Granularity and state socialisation: explaining Germany’s 2015 refugee policy reversal

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Declaration

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Abstract

Between late August and mid-November 2015, the German Government liberalised its refugee policy to allow an unlimited number of people to claim asylum in the country, and then made a near-reversal on this policy by calling for European-wide quotas on the number of refugees entering the EU and a reduction in the number of refugees Germany would admit. The German Government’s decisions to liberalise and then backtrack on its refugee policy within a short time period, at a time when many people were still seeking asylum from the Syrian civil war, present a puzzle to the dominant International Relations theories of state socialisation—constructivism and rational choice—which do not explain well this type of observed real world behaviour.

By using the Foreign Policy Analysis literature to augment the constructivist and rational choice approaches, I argue that a more granular approach can help explain Germany’s backtracking on refugee policy in 2015. I focus on the domestic actors, institutions, and the contested processes of their interactions from which state policy emerged. Using this approach, I explain Germany’s backtracking on its refugee policy as the result of varying sets of interactions over time among actors who had different and potentially changing interests and beliefs. This focus on granularity and contestation within state policy making processes provides a more precise understanding of the dynamics of policy making from which we gain a greater insight into this puzzling example of state behaviour. Such approaches may also help explain other examples of state behaviour that are similarly mysterious.
Introduction

In late August and early September 2015, the German Government dramatically liberalised its refugee policy to allow an unlimited number of people to claim asylum in the country, at a time at which hundreds of thousands of refugees were escaping from the Syrian civil war to Europe. Chancellor Angela Merkel drew vividly on the language of humanitarianism and German identity to argue that Germany should take in hundreds of thousands of refugees, particularly from the Syrian civil war (Karnitschnig 2015), and an estimated 200,000 asylum seekers travelled to Germany in September 2015 amid forecasts that a total of 800,000 people would seek asylum in Germany in 2015 (The Economist 2015). However, by mid-November of that year, the government backtracked on its new refugee policy and supported introducing European-wide caps on refugees entering the European Union (EU) in addition to reducing the number of refugees entering Germany (Jeffery et al. 2015; Traynor and Kingsley 2015). This near-reversal of refugee policy took place at a time during which many people were still seeking asylum from the Syrian civil war, and, through a moral lens, could be seen as a dramatic change in the norm basis of Germany’s refugee policy over a very short period of time.

Germany’s liberalisation of its refugee policy and subsequent near reversal of that liberalisation in 2015 leads to the research question for my thesis: How can we understand how a supposedly liberal state reversed its position on settled norms so quickly?
Why is This a Good Question?

There is much international relations (IR) literature that provides powerful and subtle explanations for the individual decisions of states, particularly from constructivist and rational choice perspectives, as well as explanations for the compliance or acquiescence of states with international human rights norms. While this literature might have the ability to explain particular decisions of the German Government in relation to refugee policy at various points in time, it appears to have limited power to explain why a state reverses or backtracks on its decisions over a short period of time, as Germany did with refugee policy in 2015. It would be useful for these theoretical frameworks to be able to explain this type of decision making.

In particular, while a constructivist explanation of Merkel’s decision to liberalise Germany’s refugee policies in terms of her acting on her beliefs is plausible, its explanation of the subsequent backtracking on that policy within two months in terms of the German Government being socialised into competing norms is not, as these decisions would have reflected the government’s beliefs about the appropriate behaviour at both points in time; and there is evidence that Merkel resisted backtracking on the policy in November 2015. Similarly, while rational choice perspectives provide a plausible explanation for the initial liberalisation of refugee policy in terms of the German Government’s calculation of benefits and costs, they do not provide a strong explanation for the decision to backtrack on the policy nor the timing of that decision, as the government had anticipated that the costs were likely to be high, the number of asylum seekers arriving in Germany was not dramatically larger than anticipated, and domestic actors had been advocating against the policy from the time the government liberalised it. Similarly, if rational choice
perspectives explained the decision to backtrack on the policy, they do not provide a strong explanation for the initial decision to liberalise it.

Furthermore, the multi-level literature that seeks to understand the socialisation of states into norms by focussing on sub-state and domestic actors is unlikely to provide strong explanations about why Germany backtracked on its refugee policy. This is because the multi-level state socialisation literature focusses on the micro-processes of states internalising norms; in this perspective, explaining Germany’s liberalisation and subsequent backtracking on refugee policy would require understanding about how the sets of norms internalised in state practice or by decision makers had changed dramatically within a two month period. However, it is unlikely that a new set of norms could indeed be internalised by decision makers or within state practice in that short time frame, and there is evidence against this occurring. All these putative explanations for Germany’s reversal of its refugee policy are not compelling; while rational choice and constructivism explain state behaviour well and give a sense of what drives change, and while multiple-level perspectives of state socialisation explain how states internalise norms well, they are not as good in explaining changing state decisions that emerge from interacting assemblages of actors.

Argument

In order to have a stronger theoretical framework that explains the change in Germany’s refugee policies in 2015, I adjunct the rational choice and constructivist approaches by drawing on the Foreign Policy Analysis (FPA) literature. This literature locates and identifies both the actors and institutions, and the interactions among them, that help explain the development of a state’s foreign policy. By using
both the FPA approach and drawing on rational choice and constructivist explanations for the behaviour of actors, I construct a framework from which I obtain an explanation for Germany’s backtracking on its liberalisation of refugee policies in 2015.

I use the FPA literature to identify the important domestic actors—individuals, political parties, and state machinery—and their conflicting positions on refugee policy. Through bureaucratic and other processes of interaction the literature identifies—e.g. two level games, veto players, the role of the leader, and the roles of political parties—these actors could permit or prevent other parties imprinting their desired positions onto German policy.

I argue that the way in which actors mutually interacted, in addition to their identities and interests, were crucial factors affecting the state policies that subsequently emerged. This is a politics of arrangement and position—both the stance of actors on issues and how the actors are situated within interactions can influence the resulting policy of the state. Changes in which actors participate in these interactions, how they interact with others, and when they interact may result in alterations to or reversals of state policies. My argument helps augment the rationalist and constructivist approaches that often take a state-centric approach and underspecify the processes for decision-making within states.

Findings

My findings support my argument that Germany’s backtracking on its refugee policies in 2015 can be understood as a set of changing outcomes emerging from
varying processes of interactions among different parties over time, where the parties have different (and potentially changing) preferences. Between late August and mid-September 2015, Merkel was able to imprint her preferences on Germany’s refugee policy against domestic opposition, which was unwilling or unable to contest her policy effectively, with this initial phase potentially marked by norm acquiescence on the part of some actors. The second phase, between mid-September and mid-November 2015, was marked by Merkel being subject to rising political costs from domestic actors and the German public; the German Government engaged in tactics to gain domestic support for its policies and to contest domestic opposition by legislating an asylum package and making an agreement with Turkey to better manage refugees. In the final phase, from mid-November 2015 onwards, Merkel engaged in politics with prominent actors opposed to her policies, and decided to support European-wide quotas for refugees and a reduced refugee intake for Germany.

This case study is a demonstration of my argument that varying constellations of domestic actors and their interactions can help explain why a state reverses a decision in a significant policy area. It provides a wayfinding map for how scholars may use similar approaches to seek to understand and explain other puzzling examples of state behaviour.
Methodology and Case Study Selection

To locate my research question, I now specify the relevant international human rights norms I have drawn on. These include the right to claim asylum against persecution\(^1\) (UNGA 1948); the principle of non-refoulement (UNHCR 2007, 7); the prohibitions on states transferring people to countries where the person would be at risk\(^2\) (UNHCR 2007, 9) or imposing penalties on refugees who enter or remain on their territory illegally if they came directly from a territory where their life or freedom was threatened\(^3\) (UNGA 1951; UNGA 1967); and the requirement on states to protect refugees on their territory\(^4\) (UNGA 1951). I also include the following, more contested, norms: the requirements on states to grant asylum seekers access to their territory and to use fair procedures in assessing asylum claims (UNHCR 2007, 3), and to ensure that, if a state does not grant asylum to a person, they are not directly or indirectly transferred to a place where their race, religion, nationality, membership of a particular social group or political opinion will place their life or freedom in danger (UNHCR 2007, 3).

The method I used to conduct the research for my thesis involved conducting qualitative analyses of data, which included the policy positions, actions, and

\(^1\) Under Article 14 of the *Universal Declaration of Human Rights* (UDHR).

\(^2\) Under the *1984 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* and the *1966 Covenant on Civil and Political Rights* as interpreted by the United Nations Human Rights Committee.

\(^3\) Under the *1951 Refugee Convention* and *1967 Refugee Protocol*.

\(^4\) And in many situations treat them at least as well as non-citizens.
language of German political actors; the decisions of German and other
governments; population-level views about policies and political actors; and events
that potentially affected Germany’s refugee policy. These events included migrations
of asylum seekers from the Syrian civil war and agreements made between the EU
and Turkey to better regulate the flow of migrants.

I used triangulation to identify and obtain data to increase my confidence that the
data was robust, as it had been described by different observers, including journalists,
government media organisations, and non-government organisations. This was
particularly important in relation to data the veracity of which was less certain, such
as government decisions made in private.

To identify and obtain data, I used targeted internet searches that focussed on the
following sources of information while also drawing on broader sources as useful:
German Government English-language media releases between June 2015 and
July 2016; German Government English language web sites; English-language
German media and the international media since January 2015; and opinion polling
firms. The subjects I searched for focussed on refugees, German domestic political
actors, election results, opinion polls relating to political parties and political leaders,
German population views on policy issues relating to refugees, and domestic and
international events potentially impacting German refugee policy.

I drew on data sources I judged to be reputable, including Spiegel Online International,
The Local de, and excluded data sources I judged to be less reputable. These decisions
to include or exclude particular sources of information were conscious acts
reflecting, to an extent, my personal views and preconceptions. While the personal aspect of my data selection process was unavoidable, I sought to conduct it in a defensible way.

