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LEGAL AND ILLEGAL IMMIGRATION IN POST-WAR (WESTERN) EUROPE[1]

Immigration is usually discussed by specialists in migrations, demographics, and statistics. Their products are full of demographic and statistical data, but often lack a more general perspective on immigration and its impact. Since the current paper is written by a historian interested in political thought whose research is centred on liberalism, and in particular on political liberty, its focus is on historical background and the impact of both legal and illegal immigration in Western Europe, in particular after 2015.

From a historical perspective, migrations are as old as humanity. By moving from one place to another, humankind has spread from its original African habitat to other continents, eventually populating all available space on Earth, from the most hospitable places to the most inhospitable. Switching from agrarian to industrial economy resulted in mass migration in search of labour. The natural purpose of migration is always the desire to improve living conditions it is often a question of survival although the results of this effort do not always meet expectations. The predominant motivation is usually economic — the desire to improve one's own life — even when linked to politics or, worse, to war and natural disaster (Bade 2003: 1–52).

Migration is always a challenging situation for migrants. Abandoning familiar environment, family, friends, position and connections, customs, language, and religion, and moving to a different place is not an easy task.

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It usually involves homesickness, loneliness, and culture shock. In antiquity, when communal links were much stronger, exile was considered one of the most severe punishments, not much better than death. When banished after the murder of Abel, Cain complains: "My punishment is greater than I can bear. Behold, you have driven me today away from the ground … I shall be a fugitive and a wanderer on the earth, and whoever finds me will kill me" (Genesis 4: 13–14). Athenian ostracism was just the second worst thing to death. In extremely difficult circumstances prior to and after migration, it can be a traumatic event making the return to a normal life very difficult, if not impossible. This, in turn, brings us to another important feature of migration, the process of adjustment.

The immigrants have to adjust to the conditions that dominate in their new living place (we leave aside a situation in which the conquerors move to the conquered territory *en masse*). Regardless of their previous position, the newcomers usually begin at the bottom of the social ladder. If they aspire to advance — get better jobs, education, and housing — they must learn a new language and adopt local customs and some elements of mass culture. And many of them do because the migrants are typically the most mobile, energetic, and determined among the members of their original community and sufficiently wealthy to afford the cost of migration. However, if they give up, they risk functioning on the social margin and ghettoization, i.e., living among other immigrants, often from the same ethnic origins, in poor housing, with high crime and little prospect for improvement (cf. Brochand 2023, 3–4).

Immigration produces tensions between the newcomers and the local population, in particular if it is done on a large scale. Then, a clash is nearly unavoidable because the immigrants are less likely to assimilate, and the hosts feel as if they were losing control of their own "home." If, however, the immigrants integrate with the local society and cause no trouble, the tensions tend to decrease and ultimately vanish. The Irish in America, who started as despised minority and now belong to American elites, are a good illustration of it. The recent mass influx of Ukrainian war refugees to Poland is another example of conflict-free immigration.

Immigration does not bring only negative effects; on the contrary, the positive effects generally far outweigh the negative outcomes. It is not that the immigrants can remedy only the shortage of labour, especially in tedious and low paying jobs or make up for a low fertility rate. What counts for much more is the exchange of experiences and skills and the adoption of better methods in dealing with everyday problems, as well as with legal and institutional solutions. Lord Acton, an English historian of liberty, compares

contacts among peoples of different cultures to communications between individuals: "Where political and national boundaries coincide, society ceases to advance, and nations relapse into a condition corresponding to that of men who renounce intercourse with their fellow-men" (Acton 1862, 425). Peoples and cultures isolated from others tend to be petrified and freeze in their present conditions that can last indefinitely (cf. the indigenous people on Polynesian islands).

For most of history, migration was treated as a natural process and the notion of illegal immigration did not exist at all. Take, for example, the colonization of ancient Greeks along the coasts of the Mediterranean and the Black Seas between the eighth and sixth century BC, or their later influx into the territories of the vast Persian Empire after the conquests of Alexander the Great, or the relatively recent emigration of about 60 million Europeans in the nineteenth century to Americas and other continents (McKay 2008, 855).

The notion of illegal immigration appeared only recently, first as a side effect of the formation of modern nations in Europe in the nineteenth century and the growth of the state and its bureaucracy, including the creation of the passport system (cf. Benedictus 2006). The state then attempted to control it by distinguishing between legal immigrants who had residency and work rights and illegal immigrants who did not.

