one another. These states may offer its citizens varying levels of welfare support, and unlimited immigration may undermine their ability to do so more generously. One can use the principle of collective responsibility as an argument for the idea that these similarly liberal communities should take responsibility for their own members and provide them with the levels of welfare that they choose. In other words, states can reasonably impose restrictions on immigration from other states that are sufficiently liberal (Meilaender 1999, 1066).

John Isbister argues against Carens, claiming that there are additional liberal arguments for border controls. His arguments are consistent with the liberal notion of each person's equal moral standing in the world, and they stay away from arguments about the primacy of community and culture, in contrast to some non-liberal defenses of immigration controls. His main arguments center around two ideas: 1) that a country meeting the needs of its own disadvantaged citizens before the needs of disadvantaged foreigners is justifiable, and 2) that

unlimited immigration poses a threat to the most disadvantaged residents of rich countries (Isbister 2000, 632-634).

Isbister argues that agreeing with the notion of the equal moral worth of all people does not necessarily commit us to the equal treatment of all people. He makes a comparison between one's family and people outside of family, expecting that we give enormously more attention to kin than we do to others. However, by doing so, we do not imply that our relatives are morally superior to other people. Isbister further argues in accordance with this theory that it might be morally acceptable to think of one's country as an extended family. Then, a government offering preferred treatment to people inside its borders while still recognizing the equal moral standing of those outside is justifiable (Isbister 2000, 630).

Carens argues that border restrictions represent selfishness, and that "restrictions on migration usually serve as a protection for economic and political privilege" (Meilander 1999, 1063). Isbister agrees with this, arguing that this reason for border controls fails any reasonable liberal test of justice. However, he also argues that border controls can serve the cause of justice in at least one dimension. Even in rich countries there are poor people, and an uncontrolled influx of poor people from the third world might make the condition of the poor in rich countries much worse, as the immigrants might compete for jobs and lower wages. This argument supports Carens' first point, in which he argues that giving preferred treatment to people inside a government's borders because they are essentially an extended family is justifiable (Isbister 2000, 633).

Part II

Background

This section seeks to provide background information about the current situation in the E.U. pertaining to migration and immigration policies and issues. It explains why the study of this topic is highly relevant today.

Multiple western European nations founded the E.U.'s predecessor, the Coal and Steel Community, in 1950 based on the liberal theory that interdependence between states is an efficient means to avoid war (The History of the European Union 2015). Additionally, the 1985 Schengen Agreement that took effect in 1995 abolished the E.U.'s internal borders and enabled passport-free movement across the bloc. Today, the Schengen Area consists of twenty-two out of the E.U.'s twenty-eight members, and also includes non-members Switzerland, Norway, and Iceland (Peter 2015). These policies of free movement are very much compatible with the classical liberal theories of Locke, as well as the contemporary theories of Nozick and Caren. However, the varying degrees of liberal policies of the member states pose serious challenges to the E.U. This challenge is most evident today with the enormous influx of immigrants to the union and the rise of right-populist, anti-immigration parties all across the E.U. Thus, the E.U. is internally liberal when it comes to migration, but when it comes to immigration into the union, some member states are anything but liberal.

The results of the 2014 European Parliament election show that the most dominant coalition, with almost thirty percent of the seats in parliament, is the Group of European People's Party, which is Christian democratic, and conservative in its politics and ideology (Results of the 2014 European Elections 2014). When the parliament passed a number of migration and immigration related bills in the early 2000s, this group voted more conservatively than any other political group in the parliament. Nevertheless, the E.U. passed six bills of quite liberal character, among which were two that dealt with the equal treatment of persons on racial and ethnic

grounds, as well as third-country nationals' rights to full family reunification (Hix 2007, 182-205).

Under the current crisis, it is clear that eastern countries are the most resistant to immigration. In the 2014 election, twelve out of Hungary's total of twenty-one seats in parliament went to the Group of European People's Party. Most seats also went to this party in Slovakia, Croatia, Bulgaria, the Czech Republic, and Slovenia. All these countries belong to the eastern bloc of the E.U. (Results of the 2014 European Elections 2014).