I used a single case study to demonstrate the plausibility of my argument that a model involving interacting domestic actors could explain a state undertaking a near-reversal of a policy decision. The case study I chose was Germany’s liberalisation of its refugee policy in August and September 2015 and its near reversal of that policy by mid-November the same year. I chose this case to demonstrate my argument as it would demonstrate my argument’s strength: this case involved a dramatic change in a state’s policy—particularly dramatic given that Germany had been relatively welcoming of refugees since the end of World War II. Using this case would strengthen the potential that my argument could also be used to explain equally or less dramatic changes in the policies of Germany or other states.
Chapter 1 – Literature Review

In late August and early September 2015, the German Government dramatically liberalised its refugee policy to allow an unlimited number of asylum seekers into the country, with Chancellor Merkel employing the language of humanitarianism including the need for Germany to assist people fleeing wars, in particular the Syrian civil war, to support this move (Karnitschnig 2015). By mid-November 2015, however, the German Government had backtracked on its newly liberalised policy in publicly supporting the introduction of European-wide caps on the numbers of refugees entering the EU and calling for a reduction in the number of refugees entering Germany (Jeffery et al. 2015; Traynor and Kingsley 2015). This near-reversal of policy direction appears to represent a change in the norm basis of Germany’s refugee policy over a short period of time.

There is much IR literature that provides strong explanations of individual decisions of a state. However, there appears to be limited IR literature that seeks to explore and understand why a state changes its mind on new policy, as Germany did with refugee policy in 2015, and I explore this question in my thesis through the lens of state socialisation. This literature review identifies and critiques the ability of the dominant theories of state socialisation to explain Germany’s near-reversal of refugee policy in 2015. I argue that while each of the existing major theoretical frameworks relating to state socialisation—constructivism and rational choice—can provide powerful explanations for individual state decisions, both frameworks require additional theoretical machinery to provide a strong explanation for the evolution of Germany’s refugee policy in 2015.
To understand the dominant state socialisation frameworks for explaining state action—rational choice and constructivism—it is essential to understand the two logics of human social action they consciously draw on: the logic of consequences and the logic of appropriateness, respectively, which comprise half of Weber’s four logics of human action (or frameworks for interpreting human social action), as published in 1968 (March and Olsen 1998, 949-52). These four logics are instrumental rationality (the logic of consequences), value rationality (reference to norms when making choices—the logic of appropriateness), affect (emotions or “feeling states” governing choices), and habit (choices made from “unreflectively utilized viewpoints”) (as quoted in Hopf 2010, 540-1).

The logic of consequences is a framework in which an actor’s decision making is motivated by their expectations of the personal or collective consequences of their decisions (March and Olsen 1998, 949). In this logic, actors are assumed to make decisions to maximise their utility, which can include both material (e.g. economic) and ideational factors (e.g. self-image and reputation). Large bodies of IR scholarship, such as the neorealism literature, explain state decisions as occurring consequent on cost-benefit calculations. It is appropriate I use this logic in my analysis as, in addition to it being an intrinsic component of rational choice approaches, many German actors argued against Merkel’s liberalised refugee policies on the basis of the costs they would impose on Germany, whether material (e.g. resources and negative social impacts) or ideational (e.g. claimed impacts on German identity).
The logic of appropriateness is a framework in which an actor’s decision making in a situation is motivated by a desire or need to follow the rules arising from their identity and their beliefs about what is appropriate in that situation. “Action involves evoking an identity or role and matching the obligations of that identity or role to a specific situation” (March and Olsen 1998, 951). Scholars use the logic of appropriateness as a major alternative framework to rational choice to explain state decisions. It is useful to draw on the logic of appropriateness in my analysis as German actors extensively referred to understandings of German identity and beliefs in debate on the country’s refugee policy in 2015, e.g. Merkel arguing that German identity required the country to assist refugees (Spiegel 2016).

I will use both these logics in seeking to understand the evolution of Germany’s refugee policy during 2015. The reality of state decision making is that any particular government decision is likely to be made in the light of numerous factors and motivations, and hence it may be useful to employ an analytically eclectic approach drawing on both logics to explain government decisions (Sil and Katzenstein 2010, 412). For example, hypothetically speaking, the logic of appropriateness may explain the German Government backtracking on refugee policy if the government believed the policy was imposing costs on the domestic population and its beliefs required it to protect the population from that harm, while the logic of consequences may explain the same act in terms of the government considering that the policy diminished the utility of the German population and that backtracking on the policy would reduce the costs it imposed on them. The government may have consciously taken either or both logics into account to various degrees in making its decisions, and scholars can also use both logics in analysing these decisions. For example, in discussing the impact of German refugee policy on the June 2016 United Kingdom
vote to leave the EU, Streeck drew on both logics to argue that Germany’s changes to refugee policies in 2015 and 2016 were fundamentally driven by a cost benefit calculation clothed in the language of humanitarianism (Streeck 2016, 1-4).

Rational Choice Approaches

The family of rational choice approaches is a collection of frameworks in which states are the central actors of the drama and act rationally and instrumentally with the aim of maximising their utility (the logic of consequences). In these frameworks, states have exogenously provided identities and beliefs that are either fixed or essentially stable over time, and their utility is defined in light of their identity and beliefs (Kydd 2008, 426-429; Schimmelfennig 2000, 112). Rational choice approaches are a subset of methodological individualism (MI), a philosophical approach to inquiry used in social science to explain the behaviour of interacting entities (e.g. individuals, firms, and states) (Kydd 2008, 429), which is derived from the liberal perspective that individual persons act freely to pursue their own or shared interests (Kydd 2008, 425). A core concept of rational choice is that states are the only units of analysis; in principle, the entire set of interactions among states can be explained by studying interactions at the level of the individual (Kydd 2008, 427).

Both rational choice and constructivist scholars have studied the concept of socialisation, although it has been of more interest to the latter than the former. From a rational choice perspective, Schimmelfennig argued that states conform with international norms if they calculate that the benefits of complying—e.g. the enhanced international legitimacy—outweigh the associated costs (Schimmelfennig 2000, 110). To Schimmelfennig, the socialisation of a state into a norm is successful
if the state internalises the norm, that is, if the structural conditions are sufficiently stable that states consistently comply with the norm in the process of instrumentally maximising their utility (Schimmelfennig 2000, 110-119). In rationalist perspectives, the socialisation of an actor into new norms may change how they calculate costs and benefits but does not change the fundamental processes they use to make decisions (Checkel 1999, 84). State socialisation has had a relatively limited role in rational choice perspectives; among its more notable appearances, Waltz argued that states are socialised into patterns of behaviour through processes of mutual interactions (Waltz 1979, 74-77) and by imitating each other to ensure their survival (Waltz 1979, 127-128). Mearsheimer used a similar construct to argue, from an offensive realist perspective, that states must learn to behave in a selfish way in order to survive (Mearsheimer 2014, 33). In these frameworks, the concept of socialisation focusses on behaviour rather than ideas (Wendt 1999, 101).

I now argue that rational choice perspectives do not provide strong explanations of the series of Germany’s refugee policy decisions in 2015. If a rational choice perspective did explain these actions well, we would expect that the decisions of the German Government could consistently be explained with reference to the benefits or reduced losses to Germany that the government expected would result from those decisions. We would also expect that we could explain any decision, ostensibly put forward on the basis of German identity and belief, in terms of how it maximised or enhanced German interests.

If rational choice explained Germany’s initial move to liberalise its refugee policies in August and September 2015, it would appear to poorly explain the government’s move to backtrack on that liberalisation in mid-November 2015. Similarly, if it
explained Germany’s backtracking that November, it would not well explain the initial liberalisation. A rational choice explanation for the government’s initial decision to liberalise its refugee policies would explain it in terms of the action enhancing the utility of the country or government relative to maintaining the then-existing policies. A cost-benefit calculation on the impacts of allowing an unlimited number of refugees into Germany—whether conducted formally through a policy study or informally through quick decision making by ministers—would have incorporated costs and benefits along a number of dimensions. The benefits side of the equation would likely have included material and ideational benefits: the economic benefits from refugees filling an anticipated German demographic and labour gap, meeting the expectations of part of the domestic population to assist refugees, strengthening Germany’s international standing from its acting in accordance with international human rights norms, and regaining Germany’s international status after potentially being seen as one key cause of Greece’s disastrous economic situation. The cost side of the equation may have included the financial costs of supporting and integrating refugees into German society including education and training costs, the potential social disruption, and the potential impact on the idea of German identity. Domestic actors would have been aware of these potential types of costs and benefits, as the country had been hosting increasing numbers of asylum seekers up to August 2015 and had historical experience of previous migrations into the country. In addition, the government was aware of forecasts that 800,000 asylum seekers would enter Germany in 2015, and the interior and foreign ministries warned Merkel that opening Germany’s borders could attract many more asylum seekers to the country.
If a rational choice perspective explained the evolution of Germany’s policies after the government made its initial decision to liberalise its refugee policy, a decision to backtrack on that policy would have indicated that the costs of taking in large numbers of asylum seekers were substantially greater than the government had anticipated or that there had been a change of the norms into which the German Government was socialised. It is indeed possible that the government did not anticipate certain costs arising from its refugee policies, such as federal and state political actors strongly advocating against these policies and threatening the ongoing relationship between the Christian Democratic Union (CDU) and the Christian Social Union (CSU), which caucused together in the federal legislature. However, it is not clear why the government would have backtracked on its policies at the time that it did, given that the number of asylum seekers entering Germany was not demonstrably different to the numbers forecast, and domestic actors had been imposing costs on Merkel from mid-September 2015 through publicly advocating for caps on the number of refugees entering Germany and threatening the ongoing working relationship between the CDU and CSU. It is not clear that rational choice approaches provide compelling explanations for both the liberalisation and backtracking on refugee policy. Rational choice perspectives appear to lack the specificity needed to explain Germany’s behaviour.

Constructivism

Constructivism is an alternative approach to rational choice that seeks to explain behaviour among social actors—e.g. individuals or states—by reference to identity, norms and meaning. Adler described constructivism as, “...the view that the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic
normative and epistemic interpretations of the material world,” (Adler 1997, 322, emphasis in original). Constructivism draws, philosophically, on the work of Durkheim and Weber, who argued, “the critical ties that connect, bond and bind individuals within social collectivities are ideational,” (Ruggie 1998, 32). The identities and interests of states in constructivism are socially constructed—state identity can be generated by interaction among states, and both identity and behaviour can be influenced by domestic ideational factors (Ruggie 1998, 32). The literature includes at least three versions of constructivism; the version I refer to in this thesis is “conventional constructivism,” a positivist approach that draws from sociology, institutional and organisation theory that seeks to understand the roles of norms and identity in international behaviour (Checkel 2004, 230-231).

