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EU immigration, Welfare Rights and Populism: A Normative Appraisal of Welfare Populism

Abstract: Populists in the EU often call for restrictions on EU immigrants' access to welfare rights. These calls are often demagogic and parochial. This paper aims to show what exactly is both distinct and problematic with these populist calls from a normative point of view while not necessarily reducible to demagoguery and parochialism. The overall aim of the paper is not to argue that all populists call for such restrictions nor to claim that all calls for such restrictions are populist. The purpose of the paper is rather humble. It only aims to show that populist calls for restrictions on EU immigrants' access to welfare rights are characterised by two normatively problematic arguments that target two different subsets of the citizenry: what I dub for the purpose of this paper the moralists and the immoralists. It is the way populists address these two subsets of the citizenry, as well as the fact that they could simultaneously appeal to the concerns of both groups, that makes populist approaches to welfare rights both conceptually distinct to other approaches as well as potentially politically appealing to a more diverse population of voters.

Keywords: populism; migration; welfare state; social justice; European Union.

Introduction

In 2016, Tomas Lusas, from Lithuania, was arrested by UK immigration officers after being evicted from his home (Ironmonger, 2018). After the UK referendum and in the year to May 2017, 698 homeless EU nationals were targeted and removed from the UK and many more from other EU countries like Germany (DW News, 2017). In the UK, immigration enforcement teams were targeting rough sleepers even if they were in work or had a permanent right of residence in the UK in a clear violation of EU law.¹ In response to such cases, and instead of easing restrictions to EU immigrants' access to social assistance benefits, member states have lately opted for more restrictive policies. It is in this political climate that restrictions on EU immigrants' take a central role in welfare populism.

The advocacy of restrictions on immigrants' access to welfare rights is not, however, a new political phenomenon. It has a long and prominent position

¹ A judicial review in December 2017 ruled the policy to be unlawful and discriminatory, and those affected are now suing for compensation. In response a Home Office spokesperson told the BBC 'claims for compensation will be considered on a case-by-case basis' and that the government was 'determined to break the homelessness cycle' (Tolhurst, 2018). The Sun's headline covering the story read: 'ROUGH JUSTICE: EU rough sleepers to get hundreds of thousands of pounds in taxpayer-funded compensation after they were illegally booted out of the UK' (Tolhurst, 2018).

in far-right parties' manifestos: from BNP to NPD, in the UK and Germany respectively (Mudde, 2007: 121; Givens, 2005; Kitschelt, 2007; Rydgren, 2018). What is novel is that more recently, and shortly before the UK referendum, calls for restricting EU immigrants' access to welfare rights have found their way to more mainstream political parties (Arzheimer 2006; Dählstrom & Sundell 2012; Schumacher & Van Kersbergen 2014). Before the Brexit referendum, and during the negotiations between the UK and the EU that preceded it, references to EU immigrants' access welfare rights turned into a central issue with the UK government asking the EU for an 'emergency brake' to access to benefits for 13 years. As David Cameron put it: 'Our welfare system should be like a national club...It cannot be right that migrants turn up and claim full rights to this club straight away' (BBC, 2019). Not just the far right but also public opinion in the UK, as well as elsewhere, was on his side. Already back in 2000, well before the European Debt Crisis of 2009, people were genuinely concerned about this issue. In 2000 the Eurobarometer survey found that more than 50% of Europeans agreed with the statements that minority groups 'abuse the system of social welfare,' 'are a reason for unemployment,' and 'are more involved in criminality than average' (Art, 2001: 14).² It is crucial, therefore, to understand theoretically how populist arguments for restrictions are formulated by reference to 'people's concerns' as well as why they become so appealing. This task is the broader motivation behind this article.

In the context of the EU, populists complain that freedom of movement has undermined the quality and quantity of welfare rights and public services available to 'ordinary people' (Betz & Johnson, 2004: 322-3; Mudde, 2007: 125). We may call this strand of populism welfare populism. What distinguishes welfare populism from other strands of populism is that it attributes the demise of the welfare state to policies that are not sensitive to the concerns of 'common people' (Mudde, 2019a). Welfare populists target current welfare policies as designed to serve the interests of domestic and European elites as well as of non-citizens and minorities (Mudde, 2007: 125). The purpose of these policies, they claim, is not to serve the interests of 'common people' but allegedly to favour 'elites', 'minorities' and 'outsiders' who are not part of the 'authentic people' (Müller, 2014: 485, and Müller, 2017). They claim that instead of safeguarding welfare provisions further, EU law and policies undermine the interests of ordinary people by allowing so-called benefit tourists, low- skilled and 'low value' people to move across borders freely and as a result, undermine the welfare system 'ordinary people' rely on (Betz & Johnson, 2004: 322; BBC, 2017).

2 See Eurobarometer (2000) for original survey data.

The EU provides a fertile ground for welfare populism. EU citizenship challenges the direct link between national citizenship and access to welfare rights by putting these traditional forms of entitlement to welfare rights under question (see European Union, 2004). The dissociation of welfare entitlement from national membership creates a justificatory void in the minds of those who find the connection between national citizenship and welfare rights a necessary one. Welfare populists are keen to re-establish that connection. Instead of providing a novel justification of welfare rights based on EU citizenship rights, populists are eager to reaffirm the necessity of the link between national citizenship and welfare rights. They often do so in ways that aim to show that the reestablishment of such a link is only fair to the ‘common people’ as well as that it best serves the interests of ‘common people’ (Goodwin & Dennison 2018: 754). Seen from that light, welfare-based populism is neither necessarily irrational nor emotional. It is both moralistic and immoralistic.

The key to understanding welfare populism as both a moral and immoral political discourse is in terms of its relationship to the principle of equal treatment. More specifically, one strand of welfare populism argues that EU immigrants violate this principle in virtue of what they see as their preferential treatment by the welfare system versus ‘the common people.’ EU immigrants’ access to welfare rights flouts the duties that ordinary people have, welfare populists, complain. Another strand of welfare populism claims that the principle of equal treatment does not apply to EU immigrants *because* they are fundamentally different to ‘the common people’; and that it is in virtue of that fact that they are not entitled to equal access to welfare rights as ‘the people.’

