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EUROPEAN VIRTUAL POLITICS

CAPITALIZING ON IMMIGRATION

ABSTRACT   Hooghe and Marks' update of Rokkanian European cleavages recognises the existence of a European political arena with opposite poles. The paper first contrasts rhetorics on a European level by two European Council members at opposite poles, the French President E. Macron and the Hungarian Prime Minister V. Orbán, then it compares their immigration policies on a national level. While a vast difference can be detected in the rhetorical dimension, their national regulations and executive decisions on immigration are stunningly similar. Such discrepancies are explained through an institutional analysis of the European Council, which gives structural incentives to perform "virtual politics" consisting of statements aimed at gathering domestic support against virtual "opponents", while avoiding any political risky decisions at home. Furthermore, as the neoliberal nature of the EU incentivizes the status quo in this area, only profound institutional reform can lay the ground for a change.

Key words: immigration, European Council, virtual politics, EU

1. INTRODUCTION

This work should be considered a working paper, an explorative analysis on the discursive side of the European-wide divide between Liberals and Populists regarding immigration. Such an analysis inserts itself on the broader critique of the current "cleavage" between Liberals and Populists within the neoliberal state in the globalised capitalist system, well expressed in S. Halimi and P. Rimbert's "Not the World order we Wanted" published in *Le Monde Diplomatique* in September 2018.

Invoking the threat of dictatorship makes people believe that democracy currently prevails, even if it may need a few tweaks. More fundamentally, Obama's idea (and Macron's identical one) in which 'two very different visions of humanity's future compete for the hearts and the minds of citizens around the world' makes it possible to gloss over what these visions have in common, which is the mode of production and ownership, […]. By this analysis, there is nothing to distinguish Macron from Trump, as demonstrated by their shared eagerness to reduce taxation on investment income after they took office.[1]

Neoliberal ideology, characterised by inherent processes of commodification and instrumentalization of the individual, with its focus on economic competitiveness, is common to both European liberals and populists and it is an intrinsic element of EU institutions. As the European Union and contemporary states were and are engaged in the neoliberal transformation of the state,[2] neoliberalism is the fundamental element influencing the content of immigration policies of both populists and liberals,[3] who usually apply very similar regulations in this realm. Both these "factions" are neoliberal in their views on economics, the EU, and the system which today pursues competitivity in a globalised economy. Nowadays, the competitiveness of the European common market rests on the inflows of irregular immigration and its capacity to provide cheap labour and lower wages, functioning as what Marx defined a "reserve army".[4] The inflow of immigrants in the European Common Market is thus a beneficial condition for the EU and its member states, especially for the Western countries, which have higher labour costs in comparison with the Eastern member states. However, countries in the East, like Poland, are increasingly benefitting from large flows of immigrants from Ukraine and other post-Soviet countries, who perform the same function.[5]

[1]   R. Halimi, P. Rimbert, "Not the World Order We Wanted", *Le Monde Diplomatique*, 2018 at <https://mondediplo.com/2018/09/01world-order>.

[2]   C. Hermann, "Neoliberalism in the European Union", *Studies in in Political Economy*, vol. 79, no. 1 (2007), p. 85.

[3]   R. Halimi, P. Rimbert, "Not the World Order We Wanted…",

[4]   L. Pradella, R. Cillo, "Immigrant Labour in Europe in Times: An International Political Economy Analysis", *Competition & Change*, vol. 16, no. 1 (2015), p. 5.

[5]   M. Eyre, M. Goillandeau, "Poland's Two-faced Immigration Strategy", *Politico EU*, 2019, at <https://www.politico.eu/article/poland-two-faced-immigration-strategy-ukraine-migrants/>.

Building on P. Hansen's work the author argues that the current status quo regarding immigration flows and policies is beneficial for actors on both sides of the liberal – right-wing populist spectrum, which both benefit from it in terms of continuation in the arrival of new illegal immigrants and autonomy in decision making regarding this field, but more importantly in terms of political instrumentalization of the issue in order to produce domestic electoral gains, through the production and reproduction of "virtual politics" around the immigration issue. This work aims at analysing the mechanisms of the latter aspect of the European debate around immigration.

