

GOVERNING (IM)MIGRATION THROUGH SYSTEMIC INDIFFERENCE

Gobernando la (in)migración mediante la indiferencia sistémica

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Abstract

Western democratic nation-states are governing (im)migration through systemic indifference. Social order and the rule of law are not honored because immigrants are only subject to this new form of social control (necropolitics, refusal of entry in humanitarian crisis, border outsourcing, and permanent state of exception on borders). This article analyses different ways of governing migration through indifference, why systemic indifference is the new social control, and deepens in the internal contradictions of democratic nation-states in times of mass migrations, aged societies, populisms, and the reinforcement of whiteness. Do we confront a catharsis of democratic paradigms?

Key Words: *Systemic indifference, systemic xenophobia, systemic racism, immigration, social control.*

Resumen

Los estados nación occidentales democráticos están gobernando las migraciones mediante la indiferencia sistémica. En este proceso no tienen como objetivo ni el orden social ni el imperio de la ley pues los inmigrantes sólo están sujetos a esta nueva forma de control social (necropolítica, rechazo a la entrada por razones humanitarias, externalización de fronteras, y un permanente estado de excepción en las fronteras). Este artículo analiza diferentes formas de gobernar la inmigración mediante la indiferencia, por qué la indiferencia sistémica es el nuevo control social y profundiza en las contradicciones internas de los estados-nación democráticos en tiempos de migraciones

masivas, sociedades envejecidas, populismos y el reforzamiento de la supremacía blanca. ¿Confrontamos una catarsis de los paradigmas democráticos?.

Palabras clave: *Indiferencia sistémica, xenofobia sistémica, racismo sistémico, inmigración, control social.*

1. INTRODUCTION

Mass migrations challenge XXI century nation-states all along the globe in many ways. Western democratic nation-states' societies have mixed feelings regarding the increasing number of immigrants for economic or environmental reasons. Their governments adopt an ambiguous position or a clearly opposed stance towards severe humanitarian crises. This is not a new phenomenon as Europe has been along her history a continent of (internal) asylum seekers and mass migration, especially between the two World Wars (Sassen 2012). Nowadays, more than 1 million Ukrainians remain displaced from their homes due to Donbas conflict (Ivaschenko-Stadnik 2020).

A growing number of asylum seekers (mainly from Syria and from Sub-Saharan Africa) is also a concern for nation-states that confront important internal contradictions and economic difficulties. On the one hand, the recent long economic crisis made citizens of immigration-receiving countries to reject immigration; today, Western economies seem to be sinking into a new recession. On the other hand, a renewed wave of nationalism is sweeping across nation-states, especially within the European Union. Extreme right parties have gained momentum and political representation in almost all European Union countries. One of their main demands is the control of migratory flows and the expulsion of irregular immigrants. Although controversial, these demands have seeped into the US and the European societies.

A profound and worrying phenomenon of unknown consequences in the long term is taking place in many countries around the world. Detention camps and detention centers have proliferated on nation-states borders. Their mere existence constitutes a threat to the core values of democracies as calls into question the resilience of democratic societies regarding the defense of human rights. Citizens in democratic societies should be profoundly concerned with what Agamben (1995) calls the

“permanent state of exception” as this dangerous situation is permanently threatening to extend from the borders, in which it is today the social norm, to the rest of the country under the disguise of a problem of security.

Detention of (potential) immigrants at the borders of nation-states may seem, at face value, a logical solution to the uncontrollable movement of people. Citizens feel emotionally far away from the thousands of persons whose lives are suspended in a limbo and whose life conditions are deplorable. Nation-state citizens seem to prefer not to think about it. The danger is that “such thoughtlessness can wreak more havoc than all the evil instincts taken together” (Arendt, 1992). Immigrants are seen as a threat to economies, cultures, and societies; and humanitarian norms, international community laws, and internal legislations are violated by nation-states agencies and organizations with impunity.

With detention camps and detention centers, nation-states show their military and police strength (US, for example, in the Central American immigrants’ “caravan” crisis) and their internal cohesion. The external enemy which works as internal cement in Western nation-states are migrants involved in humanitarian crisis. Extreme-right parties use this menace with very profitable returns in terms of electoral votes and representation in Parliaments. Recent elections in France, Bulgaria, Poland, Germany, Italy, and Spain prove this. In the USA, Donald Trump is supported by white supremacists and his position towards them is at least ambiguous, if not openly favorable.