Numbers prove that these states are the ones generally accepting the smallest number of immigrants, and there is a striking difference in their acceptance rate compared to other countries. Both Sweden, a western country, and Hungary, an eastern country, have populations around ten million; therefore this paper uses them for the purposes of comparison. . In 2014, Sweden granted a little over thirty thousand immigrants asylum, which was around seventy-six point six percent of the total number of applicants. This is the second highest rate in all of E.U. Only Germany boasts higher numbers. When it comes to immigrants per capita, Sweden ranks number one, accepting three hundred seventeen point eight immigrants per one hundred thousand members of the population. Quite differently, Hungary accepts fewer than ten immigrants per one hundred thousand of the population, and only nine point four percent of all applicants get accepted (Europe's Migrant Acceptance Rates 2015).

According to the Dublin Regulation, the country an asylum seeker first enters is responsible for registering the asylum seeker and taking fingerprints, with a few exceptions such as those who seek to reunite with their families. Naturally, most of the asylum seekers first set foot in one of the eastern European countries, swamping countries such as Greece and Hungary with migrants. They are finding it difficult to handle the situation. Additionally, under the

Dublin Regulation, there exists the Dublin transfer, through which a nation can send a migrant who has travelled to another country other than the country of registration back to the country of registration (Lyons 2015). Hungary unilaterally stopped accepting these transfers in June 2015 and is building a wall along the Serbian border to stop more immigrants from coming into the country and into the Schengen area (Lyons 2015; Freeman 2015).

Additionally, there is a strong sentiment in many European countries, especially eastern countries like Hungary, that multiculturalism is not desirable. There is a strong fear found all over Europe that 'islamization' is a threat to 'Christian Europe' and that the immigrants are an economic burden rather than an asset (Freeman 2015).

Evidently, the situation is very complex, and there is no easy answer to the problems facing the E.U. Because the E.U. binds diverse member countries together both legally and economically, ideological clashes between members of the E.U. have intensified. The states promoting free movement want to offer people from states with oppressive regimes refuge, and see Europe and the E.U. as a liberal community that wants to inspire liberalism all over the globe. Offering refuge to oppressed people is one way of achieving this goal. The states that do not wish to accept migrants, or only a limited amount of migrants, can argue that nonintervention is an equally important part of liberalism because it relies on respect for the rights of individuals to establish their own way of life free from foreign interference. Therefore, the E.U. should not force nations to accept immigrants if they wish not to do so (Doyle 2008, 67).

However, with the current E.U. legal framework in place, it will be difficult for these states to maintain their policies regarding these issues. Nevertheless, this puts the E.U. in a precarious situation. The E.U. therefore proposed a quota system to prevent a few states from carrying the full burden of immigration into the union. Most member states accepted this

system. The states that did not accept the quota, among which are Hungary and Slovakia, are arguing from the liberal perspective of nonintervention. The spokesperson of the Hungarian prime minister recently stated with regards to the quota system, "...we would like to deal with our problems in a way that suits us" (Freeman 2015).

Part III

E.U. Legislation and Member State Legislation Regarding Immigration

Member states expressed reluctance at the prospect of giving up their national competence on immigration and border issues. Up until 1999, member states handled immigration and asylum issues as stated in the Justice and Home Affairs (JHA) pillar, and operated on an intergovernmental basis. However, in 1999 with the Treaty of Amsterdam, visas, asylum, immigration, and other policies relating to the free movement of all persons, including third-country nationals, moved under the jurisdiction of the European Community Treaty. Thus, these issues went from an intergovernmental approach to a common approach (Adam 2009, 19).

Since 1999, the E.U. has developed this common immigration policy and has agreed that the E.U. should have E.U.-wide immigration and visa rules valid throughout the E.U. (EU Immigration Portal: Explaining the Rules 2015). Between 1999 and 2004, a number of migration and immigrant integration legislation passed in the European Parliament. Broadly speaking, the main pieces of legislation included 1) the equal treatment of persons regardless of race or ethnicity, 2) third-country nationals' right to family reunification, and 3) third-country nationals' long-term resident status (Hix 2007, 188-189). Still, immigration rules are not the same in every E.U. country, since most E.U. countries have both E.U. and national rules. There are two types of E.U.-wide rules: regulations and decisions, and directives. Regulations and decisions are legislative acts of the E.U. which are immediately applicable as law in all E.U. countries, with no

need for a change in national law. The other type, directives, is more common. Most E.U.-wide immigration rules come from directives. Each member state must incorporate directives into its national law by a certain deadline. While the results achieved by directives are binding, individual countries can choose the form and methods (EU Immigration Portal: Explaining the Rules 2015).