Resolving the humanitarian issue surrounding the migration crisis would require the extension of permanent residence and social rights for a greater number of people, which is unbearable in the current neoliberal state-building process within the EU.[6] Yet, debate on immigration, usually in terms of mere rescaling of policies from a national to a European level, is more than alive. There are numerous reasons for that, one of them being its functionality to different discourses aimed at reinforcing the grip on power of the neoliberal élites, both pro-European liberals and Eurosceptic populists, while glossing over broader issues, like the intrinsic contradiction between the neoliberal essence of the EU and inclusive immigration policies.

Analysing the mechanisms of the European debate on immigration requires a basic knowledge of Europeanisation and the complex and multi-layered implications of national political debates.[7] In recent years, the European public has experienced an increasing Europeanisation of domestic political discourse and politics around some sensitive issues. The increased number of decisions taken at the European level has indeed produced an increasingly "Europeanised" domestic political debate.[8] These dynamics have been strongly reinforced in recent years by the pressures of the emergency situations brought about by economic and migration crises, which have led to a massive transfer of authority (or an expectation of it) to the European level.[9] The European Council is one of the most important institutions in the EU decision-making process, where governments of the Member States have strong institutional power, a factor which tends to bias the Europeanised domestic political debate towards these actors.[10]

In the European Council, foreign policy becomes European politics, which can be

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[6] P. Hansen, "More Barbwire or More Immigration, or Both? EU Migration Policy in the Nexus of Border Security Management and Neoliberal Economic Growth", *The Whitehead Journal of Diplomacy and International Relations*, vol. 11, no. 1 (2013), p. 90, at http://blogs.shu.edu/diplomacy/files/2012/05/10-Hansen_Layout-1a.pdf.

[7] K. Featherstone, C. Radaelli (eds.), *The Politics of Europeanisation*, , Oxford 2003, pp. 6-11.

[8] R. Ladrech, *Europeanisation of National Politics: The Centrality of Political Parties*, in J.M. Magone (ed.), *Handbook of European Politics*, New York 2015, p. 578; R. Koopmans, "Who Inhabits the European Public Sphere? Winners and Losers, Supporters and Opponents in Europeanised Political Debates", *European Journal of Political Research*, vol. 46, no. 2 (2007), p. 188.

[9] R. Dehousse, "The Euro Crisis and Beyond: The Transformation of the European Political System", *EUI Working Papers RSCAS*, vol. 67 (2018), p. 2, at <https://cadmus.eui.eu/bitstream/handle/1814/60250/RSCAS_2018_67.pdf?sequence=1&isAllowed=y>.

[10] R. Koopmans, "Who Inhabits the European Public Sphere?", p. 188.

used to mobilise the electorate in individual countries[11] and even in different member states along "pan-European" partisanships. This added another political cleavage across Europe, defined as "transnational" by Hooghe and Marks, between the Eurosceptic and pro-integration factions.[12]

Yet, if on one hand the European Council produces the Europeanisation of political debate and positions, contributing to a mass socialisation of European issues, interests and values, on the other hand its institutional fashion provides incentive to pursue *virtual politics* based on artificial political conflicts aimed at the production of domestic political gains for its manufacturers. The result is an increasing polarised understanding of the European identity, which takes the apparent form of two uncompromising discourses, each with its own set of values and attitudes which are well articulated in the immigration debate, as embodied by Macron and Orbán. However, despite the apparent contrast, both governments pursue neoliberal policies and take the same neoliberal securitarian approach to immigration, which Hansen describes on a wider European level, involving the systematic criminalisation of social actors who try to create nets of solidarity built on a humanitarian approach towards the immigrant, opposing the criminalisation and militarisation of borders.

2. THE EUROPEAN COUNCIL: EUROPEANISATION AND VIRTUAL POLITICS

Europeanisation is a broadly established field in academic literature.[13] Despite the existing different definitions, all of them have one common assumption: the very existence of the EU influences practices, structures, values, attitudes and ways of doing of their member states towards common standards. It is important to underline that such change does not entail just a broad institutional convergence, but it invests also the individual and social dimensions as well as the discursive one. One of the broadest definitions, one which can to cope with the complexity of the phenomenon and its various dimensions is offered by Radaelli: [Europeanisation is] *a process of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ways of doing things and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structure and public policies.*[14]

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11   R. Dehousse, "The Euro Crisis and Beyond: The Transformation of the European Political System...", p. 8.

