

# Irregular Migration, Informal Labour and Community: A Challenge For Europe

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## Preface

Migration has become a central issue in politics and research on a global scale. The last decade has seen a tremendous growth of literature and policy bids on the field. The signals are diverging, marked by private and public employers' expressed economically motivated demands for a large scale import of labour, on the one hand, paired with national polities' obvious anxiety concerning imagined consequences of further immigration, on the other. The European Commission, which today includes migration and integration, diversity and anti-racism among its main responsibilities, has significantly contributed to this situation through its ambivalent policies. Across the whole of Europe we are witnessing calls for stopping as well as increasing migration from Third Countries to member states of the Union together with a range of often contradictory suggestions on how to 'manage' migration with reference to the benefit of (mostly) receiving countries and (less often) sending countries and the migrants themselves.

Within this odd European theatre the puzzle of *irregular* or *undocumented* migration has come to occupy a critical role, in media discourse and in policy making. This comes together with profound restructuring of European economies and labour markets, including increasing informalisation, which places the labour of undocumented migrants on special demand in certain sectors and activities. However, the so called "illegals", the economy's most wanted and most readily exploited, have become the most unwanted of the polity {Schierup, Hansen and Castles 2006}, and at the same time a central political stratagem and object of populist anti-immigrant discourse.

Issues of irregular migration - is thus one of the most critical questions related to migration and the development of labour markets across Europe. But actual experience varies greatly, as do research and policy development. For the last three decades irregular migration has been at the centre of academic research and of political discourse on international migration in southern Europe. Also, in important so-called 'old' immigration countries like Germany, France and the Netherlands irregular migration has for long been a question of relatively high political dignity as well as the object of extended research. In, for example, the United Kingdom and Scandinavia, the EU:s post-2004 member states and in Turkey, irregular migration long remained relatively marginal, and has until recently been a peripheral topic for policy-making and research. But this state of relative absence or neglect is now rapidly changing.

Sweden and Turkey are among the countries where the subject of irregular migration is of most recent concern, which however makes the development of adequate policies and the sharing of the experience of others a most pertinent enterprise. Irregular migration in Sweden and Turkey represents, moreover, two extremely different cases concerning border management as well the extreme opposite ends of a European continuum of labour market formality/informality. At the

same time, certain trends of convergence cannot be rejected, and there is a need to deal with common challenges connected with their inclusion within a wider common field of EU presided migration policy and management.

On this background *IMILCO*, a Swedish-Turkish research initiative on *International Migration, Informal Economy and Community in Europe* was launched in 2001 in cooperation between MURCIR (Marmara University Research Centre on International Relations) and NIWL (the Swedish National Institute for Working Life). The initiative, which hosts regular workshops and conferences in Turkey and Sweden, owes in particular its commencement and successful development to the zeal and diligent effort of the former executive of the International Secretariat of Niwl, Bo Johansson. It has benefited from the warm personal engagement of Consuls General Dr Ingmar Karlsson and Annika Svahnström at the *Swedish Consulate General in Istanbul* and has received generous long term financial support from the Consulate. Its purpose is, through joint efforts of Swedish and Turkish researchers, to put these relatively neglected issues solidly on the respective research agendas of the two countries and, through interchange with a wider circle of experts and research institutions, to stimulate comparative research and policy-focused dialogue across Europe.

During 2001-06 a Swedish coordinating team, including Bo Johansson, Branka Likić-Brborić, Erik Berggren and myself at NIWL, and Aleksandra Ålund at Linköping University, has enjoyed an extremely fruitful partnership with devoted colleagues at MURCIR; in particular Günay Göksu Özdoğan, Ayhan Aktar, Sema Erder and Erhan Doğan. Also colleagues at Koc University, Istanbul, and Ankara University have become involved. After a Swedish government decision in the Autumn of 2006 to close down NIWL the University of Linköping has taken over the role as the main Swedish anchor of this Turkish-Swedish *IMILCO* partnership with the aim of continuing and extending the joint research initiative.

Since its start *IMILCO* has organized four workshops and conferences in Istanbul and several workshops in Stockholm with participation of researchers and stakeholders from across Europe. It has published the book *Migration and Labour in Europe: Views from Turkey and Sweden*, edited by Emrehan Zeybekoğlu and Bo Johansson, based on the contributions to *IMILCO*'s first workshop in Istanbul, April 2002 – ‘Migration and Labour Markets in a European Perspective’. The present book is the upshot of the prolific *IMILCO* conference ‘Irregular Migration, Informal Labour and Community in Europe’ held in Istanbul in December 2005, effectively organised by Bo Johansson, Erik Berggren and Sezgi Dürğun. The rich conference contributions have been processed by an international editorial team, including Gülay Toksöz, Ankara University, Branka Likić-Brborić, Niwl (now Uppsala University), Nicos Trimikliniotis, Centre for the Study of Migration, Inter-ethnic & Labour Relations, Nicosia and Erik Berggren, NIWL (now Linköping University), with the latter in charge of the team’s meticulous, critical and time-consuming editing process. As the book gathers contributions from researchers in many parts of Europe it pulls together widely different experiences pertaining to some of the most burning issues of

the quickly changing, migratory landscape that form an increasingly important part of contemporary European economy and society.

Further IMILCO publications are planned to come out of the IMILCO conference of 2006 – ‘EU Enlargement, Informal Economy and New Migratory Landscapes: New Member States, Candidate Countries and New Neighbourhoods’ – and a coming workshop to be held in December 2007 – ‘Migration, Populism and Welfare Change’ organised in cooperation between MURCIR, Linköping University and members of a wider international planning committee.

*Norrköping, June 2007*

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## Introduction: Perspectives on Irregular Migration

One aspect of the compound of issues hiding behind the word 'migration' is *irregular migration*, sometimes referred to as 'undocumented', '*sans papier*' or 'illegal' migration. In this book the notion 'irregular' is most often used as ideas about what is legal and illegal when it comes to migration are far from clear and also extremely politically volatile. The irregular migrant is, in fact, at the centre of one of the great paradoxes of European politics today: the openly declared demographic need for more labour *and* the strong consensus on a toughening migration regime, limiting the possibilities to enter regularly into the Union. This is linked to a growing concern about *informalisation* of the labour market and populist anti-immigrant mobilisation, gaining influence in many European countries today.

The irregular migrant, although often forced to 'play in the dark', in real life as well as in the narratives of national and Union development, is however a key figure behind many central political discussions today. Therefore, to understand what is at stake for the migrant forced into the precarious situation of irregularity and what is at stake for the communities and governments that are sending, receiving and sometimes deporting, sometimes turning a blind eye, the discussion must therefore be connected to a number of questions concerning globalisation, out-sourcing, welfare change, human, migrants' and workers' rights, as well as the long standing debates on multiculturalism, racism and anti-racism, diasporas and xenophobia in European communities. But experience, research and actual policy development on these issues vary greatly across Europe. Irregular migration has for more than two decades been a central topic for political discussion across southern Europe. In important immigration countries like Germany, France and the Netherlands irregular migration is a question of political priority as well as the object of research. In the United Kingdom and in Scandinavia, in contrast, irregular migration has remained a relatively marginal phenomenon, and a peripheral topic for policy-making and research. But this state is rapidly changing.

This book is an attempt to pull together these separate discussions by assembling contributions from researchers across the EU, the new members, selected candidate countries, some of the neighbouring countries in Eastern Europe, the Western Balkans and the Southern Mediterranean. Methodologically there is a great variety among the contributions, which is suitable since one hardly gets anywhere with a multileveled and complex issue like irregular migration without a multidisciplinary approach. This is also motivated by an additional ambition of this book to, beside bringing together different European experiences, also try to link better the otherwise often separate discussions on globalisation, labour market change, racism and xenophobia to migration, both irregular and regular. Hence, to study migration means opening for a discussion of political economy, development issues and large scale legal, social and political transitions, as well as local communities and networks, individual strategies

of survival and personal fates, joys and tragedies. We have divided the book into five parts representing different aspects of this large topic.

### **1. Irregular Migration in the Changing Migratory System: Migration Management, Asylum and Policies of Development,**

The first part, address the phenomenon of irregular migration in theoretical and empirical terms and focus on such issues as how and why irregular migration emerges and what framing strategies and social processes and political dilemmas irregular migration gives rise to. The link of irregular migration to informal employment is a theme running through many of the essays as is the contentious issues of trafficking and smuggling. This involves changing asylum regimes, frameworks of regulation of migration, from the national to the EU-level and also EU's regional and global agreements.

The keyword for the section is the *migratory system*, as the authors are all, in different ways, reflecting on the dynamic macro-level aspects of migration as a system and its impact, on a micro-level, for the individual migrants. This means that they highlight the dynamic element in the reciprocity of socioeconomic needs and political development and political policy in the field of migration as well as the effect these elements have on choices, conditions and strategies for survival and well being among migrants.

**Peo Hansen** starts with an exploration of migration policies of the European Union in 'EU Migration Policy in the Post-Amsterdam Era.' This phase marks a radical break with the previous strong 'zero' policy on labour immigration from third countries. Against the background of EU's intensified policy activity on integration, asylum, antidiscrimination and a more positive attitude towards labour migration, Hansen unfolds a set of normatively contradictory elements in the Unions approach. For the rhetoric of integration, human rights and inclusion is paired with signals assuring members states of stronger restrictions and control systems, while allowing a sizeable influx of irregular migration and thus a growth of a precarious informal sector inside Europe.

Normative contradictions stand in focus also in **Bill Jordan's** and **Ronaldo Munck's** essays. In 'Migration Regimes and Irregular Migration', Jordan looks at the tension between the interests in more severe migration control for the protection of living standards in richer countries, on the one hand, and, on the other hand, the international business agenda demanding free movement of workers and de-regularized labour markets. **Munck** looks critically at the norm production around trafficking of forced labour, squared with the realities facing migrant labourers in Britain today, in 'Irregular Migration and the Informal Labour Market.' He questions the notion of forced irregular labour as 'the underside' of globalisation in an otherwise benign system and looks instead at it as a normal aspect of global capitalism. He can thereby disclose the unnerving normality of the phenomenon in the West and moreover question the moves to criminalise irregular migration as this merely lays a ground for a profitable clandestine informal labour market.

In 'Irregular Migration and Trafficking' **Giovanna Campani** also questions the easy, ideologically motivated, criminalisation of trafficking and irregular migration. She claims that one must understand and deal with this in its context, that is, to a great extent as an answer to increasingly restrictive migration policies.

Within the policy discussion on migration, the issue of 'smuggling' has been one where a consensus seems to have been established, where the smuggler is seen as the greedy exploiter of the vulnerable migrant. However, as **Ilse van Liempt** shows in her empirical study 'Human Smuggling: Types, Origins and Dynamics', the reality of smuggling is more complex. She calls for a more dynamic approach to the phenomena. The relation between smuggler and migrant reflects at times the official image, yet it can also, as she shows, be more of mutual benefit. She also suggests that the smuggler has become a key figure when migration is more severely controlled.

Migration in Europe is transforming, not least with the transformations of Eastern Europe after communism, within the EU regarding policy and as a direct consequence of the enlargement of the Union. **Maria Baganha's** essay, 'The Migration Industry: A Case Study', looks at immigration to Portugal from Eastern Europe as an outcome of a virtual industry, which thus needs to be studied in a systematic fashion. And **Anna Krasteva** offers a review of the unique development of Bulgaria in 'Post-Communist Discovery of Immigration: The Case of Bulgaria'. Coming from a situation with limited and politically sanctioned immigration of the communist-era, Bulgaria has since had to deal with a radically altered migratory landscape, with new forms of labour migration and increasing numbers of irregulars. She asks a question, which, although rooted in the special case of Bulgaria, has bearing for all of Europe: will the policies for dealing with minorities suffice as tools for dealing with the challenges of new migratory patterns?

Turkey forms in many ways a special case when it comes to migration, irregularity and informal labour, as the share of informal labour of the labour market is, relative to the old members of the Union, quite large. Moreover, the country has for centuries been a gate between Europe, the Middle East and Asia. **Ismet Emre Isik** gives us an overview of the migration situation today in Turkey with glimpses at the post World War II history in 'A View from Istanbul: Where Does Turkey Stand on the Issues of Migration and Multiculturalism?' He relates this to the complex aspirations to join the EU, the question of what can be expected in terms of the development of migration in and out of Turkey and, in turn, the difficult theoretical and political discussions on multiculturalism that Turkey is facing.

## **2. Irregular Migration and the Informalisation of European Labour Markets. Comparative Perspectives on Labour Market, Production, and Welfare Regimes**

The essays in the second part address the growing importance of informal labour markets in most member states of the European Union (and in Turkey) and their growing connectedness with the employment and work of undocumented migrant workers and (rejected) asylum seekers, as well as settled ethnic minorities. But they also illustrate how both social context, the extent and forms of employment and the

consequences of practices of informalisation, vary and are also closely connected with the specific social welfare systems and employment practices of individual countries.

A number of pertinent questions are addressed from a comparative perspective: How do economic globalisation and the development of the single European market affect different configurations of irregular migration in individual European regions and countries? What are the interests and dynamics behind the informalisation of labour markets and the demands for migrant labour? How does undocumented immigration and non-regulated employment affect changes in ethnically- and gender divided labour markets?

In his essay 'Informalisation of the Economy and the Recommodification of Labour' **Zoran Slavnic** develops an approach that is critical of the conventional association of informal economy with small immigrant businesses in developed countries, while seeing big companies together with state institutions as the main actors of the formal economy. He argues, drawing on case studies in Sweden, that all economic actors are involved in the transformation from a traditional welfare state to the current workfare state bringing about informality and thus, a shift from decommodification to recommodification of labour.

**Carl Ulrik Schierup's** article 'Bloody Subcontracting' in the Network Society: Migration and Post-Fordist Restructuring across the European Union' pursues a comparative analysis of industrial restructuring in Britain, the Netherlands, Spain and Portugal. He explores the formation of racialized divisions of labour related to strategies of subcontracting in various industrial sectors as the manifestation of a post-Fordist flexibility strategy through the exploitation of undocumented migrants.

In 'Globalisation, EU Enlargement and New Migratory Landscapes: The Challenge of the Informal Economy and Contingencies for 'Decent Work'' **Branka Likić-Brborić** addresses the on-going changes in welfare, labour market and migration regimes in conjunction to globalisation, the EU enlargement and the dominance of a neo-liberal vision. She highlights the connection between these changes and the impacts of neo-liberal policies in post-socialist countries with rising unemployment, de-industrialisation, informal economy and new migration patterns. Against this setting, ILO's goal to promote 'decent work' is discussed and analysed as to its feasibility within an enlarged EU.