When Mann (2005) suggested that the “frequency of concentration camps and genocide will decline as modernity spreads and stabilizes”, he was not fully aware of the present humanitarian crisis in nation-states borders. History is condemned to repeat itself, for good or for bad, and the sovereign right to kill is “inscribed in the way all modern states function” (Mbembe, 2003). For Mbembe, we are living in times of necropolitics. However, a majority of citizens of the most democratic nation-states supports the measures or remains uncritically on the fringe. Legislations and political sciences have traditionally made a dualistic distinction between nationals and foreigners, citizens and non-citizens; however, nowadays, new categories of people are emerging depending on the level of legal protection, rights, and obligations they have and the place/space they occupy. People in detention camps or detention centers,

retained at the borders of nation-states, and whose main aspiration is to enter a country to lead a better life, form a new category. They are deprived of the minimum conditions to live a dignified life and their rights, responsibilities and obligations remains in a limbo.

In the Southern and Eastern borders of the European Union (Spain, Italy, Greece and Bulgaria), thousands of Sub-Saharan Africans and Syrians are retained in Morocco, Libya and Turkey. Bilateral agreements between these countries and the European Union or unilateral decisions of European countries to build fences and walls maintain people outside their borders.

A great number of immigrants in Europe comes from Ivory Coast, Senegal or Congo, where nation-states also exercise racism on ethnic minorities. In Nigeria and other African countries, desertification, pollution, and natural resources extraction multinationals are contributing to migrations for ecological reasons.

An increasing number of people live within the territory of nation-states, work or are struggling to work, but their legitimate rights are systematically violated, with total or partial impunity, by states and citizens. They are the projection within nation-states of people in detention camps at the border.

Western democratic nation-states show their indifference towards the thousands of people who are knocking at their doors or work and live within their territories. To understand what is systemic indifference and why it is the new form of social control, we need, first, to carry out a literature review on the use of this term and, second, to analyze nation-states internal contradictions.

2. SYSTEMIC INDIFFERENCE. THE CONSTRUCTION OF A CONCEPT

Systemic indifference is a new phenomenon in Western societies, mainly in Europe and in the US. The roots are systemic racism (very well analyzed in the US regarding African-Americans) and systemic xenophobia. The main determinants of systemic indifference are the violent formation of nation-states and the internal contradictions (analyzed in section 3), which democratic nation-states face in the XXI century. Indeed, public, semi-public and private institutions in Western nation-states show a complete indifference towards the hundreds of thousands of migrants on borders

(external borders or outsourced borders) and inside Western societies (exploited irregular immigration). Western countries are governing (im)migration through systemic indifference.

Among Western nation-states' new strategies for making (im)migrants aware they are not welcome nor wanted (social order/social control catch-22), we can highlight the following: indifference towards detention, torture and violations of human rights in outsourced borders; indifference towards deaths of migrants in the Mediterranean Sea and in Africa, and in Rio Grande and Mexico (necropolitics); indifference regarding the factual and legal limbo of rescue vessels like the Open Arms or the Sea-Watch 3 (permanent state of exception); indifference regarding exploited irregular immigration inside the EU or the US (hundreds of thousands of Sub-Saharan and Central American people who are not given the opportunity of legally working, residing, or becoming citizens but who, de facto, live and work in these countries). Consequently, immigrants are subject to exploitation to and new forms of slavery within the very internal borders of XXI century Western countries. as social control is based on asymmetric power relations and immigrants are stigmatized, criminalized, and securitized. In effect, majority self-aware ethnic groups impose their social order or, alternatively, (if immigrants do not obey) their social control (in the form of prison, social exclusion, discrimination, death penalty, unemployment, etc.).