12   L. Hooghe, G. Marks, "Cleavage Theory Meets Europe's Crises: Lipset, Rokkan, and the Transnational Cleavage", *Journal of European Public Policy*, vol. 15, no. 1 (2017) p. 110.

13   C.M. Radaelli, "Europeanization: The Challenge of Establishing Causality", in C.M. Radaelli, T. Exadaktyklos (eds.), *Research Design in European Studies Establishing Causality in Europeanization*, Basingstoke 2012, p. 1.

14   K. Featherstone, C. Radaelli (eds.), *The Politics of Europeanisation*, p. 17.

The Europeanisation of the domestic political discourse is central to understanding the rise of a supranational "European Political Arena". The existence of Europe-wide policies and their perceived need or danger creates a common political debate throughout the union on shared issues.[15] Recent studies have focused on European Political Parties,[16] the birth of Europe-wide campaigns trying to influence the EU decision-making process[17] and the "Europeanisation" of the elections for the European Parliament.[18] 2014 saw for the first time the attempt to build common European lists, and 2019 even saw pan-European parties presenting themselves in several member states. Therefore, even if these elections could be regarded as second-order ones aimed at signalling approval or disapproval of incumbent governments, recent years have seen an increased focus of the pre-electoral debate on common European issues[19] and on the "European issue" itself, with an increasing tendency to define (and self-define) competing parties in terms of pro-European or Eurosceptic.[20] It is possible to consider such pre-electoral debates, as well as Europe-wide debates on common issues as a reflection of the so-called "transnational" political cleavage, a definition of which is offered by Hooghe and Marks: *We term this cleavage a transnational cleavage because it has as its focal point the defense of national political, social, and economic ways of life against external actors who penetrate the state by migrating, exchanging goods, or exerting rule.*[21]

The transnational cleavage in Europe takes the specific form of a fracture between pro-Europe factions and Eurosceptics,[22] which neither overlaps with the traditional left-right divide nor substitutes it, but constitutes a new cross-cutting one.[23] Political competition and conflict is structured along different cleavages, and for Hooghe

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[15]   R. Koopmans, "Who Inhabits the European Public Sphere?", p. 186; L. Hooghe, G. Marks, "Cleavage Theory Meets Europe's Crises...", p. 117; R. Dehousse, "The Euro Crisis and Beyond...", p. 6.

[16]   R. Ladrech, "Europeanisation of National Politics...", p. 576; D. Hanley, "Outside Their Comfort Zone? National Parties, European Parliament", in J.M. Magone (ed.) *Handbook of European Politics*, New York 2015, p. 591.

[17]   M. Caiani., Graziano P., "Europeanisation and Social Movements: The Case of the Stop TTIP Campaign", *European Journal of Political Research*, vol. 57, no. 4 (2018), pp. 1031-1055; D. Della Porta, L. Parks, "Contentious Politics in the EU", in J.M. Magone (ed.), *Handbook of European Politics*, New York 2015, p. 858.

[18]   M. Belluati, "Signs of Europeanization? The 2014 EP Election in European Newspapers", *Italian Political Science Review/Rivista Italiana Di Scienza Politica*, vol. 46 no. 2 (2016), pp. 131-150.

[19]   R. Dehousse, "The Euro Crisis and Beyond...", p. 6.

[20]   L. Hooghe, G. Marks, "Europe's Crises and Political Contestation, Paper Presented at the 'Theory Meets Crisis' Conference", *Robert Schuman Centre, EUI*, p. 9, at <http://www.euengage.eu/wp-content/uploads/2016/05/Hooghe-Marks-Europes-Crises-and-Political-Contestation.pdf>.

[21]   L. Hooghe, G. Marks, "Cleavage Theory Meets Europe's Crises...", p. 112.

[22]   A cleavage that for L. Hooghe and G. Marks is a regional expression of the broader so-called "transnational cleavage" between the two poles defined as the "TAN" pole, (Tradition, Authority, National pole), and the "GAL" pole, (Green, Alternative, Libertarian pole). Two poles that in Europe are strongly associated with the support or opposition to the European Union, ibid., pp. 125-126.

