Article 72

Between Humanitarian and Political Realism: Anthropological Perspective on the Refugee Crisis in Germany

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Abstract

The article historicizes the German 'refugee crisis' of 2015 in the context of post-World War II politics of migration and asylum in the country, focusing particularly on the reactions to the 'crisis' of 1992. That time, government reacted to more than 400,000 refugees from the Balkan wars with severe restrictions of the right to asylum, framed also within the 'Dublin Regulation' of the European Union. It is argued that German politics of immigration was mostly a kind of Realpolitik that subordinated humanitarian considerations to closed-border politics geared at keeping migrants out. Summer 2015, however, saw elements of humanitarianism in German refugee politics, understood, following Didier Fassin, as the introduction of moral sentiments into politics. This 'humanitarianism' was mostly accredited to Chancellor Angela Merkel. Yet the commitment of thousands of members of the German public ensured the sustainability of a 'welcome culture' intended to accommodate refugees, government politics quickly reverted to new restrictions that keep immigrants for many months or even years in a limbo of waiting. While to some extent government's humanitarian discourse continues it becomes apparent that humanitarian politics is often a cover up for ulterior political motives. It is concluded that marking the events of 2015 as a refugee crisis enables in the first place the legitimization of politics of restriction like the externalization of EU borders into North African countries.

Keywords

Realpolitik, refugee crisis, humanitarianism

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Introduction: What's in a Crisis?

In conventional understanding, a crisis is a turning point, a difficult phase and a decisive moment between periods of 'normalcy'. At present, however, 'crises' abound; for instance, we have the financial crisis, or more specifically in Europe, the Euro crisis, and we have economic crises around the globe. The current temporality of crises is not just a moment but rather a protracted and dynamic state of affairs, the end of which is not in sight. In contrast to the conventional understanding of the term, crises have become normal. Thus, the 'refugee crisis' in Europe, which, according to popular discourse, began in 2015, goes on. Migrants still attempt to enter Europe, and European states take ever-increasing measures to fend them off. Discussing a 'refugee crisis' rather obscures the fact that these events are lined up in a longer historical chain of developments that include other 'crises' and which are in fact rather a state of normality for migration politics and policies in Germany. In spite of their normalcy, however, placing the 'crisis' label on such events invokes a semantic of danger, of emergency, a state of affairs that requires unprecedented steps to be taken. The marking of events as crisis enables to do things that would otherwise be largely impossible. Strasser (2016) speaks about 'crisis effects' and requires us to consider the consequences of marking a particular time as a crisis. We need to consider, then, which political measures are enabled and legitimised by flagging recent events as a 'refugee crises'?

Politics of Migration in Germany

Since the 1970s, the debate about immigration (migrants as refugees included) has been a field pivotal to the self-understanding of German society. Until very recently, the dominant political discourse on migration in Germany insisted that the country was not an immigration destination, a perspective linked closely to German ideas of citizenship based on 'iussanguinis' (the right of blood), that is, dependent upon descent and not on 'iussolis' (the right of the soil), i.e. not depending on birth on a territory and participation in the body politic. The dominant perspective was and continues to be that immigration is a problem for German society, not withstanding a few reforms to citizenship legislation. This in contradiction of the fact that after WWII, migrants travelled and were even invited to Germany as solution to a problem, namely the lack of a workforce in the nation's fast-growing post-war economy. These migrants were called 'guest workers', a designation that strictly implied temporary work and residence in Germany only and precluded their 'integration' today's buzzword into

society. This was a fiction, of course, but a very persistent one that for decades the dominant political stakeholders refused to give up. In addition, the insistence that Germany was not a country of immigration was the expression of a normative idea, namely that it must not be a country that was open in this regard, which was never an apt description of the empirical situation. It has to be noted, however, that in the context of the Cold War Germany always welcomed refugees from the socialist countries. These were not conceptualised as immigrants. 'Refugee' was a positively connoted category at that time and these refugees were considered as fully deserving admission and protection in the country.