Legal and illegal immigrants may challenge (unintentionally and inadvertently) the internal social order in, at least, the following instances: (i) labor market order, immigrants are lazy and/or distort the labor market, (ii) cultural and value system order, the purest culture and values are those of the nationals, (iii) religious order, immigrants are not real or pure Christians, or, worst, they are Muslims, (iv) patriarchal order, immigrants have the aspiration of being treated like free adults, with authority and power, (v) capitalistic order, poor immigrants cannot consume enough, (vi) legal order, immigrants are in essence violent and more prone to crime than nationals, and, (vii) racial order, endogamy must be respected by immigrants. This work reflects critically on the "social order/social control dynamic" in which topics (i) to (vii) conform part of the inescapable vicious circle. For example, as we will see, regarding the labor market order, if immigrants are working, they are stealing jobs from

nationals; if unemployed, they are lazy and enjoying public benefits without contributing to society; if unemployed, but not enjoying public benefits, they are making society unsafe and poor, for all of which they are to blame. Immigrants are irremediably condemned to the margins of society.

The UE and the US are promoting outlaws, XXI century slaves, and misery, among immigrants (legal or illegal). Trump Administration issued a notice of proposed rulemaking, which is making it harder for many legal low-income immigrants to stay in the US: *A Proposed Rule by the Homeland Security Department on 10/10/2018*. XXI century has seen the consolidation of multicultural, intercultural and transnational societies. This has brought about a disruption of the traditional social order in Western nation-states. Indeed, U.S. and European Union countries face a deep mutation of their societies from the bottom up. Mass migration and aging societies are in the origin. We maintain in this work that Western countries' traditional social order is being "defended" with systemic violence in the form of systemic indifference.

The traditional social order is based, as we will see, on the idea of the nation as a (majority) self-aware ethnic group (Connor 1978). We are witnessing what we call a social order/social control Catch-22, as the dynamic between both forces has become contradictory. Social order requires respect to the rule of law. However, social control, in the hands of the nation as a self-aware ethnic group (enacted by the executive) is being applied with indifference sometimes, violence and intolerance (most of the times) and in contradiction with the main and most sacred principles on which democratic societies are based. In this sense, in the name and on behalf of social control, immigrants, ethnic minorities and foreign people are labelled and, consequently treated, as an invasion, a terrorist threat or as criminals. For Basaran (2015), "increasingly legal status defines access to rescue and creates a category of people exempted from ordinary norms of humanity. Classifying people as unauthorized, irregular, illegal, and/or criminal creates suspicion, stigmatization, and feelings of distrust toward these populations".

EU nation-states are funding countries like Libya, Morocco, Niger-Sahel, for these countries to control (in fact, repress) migrations on

their borders. US finances Guatemala, El Salvador, Honduras, Nicaragua, and Mexico or threaten these countries when they do not “control” (in fact, repress) migration on their borders. Paradoxically, EU and US consider themselves as the champions of human rights. Legislation concerning every aspect of daily life is enforced. However, with regard to mass migrations, the EU and the US are governing through refusal of entry, denying asylum, citizenship or residency, or even denizenship, and/or approval of deportation with or without enforcement, necropolitics, border outsourcing, etc.

Systemic indifference has become very democratic in the sense that nonwhite races and ethnicities have eventual democratic rights (in principle, they have voice and vote). However, they must not use these rights. These people cannot use voice and vote for dissenting from the majority. They must be quiet or go back to their original countries (Trump talking about Congresswomen of color in the US) because they are not patriotic (African-American kneeling to protest against systemic racism). Subalterns cannot speak (Spivak 1988). However, in an immigration country like the US, the so-called “country of my ancestors” does not exist; except for Indian natives.

Therefore, it is a democratic systemic indifference mainly exercised by the cultural and ethnical majority part of the society: voice and vote but without the possibility of dissenting from the majority of the nation-state. Minorities should not dare to change the status quo although the status quo be very unfair with these minorities. Feeley (2003) suggests that it is the ““funnel of justice”, which has come to replace a blindfolded Lady Justice as the icon for the modern system of justice”. Nation-states, through systemic indifference are active actors in the process of ethnic and cultural construction. In the same vein, Yiftachel (1998) suggests that “needless to say, this is never a neutral or consensual process, but rather a project dominated by core ethnic or social groups often at the expense of peripheral groups and cultures” (see also, Anderson, 1991; Billig, 1995; Taylor, 1994).

Why analyzing the contradictions between states and nations in the context of traditional nation-states is important? We are diagnosing an important problem in Western societies, which puts into question the same democracy and the rule of law. We observe that the nation (majority

culture and ethnicity, territory and borders) is gaining momentum. For Triandafyllidou (2003), in Europe, nation-states have been put to the test by “peripheral nationalisms, the revival of ethnic allegiances, religious communities and the creation of other types of social movements preaching universal values”.