In her article 'Informal Labour Markets and the Need for Migrant Workers: The Case of Turkey from a Comparative Perspective' **Gülşay Toksöz** addresses the nexus between the processes of flexibilisation of production, generation of informal economy and demand for informal labour of irregular migrants in the context of Southern European countries. In comparison to capitalist development in these countries a configuration of very large informal economy in Turkey is analysed in relation to flexibility strategies, rising demand for informal labour and irregular migration.

The following article from **Ubaldo Martinez Veiga**, 'Irregular Migration, Informal Labour and Poverty in Spain', first reveals the informal nature of the economic activities in the agricultural sector and then analyses the consequences of

the 7<sup>th</sup> regularisation process in Spain in 2005. In his empirical study in Murcia he asks who really carries the financial burden of regularisation and finds out that in many cases the irregular migrant should pay for their own social security contributions.

### 3. 'Intimate Others': Irregular Migration, Informal Labour and Gender

The articles in the third part of the book focus on the gender dimension of irregular migration and different forms of informal employment, as well as the construction of the 'other' namely migrant women with licentious or oppressed sexuality. Among several factors that lead to the 'feminisation of migration', of utmost importance seem to be a growing demand for women in the domestic and entertainment/sex sectors of receiving countries together with increasing poverty in the sending countries. But, as **Ursula Apitzsch** shows in her opening essay, 'Citizenship, New Migration and Gender Diversity in Europe', that the genderisation of migration is also produced by long-standing conventions of the history of immigration and integration policies of the EU. Her analysis connects to the discussion in the first part of the book as she takes us back to the construction of citizenship and rights in Europe, which is linked to paid work and participation in the formal work force. Apitzsch suggests that a more inclusive notion of citizenship should entail a Marshallian set of social rights.

**Helma Lutz's** article, 'The 'intimate others'-migrant domestic workers in Europe' and **Gabriella Lazaridis'** article, 'Irregular Migration and the Trampoline Effect: 'Les Infirmieres Exclusives', 'Quasi-Nurses', Nannies, Maids and Sex Workers in Greece', take us back to the current situation as they analyse the changes in welfare state regimes conducting market provision of care services and the role of irregular migration in sustaining traditional gender regimes with employment of migrant women in domestic work today. Whereas Lutz concentrates on domestic work as a gendered activity and points to the emotional dimension of care work, she illuminates the fact that migrant women from different countries with diverse backgrounds have different strategies to deal with irregularity. Lazaridis' article shows us in the socio-economic, cultural, and welfare contexts of Greece the causes of a rising demand for migrant women in care services in hospitals and private houses as well as sex workers. Migrant women often face problems of insecurity connected to irregularity and informality, even when regularised. Hence, there is a double complexity when it comes to typical migrant women's sectors of working life.

The situation of sex workers who constitute the most vulnerable group in Lazaridis' article is elucidated from a different perspective in **Beatriz Lindqvist's** article 'Migrant Women in Ambiguous Business- Examining Sex Work Across National Borders in the Baltic Sea Region'. The sex tourism to the Baltic cities, an expanding business is accomplished by cultural constructions of Baltic and eastern Europeans as ethnic others possessing more sexual desire and less moral barriers. However, although sex workers are confronted with violence and abuse they develop strategies to reduce risks and some women see paid sex as a viable strategy for coping with the harsh conditions of global capitalism.

**Deniz Ünsal** also deals with the construction of foreign women in ‘The Emancipatory Project: Portraying Minority Women in Dutch Multicultural Society’. She shows how a group of migrant/ethnic studies reproduce racialised knowledge about both minorities and the Dutch nation itself. In this construction process the dilemmas of integration by Muslim minorities are ascribed to religion and culture and Muslim women are often represented as victims of culture and sexual morals of their community. Consequently the sexual emancipation of Muslim girls is prescribed as the condition of their integration into Dutch society. This effectively denies the diversity and specificity of migrant women’s as well as their own routes from oppressive practices and social relations, i.e. to emancipation.

#### **4. Irregular Migration, Civil Society and Migrant Networks: Inclusion or Seclusion?**

In this section, migration and informal labour is mirrored with a series of close ups at migrant networks and civil society organisations, the conditions for, and relevance of, cooperation, survival strategies and organisation among the migrants themselves and among ethnic groups and workers within the informal sector of labour life. What are, for example, the ramifications of transnational networks and community formation, related to irregular migration and the informal economy, for the migrants and for countries of migration and immigration?

Economic activities of small ethnic businesses based on informal employment of irregular migrants from their own or other ethnic communities appear as part of their survival strategies but sometimes with exploitative features. The first two articles, on irregular migrant networks in Paris and London, direct attention to this complex issue. **Vasodden Vuddamalay** in his article on ‘Impact of Inner-city Ethnic Enclaves on Irregular Immigrant Networks’ assesses how undocumented migrant labour is attracted into informal sectors and how these enclaves help consolidate the flows of irregular migration in Paris and its suburbs. Indo-Pakistanis, Sri Lankan Tamils and other South Asian population as employees of informal businesses or as merchant bourgeoisie of ethnic trade lead to internal stratification of ethnic communities and contribute to rising ethnicisation of French urban space.

In their article on ‘Work Strategies among Turkish Immigrants in London’ **Aykan Erdemir and Ellie Vasta** explain how migrant networks provide solidarity, access to relevant information, hospitality and a job but at the same time marginalize and exploit. Looking at how solidarity allows Turkish immigrants to accommodate irregularity and how immigrant work strategies are shaped by their social networks in the process of settlement they highlight exploitative conditions of informal employment in ethnic businesses with very low wages and long working hours.

The question provoked by these articles is thus the question about organisation. That is also what **Aleksandra Åhlund and Isak Reichel** target in ‘Civic Agency, Market and Social Inclusion’ where they discuss the role of immigrant associations as part of new social movements in the struggle against social exclusion and for civil rights. With anti-racism and social citizenship on their agenda they support migrant

women and youth focusing on educational and employment issues. However as informal networks take over a number of service functions of the welfare state their engagement opens ways for different kinds of informal economy.

Tying the local community, the migrant network and the transtate association back into the larger migratory system and the pressures of globalisation, **Thomas Faist** gives us a reflexive and critical appraisal of some currents within the field in focus in this part in ‘A Critical Analysis of the New Enthusiasm around Migrant Communities and Associations.’ By looking sharply at the enthusiasms around remittances, knowledge transferences or ‘brain circulation’ and lastly the transfer of political remittances, i.e. the spread of ideals of democracy, rule of law and human rights, he points out some normative assumptions of the field and some commonly omitted elements that create problems when the conditions for migrants are accounted for and when good policy measures should be developed.

### **5. Irregular Migration, Populism, Democracy and Citizenship: ‘Fortress’ versus ‘Cosmopolitanism’**

The increasing presence of the effects of migration, in society and political debate, has triggered a set of political reactions into what sometimes seems to be a vortex of assumptions and fears. There is anti-immigrant populism, growing nationalism, the blurry connections of migration to terror and security and the connection of all these discourses to migration policy. The latter policy measures obviously standing in a complex and often paradoxical relationship to the official signals from the EU and the development of European integration and enlargement processes.

Different scenarios across Europe, concerning the ideological sources and actual practices of populist anti-immigration movements and political parties, make a comparative perspective salient. To understand this variation, it is important to identify the social, economic, political and cultural conjunctures around instances of anti-immigrant and anti-refugee discourses.

The section opens with a normative and theoretical analysis of discourses of migration with a focus on the connections between illegality, security and racist anti-immigrant populist articulations on migration. In ‘Populism, Democracy and Social Citizenship: Discourses on ‘Illegal Migration’ or beyond the ‘Fortress’ versus ‘Cosmopolitanism’ Debate’ **Nicos Trimikliniotis** looks at these discourses and raises questions about the common view of anti-immigrant populism, i.e. the so called opportunity thesis. He emphasizes the deeper structural and socio-political factors that create the conditions for the ‘rise’ of anti-immigrant racist populism and locate these discourses to the social, economic, political and cultural contexts that feed them. He then goes on to discuss suggested remedies, such as the, often hopeful, assertion of ‘cosmopolitan’ ideals as against the grim image of a ‘fortress Europe.’ Critical of mere idealistic attempts he calls for an optimistic anti-racist populism.

Anti-immigrant populism is also in focus in **Erik Berggren’s** essay ‘Danish Xenophobia – A Power Logic in Motion’ which focuses on the liberal-conservative government in Denmark and its support party, the anti-immigrant populist party

Danish People's Party, and its influence on mainstream politics in Denmark. Berggren argues that to understand this development one must look at the incremental moves forward in the near history, and the agents seeking power and change. Together they have pushed the (moral) boundaries of discourse and the description of reality that, in turn, have laid a ground for more and more repressive policy measures.

The events following on September 11 have deeply affected the conditions for irregular migrants. A consequence of this development is the connection of migration to terror and security issues which can be seen in public discourse. **Anastassia Tsoukala** offers an analysis of the political discourse in British Press in her essay 'The Terrorism-Immigration Nexus in the Post 11 September Era' which suggests that the strong emphasis on security and terror partake in an erosion of traditional boundaries between different types of migrants and asylum seekers, eventually jeopardizing the rights of asylum. In the context of the relatively strong British multicultural policies this meant a threat to the social cohesion of the country.

Although the populist and chauvinist response to migration and migration policy have been conspicuous, another side of the political reaction to more restrictive migration policies is the more or less visible resistance among grassroots and local officials. **Joanne van der Leun** looks in her essay 'The Dutch 'Discouragement Policy' towards Illegal Immigrants' and reviews the tough line in policy introduced in Holland in the late 1990's, including an element of 'shifting down' implementation of policy in the hierarchy of government. Two unforeseen consequences is analysed, one is the real increase of marginalisation and criminalisation that followed on the policy change, and, second, that the policies were often not enforced with the zeal and vigour expected by those who had designed them.

Yet another form of resistance which also makes migration policy an unpredictable area is what **Franck Düvell** brings to our attention in 'Migration Policy and Civil Society Activism: The Case of Anti-deportation Campaigns.' Civil society protests against deportation often, but not always, make headlines, and sometimes have an impact on decision. This makes for a policy gap, between articulated policy goals and outcome, adding fuel to what is often termed the 'liberal dilemma.'

In 'Locating Xenophobia in Turkey' **Erhan Dogan** describes and analyses Turkey's relationship to Europe with a focus on the processes and policies of opening up and eventually joining the European Union. A major reform program has been launched in order to make Turkey's political, economic and legal system more compatible with Europe's. This has triggered discussions in Turkey on Turkish identity, history and autonomy and also a wave of populist, nationalist and xenophobic reactions. Especially economic regulations in the areas of arbitration, property sales to foreigners or political demands concerning the status of non-Muslim minorities and Kurds create mistrust and concern about a xenophobic populist discourse against the West. Although there is no open or direct correlation between irregular migration and the rise of nationalism and xenophobia in Turkey, the irregular migrant has become an especially controversial pawn in this complicated game.

***1. Irregular Migration in the Changing Migratory System: Migration Management, Asylum and Policies of Development***

Peo Hansen

## **EU Migration Policy in the Post-Amsterdam Era: The Contradictions between Migrant ‘Integration’, Flexible Labour Immigration and Refugee Protection**

The Amsterdam Treaty marked a historical shift towards a significantly augmented role for the European Union and the supranational level in the area of migration policy. With the overarching aim of developing the EU as an ‘area of freedom, security and justice’, Amsterdam laid down the broad outlines for a future EU policy on immigration and asylum. Upon ratification, the groundwork for such a supranational policy was to be built incrementally over a period of five years (1999–2004) (CEU<sup>1</sup> 1997: Arts 61, 63). Subsequently this was confirmed at the Tampere European Council in 1999, where the Council decided that ‘a common European asylum system’ should be gradually put into operation. Regarding immigration, Tampere ‘decided that a major focus of the EU’s efforts should be on the more efficient management of migration flows, on more effective external border controls, and on combating illegal immigration’ (CEC 2000a: 9). Tampere also ‘declared that a more vigorous integration policy should aim at granting’ third-country nationals (TCNs) ‘rights and obligations comparable to those of EU citizens’. Moreover, the Council undertook to ‘enhance non-discrimination [...] and develop measures against racism and xenophobia’ (CEC 2001a: 2).

The Amsterdam and Tampere agreements were to set off a flurry of activity in the field of migration policy. Moreover, this activity expanded well beyond the confines of the Amsterdam and Tampere programmes. The Commission’s bold move to declare an end to the era of ‘zero’ extra-Community labour immigration, as well as the expanding ‘externalization’ of the EU’s immigration and asylum policies to third countries, are just two of several examples highlighting this dynamic development.

This chapter focuses on the EU’s unfolding policies in the fields of migrant/minority integration, anti-discrimination, immigration and asylum. As such, it comprises a broad approach that gives equal consideration to the *internal* (for example, integration policy) and *external* (for example, immigration and asylum policy) dimensions of EU migration policy. Since most of the research on EU migration policy still studies these dimensions separately, rather than in tandem, it often fails to grasp the true dimensions of the contradictions that are at work in EU migration policy. Due to the fact that the external and internal dimensions of EU migration policy have become thoroughly interdependent, this commonly invoked analytical and empirical separation is turning out to be increasingly untenable. Rather, such interdependence calls for composite analyses of EU migration policy taken as a whole.

In terms of demarcations, this chapter covers the development up until the conclusion of the Tampere Programme (1999–2004), cutting off at the beginning of its multi-annual successor agenda, the Hague Programme (2005–10). It sets out by examining supranational initiatives in the field of migrant/ethnic minority integration and anti-discrimination, focusing specifically on the strong interaction of this enterprise with labour-market policy and the issues of citizenship, social exclusion and ‘European values’. We then go on to explore the Commission’s objectives concerning its calls for a sizeable increase in labour migration from third countries. Besides relating this to the internal requirements of the EU’s labour market, I also discuss the external ramifications of the EU’s developing labour migration framework. The final sections scrutinise the EU’s emerging asylum policy. They attend to the EU’s ever-widening smorgasbord of restrictive asylum instruments and security-oriented immigration policies, which, as I go on to argue, together serve to transform the right of asylum into a problem of ‘illegal immigration’.

### **A new deal for the Union’s third-country nationals?**

The pledge to improve the lot of the EU’s ‘legal’ and permanently settled TCNs was clearly one of the boldest declarations made in Tampere. By stating that ‘a more vigorous integration policy should aim at granting them [TCNs] rights and obligations comparable to those of EU citizens’, the Council opened up for a revision of the legal restraints built into EU citizenship instituted by the Maastricht Treaty. Yet, neither Amsterdam nor the declarations in Tampere indicated that permanently settled TCNs were about to become naturalized EU citizens, or that long-term residence was about to replace nationality as the determining principle of EU citizenship (Kostakopoulou 2002: 452).