In constructivism, the interaction of actors requires the existence of “mutually recognized constitutive rules, resting on collective intentionality,” (Ruggie 1998, 33)—the structure. Klotz described the structure as “institutionalized—but not immutable—patterns of social order that reflect historical context” (Klotz et al. 2006, 356). The institutions comprising the structure can be “thick” (more constitutive) or “thin” (more conventional) depending on the context area (Ruggie 1998, 33). A key element of constructivism is mutual constitution, i.e. that actors (agents) and structures constitute each other (Klotz et al. 2006, 355): “Neither agents nor structures are preformed, predetermined, or ‘ontologically prior’” (Klotz et al. 2006, 355; quoting Wendt 1987). The structure within which an actor exists provides understanding about the actor, and the actions of agents create and alter the structure in which they exist. “People both perpetuate and alter their worlds” (Klotz et al. 2006, 355).
Constructivists have studied the concept of socialisation more deeply than rationalists, as socialisation is a key constructivist explanation for the processes through which norms and rules in the structure are “transformed into actors’ identities and interests” (Schimmelfennig 2000, 114). Checkel defined socialisation as “a process of inducting actors into the norms and rules of a given community” (Checkel 2005, 804) while Park defined it as the process for how novices are inducted into a community and learn the appropriate modes of behaviour (Park 2014, 334). According to Checkel, the outcome of socialisation is that an actor internalises and then complies with the new norms and rules (Checkel 2005, 804). Schimmelfennig defined internalisation as the “adoption of social beliefs and practices into the actor’s own repertoire of cognitions and behaviours” (Schimmelfennig 2000, 112). Socialisation in constructivism also implies that actors have moved from the logic of consequences to the logic of appropriateness in complying with a norm (Checkel 2005, 804; Gheciu 2005, 976).

Authors distinguish different types of socialisation: Type I socialisation (acculturation) describes where an actor learns to play appropriate roles, and Type II (persuasion) describes where an actor accepts particular ideas are “valid and legitimate” (Checkel 2005, 808; Morin and Gold 2015, 5). Checkel argues that actors who initially comply with rules for strategic calculation purposes may, at a later stage, internalise them under Type I or Type II socialisation due to “cognitive and institutional lock-in effects” (Checkel 2005, 809).

In constructivism, an actor’s interests change only as a consequence of change in their identity, as their identity determines their interests. Change is a key focus of the scholarship; to explain change in both actors and the structure, constructivists
theorise that “no institutions, interests, or identities are immutable,” (Klotz et al. 2006, 359) and that “Prevailing ideas change over time because some people modify them” (Klotz et al. 2006, 359). Different constructivists also give varying weights to the constraining influence of the structure on actors (Klotz et al. 2006, 356). Key questions for constructivists include when and how the beliefs of actors become part of the structure, and how and when norms and practices in the structure affect the actions of actors (Klotz et al. 2006, 360). Theorists argue that actors can “reinforce or transcend” institutionalised patterns of social order through processes of interaction including persuasion, “legitimation, learning, reasoning, and other forms of communication” (Klotz et al. 2006, 360).

I now argue that a constructivist perspective does not provide a strong explanation for Germany’s decisions in 2015 to liberalise its refugee policy and then backtrack on that decision within two months. If a constructivist perspective did explain both decisions, the initial opening of the country’s borders to asylum seekers and the government’s withdrawal from the liberalised policy would have reflected the government’s beliefs about the appropriate behaviour at both points in time. However, I argue below that this is unlikely.

Under a constructivist view, the German Government’s decision to liberalise its refugee policy in late August 2015 may have reflected either one or both of a changed set of internalised norms or a changed external situation relating to asylum seekers. The government might already have internalised the relevant human rights norms and its decision to open Germany’s borders to asylum seekers may have been triggered by a changed external environment, or it may have been newly socialised into these norms before acting on them. Of greater interest is the decision to
backtrack on the liberalised policy. A constructivist explanation of this backtracking would involve the German Government having been intensely socialised over the two months after it liberalised its refugee policy into a set of competing norms consistent with introducing caps on Europe’s intake of refugees and reducing the number of refugees to be resettled by Germany. In this explanation, the government is subject to at least one and potentially two periods of short and intense socialisation; in the latter case, the two periods of socialisation are into two competing and inconsistent sets of norms.

However, this narrative is not convincing, as it appears unlikely that Germany could have been intensively socialised into a set of norms highly inconsistent with the human rights norms it held at late August 2015 for a period of at least two months. In addition, Merkel opposed the introduction of a cap on the number of refugees entering Germany as put forward strongly by Bavarian politicians in early November (Feldenkirchen and Pfister 2016). Furthermore, a scan of the international and domestic political environments in 2015 does not clearly identify the existence of international or domestic actors or institutionalised norms in the structure that may, collectively, have socialised Germany in the claimed ways.

I argued in this section that rational choice and constructivist perspectives do not provide strong explanations for Germany’s refugee policy behaviour in 2015. I now turn to the literature that examines state socialisation as occurring through the interactions of actors and institutions within state and society, as this literature may identify additional frameworks that will assist me in understanding how states make decisions and explaining how their decisions change over time.
State Socialisation Using Multiple-level Frameworks

There is much scholarship that seeks to explain the socialisation of states into norms using a multiple-level framework (e.g. involving the state, domestic political actors, and populations) or which focusses on the socialisation of key individuals within the state. Within this scholarship there is a strong focus on the socialisation of Central and Eastern European states and national officials into the norms promoted by the EU, the Council of Europe, and NATO. The literature conducting analysis at different levels variously employs rationalist and constructivist perspectives (e.g. Checkel 1997, Schimmelfennig 2000, Schimmelfennig and Sedelmeier 2004, Schimmelfennig 2005, Gheciu 2005, Marsh and Payne 2007, Kelley 2004; see Atkinson 2006, and Morin and Gold 2015 for quantitative studies), while the literature on the socialisation of individuals tends to be constructivist and focusses on the microprocesses of socialisation including persuasion and education (e.g. Beyers 2005, Hooghe 2005, Lewis 2005, and Johnston 2005; see Greenhill 2010 for a quantitative study).

The IR scholarship also includes theoretical models of state socialisation using multiple-level perspectives. Flockhart presented an agent-based domestic-level model in which individuals are initially socialised into norms and then socialise each other until a critical point is reached; at this point the norm can be institutionalised into state structures such as domestic law (Flockhart 2006, 93). Alderson identified a three-element process framework for state socialisation involving individual belief change, political process, and institutionalisation. The first element involved attitude

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5 These quantitative studies have a weakness in that they do not identify causation.
change within individuals; the second involved domestic actors pressuring governments to comply with specific international norms; and the third involved actors institutionalising the norm in a rationalist sense by raising the costs of organising against it. These costs could be raised, for example, by incorporating the norm into domestic legislation (Alderson 2001, 418-20). Schimmelfennig provided a rationalist definition of socialisation overlapping Alderson’s in which individual policy-makers do not need to be socialised provided the relevant “beliefs and practices” are “sufficiently institutionalized in domestic decision-making processes and effectively protected by domestic sanctioning mechanisms” (Schimmelfennig 2000, 112).

These theoretical models of socialisation, collectively, contain a number of ingredients for explaining both interactions among domestic agents and between these actors and the state that feed into the development of state policy. The first and second models incorporate domestic actors and the processes of influencing elites from a constructivist perspective, while the second and third models incorporate structural factors within state and society that explain norm compliance from a rationalist perspective.

The empirical scholarship also includes multiple-level analyses that incorporate domestic actors. First, Kelley examined the extent to which European institutions influenced governments in the Baltic States and Eastern Europe to pass legislation relating to ethnic minorities in the 1990s (Kelley 2004). Kelley’s framework involved both rational choice and constructivist perspectives at international, state and domestic society levels and she used a case study methodology focussing on both successes and failures of international institutions’ attempts to convince states to pass
laws. Within each case study, she employed a microperspective associating the actions and discourse of national and international political actors with domestic political decisions about whether to pass particular laws. Drawing on this evidence allowed Kelley to make robust inferences about whether conditionality was a stronger explanation for state decisions than socialisation.

Second, Gheciu investigated NATO’s socialisation of Romanian and Czech Republic actors into Western norms between 1994 and 2000, using a constructivist lens to investigate NATO’s role as a teacher of Western norms and ideational frameworks to domestic elites, military officers, young civilians, and the public in target countries (Gheciu 2005, 985-92). A strength of Gheciu’s work was her domestic-level analysis of the impact of actors and politics on NATO’s socialisation of Romania and the Czech Republic and her analysis around the response of Czech domestic actors to NATO’s education of the Czech public, focusing on the agency of these domestic actors. This was unusual, as scholars had not commonly investigated the agency of actors targeted for socialisation (e.g. see Flockhart 2016).

Third, Checkel used a state-society model to investigate the diffusion pathways of norms in state socialisation (Checkel 1997). He argued that rational choice provided a stronger explanation for the socialisation of “more liberal” states into norms than constructivism, while the converse was true for “less liberal” states. In his model, a state was considered to be “more liberal” if policy arose more from the society than the state, and “less liberal” if the opposite was true (Checkel 1997, 479). Strengths of Checkel’s work lay in the simplicity and parsimoniousness of his model, and his explanation of state socialisation as a function of the structural relationship between state and society.
It is unlikely that the multiple-level state socialisation frameworks in the literature can explain strongly the changes in Germany’s refugee policy in 2015. First, these models seek to explain why states consistently comply with norms by understanding the process of internalising norms through sub-state and domestic actor interaction, while Germany’s backtracking on refugee policy in 2015 represents significant change in state behaviour over a relatively short period of time rather than consistent norm compliance. Second, in generalising the three theoretical models of multiple-level state socialisation discussed earlier, I argue that broader multiple-level perspectives of state socialisation would likely involve processes of interaction among actors followed by the state internalising the relevant norms. Decision makers within the state would then consistently comply with these internalised norms for one or both reasons of belief and identity or utility. In Alderson’s and Schimmelfennig’s models, a norm is internalised in a rationalist sense by raising the costs of not complying with it, while in Flockhart’s model, the norm becomes internalised by its incorporation into state practice, e.g. through domestic law and policy—decision makers would then comply with it under either or both the logic of appropriateness (e.g. Types I and II socialisation) or the logic of consequences.