Post-war immigration started in the late 1950s as labour migration, but during the 1970s, most immigrants arrived in Germany via family unification, and later, after 1980, as refugees, i.e. as migrants applying for political asylum. Certainly, not all asylum seekers were entitled to political asylum according to the strict letter of the law, which requires proof of personal political persecution, but almost no other avenue was open for migration to the country. Originally, German law on asylum was intended to cater for refugees from the 'communist bloc'. Yet, from the 1980s onward, and especially after the end of the Cold War, people set in motion by all kinds of conflicts across the globe arrived as asylum seekers. The spectre of the 'economic refugee' became a notorious figure of German (anti) immigration discourse and legislation, invented to accommodate all migrants that could not prove individual political persecution and who therefore did not qualify for political asylum according to German law.

The 'Refugee Crisis' of 1990s and its Effects

The early 1990s saw a major rise in the numbers of refugees arriving in Germany, mainly as a result of the Balkan wars and the disintegration of Yugoslavia. The figure reached more than 430,000 incoming refugees in 1992, a doubling of numbers within one year. This development was met with conflicting responses from the German population: on the one hand, an increase in deadly racist violence against all sorts of migrants in Germany, not only recent asylum seekers and on the other hand, strong expressions of solidarity with the refugees. The German government reacted by thoroughly restricting the law on asylum, because the governing parties feared the rise of xenophobic factions on the extreme right. Thereafter, numbers of refugees receded substantially, mainly as a consequence of the Dublin regulation coming into force in the European Union in 1997. The

regulation is an EU law decreeing that those EU member states whose territories refugees enter into are responsible for the examination of their asylum applications. While outwardly the Dublin regulation was intended to preclude multiple applications of asylum in the European Union, it actually served as a bulwark for the economically strong EU member states, including Germany, to get rid of the 'refugee problem'. The responsibility for the asylum procedure was 'deported' to EU frontier states bordering the Mediterranean, i.e. Spain, Italy and Greece, because these countries were the refugees' major entry points to Europe. Refugees that moved on to other EU states while their asylum application was still in process in these countries were pushed back. Until 2012, this enabled Germany a quite comfortable situation with low numbers of refugees, i.e. fewer than 100,000 applications per year. The situation changed in 2013, however, especially due to refugees and migrants travelling from the West Balkan states, mostly Albania and Kosovo. Numbers crossed the line of 200,000 applications in 2014, reaching almost 500,000 in 2015 and around 750,000 in 2016 (figures include both new and successive applications)¹, the bulk of whom came from Syria, Afghanistan and Iraq.

Humanitarianism

The concept of humanitarianism figures prominently in the title of this article, but according to my brief résumé, German migration politics do not have much linkage with humanitarianism. Didier Fassin presents humanitarianism as the introduction of moral sentiments into contemporary politics. In his book Humanitarian Reason, Fassin (2012) writes:

Moral sentiments have become an essential force in contemporary politics: they nourish its discourses and legitimize its practices, particularly where these discourses and practices are focused on the disadvantaged and the dominated, whether at home (the poor, immigrants, the homeless) or farther away (the victims of famine, epidemics, or war). By 'moral sentiments' are meant the emotions that direct our attention to the suffering of others and make us want to remedy them.

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¹While many more refugees entered Germany in 2015 than in 2016, for administrative reasons many of them could only submit their application for asylum in 2016.

We cannot find much of this in German politics of migration, although there was of course much humanitarian commitment by non-state actors in the country; actors that often voiced their concerns about the non or even anti-humanitarian politics of the state. As mentioned, German politics of migration was dominated by the idea that Germany was not an immigration country and that migrants largely needed to be kept out. More precisely, and here moral sentiments come to the fore, asylum politics was dominated by the idea that asylum needs to be limited strictly to those who are really 'deserving', that is, to those who meet the narrow criteria for political asylum, and that therefore all others need to be fenced off. In a strange twist of reasoning, the strict politics of keeping those out who are considered as undeserving, or of deporting them, was presented as a precondition for offering the humanitarian right of asylum to those who were deemed as deserving.

Humanitarian reasoning also left its mark on the reasons for suspending the deportation of rejected asylum seekers. In principle, medical reasons figure strongly in this regard, for instance if a person is unable to travel due to illness, or if he or she suffers from an illness that cannot be treated adequately in the country of deportation. Here too, though, criteria were narrowly defined, and today, very few people actually qualify for the suspension of deportation due to medical reasons.