According to Kostakopoulou (2002), the Commission’s endeavour to expand the rights of TCNs should be seen as an ‘important step towards equal membership and full political inclusion’. Above all, Kostakopoulou (2002: 452, 454) contends, it makes clear that ‘[l]ong-term resident TCNs in the European Union are no longer invisible’, and that a ‘rights-based approach centred on the principle of equal treatment [...] and the granting of free movement rights has begun to emerge’. According to the Commission, this rights-based approach is part of the larger objective of fostering a sense of ‘civic citizenship’ amongst the Union’s ‘legally’ settled TCNs. According to the Commission (CEC 2000b: 19), ‘civic citizenship’ is a long-term goal, emerging out of a progressive ‘granting of civic and political rights to longer-term migrant residents’.

Evidently, it is ‘free movement’ that constitutes one of the core elements around which the Commission articulates its civic citizenship endeavour to expand the rights of TCNs. ‘A genuine area of freedom, security and justice’, the Commission (CEC 2001a: 8) asserts, ‘is unthinkable without a degree of mobility for third-country nationals residing there legally’.

Granted that any upgrading of mobility rights for TCNs must be deemed significant as such, the issue cannot rest simply as a structurally detached expression

of the Commission's benevolent intention to make TCNs more visible through their gradual 'integration' as 'civic citizens'. This is not to suggest that civic citizenship is unworthy of our consideration. Rather, it is to stress the importance of linking it to the larger question of *the political economy of free movement*. The Commission's current attempt to expand the scope of free movement must be understood in the context of its perpetual mission to stimulate the economically vital yet so far dormant labour mobility within the EU. On this point, moreover, the Commission is crystal clear. Hence, it contends that to continue barring 'legally' resident TCNs from the free movement provisions runs counter to 'the demands of an employment market that is in a process of far-reaching change, where greater flexibility is needed' (CEC 2001a: 8).

It is in this larger context that we need to situate the objectives of 'civic citizenship'. Permanently settled TCNs thus constitute an untapped labour reserve that, once unhampered by the EU's internal borders, could help remedy recurrent labour shortages in growth industries and other labour market distortions across the Union (CEC 2004b: 18). In this equation, moreover, unemployment appears to be a key variable. Since TCNs suffer disproportionately from unemployment, the Commission presumes they should be more open to intra-EU labour mobility than are member state nationals: hence the Commission's promotion of extended free movement rights as a means by which TCNs could 'escape unemployment in the Member State where they reside' (CEC 2001a: 8).

Arguably, the articulation of civic citizenship is contingent upon the Commission's more general approach towards 'social exclusion' as manifested in the current Lisbon Strategy (see Hansen 2005b). The institution of civic citizenship thus rests on the Commission's basic premise that accelerated labour market deregulation and a more flexible labour force hold the keys to the EU's allegedly *analogous* problems of unemployment and social exclusion. Promoted as a possible ticket out of unemployment for TCNs, in particular, and as a means to attain more flexibility within the EU's labour market as a whole, civic citizenship could then be seen as yet another attempt at reconciling social cohesion with market expediency.

### **Integration with obligations**

But if the extension of mobility rights to TCNs constitutes a core component in the EU's post-Amsterdam policy on civic citizenship in particular, and on integration policy vis-à-vis TCNs in general, it is by no means the only one. Recent policy documents reveal that EU integration policy has experienced some notable changes in the post-Amsterdam period. Whereas the Commission's policy deliberations in the pre-Amsterdam period often linked integration with the larger questions concerning the multicultural and multi-ethnic society (Hansen 1997), post-Amsterdam discussions on integration find less and less application outside the realm of market expediency and, in particular, of labour market policy. Thus, the more elaborate discussion most often equates the integration of immigrants and ethnic minorities

with ‘their integration into the labour market’ (CEC 2000b: 19; see also CEC 2003a: 1).

Another discernible modification of the Commission’s post-Amsterdam integration discourse is to be found in the growing emphasis on immigrants’ and minorities’ own responsibilities in the area of integration. While underscoring the necessity of not only facilitating ‘their integration into the labour market’, but also to create ‘a welcoming society’, the Commission (CEC 2000b: 19) argues that it is essential ‘to recognize that integration is a two-way process involving adaptation on the part of both the immigrant and of the host society’. This means, the Commission (CEC 2000b: 19) goes on, that there must be ‘respect for human rights and human dignity, appreciation of the value of pluralism and the recognition that membership of society is based on a series of rights but brings with it a number of responsibilities for all of its members be they nationals or migrants’. Although the Commission’s division of the Union into two clear-cut societies—one being the ‘host’, the other being the ‘immigrant’ society—begs a number of questions as to what makes such a division a sensible starting point, it is the assertion that these two societies must be made equally liable for the integration process that stands out as the most puzzling ingredient. That is, it implies that the two societies have an equal amount of social, economic, political, and cultural resources to bring to bear on the integration process in question.

Upon closer scrutiny, however, and once the question of ‘principles and values’ enters into the picture, the already mistaken ‘two-way process’ quickly yields to an even more problematic one-way process where integration, in essence, becomes synonymous with an exclusive duty to adapt on the part of the migrant society. This proceeds from the Commission’s appropriation of the ‘respect for human rights and human dignity’ as being constitutive of ‘our’ particular values. Albeit the Commission refrains from making explicit statements about the possible content of ‘their’ (or the ‘immigrants’) particular values, its position nevertheless intimates that ‘immigrants’ might very well champion values that contravene ‘our’ ‘respect for human rights and human dignity’; that is ‘our’ ‘European values’ (see CEC 2001b: para 3.4). On this issue the European Parliament has argued for a set of stiffer ‘integration-related requirements’ than those put forth by the Commission. It has, for instance, stated that ‘immigrants are expected to respect the community of values [...] and to show a willingness to integrate into society in the Member States’ (EP 2001a: 10; see also EP 2001b: 6). It should also be mentioned that the Council has favourably received these proposals and sentiments (CEU 2002a: 17).

In sum, this signals that EU measures on the specific problem of a trailing immigrant integration have increasingly resorted to a moralising policy discourse, full of allusions to obligations and sanctions. The ultimate success or failure of the integration policy that comes into view here hinges upon the moral stature of the migrants themselves, on their ‘willingness to integrate’, as well as on their ability to adapt to certain prescribed cultural and civic values.

Important to mention, finally, is that the EU’s new outlook on integration also places a heavy emphasis on the prominent part to be played by ‘civil society’ and on

the benefits of ‘diversity management’, whereby integration is held up as a potentially ‘profitable strategy’ for corporations, ‘helping them to achieve their business goals through its focus on the commercial possibilities arising from increased diversity’ (CEC 2003a: 20).

### **The new anti-discrimination agenda**

Beyond these more general currents, recent years have witnessed some quite remarkable advances in EU policy-making on anti-discrimination. This change was first and foremost made possible by the decision to incorporate a new anti-discrimination article (Article 13) in the Amsterdam Treaty.

After the Amsterdam Treaty came into force in 1999 the momentum continued. Already in November 2000 the emerging policy agenda had been adapted to a six-year (2001–6) implementation scheme, spelled out in the ‘Community Action Programme to combat discrimination’ (CEU 2000b). Just prior to that, Article 13 had facilitated the adoption of a landmark Racial Equality Directive (CEU 2000c). This Directive aims to put into practice Article 13 and thus to give effect to ‘the principle of equal treatment between persons irrespective of racial or ethnic origin’. This was soon complemented by the Employment Framework Directive (CEU 2000e), adding discrimination in the labour market on grounds of religion to the general framework for combating discrimination.

Largely confined to symbolic gesturing just a decade ago (Hansen 2005a), EU anti-discrimination policy today musters an array of measures and instruments. This includes binding directives as well as a plethora of ‘soft law’ schemes corresponding to the EU’s new policy-making style of the Open Method Coordination (Soininen 2003: 45; see CEC 2003b: 5).

Arguably, the new anti-discrimination policy framework constitutes a significant development. For one thing, it is forcing some member states to adjust and upgrade their anti-discrimination policies and legislations. This also implies prospects for changes of a systemic nature whereby EU policy may alter the distribution of influence between various social actors over national policy-making in the field (Soininen 2003: 46). As already alluded to, however, in line with the EU’s general policy to promote migrant integration, significant parts of EU anti-discrimination policy conform very well with neo-liberal objectives, particularly as these have come to influence the EU’s employment policy. Market expediency and anti-discrimination policy are thus framed as being mutually reinforcing. As Soininen (2003: 44) notes, for instance, when anti-discrimination policy enters the areas of the EU’s Employment Strategy and social inclusion policy, ‘the rights perspective shifts over to perspectives such as the employability of the individual’. When seen from this perspective, one needs to ask to what extent EU anti-discrimination policy merely constitutes yet another market-expedient employability instrument.

### Ending the policy of 'zero' labour immigration

Having inquired into the EU's post-Amsterdam policy on 'integration', we now turn our attention to the related development in the area of immigration and asylum. Initially, it did not take long for the Commission to decide to reverse its official stance on the question of extra-Community labour immigration. In the Communication *On a Community Immigration Policy*, the Commission elaborates on this new outlook, stating that 'it is clear from an analysis of the economic and demographic context of the Union and of the countries of origin, that there is a growing recognition that the zero' immigration policies of the past 30 years are no longer appropriate' (CEC 2000b: 3). 'The main challenge', the Commission (CEC 2003a: 10) goes on, 'will be to attract and recruit migrants suitable for the EU labour force to sustain productivity and economic growth' (see also CEU 2005).

The new stance towards labour migration partly grows out of the decisions taken in Tampere that called for a 'more efficient management of migration flows' (CEC 2000a: 9). In order to better 'manage' and 'control' the 'increasingly mixed flows of migrants', the Commission strongly advocates a further development of a 'partnership approach' with third countries. As part of this scheme the Union has agreed to greatly augment the scope for the issue of labour immigration in its relations and agreements with third countries (CEC 2000b: 8). The partnership approach is set to 'provide a framework for dealing flexibly with new trends in migration', where migration, rather than being perceived as 'simply a one-way flow', now must be construed as a '*pattern of mobility*' (CEC 2000b: 8, 13). Designed so as to aid sender countries' economic development, partnerships and the flexible 'management of migration flows' are also promoted as means which 'in the long term' could help put a curb on the very 'incentive to emigrate', and thence facilitate the fight against 'illegal immigration' (CEC 2000b: 8, 11, 14; see also CEC 2001b; 2003a: 15).

As is indicated above, however, the alleged benefits of partnerships and a flexible management of immigration are not only projected onto the future; above all, they are construed as a response to a set of acute predicaments facing the Union's labour market and demographic structure. Prefaced with references to already established and developing recruitment schemes at the member state level (see CEC 2004b), the Commission (2000b: 14) calls for a coordination of national responses within 'an overall framework at EU level'. Hence, and since the admission of third-country labour migrants remains a national sphere of authority, the Open Method of Coordination (OMC) is set to complement and support the EU's limited legislative instruments (see Caviedes 2004; CEC 2001b). In due course, the Commission envisages, such an OMC-driven process will help establish a common framework for third-country labour migration in the EU.

While the coordination of recruitment policies must 'address the needs of the market place particularly for the very highly skilled, or for lesser or unskilled workers and seasonal labour', it should also 'enable the EU to respond quickly and efficiently to labour market requirements at national, regional and local level, recognising the complex and rapidly changing nature of these requirements' (CEC 2000b: 15). Here,

the Commission (2004b) takes a positive view of the bilateral agreements on temporary work that southern members have signed with various third countries. These are commended not only for helping to alleviate labour shortages but even more so for strengthening cooperation with third countries on the fight against illegal immigration. It is also important to note that the Commission (CEC 2004b: 7) does not take issue with the fact that some of these bilateral agreements do not award temporary labourers the same working conditions and salary levels as nationals.

As already intimated, the Commission advocates an EU policy vis-à-vis the new labour migrants that is guided by a flexible approach. For a start, 'workers who intend to return to their countries of origin' are said to be best admitted on the basis of 'temporary' work permits. Subsequently, temporary permits might be extended and, 'after a number of years to be determined', workers who 'meet certain criteria' may be awarded permanent work permits (CEC 2000b: 17–8). Moreover, 'the idea of recruiting workers and developing training programmes in countries of origin in skills which are needed by the EU could be explored' (CEC 2004b: 19).

Seeing once more that all roads, so to speak, lead to the flexible labour market, we can now also appreciate the intimate and complementary relationship between policies on extra-EU immigration and policies on intra-EU integration. If the intra-EU labour reserve of resident TCNs needs to be induced to relocate in step with the labour market's 'flexibility' requirements, the same can be said to apply to select groups from within the extra-EU labour reserve. The fact that the Commission (CEC 2000b: 15, emphasis added) requests that recruitment schemes for extra-EU labour migrants address 'the need for greater mobility *between* Member States for incoming migrants' is just another case in point underscoring the complementary character of the two policy schemes in question.

### **A flexible integration**

The management of new labour migration is not only promoted under the banner of 'flexibility' and mutually beneficial 'partnerships'; it also intimates that newcomers should be greeted with measures of 'integration' and with the associated boons of civic citizenship, anti-discrimination policies and social inclusion. Integration is also construed as a competitive device, as when the Commission urges the member states to 'greatly contribute to the integration process', since this 'will be particularly important in attracting migrants to highly skilled jobs for which there is world-wide competition' (CEC 2000b: 19).

But if integration, as in this particular instance, can be held up as enhancing the Union's competitive edge, its perceptibly discordant relationship with many of the objectives inherent in the 'flexible management' of new labour migration also elicits some hesitation on the part of the Commission as to how extensive integration measures really ought to be. Put differently, if the new labour migrants derive their utility precisely through their flexible status—always open to return and to continual mobility—this is clearly at variance with the Commission's conception of integration as inevitably amounting to 'a long-term process' (CEC 2000b: 20). Given this policy

conflict, it is little wonder that the Commission, on other occasions, proves equally eager to temper its affirmative stance on the integration of new labour migrants. As part of a wavering attempt to paper over the contradiction between integration and flexibility, the Commission suggests that it might be advisable to adopt an ‘incremental’ approach to integration—an approach ‘[d]ifferentiating rights according to length of stay’ (CEC 2000b: 15, 17). However, since the Commission has already established that ‘length of stay’ is to be managed through the issuing of various temporary and renewable work permits and determined solely by the rapidly changing and hence indeterminable market needs, this proposal cannot but amount to little more than a tautology. Arguably, it essentially seeks to square the integration–flexibility circle by subordinating the issue of integration to the requirements of flexibility. This contradictory enterprise is reflected, too, in the Commission’s subsequent recasting of integration as ‘reintegration’ in the EU’s proposal to design a ‘reintegration framework’ ‘to assist returning migrants to re-settle in their countries of origin’ (CEC 2000b: 8; CEC 2001b: 10).