If a generalised multiple-level model of state socialisation strongly explained Germany’s liberalisation and backtracking on refugee policy in 2015, German Government decision makers would have complied with the norms internalised within the state at both points in time. The dramatic change in Germany’s refugee policy within a period of two months would have required a very significant change in the norms internalised within the state, which is unlikely to have occurred as such a change would have needed an intense period of domestic actors interacting with
and influencing policy makers; and a key piece of evidence suggesting that such internalisation did not occur was Merkel resisting the introduction of a cap on the number of refugees entering Germany in early November 2015 against the demands of Bavarian political figures (Feldenkirchen and Pfister 2016). Indeed, the rapidly changing decisions of Germany over 2015 in relation to refugee policy suggests that norm internalisation and compliance may have only limited power in explaining its decisions. While the multiple-level models of state socialisation are unlikely to provide a strong explanation for Germany’s near-reversal on refugee policy in 2015, they do highlight the potential to use domestic actors in modelling Germany’s decisions to backtrack on refugee policy.

I argued in this chapter that while it is plausible that the constructivist and rational choice literatures provided an explanation for particular refugee policy decisions by Germany in 2015, they do not individually provide strong explanations for the evolution of the country’s refugee policy behaviour that year. I also argued that multiple-level explanations of state socialisation are also unlikely to provide strong explanations. To identify a stronger theoretical framework for explaining Germany’s backtracking on refugee policy, I adjunct the rational choice and constructivist approaches in the next chapter by drawing on the FPA literature, in which state decision making is modelled as the end point of a process of interaction among domestic actors. In the next chapter, I will argue that different actors can be exposed to and hold different norms, and that the policy emerging from their interactions may reflect both the particular characteristics of the actors and the nature of their mutual interactions. This approach may have the capacity to explain how Germany changed its mind on refugee policy within a few months in 2015.
States are highly complex entities containing many actors, institutions, and decision-making processes that constitute, engender and affect state decisions and actions. The constructivist and rational choice literatures provide powerful and subtle rationales for the decision making of states and sub-state actors and the roles of norms in those processes. These frameworks also help to explain interactions among actors within states. However, they do not provide as strong explanatory frameworks for understanding state decision making where the state is seen as a complex, corporate entity in which decisions emerge consequent on the interaction of actors and institutions. In this view, there is great complexity in the processes leading up to state decisions, with the particular actors and constellation of their interactions highly contingent on the issue area, political environment, goals of these actors, and unexpected influences from within or without the political arena.

In order to better understand the theoretical frameworks that can help explain how a complex entity such as the German state make decisions, I draw in additional bodies of literature from IR to help locate and identify which actors and institutions are important to state decision making, and which interactions among them that have the potential to affect the course, nature, or strength of those decisions. The FPA literature in IR is one with an unapologetically domestic orientation that locates and identifies the actors and their interactions that affect how a state makes foreign policy. FPA’s philosophy is unashamedly that foreign policy is intimately associated with domestic politics, with one key scholar arguing, “many times foreign policy is simply the continuation of domestic politics by other means” (Hudson 2013, 141).
The benefit of using FPA to help understand Germany’s 2015 decisions to liberalise its refugee policy and then backtrack on that position is that it allows me to carefully identify the relevant actors and interactions from which Germany’s change of mind emerged. The changes in the assemblage of actors and their interactions over time, and the variously constructivist and rationalist explanations for the behaviour of individual actors, provides a structured way to approach the domestic processes of norm contestation and thereby specify the sometimes vague framework of rational choice and constructivism.

Importing the Foreign Policy Analysis literature

Given its complexity, the German state has a complex assemblage of elements and aspects I could potentially focus on in attempting to explain its behaviour. There is a need to identify particular aspects of the state in order to obtain coherent explication from my analysis. FPA acts as a guide to clarify which aspects of the state I should examine, by providing a framework to locate, carefully and precisely, the actors and institutions on which to focus.

I draw on the FPA approaches discussed by Hudson (2013) and Alden and Aran (2012). Hudson, referring to Putnam’s two-level games, framed FPA in terms of two linked game boards: the domestic politics board and the international politics board. These board games are intrinsically linked with the events on one board affecting those on the other. Actions on the domestic politics board can potentially limit or expand the range of politically viable actions on the international politics board and vice versa. Domestic politics can affect foreign policy, and governments can seek to
use strategies to implement a foreign policy in light of a particular domestic politics
board.

Alden and Aran also identified a number of FPA perspectives used to analyse how
domestic politics affects regime decision making. One is pluralism, in which the
analyst focusses on sub-state actors—e.g. interest groups, public opinion, and the
media—and their interests (Alden and Aran 2012, 54-7). Pluralism “includes the
myriad of sub-state and non-state actors within the domestic arena and their efforts
to exert influence over state institutions and decision-making processes,” (Alden and
Aran 2012, 54). This perspective is useful in my study, as many German domestic
actors sought to influence the country’s refugee policies in 2015.

An examination of German domestic politics in 2015 helps to identify potential
actors on which to focus. First, Merkel and other domestic political actors made
asylum seeker policy at the centre of their political activity, with many federal and
state politicians and political parties either strongly supporting or opposing the
liberalised asylum seeker policies Merkel introduced in late August 2015.
Furthermore, from August 2015, there is strong evidence that Merkel’s refugee policy
led to declining support for the CDU/CSU, while support for the anti-immigration
Alternative for Germany (AfD) party increased. Second, Germany has institutional
factors that allowed domestic actors to attempt to influence state policy. The
German federal cabinet contained individuals who were political actors in their own
right, and other parliamentarians could also attempt to influence decisions. The
CDU’s federal coalition partners, the CSU and Social Democratic Party (SPD), could
independently seek to influence decisions, as could the CDU itself acting as a
political party. State politics was also another institutional channel actors could use to
influence policy; state governments sought to influence federal decisions and state elections provided a conduit for other domestic actors to attempt to influence federal policy.

I now use FPA to identify the domestic actors relevant to my analysis of German asylum seeker policy making in 2015. These actors fall into a number of categories: individuals (Merkel, federal and state ministers, other significant actors); political parties (federal and state political parties); and state machinery (government agencies). It is important to note that not all actors in each category are equally important: Merkel, CDU interior minister Thomas de Maizières, SPD Vice-Chancellor Sigmar Gabriel, CDU finance minister Wolfgang Schäuble and CSU Bavarian Prime Minister Horst Seehofer were more important than other individuals; and the CSU and CDU were more important than other political parties.

I next identify the positions of the key German domestic actors on refugee policy in 2015. These actors held conflicting positions in relation to this policy, and I will argue later that, through bureaucratic and other processes of interaction, they were able to permit or hinder the ability of other actors to imprint their preferred positions onto the policy of the German Government. My analysis of the positions of these actors draws on their public statements, actions, and historical factors. While all judgements are contestable acts of argument, I have sought mine to be defensible. I selected these actors in light of their centrality to decision making, their institutional roles, the extent to which the media reported their refugee-related statements, and the extent to which they may have attempted to influence asylum seeker policy.
I start with Chancellor Merkel. From late August 2015, Merkel supported a liberalised German refugee policy that allowed for an uncapped number of asylum seekers to apply for asylum in Germany, and also supported suspending the Dublin Procedure for Syrian refugees. A CDU ally of Merkel, Peter Altmaier, was head of the Federal Chancellery and Federal Minister for Special Tasks, and held responsibility for coordinating refugee policy from November 2015. He was a close confidant of Merkel and supported her policy positions on refugees (Amann et al. 2015c).

Vice Chancellor and Economy Minister Gabriel, who also led the SPD, was an important actor. In early September 2015, his position was that Germany could take in 500,000 or more refugees a year for several years (TLd 2015f), and that there were practical limits on the number of refugees that could be resettled into the country (Amann et al. 2015a; Li 2015). He and other SPD ministers later advocated a reduction in the number of refugees being resettled in Germany (Amann et al. 2015b; TLd 2015c).

Federal CDU interior minister de Maizière was also an important actor in Germany’s refugee policy. He opposed Merkel’s policy of allowing in an unlimited number of refugees into Germany, and supported caps on the total number of migrants the EU would admit (EurActive 2015a). CDU Federal Finance Minister Wolfgang Schäuble was another an important actor. Initially, he supported Germany taking in refugees, but later supported caps and further restrictions on refugees being resettled into the country (Copley 2015; Carrel and Nienaber 2015; Feldenkirchen and Pfister 2016).
CSU Bavarian Prime Minister Seehofer was also an important actor. He opposed Merkel’s refugee policies and supported a cap on the number of refugees entering Germany. Other Bavarian state ministers similarly opposed Merkel’s refugee policies (TLd 2015j).

The more important political parties in the development of German refugee policy were the CDU, CSU, and the AfD. The CDU is the major conservative political party in Germany that contests elections throughout the country except Bavaria\(^6\) (Spiegel 2009). The CDU’s 2013 election manifesto included supporting the integration of migrants into German society, attracting skilled workers from other countries, and keeping Germany a safe country (CDU 2013, 1). By November 2015, the party advocated Germany accepting a reduced number of refugees (EurActive 2015b).

The CSU is a conservative Bavarian political party affiliated to the CDU, committed to free enterprise, federalism, and a united Europe operating under Christian principles (Conradt, n.d.). The CSU and CDU form a caucus in the federal legislature and the CSU contests elections only in Bavaria. The CSU opposed the liberalisation of Germany’s refugee policy (ABC 2015).

The AfD had been launched in 2013 to challenge Eurozone bailouts and reject the EU’s arguments for keeping the Euro (BBC 2016b). The AfD opposed Merkel’s liberalised refugee policies, and supported both reinstating border controls and shutting the country’s borders to asylum-seekers entering Germany through a safe

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\(^6\) Elections in Bavaria are contested by the CSU.
third country (Martin 2015). In August 2015, the AfD in the border area of Saxony suggested closing the Germany border (Matthee 2015, 5) and in early October 2015, it supported the reversal of Germany’s open door policy for refugees (Ruptly 2015).