We observe also another dangerous phenomenon. Western nations do not pretend to extend their borders to other physical territories; however, they impose their economic and police order. European Union nation-states and the U.S. are becoming fortress nation-states, which outsource their external borders. These borders are thousands of kilometers away from their physical borders. EU outsources borders in Sahel, Niger, Mali, Morocco, and Libya, which, besides being neo-colonialism, is very dangerous for Africans. U.S. physical borders are, in principle, with Mexico, but there are also outsourced borders with Honduras, Guatemala and El Salvador. If these countries want to receive money for development, they must policy their citizens and maintain them within their borders. For Basaran (2011), governing through indifference in contemporary liberal societies contribute to people’s indifference to the lives and sufferings of particular populations.

3. WESTERN DEMOCRATIC NATION-STATES VIOLENT FORMATION AND INTERNAL CONTRADICTIONS

Before analyzing the main internal contradictions of nation-states, which are at the base of systemic indifference, it is worthy to understand the violent process of formation of nation-states.

Indeed, the formation of nation-states (nowadays champions of human rights) was a slow and bloody process. One of the first attempts to form a nation-state occurred in the XV century. Spain had finished the “*Reconquista*”, which was extremely bloody. The French Revolution and the religious and succession wars, which happened before the XVIII and XIX centuries, were also very violent. In the XX century, the rule of law is consecrated in the form of a democratic state. Welfare states have their momentum after the 60s.

During these centuries, nation-states have seen many changes in the main paradigm, from national to post-national to multicultural nation-states.

We are nowadays confronting an important turning point where immigrants suffer the same violence which was once inflicted to peasants, or the bourgeoisie. It is a violence which moulded the body and the mind of the individual persons to turn them into social or political models imposed by the elites. For Triandafyllidou (2003), “othering the immigrant is by no means the “natural” order of things”.

In the XIX century and beginning of the XX, violence was inflicted to factory workers and to an increasing immigrant population coming from the countryside. Finally, XX and XXI centuries populations of the Western nation-states seem not to be ready for the no turning back immigration, which is changing the human geography of their territories. Citizens are not ready for the transit towards a multicultural society which guarantees immigrants’ rights and obligations. Instead of that, the majority self-aware ethnic group led by the elites, oppose violently. Violence becomes systemic because it is exercised from within the public bodies. According to Weber (1948), the state is a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory. Hence, the essence of stateness fundamentally rests in enforcement capacities (Boege et al. 2008). For Fukuyama (2004), enforcement capacities imply the ultimate ability to send someone with a uniform and a gun to force people to comply with the state’s laws. Weber and his adherents represent the institutional approach to the conception of the state.

The other fundamental perspective on the state idea is the legitimacy approach led by Durkheim. According to Durkheim (1957, 1964, 1986), the state “is the very organ of social thought which encompasses the sentiments, ideals, beliefs that the society has worked out collectively and with time”. For Wendt (1999) “states and societies seem to be conceptually interdependent [..]; the nature of each is a function of its relation to the other”.

The process of state-formation was inherently violent. In Europe, it was a highly competitive and violent endeavor (Tilly 1992). In the pursuit of a monopoly of force, those agencies that came to stand as

the state had to expropriate the means of violence from different social entities that competed with the emerging state (Weber 1988). Nowadays, the process has turned to the other direction, nation-states share the use of force with private companies.

The formation of citizenries and citizens was also replete with (structural, cultural and direct) violence. People had to be transformed into obedient subjects by the work of state institutions such as armies, schools, and universities. The spread of discourses and narratives that legitimized state rule was thus supplemented by practices that made peasants and unruly classes into law-abiding subjects of state institutions (Schlichte 2007).

Although XXI century nation-states (at least, in the Western hemisphere) are considered the champions of peace and human rights, this should be (at least, scientifically) questioned. As seen, their origin is violent and their present is not better, as violence is overwhelming nation-states structures. For Hörnqvist (2004), within the last twenty years we are assisting to an increase in the use of state force, for example by the criminalization of behaviors which are not necessarily illegal. On the other hand, fear has become a social order mechanism and any element of non-conformity (and immigrants, for ethnic, origin and economic reasons) is construed as a threat.

