

Viorella MANOLACHE

Henrieta Anişoara ERBAN

Institute of Political Sciences and International Relations, Romanian Academy

THE NEW MIGRATION: AN (UN)LIMITED PHILOSOPHICAL-POLITICAL PHENOMENON

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Abstract

The present study evaluates a conceptual perimeter concerning the phenomenon of migration interpreted in the configurations found in movement and complex changes, describing the new migration indicated through the unlimited openings offered to an entire set of arguments related to citizenship, freedom and justice in contemporary political philosophy. The main argument unfolds from the parting of the ways with the phrase old migration where the attribute "old" sends to a limited management of migration indebted to a dimensional approach (historical, behavioural, economic, social, etc.). The study notices that no country can remain outside the fluxes of international migration. This new migration has to its core the new migrant, part of an interpretative community and of a phenomenon of habitual rethinking, transforming subjective logic, influencing the generation of new social practices and suggesting the necessity of the moral approach of the phenomena of migration by liberal democracies.

Conceptual landmarks: *limited migration vs. unlimited migration*

Considering the conceptual perimeter of the phenomenon of migration we adopt as a first landmark the Study no. 5 (*The Migration Phenomenon in the Perspective of Romania's Accession to the European Union*, 2004). This study argues for a special status of the complex phenomenon of migration that becomes an ever more important reality of the contemporary world, and, in what concerns Romania noticing as well an increased interest for the realization of an equilibrium between the use of the work force at the national level, and the migration for work abroad, as a newer phenomenon, the immigration toward Romania, which became after 2007 the Eastern border of the EU.

Relating the phenomenon of migration to a series of modifications and conceptual clarifications, we can argue that, methodologically, *the new migration* represents yet another manner to refer to the conjectural and residual preoccupation for the answer provided for the evolutions of the phenomenon and less for the estimative management of the circulation of persons, applicable and functional in theorizing *the old migration*.

This first affirmation, verifiable within the economy of this study, establishes that, the map/the conceptual perimeter concerning the phenomenon of migration should be revised accepting *the rule of versus*, in the sense that under the sign of the configurations found in movement, *the new migration*, can be understood through the *unlimited* openings offered to a whole set of arguments impressed by political philosophy. We should mention that we are going to understand through *the old migration* the term that indicate, through the attribute *old* a limitation to the historical, behavioural, economic, social management of the phenomenon.

Considering the fact that *no country remains* (namely *cannot remain*) *outside the international fluxes*, the designs of the *old migration* establish as nodal points the following: its interpretation as *a phenomenon with multiple determinations*; the emigration represents just a version or an option for the temporary or permanent change of the residence; the changes determined by the new division of work calls for the special movement of the individuals; the coordinates of the geographical space, the change of residence represent modalities to *counterweight* their relevance in relation to *the dynamism of the circulation of the ideas*, of the new type of industrial relations, of social capital; migration is considered a *resource for the completion* of the deficit of work force in the developed countries and it can be accepted as an instrument of economic and social policy (*Ibidem*, 2004).

In the estimation of the limits of the *new migrations*, the clarifications that are brought about re-evaluate the comments of Sartori, impossible to be avoided in mentioning the displacements from the doublets *good society– open society, sub-communities – counter- communities*, stating, in fact, that the phenomenon registers a change of scope from a *limited thematic* to *attributes which are unlimited by analysis and prognosis*.

Giovanni Sartori (2007) reconsidered the meaning of the concept of *community* as a space of consensus – *engagement/engaging* and *sharing*: if *comunitas* is a vision of society as classical and live organism, equivalent of the primary group and applied to the soft meaning of symbiotic group, *societas* is an equivalent of the image of the secondary group, confirming that beyond the limit of the concrete community there can be *an abstract, unlimited community*.

This theory delivers a first meaning of the concept of *new migration* seen as a phenomenon of re-capitalization of the secondary group, of the sub-community having as conceptual borders specific relations and shared feelings.