The invocation, as well as the rejection, of formal equality of treatment, is key to understanding the two strands of welfare populism. Here one could follow Benjamin Eidelson and Andrea Sangiovanni’s discussion of his work in the context of welfare rights (Sangiovanni, 2017). Eidelson in ‘Discrimination and Disrespect’ claims that ‘to respect a person’s equal value relative to other persons one must value her interests equally with those of other persons, absent good reason for discounting them’ and that ‘the point of the respect requirement... is to insist on the need to justify partiality on any given basis. That is the upshot of saying that people have, as beings of equal value, a presumptive claim to equal consideration.’ The most formal, and thin, formulation of this principle is the demand to ‘treat like cases as like’ (Aristotle 1984). Sections 3 and 4 of this paper suggest that welfare populists either invoke the principle of formal equality but fail to take stock with the relevant evidence or accept the relative evidence but only in ways that violate formal equality of treatment. The first strand is disrespectful to EU immigrants because of the way it *motivates* concern

for equal treatment. Section 3 shows that welfare populism's appeal to equal treatment is unjustified because it is informed by a twisted understanding of the nature of social assistance benefits as well as by an ill-formed insistence that EU immigrants' access to social assistance benefits constitutes an additional, and unreasonable, burden to the welfare system of host member states. In section 4, a different strand of welfare populism is examined that advocates the view that restrictions on access to social assistance benefits should maximally serve the interests of nationals. It is shown that this appeal to maximising benefits for nationals constitutes a clear case of direct violation of the principle of equal treatment.

The broader aim of the article is to put forward a critique of welfare populism that contributes both to the political theory literature on the nature of populism (Mudde, 2017; Müller, 2017; Urbinati, 2019) and on the scope of welfare rights in the EU (Bellamy & Lacey, 2018; Sangiovanni, 2017; Efthymiou, 2019a; Viehoff 2016). The first literature treats populism as demagogic and anti-liberal but, in this paper, it is shown that an analysis of welfare populism suggests that populism can be more open-ended and at times, also more argumentatively nuanced. If this verdict is accurate, then our conception of populism should become more inclusive. The second, and broader, aim of this article is to offer an account of welfare populism that links populists' two strategies to debates on the scope of social justice in the global justice literature (Blake and Smith, 2020). To that end, I will analyse what welfare populism discursively amounts to as well as how it fits within these broader theoretical debates and will discuss what is problematic about welfare populism from a normative point of view. I will then go on to develop normative standards that allows us, on the one hand, to distinguish between welfare populists and welfare statist, and, on the other hand, to point at similarities between welfare populists and realists who claim that the state should always and only serve the national interest. If the analysis presented is accurate, then welfare populism is closer to brute realism than principled statism.³

The argument proceeds as follows. The second section links welfare populism to discussions in the literature on the nature of populism and of welfare rights. The third section turns to the first argumentative strategy that welfare populists commonly employ to argue against EU migrants' access to welfare rights. I argue that this strategy relies on a form of selection bias. It selectively picks up, and problematises, particular cases of access to welfare rights as well as particular

3 I use 'brute' here to distinguish between realists, on the one hand, that appeal directly and exclusively to the national interest and forms of realism that are more inclusive and critical of current inequalities of bargaining power between states or individuals, see e.g. Kennan (1985) and Rossi & Sleat (2014) respectively. Much of what I argue for in this article is compatible with the latter form of critical realism but not with the former.

conceptions of welfare rights. I show that this argumentative strategy is based on merely circumstantial, and ultimately normatively unimportant, cases as well as that these populist calls are based on commonplace objections to welfare provisions that apply as much to ‘ordinary people’ as to EU immigrants. The fourth section examines a second popular argument of welfare populists. This argument draws on the widely shared intuition that states have no duties of social justice to non-citizens, and especially to those who choose to cross borders to look for work and who might need social assistance. I show that the populist variation of this argument is distinct from statist conceptions of social justice but similar to realist accounts of national interest. The fifth section examines a core objection to my account of welfare populism, whereas the sixth and last section of the paper concludes.

Populism and Welfare Rights

To gain a better understanding of welfare populism, one needs a clear understanding of the concepts of populism and welfare. The definition of populism varies significantly in the literature (Mudde, 2017; Müller, 2017; Stanley, 2008; Urbinati, 2015, 2019). One can broadly categorise these definitions into ‘thick’ and ‘thin’. Müller’s canonical work in the subject departs from a relatively ‘thick’ definition of populism (2017: 3). He thinks populism has two constitutive components: a) a critique of the elites and b) a claim to represent a single, homogenous and authentic people. An even ‘thicker’ definition is that of Urbinati (2019) which juxtaposes populism to liberal democratic values and to an authoritarian style of government that has its point of reference an elected leader who rules as a leader of his majority in disdain of pluralism and the principle of legitimate opposition.

Other scholars provide relatively thinner definitions of populism. Canovan (2004: 242), for instance, defines as populists those who claim to represent the rightful source of legitimate power—the people, whose interests and wishes have been ignored by self-interested politicians and politically correct intellectuals’. Mudde defines populism more thinly as an ideology that considers society as consisting of two homogeneous and antagonistic groups: ‘the pure people’ versus ‘the corrupt elite’ (2004: 543)⁴, and which argues that politics should be an expression of the general will of the people. Finally, for Laclau and Mouffe populism consists merely in ‘putting into question the institutional order by constructing an underdog as a historical agent’ (2005: 47).⁵

The difference between ‘thick’ and ‘thin’ definitions lies primarily in the constitutive role given to anti-pluralism (see e.g. Müller above) and anti-

4 See also Mudde (2017).

5 See also Mouffe (2000), Mouffe (2018) and Stanley (2008: 97).

liberalism (see e.g. Urbinati above) when defining populism. While one could share the normative concerns of Müller and Urbinati concerning anti-pluralist and anti-liberal types of populism, one does not need to think that these normative concerns are conceptually intrinsic to populism (see also Wolkenstein, 2015, 2016). A thin definition is sufficient to accurately describe the core analytical distinction at the heart of populism as well as the normative appraisal that is also intrinsic to it. More specifically, populism ultimately has two constitutive components: a) it relies on an analytical distinction between the people and the elite and b) it gives ‘the people’ a positive normative appraisal vs ‘the elite.’ Without the first component, populism lacks analytical value (as it becomes impossible to define who are not the people). With only the first element in place but a negative normative appraisal of the people, the analytical distinction turns into elitism.⁶

The ‘thick’ definition also seems under-inclusive. It fails to capture cases where one could distinguish between the people and the elite without resorting to an anti-pluralist or anti-liberal discourse or claims to homogeneity and authenticity. It seems, therefore, more accurate to say that norms like anti-liberalism or social homogeneity are contingently and not necessarily linked to the concept of populism. If they are normatively problematic, they are problematic irrespective of whether they are used by those who appeal to them to motivate a distinction between ‘the people’ and ‘the elites.’ The critical question to ask then is whether populists are prone to resorting to normatively problematic ideals rather than whether these normatively problematic ideas are constitutive of populism.⁷ This task informs the discussion of welfare populism in sections three and four below.