Thus, significant differences in the national legislation of member states are observable. For example, many E.U. member states continue to use national permanent residence permits in addition to the European Commission (EC) long-term residence permit. Moreover, member states draw a distinction between temporary residence and permanent residence; there is, however, no standardized concept of temporary residence. E.U. law does not regulate many areas related to migration, such as the general conditions for residence permits and labor migration. Additionally, in the area of family reunification, member states can vary as to who they consider to be family outside of the nuclear family (Adam 2009, 13-14). Also, member states allow for the admission of third-country nationals for various purposes other than family reunification, work and studies and training; E.U. law covers these areas (Adam 2009, 13; 33).

Liberal and Illiberal Policies of E.U. Member States

While there is an increased awareness that the E.U. is in need of immigration to support its aging population, a trend is visible among some member states towards more restrictive immigration policies for non-highly skilled third-country nationals (Adam 2009, 13). Therefore, it can be helpful to ask whether the E.U. is in fact liberal when it comes to immigration. As this paper stated previously, even though the E.U. is liberal in regards to migration within it, it is not necessarily liberal when it comes to migration into it. In fact, according to Liav Orgad of *The American Journal of Comparative Law*, several of the western European countries including

Germany, France, and the Netherlands, have pursued illiberal policies of immigration to protect their liberal values. Orgad calls this ‘the paradox of liberalism, in which “liberal states, in order to preserve what they perceive as a liberal regime, are resorting to illiberal means to guarantee liberal values...either the liberal must tolerate illiberal practices, or turn to illiberal means in order to ‘liberate’ the illiberal” (Orgad 2010, 92).

It is important to note that these states direct these illiberal policies mainly at citizens of states they presume to be illiberal or appear to be Muslim (Orgad 2010, 72; 67). One of the more recent trends in global migration patterns is that when migrants come to Europe from non-liberal societies in Africa and Asia. Their culture travels with them and it often challenges liberal values. Up until the 1950s, migration usually remained within the western world. Thus, immigrants may have been foreigners in their new home states, but they were not strangers to western political ideas (Orgad 2010, 57). Immigration to western Europe during the post- Cold War era consisted largely of labor migration from the European periphery, but also of immigration of workers from former colonies (Castles 1998, 67-68). Today, family reunification provides the basis for the vast majority of global migration, including migration to Europe (Orgad 2010, 8). The following section attempts to explain the background and the reasoning behind these illiberal policies.

Background and Causes of Migration Policies

Since the majority of immigrants in Europe in the post-war era were mainly guest workers, the policies of immigration differed greatly from the policies in place today. First, these policies made labor migration within Europe easier by abolishing borders and inaugurating free labor mobility within the various labor markets, the European Economic Community (EEC) being the biggest one. When it came to migration of workers outside of the EEC, policies varied

greatly depending on the country of emigration and the country of immigration. Some countries, both in and outside the E.U., tried to restrict emigration and immigration. For example, Spain and Portugal tried to restrict emigration, while Switzerland and the United Kingdom tried to restrict immigration. However, many countries encouraged emigration, such as Japan, Senegal, Mali, Mauretania, Morocco, Yugoslavia, and Turkey. Yet, these countries either had long-range plans for attracting back their emigrants when economic conditions warrant their return, or they had arrangements with the host country for the emigrants' return home (Rose 1969, 44-56).