In a different perspective of the phenomenon of migration, Robert Putnam (2006) considered that modern social structures were incapable to adapt to the various contemporary changes, especially due to the pressure of the economic factors and of the dilution of the feeling of belonging to community, which was also sustained by the media.

If following the analysis of Sartori any implementation of the policy should answer the questions such as “to whom?”, “why?” and “how?” then this study is going to use as analytical questions addressing the *new migration* the following questions: “where does it operate?,” “how does it manifest?” and “why a different, new form of migration?”

We are going to answer to these above mentioned dimensions of the analysis through the theory of the *new migrant* considered an equivalent of the *interpretative community* (Fish, 1980) – particularized term with the meaning of ordered variety that employs *strategies* in passing from an interpretative migration to an unlimited one, which preserves intact only the idea of *grouping in communities*. The equivalent of this change can be considered the habitual philosophy, a modality of transformation of the subjective logic of becoming in new schemes and practices of migration. (Bourdieu, 1981: 136-139).

The profile of the new migrant

The Study no. 5 (*The Migration Phenomenon in the Perspective of Romania's Accession to the European Union*, 2004), preoccupied with the description of the *profile of the migrant – limited* to the Romanian emigrant and with the immigrant in Romania –, ascertains the

necessity of a correct form of orientation and of a correct measurement of the phenomenon and of the assistance offered to the migrants with a mix method of *diagnosis* and *prognosis*.

The above-mentioned file reminds punctually that within the *national dominant tendency* – the migration for work – *the representative category* was constituted in June 2003 by the *young men* (18-35 years old), with *medium level of training, qualified workers* from the *big cities and the capital*, not excluding *the potential of migration of the villages* or the migration fluxes that actually register a maximum experience in the temporary migration abroad (for instance, the villages with a great percent of Hungarians) – or the communities with a medium level of migration experience – the communities found in an incipient phase of the process of migration abroad (Sandu, 2004).

From the variety of *models and cases which are specific to different countries of destination*, the study selects the German, French and Italian cases, noticing these as three particular and essential types for the profile of the migrant: the classical circulating migrant (entrepreneurs, workers, recruited via OMF, students, probationers, etc.) – migrating networks and the type “installed in mobility” (the individuals deprived of the means to circulate in the Schengen Space) – the migrant whose profile correlates marginality, circulation and the active co-presence – namely, the clandestine migrant.

In the Sartorian key, the general design of the profile of the migrant bears the features of a surplus of diversity and alterity (Sartori, 2007, p. 87), in the sense in which Europe amplifies the arguments of the *new migration* through the import of immigrants, of the *guest worker (Gastarbeiter)*, a category which succeeds to bring together the fields of economy and philosophy. The rapport is unbalanced considering the theory of Derrida (1999), explaining that the term *guest* brings to the fore unlimited possibilities of the relation familial – non familial, citizen – non citizen, public – private and it impose the category of *the other* as a synonym for *displaced* (mobile), *exiled*, *deported*, *expulsed*.

Considering these conceptualisations, we can establish also according to Guy Scarpeta (1997) that the philosophical and political non limitations associated to the new migrant reunite the effect of delocalization with the effect of de-territorialisation, emphasizing that migration means dispersion, but also a diverse itinerary, translated through the ideas and the realities of *trans-national mobility and solidarity*.

If Sartori considered that *the new migrants* are as well the traditional sedentary social elements as the new urbanized individuals the present study insists to highlight that the profile of

the useful immigrant is economic only to a certain point since the philosophical and political status of the attribution of citizenship begins, a topic which sets in attention other two categories: the apocalyptic migrants and the integrated migrants (Eco, 2008).