Thus, as a whole, German politics of immigration was mostly a kind of 'Realpolitik' that subordinated humanitarian considerations to closed-border politics geared at keeping migrants out. The German concept 'Realpolitik' is imperfectly translated into English as 'political realism', but what it actually involves is giving unequivocal priority to 'hard' political (and economic) interests; as they are conceived from particular vantage points, of course. The strict limitation of the refugee influx, in order not to overburden the German welfare system, to steal the thunder of xenophobic forces and, ultimately, to remain in power are such interests. Pointedly, one could say that the opposition of Realpolitik versus humanitarianism equals an opposition of interests versus (moral) values, but of course, interests are linked with values, too, and moral values define and justify their own interests.

Intrusions of Humanitarianism

While German politics of migration was clearly dominated by 'Realpolitik', there were also ruptures and intrusions made by humanitarian rhetoric. Shipwrecks in the Mediterranean, in which hundreds of refugees died during the last decade, often made political

actors pause and express their concern that this 'humanitarian tragedy' must not continue. In mid-April 2015, for instance, 1200 people drowned in the Mediterranean within a few days.² Nevertheless, such concerns did not have many practical consequences, as after every such tragic event, this distress lasted for a few days only. After several catastrophic shipwrecks in which many hundreds of people lost their lives, the Italian government, in October 2013, started the naval operation 'Mare Nostrum', intended to save the lives of refugees experiencing distress on their way across the Mediterranean in unfit vessels. When the Italian government proposed that the EU take over, the European Commissioner for Home Affairs, Cecilia Malmström, proclaimed that the EU lacked the funds to do so and that the Italian operation had in fact boosted trafficking across the sea because of the increased chances of being saved. According to her, the Italian mission was more or less responsible for further shipwrecks.³ Mare Nostrum was then replaced by the EU mission 'Triton', which focused far more on controlling the maritime border than on saving the lives of refugees in desperate need of help.

Nonetheless, let us move the focus back to Germany. German politicians of the ruling parties generally showed the same reactions to the calamities in the Mediterranean, expressing concerns and demanding that such things must not go on, albeit without taking serious steps to prevent such disasters beyond repeating the demand that trafficking had to be controlled and migrants stopped. However, there was a marked change of discourse or rather, an additional thread of discourse in 2015, which was where humanitarian reasoning came in. The recent development of German refugee politics is generally attributed to Chancellor Angela Merkel. This is, no doubt, too narrow a perspective, but there was a tangible change in her statements that led to this opinion. In mid-July 2015, Merkel took part in a televised discussion with high school students in the German city of Rostock. On this occasion, she was addressed by Reem, a 15-year-old Palestinian girl from Lebanon, who had been living in Germany for four years together with her family as asylum seekers. Recently, her family had been threatened with deportation, and Reem expressed her worries about her own future. Not knowing whether she would be allowed to

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²See the report "Death by rescue," https://deathbyrescue.org/ (accessed 1 July, 2017)

³"Meer der Hoffnung, Meer des Todes" (Sea of Hope, Sea of Death). Spiegel Online, 15 September 2014. Available online at

 $http://www.spiegel.de/panorama/fluechtlinge-sterben-im-meer-vor-malta-und-libyen-a-991772.html\ (accessed\ 9\ September\ 2017).$

stay in Germany, she felt distressed, as she was unable to plan her further education. She said that she does not know what her future will be. Merkel responded to Reem with a classical 'real political' statement, explaining German politics of asylum and emphasising that not all refugees would or could be allowed to stay in Germany. She said that politics is sometimes hard, highlighting that 'we cannot do that', i.e. welcome all potential refugees to the country. Here she used almost the same notorious words as in her press conference six weeks later, only in a negative way. Responding to Reem, she said, 'Dannschaffenwir das nicht' (Then we will *not* be able to do this), in contrast to her later, notorious phrase 'Wirschaffen das!' (We will be able to do this!), i.e., accommodate the incoming refugees.

After this brief exchange, Reem burst into tears. Merkel was visibly touched and moved. She paused a few moments, which is rather unusual behaviour for a politician live on TV, and then she went over to Reem to cuddle her, trying to console the girl. This scene can be interpreted as the intrusion of a humanitarian gesture into real politics. Merkel did not give up her real political perspective, but she tried to provide some 'humanitarian comfort' rather than a helpless gesture of embracing Reem. The moral sentiment urging for the accommodation of all refugees in search and need of a better life was met by the real political objection that this was a political and practical impossibility. Subsequently, Merkel was highly criticised in the (social) media for how she acted towards Reem. Merkel's encounter with Reem can be interpreted as a 'critical event' in Veena Das' sense, that is, as an event that enables new ways of action (Das, 1995).