Temporary or perceived temporary natures characterized these post-Cold War labor migrations to western Europe (Orgad 2010, 58). However, after the first migration wave in the post-Cold War era, a second migration wave started to become evident in the early 1970s with the oil crisis. The following recession motivated a restructuring of the world economy, involving capital investment in new industrial areas, altered patterns of world trade, and the introduction of new technologies. The migration patterns to western Europe in this new era consisted of a decline of labor migration, and an increase in migration motivated by family reunification. However, the E.U. had not envisaged permanent settlement for these foreign workers, and generally hoped that these guest workers would return to their country of origin. Initially, governments tried to prevent family reunion, but with little success, and eventually family reunion was accepted as a human right. Another characteristic of the new migration patterns was the development of mass movements of refugees and asylum-seekers, generally moving from south to north (Castles 1998, 67; 79-80).

These two migration waves resulted in significant demographic changes in Europe. The settlement process of the migrant workers and their families and the emergence of second and third generations born in western Europe led to internal differentiation and the development of

community structures and consciousness. These immigrants and their descendants soon became clearly visible social groups. Policymakers did not anticipate this development, as they expected foreign population to eventually decline. However, the total foreign population of European Organization of Economic Co-operation and Development (OECD) member countries steadily increased since 1980 and was up to nineteen point four million in 1995, and only six point seven million people of the total foreign population were E.U. citizens. The rest came mainly from North Africa, Turkey, and former Yugoslavia. Increasingly, workers and asylum-seekers also came from countries with economic and political problems, such as countries in Africa, Asia, and Latin America. Thus, a majority of the foreign populations and the new immigrants were from non-European countries, and these groups above all others experienced socioeconomic exclusion through discrimination and racism (Castles 1998, 79-81).

Eastern Europe's migration history is quite different. Although they did experience immigration, it was mainly immigration from states with very similar cultures to their own. The main migration flows to eastern and central European countries come from the Ukraine, with immigrants being both labor migrants and refugees. In Poland, for example, Ukrainians complete many of the jobs within the service sector. With little tradition and experience with dealing with refugees from non-European cultures, the eastern and central European states lack the necessary infrastructure to handle the problem in a satisfactory and efficient way (Zaborowski 2015). While the western states have dealt with immigration both from inside and outside of Europe for decades, the eastern and central European states are still ethnically homogenous, and dealing with refugees from outside of Europe is quite a new challenge for them (Zaborowski 2015; Rose 1969, 44-56).

Historically, the eastern European states were also countries of emigration. This remains especially true for the states that the E.U. grants membership to, as they can move freely within the union. Thus, western Europe is not only facing immigration from the Middle East and North Africa, but also from their neighbors in eastern Europe seeking a better life in the west. In fact, in eastern Europe emigration is starting to become a problem, as their populations are facing serious decline. In the most recent World Population Prospects from the United Nations, the ten countries in the world expected to lose the most population between now and 2050, per capita, are all in central and eastern Europe. One important reason as to why both eastern Europeans and other groups wish to migrate to western Europe is the prospect of living in a more open and tolerant society. Some people point out that this is one of the main arguments for not attempting to force refugees to settle in the eastern states: they likely will not escape the persecution they are fleeing from or find the open and tolerant society they seek. Eventually, this would cause immigrants to migrate to western Europe anyway. Eastern Europe is a place even many eastern Europeans are trying to move away from (Lyman 2015).

Part IV

Applying Liberal Theories to the Problem of Immigration within the E.U.

Before applying liberal theories to the problem of immigration in the E.U., it is necessary to reiterate both what these theories are and the E.U.'s current immigration practices. According to both classical and contemporary liberal theories, there must be open borders in a liberal international system; migration is an individual right that any state's legitimate mandate cannot stop. The current system involving the Schengen Area within the E.U. is therefore compatible with liberal theories. However, when it comes to outsiders entering the union, there are restrictions on immigration. These restrictions supposedly protect liberal values and E.U.

culture—particularly from ‘islamization’— and keep out economic migrants that free-ride on welfare systems and ‘take’ jobs. On the contrary, the E.U. has generally encouraged the immigration of highly-skilled third-country nationals. Considering this, only allowing immigration of certain groups of people or people of a certain birthplace is definitively not in accordance with most liberal theories regarding immigration.

According to Carens’ application of Rawls’ theory, if everyone is to have the equal opportunity to pursue their goals, open borders are a necessity—where one resides in the world has the potential to be of the utmost importance to achieving one’s dreams. However, in the case of immigration for the sake of utilizing another society’s welfare system, an immigrant in question arguably is imposing on other people’s pursuit of their goals.