### **Public relations post-‘zero immigration’**

Another predicament facing the Commission concerns its undertaking to secure widespread public acceptance of the (official) revocation of the EU’s long-established tradition of ‘zero’ immigration policies’ (CEC 2000b: 3). To be sure, ‘zero immigration’ never literally constituted an actual line of policy; today it is used as a generic term, denoting 30 years of restrictive immigration policies aimed at limiting the (legal) entry of labour migrants. But if the Commission’s call to end zero immigration must not be allowed to conjure up a picture of the past 30 years as characterised by a true intention to hermetically seal off the borders for certain categories of labour migrants—and where the passivity, even tacit consent, of many governments to industry’s exploitation of undocumented labour amounts to just one case refuting such an intention (see for example Castles 2004)—neither should it be taken to signify the first step towards a future policy of ‘open door’ labour immigration. Nonetheless, the Commission has set out to forestall a public reaction that is partly built on such an interpretation: the Commission appears to be apprehensive that the ‘host populations’ will respond negatively to the abrogation of ‘zero immigration’, possibly interpreting it as portending less restriction and an uncontrolled inflow of immigrants (see CEC 2000b; CEC 2004c).

In light of the Commission’s exceedingly restrictive stance on immigration in the 1980s and 1990s, however, such uneasiness is far from surprising. Indeed, for more than two decades the Commission rarely missed an opportunity to emphasise that a restrictive immigration policy, or ‘zero immigration’, was the only ‘realistic’ way forward (Hansen 2005a).

In order to obviate possible public disapproval of the EU’s shift from its promise to perpetuate the policy of ‘zero immigration’ to its current call for an increase of third-country labour immigration, the Commission has come up with a series of public relations measures to be adopted by a range of elite actors. ‘A shift to a

proactive immigration policy', the Commission (CEC 2000b: 22, 15) asserts, will 'require strong political leadership to help shape public opinion', as well as 'a clear commitment to the promotion of pluralistic societies and a condemnation of racism and xenophobia'.

Apart from these new guidelines, the Commission is also eager to ensure an imagined 'host population' that the admission of new labour migrants by no means implies a laxer *control* of immigration flows as such. On the contrary, the new immigration policy is to be 'accompanied by a strengthening of efforts to combat illegal immigration' (CEC 2000b: 22; 2004c).

But the Commission also puts forward another set of conditions to be considered. Here, and in sharp contrast with the importance attributed to the task of teaching the public to be appreciative of immigration and diversity, the Commission (CEC 2000b: 16) sees it necessary also to pay heed to such 'factors' as 'public acceptance of additional migrant workers in the country concerned', as well as 'the possibilities for social and cultural adaptation etc'. Although the Commission refrains from any further elaboration on these 'factors', their very incorporation into the Union's overall immigration scheme is nonetheless indicative of the contradictions that pervade immigration policy at the EU level. As such, the position tallies with the situation at national level, and could arguably be interpreted as a tactical move on part of the Commission, reflecting an attempt to appease the divergent positions on immigration between, as well as within, the member states. True, most governments share the Commission's view that an increase in extra-EU labour migrants is necessary, but to assume that they can shoulder the responsibility to 'shape public opinion' in a pro-immigration direction is a completely different matter. As has been made painfully clear in recent years, in many member states the distinction, as regards the question of migration, between the traditional parties and the extreme right has become increasingly blurred.

But instead of addressing this distressing development, the Commission perseveres in displacing and projecting the problem of racism and anti-immigrant sentiments onto the 'public'. Nor, one needs to add, does it point to those sections of this precise 'public'—the plethora of organisations and movements—which for years on end have worked against racism and the criminalisation of immigration and asylum. In the light of these circumstances, the Commission's focus on the public's assumed resentment against immigration could also be interpreted as a convenient way to avoid any discussion or self-examination of its own role and complicity in legitimising growing anti-immigration sentiments (see Morris 2002: 23–4).

### **Towards a 'common European asylum system'**

In the post-Amsterdam period asylum policy has been subjected to even more intensive supranational activity than the issues of migrant integration and extra-EU labour migration. As a result of Amsterdam and Tampere's new provisions, a package of EU directives and regulations has been adopted in the area. During the first phase (1999–2004) of the creation of a 'Common European Asylum System', a primary

objective has been to establish a set of common ‘minimum standards’ in a number of areas; for example, minimum standards on ‘temporary protection’ (CEU 2001a); ‘reception of asylum seekers’ (CEU 2003); ‘the qualification and status of third-country nationals or stateless persons as refugees’ (CEU 2004a); and ‘minimum standards on procedures for granting or withdrawing refugee status’ (CEU 2004b). In addition to these, a row of other EU directives and policy measures has been enacted. These include the establishment of the European Refugee Fund (CEU 2000a); further consolidation of the EU’s visa policy (CEU 2001c); an EU Directive on Carrier Sanctions (CEU 2001b); and the launch of the Eurodac information system (CEU 2002a).

Despite these new provisions and measures, the Commission is far from satisfied with the trend of events in the area of asylum policy. In its assessment of the Tampere programme the Commission states that, although ‘it is clear that the successes that have been achieved are considerable’, it is equally clear that ‘the original ambition’ has been ‘limited by institutional constraints, and sometimes also by a lack of sufficient political consensus’ (CEC 2004a: 5). Equally troublesome, the Commission contends, is the fact that the process embarked upon since Amsterdam has done very little to overcome the crisis that has plagued asylum policy in the EU since at least the early 1990s. On the contrary, the new millennium has just seen a further worsening of this crisis. There is thus a ‘growing malaise in public opinion’ towards the present state of asylum policy. Moreover, ‘[a]buse of asylum procedures is on the rise, as are hybrid migratory flows, often maintained by trafficking practices’ (CEC 2003b: 3). Brussels views the asylum crisis as ‘a real threat to the institution of asylum and more generally for Europe’s humanitarian tradition’, and as such it ‘demands a structural response’ (CEC 2003b: 3). Such a response, moreover, does not stop short of measures targeted at the *internal* operation of the EU’s developing asylum system. On the contrary, and in line with the measures embarked upon in the EU’s new labour migration policy, the core of this structural response has been transposed to the ‘external dimension’.

### **Externalising the asylum crisis**

The nucleus of an externalised asylum policy was already introduced in the early 1990s. Moreover, externalisation through ‘the exportation of migration control’ was a salient component in the accession agreements that formed the basis of Eastern enlargement (Boswell 2003: 621–2; Lavenex 1999). However, it was not until the Tampere European Council in 1999 that the external orientation was officially sanctioned (Boswell 2003). The momentum found further sustenance at the Seville European Council in 2002, where the external dimension was afforded a set of concrete objectives. In Seville it was agreed that ‘*any future cooperation, association or equivalent agreement which the European Union or the European Community concludes with any country should include a clause on joint management of migration flows and on compulsory readmission in the event of illegal immigration*’ (CEC 2002a: 23, italics in original). In the Commission Communication (2002a) it

was established that the issue of immigration and asylum, by necessity, must constitute the centrepiece in all of the EU's development programmes, also expressed as 'the migration-development nexus' (CEC 2002a: 23).

As part of the amplification of the external dimension, recent years have seen a series of measures seeking to establish a firm link between development assistance policy and the striking of readmission agreements with third countries (see CEC 2002a: 21, 5, 47; CEC 2003d: 14). Since the Cotonou Agreement, or the EU's 'Partnership Agreement' with 77 African, Caribbean, and Pacific countries (CEU 2000d), already contains a readmission clause, the Commission mentions this agreement as a potential blueprint for forthcoming agreements (CEC 2002a: 24; see Lavenex 2002). Countries such as Egypt, Georgia, Lebanon, Armenia, Azerbaijan and Uzbekistan already have a readmission clause incorporated into their respective agreements with the EU. In addition, and with the principal objective to further develop the readmission instrument, the EU launched the AENEAS Programme in the spring of 2004. This cooperation and development policy programme also aims to promote legal labour migration channels, improve third countries' asylum systems, and combat illegal immigration and organised crime (EP, CEU 2004).

It is impossible to overstate the importance that the European Commission has come to confer upon the issues of expulsion, return and readmission. As reflected in the policy activity on the matter, the Commission (CEC 2000c: 10) seems unable to emphasise enough that '[a] policy on returns or effective removal from the territory is an absolute necessity for the credibility of the common asylum system'. Indeed, '[t]he signal effect of a failed return policy on illegal residents cannot be underestimated' (CEC 2003d: 8). The Commission (CEC 2003c: 20) is also very keen to use readmission as a public relations tool: 'An effective EU Return Policy will increase public faith in the need to uphold the EU humanitarian tradition of offering asylum to those in need of international protection.' Finally, in its *Green Paper on a Community Return Policy on Illegal Residents*, the Commission also points to the merits of 'the forced return of illegal residents', arguing that this can 'help to ensure public acceptance for more openness towards new legal immigrants against the background of more open admission policies particularly for labour migrants' (CEC 2002b: 8).

### **Refugee protection in the region of origin**

The external dimension includes, besides those already elucidated, several other measures and cooperation programmes. Part of this is the endeavour to render more effective the utilisation of refugee-absorbing 'safe third countries'. Of all the measures grouped under the EU's 'external dimension', however, it is provisions to amplify 'refugee protection in the region of origin' that have come to attract the most attention since the launch of the Tampere programme (CEC 2003b). Protection in the region of origin also sits at the heart of the UNHCR's agenda, and it is being promoted by several member states as a more expedient way of managing the world's refugee crisis. Within the policy debate, however, there are different ways of approaching the issue. That is, an EU regional protection policy may be developed

into a tool of mere refugee containment, thus perpetuating the ongoing transfer of the refugee burden from richer to poorer countries; or it could be based on a commitment to real protection and human rights, and vested with adequate resources (see Boswell 2003).

In enquiring into the relative strengths of these two approaches, we can turn to Loescher and Milner's (2003) apt scrutiny of the concept and empirical reality of 'refugee protection in regions of origin'. The current reality of protection in the region of origin, they assert, is a distressing one indeed, and there is little prospect of improvement in the near future. Actually, the trend recently has been towards a worsening of conditions. The ever more underfunded UNHCR, for instance, has become 'increasingly unable to carry out protection, assistance and activities in pursuit of durable solutions for refugees in regions of origin' (Loescher and Milner 2003: 605). Partially building their case on field research in several such regions, Loescher and Milner also contend that the EU's governments simply lack 'effective policies to address the often deplorable situations for refugees and asylum seekers in regional host countries' (2003: 615). Under these circumstances, therefore, it would be not only ineffectual but also unscrupulous for the EU to insist that poor countries should host and offer 'protection' to an even larger proportion of the world's refugees (Loescher and Milner 2003: 604).

It seems safe to say, then, that even if the Commission should come to stand firm on a programme of regional protection worth its name, it would face an uphill task. At least for now, the two components that, among others, Catherine Boswell (2003) has identified as the basic conditions for such a programme to become viable—namely, adequate funding and member state backing—are not within the Commission's reach (see also CEC 2004b: 12, 16; Amnesty International 2004; ECRE 2004: 5).

### **Enter New Labour's 'new vision'**

Despite obvious drawbacks, the confidence invested in the notion of regional protection shows no signs of abatement. Just before the Spring European Council in 2003, regional protection reached the top of the EU agenda by way of a British proposal, which became the subject of a vast debate. Clearly, this was also what the British government had in mind when it presented its 'New Vision for Refugees', declaring that '[t]here may now be a rare opportunity for the UK to truly set the global agenda on this issue' (UK Government 2003: 2). The British proposal called for sweeping reform of 'the global system' for asylum. In line with other major players, the Blair government grounded its intervention on a depiction of a 'failing' current asylum system. The 'Vision Paper'<sup>2</sup> contended that the present asylum system 'undermines public confidence' because it is held to be tremendously demanding to expel rejected asylum seekers. In this context the Vision Paper also claimed that the asylum system was being abused by terrorists (UK Government 2003: 1–2, 6).

In order to come to terms with the propounded deficiencies, the UK government put forward a package of far-reaching measures. As proposed, refugee protection in regions of origin was to be enhanced through the establishment of Regional

Protection Areas (RPAs), located outside the EU (UK Government 2003: 2). The RPAs should provide for basic needs so as to prevent refugees from absconding in search of better living conditions. Most of all, however, the RPAs should guard against offering too generous provisions, since this ‘will act as a magnet to those in need in the surrounding area and cause resentment’, ‘envy or mistrust’ (UK Government 2003: 13, 2). Once the RPAs had been set up, all asylum seekers (with a few exceptions) arriving into Britain and, preferably, the whole of the EU should be deported to them (UK Government 2003: 2). Moreover, an agreement should be made initially establishing ‘the list of nationalities and ethnic origins’ that any given RPA would house (UK Government 2003: 13). As for the processing of asylum claims, the Vision Paper approached this as something that ‘[i]deally [...] would not be necessary because the asylum seekers will be able to go home quickly and it is more efficient to provide for all rather than determine claims’ (UK Government 2003: 13). Amongst the many proposals—of which just a selection can be accounted for here—the Vision Paper also affirmed an ‘international recognition of the need to intervene to reduce flows of genuine refugees and enable refugees to return home’. Measures here would range from ‘non-coercive’ to ‘coercive’ action, including military intervention in sovereign states (UK Government 2003: 3, 11).

As few could have failed to notice, the changes proposed in the British Vision Paper ‘signal the most radical break with the international refugee regime as we know it’ (Noll 2003: 309). Gregor Noll (2003: 309–10) argues that ‘[i]t is no exaggeration to state that it could very well mean the end of the 1951 Refugee Convention’. It ‘reflects an ongoing paradigm shift’ in asylum policy, one that purports to ameliorate the refugee crisis ‘by locating the refugee beyond the domain of justice’ (Noll 2003: 338; see also Loescher and Milner 2003). This point was also emphatically made by scores of human rights organisations in sharp condemnation of the British ‘camp proposal’ (see for example Amnesty International 2003; Human Rights Watch 2003). The reactions of other EU governments to the British proposal ranged from enthusiastic espousal to outspoken (but abating) disapproval. Whereas Sweden and Finland, for instance, took up the latter stance, Denmark, Holland, and Italy stood out as the keenest backers; but Spain, Belgium, Austria, and (soon) Germany too were among the supporters (Noll 2003).