Welcoming Refugees to Germany

There were more catastrophic capsizing tragedies in the Mediterranean, but then, in the second half of August, the 'humanitarian crisis' came much closer to the borders of Germany. Large numbers of refugees that had taken the so-called 'Balkan route' towards central Europe, after crossing the Aegean from Turkey to the Greek islands, were collecting at Budapest's Keleti station. While all other countries along the route had kept their borders open, to enable the smooth transit of the refugees, the Hungarian government closed its border to Austria and, insisting on the Dublin regulation, did not allow the refugees' passage. On August 21, the German Federal Office for Migration and Refugees (BAMF) issued a tweet that in Germany the Dublin regulation would

⁴The scene can be viewed on YouTube: https://www.youtube.com/watch?v=iWPZuZU5t44

not be applied to refugees from Syria, because of the war and the aggravated humanitarian crisis in that country. While this was not an official, formally published statement, the tweet rapidly circulated among Syrians and other refugees in Hungary and was taken as an invitation to travel to Germany. On August 27, an international governmental conference on the refugee issue took place in Vienna, Austria. On the same day, an abandoned van was found on an Austrian motorway close to the Hungarian border in which 71 refugees had died from suffocation. The participants at the conference, Chancellor Merkel included, expressed their utter horror at this incident (Holmes & Heide, 2016).

A few days later, on August 31, Merkel gave a press conference in Berlin. In her statement she gave top priority to the topic of peoples 'from all over the world' seeking refuge in Germany.⁵ She emphasised the many tragedies and atrocities that had set the people in motion in the first instance and referred also to the people who had suffocated in the van. Merkel stated that many organisational issues had to be tackled in order to deal with this situation, but that first of all, two principle elements needed to be emphasised that should guide all actions in relation to the refugees. The first principle was the right to asylum, while the second was the dignity of every human being as enshrined in the first article of the German constitution. This was a clear humanitarian statement, which referred to moral values that should guide political and administrative action. Merkel felt compelled to underline these values, not only because of the sheer number of refugees coming toward Germany, but also, probably more importantly, because for months Germany had been haunted by hate crimes and right-wing attacks on refugee accommodation centres, arson included. While such crimes were committed by a minority of the population only, they aroused great concern, as they evoked the deadly racist violence of the 1990s and, of course, of Nazism. There was widespread fear that anti-immigrant and anti-refugee attitudes were on the rise and that new movements and organisations of the extreme right, like PEGIDA or the AfD⁶, could capitalise on such affects and attitudes and

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⁵The full text of Merkel's statement is available online at the Federal Chancellor's website:

https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2015/08/2 015-08-31-pk-merkel.html (accessed 8 September 2017).

⁶PEGiDA is the acronym for "Patriotische-Europäergegen die Islamisierung des Abendlandes" (Patriotic Europeans against the Islamisation of the Occident), a rightwing movement against immigration that came into being in October 2014. The AfD ("Alternative für Deutschland", Alternative for Germany) is an originally EU-skeptic

ultimately threaten the parties currently in government. Thus, Merkel's invocation of these (moral) principles was meant to preserve the moral integrity of German society and encourage a positive attitude toward the refugees. In this press conference, Merkel uttered the notorious phrase 'Wirschaffen das!' i.e., that 'we' (the German people) will be able to handle the difficult situation in a positive way. When these words spread via social media, refugees waiting at Budapest's station joyously celebrated Merkel, which gave them strong encouragement to no longer comply with the orders of the Hungarian police to stay where they were but to take their destiny into their own hands-or rather, on their own feet. As a result, they started marching on a motorway toward the Hungarian-Austrian border. Under this pressure, on 1st September 2015, Victor Orban, the Hungarian prime minister, allowed the refugees to cross the Austrian border, while at the same time measures were taken to seal the Hungarian-Serbian border, in order to prevent the influx of further refugees.