To finish the list of actors, I now turn to the state machinery. The federal and state agencies and local authorities were minor actors in refugee policy and in terms of federal actors, I focus on the interior ministry, which included the federal police and the Federal Office for Migration and Refugees (BAMF), and the foreign ministry. The interior and foreign ministries expressed concern that opening German borders in late August 2015 would attract more refugees to Germany, with the federal police concerned about social order. The influx of asylum seekers put pressure on the resources of both the federal police and BAMF, with police officers working many additional hours (TLd 2016a) and the federal government increasing the BAMF workforce substantially to process the large increase in asylum applications (DW 2016).

German state governments and local authorities bore the costs of dealing with large numbers of people seeking asylum, which included the costs of organising and providing housing and education. The Bavarian government may have borne heightened costs, as Bavaria was the state through which many asylum seekers entered Germany. The Bavarian Government argued that costs of addressing the needs of asylum seekers should be shared among all 16 German states (TLd 2015l).
Processes of State Decision Making

After identifying the domestic actors, I now need to identify the ways in which they interacted in the processes from which state decisions arise. Interactions among state actors and between state and societal actors occur through both formal (e.g. cabinet, parliamentary, and inter-governmental) and informal processes (e.g. political party processes, advocacy, reporting by the media, and political competition) and the FPA literature helps explain the processes of interaction. I discuss the following aspects of FPA below: two level games, veto players, the role of the leader, and the role of political parties.

Hudson used a two-level game framework to identify strategies governments can use to obtain support for their foreign policy goals in the face of domestic opposition. These include ignoring the opposition, direct tactics providing tangible rewards and punishments, indirect tactics to “gather enough support on the issue at hand or on other issues that there is no need to change policy direction”, and compromise (Hudson 2013, 151-3). Hudson also identified strategies governments may use to contest domestic opposition to its foreign policy: ignoring the opposition; indirect tactics such as persuasion; seeking new sources of support; deflecting the public’s attention away from the domestic game board; and compromise (Hudson 2013, 153-6). I will argue that the German Government used indirect tactics in attempting to gather support for its refugee policies and to contest the domestic opposition to them. These tactics were to link its liberalised refugee policy with policies making it easier to deport persons whose asylum applications had failed.
Veto players are “individual or collective actors whose agreement...is required for a change of the status quo” (Tsebelis 1995, 289). Their importance arises from their ability to exercise influence over decision making either directly or by implication. Veto players can arise through formal or informal institutions that share decision-making and policy development in a country (Mansfield et al. 2004, 3-4) and their number depends on how power is distributed among actors and the divergence of preferences among them (Mansfield et al. 2004, 3). These authors argued that there are at least three categories of actors with the potential to be veto players: the executive, the legislature, and societal interest groups (Mansfield et al. 2004, 3-4); the identity of veto players in a country will depend on the specific factors affecting decision making in that country, e.g. competition between political parties, corporatist state decision making, and the powers of the judiciary (Mansfield et al. 2004, 5).

Veto players may be an important aspect of my study, as they exist within the German political system. For example, under the federal coalition, the SPD needed to agree to all legislation, and the Bundesrat (the “upper house” of the federal legislature), which represents state cabinets, needs to agree to Bills particularly impacting the states7 (Reuter 2009, 37). In addition, the CSU could in principle sever its ongoing cooperative relationship with the CDU and thereby threaten the unity of the national conservative political parties. Veto players who have been socialised into different sets of beliefs may be able to prevent each other imprinting their preferred beliefs or positions on state policy through contestation in bureaucratic processes of

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7 In particular, Bills that impinge on the organisational and administration jurisdiction of the states or that have a particular impact on state finances.
interaction. Clearly, the existence of veto players in an interaction means that actors interacting with them may engage in politics to achieve their intended goal. For example, hypothetically, a political actor may decide to increase funding to refugee integration classes in order to obtain the approval of a veto player of measures that strengthen the ability of the state to deport non-citizens whose claims for asylum have been rejected, especially where the veto player otherwise may be less likely to agree to such a policy.

Alden and Aran (2012) identified that the leader’s role is a key factor, with the leader’s primary concern being political survival. “The task of the leader becomes one of creating and maintaining coalitions of support for the respective foreign policy agendas through a central concern over ways of managing opposition to that agenda from within the governing party or from the formal opposition party,” (Alden and Aran 2012, 58). This perspective is useful in my study, as Merkel needed to obtain the CDU/CSU’s nomination for Chancellor in the 2017 federal elections to safeguard her political survival. As at September 2016, she had indicated she would decide whether to seek the nomination by the end of 2016, notwithstanding the fact there was no clear rival for the nomination (Nelles 2016).

Alden and Aran also argued that political parties can be important sources of foreign policy through their development of ideology and policies (Alden and Aran 2012, 60-1). This perspective is also useful in my study as the CDU and CSU—in their roles as political parties—sought to influence Merkel’s refugee policy directly via advocacy.
The Politics of Arrangement

While rational choice and constructivism can explain the individual decisions of actors in interactions, they are not as strong in explaining the aggregate outcomes of processes over time in which the actors and constellations of interactions change. I use an analytically eclectic framework to argue that both the arrangement of actors in the policy-making process and the actors involved in that process are crucial to understanding which policies emerge from such a process. The question of which actors have roles in a policy-making process, what their roles are, and when they play them, is a critical and contested aspect of statecraft.

First, the question of which actors play a role in policy processes and what beliefs and positions they hold, is likely to be highly important in a policy process. The political opportunity environment at any point in time may make the involvement of some actors more likely and the involvement of others less likely; this environment can change over time. The more influential actors may also be more able to imprint their interests (from a rationalist view) or ideas about appropriate behaviour (from a constructivist view) onto decision makers and decisions. Different actors will also be motivated by different factors and may have internalised norms to various extents; actors may weigh norms differentially according to their overarching imperatives such as political survival. Actors may also have varying levels of agency about complying with norms, and the incentive structures around the behaviour of actors may or may not promote norm compliance in different environments (e.g. election campaigns and policy processes). The norms that actors internalise may also change over time, potentially due to their interactions with other actors.
Here I discuss specifically the idea of socialising meso-level actors—actors between the levels of the individual and the state—as some of the actors I focus on in this thesis are at the meso level (e.g. political parties). The idea of socialising these actors has similarities to the concept of a state internalising a norm; the norms held by a meso-level actor may reflect both those in its “society”—the environment in which it operates (e.g. a firm in a market, a non-government organisation in a political opportunity structure, and a political party in a domestic electorate)—and its “internal” norms—e.g. those held by influential people within the entity and arising from its internal culture.

Second, the arrangement of actors in the process of interactions—i.e. how and when they interact with each other—may be crucial. Actors playing a part at the start of a process may seek to frame an issue in a way that is consistent with their preferences; political leaders often do this in making public statements, launching policy papers, and setting terms of reference for inquiries, while actors playing a role closer to the end of the process may have a greater influence on the final decisions if they have gained a greater understanding of the arguments, interests and identities of other actors. The way in which actors interact is also important. They may seek to open or close opportunities for future political action, with actions taken at one point in time widening or narrowing the potential future range of politically possible outcomes. They may also attempt to alter the preferences and identities of other actors, particularly decision makers, and seek to downplay the arguments of other actors. The FPA literature identifies the salient processes for my study.

In my argument, the arrangement of actors within a process of interaction, in addition to the identities and interests of the actors themselves, are crucial factors
affecting the aggregate outcomes of the process. This concept has parallels with ideas in other fields of inquiry. For example, in chemistry, both the arrangement of atoms in a molecule (e.g. a water molecule) and the types of the atoms comprising that molecule (e.g. hydrogen and oxygen atoms) are crucial in determining the properties of that molecule. Two molecules comprised of the same types of atoms may have different properties if their atoms are arranged differently.

Another important element in my argument is the idea of norm acquiescence—i.e. the concept that an actor may comply with a norm they have not been socialised into if the cost of complying with it is sufficiently low. For example, an actor may initially acquiesce with new trade norms if it has few interests or beliefs negatively affected by those norms and if it would also be more costly than not to contest them. Over time, however, the actor may start contesting those norms or cease to comply with them if the compliance costs increase substantially.

By carefully identifying the key actors who interacted in processes that led to Germany’s refugee policies in 2015 and their interactions, I may be able to explain how Germany liberalised its refugee policies in August-September 2015 and then backtracked on these policies by mid-November 2015.

Overview of Findings

I now provide a brief overview of my findings from the next chapter. Before late August 2015, hundreds of thousands of asylum applications had been made in Germany over previous years; more than 210,000 applications were made in the first six months of 2015. At this time, the German Government did not have an open-
door policy for all refugees and processed applications for asylum in accordance with the EU’s Dublin Procedure, under which asylum seekers were sent to the first EU member state in which they entered the Union before reaching Germany to have their asylum claim processed.

Between late August and mid-September 2015, Chancellor Merkel made a number of decisions that liberalised Germany’s refugee policy. She effectively opened Germany’s borders to asylum seekers who claimed to be Syrian refugees, and declared there would be no limit to the number of Syrian refugees Germany would accept. By mid-September, she had over-ruled many domestic actors including Vice-Chancellor Gabriel (a veto player in German federal politics), the state and federal interior ministers, Bavarian Prime Minister Seehofer, and the head of the federal police, to ensure that Germany’s borders remained open to asylum seekers while Germany introduced formal border controls.

Merkel drew strongly on the language of values and German identity to argue in favour of her policies (the logic of appropriateness), which she was able to imprint onto German policy notwithstanding opposition from many federal and state politicians and the state machinery, while most actors opposed to her policies argued against them on the basis of costs (the logic of consequences). Merkel had a high satisfaction rating of 67 per cent at this time (Horn 2016), and while norm acquiescence might explain the response of some actors to her actions, others started advocating against them over the next few months.

Between mid-September and mid-November 2015, the costs to Merkel from her refugee policies increased. Domestic actors, including federal finance minister
Schäuble who had initially supported the liberalised refugee policies, interior minister de Maizière, and Bavarian Prime Minister Seehofer, advocated strongly and publicly against Merkel’s liberalised policies, arguing that caps on the number of refugees Germany admitted should be introduced. Seehofer in particular strengthened his rhetoric against Merkel’s policies and threatened to become a veto player by warning the cooperative relationship between the CDU and CSU was at risk. Merkel rejected de Maizière’s argument stating that the centre-left SPD, which had a veto role in the federal government, would not accept it.