Before proceeding with an analysis of welfare populism as such, it is essential at this point to understand first how populists treat welfare rights and welfare systems more generally. To do this, one needs to distinguish between two schemes of welfare rights. More specifically, in the EU, all member-states have both contribution-based as well as non-contribution-based welfare schemes. The two schemes often overlap in practice, as in the case of unemployment

6 A note on method: the advantage of the thin definition is that it is flexible enough to capture also a variety of arguments, and fallacies, used by welfare populists. The aim is not to defend thin populism as a normatively unproblematic view or even a neutral conception of the people. The aim is to avoid attaching a *particular* fallacy or normatively unappealing idea to the concept of populism to only later stage a critique of populism on the basis of that fallacy or normatively unappealing idea.

7 Preferring a ‘thin’ definition does not imply that a populism based on a ‘thin’ distinction cannot be problematic. I agree, therefore, with Wolkenstein (2017) and White and Ypi (2017) that the way populists “over-politicise” the question of peoplehood’ holds the risk of becoming ‘insensitive to the different ways claims are advanced in the public sphere’. Nevertheless, I do not think that all populist approaches run that risk, at least to the extent that social and economic power structures actually resemble an elite structure rather than one that where social and economic power is widely dispersed (see debate between Mills 1956; Dahl 1958; Bachrach & Baratz 1962; Kaltwasser 2014).

benefits. The funding, however, of the two schemes is fundamentally different due to the guiding ideals and overall policy purposes behind them. Typically, in contribution-based schemes workers (and/or their employers) pay compulsory social insurance contributions, in the form of some fixed percentage of gross wages (Baldwin 1990; Van Parijs & Vanderborght 2017). In these schemes, a sufficient number of prior contributions is treated as a necessary condition for triggering entitlement to welfare rights. The target group, and primary beneficiaries, of those schemes, are primarily full-time employees in long-term contracts.

Non-contributory schemes, on the other hand, are funded by general taxation rather than social insurance contributions. What renders this welfare scheme genuinely non-contributory, however, is the fact that paying taxes is not treated as a precondition for entitlement to welfare rights. The very purpose of non-contributory schemes is to create a safety net for those without adequate incomes from work, savings, or social insurance, by guaranteeing them access to a minimum income (Van Parijs & Vanderborght 2017: 64-5). What renders non-contributory schemes conditional, however, is not prior economic contribution, or any form of prior non-monetary contribution, but the fact that access to such schemes depends on a means test and willingness to seek work genuinely.⁸ The target group, and primary beneficiaries, of these schemes, are new (and usually young) entrants to the labour market who may face difficulties to enter the labour market. They are also those who are unable to find work before the end of the period during which they qualify for contribution-based unemployment benefits, single parents, as well as more generally those who need periodic wage subsidies due to the part-time and short-term as well as often informal nature of their employment (Van Parijs & Vanderborght 2017: 67).

Having analysed both the concept of populism, as well as the concept of welfare rights, it is essential to examine when the two concepts are in tension. The source of the tension between welfare populism and transnational welfare rights in the EU is that welfare populists understand both welfare rights and peoplehood in a reductive manner. Their moralised conception of welfare rights treats all welfare rights as contribution-based whereas their immoralised conception of peoplehood treats national citizenship as a means to opportunity hoarding (Arzheimer 2015; see e.g. the manifesto of AfD, Alternative Für Deutschland, 2017).⁹ As we will see in sections three and four, this allows welfare populists

8 Most member states of the European Union have some form of national minimum-income scheme. The last member-states to implement such schemes were Italy, Greece and Cyprus and only very recently. See OECD (nd).

9 The AfD (Alternative Für Deutschland) is treated in this article as an ideal type of a welfare populist party. The AfD manifesto, that is referenced repeatedly in the text, is a good example of increased sophistication in populist discourse. Welfare populism is more common among right-wing parties but increasingly social democratic parties also appeal to similar arguments (Lefkofridi & Michel, 2017).

to adopt a dual argumentative strategy to justify restrictions on EU immigrants' access to welfare rights. It is argued, first, that EU immigrants get access to welfare rights without first contributing economically, and, second, that EU immigrants get access to welfare rights even though they are not the 'common' people whose interests the state is bound to serve (Mudde, 2007: 131-2; BBC, 2014).¹⁰

The First Strand of Welfare Populism

The first strand of welfare populism claims that EU immigrants' access to welfare rights constitutes an unfair burden for the people (Kitschelt & McGann 1995: 22; Mudde 2017; Rydgren 2018). More specifically, welfare populists claim that EU immigrants' access to welfare rights and public services should be restricted because:

(I.a) economic contribution to a welfare system is a precondition for entitlement to welfare rights for its people and because,

(II.a) the absence of restrictions on EU immigrants' access to welfare rights burdens the welfare system of host member-states and hence its people.

In what follows, I show that what is problematic with welfare populism is that:

(I.b) it provides us with false reasons to support Ia.

(II.b) it provides us with false evidence to support IIa.

In section 2, two different approaches to welfare rights were examined: a contributory and non-contributory one. Welfare populists appeal to the contribution-based approach to provide backing to the claim that restrictions on EU immigrants' access to welfare rights are justified. Their argument could be analysed as follows:

1. *All* claimants of welfare rights need to contribute via their economic activity (via work and/or pay taxes and/or social insurance contributions) to be entitled to welfare rights.
2. All claimants must pay into the welfare system *before* they benefit from the welfare system.
3. Newly arriving EU immigrants do not contribute to the welfare system before getting access to it.
4. Therefore, they are circumventing the contribution-based

¹⁰ It is also worth pointing out that welfare populists not only support existing restrictions to non-contributory welfare rights but also want stricter restrictions as well as their expansion to contribution-based schemes (e.g. contribution-based unemployment benefits and pensions) in order for these conditions of entitlement to resemble increasingly more those of third-country nationals (see e.g. Alternative Für Deutschland, 2017; DW News, 2013).

requirement of the welfare system, unlike the ‘common people’ who have to meet this requirement.