Western Europe experienced a larger influx of immigrants as early as the nineteenth century. They came primarily from Central and Eastern Europe. But the real inflow of immigrants began after World War II, when Western Europe passed through an economic boom and prosperity, making it a very attractive place to live. Since it suffered from an acute shortage of labour, governments embarked on a policy of inviting guest labourers (the German term *gastarbeiters* seems more fitting as Germany experienced the fastest growth in the post-war period and an associated labour shortage). *Gastarbeiters* initially came from the Iberian Peninsula and Yugoslavia and somewhat later from Turkey. The parallel process of decolonization of Western dependencies in Africa and Asia that reached its peak in the 1960s gave rise to a large inflow of racially and religiously diverse immigrants (cf. Ashcroft, Bevir 2019, 25–39; Bade 2003, 33–80, 217–240).

The first generation of newcomers, regardless of their nationality, race, and religion, did their best to settle down, find work, adapt, and cause no trouble. Thus, they behaved as immigrants had always done in the past. Their legal status was often uncertain due to temporary visas and work permits. However, their status changed to permanent when sending them back to their homelands proved to be politically difficult. The issue of human rights

and often the argument of racism precluded such a policy when economic prosperity ended. On the contrary, liberal-left governments allowed family reunion (again as human right policies), which increased immigration rather than decreased it (cf. Sheel, Squire 2014, 188–201; Brochand 2023, 2–3).

The real trouble began in the early 1970s, when years of applying Keynesian economics, exacerbated by the Arab oil embargo in 1973, plunged the Western economy into a prolonged recession. As this time high unemployment went hand in hand with high inflation (stagflation), no one seemed to have a clue how to resolve it. Until the Thatcher-Reagan era, Western political establishment resorted to more Keynesian economics and more welfare benefits, which aggravated the crisis rather than remedy it. (The most blatant expression of Western impossibilism was President Jimmy Carter's series of messages to Americans, culminating in his "Crisis of Confidence" speech in 1979 — also dubbed the "Malaise Speech" — in which he advised them to get used to hard times.) The first victims of the economic downturn were low-skilled workers, among them immigrants, who were hit by mass unemployment and thus by the loss of hope for a better life, growing dejection, and disillusionment (Carter 1979; Schneider, "Jimmy Carter"; cf. Tassinari 2016; Kassam 2017).

If the legal immigrants suffered from the 1970s recession, their illegal counterparts suffered all the more. Their status was inferior because they had no chance for legal employment, health insurance and various welfare benefits. In addition to the blatant exploitation characteristic of illegal work, they lived in constant fear of deportation. Consequently, illegal immigrants dreamt about legalization of their stay, and they did their best to achieve it.

The economic recession in Western Europe was accompanied by rising problems with adaptation and assimilation of newcomers. Unlike in America, where the second (if not first) generation of immigrants is fully adapted and treated as Americans and where combating racial discrimination had been the policy of federal government since the 1960s, the barriers encountered by immigrants in Europe were considerably stronger. First, European nations are much more closed and reluctant to treat people of foreign origin as their own. Second, economic stagnation and ensuing unemployment or underemployment pushed many immigrants out to poor neighbourhoods inhabited by religiously and racially diverse people. Third, under such conditions, the opportunity for acculturation, and even more so for assimilation, virtually disappeared. Fourth, the ghettoization of both legal and illegal immigrants led to a high level of crime, including the most dangerous drug trafficking gangs (cf. Kassam 2017).

The consequences of such a development are tragic, in particular for the youth. The second and third generations of those who live in ghettos inherited not only the poverty of their parents and grandparents, but also the lack of social mobility. What changed, however, was that they openly began to reject assimilation and, worse, developed a deep contempt for the host country, its culture, and its people. Ultimately, shattered hopes of parents and grandparents turned into hatred among children and grandchildren that is visible everywhere in Western Europe, especially in France (Wieviorka 2023; Brochand 2023).

The failure to acculturate the racially and religiously diverse descendants of immigrants is a disastrous problem. A large segment of now native-born Europeans view the West as an alien and hostile civilization. Some of them are open to terrorism, inspired by radical Islam. Europe, and more broadly the West, is breeding a fifth column in its own midst, which aims at its annihilation.

As if this was not a catastrophe in itself, Western Europe still made it drastically worse by acquiescing to a massive wave of illegal immigration that has come over the last decade from the Middle East, Africa, and Asia. The toppling of the dictators in Iraq (Saddam Hussein, 2003) and Libya (Muammar Gaddafi, 2011) by the Americans, their war in Afghanistan (2001–2014) and the devastating civil war in Syria against Bashar al-Assad (2011–onward) created a refugee crisis in the Middle East that affected millions of persons. Many tried to reach Europe through the Mediterranean Sea seeking asylum but often got stack on Greek and Italian islands — EU law strictly regulated who could be granted asylum and makes the country of entry responsible for this usually lengthy process (Dublin II Regulation, 2003).