[23]   Ibid., p. 117.

and Marks, the debate on immigration is structured along the transnational cleavage.[24] This cleavage could be indeed structuring people's positions on certain issues, although in terms of neoliberal élite politics in Europe, the conflict is non-existent in practical terms regarding the issue of immigration, but the narrative of such a cleavage, thanks to specific institutional incentives given by the design of EU institutions, is reproduced by both sides to gain domestic support through the indication of a virtual enemy, such as the cosmopolitan Macron for Orbán or the illiberal Orbán for Macron.

The focus on the European Parliament, parties etc. in the studies on Europeanisation of Political Debate is contrasted by an almost complete absence of analysis of the European Council, a central institution in the EU's decision-making cycle, as a carrier of Europeanisation. Indeed, the European Council's increased centrality and visibility in the EU decision making processes is well-known. Different authors have underlined the progressive increase in the number of council meetings.[25] Such a tendency has been reinforced by the "emergency" situation into which the EU was plunged by the ongoing financial, migratory and several foreign policy crises. Arguably, the council has become the most important venue in which European politics plays out and acquires visibility for European citizens. Here, heads of state or government often act, taking Eurosceptic or pro-European positions, with increasing references to Europe, with Europe-wide appeals and even supporters. They act on a sort of European political stage. This has a double consequence: on one hand we cannot strictly regard it as "foreign policy", but more something like "European politics", while on the other hand we see a Europeanised debate which mobilises domestic constituencies.

This could be defined as Europeanisation of the political debate. This process indeed calls into question different sets of values and principles on a European scale, providing opportunities to develop European relations of solidarity, as well European identification of common interests and belonging to a community.[26] What must be stressed, however, is that the council's institutional rules provide great margins for engaging in European discourses for domestic gains, without following up with real actions. It reproduces virtual political actions, discourses and even conflicts for mere domestic gains. In brief, the Council of the European Union gives strong institutional incentives for what has been called "virtual politics", relying on "political myths".

Virtual politics is a concept developed specifically in reference to post-Soviet countries by the historian A. Wilson at the beginning of the 2000s.[27] Today the concept has gained even more popularity in reference to Russian politics. Wilson states that *democratic institutions are a Potemkin-like facade for the use of 'political technology' to manip-*

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[24] Ibid., p. 113.

[25] M. Hillebrandt, S. Novak, "Integration without Transparency? Reliance on the Space to Think in the European Council and Council", *Journal of European Integration*, vol. 35, no. 5 (2016), p. 528; C.J. Bickerton, D. Hodson, U. Puetter, *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era*, Oxford 2015, p. 8.

[26] N. Fligstein, "Who Are the Europeans and How does This Matter for Politics?", in J.T. Checkel, P.J. Katzenstein (eds.), *European Identity*, Cambridge 2009, p. 136.

[27] A. Wilson, *The Ukrainians: Unexpected Nation*, New Haven 2000, p. 398 (ebook).

ulate the political arena in the former Soviet Union.[28] The manipulation of the debate is another part of it. In different writings, the father of "virtual politics", analysing its dynamics, refers to myth-making and creation of enemies in the political discourse in order to produce enemies and conflicts which would act as a smokescreen covering the actual flaws of the post-soviet authoritarian regimes.[29] Myths are social constructs are created to serve a specific purpose.[30]

The practical result of this virtual politics on the EU political system is explained by a famous quotation from Italian literature: *tutto cambia perché nulla cambi*.[31] According to Y. Yurchenko, inspired by A. Gramsci in her theoretical framework, *the function of myths in a changing political and economic reality is to produce social cohesion or to support a specific mode of governance, production and social reproduction*.[32] In other terms, we see a dynamic in which conflicts are crafted through opposite narrative myths. The institutional incentive for virtual politics is provided by the norms governing the council's decision-making process. Despite the various reforms of this process which extended the number of matters which are voted through QMV, the European Council – which is, accepting the Schmittian definition of sovereignty, the "sovereign of the Union" – decides by unanimity on the most sensitive issues, migration included.[33]