The *integrated migrants* are the adepts of the globalisation and of the neo-liberal cynicism with interest in progress, prosperity, and trust, while the apocalyptic migrants are sceptic, or/and revolted; both categories are defined in relation to the economic and social processes with the relation of analytical terms active-passive, tolerant-critical, pessimist-optimist, beneficial-malefic, positive-negative, creator-destructive. *The integrated migrant* interacts with the other in a traditional manner, while *the apocalyptic migrant* accepts alterity as a manner of annihilation of the traditional norms and values.

Reuniting these theoretical notes, our conviction is that *the new migrant* uses the economic logic of the partnership and profitability, while remaining interested in philosophical and political perspective in the problem of border, integration and citizenship.

The philosophy and the politics of the new migration

Masao Miyoshi (2010) draws the profile of a politics *off centre* and underlines, especially, the concept of *asymmetry* understood as efficiency, *transnationalism* and *utilitarianism*. The perspective is important since through it we can consider certain key elements of the philosophy and politics of the new migration the *politicized homelessness*, the effect of *squatting* and the philosophy sustaining *Fairly Open Borders*.

Even since the '60-'70 decade, the effect of *squatting* presupposed the existence of temporary autonomous areas and the phenomenon of *politicized homelessness* was launching the profile of a socio-politic statement denouncing migrant, subtracted from the functioning social paradigm. The effect of *squatting* having sub-cultural attributes, permits the access to one's own power and re-brings in attention the relation *acquisition/owning/ concentration of power vs. lack of power, political action vs. political indifference, poverty vs. comfort, integration vs. intentioned, programmatic insulation* (Pruijt, 2013).

The relation affirms a *system accommodating differences* with interest in active citizenship, as a product of civic competence, which means as well freedom, as resolution of the collective reactions from the extended public sphere. One can mention a politics of *squatting* as access to power, through the selection, identification and seizing of a “refuge” understood as an approach of education in what concerns the exigencies of the particular space (see, in this

respect, the public consultation concerning migration and mobility – the European Commission, The Green Chart Concerning the Migrant Children and Education: a challenge for the educational systems of the EU, whose conclusions were published in 2009).

From the political philosophy perspective, the concept of free circulation of persons is a modality of reducing political, social, economic inequalities, having as a correspondent the *open borders* policy, as a manner of adjustment and minimisation of the international inequality. From this perspective, *the new migration* refers to particular national economic prosperity, the wellbeing of the immigrants and, at a global level, *welfare economic* policy (Bader, 2005).

Ciprian Ni u wondered in his work entitled *Immigration, Cosmopolitanism and the Opening of Borders* (2011) if this policy is enough or it should be completed with other policies. A possible answer can be identified in attaching the attribute *fairly* to the *Open Borders* policy, offering a supplementary meaning to the philosophy of free circulation.

Sheila Benhabib (2006) noticed the negotiation of the relation among the right to citizenship, the freedom of expression and the right to residence, considering that borders can be permanently adjusted. In fact, the liberal policies, be they moderate or restrictive, assess that one should take into consideration *a top-down policy* already applied in Germany, Luxemburg, Finland, Sweden and the Netherlands (Marc Morjé Howard, 2007).

The cosmopolitans see Europe as a land of resources for an “un-braced human solidarity” expressing through the voice of Kymlicka (2012) the resolution of “taming the liberal multicultural nationalism,” with the model of avoiding the exclusive or restrictive policies on immigration; the dispute remains though unclear, also from the perspective of liberal cosmopolitanism and from the perspective of the versions of “consequentialism” (a general name for the various national policies for integration).

The West, broadly correlated with the ideas and values of liberal democracy, tends to be seen, in theory, as a space of tolerance. But is tolerance, toleration? For Walzer (1999) they are synonyms. He uses the term toleration as a political effort to include in society people characterized by beliefs and practices which are not widely shared within society. If the perspective can be integrated in the classical debates on the subject, then it is important in the economy of the present study, because after the inventory of the historical models or regimes that encourage toleration, the philosopher considers the present-day (Western, liberal and democratic) society an immigrant society, based on “dispersed diversity” which may

have cohesive effects. Noticing a paradox of the pluralism of individuals, he interprets the paradoxes of power easily identified also in the manner of assessing the new migration.