In any case, democratic nation-states are nowadays weaker. We can observe this weakness, as nation-states are obliged to share their (legitimate) monopoly of violence. According to Wulf (2007), three factors are challenging the Weberian definition of the nation-state: “privatization of violence and force, internationalization of the application of force, and globalization. States have therefore lost their prominent position in the use of legitimate force”.

Weakness also drives nation-states to use non-legitimate violence. The rule of law is failing and nation-states need to use illegitimate resources (illegitimate formal social control, like systemic indifference) to impose social order. Agamben (1995) explains this weakness with his concept of permanent “state of exception”. The border is a permanent state of exception, which makes the normal biopolitical control of government inside the territorial frontier of the state possible.

Agamben has introduced a new perspective on the understanding of torture, the accrual of emergency powers to the executive, and the camp. South Africa is a very interesting case study although it is a non-Western country. For Mosselson (2010), “the violent exclusion of foreigners is one of the central ways in which the new South African political community is being fashioned. This practice has been established first and foremost by the state”. The establishment of an extra-legal order as a way of governing societies is what Agamben (2005) terms “the state of exception”.

For Smith (1989), “ethnies with their myths of common descent, common memories, culture and solidarity, and associations with a homeland, are the base for nations’ power and durability today”.

There are some contradictions, which feedback what we have called the social order/social control Catch-22. One of them has to do with the new and fundamental distinction in post-modern societies of two important political and social processes in permanent mutation and change, the state and the nation.

Historians teach that the project of the Christian monarchy of Castille of creating a correspondence between the identity of the state and the identity of the people within their terrestrial borders was the origin of the idea of the European nation-state (Grosfoguel 2013).

In this context, the correspondence or coherence between both concepts brought about the coherence of the social order (as social cement and social norms) and the social control. However, nowadays, social control has become synonym of repression, punishment, oppression, and even, regressive policies.

Ample demographic processes (mass migrations and aging societies) have brought about multicultural, intercultural and transnational societies, in which there is a rupture between the state and the nation, and between the social order and the social control.

In this context, social order (Constitutions, norms and international law properly sanctioned to be applied internally) collides with social control, which seems to be in the hands of the nation (considered as a majority cultural group or a majority self-aware ethnic group led by an elite, the executive, the administration or the government). This self-aware ethnic group is personified in Western countries by the

white race. For Ignatiev (2014), the white race, first, is not a natural but historical category.

According to Weber, states have the monopoly of legitimate violence. This seems to belong to past times as, in post-modern societies, systemic xenophobia or systemic racism is the new social control in the hands of the majority self-aware ethnic-group. The executive is governing through systemic indifference. Additionally, religious bodies and mass media use verbal violence against immigrants.

A first attempt of nations to have the monopoly of social control goes back to the past. Connor (1978) suggests that “Bismarck’s famous exhortation to the German people, over the heads of their particular leaders, to «think with your blood», was a similar attempt to activate a mass psychological vibration predicated upon an intuitive sense of consanguinity”. Nation, then, was synonym of race. However, in those historical times, there was still a sense of coherence or continuity between the state and the nation. No society could be properly qualified as multicultural, intercultural or transnational.

Yiftachel (1998) puts it blatantly, “the legitimacy (and many problems) of contemporary nation-states largely derive from their ability to chrystallise collective ethno-national identities”. Social control has mutated into an emotional process of repression, oppression, and punishment and it is the nation (a majority self-aware ethnic group), which determines and imposes this social control, in clear contradiction to a social order based on the rule of law and the scientific method (the rule of law, i.e., norms, laws, and sanctioned international laws).

Social order is dispensable if it is in collusion with mass emotions. Social order is subject to social control and not the other way round. Using social control emotionally has a complete acceptance by the majority of the population because, in an uncertain world, emotions have become a lever and a safety belt. Social control, then, becomes erratic. Ethnic majorities feel safe in this realm, as social control in the form of systemic violence (systemic indifference) is only applied (at least, for the moment) on ethnic minorities and (im)migrants. Immigrants, subject to this systemic violence, are criminalized, and labelled as a problem of security and crime.

Hereinafter, we analyze the main internal contradictions of nation-states, which are at the base of systemic indifference.