The influence of unanimity and consensus on the EU decision-making process has been a constant in the research, especially focused on demonstrating that it has not produced a "veto syndrome". However, such studies are overfocused on data, and are too busy demonstrating the "miracle of integration" instead of providing a critical and useful reading, which requires an analysis of the substance of the council's decisions. We assume indeed, that for many sensitive issues, some states prefer the status quo and can decide to not decide, thus officially producing a decision, which would arithmetically count as one example of how the institution was able to avoid the unanimity trap. Qualitatively speaking, however, it sidesteps introducing any significant changes, practically taking no decisions, and effectively producing a "veto paralysis". One of the best examples of such a case is the history of the Dublin Regulation.[34] Unanimity rule when confronted with a highly polarised issue constitutes an incentive towards the status

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[28] Idem, *Virtual Politics: Faking Democracy in the Post-Soviet World*, New Haven 2005 p. 273.

[29] Idem, "Is Russian Politics Still Virtual", *Aspen Review* 2018, at <https://www.aspenreview.com/article/2017/is-russian-politics-still-virtual%3F/>.

[30] Y. Yurchenko, *Ukraine and the Empire of Capital*, London 2018, p. 20 (ebook).

[31] "If we want that everything remains as it is, everything must change", a famous quote from the book *Il Gattopardo* by Giuseppe Tomasi di Lampedusa.

[32] Y. Yurchenko, *Ukraine and the Empire ...*, p. 20.

[33] A. Triandafyllidou, M. Illies, "EU Policies on Irregular Migration", in A. Triandafyllidou (ed.), *Irregular Migration in Europe. Myths and Realities*, Farnham 2010 pp. 23-41; G. Falkner, "Pattern of Policy-making in European Politics and the EU's Joint-decision Trap: Policies Compared", in J.M. Magone (ed.), *Handbook of European Politics*, New York 2015, p. 712.

[34] B. Garces-Mascareñas, "Why Dublin does Not Work", *Notes internacionals CIDOB*, vol. 135 (2015), p. 1, at <https://www.cidob.org/en/publications/publication_series/notes_internacionals/n1_135_por_que_dublin_no_funciona/why_dublin_doesn_t_work>.

quo if this constitutes a beneficial best alternative to a negotiated agreement (BATNA) for some of the involved parties.[35] Thus negotiating parties can pursue their beneficial BATNA avoiding any real change to the status quo and exploit the difficulty in reaching an agreement in order to blame the opposite faction and thus produce a myth which can mobilise domestic constituencies against the other party while preserving the current beneficial situation. We argue that this is exactly the case for the debate on immigration in the European Council.

Adherence to neoliberal policies by the EU and its member states makes the current BATNA beneficial for all the players, who can make any declaration and pursue any narrative that is functional to their domestic constituencies, without fearing accountability for their declarations, knowing that unanimity will not be reached and that there is no interest in doing so.

3. A CASE: ORBÁN & MACRON

Orbán and Macron do not represent just two different political families and affiliations. They also represent, as they themselves declare, two different visions of Europe, two different European identities.

For a deeper analysis of the different visions, values, principles which they embody and represent I refer to Sonia's Lucarelli paper on the EU and the Crisis of the Liberal Order,[36] as well as my Danish colleague's thesis on European Identity,[37] which capture this recent feature in European identity-building and politics.

Simplifying, we can refer to the French president as representative of a liberal, cosmopolitan, individualistic understanding of the European identity, while the Hungarian Prime Minister as representing of a collectivist, religion-based and nationalist understanding of it. This is well-representative of what Hooghe and Marks define as the "transnational cleavage". [38]

It is natural to see a clash among these identities on different sensitive issues, including migration, yet the contrast is paralysing any supranational action in this respect (G. Borsa, 2018).[39] However, there is no real interest by both parties to change the situation, while the European Council gives an institutional incentive to produce an artificial contrast among the factions which has as its main purpose the conservation of their

[35]   H. McKibben, *State Strategies in International Bargaining: Play by the Rules or Change Them*, Cambridge 2015, p. 17.

[36]   S. Lucarelli, "The EU and the Crisis of Liberal Order: At Home and Abroad", *GLOBUS Research Paper* 12/2018, pp. 10-11.

[37]   A.N. Hansen, *The Babel Tower of European Identity a Study of the Use of Collective EU Identity Constructs by EU State Leaders in Their Articulation of Visions for the Future of the EU Collaboration*, Aalborg 2018, p. 3, at <https://projekter.aau.dk/projekter/files/281246694/Final.pdf>, 4 March 2019.