The political perspective is therefore once more capitalized upon, to the detriment of the economic perspective, in the sense that economic inequalities are used only as landmark for setting the positioning of the individual and the decisions that she pursues, self-situating oneself regarding family, ethnic, community. From this realigning we can agree with Walzer (1983) on three types of citizen: oppressed (deprived of any protection of status), alienated (disinterested in the political participation) and pluralist (the citizen independent or self-determined against the state, but protected by the latter and active participant in the public sphere). This typology can be applied also to the new migrant, considering that the pluralist migrant especially counts on her quality/status of member of community, as active participant in diverse groups, with shared divided loyalties (instrument that applied to citizenship can be understood as integrative mean, but also as a mean of evaluation of individuals in democracy): citizenship becomes something more than a socio-economic and political status, as a moral, philosophical and integrative choice.

While Walzer argues that liberal states should take a stand in what concerns immigration, adjusting and integrating it via political integration, J. Carens (1995) brings arguments for maintain open borders which become the moral obligation of the liberal states: the mobility within the national state is to be equivalent to international mobility, admitting though certain well justified limits generated by the will to protect public order, or national security, or the liberal institutions.

If the perspectives mentioned converge toward an ethics of authenticity, there are also voices that call the attention to on the lack of clarity of the term sedentary as opposed to mobility and migration. Almost paradoxically, the term reflects the movement of the people, induced by persecution and poverty, inviting to the avoidance of general affirmations that set in relation the phenomenon of migration with the economic redistribution, protection, re-affirming in a new context the old idea of a global tax payable by the rich countries to the poorer ones. If at the economic level the problematic exposed verifies its limitations, as observed above, at the philosophical and political level, the arguments remain unlimited.

Functions and dysfunctions of the analysis of the phenomenon of new migration

The analyses of the functions and dysfunctions of the international framework of regulation of the phenomenon of migration, reconfirm the need for a balanced approach in the

concerted management efforts concerning the situations of legal migration and of illegal immigration control.

While renouncing the conjectural and residual preoccupation with the answers for the evolutions of the migration phenomenon, the new migration counts exclusively on the *limited* theories correlated with the procedures of estimation and management of the migration fluxes. These measures can be reviewed in what concerns the correction treatment of the people emigrating from of the third countries, which live legally on the territory of an EU member state as well as in what concerns the intensification of measures of control of illegal immigration and the promotion of cooperation with the states that are not EU members.

We should mention the provisions of the Lisbon Treaty and of the Articles 79 and 80 from the *Treaty on the functioning of the European Union*, considering these the essential indications for guiding the policies concerning immigration. In fact, through these provisions is reaffirmed the principles of solidarity and of equitable distribution of responsibility, through the division of competence between the EU and the member states, through granting the status of co-legislator for the Parliament in conditions of equality with the Council and through the certification of the full competencies of the Court of Justice regarding migration and asylum.

The functional model is re-evaluated by the communication “The global approach to migration and mobility,” adopted by the Commission in November 2011, as a manner to articulate and regroup all the pertinent policies, placing the accent on three aspects: legal migration and mobility; illegal migration and the traffic of persons; international protection and politics in matters of asylum. This way is followed the effect of maximization of the impact of migration and mobility, accepting Human Rights as a policy guide with transversal importance, relevant in the relations inter-individuals and in the implementation of policies. As a result, “partnerships for mobility” are developed, recognizing indirectly the *unlimited* attributes of the phenomenon of migration.