3.1. Biopower versus Necropolitics

According to Foucault, biopower is employed to manage, regulate and govern lives, produce obedience, and subordinate individuals and communities to disciplinary practices. For Mbembe (2003) we are assisting at the “morbid spectacle” of suffering and the experience of “death-in-life”. The permanent wounding of individuals, rather than their direct and active killing, can be used as a means of control. His concern is with “the generalized instrumentalization of human existence and the material destruction of human bodies and populations”.

These two forms of governing, biopolitics and necropolitics, are interrelated rather than antithetical (McIntyre and Nast 2011) because, at the end, the struggle is all about who has a right to survive, share, and become heir to the earth (Kapoor 2018) and the most vulnerable or the subaltern (immigrants) cannot speak (Spivak 1988). There are many examples of biopower and necropolitics in Western nation-states. For Amir & Barak-Bianco (2019), food is a form of biopower and for Janjua (2018) the medicalization of immigrants. Ríos-Rojas (2018) identifies dilemmas associated with the forming of citizenship identities in high school education classes in Spain.

Williams (2015) examines the nexus between life and death at the US–Mexico border, and Castro (2015) argues that expendable migrants are exposed to the “necroeconomy of disposability”. Davies et al. (2017) explore the violent consequences of abandonment in makeshift camps inside the EU, framing the management of refugees as a series of violent inactions, demonstrating how the biopolitics of migrant control has given way to necropolitical brutality.

3.2. Laws of the land versus international community laws

Contradictions appear on sovereign decisions to distinguish between citizens and non-citizens (nationals and foreigners) and the state’s decision to join the international community by accepting the obligation to protect and promote migrants’ human rights, regardless of their national origin, by placing that obligation above its “laws of the land”.

Human rights are not honored. Koopmans and Statham (1999) suggest that “[..] the practical implications of international human and civil rights conventions on the rights of migrants have also been questioned”. With regard to the treaties and conventions of the United Nations Human Rights Commission and the Intergovernmental Committee for Migration in Geneva, Goodwin-Gill, Jenny and Perruchoud (1985) say that “Their generality accommodates many shades of opinion”.

3.3. Citizens versus non-citizens

Nation-states are only possible because there are citizens and non-citizens. Both concepts are dialectically related as both together imply a contradictory or inclusive opposition. Only the organic totality (Ollman 2008) of both concepts together make the nation-state possible. This is one of the main contradictions that works to justify and give sense to systemic indifference as a new social control on immigrants. Nowadays, nation-states divide between people who deserve life and those (migrants) who do not. For Cooley (1922), “immigrant has for the most part been treated purely as a source of labor, with little or no regard to the fact that he is a human being, with a self like the rest of us”.

3.4. Mobility-enclosure continuum

The question posed here is why and how certain groups of people and goods move freely, and others cannot (or must not), or if they do, they provoke distrust and persecution. Cunningham & Heyman (2004), suggest that

enclosure addresses processes that delimit and restrict the movement of specific goods, people, and ideas, while mobilities concern processes that enable and induce such movements. They involve unequal rights and powers, demanding precision about the political implications of movements of various sorts.

Mobility and enclosure are then contradictory social and political processes unevenly distributed among citizens (tourists, businessmen) and migrants.

3.5. Ius Soli versus Ius Sanguini

Within the European Union, there coexist two types of citizenship (*ius sanguinis* and *ius solis*). Citizenship laws have been strictly related to migration flows.

For Dumbrava (2018), *ius sanguinis* citizenship is rooted in practices and conceptions that rely on ethno-nationalist ideas about political membership. Bauböck (2018) and de Groot (2018) agree partially on his arguments. For Bauböck, in an age of new reproduction technologies, same sex marriage and patchwork families, biological descent no longer traces social parenthood.

According to Strozzi (2016), most countries with a common law tradition have indeed adopted the *ius soli* principle, while most countries with a tradition of civil law have adopted the *ius sanguinis* principle.

Brubaker (1992), at a time when the rationale of EU integration calls for convergence, points out that national regimes for incorporating non-nationals within a system of political and social rights remain, paradoxically, divergent. Honohan (2010) warns that there is not convergence towards an inclusive norm in the European Union.

4. SYSTEMIC INDIFFERENCE AS A FORM OF SOCIAL CONTROL Immigrants are needed but not wanted nor welcome in Western democratic states.