On 2nd September, a photo of Alan Kurdi, a two-year-old Kurdish boy from the Syrian town of Kobane, who had drowned on the passage from Turkey to Greece and was subsequently washed up on the beach near the Turkish tourism centre of Bodrum, circulated in the press. While hundreds of migrants had drowned previously, Alan Kurdi now became the symbol of the inhumanity of the current attitudes to migration. Again, European and German politicians expressed their horror and vowed that such occurrences must be prevented.

On 4th September, a huge number of refugees approached the Austrian-German border. Many of them expressed their wish to reach Germany, while others wanted to continue toward the northern countries. Merkel and the then Austrian Chancellor Werner Faymann decided not to close the border and to allow the influx into Germany. The next day, therefore, the more or less uncontrolled influx of unregistered refugees in Germany began. Crowds of Germans greeted them, for instance at Munich's central station, but also in many other cities, holding placards saying 'Refugees welcome' and distributing gifts. In Munich alone, 20,000 refugees were welcomed on September 5th and 6th. The German 'welcome culture' was born in a marked contrast to what government officials generally expected, namely, that anti-refugee sentiments would prevail and that such resentments needed to be prevented and contained by restrictive politics of migration.

party established in 2013, which, since 2015, has taken a strict rightist-populist outlook and mainly advocates anti-immigrant positions.

Although the right-wing groups were able to muster support and created a great clamour, a positive attitude still prevailed, resulting in an unbelievable number of people volunteering to support the newly arrived refugees in many different respects. In fact, in many places, the number of volunteers greatly exceeded the needs of the refugees.

Realpolitik enters the Scene Again: Restrictive Politics of Asylum

The subsequent politics of migration and asylum in Germany need a much more detailed and differentiated analysis, for which the observation on the surface humanitarian politics largely continued, vowing to welcome and accommodate the refugees and to enable their 'integration' in Germany, at the practical, politics largely reverted to the 'real politics' of restricting asylum. While, for instance, Syrians initially had been promised generous terms and the speedy granting of asylum, the level of protection was subsequently limited in most cases to temporary 'subsidiary protection' only, which, significantly, excluded family reunification. Furthermore, living conditions in refugee accommodation centres were made difficult, restricting, for instance, in many cases the refugees' right to prepare their own food according to their personal habits (Roitman, 2013).

The opposition of 'Realpolitik' and humanitarian politics helps in understanding the politics of asylum in Germany, albeit not in a straightforward manner which does not necessarily imply that real politics is (morally) 'bad' and that humanitarianism is intrinsically 'good'. In her analysis of French politics on the (non) accommodation of immigrants, Miriam Ticktin points out that humanitarian politics based on compassion and the urge to alleviate individual suffering is in fact a politics of inequality that solidifies hierarchies and largely precludes equal rights (Ticktin, 2011). Humanitarian state politics is sometimes more concerned with appearing to alleviate suffering than with actually 'doing well' to people in distress. Humanitarian politics is then in the first place a politics of representation that serves to cover up real politics. In Germany, for instance, sometimes the suspicion was voiced that, after the circulation of the image of Alan Kurdi on the Turkish beach, the open border policy of late summer 2015 was also intended, in order to prevent 'ugly images' possibly emanating from the border between Austria and Germany, namely images of police and

border patrols forcefully and violently preventing refugees from crossing the totally unfenced border.⁷

It is safe to assume that many different and often contradictory motivations and intentions govern political decisions, the politics of migration and asylum included. In Germany, following the 'summer of migration' of 2015, there is a marked contradiction between the continuously voiced insistence that refugees need to 'integrate' quickly into German society, and the recent packages of asylum law. These packages largely preclude integration, by restricting refugees' right to work and education, by requiring them to live in crowded asylum centres often situated on the periphery of towns and cities, i.e. far away from infrastructures, and by the limitation of resources for German language courses. The contradiction between the discourse of integration and the practical politics of keeping refugees for years, waiting in a limbo of uncertainty, could not be more marked.