Public support for Merkel and her policies declined between August and November; her satisfaction rating declined to its lowest level since 2011, while public support for Seehofer, who opposed Merkel’s refugee policies, increased. The German Government responded using indirect tactics, in the language of FPA, by introducing policies to increase public support for its refugee policies and contest domestic opposition to them. One of these policies was a policy package agreed to by the federal government and all 16 state prime ministers (in a move to help assuage the concerns of the states) to deport people from Germany whose claims for asylum had been rejected and to improve the integration of refugees into German society, while the other involved an agreement with Turkey, made through the EU, in which the EU would share the costs Turkey incurred in hosting refugees.

By mid-November 2015, the costs of Merkel’s refugee policy became too great for her to ignore, and she engaged in politics to address the domestic opposition and popular dissatisfaction with her policies. In early November, Merkel compromised with Seehofer and other Bavarian politicians who had been advocating a cap on the number of refugees Germany would admit by agreeing to a reduction in the number
of refugees the country would resettle. This act may also have represented a way for Merkel to enhance her leadership position within the federal CDU/CSU. From mid-November onwards, political actors including Schäuble, de Maizière, Seehofer, and Gabriel, called on Merkel to stem the inflow of refugees or introduce European-wide caps on refugees, arguing with reference to the costs to Germany of taking in large numbers of refugees. From mid-November, Merkel publicly advocated introducing European-wide caps on refugees, and stated to a radio station in mid-December that she wanted a very large reduction in the number of refugees entering Germany. Popular support for Merkel increased over November and December 2015, and domestic political actors started approving of her stances.
Chapter 3 – Empirical Demonstration

In this chapter I apply my argument from Chapter 2 to explain how Germany backtracked on its decision to liberalise its refugee policy. I do this by focussing on the interactions of key domestic actors over the period between August and November 2015 and start this chapter by providing the context to Germany’s initial decisions to liberalise its refugee policies.

Context

Since the start of the Syrian civil war in 2011, hundreds of thousands of asylum-seekers had sought refuge in Germany up to August 2015; in the first six months of 2015, there had been 218,221 applications for asylum in Germany (Kirschbaum 2015), more than the total of 202,815 asylum applications made in 2014 and substantially more than the 77,650 applications made in 2012 (Arnett 2015). On 7 May 2015, BAMF forecast that 450,000 asylum seekers would enter the country in 2015 (Spiegel 2016), a forecast it increased to 800,000 on 19 August 2015 (Kirschbaum 2015). Up until August 2015, Germany did not automatically process all claims for asylum—the German Government applied the EU’s Dublin Procedure.\(^8\)

\(^8\) Germany had restricted its absolute constitutional right to asylum in 1992 to allow individuals make a claim for asylum in Germany only if they had entered the country from a country that was not designated as “safe”. In practice, this greatly restricted the number of people who could make asylum claims as many European countries were designated as “safe” (Hailbronner 1994, 159-70).
By May 2015, the flow of refugees had become so large—with 44,417 asylum applications made by Syrians alone in the first six months of 2015—that Germany was in effect no longer applying the Dublin Procedure (Hall and Lichfield 2015). German officials were not keeping records of all asylum seekers, and they were not allowed to send asylum seekers back to Greece, the country through which many entered the EU, as the conditions there for asylum seekers were too poor (Spiegel 2016).

To clearly present my case study, I divide the time period under study into three phases. The first phase, which I label *Merkel Dominant*, corresponds to the period between late August and mid-September 2015 during which Merkel was able to imprint her policy preferences onto Germany’s refugee policy notwithstanding minor opposition from domestic actors. Norm acquiescence may explain the behaviour of some of these actors in complying with these new policies. The second phase, *Merkel Challenged*, corresponds to the period between mid-September 2015 and mid-November 2015 in which domestic actors raised the political costs to Merkel of her policies and popular support for Merkel and her policies declined. In this phase, the German Government introduced new policies with the potential aim of gaining greater support for its refugee policies and contesting the domestic opposition. In the third phase, *Merkel at Bay*, corresponding to the time from mid-November 2015 onwards, the costs of her refugee policy became too great for the Chancellor to ignore, and she started engaging politically with the domestic actors who contested her policies.
Prior to late August 2015, the German Government had applied the Dublin Procedure to asylum applications. While Merkel had used language welcoming of refugees, and strongly condemned attacks on asylum seekers, there was no indication that the German Government intended to admit an unlimited number of refugees into the country, with Merkel explaining the government’s approach in terms of limited resources (the logic of consequences). On 16 July 2015, she responded to a young Palestinian girl who asked her why her family were likely to be deported soon saying, “we cannot welcome everyone to Germany”, and “we don’t even have the capacity to do so” (Spiegel 2016).

The initial perception that Germany was welcoming Syrian refugees may have arisen inadvertently from a combination of a change in administrative procedures, media reporting, and the interpretation of these moves by asylum seekers. On 21 August 2015, BAMF issued internal guidelines that suspended the Dublin procedure for Syrian refugees and tweeted about this change on 25 August. Although The Independent newspaper and Syrians quickly interpreted this move as Germany opening its gates to Syrian refugees, federal interior minister de Maizière demurred, stating there was “no suspension of Dublin—it’s much more a guideline for administrators”; Merkel agreed in some respects, contending a few days later that the tweet triggered, “a certain amount of confusion” (Hall and Lichfield 2015; Spiegel 2016). However, Syrians were reported on 26 August making pro-Merkel and pro-Germany Facebook posts, potentially under the belief that Germany was welcoming Syrian refugees (Akbiek et al. 2015). At this stage the government’s language did not suggest there would be a major shift in refugee policy.
A number of actions and speeches by Merkel over succeeding days strengthened perceptions that Germany was welcoming refugees; Merkel’s language drew heavily on values and notions of German identity. One day after BAMF tweeted the announcement of the suspension of the Dublin Procedure for Syrian refugees, Merkel visited a refugee hostel the town of Heidenau in the Eastern state of Saxony in which there had been violent anti-refugee protests the previous weekend. Condemning the protests as “shameful” and “abhorrent”, she responded to protestors’ vitriolic and personal jeers against her saying, “We will make every effort to make it clear that Germany will help where help is needed”, and that “everyone who is the victim of political persecution or who is fleeing civil war is entitled to request asylum in Germany or to be recognised as a civil war refugee” (TFG 2015b). The following day, she expressed deep shock and sympathy for the 71 suffocated refugees whose bodies were found in a lorry in Austria (TFG 2015g).

Merkel’s annual summer press conference on 31 August 2015 provided further indications that Germany was welcoming refugees. Her language emphasised values and German and European identities, and added resonance by appealing to emotion. She argued that Germany and Europe should assist refugees (Spiegel 2015); that Germany “guarantees to protect individuals fleeing from wars”; that she was proud, “to see so many people giving freely to help refugees in Germany,” (TFG 2015a); and that “The world sees Germany as a country of hope and opportunity”. Condemning xenophobia, she said that people fleeing civil war were welcome in Germany, and that while it would not be easy for the country to welcome refugees, “we can do it,” a phrase she and others would repeat over coming months to symbolise this welcome (Spiegel 2015, emphasis added).
On the same day as her annual summer press conference, Merkel decided to allow trains containing thousands of asylum seekers to enter Germany from Hungary via Austria, overriding concerns of the interior ministry (Hildebrandt and Ulrich 2015). Many asylum seekers had been camped in the Budapest train station seeking to travel to other countries—Hungary having been the initial destination of migrants seeking to travel to Western Europe over the so-called Western Balkans route (RFERL 2015). Prior to 31 August 2015, Hungarian police had prevented migrants lacking legal papers leaving the train station (The Times of Israel 2015), but there were no security forces at the train station on 31 August, and trains carrying thousands of migrants left Budapest for Munich and Rosenheim in Germany (The Times of Israel 2015; Spiegel 2015). There was domestic popular support for Austria and Germany taking refugees in; people outside Vienna train station chanted, “Refugees are welcome here,” and locals in Munich lined the tracks to cheer and applaud the arrival of the trains (Strohecker and Stephens 2015; Spiegel 2016). No domestic actors were strong enough to over-rule Merkel’s decision if they wished to. Merkel may have been able to use her high satisfaction rating to over-rule any opposition at this time—she had a high satisfaction rating of 67 per cent at the beginning of August (Horn 2016).

Merkel decided to allow trains from Hungary transporting refugees into Germany on the next weekend of 4-6 September (TFG 2015f) and publicly stated that there would be no cap on the number of asylum seekers the country would admit, which was the next key set of new policies (Business Insider 2015). The processes used in making these policies indicates that Merkel was able to take these significant decisions on the country’s refugee policy, which would likely have significant
implications for Germany’s relationships with other European states and EU policy and potentially social order within Germany, on the basis of discussions with only a few ministers, and potentially without consulting Vice-Chancellor Gabriel. This last point was important, as Gabriel was a veto player in the language of FPA as his leadership of the SPD meant that his approval was needed for all government decisions; potentially ignoring Gabriel may have had future ramifications for Merkel. In making these decisions, Merkel did not consult Bavarian Prime Minister Seehofer, who would have been an interested party in the decision.

Before 4 September 2015, asylum seekers had been crowding into Budapest’s train station waiting for trains; about 1,000 asylum seekers had started a 175 km walk to Austria on a highway in the early afternoon of Friday 4 September; and asylum seekers also began breaking out of a Hungarian camp near the Serbian border. That evening, following discussions among the Hungarian, Austrian and German foreign ministers about the situation facing the refugees in Budapest, described by the Austrian foreign minister as “catastrophic” (Spiegel 2015), telephone calls were held with Merkel to ascertain whether the German Government would allow the asylum seekers into Germany (Spiegel 2016). After 11pm that evening, Merkel decided, after discussions with Faymann and the German interior and foreign ministers, that refugees would be brought to Germany by train, despite interior and foreign ministry officials warning the decision would attract even more refugees to the country. Merkel then made a failed attempt to contact Horst Seehofer, the CSU Prime Minister of Bavaria, to inform him of her decision, but did not follow up to ensure he knew of her decision that night. Seehofer learnt of Merkel’s decision the next morning by text message, and argued against it at a meeting of influential CSU politicians on 5 August, using his own reference to German identity that contested
Merkel’s recent reference, saying that Merkel had “unfortunately ultimately ‘decided in favor of a vision of a different Germany’,” (Spiegel 2015).