Additionally, immigration can restrict a state’s ability to provide generous welfare for its citizens, which Carens argues can be a legitimate reason for restricting immigration (Meilaender 1999, 1063; 1066). Any given state’s inhabitants has the potential to spend generations creating a society in which forfeiting a small portion of one’s income in order to maintain equal opportunity for all is the norm. By doing so, a state would also automatically create a society that guarantees the needy the care they deserve as human beings. If immigrants enter such a society with the goal of reaping the benefits of a generous welfare system, taxes could rise above the level the inhabitants had previously agreed to. Furthermore, a government may have to designate a larger share of the tax money for this group, leaving other groups suffering. If the original goal of the inhabitants of this hypothetical state is to care for its own needy people, having immigrants coming and taking a large share of the welfare may limit the pursuits of the natives of that state. However, economic migration is justifiable if the goal of any given state is to provide social benefits to potential immigrants without asking for anything in return.

No E.U. state currently has such a goal. In the 1980s a new phenomenon emerged from the prevalent refugee crisis—which was that of asylum seekers—and many of them have since then sought to receive protection within Europe. Following the events of 1989-1991, movements of asylum seekers from eastern Europe to the west, and increasingly from Africa and Asia as well, saw massive increase. Asylum seekers became the largest entry category in several countries, including Germany, France, and Sweden. Many states introduced costly and long-drawn-out procedures to assess whether such claimants really were victims of persecution, or were simply economic migrants (Castles 1998, 88). Since these states clearly had no goal of providing economic migrants with social benefits without asking for anything in return, one can justify limiting economic immigration according to Carens' application of Rawls' theory in this case.

Additionally, John Isbister's aforementioned liberal argument for restricted immigration aligns with this argument. According to Isbister, a state meeting the needs of its own disadvantaged citizens before the needs of disadvantaged foreigners is justifiable. He makes the argument that one can see the citizens of one's state as an extended family, and people generally give much more attention to one's kin than to others. This does not mean that one would regard one's kin as morally superior to others, but it could mean that one does not have an obligation to provide equal treatment to everyone just because they are morally equal. Even in rich countries there are poor people, and an uncontrolled influx of poor people might worsen the conditions of the poor in said rich countries (Isbister 2000, 630-634).

Currently, in Sweden, the E.U. member state with the most generous immigration policies, the population is experiencing tax increases as a result of immigration. The social services that the municipalities and regional governments provide, such as healthcare, dental

care, schooling, and child care, are taking a serious hit. Less resources can go to social services because the Swedish government is instead allocating resources towards care for immigrants. Many municipalities are currently struggling to provide social benefits to the people entitled to them, and this has resulted in the previously mentioned tax increases. Through 2019, the average household faces an estimated tax increase of about 1700 U.S. dollars per year (Gudmundson 2015). If the immigrants coming into Sweden were economic migrants, one could make a liberal argument for restricting immigration. However, Sweden considers most of the immigrants in question refugees, and granting this group asylum is compatible with most liberal theories. Since these immigrants are truly fleeing poor circumstances and seek to better their lives, they are expressing an individual right according to liberal migration theories. Additionally, under the 1951 Refugee Convention and a string of E.U. laws, European countries must offer refuge or other types of protection to asylum-seekers who can demonstrate that they are fleeing war or persecution (The History of the European Union 2015).

However, there is a widespread belief, especially among eastern European states, that the “overwhelming majority” of immigrants in Europe are not refugees, but economic migrants (N. 2015). It can be difficult to determine which category a migrant belongs to, which poses difficulties both for the states of immigration, as well as the genuine refugees (Castles 1998, 8-89). It is also tricky to capture the complex motives behind migrants’ journeys, and there could very well be a mixture of motives making a migrant both a refugee and an economic migrant (N. 2015). If a state has valid reasons to believe that a majority of immigrants to their state only are there to reap the benefits of a generous social welfare system, they can justify limiting immigration from this group. However, when such a state is part of a union so integrated as the European Union, it poses a problem because the policies of one state can affect other member

states. Once a migrant has entered the Schengen Area, for example, they can simply migrate to a state with more generous asylum policies if their first attempt fails. Such a system will eventually lead to an unequal sharing of the burden between member states. The real question lies in whether or not something should be done about it.