At the invitation of the European Council, the Commission (CEC 2003c) responded to the UK proposal in the summer of 2003. With reference to both the UK proposal and EU initiatives being prepared at the time, the Commission began its response by opening up to a ‘new approach’ to asylum policy. While the work to harmonise the ‘in-country [asylum] process in the EU’ was to continue, the new approach was to ‘move beyond the realm of such processes’ and focus even more forcefully on ‘the phenomenon of mixed flows and the external dimension of these flows’. As if required by the situation, the Commission went on to repeat that this was not going to render in-country harmonisation ‘obsolete’, since ‘spontaneous arrivals’ of asylum seekers in the EU would continue to occur. Despite being in basic agreement with the Vision Paper’s depiction of the present asylum system as ‘failing’, the Commission was not moved to promote the UK proposal as a blueprint for such

‘alternatives’. Instead, the Commission concluded that ‘before taking any further position’ on the matter, key legal questions, involving the proposal’s possible conflicts with refugee and human rights conventions, first had to be sorted out (CEC 2003c: 6–7).

### **The fewer who come . . .**

Since the presentation of the UK proposal and the subsequent Commission response, the efforts to target protection in regions of origin have come to overshadow most other activities within EU asylum policy. So far, however, the European Commission has not come to embrace the idea of deportations of asylum seekers from the EU to camps in third countries. Instead, the Commission has begun to call for ‘more orderly and managed entry in the EU of persons in need of international protection’. If developed, however, such an approach might very well end up adopting the gist of the original UK proposal by way of circumventing some of its most symbolically loaded elements. That is to say, ‘managed entry’ could be construed as an instrument that would render deportations superfluous since, by this means, future access to EU territory would primarily be open to those refugees selected for various ‘situation-specific’ and ‘flexible’ ‘resettlement schemes’. At all events, this is one plausible way of interpreting the Commission’s (2004b) rather ambiguous Communication on the matter.

What the Commission is out to resolve is the current predicament in which the majority of the asylum seekers who enter the EU—most often ‘illegally’—fail to meet the criteria for international protection. Predictably, this way of framing the problem fails to acknowledge that the approval rate of asylum applications is declining and asylum seekers are forced to make use of illegal channels largely because of the EU’s ever more restrictive and securitised migration policies. But instead of confronting this serious problem, the Commission goes on to present managed arrivals through selective resettlement schemes not only as a way to reduce the costs involved in the processing of unfounded applications and the subsequent returns, but also as a means to fight racism:

[T]he managed arrival of persons in need of international protection would also constitute an efficient tool in *combating sentiments of racism and xenophobia*, as the public support for those positively screened outside the EU and then resettled in the EU is likely to be increased. This is significantly different to the current situation where a majority of the persons applying for asylum are not found to require any form of international protection. The lack of clarity in terms of public perception of this group threatens the credibility of the institution of asylum (CEC 2004b: 6, emphasis in original).

Another accentuated advantage ascribed to ‘legal, orderly and managed entry’ concerns planning and security. Thus, ‘[r]esettling and allowing physical access to the territory of the EU of persons whose identity and history has been screened in

advance would also be preferable from a security perspective' (CEC 2004b: 7). In this connection the pivotal question is also raised concerning the standards to be employed when determining 'whether or not a person is suitable for resettlement under a possible EU scheme'. From the Commission's perspective, two questions are said to merit special deliberation here: 'Do they qualify for international protection? Are they part of the target group deemed suitable for selection?' (CEC 2004b: 10). By explicitly referring selection criteria to questions regarding security and suitability, and to wordings such as 'specific categories of refugees', the Commission has raised apprehensions within the human rights community. Statewatch believes the Commission Communication forebodes an EU practice of 'cherry picking' refugees. In other words, 'what, exactly, does the Commission mean by specific categories of refugees'? Ethnic groups, specific nationalities, men, women, children; or perhaps workers with certain skill-sets?' (Statewatch 2004: 5). Some may well dismiss such words as mere speculative hyperbole. However, in a political climate with proposals for camps and where many governments (and the European Commission) appear to be trying to outdo each other in coming up with the most expedient way of managing the 'asylum problem', thus progressively pushing the boundaries of what are conceived as 'feasible' measures, Statewatch's warning should be taken seriously. For now, however, the Commission takes the question of 'selection criteria' to be 'a matter for negotiation in any future proposal' (CEC 2004b: 10).

But whereas 'managed entry' through 'flexible' resettlement is held up as a means to reduce costs, to retain public confidence in the institution of asylum, to give expression to Europe's humanitarian tradition, and to combat racism, a future EU resettlement scheme would *not* be designed to have any significant impact on the global refugee crisis as a whole. This, simply because of the small number of refugees projected to be selected for future resettlement in the EU (CEC 2004b: 9). So, while the *internal* impact of 'managed entry' through resettlement is said to be considerable, the *external* impact on access to protection is limited to a 'strategic' or, perhaps better, symbolic type of 'add[ed] value', whereby the EU 'express[es] solidarity with and share[s] the burden of countries in the regions of origin faced with protracted refugee situations' (CEC 2004b: 9).

The limited external role and impact assigned to managed entry via resettlement is, of course, bound up with the fact that it is protection in the region of origin that is said to constitute the long-term solution to the global refugee crisis. We have already dealt with why the EU's goal of ensuring 'effective protection' in the region of origin remains unattainable in the foreseeable future. In many respects, interestingly enough, this assessment is in agreement with the Commission's (CEC 2004b: 16) own: 'There is a long way to go before most of the current refugee hosting countries in the regions of origin could be considered to meet such a standard where they are able and willing to offer effective protection'. Nevertheless, the Commission has decided to go ahead and promote what it has termed 'EU Regional Protection Programmes'. I interpret this as a contradiction because of the Commission's discernible readiness to make refugee protection in certain regions of origin operational *before* the decidedly distant goal of meeting protection and human rights standards has been fully realised. In its

first Communication on the matter, the Commission (CEC 2004b) points out that, before countries in regions of origin can be considered 'robust providers of effective protection', certain 'measurable and achievable' 'benchmarks' and 'indicators' of effective protection first have to be in place. The vague formulations in which these benchmarks are couched leave much to be desired and, given the experience of EU return policy and the designation of 'safe third countries', there is good reason to wonder how strictly these 'benchmarks' for effective protection will be applied.

### **A requiem for refugee protection in Europe?**

Since the publication of the Commission's Communication (CEC 2004b) on EU resettlement schemes, EU asylum policy has been the subject of ever more intense debate and policy activity. Following an agreement with Libya in August 2004, the Italian government announced its plans to establish refugee camps in Libya for the purpose of preventing 'illegal immigrants' from reaching Italian shores. Since Libya's fight against 'illegal immigration' was said to require Italian military equipment, Italy took it upon itself to press the EU to lift the EU's arms embargo on Libya. Although expressing worries about the human rights situation in the country, the Council answered the call and lifted the arms embargo on Libya in October 2004. In its statement, the Council also urged '[t]hat a technical mission to Libya be conducted as soon as possible to examine arrangements for combating illegal immigration' (CEU 2004e). Around the same time Germany presented a proposal to set up EU asylum centres outside the Union. With the stated aim of preventing people from jeopardising their lives on their way to Europe, the German Minister of the Interior cited Libya, Tunisia, and other countries in north Africa as possible sites for such camps.

Two years after the original UK proposal, external EU or EU-sponsored camps for refugees have emerged as a highly viable option. That this indeed was the case was further underscored at the informal JHA Council meeting in the Netherlands in October 2004. Here, as part of the EU Regional Protection Programmes (RPPs) initiative, the Commission proposed five pilot projects to help establish asylum centres in Libya, Tunisia, Algeria, Morocco and Mauritania. Besides housing refugees in Africa en route to Europe, refugees apprehended in the international waters of the Mediterranean would be deported to these centres. Yet many questions were left unanswered, including the extent to which the centres would process claims and who would be responsible for such processing.

Finally, it is of the utmost importance to note that the EU's new multi-annual Hague Programme (2005–10), which succeeds the Tampere Programme, has confirmed that EU RPPs will be vigorously pursued in future years. Initiated at the Brussels European Council in November 2004, the Hague Programme declared, *inter alia*, that 'pilot protection programmes' indeed are in the pipeline (CEU 2004d. 21). Among the programme's main goals is the institution of a common EU asylum policy by 2010 (see further CEU 2005).

## Conclusion

The task of analysing the EU's post-Amsterdam policies on migrant and ethnic minority integration together with policies on immigration and asylum is largely a matter of grappling with an awesome accumulation of contradictions. I began by examining the EU's integration policies' pronounced commitment to equality and extended free movement rights for TCNs on the one hand, and their marked adjustment to the needs of the EU's flexible labour market on the other. As also elucidated, a similar approach permeates the Commission's policy on labour immigration from third countries. Here, however, the emphasis on flexible and temporary work permits for new labour migrants contradicts the premise of integration policy that migrants' integration is always a long-term process. On the whole, the primacy of market requirements that permeates EU policy discussion on new labour immigration leaves very little room for the type of civic citizenship and rights dimension that, despite its flaws, is still endorsed in policies addressing the situation of the EU's permanently settled TCNs.

But we have also seen that EU integration policy is not only adapted to labour market flexibility. The aspiration that migrants and minorities should embrace 'European values' is also accentuated, as are these groups' responsibilities in the integration process. The conceptions that underpin this approach to integration are also manifest in the Commission's contradictory endeavour to prepare host populations for the rescission of the 'zero' labour immigration policy. Here, I have shown that calls for increased tolerance and understanding of the benefits of additional labour migrants are made to coexist with the Commission's respect for popular scepticism about the prospects for migrants' 'social and cultural adaptation', as well as for host populations' possible rejection of new labour migration from third countries. Arguably, such contradictions largely draw upon the political currents in vogue in most member states. They partly represent the Commission's adaptation to governments that are intent on inviting in more migrant labour in order to sustain competitive economies, but which have simultaneously fomented anti-immigrant sentiment and played on ethno-cultural identity politics in order to stay competitive with the extreme right at the polls.

Adding to the contradictory picture, I have also pointed to EU policy initiatives that are at odds with such sentiments, above all anti-discrimination policies. Arguably, we may conceive of these as signifying budding elements of a more inclusive EU citizenship policy. From a wider perspective though, we also need to enquire where anti-discrimination policy will end up when, as now, it lacks a foundation in a firm commitment to social citizenship rights.

However, the EU's increasingly externalised policies on asylum and illegal immigration raise another and even more pressing question. We have to ask what the real prospects for anti-discrimination are in a Europe that (once again) is haunted by the 'spectre of the camp'.<sup>3</sup> It is here, then, at the intersection of benign anti-discrimination objectives and the deplorable treatment of asylum seekers and 'illegals' that we are brought face to face with some of the most painful

contradictions inherent in today's European integration. We have seen how an already diluted asylum policy appears to be on the verge of being debased to the level of a merely formal commitment to refugee protection, set to be outsourced, through the politics of stick and carrot, to poorly resourced countries in the regions of refugee origin. This development forms an integral part of the gradual downgrading of the EU's commitment to resolving the global refugee crisis to the mere globalisation of its border controls, and to the 'fight' against illegal immigration, international crime and terrorism. In this way, moreover, the EU is exploiting, as a pariah and scapegoat, the very same group—the 'illegals'—that simultaneously serves as an indispensable cog in the Union's much desired flexible economy and labour market.

Finally, it is also important to reflect on the fact that the policy development in the wake of Amsterdam and Tampere has taken place in conjunction with an increasing supra-nationalisation of the policy areas in question. Contrary to what many analysts and NGOs had predicted or hoped, then, supranationalisation has, so far, not proven to be conducive to a reversal of the pattern of a 'race to the bottom' harmonisation that was set in train through intergovernmental cooperation in the 1980s. While, as indicated above, in some areas of anti-discrimination policy supranationalisation has effected an upgrading of some of the national anti-discrimination regimes, this seems to be the exception that proves the rule. Rather than corroborating the thesis that a supranational solution and the curtailment of national sovereignty in the area of asylum and immigration would tame the big bad wolf of national self-interest and its hereditary xenophobic impulses, recent developments suggest that a supranational solution has been agreed on precisely because governments believe it offers a more efficient way of advancing their national interests. In short, supranationalism becomes 'supernationalism'—or, perhaps better, 'hypernationalism'—a continuation of national interest management by other and more refined means. It flows from a consensus amongst member state governments that now seems to have reached a point where common solutions to their common immigration 'problems' are seen as more effectively procured by means of supranational policy. This conduct risks making the current consensus the lodestar also for future policy. That is to say, it risks sustaining and cementing an asylum and immigration policy in the EU that not too long ago was the exclusive property of the extreme right.

## Notes

1 CEU is the abbreviation for Council of the European Union.

2 I borrow this term from Noll (2003).

3 I borrow this expression from Noll (2003).

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## Migration Regimes and Irregular Migration

The free movement of workers, free trade in services and the future enlargement of the European Union all played a part in the rejection of the proposed EU constitution by French and Dutch voters in May 2005. This has precipitated a re-examination of how affluent states can sustain a reciprocal relationship with poorer ones (for instance, at the G8 summit the following month), in the worldwide development of human capacities and well-being.

Migration control forms part of rich countries' attempts to protect their citizens' living standards. But the free movement of workers (including those crossing national borders) is part of the international business agenda for global economic development. These two sets of principles are in great tension in Europe. They are the focus of disputes between the Anglo-American model of citizenship and economic prosperity, and the European Social Model.

In this essay I shall look at the model sponsored by George Bush and Tony Blair, especially in relation to mobility and migration: this model favours Turkey's accession to EU membership. I shall also consider the issues behind French and German fear of inward migration and enlargement. Migration regimes and irregular migration will be analysed in this context.

Although increased migration has been acknowledged as a major factor in the renewed scholarly attention to citizenship in the 1990s (Crouch, Eder and Tambini 2001: 1), surprisingly few analyses have focused on the dynamic between mobility and membership. The most notable exception to this rule has been Rainer Bauböck's groundbreaking *Transnational Citizenship* (1994). Far more numerous have been studies of multiculturalism (Gutmann 1994; Kymlicka, 1995), identity and difference (Young 1990; Patten 2000).

In parallel with the diversification of societies there has been a change in concepts of the self, choice and responsibility, and their relationships to governance (Giddens 1991, 1994, 1998; Beck 1992, 1994). Especially in the US and UK, individuals increasingly perceive themselves as authors of their own projects of self-development and self-realisation. And this in turn is reflected in the choice agenda for the reform of the public services. As competent citizens, committed to self-improvement, such autonomous selves are enabled to select the facilities best suited to the fulfilment of their projects.