A total of approximately 20,000 asylum seekers travelled from Hungary to Munich on 5-6 September 2015 (BBC 2015; TLd 2015a; Spiegel 2016). Merkel argued in favour of her decisions using the language of values (the logic of appropriateness), emotion, complying with Constitutional legal rights to asylum (Type I socialisation), and that Germany could bear the costs of taking in asylum seekers (the logic of consequences). Merkel announced that weekend that there would be no cap on the number of refugees Germany would admit, telling a newspaper consortium, in news reported internationally, that there was “no legal limit to the number of asylum seekers” Germany could receive, and that “the right to political asylum has no limits on the number of asylum seekers.” Further, “as a strong, economically healthy country we have the strength to do what is necessary’ and ensure every asylum seeker gets a fair hearing,” (Business Insider 2015). On 7 September 2015, Merkel argued in favour of these government decisions, saying, “I am happy that Germany too has become a country that gives many people hope outside of Germany. And if you look at our history, that is something of tremendous value.” (Spiegel 2015). These statements and decisions by Merkel over the weekend of 4-6 September 2015 indicated that the German Government had substantially liberalised Germany’s refugee policy; a decision some politicians including federal finance minister Schäuble supported (Feldenkirchen and Pfister 2016), but otherwise a decision that domestic actors had not been able to prevent nor overturn in the following days if they were so minded. The CSU was opposed to these decisions to liberalise the policy (ABC 2015), and other domestic actors started to raise the costs to Merkel of her decisions over coming months.
The final key acts in this first phase were government decisions on the weekend of 12-13 September to keep Germany’s borders open to people making asylum claims while formally introducing border controls. Media reports of the processes that led to this decision indicate that there were multiple, fraught interactions among domestic political actors through which many participants agreed to close Germany’s borders, but after which Merkel decided to keep the borders open for asylum seekers. At this time, Merkel publicly appealed to notions of German identity in arguing for her policies while those opposed to her views argued on the basis of the costs to Germany. Evidence suggests that while Merkel agreed to introduce formal border controls in line with the positions of key domestic and bureaucratic actors, she decided, against their very strong views and in the context of reports that up to 40,000 asylum seekers would arrive in Germany that weekend, to keep the country’s borders open to asylum seekers (Spiegel 2015, 2016). Merkel spoke in favour of her decisions over following days, arguing on 14 September 2015 that, “If we now start to apologize for showing a friendly face in emergency situations, then this is no longer my country” (Spiegel 2016). Media reports about the process of government decision-making that weekend suggested that Merkel had over-ruled the views of federal interior minister de Maizière, the head of the federal police, Bavarian Prime Minister Seehofer, the conservative state interior ministers, SPD Vice Chancellor Gabriel, and the SPD leadership in deciding to continue allowing asylum seekers into the country (Spiegel 2015, 2016). It was significant that Merkel over-ruled Vice Chancellor Gabriel, as he was a veto player. It is plausible, however, that Gabriel’s initial position reflected acquiescence to the positions of the conservative state interior ministers, and then acquiescence to Merkel’s position, especially given the SPD’s centre-left stance.
Government decisions in this first phase support an argument that Merkel was able to imprint her views on German refugee policy at this time even if other actors opposed them. While some politicians may have acquiesced to her policies, others started to advocate against them strongly over the next few months, increasing the political costs to her.

**Merkel Challenged**

In this section, I argue that in the second phase, between mid-September and mid-November 2015, the costs to Merkel from domestic actors opposed to her refugee policies increased. I also argue that the federal government engaged in indirect tactics, in the language of Hudson, to gather support for its refugee policies or to contest the domestic opposition to them, by introducing new asylum seeker policies (Hudson 2013, 151-6)

I discuss here some of the challenges—acts of federal and state political actors, reduced domestic support for Merkel’s refugee policies, and declining electoral support for the CDU/CSU. Merkel’s federal and state political colleagues were a strong source of challenge to her refugee policies. A key challenger to her policies over succeeding months was Seehofer, who advocated less liberal refugee policies.

By the weekend of 12-13 September, CDU and CSU federal and state interior ministers, supported by SPD colleagues and the head of the federal police, had called for Merkel to reintroduce border controls principally on the basis of the costs her policies caused. Seehofer argued that, “Every reasonable person’ could see that
things couldn’t continue the way they had,” and he called for the sharing of refugees among EU countries, better control of EU external borders, and more financial and non-financial support from the German federal government. The Bavarian interior minister also called for restrictions on the numbers of refugees entering Germany, saying, “Border controls don’t mean that no more refugees are coming to Germany...but the thousands and tens of thousands moving through central Europe...could no longer be accepted,” (TLd 2015). By 15 September, SPD state prime ministers were also complaining about the lack of information, funding and insufficient local resources (Spiegel 2015).

Political figures from within the CDU and CSU also argued against Merkel’s policies in this second phase. The opposition to her policies called on notions of cost, the securitisation of refugees, and Type I socialisation in relation to respecting the law to argue against her policies. The Economist reported on 10 October 2015 that a CSU parliamentary leader wanted to erect transit zones along Germany’s borders similar to those in airports; and Bavarian finance minister Markus Söder called for a border fence to be built. A group of Christian Democrats calling itself the “security club” debated closing Germany’s borders to refugees, and another group wrote to Merkel arguing that her refugee policy broke the law (The Economist 2015). Across this period, Merkel continued arguing in support of her policies drawing on notions of German identity and values.

Seehofer continued publicly advocating against Merkel’s refugee policies between mid-September and mid-November 2015, using language that called on notions of German identity, the need to respect the German Constitution in relation to the role of the German states (Type I socialisation), security threats from outsiders, and direct
threats to the cooperative relationship between the CDU and CSU. Seehofer invited Hungarian Prime Minister Viktor Orbán, a strong opponent of Merkel’s refugee policies, to the CSU conference held on 23 September (TLd 2015i), and demanded on 9 October that new arriving asylum seekers be either returned across the Austrian-German border or sent immediately through Bavaria on to other German states. He also threatened to launch a case in the Constitutional Court if the federal government did not control the number of people coming into Germany (TLd 2015c). In mid October, Seehofer called Merkel’s decision to allow asylum seekers into Germany, “a mistake that will keep us occupied for a long time,” (The Economist 2015), condemned “Germany’s ‘surrender’ in refusing to close its borders to migrants,” (TLd 2015d), and argued for introducing a ceiling on the number of refugees Germany would admit (TLd 2015g). In late October, he warned Merkel that he would act in unspecified ways if she did not limit the number of refugees arriving through Austria, and threatened “the existence of the CDU and CSU” if the asylum policy was not “corrected” (TLd 2015b).

This threat to the cooperative coexistence of the CDU and CSU may have turned Seehofer into a veto player if Merkel had considered both that Seehofer was capable of carrying out this threat and that it would have reduced the chances of the CDU winning the next federal election. It appears unlikely, however, that Seehofer would have carried out his threat due to the CSU’s potential subsequent loss of power at the federal level, and while it is unlikely Seehofer would have been a veto player, a fracture between the CDU and CSU would have imposed political costs on Merkel. The CSU as a political party also advocated change to Germany’s refugee policies; by November 2015, it held that there should be European wide caps on admitting
refugees to the EU (Amann et al. 2015b) and that Syrian refugees should be treated no differently to other refugees (News 2015).

Merkel’s federal ministerial colleagues also heightened the political pressure on her. In mid-September 2016, CDU federal interior minister de Maizière, encouraged by federal finance minister Schäuble, stated in a media interview that there should be a European-wide cap on refugees (EurActive 2015a; Feldenkirchen and Pfister 2016). Merkel argued to Schäuble that she had no choice but to reject de Maizière’s proposal as the centre-left SPD would not have accepted it, given its role as a veto player (Feldenkirchen and Pfister 2016). De Maizière also started reapplying the Dublin Procedure from 21 October in relation to all asylum applications and all member states at which migrants arrived except Greece without informing Merkel, a way of potentially contesting Merkel’s policies (Wagstyl 2015). He also made an unauthorised announcement on 9 November that “Syrians would no longer be awarded three years’ residency in Germany and that they could no longer bring their families with them at a later point,” after which Merkel stripped him of responsibility for refugee policy and transferred it to Peter Altmaier, a Merkel ally. Seehofer agreed with de Maizière’s unauthorised statement of 9 November, as did popular federal finance minister Schäuble, who told a broadcaster, “Of course we have to limit the ability to take family over, because we’re at the limit of our capabilities.... I consider it to be a vital decision and I’m strongly in favour of coming to a quick agreement on this in the coalition,” (TLd 2015h). Schäuble’s stance was important in terms of

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9 Schäuble had a satisfaction rating of 68 per cent in early November 2015, higher than all other federal politicians whose satisfaction ratings were polled. Merkel’s satisfaction rating was 49 per cent (Infratest 2015c, 11).
interactions among German domestic political actors given his popularity and high status within the CDU. Vice-Chancellor Gabriel also expressed concerns, drawing on the costs of resettling refugees, arguing in early October that while the asylum law did not cap the number of refugees allowed into Germany, there were practical limits on the number of refugees that could be resettled into Germany (Amann et al. 2015a).

CSU politicians sought to securitise the inflow of refugees by linking them to the 13-14 November 2015 terrorist attacks in Paris, with Bavarian finance minister Söder saying publicly, “Paris changes everything...It cannot be that we don't know who is coming to Germany...This situation must be brought to an end by any means.” He further said that Germany should follow France’s move in closing its borders if the EU was unable to secure its external borders, and threatened that Bavaria might do this by itself, increasing the potential costs to Merkel of not acting (TLd 2015j). On 21 November, Seehofer argued at a CSU party congress, while standing next to Merkel, that a limit should be introduced on the number of refugees Germany would admit (TLd 2015k).

In parallel with the increasing costs imposed on Merkel from political actors over this period, the political costs as measured by opinion polls also increased in the months after August 2015. Opinion polls are important in the FPA framework as they provide information about the domestic political game and may impact the incentives on actors in their mutual interactions. Support among Germans for the view that immigration provided more disadvantages than advantages increased from 33 per cent to 44 per cent between early August and early September (Infratest 2015a), and fear of the refugee influx also increased from 38 per cent to 51 per between early
September and early October (Infratest 2015d, 3), before stayed roughly constant at 50 per cent in early November (Infratest 2015a).