According to liberal theories about migration, an individual must have the opportunity to migrate wherever they want in order to pursue their goals, unless it infringes upon another's ability to do the same (Meilaender 1999, 1063; 1066). Therefore, a government cannot force a migrant to migrate to a certain country; the destination of their migration must be their choice, and their choice only. At the same time, the E.U. cannot force a state to accept the immigrants it does not wish to accommodate according to the liberal principle of non-intervention (Doyle 2008, 67). One can argue that the more generous states should also restrict immigration if they do not wish to carry such a heavy burden.

However, being part of a union such as the E.U. means that the minority must follow whatever the majority decision is. In the application of Lockean theories in this situation, the duties of natural law—life, liberty, and property—govern statespersons and citizens alike. Mutual trust under the law therefore distinguish Lockean states. In the literature explaining the logic of negotiation, trust is crucial for stable agreements (Doyle 2008, 60). Thus, if the E.U. was to impose a quota system which designates a certain number of immigrants to each member state, it is important that even reluctant member states follow the rules. Otherwise, the entire system would collapse. Yet, this way of operating can only justify forcing member states to accommodate immigrants. It does not justify forcing immigrants to live in a state in which they do not wish to live. In order for the E.U. to remain liberal, it must cease to adhere to illiberal policies like these ones.

Still, nationally, both eastern European and western European states pursue illiberal immigration policies. For example, Hungary has a history of strong nationalistic domestic and foreign policies. The Hungarian nation has between two and a half million and five million citizens outside its national borders, and its policies are designed so that these Hungarians can receive support from the Hungarian state. Its foreign policies encourage them to resettle in Hungary. However, Hungary does not encourage immigrants from other nations specifically, and perceives a rise in the population of non-Hungarians as the demise of Hungarian cultural influence. Hungary is keen that traditionally ethnic Hungarian territories remain populated with Hungarians as a means to ensure the continuation of Hungarian culture and national identity (Butler 2007, 1115-1125).

Although the argument posed by Isbister about seeing one's own nation as an extended family, thus justifying seeing to the needs of one's own disadvantaged citizens before seeing to the needs of disadvantaged foreigners, limited immigration is not justifiable in this case. Both Carens and Isbister agree that immigration restrictions based on protecting a nation's own people in order to privilege them is both selfish and highly illiberal. Thus, one can construe the pursuit of the Hungarian people to deny immigrants the right to enter Hungary for the sake of protecting Hungarian culture as selfish and illiberal.

In some western European countries 'the paradox of liberalism' prevails as they seek to remain liberal societies by resorting to illiberal means. The cultures of immigrant states and the cultures of the immigrants are currently clashing. Illiberal practices across Europe have emerged, such as female genital mutilation, honor killings, and forced marriages. Additionally, opinion polls have revealed that native Europeans and immigrants, especially of Muslim origin, often espouse different values and lifestyles. Finally, immigrants and minorities are increasingly

challenging the authority of European institutions. Some see this as a collision between tradition and modernity, and many Europeans feel that immigration may threaten liberalism and western culture (Orgad 2010, 59-62).

In order to address these perceived threats, states such as Germany, the Netherlands, and Denmark have introduced policies to determine how compatible a potential immigrant is with western society. Germany, for example, has introduced tests that immigrants must pass in order to become German citizens. These tests include questions about gender equality, religion, politics, and culture. (Orgad 2010, 66-67). The Danes conduct a similar test, in which a potential immigrant must answer questions about Danish culture and history, as well as questions about abortion, equality, and freedom of speech (Orgad 2010, 79-80). The Dutch have revived the concept of 'imburgering,' which aims at making immigrants become like the native Dutch. In order to become Dutch, an immigrant must therefore subscribe to Dutch values (Orgad 2010, 70-71).

These policies aim at liberating people who are perceived illiberal. However, forcing someone to adhere to a certain lifestyle or certain values is not in accordance with liberal theories, as it limits the individual in their private pursuits. Both Locke and Nozick argue that these pursuits are essential to liberalism.

