Mass Migration:
German Political Parties' responses to the refugee question

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Abstract

What was the response of Germany's political parties to the refugee question? I am to study this question by providing an overview and evaluation of the political statements and tactics of German political parties on the refugee issue during, and after, the German election campaign of 2017. This analysis is based on the political statements of the parties in their own publications (e.g. political programs) and in the general media (press, internet etc.) as well as on the critical echo in the public. I will also discuss the legal framework surrounding the refugee crisis, in order to better understand the varied responses to its administration. My analytical framework is inspired by the German sociologist Max Weber who distinguished between ethical approaches in politics: (1) an *"ethics of moral conviction,"* which means to take an ethical principle as an absolute command (e.g. to help refugees regardless of any adverse political consequences this might have); and (2) an *"ethics of responsibility,"* which means to weigh a given ethical principle against its adverse consequences (e.g. social tensions) with an effort to find a compromise.

Keywords: Parties, migration, refugees, vote, theory, public opinion, media, law

1. The refugee decision in 2015 & the years that followed.

In the summer of 2015, a “wave of refugees” hit Germany with the highest immigration rates ever experienced: 1.3 million applications for asylum in the European Union (EU), mainly in Germany (Benedikter & Karolewski, 2016; BAMF, 2015, p.27). This meant an increase of 110,6 % –compared with 2014 (BAMF, 2015, p.27). It was the biggest number since data collection the Statistical Office of the European Union (Eurostat) ever carried out (BANF, 2015, p.27). Chancellor Angela Merkel faced a dilemma: on the one hand, Germany did not have unlimited capacities to receive refugees, a fact confirmed by the excessive demands placed on the German government in 2015. For example, controversial German political author Thilo Sarrazin echoed this opinion when he described the German refugee and immigration policy in 2015 as crude and utopist (Sarrazin, 2016, p.11). On the other hand, public opinion and most of the media placed substantial moral pressure on government, based on a widespread feeling that helping the refugees was dictated by Christian and humanitarian reasons (Dostal, 2017, p. 593). Many charitable organisations and newspapers called for volunteers to help refugees and gave advice how to help them (Hassenkamp, 2015). The Institute for Empirical Integration and Migration Research in Berlin even reported that the number of volunteers for refugee helpers has risen sharply over the past three years (Karakayali and Kleist, 2015, p.5). A few years later the popular German newspaper “Frankfurter Allgemeine Zeitung” reported “from a wide stream of misery a few drops shall reach the German ground” and the media showed tumultuous scenes at the German border and elsewhere (Carstens et. al. 2018; WELT, 2016; Spiegeltv, 2016).

The German federal government, in a quick and legally unclear decision, opened the German borders to refugees (Faasa & Klingelhofer, 2019, p. 915). Chancellor Merkel tried to comfort and encourage the German population with the words “Wir schaffen das" meaning, “We

can handle this" or "Yes we can" (Benedikter & Karolewski, 2016, p. 424; Hildebrandt & Ulrich, 2015). The country then began welcoming 13,000 refugees a day in 2015, "adding up to almost one million people in 2015" (Faasa & Klingelhofer, 2019, p. 915). This was done under superficial border control (Aust, Bewarder, Büscher, Lutz and Malzahn, 2015). Merkel's decision was immediately criticised by Seehofer, leader of the federal State of Bavaria, normally a close political ally of Merkel, as "the greatest mistake in German post-war national policy" (Sarrazin, 2016, p.11). Later on, this 2015 decision was qualified in Germany and Austria as a "loss of control" not founded in either State law or European law (Georgi, 2016). Parts of the German media, however, continued to support the government's policy of a "friendly welcome" of refugees with emotional pictures and news stories (Kösemen, 2017; Dostal, 2017). For example, several television morning shows and newspapers regularly showed scenes of crying children and mothers at the borders or drowning young people in the sea, to strengthen the political importance of the issue and to appeal to the public's compassion (Stalinski, 2015; Euronews, 2015; Human Rights Watch, 2015; BlogDeutschland, 2015). They showed the commitment of German citizens who helped and integrated refugees by reporting about social integration networks, collective cooperation to create jobs for refugees, efforts to create housing, provide food, and to create language and education courses (Balke, 2018; SZ.de, 2019; Diekman, Klovert, Kwasniewski & Reimann, 2015). They also showed several pictures and videos of German citizens who welcomed refugees at railway stations (Journalistenakademie, 2015).