The situation radically changed when German Chancellor Angela Markel unilaterally proclaimed in 2015 the *Herzlich Willcommen* policy, inviting migrants to Germany. The direct result of this policy was a rush of hundreds of thousands of migrants who flooded Germany (1.1 million) as well as Austria, France, Sweden, Great Britain and other countries. Unlike previous immigration, many new arrivals sought social benefits rather than work. Some settled in ghettos inhabited by immigrants of similar ethnic and religious background contributing to a high crime rate (the vast majority of the new wave of migrants have been young men, i.e. the element most prone to anti-social behaviour). In the most blatant cases, such ghettos, already controlled by criminal elements, morphed into the so-called "no-go zones" that even the police are afraid to enter (cf. Tassinari, Tetzlaff 2016; Browne 2018).

The indirect effect of this new phenomenon is no less dangerous: the European Union seemed to announce that it is not really serious about protecting its borders and thus inadvertently encouraged future illegal migration. This lack of resolve and hesitation contributed to the dramatic surge of the number of illegal immigrants in the years following 2015, coming more and more frequently from Africa (experiencing a demographic explosion) and increasingly motivated by economic reasons (cf. Hatton 2020, 75–93).

To take a broader perspective at these odd, if not suicidal, ideas and policies, we should take a brief look at the evolution of western liberalism. Since the moment of its birth in the seventeenth century, liberalism has had a proclivity to appeal to abstract principles and displayed a dogmatic attitude. It began with the idea of liberty and equality as inalienable rights of the individual (known then as natural rights of man) that it claimed were scientifically proven by the handy concept of state of nature. The scientific foundation for this concept was disproved in the nineteenth century, but liberalism continued to emphasize human rationality grounded in scientific laws and remained faithful to individual rights. It produced many ideological offshoots, which split with liberalism by stressing some points of difference but retaining liberal fundamentals such as rationality ("rational" approach to reality), equality, and liberty as supreme principles and mass politics as a side effect. This made liberalism a kind of master ideology in modern times, the mother of most (if not all) ideas, ideologies, including even ones hostile to it (cf. Bell 2014, 682–725).

In the twentieth century liberal tendency to abstract, doctrinaire norms that ignore everyday reality was restrained by the threat of communism. Compared to Marxism-Leninism, liberalism seemed to represent a common-sense approach to life, especially in its Anglo-American version. In turn, the waning of communist danger and its collapse at the end of the twentieth century released liberalism from internal restraints, contributed to the radicalization of its thought and openness to the prescriptions supported by some ever more radical groups. One such prescription was multiculturalism.

Concocted in America in the early 1970s, multiculturalism was primarily to deal with racial issues, part of inclusive politics of the American establishment directed toward the blacks (the term African American had not been invented yet) and Hispanics. It claimed that peoples of different race, nationality, religion, and tradition can live harmoniously together in one community. Subsequently, the idea was implanted in Western Europe, as if Europe, like America, were a continent of immigrants (Song 2020; Waters 2009).

The aforementioned rejection of assimilation by immigrant progeny was not their sole responsibility. It coincided with a switch in intellectual climate and state policy in the West from assimilation to promoting multiculturalism. Furthermore, as the theory passed through a gradual maturation, it evolved from dismissing assimilation as redundant to stigmatizing it as racist and imposing Western, "white," and "Christian" values on peoples of other races and religions. Since these views fitted well into the general intellectual climate, by the 1990s multiculturalism took on the feature of revealed truth that was professed by the liberal-left elites, i.e. by the political mainstream in the West. And despite occasional criticism, these elites still continue to adhere to it and to rebuff assimilation (cf. BBC News 2010; Noack 2015).

Another idea that gained currency in the years following the migration wave in 2015 is an ingenious justification for illegal immigration. Some radical human right advocates have begun to argue that migration is protected by the liberal principle of freedom of movement and cannot be illegal because people cannot be "illegal." They denounce the protection of state borders as inhuman, racist, even fascist, and censure any methods of defending them (for example pushback, building fences and walls), as a violation of human rights. A good example of this is the condemnation of the defence of state borders in Poland and the Baltic States despite the obvious fact that migrants are imported and sponsored by Russia and Belarus and that they do not try to use border crossings but attempt to pass state borders illegally (cf. Tondo 2022; Vegh 2021).

Such condemnation and propaganda directed against states that fulfil their basic duties (after all, the first responsibility of any state is the security of its inhabitants) blurs the distinction between legal and illegal border crossing, making state borders seemingly redundant. Furthermore, it invents a new human right that is the right to move from one place (Africa and Asia) to another (Europe and the West in general) without appropriate documents, while the EU appears not to oppose it but to accommodate to it (cf. Hintjens, Bilgic 2019). This is a bizarre situation that begs some basic questions to be addressed. What is the relationship between this newly invented human right to another, well-established principle that is the right of the state, nation, and people to be protected against intrusion? Does the former nullify the latter? Which principle is higher, freedom of movement or the right of the nation to defend itself and to preserve its own identity and its ways of life?