In other words, new membership systems give priority to exit options, which promote switches of this kind, over voice activities, which try to improve the quality of amenities and benefits shared by members (Hirschman 1970). Voting with the feet, by moving to another facility or jurisdiction, largely replaces traditional political struggle.

But the UK and Ireland, as the most advanced member states in terms of the Anglo-American model, have been consistent with its principles, in refusing to introduce significant new restriction on the entry of workers from the enlargement countries. (Sweden also allows free movement, but few have availed themselves of this opportunity.) In the UK, a media panic on this issue resulted in the announcement of new measures which were little more than a tightening of enforcement of existing rules on entitlement to social benefits. This is not surprising, given that both countries have been recruiting extensively from outside the EU in recent years, and that these recruits have included managerial, professional and highly skilled technical staff.

The underlying assumption, expressed by UK ministers since 2000, is that these policies allow the national economy to flourish in the global market by attracting the 'brightest and best' to this competitive environment (Roche 2000; Blunkett 2004). This implies that recruits will in fact be just those autonomous, self-improving individuals from the enlargement countries whose projects will be highly consistent with the new model of governance and whose needs will, for the most part, be met by their employers or by other commercial organisations. These assumptions were largely borne out by our researchers on work-permit holders from India and Poland in the UK (Jordan and Düvell 2002: ch. 9; 2003: ch. 3).

The European Social Model and its version of citizenship are more concerned with maintaining solidarities and mutual guarantees between social groupings. But this model is associated with low rates of geographical mobility and workforce adaptation to change. Hence inward migration is required for flexibility, even when it threatens these institutions.

### **The demand for migrant workers**

The migration regime emerging in the EU thus attempts to use recruitment from outside the Union to give flexibility and mobility to labour markets, especially in the old core of member states. But the UK and Ireland, who pride themselves on the adaptability of their workforces and their low rates of unemployment also recruit extensively from inside the enlarged EU. In this section I shall analyse some of the reasons for variations in types of non-EU workers (both regular and irregular) attracted by member states.

All EU countries have local bottlenecks in the supplies of skilled and unskilled workers, and extensive activity by those not registered as officially employed or paying taxes and social insurance contributions. In all the latter, national citizens are the majority of the participants, comprising both regular workers moonlighting in second jobs and claimants of benefits doing undeclared work (Williams and Windebank 1998; Pfau-Effinger 2003). The question is therefore how—despite high levels of registered unemployment by OECD standards in the EU member states—official vacancies come to be filled by non-EU workers, and how undocumented non-EU labour is drawn into certain informal activities also.

What this question in turn conceals is an assumption that the norm for each EU state is a set of relationships between citizens in which the labour market is the main

means of social cooperation, and in turn generates (through social insurance contributions) the main system for income transfers among active and non-active groups. The work of Esping-Andersen (1990, 1996, 1999) has demonstrated the variations between EU countries in the extent to which this assumption is realistic. Recruitment of non-EU workers, and specifically of irregular migrants, is strongly influenced by the forms these variations take.

If the assumed model applies anywhere in the EU, it is in the Scandinavian member states. For the labour market to supply the main vehicle for social cooperation, both men and women must participate in it at high rates (around or above 70 per cent), as they do in Sweden, Denmark and Finland (European Commission 2003: chart 32). For the social insurance system to be the main instrument of transfers among citizens and the main right on which non-active members rely for their incomes, both contribution rates and replacement rates must be high, as they are in these three countries (Scharpf 1999: fig. 1). Finally, both as part of the system of high-participation labour markets and as the means of supporting high participation rates, there must be extensive social care for young children, older and disabled people, to provide for their reliance on nurturing and support in their daily lives (Sciortino 2004).

It is in relation to this last condition that the Scandinavian countries have the most distinctive social institutions. Sweden and Denmark have the highest proportion of employment in social services (26 and 27.3 per cent respectively) and in health and social work (18.7 and 18.4 per cent) (European Commission 2003: table 11). They also have the highest proportion of preschool children in day care (48 and 64 per cent) and amongst the three highest of people over 65 in elderly persons residential facilities (8.7 and 7.0 per cent) (OECD 2001). But they give the staff of these services and facilities the status and salaries necessary to retain them; so to a great extent they are able to recruit from citizen labour. Indeed, the relationships between a labour market made up of (mainly male) employees in (mainly private) industry, and of (mainly female) staff in (mainly public) social services, and between citizens as service users and as public providers, still supply the basis for the Scandinavian model of social citizenship.

In southern Europe, by contrast, families continue to mediate between labour markets and public services as the main suppliers of care for children and old people, as well as being social units in which many income transfers take place between members (Ferrara 1996). In Italy, Spain, Portugal and Greece, rates of labour-market participation were until the late 1990s less than half those of the Scandinavian countries, and employment in social services around half that in those countries also. In particular, employment in health and social care is 6.1 per cent of all employment in Italy, 5.1 per cent in Portugal, 5.5 per cent in Spain and 4.6 in Greece—around a third of that in Sweden and Denmark (European Commission 2003: table 11). And around 6 per cent of young children have places in day care in those countries (a tenth of those in Denmark), with about half the proportion of citizens over 65 in residential care, compared with the Scandinavian countries (OECD 2001).

The southern European model therefore relies not only on a breadwinner version of employment but also on social insurance benefits for men (and widows) which are shared within the family, and on sources of care which are either supplied between family members or purchased from formal and informal markets (Sciortino 2004). So it is not surprising that there is a strong demand for workers in the domestic economy—live-in labour, willing to take on a variety of tasks of care and provisioning, especially for wealthy older people. In Spain, Italy, Portugal and Greece the number of formal employees classified as being in ‘personal and household service’ was more than double than that in Sweden and Denmark. Whereas such workers used to be drawn from poor rural areas, they now increasingly come from abroad (Andall 2000b). Research in the Lombardy region of Italy found that 33 per cent of such workers were foreigners and that 34 per cent of these were irregular (Istituto Nazionale de Statistica 2002; Fondazione Cariplo-Ismu 2001).

So a comparison of the two extreme polarities of EU welfare state regimes, the Scandinavian and southern European, illustrates how the demand for domestic workers from abroad comes about in the latter states. It is largely chains of migrants from outside the EU who respond to this demand (Triandafyllidou and Kosic 2006). They share information and cooperate in passing jobs from one to another, as our research interviews on Turkish irregular workers showed (Jordan and Duvell 2002: chs 5 & 6). They are both more mobile and adaptable, and more efficient, than the remaining available supplies of such labour from the rural regions of southern European countries.

However, the situation in the northern European states, and in the UK and Ireland, is more complex than this. Their labour markets and welfare regimes contain elements from both of the two examined so far. I turn to these in the next section.

### **Flexibility, mobility, and the demand for migrant workers**

The UK and Germany are contrasting examples of large and affluent societies with mature welfare-state institutions. They also represent rival models for the development of the EU in the early 21st century. Germany was the motor for economic growth and political integration in the 1970s and 1980s; the UK now offers a set of alternative principles, and has achieved rates of growth and employment creation that outstrip Germany’s since 1990. The fact that they have taken such different positions from the accession countries, and specifically from Poland, over the free movement of workers, is one strand of this difference between their visions of the future for the EU. The UK has high rates of labour-market participation by both men and women (Hemerijk 2001: table 7.7), and its overall proportions of employment in the social services are close to those in the Scandinavian countries (European Commission 2003: table 11). However, these are made up of a mixture of public, commercial and domestic services, which reflects the specific Anglo-Saxon relationship between family, government and the private sector in both income transfers and social services. The social insurance system plays a much smaller role in income transfers, and both tax credits (subsidising low-wage and part-time

employment) and means-tested benefits are correspondingly more important, as are occupational and commercial pensions (Scharpf 1999: fig.1). Replacement rates of social insurance benefits are low by EU standards, and so are salaries in the social services, both public and commercial.

All this has led to a confusing picture in the UK in those fields that in the Scandinavian countries are dominated by government transfers and services. On the one hand, middle- and higher-income households rely to a considerable extent on commercial services for child care and day and residential care for elderly and disabled people. But this work is poorly paid and requires a flexibility and mobility, especially in the buoyant labour markets of cities in south-east England. In consequence, non-EU workers have been drawn in to this sector; specifically, well-educated young women have been recruited as au pairs from the post-communist countries of Central and Eastern Europe and from Turkey. They come to the UK under a specific scheme, which has recently been expanded, though some quit their family work and take irregular employment instead (Düvell and Jordan 2003: ch.3).

On the other hand, there has also been a crisis of recruitment and retention of trained staff in the social services, particularly health, education and social care. This has affected both public and commercial sectors, as salaries have failed to keep pace with those in other sectors, especially retailing and finance. The result has been massive recruitment of social services staff from non-EU countries—these occupations represent the largest group of work permits granted in recent years (Salt and Clarke, 2001), in a rapid expansion of that scheme.

However, this recruitment has mainly taken place in the English-speaking (Commonwealth) countries, and (for nurses) in the Philippines and (most recently) China. Thus far, the post-communist countries have not been major suppliers in this field. It may well be that this situation changes when they enter the EU and when agencies for training and providing conversion courses have become established.

In business management, finance and the other professions, the fact that so many large UK companies are global in their reach has led to high rates of transfers of staff abroad. Others have been recruited by US companies or those from other English-speaking countries. The loss of managerial and professional staff abroad has largely been made good by recruitment from abroad (Salt and Clarke 2001). Young recruits from Poland form a significant proportion of such staff, who enter the UK under the work permit scheme (Jordan and Düvell 2002: ch. 9).

In all these respects, the UK government's claims about the flexibility of its labour markets are reflected as much in the efficiency of the institutions, which allow workers from abroad to enter on short-term contracts, as in high participation rates among citizens and rates of unemployment, which are now low by EU standards. However, there are specific problems over mobility and flexibility in certain districts and communities, which in turn give rise to niches for irregular migrant workers.

On the one hand, the very mobility and flexibility that have encouraged UK citizens to vote with their feet by finding jobs to match their skills and earning power have also led to a polarisation of society. This has left certain districts with concentrations of unskilled, disabled and immobile people, and social problems. In

these districts informal economic activity has flourished, with residents locked into systems based on loyalty and hostility to officialdom. Some of these have been communities of minority ethnic citizens, who have generated their own enterprises (small factories and other businesses) (Jordan and Düvell 2002: chs 4 & 5).

Our research in London showed that young, well-educated Central European migrants were remarkably adept at making their way in these environments. They were able to come to the UK, disguised as tourists, and find employments of many different kinds, in textile factories, fast-food outlets, coffee shops, bars and clubs, as well as working in private houses (Jordan and Düvell 2002: chs 4 & 5). Irregular migrants from Turkey were more likely to work with the settled Turkish population in factories and small enterprises than for British or other minority ethnic employers. In our research there were more Polish irregular migrants working for Turkish employers than Turkish irregulars working for non-Turkish bosses.

By contrast, the German labour market and welfare-state regime are increasingly seen as facing a crisis of flexibility and mobility, despite the success of the German economy in the postwar period as a whole. That success stemmed from a very well-trained industrial workforce, achieving high rates of productivity, based on high levels of investment and a strong partnership between employers and trade unions. All this was underpinned by a social insurance system that guaranteed good benefits for a well paid workforce in both private and public sectors.

These strengths are being perceived as the origins of the rigidities afflicting the German economy (Esping-Andersen 1999; Scharpf 1999). Compared with the Scandinavian countries and the UK, Germany had by the 1990s low rates of participation by women, and low employment in social services; these two were linked through reliance on families for child and social care. This has been changing, to some extent at the expense of employment for men, especially older ones (Hemerijck 2001: table 7.7). The social services sector is still comparatively small.

A particular area of difficulty has been the creation of new employment, the start-up of small businesses and the participation of less skilled workers. Because social insurance contributions increased relentlessly with the rising tide of unemployment in the 1990s, and because neither the social insurance funds, nor the employers, nor the trade unions have been willing to compromise the principle of full contributions for all employees, all such innovations are very expensive. Furthermore, the German government is understandably more resistant to active labour-market policies (welfare-to-work measures based on direction of claimants, under threat of removing benefits); because of the echoes of the Nazi period this approach to increasingly flexibility and mobility has also been blocked.

Whereas the UK migration management system sees decisions over work permits in the light of sustaining competitive dynamism in a global economy (Düvell and Jordan 2003), the German system is caught between two rival priorities. On the one hand, its labour market policies still attempt to sustain a model similar to the Scandinavian one—according to which employment and social insurance should continue to supply the basis for social citizenship. Hence the primary aim should be to secure good-quality work for German citizens. However, since many of the tasks

needing to be done have little appeal for unemployed Germans, the flexibility needed by the economy and the mobility required of workers can only be supplied by migrants, despite high levels of citizen unemployment. Hence the large number of schemes for recruiting short-term employees, especially from the post-communist countries, and concessions made to specific applicants for work permissions already in the country (Cyrus and Vogel 2003).

At the same time, the incentives for small and marginal entrepreneurs to employ both German benefits claimants and foreigners off the books, in order to save high social insurance contributions, are very strong. Migrants are able to get work of this kind once they can stabilise their stay in the country through networks of trustworthy contacts (Cyrus and Vogel 2006).

Such migrants, whether on short-term schemes or undocumented, supplied much of the mobility and flexibility needed by the German economy. However, it is also clear that the government is ambivalent about the extent to which this solution can be allowed to replace structural reforms in the labour market and the welfare state. Whereas current policies for expanded recruitment from abroad in the UK, including recent proposals for amnesties for current irregular workers (*Guardian* 2003), are the logical extensions of the high rates of participation achieved by deregulation and benefits cuts under Thatcher and activation and tax credits under Blair, in Germany no such logic applies. The German regime has not yet committed itself to a radical overhaul of its long-successful model, and migrant workers have so far allowed it to postpone this day of reckoning.

### **Citizenship and national borders**

If mobility between collectives of all kinds is a fundamental feature of the US/UK model of citizenship and the basis of the autonomy and moral sovereignty on which this rests, the question is raised why the world should be divided into territorial states with defined membership. In the era of globalisation, people move across national borders as a matter of course, for business, study and tourism. The World Trade Organisation programme for competition in the supply of hitherto public services is another step towards the cosmopolitanism that strikes at the heart of those matters of national citizenship which were central to the membership of welfare states. How do principles of choice and self-government justify a specifically national version of a citizen's rights and responsibilities?

These are exactly the questions addressed by Bauböck (1994). He argues that the justification for a world made up of many nation states lies in a comprehensive form of citizenship, whose rights 'can only be institutionalised within communities bounded both territorially and in terms of membership' (Bauböck 1994: 19). However, this system has continued to encourage, through greater transnational mobility, the emergence of new forms of interstate citizenship (such as that of the EU) and the universality of modern national states as political communities. As a result, human rights, which Bauböck sees as universalised citizenship extended to the transnational level, are especially important for those moving between states (234-

48). He concludes that freedom of movement should be one goal in the extension of such rights, but the democratic forms of rule make a basic stability of populations desirable and a criterion of residence for political rights necessary (326-29).