The refugee question had important political considerations for Europe. Many other countries were confronted with refugees at their borders, in particular Hungary and Austria (the Balkan route), Italy, France and Spain with their Mediterranean borders, but also Great Britain. The refugee issue became a top political issue across many European nations. Most states were

unwilling to follow the German example of a “friendly welcome” and disagreed with the German project of a European wide distribution system for refugees (Europäische Kommission, 2015). In the following years, the number of refugees that came to the European Union (EU) slowly decreased. In 2016, the EU-states had 1.26 million applications (-4,8%) and in 2017, 650,000 (BAMF, 2016, p.27). The decrease is due to three main political measures: first, the closing of the Hungarian border by the conservative Hungarian government of Orban, that cut the so-called “Balkan route” for refugees; second, a deal between German and Turkish governments that curbed Near-East refugee streams from Syria and third, Italy’s unwillingness to accept African rescued from the Mediterranean sea from ships that were deemed not seaworthy (Dostal, 2017, p. 592).

2. Max Weber and Ethics

In 2018, chancellor Angela Merkel described the refugee issue of 2015 as the "largest humanitarian emergency" that forced the German government to open the border, an emergency measure not to be repeated in the future (Müller, 2018; Sattar, 2018). Her statement sheds light on the ethical dimension of the refugee issue. Here, I draw on the work of Max Weber and his distinction between “ethics of moral conviction” (or: of moral belief) and “ethics of responsibility” as two basic forms of ethical action in politics (1992, p.70). Weber argues that all ethically oriented actions in politics are based on one of these two ethical attitudes.

“Ethic of moral conviction” means acting to protect a given ethical value or carry out an ethical command irrespective of any adverse and negative side effects that this attitude or action may have (Weber,1992, p.70). The “absolute” ethicist does not assume any responsibility for conflicts and adverse effects of its actions. He “disregards conflicting goals” (Weber, 1992). With regard to the refugee question, such a person is inclined to grant protection to all people who are in an emergency situation, regardless of limited resources needed to accomplish the good moral

action, and without asking whether and under which conditions a western society can integrate people from other cultural contexts. The Merkel decision of 2015 on "welcome culture" was close to this attitude, and the German media preserved this attitude for a longer time than Merkel did (Dostal, 2017, p. 593).

The contrasting counterpart is a person guided by the ethics of responsibility. Such a person might start their moral reasoning in a given situation the same way, as does the "absolute" ethicist as described, considering the same ethical values to help refugees. But he does not stop here in the search for a good moral decision. Instead, he will go on to consider possible negative consequences and side effects that an "absolute" protection of the ethical value of "protecting and rescuing refugees" might have (Weber, 1992). The ethicist of responsibility knows that each citizen bears full responsibility for his actions, also with regard to the foreseeable side effects. The burden of negative consequences of his own actions should not be passed on to others. Therefore, those who follow this moral argumentation would ideally look to find a solution to the refugee crisis that would balance negative and positive consequences. However, we will see further in this article that few political parties engaged with the issue in such a nuanced way.

3. The legal regime governing the entrance of refugees to Europe

We can distinguish three modes of giving foreigners a right to stay permanently or for a long period of time in another state: (1) immigration of individual persons (although this is not the subject I explore here); (2) the right of political asylum; and, (3) giving refugees a limited right to stay.

The German constitution grants politically persecuted persons a right of asylum (Article 16a (1) GG). Such a right is also available to them under the *European Convention for the Protection of Human Rights and Fundamental Freedoms*. *The Geneva Refugee Convention*

regulates the rights of asylum seekers. Refugees in case of war can be granted "subsidiary protection" according to an EU-guideline (2011/95/EU (Art.2. f and g)). Since 1999 the European Union is working on a Common European Asylum System (CEAS). The aim is to give asylum seekers everywhere in Europe equal international protection.

In practice, the current system still leads to differential treatment of asylum seekers and different recognition rates between EU Member States. Secondary migration to neighbour states is the consequence of these differences. The uncontrolled arrival of numerous migrants and asylum seekers since 2015 has put a strain on the asylum systems of many Member States and the Common European Asylum System (CEAS) (Europäisches Parlament, 2017). The most important EU asylum legislations are the *Asylum Procedures Directive*, the *Reception Conditions Directive*, the *Dublin Regulation, the European Dactyloscopy (EURODAC) Regulation* and the *Schengen Agreement*.

The Schengen Agreement is the basis of the border legal regime. The basic idea is to control the external borders of the EU and to avoid internal borders controls within the EU. This system did not withstand the refugee crisis of 2015. Many EU countries returned temporarily to the control of their internal national borders, and so did Germany. The Dublin Convention is important for the lodging of applications for asylum; it determines which European State is responsible for the examination of an application for international protection. The excessive demands made by the large number of asylum seekers led to a reshaping of the Dublin Agreement. The EURODAC fingerprint identification system makes it possible to determine an immigrant's status under the Dublin Convention and whether he has a right of residence or a right of asylum.