Let us now assess this argument from contribution as an accurate description of the welfare system. To begin with, note that (1) above is empirically false. Social assistance benefits are available to nationals who have neither worked nor paid taxes or social insurance contributions.¹¹ The only condition attached to access to those benefits is that claimants prove that they are willing to actively seek work as well as that they cannot be economically self-sufficient in meeting their basic needs in the absence of such assistance. Individuals are entitled to such benefits for as long as they are genuinely seeking work. There is no obligation that they pay back those benefits by contributing via their economic activity as long as their economic inactivity is involuntary. (2) is also false as it is merely a stricter version of (1). It requires not only that all claimants contribute at some point in time t_n but also that this point in time must come before they gain access to welfare rights. As we saw in section 2, the very point of social assistance benefits is to support those who are actively seeking work irrespective of whether they have been economically active earlier in their lives. The non-contributory nature of those benefits highlights precisely the fact that there is no requirement of prior economic activity, or any other form of prior contribution,¹² for accessing those benefits. Their re-description as contributory benefits paid in return for prior contributions of any kind, therefore, is, as a matter of fact, a category mistake.¹³

It is easy to see why precisely this is the case. When considering the conditions that trigger entitlement to non-contributory benefits, the case of

¹¹ See e.g. the UK government’s means-tested Job Seekers Allowance eligibility guidelines (UK Government, nd).

¹² Note that an additional premise is necessary for the argument from contribution to deliver the conclusion of restrictions for newly arriving EU immigrants: that *prior* contribution as opposed *expected* contribution is necessary for entitlement to social assistance benefits. If the stated concern is one about contribution per se then prior contribution cannot be given such a role because it is expected contribution over a fiscal year that matters when comparing the group of nationals to that EU immigrants. In an imagined exchange between welfare populists and EU immigrants, EU immigrants could simply reply here: ‘we did not yet make any contributions but we are expected to make an equal or higher contribution than nationals.’ Some welfare populists, as well as possibly some statist political theorists, might object here that there might be some cases of EU immigrants for whom expected contribution is very low whereas every national is expected to make a minimum contribution of some sort over their lifetime. Note, however, that this line of argumentation sidesteps the fact that the number of low skilled workers is higher among nationals as well as, more crucially, the fact that disabled nationals are entitled to access to social assistance even if they are unable to deliberately obey the law and even if they find it difficult to participate politically in their communities in any way. These cases suggest that contribution, no matter how widely conceived, cannot lie behind all relevant considerations for providing access to social assistance benefits. A concern for vulnerability to exploitation and marginalisation enabled by destitution appears to be a more fundamental and better reason than reciprocity for contribution in both explaining and grounding social assistance benefits (see e.g. Efthymiou 2019b). This is another key aspect of social assistance benefits that welfare populists of the first strand are failing to consider.

¹³ Some might find non-contributory benefits morally objectionable, but here the emphasis is on the point that it is simply a fact of positive law that social assistance benefits are non-contributory. Note, however, that the stated normative objection should apply to both nationals and EU immigrants. If it is morally objectionable that EU immigrants get access to welfare rights before they contribute to the welfare system, it must also be objectionable that nationals get access before they have contributed sufficiently.

an EU immigrant is no different from the case of a national with access to such social assistance benefits. Because, for neither of them, it is true that they must have worked and/or paid taxes and/or social insurance contributions before they get access to social assistance benefits. Therefore, (4) does not follow. If the national gets access, so must the EU immigrant as a matter of logic. Otherwise, an arbitrary entry condition is imposed on non-economically active EU immigrants that is not imposed on non-economically active nationals.

An argument often raised at this point by welfare populists grants that such access is logically coherent but highlights that giving EU immigrants access to such rights is additionally burdensome for the host member-state and hence that it undermines the overall level of provision of welfare services available at the host state (Mudde, 2007: 132; see also *Alternative Für Deutschland*, 2017). In the initial formulation of this objection EU immigrants' access to social assistance benefits is unfair to nationals because of an alleged flouting of the obligation that *all* claimants have; that is to contribute to the resourcing of welfare rights before accessing social assistance benefits. In the revamped formulation of the objection, welfare populists do not deny that nationals and EU immigrants are treated equally concerning the conditions that they need to be met to get access to welfare rights. Instead, they argue that such equal treatment is harmful to nationals because EU immigrants' access to social assistance benefits constitutes an additional burden to the welfare system to which all 'common people' need to resort.

To begin with, it is worth noting that the cost of granting access to such rights to EU immigrants, as a group, is not necessarily additionally burdensome. To see this, one has only to think that newly arriving EU immigrants in-work pay for the non-contributory social assistance benefits of EU migrants out-of-work via their taxes in the very same way that nationals in-work pay for the non-contributory social benefits of non-economically active nationals via their taxes. As long as the group of EU immigrants pays as much as the group of nationals into the system, there is no additional burden for the host member-state. Therefore, merely pointing at the fact that access to social assistance rights is burdensome on tax-payers is tantamount to just saying that social assistance benefits are burdensome only because they are non-contributory and redistributive. Following this line of argument, however, only shows that EU migrants are no more or less of a burden than nationals are.

Welfare populists make two argumentative moves in response to such evidence. The first is discursively analogous to the previous one concerning the nature of welfare rights. They point at particular cases of benefits that are accessed disproportionately by EU immigrants. For example, they point at

the fact that 42% of EU immigrants in the UK claim tax credits to supplement their income; a much higher percentage than nationals (Nardelli, 2015). This evidence amounts, they claim, to an additional burden on the host member-state. In response, one needs to acknowledge that this is undoubtedly empirically the case when it comes to tax credits (Migration Observatory, 2016; EU commission study 2014). Therefore, welfare populists appear not to fall here into an empirical fallacy. What is problematic here, nonetheless, is that welfare populists focus on one particular benefit. It is possible that a group claims more in one benefit but less in others or that a group contributes more overall in taxes and claims more overall in one particular benefit. To establish that EU immigrants constitute an additional burden to the welfare system one needs to show that EU immigrants pay less *overall* into the welfare system than nationals rather than show that there is a higher percentage of EU immigrants claiming one particular benefit in comparison to nationals. The evidence does not show this to be the case (Dustman & Frattini 2014).¹⁴ Again, therefore, one is dealing here with a case of selection bias.¹⁵

What is problematic, therefore, with the first argumentative strategy of welfare populism is that it wrongly accuses EU immigrants of flouting obligations that nationals have because it falsely claims that all entitlements to welfare rights require prior contributions as well as because it falsely claims that EU migrants are contributing less to the welfare system than nationals. Both claims rely on showing that the normative principle of equal treatment is violated by EU immigrants' access to social assistance benefits, but both the reasons as well as the evidence provided for supporting the case for such a violation are false.