This approach starts from a form of membership of the political community 'which contains individual as well as collective rights, civil and political as well as social rights', and defines the citizen as a legal being (Bauböck 1994: 16). These rights offset the enormous power of states as organisations, but also protect individuals from firms' economic power. Transnational mobility is seen as exposing migrants to new forms of risk as well as challenging the principles of equality and inclusiveness in liberal democratic states.

In the Anglo-American model of citizenship, personal, economic and moral sovereignty are all pursued within a collective landscape of perpetual change and choice. In contrast with Bauböck's (European) emphasis on rights within a democratic polity, it sets a standard of self-government that applies to all legal residents—to business visitors and students, and to work-permit holders as well as nationals. For citizens, rights to income benefits and social care are conditional on efforts to remain independent of the state; public provision is for those 'genuinely in need' despite attempts to work and save (Department of Social Security 1998: 80). The role of government is to provide opportunities for such commitment and enterprise. Whereas Bauböck's version of citizenship sees rights as allowing individuals to turn their physical and intellectual potentials into 'capabilities' (Sen 1984: 16; 1992: 39-40) for effective equal membership, the Anglo-American model *demand*s both performance and contribution from nationals and non-nationals alike.

Consistent with this view of the nation state as a political unit in a competitive global economic environment which seeks to attract those mobile factors of production (money, technology and people) that can best enhance efficiency, UK immigration policy has since 2000 increasingly emphasised the recruitment of foreign workers to fill skills shortages (Roche 2000; Home Office 2002; Blunkett 2004). The clear message is that the country should 'welcome those who come to contribute, while rejecting those who come to take advantage' (Kettle 2004: 23).

The problems and contradictions of the Anglo-American model emerge more clearly in relation to unskilled foreign recruits. Here there are more contested issues, both over why such recruits are required for economic efficiency and over their vulnerability and need for state protection. The UK government has been reluctant to identify the need for such recruitment (Spencer 2002); yet it has used specific schemes to bring them in, in larger numbers. The argument used by the Home Secretary is that there has been extensive use of illegal immigrants to do harvesting and packing work in rural areas, and that these schemes protect workers from exploitation (Blunkett 2004; Kettle 2004). The scandal of the drowning of 20 Chinese cockle-pickers in Morecombe Bay in January 2004 lent weight to the case for regularisation and protection, though it also revealed that the Home Office had done little to enforce its own rules in relation to these issues.

Unskilled labour recruitment and undocumented work by immigrants expose ambiguities in the Anglo-American model of citizenship. Although employment is

seen as fundamental to both autonomous self-government and the economic contribution required of immigrants, there are tensions between policies for 'including' citizens with low earnings and few material resources (especially those from minority ethnic communities), and the demands of economic efficiency, which might favour the recruitment of foreign workers. The whole notion of inclusion raises issues about the bonds between citizens and the grounds for *excluding* immigrants.

### Conclusions

The issue of how to integrate diverse communities, including second- and third-generation immigrants, shows that the focus of migration regimes on recruiting useful workers is too narrow. Citizenship must seek to include all, while respecting diversity. The UK's comparative success in this regard is as much despite its model as because of it. Some ethnic minorities, especially Indians and African Caribbeans, have been upwardly mobile; others, especially Pakistanis and Bangladeshis, have not.

The recent riots in France demonstrate the costs of excluding immigrants once they are no longer economically valuable. The future of a good model for European societies demands *both* more freedom of movement *and* more participative citizenship. Within the EU as a whole the European Social Model has emphasised the moral duty of governments to protect citizens from the impact of global market forces, especially in depressed peripheral regions (to which EU Cohesion Funds and CAP subsidies have been directed). The result has been a clear reduction in mobility from poor countries (such as Greece, Spain and Portugal) towards richer ones (such as Germany and the UK), and from poor regions (such as the south of Italy) to wealthier ones (Jordan and Düvell 2002: ch. 3). This intentional reduction in mobility—and hence flexibility—in labour markets in the EU is now coming under critical scrutiny, especially in the light of the enlargement of the Union.

Far from moving in search of social benefits (as the popular mythology claims) irregular migrant workers came in order to occupy a kind of vacuum that was in part created by the wider availability of such benefits since the southward enlargement of the EU in the 1980s. Construction workers all over the EU began doing the kinds of jobs formerly taken by Italian, Spanish, Portuguese and Greek migrant labour. In the UK Polish waitresses, sweatshop workers and cleaners took the places formerly occupied by migrants from Commonwealth countries, or from southern Europe.

These developments reveal a deep ambivalence among the 15 member states over the enlargement process. On the one hand, to the extent to which the accession process has allowed the EC to impose conditions for entry that include the partial adoption of the European Social Model, they are allowed to believe that (as in Spain, Portugal and Greece in the 1980s) most citizens of post-communist states will stay at home. They may even play an active part in protecting the core countries of the EU from excessive migration from the former Soviet Union and the Balkan states. However, they can continue to supply sources of flexibility and mobility under managed migration schemes of various kinds. On the other hand, there is a continuing battle for the soul of the EU, in which the Anglo-American vision—more favourable

to the moral sovereignty of individuals, to market relationships, to enterprise, low taxation and free movement of all kinds—is presented as an alternative to the Franco-German one of social corporatism and social citizenship. The UK government, having to some extent won a strategic victory through the support of Italy, Spain and the accession countries on the issue of the war in Iraq, would like to sustain this coalition in pursuit of its version of a more free-market future for the EU. However, its gamble over allowing free movement for workers from the enlargement countries will be one important test of how well this coalition can be maintained.

Migration regimes are parts of the strategies by which affluent, newly industrialising and developing countries relate to each other. In recent years there has been a more conscious attempt to make these strategies reciprocal. For the old EU members this has reflected a recognition that their future economic success depends on finding a model that complements the rise of China, India, Brazil and Russia as manufacturing giants, rather than simply trying to compete with them (Jordan 2006a).

For Germany, France and Italy this realisation has come rather belatedly, and all three are still struggling to adapt to the new balance of industrial power under globalisation. Their versions of the European Social Model have given their citizens attractive lifestyles, but now threaten their capacities to adapt to the new realities of the global economy. Their governments therefore perceive the challenge of migration, both from outside the EU and from the enlargement countries, in the light of these wider issues of structural reform and social protection.

For the UK (and to some extent for Ireland), the early adoption of more individualised versions of citizenship, more flexible labour markets and service-orientated economies has allowed them to respond more positively, both to the influx of cheaper manufactured goods and to workers from all over the world. But they now face questions about the nature of work and the diversity of mobile populations.

For the UK especially, immigration is now perceived within a debate about order, well-being and governance. How can a society in which the component units are individuals who use exit strategies to move between options in both commercial and public sectors achieve sufficient cohesion, and enough sense of membership, belonging and mutual commitment (Cameron 2006)? What is the role of services in providing a suitable context for citizenship (Jordan, 2006b)?

The recurrence of the debate about immigration in UK politics reflects these issues. Instead of the 26,000 workers from the enlargement countries anticipated before May 2004, there over 400,000 registered, mostly from Poland (Ashley 2006), many more who have not registered (*Guardian* 2006), and a new influx expected when Bulgaria and Romania join the EU in 2007. Diversity, too, becomes more of a challenge when citizens of Islamic faith are angry about Tony Blair's foreign policies: immigration and asylum are thus linked back to concerns about security.

In the long run the issues for all EU states will be similar. As they cease to be industrialised economies and adopt new patterns of formal and informal, public and commercial service provision, what regimes will best sustain social and cultural reproduction and democratic governance? Immigration, both regular and irregular, will test their success in responding to this challenge.

Ronaldo Munck

## **Irregular Migration and the Informal Labour Market: The 'Underside' of Globalisation or the New Norm?**

'A spectre haunts the world and it is the spectre of migration' (M. Hardt and A. Negri, 213)

Trafficking for forced labour (TFL) is at one extreme of the irregular/informal–regular/formal continuum of contemporary labour market developments and migration in particular. It is also, of course, illegal (or 'undocumented' to use the current phrase) in terms of the new rules of the game and it is the subject of a series of international conventions. It is a 'limit case' and therefore an interesting one through which to explore the extent to which irregular migration is the 'dark' or dangerous side of globalisation bound to fade away as global governance processes consolidate globalisation 'with a human face' or, rather, become the new normality as the 'race to the bottom' in terms of labour standards takes a grip. We know, or believe, that trafficking for forced labour is a growing social problem, but after that we do not know that much; for example whether it is predominantly female, following the general feminisation of the migration phenomenon, or not. Nor is the distinction between trafficking and smuggling entirely clear in practice despite the best efforts of the lawyers. What we do know, however, is that trafficking is what in UK government circles would be known as a 'wicked problem', that is to say, one not amenable to simple diagnosis or single government department policies or solutions. Nor are civil society organisations in agreement on how restrictive the law should be and what should be a priority in terms of campaigns. This article seeks to clarify the various *perspectives* at play in the construction of TFL and then to build up a picture of the various social *processes* involved, before finally moving towards provisional *prospects* for further intervention in this arena.

### **Perspectives**

Trafficking for forced labour entered the contemporary global statute books with the so-called Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children of 2000 (coming into force only in 2004), which was a supplement to the Convention Against Transnational Organised Crime under the responsibility of the UN Office on Drugs and Crime. For the Palermo Protocol:

Trafficking shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of

coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

That is to say, we have here an improper or irregular *action* (in terms of recruitment, transferring or receiving a person), an irregular or improper *means* (in terms of coercion, deception, abuse of power or, even, the lack of informed consent) and an improper or irregular *purpose* or *activity* (such as exploitation for prostitution, forced labour or practices similar to slavery). Much of this legal regime is untested, and national governments are more likely to sign up to the parallel Smuggling Protocol, which places no onus on them to protect those who are ‘voluntarily’ smuggled into a country and are thus simply illegal and thus subject to deportation.

Then we need to define ‘forced labour’ of course, which according to the International Labour Organisation (ILO) can be detected through the following ‘proxy’ indicators:

- threats or actual physical harm to the worker;
- restrictions of movement and confinement of the worker;
- debt bondage that may involve controlled prices for worker accommodation and food;
- withholding of wages or wage reductions that violate previous agreements;
- retention of passports;
- threat of denunciation to the authorities ( ILO 2001).

Subsequent action research by the ILO with the British TUC (Trade Union Congress) added some further indicators, to include:

- working for a third party;
- threats over family at home;
- social control outside the workplace (Anderson and Rogaly 2004).

It is unclear how many of these indicators need to be present to ‘prove’ forced labour, but it is clear from our own research in Ireland (AGIS 2004) that often two or three of these criteria are present in the mildest forms of migrant labour exploitation, including routine threats and social control.

So, how prevalent is TFL today? According to the United Nations Development Programme’s (UNDP) 1999 Human Development Report, trafficking for forced

labour is one of the criminal activities found to have increased with the acceleration of globalisation in the 1990s (UNDP 1999). It is widely seen as the third largest and fastest growing global criminal activity victimising millions and netting billions. And what is the significance of TFL? For the ILO, trafficking is seen as the negative 'underside' of globalisation and is inextricably associated with organised crime. The ILO, which brings together national governments, employers' organisations and trade unions, argues that: 'Trafficking for forced labour purposes is unfortunately a growth industry – one which employers, workers and governments would rather see disappear' (ILO 2001: 86). But why would employers object to a system of labour recruitment that was flexible and cheap, any more than they objected to the similar system of debt bondage in the nineteenth century that prefigured many of the current 'slavery-like practices'?

The historical processes through which TFL became a global issue are interesting as precursors of the attempts to highlight the anomalous aspects of trafficking today. Prior to the 2000 Trafficking Protocol, international conventions around trafficking in persons dealt solely with the sex trade. Indeed, trafficking and prostitution seemed almost synonymous. Within the EU, while Council Framework Decision 2002/629/JUA on combating trafficking obliges member states to harmonise their domestic criminal legislation, to date trafficking in human beings is still on the whole only a criminal offence if for the purposes of sexual exploitation. In its narrowness, not to say selectivity, this contemporary debate is reminiscent of early twentieth-century legislation in the trafficking of persons. Thus we have the 1910 International Convention for the Suppression of White Slave Trade directed at traffickers of women for prostitution when they were below the age of consent. The 1933 Convention broadened this out to include women of full age but only in reference to international people trade. The 1949 Suppression Trafficking Convention consolidated the 'white slave trade' legislative tradition and removed 'consent' of those trafficked as possible defence. But this measure was still restricted to the sex trade and at a time when trafficking for a much broader range of activities was beginning to make its mark.

There is an alternative way to approach trafficking, namely one where we see it as a quite 'normal' facet of capitalist globalisation. As the UN's High Commissioner for Human Rights recognises when analysing contemporary forms of slavery, 'Trafficking is evidently a "low risk-high returns" prospect for the trafficker' (United Nations High Commissioner for Human Rights: 17). Criminal activities have flourished within the energised international networks of the new global economy (Castells, 1998). The global criminal economy is only gradually being incorporated into our understanding of the socio-economic and political dynamics of globalisation, not least because research around it is not easy. However, it is clear that the economies and politics of many countries and new international processes (such as trafficking in human beings) cannot be understood without an understanding of how pervasive and 'normal' irregular and/or illegal networks are. So, for example, irregular migration has played such an important role in Southern Europe that, according to Campani, 'practically all immigrants to Southern Europe have been, at

one moment or another in their lives, irregular migrants' (Campani 2005: 2). From this alternative perspective then, TFL could be seen not as an anomaly or putative 'dark' side of globalisation akin to the 'white slave trade' of an earlier era but, rather, as a mainstream means through which globalisation 'commodifies' not only goods and nature but also human beings.

If we take 'informal work' as a concept closely related to that of 'irregular migration' we can see further what an integral part they both are to the regimes and practices of work in the early twenty-first century. Informal work covers all employment relations beyond the formal wage-labour market such as clandestine or illegal work, but also includes myriad forms of self-employment. Estimates of the proportion of informal workers in the industrialised economies vary between 2 and 15 per cent, but for 'global South' we have ILO figures that vary from 30 to 80 per cent of the working population (ILO 1997: 175). In Latin America it was estimated that 9 out of 10 jobs generated in the 1990s were in the informal sector. So, to be clear, we cannot argue that the informal sector is an aberration from the formal norm. Rather, we must understand the growth of informalisation as a major characteristic of existing globalisation. Ulrich Beck recognises that this pattern of informalisation under the guise of achieving greater labour flexibility is becoming the international norm, a process he dubs 'Brazilianisation' (Beck 2000). Beyond a certain eurocentrism that the term betrays, we can agree that that the irregular/informal may well be turning into the new norm.