[38]   S. Lucarelli, "The EU and the Crisis of Liberal Order …", p. 4.

[39]   J. Fischer, "Breaking Europe's Migration Paralysis", *Social Europe*, 2015, at https://www.socialeurope.eu/breaking-europes-migration-paralysis.

power through domestic political gains. This is indeed virtual politics. This concept helps us to better understand another of the possible uses of identity and the power of discourse in shaping reality.

We define the contrast between Macron and Orbán on immigration as virtual politics since it exists exclusively in the realm of the European debate and of the European Council, but it does not exist in terms of "contrasting practices" between the French and the Hungarian governments for what concerns the issues of borders and the treatment of the immigrants.

The conflict on this theme has been underlined by multiple outlets in recent years. Orbán even affirmed that he "must fight" Macron on immigration, while the French President has threatened that uncooperating countries *will no longer touch structural funds*.[40] The fracture become even more pronounced during the first agreements towards the European Parliament elections, in which Orbán and Matteo Salvini decided to launch a common Euro-sceptic, anti-migration front, clearly defining Macron as an opponent, while the latter has confirmed the view of a Europe divided in two, accepting the definition of an opponent of Salvini and Orbán.[41]

The rhetoric came to the point of defining the EU as divided in two, reminiscent of ideological divides not seen in the Old World since 1989. Yet, if we carefully look at the immigration policies of Hungary and France, there is not much difference between them.

While it is true that in the summer of 2018 the Hungarian Parliament approved a new set of laws which disadvantaged the NGOs that engaged in humanitarian activities related to immigration, and criminalised (up to one year of detention) aid to illegal entrance in the national territory,[42] it is also true that the En Marche majority in the French National Assembly did not rescind the infamous *délit de solidarité*, and despite the ruling of the *Conseil Constitutionnel* which recognised the *Fraternité* principle as binding for the legislator, it still did not recognise the aid to immigrants

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[40] T. Chopra, "Hungary PM Orban: I Must Fight French President Macron on Immigration", *Reuters*, 2019, at <https://www.reuters.com/article/us-hungary-orban-macron/hungary-pm-orban-i-must-fight-french-president-macron-on-immigration-idUSKCN1P41C9>; E. Shaart, "Orban Says He 'Must Fight' Macron", *Politico EU*, 2019, at <https://www.politico.eu/article/viktor-orban-says-he-must-fight-emmanuel-macron/>; J. Barigazzi, "Macron: EU Migration Holdouts Should Be Booted out of Schengen", *Politico EU*, 2018, at < https://www.politico.eu/article/emmanuel-macron-eu-migration-frontex-holdouts-hungary-viktor-orban-should-be-booted-out-of-schengen/>; P. Froster, J. Crisp, "Hungary's Orban Issued Personal Challenge to Macron Telling Him It Was Populist versus European", *The Telegraph*, 2018, at <https://www.telegraph.co.uk/news/2018/09/16/hungarys-orban-issued-personal-challenge-macron-telling-populist/>.

[41] H. Agerholm, "Macron against Far-right Alliance of Salvini and Orban: If They See Me as Their Main Opponent, They're Right", *The Independen*", 2018, at <theindependenthttps://www.independent.co.uk/news/world/europe/macron-immigration-orban-salvini-europe-opponent-right-a8513416.html>.

[42] "Ungheria, nuova legge contro i migranti: pene più severe e tasse più pesanti per chi fa accoglienza", *RaiNews*, 2018, at <http://www.rainews.it/dl/rainews/articoli/Ungheria-vieta-accoglienza-ai-migranti-c583fa97-6c51-4084-ba77-0b52c598f328.html>.

illegally entering the national territory as humanitarian aid.[43] In the summer of 2018, France, despite not being in a situation even comparable to the one of Italy, also approved a controversial set of measures which made it increasingly difficult for immigrants to receive asylum status, while at the same time easing their deportation. The bill shortened asylum application deadlines, doubled the time for which illegal migrants can be detained, and introduced a one-year prison sentence for entering France illegally.[44]