Unsurprisingly, politics is dominated by strategies and considerations of power: the restrictive politics of asylum intends to placate possible supporters of right-wing groups, taking over some of their demands in a slightly softened manner. It is also meant as a form of deterrent to people across the globe that might consider travelling to Germany as refugees, thereby delivering them the message that living as a refugee in this country is not a walk in the park and that deportation is most likely. In the politically intended urge to decide on asylum applications as quickly as possible, in order to reduce the number of asylum seekers swiftly, decisions on asylum are made as if on a conveyor belt, producing many mistakes and often utterly inhumane outcomes. In many cases, for instance, people have been deported that were indeed already well integrated, and in some cases families were separated by deportation. Official discourse on asylum and refugees is currently dominated by two aspects. On the one hand, there is the emphasis that 'deserving' refugees need to be accommodated and integrated, while on the other hand, there is insistence on the strict deportation of the 'undeserving' (Holmes and Castaneda 2016). What this discourse ignores, though, is the fact that in many cases it is very difficult, if not outright impossible, to neatly tell the deserving from the undeserving. In most cases, human destinies do not fit neatly into either of these categories.

⁷In his account of the events journalist Robin Alexander insinuates that the border remained open only because nobody in government wanted to take the responsibility for such images (Alexander, 2017, p. 23).

Conclusion: Crisis Effects

In my interpretation, Chancellor Merkel's encounter with Reem can be regarded as a 'critical event' in the sense of Veena Das, namely as an event that enabled new ways of taking action (Das, 1995). Of course, this encounter did not stand alone; it was suspended in a series of events in which the problematic humanitarian aspects of current refugee policies in Europe became most obvious. Nonetheless, this particular encounter touched Merkel directly and she was visibly moved, while at the same time, she was defending the realist rationale of German politics in relation to refugees and asylum. Maintaining this realist position became much more difficult, considering the Asylum politics 'humanitarian intrusion'. in Germany subsequently dominated by the tension between real politics and humanitarianism. While 'realism' mostly prevailed over practical politics, humanitarianism was increasingly becoming a matter of rhetoric only. Both modes of politics, however, flagged the events in question as a 'crisis'.

In conclusion, the effects of this particular crisis can be illustrated. After 2015, through a number of legislative changes, politics of asylum in Germany became much more rigid and in some aspects even repressive. This effect is amplified by the increasing securitisation of related policies after several attacks committed by men who entered Germany as refugees. Here, two 'crises' converge, namely the 'refugee crisis' and the 'terrorism crisis', enabling in the first place a highly increased level of control and surveillance. At the European level, the refugee crisis enables a new kind of 'externalisation policy' that shifts the EU's borders to Turkey and to Northern Africa and turns countries like Turkey, Tunisia, Egypt or even Libya into extraterritorial European border posts. While this is seemingly also meant to reduce the number of calamities in the Mediterranean. externalisation of borders in fact does not save any lives. According to Giuseppe Loprete, the IOM Chief of Mission in Niger, probably more migrants die while attempting to cross the Sahara than on the passage across the Mediterranean, and yet these deaths are hardly recorded. One significant effect of externalisation is that humanitarian issues are largely pushed out of sight in Europe, while at the same time NGOs running sea rescue operations in the Mediterranean are criminalised as collaborating in human smuggling. The Italian government even termed these rescue operations 'pull factors' endangering the lives of migrants. This was not the first time that on a humanitarian pretext the heightened control of maritime borders had forced migrants to take

even more dangerous courses. A decade ago, for example, the EU's border security agency Frontex's mission Hera forced back migrants that intended to reach the Canary Islands and compelled them to take the hazardous Sahara route instead migrants that often had to move because EU fishery policies destroyed their sources of income in West African states. Gregory Feldman quotes an EU official who, in 2008, had already justified such moves as efforts toward saving lives (Feldman, 2011).

Humanitarianism is often understood as the urge to alleviate the suffering of strangers (Calhoun, 2008), as a 'politics of compassion' (Fassin, 2012). However, those in plight must first become visible as humans that deserve compassion and not suffer beyond the sight of those that can alleviate their suffering. Nevertheless, German and European refugee policies ensure that in future, such suffering will not come too close to Europe again. The ordeal of migrants on their way to Europe is hidden behind the smokescreen of the humanitarian rhetoric of saving lives in the Mediterranean. Furthermore, humanitarianism is about compassion and charity; it is not about justice and rights. The humanitarian motive totally ignores the global inequities that, besides political repression, put migrants on the move in search of a future for themselves and their families. In the last instance, then, the humanitarian rhetoric serves to cover-up the effects of an unjust liberal global economic order.

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