Cavafy (1975) expresses, as nobody else does, how rejection of immigrants may imply a dystopian world, “And some of our men just in from the border say/ there are no barbarians any longer. / Now what’s going to happen to us without barbarians? / Those people were a kind of solution”.

In times of mass migrations, fast-aging societies, populisms, economic crisis, and authoritarianism, social order and social control are never more two faces of the same coin but two contradictory processes. The consequences for immigrants are that they are irregular, exploited by citizens and entrepreneurs, but they do not have rights. They are criminalized because they are trying to survive within nation-states which do not want them (nor welcome them) but need them and exploit them. Western democratic nation-states do not expel them but do not regularize

them either. Nation-states (in)actions toward immigrants only involve the pursuing of social control. Social order for immigrants is not foreseen. In any case, systemic indifference may also be viewed as moral actions involving the pursuing of justice. This is a very controversial statement, which needs clarification.

In this work, we are engaged in the scientific analysis of systemic indifference. Therefore, any line of research that looks for the understanding of the roots of this phenomenon (if promising, although controversial) is licit.

With regard to terrorism, for example, Black (1998) maintains that to classify it as crime is “the surest way to obscure its sociological identity and obstruct its scientific understanding”. Terrorism, then, should be framed within the theory of social control. For Senechal de la Roche (1996) and Ganor (1998) “pure terrorism is unilateral self-help by organized civilians who covertly inflict mass violence on other civilians”. Senechal de la Roche (1996) has further developed this line of research, suggesting that self-help “when unilateral and nongovernmental appears in four major forms, lynching, rioting, vigilantism, and terrorism; each distinguished by its system of liability (individual or collective) and degree of organization (higher or lower)”. For Baumgartner (1984), terrorism is “social control from below”. Social control defines and responds to conducts as deviant. “The social control of terrorism is an instance of the social control of social control, justice in response to something that is itself a form of justice”, as suggested by Black (1998).

Returning to the line of research started by Black (1983), “there is a sense in which conduct regarded as criminal is often quite the opposite”. Black writes about private crime, i.e., crimes committed by individual persons and not by state agencies. His line of analysis, applied to state violence may reveal a profound crisis and an important weakness of states. Indeed, as the rule of law is failing, nation-states have to resort to illegitimate actions. From our point of view, systemic indifference may be carried out by act (detention camps, like CIE in Spain or Calais detention camp, and all kind of violation of human rights) or omission (border outsourcing, permanent state of exception on borders, i.e., leaving fragile people abandoned at borders, for example, Mount Gurugú, or allowing acts of xenophobia against non-citizens). They are, for nation-

states, forms of social control and a response to the “misconduct” of the victim (immigrants). From this point of view, they are proportional punishments or expressions of disapproval. Social order is under the service of social control, i.e., of the most repressive ways of governing. Social order is never more the guide or direction of social control, but embedded in a repressive social control which has gobbled up social order and the rule of law. In tribal and traditional societies, “such actions typically express a grievance by one person or group against another” (Moore, 1972).

Systemic indifference are practices of “collective liability, whereby all of the people in a social category are held accountable for the conduct of each of their fellows” (Black, 1998).

Garland (2001) highlights the rapid rise and institutionalization of the new culture of control, he talks about governing through crime in a culture of high crime societies. Systemic indifference would be the “more sinister expressions of social control as repression, constraint, exploitation and oppression, which stretch beyond the reasonable exigencies of social order”. For Duménil & Lévy (2002), “in order to preserve their privileges, the ruling classes have two options: either the establishment of a new social compromise of their own or a shift towards a more and more authoritarian regime”. Western nation-states seem to have already chosen, as authoritarian ways are normalized in the EU and the US.

What does systemic indifference guarantee? It guarantees the nation-state social control on immigrants (not social order). As seen in previous paragraphs, nation-states are by definition (and origin) xenophobe. Hence, any threat to national culture and welfare of the nation state is a direct attack to the state itself, which will retaliate. Indifference is a violence perfectly attributable to the nation state if we accept Tilly’s definition proposal. For Bourdieu (1994), “matters of culture confers appearances of the natural”. What happens then when (im)migrants challenge the cultural appearances of the natural, as their culture is diametrically opposed to that of the state in which they are?