The second argumentative move that welfare populists make in response to such evidence is distinct to the first and normatively more perplexing. They claim that member-states should exclude EU immigrants because they are not 'common people'; that is because they lack the qualities that 'common people' have (Mudde 2007: 132). Unlike the previous argument, this one does not directly appeal to equal treatment concerning social welfare provisions or relevant facts about social justice more broadly to support the claim that EU immigrants are absolved of duties that 'common people' have.¹⁶ It is an argument that links

14 Empirical studies suggest that EU immigrants contribute more to the welfare budget of the UK than UK nationals (ICF GHK, 2013). See also Dustmann et al. (2010), Dustmann et al. (2012), Dustmann & Frattini (2014). Immigrants, in general, tend to contribute to the host state dynamically and they are therefore more likely to make a positive fiscal contribution over time. See Bank of Greece (2016).

15 See also the more recent LSE's study on Brexit and the Impact of Immigration on the UK confirming the above (Wadsworth et al, 2016).

16 The respective appeal of the two strands might depend on the wider institutional context. The first strand corresponds to Rothstein's (2018) findings that suggest that the main determinant of support for equality-promoting policies in countries where public institutions are not seen as biased and corrupt: that is whether others will reciprocate or cheat rather than on the basis of cultural or ethnic loyalties that are closer to the second strand of welfare populism examined below.

access to welfare rights to membership to the category of the ‘people.’ As we will see in the next section, this argument does not even rely on showing that EU immigrants constitute a burden to the welfare system of the host member-state. This argument is, in fact, compatible with granting that EU immigrants constitute a net fiscal benefit to the welfare system of the host member-state. This is because this second strand of populism departs from the idea that member-states ought to promote the interests of their people maximally. If restrictions to welfare rights and public services serve those interests maximally, then it follows that the state ought to safeguard current restrictions and to put even stricter in place, even if EU immigrants’ contributions to the welfare budget are equal or higher than those of nationals. The next section is devoted to a critical appraisal of this second strand.

The Second Strand of Welfare Populism

The preceding section analysed why granting EU immigrants access to welfare rights is not additionally burdensome for the host member state, as welfare populists claim. To recap, to see why welfare populists’ first argument for restrictions is unsound one has only to think that newly arriving EU immigrants in work pay for the non-contributory social assistance benefits of EU migrants out-of-work via their taxes in the very same way that nationals in work pay for the non-contributory social benefits of non-economically active nationals via their taxes. EU migrants are no more or less of an unreasonable burden than nationals are, we saw above.

This reply, if successful, is not sufficient to defeat welfare populists of a second strand. This is because welfare populists could resort to a second argumentative strategy to justify restrictive policies that aim to permit opportunity hoarding rather than to safeguard nationals from potential financial harms. By ‘opportunity hoarding’, I understand here how particular social positions afford some people control over resources while excluding others (Tilly 1998; Wright 2015). Two claims support ‘opportunity hoarding’ within the welfare populist discourse. The first targets minorities that are deemed ‘uncommon’ people due to their alleged qualities. The second calls for controlling access to welfare rights for groups that do not qualify as members of the people to ensure that such access (or no-access) serves maximally the interests of those who qualify as ‘ordinary people’. The first claim aims to show that minorities lack the constitutive characteristics of the ‘common people’ whereas the second claim aims to establish that repatriating control over access serves best the interests of the ‘common people’ (Mudde 2007: 67). The two claims are theoretically distinct and yet complementary in practice because both could serve to disqualify minorities from gaining access to welfare rights.

In what follows, it is argued that it is easier to understand this second strategy of welfare populists as a form of opportunity hoarding based on an appeal to exclusionary identity politics and brute self-interest. More specifically, the proposed account is compatible with the claim that this identity-based anti-minority and anti-immigration rhetoric is a backlash to an unprecedented expansion of the rights of minorities and non-citizens via EU citizenship rights (Kymlicka 2016). This expansion of rights has undermined the dominant position that certain groups in society so far enjoyed and hence has lowered the 'rents' they have been receiving as members of such privileged and majoritarian groups, or merely enjoyed, based on their exclusive access to the rights associated with national citizenship (Swank 2003). This new predicament provides welfare populists with a new platform. Welfare populists need not deny that EU immigration has made a positive fiscal contribution to the welfare systems of EU member-states. Instead, they could rally support for welfare restrictions by treating 'the people' as an interest group that has two interests.

First, an interest in exclusive access to welfare rights as a *positional good* based on a revamped anti-minority and anti-immigration identity politics that grants exclusivity based on who 'the people' really is (Brighthouse & Swift 2006).¹⁷ Second, by appealing to self-interest and to the fact that restrictions on EU immigrants' access to welfare rights could increase the positive fiscal contribution made by EU immigrants in favour of 'common people', populists appeal (more or less) explicitly to group interests (Rydgren 2013: 123). 'Less for them means more for you,' is the motto of welfare populism (Mudde 2007: 125). The less equal access to welfare (and other) rights becomes, the higher the accrued *economic* rent from national citizenship for nationals also becomes.