The European Union and its member states reacted to the refugee crisis differently and often without a coordination. Germany reacted with a generous welcome culture and temporary

loss of control (Fisher & Bennhold, 2018). Greece was destabilized and its "administrative capacity" was overwhelmed (Keridis, 2018, p. 70). Other countries, like Hungary, rapidly erected border fences to prevent migrants and refugees from entering (Kingsley, 2015).

4. The German federal election campaign 2017

During the German federal election campaign of 2017, German political parties were faced with the refugee question as an issue of stunning weight and complexity, because it was "by far the most frequently stated single concern in people's minds when thinking about their election choice" (Dostal, 2017, p. 591). Some parties followed an "ethic of responsibility" in various and often unclear grades, or they simply feared immigration. Others followed an "ethic of conviction" in various directions, i.e. to let all refugees in (left wing) or close all of them out, regardless of the consequences (right wing). Each party had to cope with a mix of opinions among their own followers.

During the election campaign for the federal elections in September 2017, as well as after the elections, the refugee question played an important role, but at the same time also a quite confusing, almost mysterious one. The refugee issue became the subject of controversial demands by the parties:

- The Right-wing party "Alternative für Deutschland" (AfD) proposed to close the border for all refugees (AfD, 2017, p.27 and sqq.);
- The Liberal party "Freie Demokratische Partei" (FDP) demanded a strong right of asylum with unclear details (FDP, 2017, p.69 and sqq.);
- The Christian Democrats "Christlich Demokratische Union Deutschlands" (CDU) promised an unclear future European solution (the distribution of refugees among all EU member countries); the Bavarian counterpart "Christlich Soziale Union in Bayern" (CSU)

insisted on an upper limit of 200,000 refugees per year and tried to discuss the problem in more depth (CDU/CSU, 2017, p.62 and sqq.; CSU, 2017, p.17);

- The Social Democratic Party “Sozialdemokratische Partei Deutschlands” (SPD) and the Green Party “Bündnis 90/ Die Grünen” focussed on a smaller detail problem, calling for family reunification of refugees (SPD, 2017, p.74 and sqq.; Bündnis 90/ die Grünen, 2017, p.75 and sqq.); and,
- The Left-wing party “die Linke” called for a total equality of refugees with German citizens (die Linke, 2017, p.10 and sqq.)

Interestingly, despite its great importance in wider culture, the refugee question did not become the focus of the official and public political discussion (Dostal, 2017). It was not a leading topic of the election campaigns of the parties, with one exception. The Right-wing party’s (AfD) campaign focussed on it, and this was decisive for its relative success in the election (Otto & Steinhardt, 2017). Some of the radical and populist representatives of the AfD, like their leading candidates Alexander Gauland and Frauke Petry, exhibited racist behaviour such as Gauland saying, "We don't want a Boateng [German- Ghanaian professional footballer] to be our neighbour" and Petry naming refugees "the *lumpenproletariat* of the Afro-Arabic world" (Wehner and Lohse, 2016; FAZ.de, 2016).

Although the CSU (Bavarian counterpart of CDU) did not show behaviours like the AfD, they also focussed on the refugee issue; but its bigger brother, the CDU did not. This can be seen in an additional election program published by the CSU, called *Der Bayernplan*, which had the goal of directly addressing the topic of refugee migration (CSU, 2017). The public statements made by some party representatives from the CDU and the CSU showed a mixture of attempted calming strategies, agitation, disputes between the parties and avoidance of the question (Faasa &

Klingelhofer, 2019). The AfD employed polarization strategies by evoking anxiety and fear in their public discourses. The left-wing party "die Linke" drew attention through disputes within the party by sharp online criticism on twitter between Sarah Wagenknecht and her colleague Jan van Aken (van Aken, 2016) as well as the conservatives CDU/CSU by public criticism between Angela Merkel (CDU) and Horst Seehofer. Merkel showed no clear message about refugee admissions: for example, Merkel gave a New Year's Speech on 31 December 2014 stating: "children of refugees can grow without fear in Germany" (Merkel, 2014) compared to Merkel in June, 2015: "Germany can not accept everyone" (Merkel, 2015b) and finally contrasted with Merkel's decision to open the German borders for refugees on September 2015. CSU leader Horst Seehofers's strong statements on creating on an upper limit of refugee admission caused criticism as well.