Scapegoating poor citizens (unemployed, socially excluded, migrants) and blaming them is very useful in times of disorder and malcontent. Where states are manifestly unable to give proper solutions to

social, political, and economic problems, systemic indifference provides the ground and opportunity to consolidate social order through social control, reducing liberty (freedom) in the name of a supposedly “need” of more security (hence securitization). Besides security, which is certainly the central criterion of state strength, other criteria are also taken into account by various authors, all related to the capabilities of the state to secure its grip on society. If indifference does its work properly, (im)migrants are trapped and put in a weaker position. Society and the economy may exploit them overtly and with impunity.

There are then concrete spaces, within the physical borders of nation-states, where indifference is used to apply social control but not to guarantee social order: labor market, cultural and value system, religion, patriarchy, consumerism, law (Garland 2001 talks about “governing through crime”) and endogamy. The state may practice indifference or promote and allow citizens to practice them.

Democratic states may be tolerant to citizens’ violence for many reasons, first, because of their incapacity to act. In this sense, Evans (2009) suggests that “where the state fails to assert its monopoly over coercion, popular justice is likely to fill the vacuum”. Second, because violence is exercised in the interest of the state. For Courtwright (1996), “racism was important both because it encouraged and exacerbated conflict with minorities such as the Indians, and because it contributed to the economic marginalization of black men and restrictions on Chinese”. Jordan’s words (1996) are premonitory, “the perception of a deviant and dependent “underclass”, living on crime, practicing various kinds of social deviancy and claiming from the labor and property of the rest of the community, has generated a politics of enforcement”.

CONCLUSION

Systemic indifference is a complex array of manifestations of social control on immigrants, which at the end is a form of state illegitimate violence. States apply symbolic violence, physical violence, emotional violence, and psychological violence on individuals and groups who do not enjoy full citizenship. For Tilly (2003), “democratic governments

themselves often employ violence against excluded political actors and population categories within their jurisdictions”.

Nation-states internal contradictions and an abstract and imprecise (contested) concept of citizenship is on the basis of systemic indifference; first of all, by legitimating a different treatment between insiders (citizens) and outsiders (non-citizens) within the sovereign territory of nation-states and, secondly, by putting non-citizens in a vulnerable position vis-à-vis the integral totality of the social order/social control dynamic.

Nation-states were born under the sign of violence. Elites and ruling classes imposed their culture to the masses (Smith 1989, Ben-Eliezer 1995) through all kinds of violence, like physical violence (Tilly 2003, Chevigny 1999, Davenport 2000, Geller & Singer 1998, Gowa 1999, Huggins 1998, della Porta & Reiter 1998, Kotek & Rigoulot 2000) and administrative and bureaucratic repression (Noiriel 1993), among others. With the consolidation of nation-states, newborn citizens interiorized their obedience and allegiance to them. This violent social control is nowadays exercised against immigrants in the form of systemic indifference.

Systemic indifference is in itself a manifestation of social control because it is a set of implicit norms which standardize the (unequal) place of non-citizens within nation-states (symbolic violence). Additionally, it is an integrated array of complex and violent processes (legitimized or not by nation-states' laws) in which non-citizens are trapped. In both cases, indifference is a violent, contradictory, and dialectical process organically linked to the historical process of formation of nation-states. Hence, the centrality of statehood and citizenship as the main pillars of a complex process we qualify as systemic indifference.

In the short term, it seems in the interest of nation-states to maintain systemic indifference; first, socially, as systemic indifference keeps together citizens in front of a common enemy or threat (non-citizens). Second, culturally, as it strengthens the nation-state identity and establishes the moral limits of citizens within their nation-states. Third, economically, because, as Tilly (2003) suggests, governments of

democratic regimes engage in opportunity hoarding and exploitation; every real democratic regime expends a significant part of its effort on keeping noncitizens away from its citizens' benefits. However, as Jordan (1996) has written, the contrast between a virtuous circle of civic trust, economic cooperation and social harmony leading to democratic prosperity, and a vicious circle of suspicion, isolation, exploitation and authoritarian backwardness can no longer be assumed to distinguish First World, advanced industrialized countries from centrally planned or underdeveloped ones.

Contrary to their mythical origin, nation-states are unavoidably a product of migrations. Therefore, they must permanently face their adaptation to the arrival of foreign people (with different cultures, costumes and religions). The question now is whether, in mass immigration times, nation-states will confront their internal contradictions or their own destruction.

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