At this point, and before proceeding further, one needs to distinguish between two forms of identity-politics mobilised by welfare populists: a cultural and civic one. One may dub the first anti-pluralist and the second anti-liberal. The first type of identity politics is anti-pluralist because it operates via a reductionist conception of the people as a group. It seeks to restrict the pool of deserving claimants of welfare rights by attributing to the group of EU claimants certain qualities that set them apart from the 'common people.' EU immigrants are

¹⁷ By treating citizenship-linked rights as positional goods here, I treat national citizenship as a good that people value based on how many citizenship-linked rights they have relative to others who are not nationals: the lower the exclusivity of those rights, the lower the value of national citizenship for social status or social rent. This positional aspect of social superiority could also have an international dimension. See e.g. Milanovic's review of Collier's book on the future of capitalism. As he puts it: 'Collier overlooks the fact that the world of his youth, to which he wants people to return, was a world of enormous income differences between the rich world and the Third World. It is for that reason that the English working class could (as he writes) feel very proud and *superior* to the people in the rest of the world. They cannot feel so proud and superior now, because other nations are catching up. Implicitly, regaining self-respect for the English working-class requires a return to that worldwide stratification of incomes' (my emphasis) (Milanovich, 2019).

deliberately presented here in normatively charged terms in populist rhetoric.¹⁸ For example, cases of benefit fraud on the part of EU immigrants are treated as not just proof that all EU claimants are more fraudulent than ‘common people’ but also as evidence supporting explanatory nationalism as the explanans behind the regional inequalities triggering EU immigration (Givens 2005: 30; Lefkofridi & Michel 2017; Michel 2017). EU immigrants are portrayed as poorer, and in need of access to welfare rights, because of their membership to communities of meaning that promote hedonism and opportunism rather than temperance and dutifulness (BBC 2017). Due to these alleged differences of national character, EU immigrants are not to be trusted like ‘common people’ (Mudde 2007: 125). Hence, those groups that lack the ethnic virtues of ‘common people’ are not to be trusted to have access to welfare rights.¹⁹

The civic version of this argument attributes poverty in the EU to the respective political cultures of member-states. Some member-states opt to borrow or spend more than others as a consequence of a political culture that values more statism and public spending than entrepreneurship and deregulatory reforms (see e.g. *Alternative Für Deutschland*, 2017). The broader aim of both versions of this form of identity politics is to show that the cultural and civic identity of EU nationals is a threat to the cultural and civic values held by the ‘common people’; to the very values that underpin the success of its welfare system and its social economy. The upshot is clear. Due to their superior cultural and civic identity, it is only ‘common people’ that are to be trusted to decide under what conditions EU nationals are to be allowed to have access to welfare rights. Otherwise, common people become the ‘idiots of the nation’ (Betz & Johnson 2004: 322).

It is crucial at this point to emphasise a critical difference between the first and the second strand of welfare populism examined in this section. To argue for restrictions on welfare rights, welfare populists need not deny the fact that EU migrants contribute equally or more than nationals to the welfare budget. In that sense, they need not deny that EU migrants have the characteristics that render them contributors to the welfare system. Instead, they could argue that nationals would benefit more in a scenario of restrictions, or outright bans, than in a scenario of access (see e.g. BBC, 2015). Unlike the moral arguments of the first strand, that appeal to the same entry criteria for nationals and EU

18 This is consistent with Mudde’s (2013) idea that populists often construe the notion of the people in both moral and nativist terms.

19 These cases fall under the more general category of attribution biases where in-groups contrast themselves with out-groups on the basis personal characteristics of the person when this generates negative judgements and on social characteristics when this cancels a positive judgement (see e.g. Anderson, 2013). These negatively tainted identities also undermine the power of EU immigrants to control the terms in which they present themselves to others and hence the sense that they are the authors of their own lives (Sangiovanni, 2017).

immigrants and aim to show that EU immigrants do not meet such criteria, populist opportunity hoarding does not see the need for such criteria (Derks, 2006; de Koster & Achterberg, 2013). Different rules of the game, implying unequal status, apply to the groups of citizens and non-citizens only because the group of citizens has enough bargaining power to make the group of non-citizens accept rules that maximally serve the interests of citizens (Mudde, 2007: 137). Replacing current EU policies with more restrictive and selective ones serves, for populists, as a means to pick and choose and filter out underserving and 'low-value' EU citizens (Rydgren 2018; BBC, 2015). Here is how an argument used by proponents of EU migration could play out at the hands of populists as a form of opportunity hoarding:

- (i) EU migration has a positive fiscal impact on the welfare budget of the host state.
- (ii) EU migration with limits on access to welfare rights will have an even more significant positive impact on the welfare budget and will allow for the lower taxation of nationals.

Hence, the appeal of populist calls for restricting access to welfare rights could be explained by the fact that it appeals to two different audiences. On the one hand, it appeals to those that (falsely) believe that immigrants receive more than they contribute to the welfare budget. On the other hand, it appeals to those who believe (not necessarily falsely) that nationals could either increase their share from the welfare budget or/and reduce their contribution to the welfare budget by excluding EU immigrant claimants (Art 2001: 17-8; Mudde 2007: 135). To reach that conclusion, one needs, however, to provide an argument for the categorical priority of the interests of nationals. Here is how such an argument could be formulated:

1. Member-States, as states of peoples, are bound by a contractual duty to serve the interests of their people.²⁰
2. Therefore, member-states ought to seek to revise EU treaties when those treaties do not maximally serve the financial interests of 'common people.'
3. Current and further restrictions on EU immigrants' access to welfare rights serve the interests of 'common people' in host member-states.
4. Therefore, host member-states ought to seek to revise the current EU treaties in order to safeguard and expand restrictions on EU immigrants' access to welfare rights.

²⁰ For a defence of statist realism, see e.g. Kennan (1985: 206) and Goldman (1982: 450).

The conclusion of the above argument resembles statist objections to transnational approaches to social justice. There are, however, two significant differences between the above populist formulation of the objection and common statist ones. First, in the populist version of the argument, the move from (1) to (2) is not identical to the statist one because of the narrower way that ‘interests’ and ‘people’ are formulated under (2) as ‘financial interests’ and ‘common people’ respectively. For the argument, it matters whether one opts for this conception of ‘interests’ and ‘people’ as well as whether one links these two concepts via a further cultural or civic interpretation of the ‘common people’. The point here is that welfare populists can argue that only those who share particular cultural and civic characteristics qualify as members of the ‘common people’. A move to which statist are not necessarily committed.

It is also true, however, that some statist understand the notion of a people (Miller, 2000) along cultural and civic lines. Statist approaches, however, unlike welfare populists, are predominantly concerned with improving the overall social position of the worse-off members of ‘the people’ so conceived. This brings us to the second difference. This egalitarian aim is not necessarily a core concern for welfare populists (Betz, 1993). The primary concern of welfare populists is the reduction of the overall financial burden to the hard-working ‘common people.’²¹ It is not the improvement of the overall position of the worse-off people. Hence, welfare rights are often seen by them as an act of charity to other members of the ‘common people’ rather as policies following from a duty of social justice (Mudde, 2007: 131). It is, therefore, a concern for maximally serving the interests of the average tax-payer that primarily animates this second strand of welfare populism, not for expanding social policy (BBC, 2018).