There was also a tendency to belittle the refugee problem or to hide it behind other, neutral topics like digitalisation and education. This can been seen in most of the election program. Already the positioning of the refugee topic in the last third of most election program makes a statement about the importance of the refugee issue: it appears on page 62 of 75 in the CDU/CSU program and on page 74 and sqq. of 116 pages in the SDP program (CDU/CSU, 2017, p.75 and sqq.; SPD, 2017, p.74 and sqq.). Already, we can see that the two current major parties placed the migration issue at the back of their party program. The FDP and the Greens placed it at the end of their programs as well. The FDP place the issue on page 68 and a few following pages and again on page 106 and sqq. of 158 pages overall (FDP, 2017, p.68 and sqq.; p. 106 and sqq.). The party Bündnis 90/ die Grünen place it on page 98 of 248 in their party program (Bündnis 90/ die Grünen, 2017, p.98 and sqq.). This shows that it was not presented as a primary issue in the published political discourse of the parties across the political spectrum.

5. Weber's Classification

An attempt to classify the positions of the parties in the refugee debate according to Max Weber's categories is difficult and reveals the failures of the parties to engage in an in-depth analysis. The leftist party "die Linke" had a position of *"ethical conviction"* when it propagated to accept an unlimited number of refugees and give them all equal rights with German citizen, regardless of negative consequences. On the extreme other side, the AfD's position to shut the border to every refugee appeared as an easy answer to the concerns of many citizens (Olsen, 2018). The simple principle of "no refugees" disregarded the humanitarian problem entirely and reflects the extreme right-wing background of this party. Interestingly, the only party that seriously discussed morally convincing "*ethics of responsibility"* in the refugee question were the Bavarian Conservatives (CSU) (Faasa & Klingelhofer, 2019). Bavaria is the federal State that shouldered the largest share of the burden accepting the highest number of refugees coming to them. However, the position of the Bavarian Conservatives made less of an impression on voters because it was obscured by their internal conflicts with the Conservatives of the CDU (Faasa & Klingelhofer, 2019). The fact that only a few parties truly engaged with this question in a meaningful way, shows that it was a complex debate which many larger parties were trying to avoid.

6. After the elections in 2017

The elections brought a strong gain of votes for the right-wing party "AfD" based on their popular "no refugees" nationalistic campaign. It brought moderate losses for the Merkel conservatives CDU/CSU, gains for the liberals "FDP", and disastrous losses for the Social Democrats "SPD", mainly caused by their role as government coalition junior partner and partially by their totally unclear position in the 'refugee question'. It also brought gains by the Greens "Bündnis 90/ die Grünen" that appeared as a more modern alternative to the Social Democrats and

were preferred by voters despite their unclear position in the refugee issue (Dostal, 2017; Lees, 2018; Olsen, 2017; Der Bundeswahlleiter, 2017). After the Right-wing party AfD had been publicly declared unacceptable as a coalition partner by all other parties, the results of the election allowed the other parties two options: (1) a "Jamaica coalition" (Black-yellow-green i.e. CDU/CSU, FDP, Bündnis 90/ die Grünen), or (2) re-establishing the coalition of Christian Democrats (CDU/CSU) and Social Democrats (SPD).

The exploratory talks on the Jamaica coalition failed, for many reasons. Contrary to their election programs, the Liberals "FDP" and Greens "Bündnis 90/ die Grünen" changed their positions on the refugee issue during these talks, the Liberal in approach to the Conservative, the Greens on their own. Surprisingly, the liberals now insisted on a numerical limit of refugees to be accepted (CDU/CSU, FDP and Bündnis 90/ die Grünen, 2017), contrary to their own election program (FDP, 2017). This and the issue of family reunification formed seemingly insoluble conflicts for the coalition, according to the FDP (Lindner, 2017).

Germany then was confronted with the crucial alternatives of either new elections, a minority government, or a return to the former grand coalition (CDU/CSU and SPD). Urged by the Federal President Frank-Walter Steinmeier, the Social Democrats unwillingly accepted a new grand coalition that was only formed 171 days after the elections (Merkel, 2018). The coalition agreement did not really bring any innovative ideas. One could, however, notice efforts to adopt a somewhat stricter control of the inflow of new asylum seekers, including a debated numerical limitation that never was really tested because this inflow of refugees diminished anyway (CDU/SPD, 2018, p. 103). Despite a relatively self-contained coalition agreement on the refugee issue, behind which the parties CDU/CSU and SPD initially stood, the renewed coalition, in its first four months, suffered from some persisting personal disputes and different political views

over, for example, the family reunification of Syrian refugees (Faasa & Klingelhofer, 2019; Carstens, Lohse and Sattar, 2018). At the same time, there were differences of interpretation within the SPD. An example can be seen in the statement of Martin Schulz (SPD) about the upper limit on refugees, “We now have a regulation 1000+ per month” (SZ.de, 2018). However, Alexander Dobrindt (CSU) quickly contradicted this: "There are no new hardship regulations that would have meant more immigration” (SZ.de, 2018).