Electoral support for the federal CDU/CSU also declined after August 2015. From the 22 September 2013 federal election—at which the CDU/CSU received 41.5 per cent of the vote—up until August 2015, support for these parties remained between 40 and 42 per cent (Pollytix 2016). State election results since the beginning of 2015 had presented mixed results for the CDU—while support for the party declined by six per cent in the February 2015 Hamburg election, it had increased by two per cent in the May 2015 Bremen election (Nienaber and Kirchbaum 2015; Nordsieck 2016), while the anti-refugee AfD party had received minor support in those elections: 5.5 per cent in Bremen and 6.1 per cent in Hamburg (Nordsieck 2016). Opinion polls indicated that support for the federal CDU/CSU reached its highest level for a number of months on 12 August 2015 at 42.6 per cent before gradually declining to 36 per cent by early November 2015; the AfD increased from 3.4 per cent support to 7.7 per cent over the same timeframe (Pollytix 2016).

Merkel’s satisfaction ratings also fell over 2015. This is important in FPA as the leader may act to maintain their leadership and gather support for their policy positions. From a year high of 71 per cent in early January, her satisfaction rating was 67 per cent in July and August before declining to 63 per cent in early September, 54 per cent in October, and 49 per cent in November—her lowest rating since October 2011 (Horn 2016). Notably, the satisfaction rating for Seehofer rose from 28 per cent in early September to 45 per cent in November (Buergin 2015).

10 The CSU only contested elections in Bavaria.
In September and October, the German Government took a number of actions, arguably with the intent of gaining domestic support for its refugee policies or contesting domestic opposition to them. These could be seen as tactics in terms of FPA, and also as Merkel seeking to retain her leadership and enhance the chances she would be the CDU/CSU’s nominee for Chancellor at the 2017 federal elections.

First, in late September, the federal government and the prime ministers of all 16 German states made an agreement to make it easier to deport people from Germany whose claims for asylum had been rejected and to improve the integration of refugees into German society. The agreement with the states may have been, in part, a tactic to help reduce their opposition to Merkel’s policies. The agreement also sought to speed up the asylum application process; reduce the incentives for people with no prospects of being permitted to stay in Germany; and designate Albania, Kosovo and Montenegro as safe countries and thereby introducing a presumption that asylum claims for people from these countries would be unsuccessful. The German federal legislature approved this package on 15 October 2015 (TFG 2015c).

Second, in mid October, Merkel, through the EU, made an agreement with Turkey about the EU sharing the costs Turkey incurred in hosting refugees (TFG 2015e, 2015d), the first of two refugee-related agreements between the EU and Turkey over the next nine months. The October agreement involved Turkey pledging to improve the status of refugees in Turkey in return for EU financial assistance, talks on Turkish accession to the EU, and an “accelerated visa process” for providing Turkish citizens access to Germany (TFG 2015d). In the months following this agreement, Merkel promoted the idea that Turkey would play a key role in reducing the number of refugees arriving in the EU, and the German Government made numerous
statements about the need to work with the Turkish Government to regularise the flow of refugees from Turkey to the EU (TFG 2016c).

Merkel at Bay

I argue that in the third phase, from mid-November 2015 onwards, Merkel could no longer ignore the costs arising from her refugee policy, and had to engage in politics to address the domestic opposition. Merkel’s language on refugee policy changed from this point in time—she spoke publicly of introducing European-wide quotas for refugees at the 15-16 November 2015 meeting of the G20 in Antalya, Turkey (Amann et al. 2015b), and on 14 December told a radio station that she wanted to “drastically decrease” the number of refugees coming to Germany, referring to concerns among the German population about the impacts of refugees on German society: “...we took on board the concerns of the people, who are worried about the future, and this means we want to reduce, we want to drastically decrease the number of people coming to us,” (Troup Buchanan 2015).

This change in direction had come about after private and public discussions among political actors within an environment of poor opinion polling for Merkel. A key interaction was a private meeting in early November between Merkel, Altmaier, and Seehofer and senior CDU and CSU federal politicians, at which the Bavarian politicians argued in favour of a cap on the number of refugees entering Germany. While Merkel and Altmaier disagreed with introducing a cap, Merkel compromised by agreeing to reduce the number of refugees entering Germany (Amann et al. 2015b; Feldenkirchen and Pfister 2016). This compromise could be seen Merkel engaging in politics with her critics to reduce their opposition to her policies, and to
enhance her leadership position within the CDU/CSU. This compromise did not, however, stop her political colleagues contesting her policies.

On 12 November, finance minister Schäuble publicly criticised Merkel’s handling of refugees, comparing her to a “clumsy skier who triggers an avalanche” (Wagstyl 2015; Amann et al. 2015b), and by mid-November, he was arguing that Germany was reaching the limits of its capacities to help migrants, that the flow of refugees could be stemmed, and that restrictions should be introduced on family reunions for Syrian refugees (Copley 2015; Carrel and Nienaber 2015). He also argued that the issue of migration could not be solved by Germany alone but had to be addressed at the European level, and that internal borders should not be re-established within the EU (DW 2015). By late November, SPD politicians were also calling for change, referring to the costs incurred by Germany in hosting asylum seekers. Vice-Chancellor Gabriel called for European-wide quotas on refugees (Amann et al. 2015b) and SPD federal families minister Manuela Schwesig argued that Germany could not take people in the rate it had over the previous few months, as the country was reaching its “practical capacities to house and feed more people” (TLd 2015e). These positions were important given Gabriel’s role as a veto player.

Opinion polling indicates that Merkel was also facing high domestic costs in November and December 2015. In early November, 50 per cent of Germans agreed they were frightened that refugees came to Germany and 48 per cent disagreed that refugees enriched Germany (Infratest 2015a; Infratest 2015c, 5). By early December 2015, 85 per cent of Germans supported stronger border controls and 72 per cent supported a cap on the total number of refugees entering Germany (Infratest 2015c, 9). Merkel’s approval ratings and support for the CDU/CSU were also relatively low.
in November with Merkel receiving a satisfaction rating of 49 per cent at the beginning of November (Horn 2016) and the CDU/CSU receiving 36 per cent support in early November (Pollytix 2016). National satisfaction ratings for Seehofer, who opposed Merkel’s refugee policies, hit a then-peak of 45 per cent in early November (Infratest 2016b, 5).

With Merkel’s backtracking on her liberalised policy position in November and December, the costs to Merkel from the CDU and CSU diminished. In late November, CDU Parliamentary State Secretary Ole Schröder said in relation to Merkel’s support for quotas, “It is good to hear the proposal is under consideration...If this were implemented, it would be a trend reversal,” and CSU General Secretary Andreas Scheuer stated the CSU was “...pleased that the chancellor is actively pursuing the issue” (Amann et al. 2015b). Support for Merkel and the CDU/CSU increased until early January 2016; to 58 per cent and 38 per cent, respectively, while Seehofer’s satisfaction rating declined to 43 per cent (Horn 2016; Infratest 2016a, 15; Infratest 2016b, 5; Ehni 2016; Pollytix 2016).

Over following months, Merkel’s language and policies hardened further following hundreds of sexual assaults and robberies committed against women in Cologne on 31 December 2015, a rise in support for the AfD, and three state elections in March 2016 (BBC 2016a; Pollytix 2016; Smith 2016; TFG 2016a). The German Government agreed in January 2016 on a second asylum package and strengthened deportation laws (TFG 2016b, 2016d), and on 18 March, the EU and Turkey made the second EU-Turkey Agreement, two primary aims of which were a reduction in the number of asylum seekers entering the EU and regularisation of their entry (EC 2016). Peter Altmaier said that the agreement answered calls from within the CDU
for an upper limit on the number of refugees Germany would admit, and Thomas Strobl, the CDU deputy leader, stated that it met a government promise to have a “noticeable and long-term reduction in the number of refugees,” (TLd 2016b).

Findings

This case study supports my argument that Germany’s backtracking on its refugee policies in 2015 can be understood in terms of sets of decisions emerging from varying processes of interactions among different actors at different points in time, where the actors have different (and potentially changing) preferences and interests. Merkel was able, initially, to imprint her preferences on Germany’s refugee policy against domestic opposition, which was unwilling or unable to contest her policy effectively. The second phase was marked by increasing domestic costs to Merkel, during which the German Government attempted to gain domestic support for its policies and contest the domestic opposition to it by legislating an asylum package and making an agreement with Turkey to better manage refugees. In the final phase, Merkel engaged in politics with prominent actors opposed to her policies, and backtracked on her initial liberalisation of Germany’s refugee policies to support European-wide caps and a reduced inflow of refugees to Germany.

This case study indicates that it may be useful to employ a granular approach in seeking to understand examples of puzzling state decision making and behaviour. The FPA literature provides a framework for employing one such granular approach.
Conclusion

Germany’s liberalisation of its refugee policy at the height of a humanitarian crisis of refugees fleeing the Syrian civil war in 2015 marked an apparent high point by Germany in complying with international human rights norms. The German Government’s decision to backtrack on that liberalisation within two months engendered the research question for my thesis: How can we understand how a supposedly liberal state reversed its position on settled norms so quickly? The question goes to the heart of the complexity of state decision making in the real world, and connects the IR literature on state socialisation and norms with observed state behaviour.

The dominant theories explaining the socialisation of states into norms—constructivism and rational choice—provide powerful and subtle explanations for state behaviour and a sense for what drives change. However, they do not provide strong explanations for some observed real world state behaviours, including a state reversing or backtracking on an important decision over a short period of time, as Germany did with refugee policy in 2015. This apparent gap in the state socialisation literature then presents a puzzle for IR theory.

The processes of state decision making are granular and contested, and the dominant theories of constructivism and rational choice address these processes at too high a level to describe them well and explain the state policies that emerge. However, the FPA literature provides an approach to locate and identify the granular processes behind state policy making. To understand Germany’s changes to refugee policy in 2015, I drew on this literature to identify specific actors, institutions and their interactions from which Germany’s refugee policy emerged.
Applying this framework to the German Government’s decision making identified that its backtracking on its liberalised refugee policy in 2015 can be explained in terms of varying sets of interactions among domestic actors who had different and potentially changing interests and beliefs. In particular, it shows that a more granular understanding of state decision making than is afforded by the dominant approaches of constructivism and rational choice explains an otherwise puzzling example of state behaviour. Applying granular approaches may also help explain other examples of state behaviour that are similarly mysterious.
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