It is easy to see how restrictions on EU immigrants’ access to welfare rights serve as an opportunity hoarding mechanism for the average taxpayer. As long as there are restrictions in place, access to welfare amounts to non-reciprocal transfers from EU immigrants in work to nationals out of work as nationals in work do not have to pay for the benefits of EU immigrants out of work (irrespective of overall contributions). Furthermore, restrictions on EU immigrants’ access block transfers within the group of EU immigrants. This is because the group of EU immigrants in-work are not permitted to make a similar transfer to EU immigrants out of work.

²¹ This is broadly consistent with Dahl’s view that ‘the essence of all competitive politics is bribery of the electorate by politicians’ (1956: 69). In this case, the nationals are promised by welfare populists a tax-cut as a result of restrictions on EU immigrants’ access to welfare rights. This is not, however, a classic case of Dahlian democracy involving a bargaining coalition of *minorities* but merely a bargain for nationals.

These exclusionary welfare policies also create the impression that a policy of restrictions could be more beneficial for worse-off nationals than a policy of immediate access grounded on duties of reciprocity across and within the two groups (Mudde, 2007: 223). In theory, at least, every euro not paid to EU immigrants' social assistance benefits could be used to pay higher benefits to nationals. Hence, granting EU immigrants' access to welfare rights and maximally improving the overall position of worse-off nationals could part ways. However, the worse-off nationals receiving such benefits are a small proportion of the electorate and hence not the primary target audience of welfare populists (Sangiovanni, 2017; Efthymiou, 2019a, 2019b). Instead, every EURO not paid to benefits for EU immigrants could serve as a tax break on 'common people'. If there are waiting periods, and cut-off points, for which, for example, current restrictions in the UK and Germany allow, then, for that period, the tax payments of EU migrants in-work go only to nationals. Therefore, waiting periods, along with cut-off periods, effectively serve as means to block transfers not just from nationals in-work to EU immigrants out-of-work, but also from EU immigrants in-work to EU immigrants out-of-work. They practically serve as a way to redirect the surplus secured by such restrictions on access from EU immigrants in-work to nationals. We may say then that the opportunity hoarding characteristic of welfare restrictions is a form of exploitative treatment based on the deliberate generation of social vulnerability for EU immigrants facilitated by the assignment to them of a lower social, and legal, status.²²

To sum up, welfare populism calls for ignoring the welfare interests of EU-nationals, even when member-states can promote them at no additional cost to themselves (for example, when the EU migrants' contributions are neither a net gain nor a net loss to the welfare budget). The interest to which welfare populist appeal to could be stated as follows: even when member-states benefit from EU migration, it is permissible to benefit even more at the expense of granting EU citizens access to welfare rights. It is the categorical nature of this priority to the interests of nationals that distinguishes welfare nationalism from statist conceptions of welfare rights. Statists argue that host member-states should give, *ceteris paribus*, EU immigrants, access to basic welfare rights if that is not harmful, or unreasonably burdensome, for their least advantaged citizens

²² This is not the place to develop a full theory of exploitation. I implicitly rely here on a theory of exploitation that is very close to Nicholas Vrousalis's conception of exploitation as an act where A benefits by taking advantage of B's vulnerable state by exercising power over B. Further, in conditions of asymmetrical power relations enabled by differences in citizenship status, the imposition of restrictions constitutes a violation of the basic discursive criteria of reciprocity and generality as one party (i.e. nationals) makes a claim to certain rights or resources that are denied to others and the reasons given for such norms are not shareable among all persons affected (i.e. EU immigrants), but only by the dominant party (of nationals) (Forst, 2017).

(Fine & Sangiovanni, 2015; Miller, 2016; Walzer, 1984).²³ Welfare populists are not content with this degree of priority given to nationals or its focus on most vulnerable citizens. For them, member-states should be permitted to treat EU immigrants in ways that they are not prepared to treat their least advantaged nationals even when the former group constitutes no fiscal burden. For them, member-states ought to restrict EU immigrants' access to welfare rights in order to minimise the overall amount of taxes paid by the 'common people' as well as in order to preserve the positional value that national citizenship has, as a good, for the 'common people.' This is the very core of their welfare chauvinism. In this second variation of welfare populism, populists do not need to consider empirical evidence about EU immigrants' financial contributions to the welfare budget. Instead, they can accept those facts and appeal directly to the national interest, as equivocal to the interests of the 'common people,' in order to justify the application of double standards.²⁴ This section showed that this strategy amounts to an opportunity hoarding strategy based on national citizenship and that it is normatively problematic because it constitutes a call for the violation of formal equality of treatment.²⁵

Objections

In this section, I would like to consider a core objection to the analysis of welfare populism presented in this paper. The objection goes as follows: what unites all right-wing populist parties is not their welfare populism but rather their nativist antipathy to immigration. For instance, FN²⁶ voters are 35% nativist inegalitarian and 61% nativist egalitarian (Piketty, 2018). FN appeals, therefore, at the same time, to those that are anti-welfare and anti-migrant and those that are pro-welfare and anti-migrant. What unites, therefore, the voters of FN is not a concern for, or against, welfare rights but simply anti-immigration as a political platform.²⁷

23 It is worth noting here that some statist (see e.g. Miller, 2000, 2016) suggest that migration has to be mutually beneficial for both nationals and immigrants. The criterion of formal equality rejected here by welfare populists is more demanding than these statist positions as it can permit any immigration policy that entails no significant benefits, as well as no unreasonable burdens, to all social assistance claimants, both nationals and EU immigrants.

24 This application of double standards might be taken as evidence of a rise in unreasonableness due to the rise of right-wing populism, see Badano & Nuti (2018).

25 On the role of inegalitarian attitudes in voting for right-wing populist parties, see Cornelis & Van Hiel (2015).

26 FN is used here to describe the voters of both Front National as well as its successor party the Rassemblement National (National Rally).