The opposition parties also criticized and questioned the government's agreement. For example, Christian Lindner, leader of the FDP, stated that the new coalition agreement is already obsolete (Lindner, 2018). Instead of suddenly commenting on the refugee crisis, as they did in the exploratory talks, the FDP expressed dissatisfaction with other issues in the first months after the coalition agreement, like the further development of the Economic and Monetary Union and the digital infrastructure. As far as asylum policy is concerned, only “success” was desired to the CSU by the FDP (Füffinger, 2018).

Although the question of refugees was addressed in the Greens’ “Bündnis 90/ die Grünen” election programme, their position became clearer throughout the election campaign and in later statements. In addition to climate protection, refugee policy became a decisive issue (Lees, 2018). The party regarded the decisions of the coalition agreement as a "discouraged continuation" (Bündnis 90/ Grüne, 2018) and the refugee policy as "inhumane" (Bündnis 90/ Grüne, 2018). Co-chair politician of “Bündnis 90/ die Grünen” Simone Peter described the planned admission quota of 1000 family members per month as "shamefully low and cynical" (Bündnis 90/ Grüne, 2018).

The present coalition agreement contains, according to the assessment of the left-wing fraction “die Linke”, "virtually no answers" to the refugee question (Akbulut, 2018). Integration would be short-circuited with sanctions, a right to stay would be equipped with high hurdles, and

society would be practicing everyday racism, which would not be stopped (Akbulut, 2018). The statements of the left wing showed the great dissatisfaction with almost every project of the Grand Coalition. Even statements that agree with the position of the left, such as the inviolability of the fundamental right to asylum, were presented as "fair-weather lip service", which is described in the practice would not be implemented (Akbulut, 2018).

In contrast, after its aggressive rhetoric in the election campaign with statements such as "We will hunt Mrs. Merkel or whoever and we will take care of our country and our people" or “Get rid of Merkel,” the AfD tried new methods after the formation of the coalition (Spiegel.de, 2018; Faasa & Klingelhofer, 2019, p. 916). Thus they tried to present many of the decisions of the Grand Coalition as ideas of its own party. Besides dissatisfaction about the new coalition and the other parties they were looking at the same time for commonalities. "It is always remarkable how abruptly and haphazardly the CDU/CSU tries to rise in the favor of the citizens with central AfD demands," (AfD, 2018) stated Oliver Kirchner, member of the AfD. Moreover, towards the end of 2018, the refugee issue lost its dominant role in public political discussion. The situation of the coalition improved, and the stability of the government, was and still is, expected.

6. Conclusion

The current refugee issue in Europe, like similar problems in other parts of the world, demonstrates the typical ethical conflict for prospective host countries: it is the conflict between the humanitarian and Christian conviction to help those who need help (ethics of moral conviction), and the unavoidable task to define the necessary limits of such help dictated by the limited capacities and resources of the prospective host country (ethics of responsibility), in this case Germany, to enable integration. In general terms, this issue of political ethics is analyzed by Max Weber in his description of political ethics of responsibility as opposed to political ethics of

conviction. A person who follows political ethics of responsibility will always try to carry out an ethical command (help for refugees) in a way that the limited resources and capacities of the prospective host State are taken into account.

An analysis of the political response of German parties on the refugee issue before and after the federal elections in 2017, reveals that the German political parties, in their majority, were unable to handle the complexity of the problem and to send, in their election programmes and statements, a clear message to their voters. The parties avoided a precise definition of their political position, out of fear that any clear message, whilst attracting perhaps some more voters from one side, at the same time could turn other voters away.

All in all, the refugee issue will continue to be of great importance in the future for prospective host States all over the world. The question is how the industrialized and wealthy Western States in Europe, North America and parts of Asia can help countries in Africa, South America and large parts of Asia, (1) to help refugees seeking asylum within the limits of their resources and capacities and, at the same time, (2) to protect their own countries in terms of security and freedom for their own citizens. From this follows the further question of how much security we need to make freedom possible and whether too much security could endanger freedom.

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