Conclusion

History and experience with immigration have influenced the varying degrees of liberal policies within the E.U. regarding immigration. Many western European states have decades of experience of dealing with immigration from non-western states, while eastern European states traditionally are countries of emigration. Strong nationalistic sentiments and the aspiration to preserve their own culture, such as in Hungary, have created more illiberal immigration policies.

Both eastern and western European states perceive threats from non-western—particularly Islamic—cultures, which they believe will eventually undermine western liberal cultures and values. This also contributes to restrictions on immigration, particularly in eastern European countries. Additionally, E.U. legislation permits member states to have varying legislation regarding immigration, although there are certain rules and directives that all members must follow.

These varying policies contribute to divisions within the E.U. regarding where immigrants reside. Not only are many western European countries housing first, second, and third generation immigrants, but they are also housing immigrants from eastern Europe, who can move easily within Europe as members of the E.U. Additionally, the recent increase of immigrants to the E.U. from Syria, other Middle Eastern countries, and North Africa has placed pressure on western European states to accommodate immigrants. The E.U. has proposed a quota system in an attempt to relieve the pressure on western Europe and the E.U. states on the eastern frontiers. Many eastern states find this quota unsatisfactory.

With this effect, many have had doubts as to the degree to which the E.U. can be a liberal community regarding immigration. Although it is liberal in terms of migration within it, it is not necessarily liberal when it comes to migration into it. The recent migration crisis has further strained both the ability and the desire of member states to be liberal. Although some member states seek to be accommodative, they start to lack the economic means to provide for immigrants. Others have pursued illiberal immigration policies for years in order to ensure the preservation of their liberal values. A third category has resented immigration from non-western societies from the very beginning.

If the E.U. wishes to be a liberal community it must cease to pursue illiberal practices and open up its external borders. However, in doing so, member states must unevenly share the burden of immigration, because the fact remains that not only are eastern states reluctant to accept immigrants from non-western societies, but these immigrants are also reluctant to settle down in eastern European states. There, they may simply not escape the persecution that they are fleeing, and they may not find the open and tolerant society they seek, ultimately leading immigrants settling in western Europe anyway. Because a large part of the immigrants are coming from non-western societies, assimilation and integration into a western society might take some time. However, if the E.U. seeks to be a truly liberal community, it cannot resort to illiberal means to speed up this process.

Studies have shown that second generation, primarily Muslim, immigrants tend to become radicalized (Laqueur 2004). The large amount of immigrants with a Muslim background that have recently come to Europe has resulted in a clash of civilizations (Huntington 1993, 309-310). Others argue it is a clash between tradition and modernity, and a third group argues that it is a clash between radical liberalism and radical religion (Orgad 2010, 61-62). However one puts it, it is a fact that serious divisions between the native population and the increasing Muslim population have developed over the years. Divisions between the E.U. member states have also developed as a result of differing policies regarding immigration, as well as over other issues, such as a shaky economy and the implications of having a common currency. The E.U. might risk imploding unless it stops attempting to do more than it can handle. It already has internal crises such as terrorism, Russia's invasion of Ukraine, Eurozone sovereign debt, Britain's future in the E.U., Greece's future in the Eurozone, and the Portuguese constitutional crisis (Kaplan 2014; Münchau 2015).

All this implies that if the E.U. is to survive, it needs to deal with its own problems before dealing with those of others. Although the aging continent is in desperate need for immigrants, there clearly is a limit to what it can handle at the moment. This is not the time for the E.U. to be a liberal community when it comes to immigration. This is the time for the E.U. to take a step back in its liberal pursuits and impose stricter border controls in order to avoid economic migrants entering into the union. It should also impose a more extensive quota system to more efficiently provide for the refugees. Additionally, imposing demands on the immigrants, such as language proficiency and respect for the native culture, is permissible if it benefits the integration process. Of course, the E.U. should conduct this in such a way that democratic rights go unviolated. Having a somewhat illiberal E.U. today for the prospect of having a fully liberal E.U. tomorrow is worth the sacrifice.

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