Although the “The Stockholm Programme – An open and secure Europe serving and protecting the citizens” (continuing the line of the programmes from Tampere and Hague) is indebted to the *limited migration* (relevant for the space of freedom, security and justice), the communication “An open and secure Europe: the transformation of the objectives in reality” (Romanian debate, organized by the European Commission – Romania, May 2014) allows the perspective that takes into consideration the new migration’s unlimited forms and formulae: *the European*

Union need labour force from outside (it needs the *guest worker*, our underlining) *and it is imperatively necessary to accomplish a map of the work offers at the level of the EU.*

The communication is adopted especially at the moment when Europe seems to have overcome the economic and social crisis proving through the new configuration (*map*, our underlining) a perspective of migration, which is as well sectorial, as a strategic reflection (related to the demographic, urbanization, accentuated diversification of the contemporary societies and the scarcity of the labour force changes). This envisions a common and more coherent policy that observes also the economic needs on the short and on the long run, a credible approach, which proposes, although indirectly, the philosophical and political profile of the guest worker: the Schengen Space should be completed and the EU should be open to visitors, and this way, set on a path of economic development.

From the inventory of the functions and dysfunctions of the international framework of regulation of the migration phenomenon included in the Communication of the Commission toward the European Parliament, the Council, the Economic and Social European Committee and the Committee of the Regions (*Maximising the Development Impact of Migration. The EU contribution for the UN High-level Dialogue and next steps towards broadening the development-migration nexus*, 2013) we identify the trend that overcomes the traditional and limited approach passing to an unlimited and new perspective that surpasses the problems associated with the fund transfers, Diaspora, the exodus of minds, the circular migration, with special attention to the migration toward the OECD countries with a dynamic improvement of the traditional domains.

Although we cannot deny the direction of change that these documents stipulate, the documents seem nevertheless reluctant in some respects, as they capitalize mostly the economic, social, ecologic and informational domains, to the detriment of other philosophical and political aspects. This way we can explain the theoretical dysfunction seen in the blocking of the meaning of new migration in a conjectural and residual approach, a simple answer provided for the evolutions of the phenomenon and not an initiative of management, perspective applied just for the old/limited approach of migration.

We should consider here also the key messages of the *Agenda of Development post-2015 of the UN* (COM, 2013, 92, the communication “A Decent Life for All: Ending poverty and giving the world a sustainable future”) in the sense of the interest for the introduction of migration and mobility as favorizing factors for development and necessary for the extension of the agenda: both

challenges and opportunities of the unlimited projection of the new migration.

In a philosophical and political key, the regulations in force should take into consideration the perspectives of the *integrationists* (requiring that all illegal immigrants should be integrated, even automatically into the political community), and of the *restrictionists*, who count on the closed borders and the refusal to tolerate the illegal immigrants. Such a theoretical divide prove that the subject tends to influence the public debate and it should be clarified with multiple arguments recognizing its unlimited attributes.

Why a philosophical and political conceptualization of the new migration?

When we interpret and analyze the new migration we discuss the status of the non-citizen who has though the entitlements provided by the human rights, among which, we partially emphasize the freedom of movement. All these individual entitlements should be defended by contemporary democracies for the non-citizens, as well.

The new understandings concerning migration should take into consideration the link between self-determination and the *fairly and open control of the immigrants* with appeal to the redefinition of the concepts of connection and membership as pillars for the theory of the new migration. The former refers to the “need of plural” – people need other people within society and the more complex society becomes either for political or for economic reasons, the more complex this connection should be to sustain the functioning of that complex society – overcoming the rigid concepts of “here” and “there”, an ideal that Europe considers to be situated at the basis of its existence and of its continuity.

On the other hand, the latter, the concept of membership, is maintained as a political still relevant discussion, with direct implications for the idea of citizen and of her role and place within the polis.

Remaining fluctuant, this discussion is oriented to clarify the new migration as phenomenon governed by the rules of the communicating “global vessels” conveying with the flux of individuals renewed notions of togetherness, democracy and humanity, ascertaining the unlimited inflow/outflow, income/outcome, input/output, inside/ outside.

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