27 It is helpful, at this point, to differentiate between more and less welfare-oriented populist parties. There is also a distinction to be drawn between right-wing anti-welfare populists and right-wing pro-welfare populists (e.g. AfD vs. FN respectively). See e.g. Mudde, 2019a, 2019b, on why voters of these parties are not primarily from working class backgrounds. It is interesting, however, to compare the pro-welfarist but exclusionary welfare populism of FN whose voters are increasingly more working-class to the anti-welfarist exclusionary welfare populism of other welfare populist parties, like the AfD, that have a more neo-liberal approach to welfare rights as well as a more socially varied electoral base. The case of the Freedom Party of Austria (FPÖ) is also relevant here as an anti-migration welfare populist party in government that, nonetheless, increased public spending, for certain welfare benefits (i.e. family benefits and pensions), while offering tax-breaks to other groups of the electorate (Rathgeb, 2019). See also Rydgren & Kitschelt (2018) and Arzheimer (2009) on how party systems and contextual factors could affect the agenda of right-wing populist parties.

There are, however, two possible explanations here as to why these voters opt for the same party: either the voters of these parties prioritise anti-immigration over their commitment to pro- or anti-welfare policies or each of the two groups believes that anti-immigration supports pro- and anti-welfare policies, respectively. It is the latter explanation that is closer to the theoretical analysis proposed in the paper. The second strategy of welfare populists analysed above helps to explain why redistribution is increasingly a concern among right-wing populist parties like the FN. The FN and the FPÖ could keep their otherwise fragile alliance of anti- and pro-redistribution voters together by promising not to increase taxes for the domestic rich while also promising to increase social spending for nationals, especially families and pensioners by reducing social spending for immigrants (Mudde, 2007: 135). This is a comprehensive political strategy, and it amounts to an anti-migration welfare policy.²⁸ The way one invokes the notion of the people to support restrictions on immigrants' access to welfare rights and the way one motivates that conclusion matters. If the above analysis is accurate, then welfare populism is not an epiphenomenon of opposition to EU migration. This is not to deny that opposition to migration has a crucial role in populist discourse. For a subset of populists', however, opposition to EU immigrants' access to welfare rights is not nativist or identitarian. For some, it is rather a means to what they perceive as a threat to the welfare system whereas for others a vehicle for pursuing both an anti-welfarist and nativist political agenda. Welfare populism is multifaceted, and as it was also argued in section III and IV, it paradoxically includes both the invocation of a principle formal equality concerning rights and duties as well as its outright rejection.

Conclusion

The above discussion suggests that welfare populism is normatively problematic for two reasons: first, because it fails to support its claim that equal treatment concerning access to benefits flouts obligations that nationals have, as well as, to provide adequate evidence that such access to welfare rights constitutes an additional burden to host member-states. Second, welfare populism is normatively suspect because it calls for restrictions on EU immigrants' access to social assistance that serve opportunistic opportunity-hoarding in violation of a formal principle of equal treatment. Having analysed these two strategies in some detail above, let us now turn to how these two discursive strategies relate to current debates in normative political theory as well as public policy. Both of these discursive strategies violate two key desiderata in the heart of normative

²⁸ I do not want to suggest here that these parties, or their voters, always think or act as rational actors. But, I want to point out that dismissing these populist strategies as a priori irrational risks ignoring why they might enjoy some of the appeal that they currently have in the electorate by combining anti-tax and pro-welfare policies with an anti-immigration political platform.

political theory. The first violates the desideratum of informed, considered judgements by appealing to either false information or false generalisations. The second strategy violates the desideratum of formal equality of treatment by setting more stringent eligibility conditions for EU nationals' access to welfare rights than for nationals. It thereby discounts the interests of EU immigrants in order to serve the interests of nationals maximally (Rawls, 2001, Aristotle, 1984/340BC). It is the violation of these two desiderata that renders populists' calls for restrictions on access to welfare rights normatively problematic.

It is also, however, paradoxically the combination of these two theoretically problematic strategies that render these populist calls popular among a significant part of European electorates (Mudde, 2007: 135). They allow populists to appeal simultaneously to two distinct audiences. The first audience is misled by populists to believe that EU citizens' access to welfare rights is detrimental to the welfare services available to them as well as that such access constitutes a form of special treatment that violates norms of contribution embedded in welfare systems. The second target audience of welfare populists is fundamentally different. In the case of populism, as a form of opportunity hoarding, the public is not misinformed but encouraged to treat others by different criteria to those it applies to itself. The justification for such treatment is not a moral one or one that appeals to particular principles of social justice. Welfare populists of this second variety treat member-states both as the sole guardians of the interests of their citizens as well as political agents that ought to act to serve those interests maximally. The interests of EU nationals are treated not merely as secondary but as instrumental to maximally serving the interests of nationals. Member-states ought, therefore, to use any superior bargaining power they may have in the EU to seek and apply double standards that are to the maximum advantage of their 'common people'.

It is easy to see why the combination of these discursive strategies can be electorally lucrative. Both populist strategies promise to reward voters (i.e. nationals) who vote for such policies by restricting the funding available to non-voters (i.e. EU immigrants) that are unable to use the ballot box to punish politicians who opt for more restrictive access policies. It is also arguably for this reason that welfare populism is espoused not only by parties on the right of the political spectrum but also increasingly by social democrats that wish to broaden their appeal to right-of-centre voters.²⁹ Welfare populism is both a revamped, albeit patchy, call for protecting the welfare systems of 'common people' as well as a call for brute realism in the name of 'earned' national

²⁹ More recently, the social democrats in Denmark and in Germany but this is an ongoing phenomenon (see e.g. Schumacher & Van Kersbergen, 2014).

supremacy and superior bargaining power that presents the ‘common people’ as victims of policies that favour EU immigrants over them.³⁰ It should not come as a surprise, therefore, that it is the supranational European taming of ‘might makes right’ in issues of welfare policy both within, and across member-states, that welfare populists despise the most.³¹

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³⁰ The critique of state realism has a long history in contemporary political theory that dates back to the first part of Charles Beitz’s classic *Political Theory and International Relations* (1999).

³¹ Hence, welfare populists rally against EU’s law, and especially ECJ’s jurisprudence, as they see them as attempts to deprive ‘ordinary people’ of the right to decide whom to grant access to their welfare system. See, for example, ECJ’s decisions on *Grzelczyk* (2001); *Collins* (2004); *Brey* (2004); and *Bogatu* (2019). See also Recitals 10, 16 and 21 in Directive 2004/38 (European Union, 2004). And see also e.g. *Bannon* (France24, 2019); and *Le Pen* (2016).

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