In the current atmosphere of political correctness, the answers seem simple: indigenous people's apprehension and fear of uncontrolled immigration is dismissed as nationalism, xenophobia, bigotry, and even fascism. These

demeaning terms are meant not only to intimidate any opposition to migration, but also to hide the fact that not all nationalism is terrible and that not all xenophobia is bigoted. Let us take a look at what the late Professor Robert Scruton thought on similar topics.

While discussing nationalism, Scruton distanced himself from nationalism as an ideology that implies national egoism or, worse, superiority over other nations. He, however, discusses a different kind of nationalism, calling it "the truth in nationalism." What is it? As he elaborates, it is our love for the place that is ours. It means attachment to the land of our childhood, to home, to things familiar. It is natural and does not stem from indoctrination. It also includes affection for common rituals and national myths, "the product of shared loyalty (…). They are, as Plato put it, noble lies: literal falsehoods expressing emotional truth. A rational being will see through them, but nevertheless respect them, as he respects religious convictions that he does not share, and the heroes of other nations" (Scruton 2015, 31–38). To Scruton, it is obvious that we have not only the right but also the duty to cherish and defend it.

Lord Acton brings another interesting argument on this issue. In his view, the rights of the individual, which the liberals of today make supreme, have their counterparts, the rights of the community. According to him, it is not that only the individual has rights, and the community has none. No, the community has rights too, to protect itself, its way of life, and its tradition. One is counterbalanced by the other. It is in the civic community, in which citizens are born, i.e. those who take matters in their own hands and who at least symbolically own the place (cf. Lazarski 2023, 37–69). Illegal immigration is a threat to both the community and to sound citizenry. And these are additional reasons for opposing illegal immigration.

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Migration is as old as humanity itself; therefore, it is a natural process. Despite the challenges and suffering it brings, it is a positive phenomenon because it contributes to the improvement of the lives of the local populations and immigrants, raises the level of social development, and prevents the ossification of civilization. Throughout history, immigrants have generally followed the ordinary pattern of adjustment to new conditions or bore the consequences of refusal mainly themselves. Renunciation of assimilation, hostility toward the new place of residence and its inhabitants is a relatively recent

occurrence in the West. It harms both immigrants as well as European hosts. The reluctance of state authorities and the European Union to face this increasingly serious problem may lead to fatal outcomes in the long run.

Unopposed or half-hearted opposition to immigration encourages rather than discourages new migrants. In view of the low fertility rate in Europe and the demographic explosion in Africa, Europe may face a fate similar to that of the Western Roman Empire. A large-scale invasion by the Germanic, Slavic, and Hunnish tribes during the so-called Migration Period (roughly between the fourth and seventh century) annihilated supposedly invincible empire and originated what is known as the Dark Ages in European history.

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Legal and Illegal Immigration in Post-War (Western) Europe

Abstract

Migration is a natural phenomenon, as old as the human species itself. Moving from one place to another is a challenging, even painful situation for the migrants, but it also leads to an exchange of experiences among various peoples, which contributes to the improvement of our everyday life and the adoption of better laws and institutions. Nowadays, the West in general and Europe in particular are experiencing a new phenomenon of illegal immigration over which it exercises less and less control. Treating it as a new human right, on the one hand, and avoiding confrontation with reality by state governments, on the other, may lead to deplorable consequences, i.e., it could result in a new "Migration Period", reminiscent of one that occurred in late antiquity and that terminated the Western Roman Empire.

Keywords: migration, multiculturalism, liberalism, assimilation, social mobility, recession nationalism, Western Civilisation

Legalna i nielegalna emigracja w powojennej (zachodniej) Europie

Streszczenie

Migracja jest zjawiskiem naturalnym i tak starym jak sam gatunek ludzki. Jest to sytuacja wymagająca, a nawet bolesna dla migrantów, ale prowadzi także do wymiany doświadczeń między różnymi narodami, co przyczynia się do poprawy naszego życia i przyjęcia lepszych praw i instytucji. Obecnie Zachód w ogóle, a Europa w szczególności doświadcza nowego zjawiska nielegalnej imigracji, nad którym sprawuje coraz mniejszą kontrolę. Traktowanie go

z jednej strony jako nowego prawa człowieka, a z drugiej unikanie przez władze państwowe konfrontacji z rzeczywistością może prowadzić do opłakanych konsekwencji, tj. skutkować nową „wędrówką ludów", podobną do tej, która miała miejsce w późnej starożytności i która zniszczyła zachodnie imperium rzymskie.

Słowa kluczowe: migracje, multikulturalizm, liberalizm, asymilacja, społeczna mobilność, recesja, nacjonalizm, cywilizacja zachodnia