Furthermore, the most important and visible symbol of Budapest's anti-immigration policy has been the construction of a wall on its southern border and its subsequent militarisation,[45] yet the French border with Italy did not experience a much different fate. Indeed, L. Gilberti underlines how, far from the public eye, France, starting from June 2015 started a progressive militarisation of its border with Italy. The militarisation was not stopped by Macron, but it even increased. It indeed continued under the state of emergency declared after the 2017 Bataclan terrorist attack, which was renewed six times for a total duration of two years.[46] Macron officially suspended the state of emergency, but it would be more accurate to say that it normalised it through the new anti-terrorist law 2017-1510, which includes many measures taken during the state of emergency.[47] Such militarisation of the border has allowed systematic refoulement of migrants coming from the Italian territory. Refoulement has often been practice despite being, in many cases,in contradiction with the French Law, especially on the provisions concerning minors or the right to request asylum for those that have not been previously rejected by another EU member state.[48]

This situation has indeed been one of the most important reasons behind the Italian government's criticism of the French as hypocritical for criticising the Visegrad countries as the most important factor in the impossibility of alleviating the situation of certain countries under particular pressure, such as Italy or Greece.[49]

Indeed, the European Council provides an effective playground for the status quo, which is extremely beneficial for all the players in terms of domestic political gains.

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[43] L. Magni, G. Fortezza et al., "Il "Crimine di solidarietà" in Francia, Spagna e Grecia", *ActionAid*, 2018, at <https://www.actionaid.it/informati/notizie/crimine-di-solidarieta>.

[44] "France Approves Controversial Immigration Bill", *BBCnews*, 2018, at <https://www.bbc.com/news/world-europe-43860880>.

[45] A. Quaroni, M. Luppi, "The Border Crossing Deaths in Ventimiglia", *OpenMigration*, 2018, at <https://openmigration.org/en/analyses/the-border-crossing-deaths-in-ventimiglia/>; L. Giliberti, "La criminalizzazione della solidarietà ai migranti in Val Roja: note dal campo", *Mondi Migranti*, vol. 3 (2017), pp. 161-181.

[46] Ibid., p. 161.

[47] Ibid.

[48] Ibid., p. 177.

[49] "Macron Accepts Orban, Salvini Challenge, I will Yield Nothing to Nationalists", *France 24*, AF, 2018, at <https://www.france24.com/en/20180829-macron-orban-salvini-migrants-europe>.

4. CONCLUSIONS

Two conclusions can be drawn by this paper. The political debate around the European identity, when grounded in material and practical terms such as European decision-making on the migration crisis, reveals itself for what it is, a debate of contrasting politically interested discourses. We underline how its main purpose is reinforcing the existing power structures and hierarchies. This also applies to the manufactured conflict between the two poles. Conflict itself can produce legitimation for the opposing parties and discourses, and thus be an optimal condition for both of them. If power reproduction is its main aim, and the conflict provides that, a solution to the conflict, despite the exact opposite statements by the players taken in account, is not actively pursued nor desired. Any discourse on European immigration policy, and we would add on European identity, cannot be dealt with in abstract terms, but must be necessarily grounded on the analysis of practical, social and institutional mechanisms of reproduction of such discourses and narratives. Without doing so, they passively go on reproducing one power relation or the other, reinforcing one discourse or the other, or even the whole "virtual political process". The attention paid to the effect that the transnational cleavage has on the Europeanised debates on immigration should be scaled back when applied to the rhetoric of the élites, and re-analysed under the light of the Foucauldian notion of "discourse" or the Gramscian one of "political myth", researching which hierarchies and arrangements they materially reproduce.

The second conclusion stems directly from the first. If the current political and institutional arrangements provide incentives to the current status quo functional to the neoliberal state-building process in the EU, a European solution to the migratory issue necessarily depends also on a radical transformation of European decision-making process. The current arrangement does not give space to the necessary synthesis and compromise, and it cuts off any democratic controls on the executives of the Member States. It creates a space of political irresponsibility, in which political élites can play virtual politics with abstractions, without taking political responsibility for their real interests and aims. In other words, on one side the EU in its current form cannot be more than the perfect vehicle for neoliberal state building, offering to national élites the optimal tools to pursue virtual politics which reinforce their grip on power and the further expansion of cheap labour and the neoliberal transformation of the Member States.

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