The fact is that irregular migrants in Europe do not just work in dark alleys, hidden in damp cellars; they often work for major enterprises, not least through subcontracting relationships. Ruggiero refers to cases in Italy where illegal migrants were found to be producing handbags and belts for 'leading firms' in the leather trade (Ruggiero 1997: 30). Often, they had arrived at their destination by normal commercial means, and the criminal gangs of popular TFL image had remained in the background. The mainstream and what Ruggiero calls the 'dirty' economy are thus completely intertwined in regards to trafficking in human labour. In calling for more research on the formal/informal interface Ruggiero makes the relevant point that 'all too often informal or hidden activities are associated with conventional crime, while the benefits these activities generate for the official economy are almost ignored' (Ruggiero 1997: 35). Traffickers are an integral part of the global economy not something apart; they mirror many of the methods and structures of the mainstream economy and their motives are the same, namely profit. The illegal/informal labour market is simply a normal market 'plus' certain features such as the use of coercion, force and subterfuge.

Capitalism has always deployed forms of unfree labour alongside the 'free wage-labour' supposedly the main social characteristic of this mode of production. In answer to the question of whether unfree labour, taken in a broad historical perspective, was an anomaly or a necessity, Robert Miles concludes that it was an 'anomalous necessity' (Miles 1987: ch. 9). The various historical forms of unfree labour were not necessarily transitional forms that would eventually become 'pure' wage labour, especially in the colonised world of course. In today's second 'great

transformation' (Polanyi 2001) as the unregulated free market created by the Industrial Revolution expands on a world-wide scale, we can also expect atypical forms of labour use to expand. And we must always stress the political unfreedoms that are the inevitable corollary of all forms of coerced labour. Most migrant workers—and those trafficked most certainly—do not have the legal rights of the national citizen: they suffer from political as well as personal insecurity and clearly do not 'belong'. Perhaps in the future it will be better to integrate the study and policy development around irregular migration with mainstream migration studies rather than hive it off to a 'special' category or social problem.

### Processes

To unravel the admittedly stark perspectives posed above in relation to the exceptional or otherwise nature of TFL we should now turn to examine the various aspects of the social, political and legal construction of forced labour processes. It is important to set the study of trafficking for forced labour in the context of globalisation as primarily characterised by increased flows and mobilities of capital, finance, goods, cultural products and, of course, labour. Time-space compression has increased the speed and the volume of these flows in such a way that the outcome is complex and uncertain. John Urry writes of the new 'travelling people' in the era of globalisation and notes how the different types and categories of travelling people overlap and dissolve into one another to the extent that they are very hard to categorise. The flows of the new migration are, for Urry, best described in the language of the new physics as 'a series of turbulent waves, with a hierarchy of eddies and vortices, with globalism a virus that stimulates resistance, and the migration system a cascade moving away from any apparent state of equilibrium' (Urry 2000: 62). To further deconstruct the particular wave of forced labour we are interested in here I shall propose three interlocking contemporary processes that contribute to the understanding of trafficking for forced labour.

The first aspect to consider is the extent to which forced labour is linked to *informalisation*. The notion of a binary opposition between formal and informal sectors as two self-contained worlds was always misconceived. As Castells and Portes argued in an influential survey of the informal economy, it 'simultaneously encompasses flexibility and exploitation, productivity and abuse, aggressive entrepreneurs and defenceless workers, libertarianism and greediness' (Castells and Portes 1989: 1). The trafficking for forced labour phenomena we have researched in Ireland falls mainly on the latter side of this paradigmatic set of distinctions, but the employers may also be important players within the informal sector. The two sets of characteristics go hand in hand in other words and should not be seen as incompatible social worlds.

The construction industry in Ireland is symbolic insofar as it has grown dramatically under the 'Celtic Tiger' boom, but it was also where the notorious Gama Construction Corporation scandal of virtually forced labour surfaced in 2005. But construction is clearly not the only economic sector associated with informal/

irregular employment practices and super-exploitation. A migrant farm worker who was trafficked (according to the Protocol definition) told us how:

I was told [by the agent] that there were very good jobs and very good money, 400 euros a week...If you did not have the money to pay the agent ( 800 euros) she took the passport... I came in at night and the next day I started work. I had to work 15 hours a day, all week with no days off...Everyday you start 7.30 and depending on mushrooms you finish at 12 in the day and you go shopping, buy food and you come back and later if needed you go again to mushrooms and pick until 10 o'clock or 12 o'clock at night...We were paid 250 euros per week...

Some of these farm workers were 'lent out' by their employers to others needing farm labour, thus further confirming their status.

A circus worker also working under coerced conditions told us (through an interpreter) how 'Because of the nature of the job... After the circus has finished for the day they would be asked to move overnight to start up again the next day in a new place to get another days money in. Kind of non-stop seven days in a row of just non-stop work and very physical work.' There were other workers in the circus, but 'They don't work like us. They work different—they have contracts. They are Europeans.'

A restaurant worker who was trafficked describes a typical situation of employer abuse of authority thus:

The owner verbally abuses them and if any employee dares to protest he threatens them not to renew their work permits. Every staff member has a work permit and the permit renewal cost is borne by the employee and not the owner. The employer asked for 10,000 euros from the group to renew their permits.

A Bangladesh domestic worker perhaps best epitomises trafficking for forced labour in the contemporary global economy showing clear 'social control' as well as more direct forms of coercion:

S is in her mid-twenties and had experience as a childcare worker back home in Bangladesh. She is single and her family are living in Bangladesh. There is very little work back home and her family are not well off. There are people from Bangladesh who have emigrated to Europe or the US and have prospered. As a result it is seen as a great opportunity to go emigrate. When the opportunity arose for S it would have been considered very foolish not to avail of it...Her employer was known to her family and offered her a job in Ireland looking after his children. She thought she was going to be very well paid and that this was an opportunity of a lifetime. She was also going to be in a position to send money home to help her family. [...] A work permit was organised and S was working [in Ireland] as a child minder. She worked from 7 a.m. until

midnight or 1 a.m (until the family went to bed). She worked minding the four children and anything that her employer wanted done (general domestic work). Her employer had shops and if they were very busy she was collected and brought to work in the shops. She was threatened and was beaten. She was exhausted and very frightened. She had no English and no one to turn to. There was another girl in the house in the same position. She was not paid any money. She could not contact her family and was warned not to talk to anyone if she went outside the house. She had no money. She was given second hand clothes. She lived with this family for two years.

We find here a whole range of informal sector employment where various elements of trafficking and forced labour are present. But we should not think that this informal/irregular work of the circus worker and the domestic worker is separate from the national economy: it in fact contributes to that economy through productivity and flexibility of labour, not to mention super-exploitation.

The second salient aspect I shall consider is the issue of *criminalisation* in the definition of trafficking of forced labour and as a policy for dealing with it as a social problem as 'downside' of globalisation. The act of trafficking, the trafficker and, most often the victim of trafficking, are all criminalised as a way of dealing with the phenomenon (see ILO 2005). This must be set in the context of the converse but parallel process of legalisation, that is to say the legal regulation of migrant labour through work permits, visas and so on. The respondents in our study of forced labour in Ireland invariably stressed this dimension. Thus the circus workers referred to in the section above 'spoke of his anxiety to become legal in Ireland. He said that he looked different, that he looked like an Arab and a Muslim and he needed protection. He could only have that if he was legal.' An immigrant community leader we interviewed referred in more general terms to how:

An amnesty would help those here now who are in trouble, which are illegal. They are in a bad position. We need some charter to protect from exploitation. Those people have suffered enough. But the work permit should let people work for someone else and they can move.

The main problem faced by irregular migrants according to another respondent is quite simply that many 'don't understand the law of the country'. While criminalised by the state they are also denied access to the laws of the land. Most people we interviewed were dismayed at the way the state sought to punish them as victims while ignoring the perpetrator and thus increasing their vulnerability. When migrants either realise they have been illegal all along, or cannot cope with the conditions, they leave their abusive employer and enter the 'normal' informal sector. A not-untypical respondent working in the catering industry recalls how a prospective employer;

told me [I could earn] around €300 to €400 a week. I did not know that this was not good money in Ireland. I did not know there was an hourly rate. I know now you should get an hourly rate. I was working 7 days and I was working from 8 in the morning until 2 in the night. In the morning I started distributing menus door to door and after that I started preparing for the lunch, cleaning, everything. I was also serving because there was not too much customers. I was helping inside and outside the kitchen. When the lunch finished at 3.30 I would get a break and then after that I would start washing the dishes. Then at 5.30 I would open then until 7 o'clock I was serving outside. There was not too much customers at this time but after 8 or 9 there would be more customers then a girl would come and I would work in the kitchen completely, preparing the food and washing dishes—both. After 12.30 it was closing time and I was cleaning the dishes and mopping until 2 in the morning. It would take about 1 and a half hours would be finished completely but he would say I have meeting with the staff at this time.

Q: Did the other staff work the same hours?

A: No the other staff they would have gone

Q: Where were the other staff from?

A: India most of them. They are gone as well—they left.

Q: Were they getting the same money as you?

A: No they were being paid more than me and he was just giving me €150 per week for the first month and giving me just €50 and keeping €100 back for the work permit.

Q: How much did he say you owed him for the work permit?

A: 500 euros. Yes I was living in his house. He gave me a car because I have to distribute the menus without that I could not do it but I just had to park the car and he was threatening me that do what ever I say, don't argue with me, you are living in my house, don't argue with me and this is a small country you won't hide any where from me. I can deport you as well.

Q: These are the threats he made to you and did you have your passport yourself?

A: Yes in my luggage I had my passport, each and everything—when I was at work he was at home, he just get in my luggage and he took my work permit (he accepts that he took my work permit) but I don't know if he took my passport. I argue with him that it is illegal to put your hand in any private property, it is your house but this is my property. He told me he took my work permit because it is his right and he can deport. But he told me he did not take my passport.

Q: But your passport had been in your bag and than went missing?

A: Yes.

Q: So you were in a very vulnerable position with your passport missing?

A: Yes.

Criminalisation is a dubious way of dealing with irregular migration for a series of reasons. In practical terms, as van Liempt puts it, 'the main effects of criminalizing trafficking or illegal migration in general is that it leads to a growth of business' (van

Liempt 2005). And if at a practical level it is counter-productive in conceptual terms we simply cannot draw such clear distinctions between criminal and non-criminal behaviour in regards trafficking for forced labour. As Andreas Schloenhardt remarks, there is in fact ‘a spectrum of economic activity [that] ranges from legal to criminal activities, from legitimate to illegitimate activities’ (Schloenhardt 1999: 204) that means crime and business cannot be seen as watertight compartments. Nor can the people behind the transnational trafficking networks be regarded simply as evil and irrational people beyond the pale of normal society. Many are known to the migrants and are often respected members of the community of origin. In all the cases we have dealt with there has been a very fluid relationship between the legal and illegal spheres of migration and working practices once the migrants arrived at their destination. While the dominant economic discourse prioritises competitiveness and argues that the market should not suffer from any societal or political constraints, then clearly the law will not stand in the way of profit making. In Ireland there is clear evidence that labour laws are not enforced because the neo-liberal oriented government refuses to allow labour inspectors to gain the power and numbers to actually implement the existing labour laws. A poignant reminder of liberal priorities is that while there are only 50 labour inspectors for the whole of Ireland there are 100 state officers concerned with the proper legal certification of dogs. In conclusion then, the legal and illegal markets for labour and labour migration in particular are quite permeable in practice, so trafficking for forced labour cannot be seen as a totally distinct form of labour recruitment.

The third social process I consider in the social construction of TFL is that of *transnationalisation*. Clearly, global networks of one sort or another are responsible for the smuggling and trafficking at the core of irregular migration. Also, migrants are essentially part of transnational networks that may take social, cultural, political or economic forms amongst others. Steven Vertovec refers, in this regard, to a new category of contemporary migrants characterised by ‘the scale of intensity and simultaneity of current long-distance, cross-border activities – especially economic transactions’ (Vertovec 1999: 448). In this situation, the classic nineteenth- and twentieth-century pattern of integration into pre-existing national cultures does not now prevail. Instead, the local-global connection is diverse and polymorphous, often bypassing the national scale of activity altogether. Planet spanning travel in pursuit of work or better pay is now the norm and not something out of the ordinary—to some extent. We could call this the banalisation of distance. This was brought home with the poignant story of Guo Binglong calling home on his mobile telephone to his family in Fujian province in China as the water rose up his chest, finally to drown him, in Morecambe Bay in early 2004 as he gathered cockles for an irregular employer, having been brought to Britain by a ‘snakehead’ he paid £2,000 to back home. Transnationalism is often seen in glowing terms as part of the benefits globalisation brings to ‘ordinary people’, but the reality is often much more disturbing.

We spoke to a nurse who had been recruited in China to come to Ireland to learn English and further her nursing studies:

I wanted to work in foreign country even though economy is booming back home, well maybe not in all parts of China but in the capital it is. I wanted to learn better English and to increase my skills. It is not that the hospitals are not good in China some of them are better than here but it is good to add to your skills.

Q: How did you decide to come to Ireland?

A: I heard of opportunity to study in Ireland and the language school find you work also ... It is very hard in China to get visa to work abroad. So they promised to help with visa.

Q: Did they charge you for this?

A: The charge is for the language classes and I paid €10,500. This is a lot of money in China. Some people tell me it is a lot of money here in Ireland. I had to borrow from my family to get this money. [She further explained that on arrival in Ireland the school arranged accommodation for the first month and they had to pay €600 for this.]

She was very disappointed with the school when she arrived. The reality of her life was very different from that portrayed in the advert. The school did not arrange any jobs; the students had to find work themselves. The school did not have its own building or teachers, but rented space from another school. 'It was just cheating', she said. After two months she found work in a supermarket. 'But I was not working as a nurse.'

At the end of the year the language school informed all the students that they could organise jobs for them as care assistants in care homes in the UK. They were told that if they did not take up this work they would have to go back to China.

'We don't know Irish law, we don't know immigration law and how to get visa. We can't go home with nothing. Even though I paid big money I would not mind if I got something—I would pay even more. I had to borrow money from my family for this I could not go home.'

The language school said they had a job for her in Bognor Regis in England. She saw some information from the care home and believed that the working conditions were very bad. It was not a contract but did show what the annual salary, hourly rate, and hours per week. She signed this knowing it was not a formal contract. Her employer applied for a work permit and she was told she had to wait to hear from them. During this time some of her friends went to the UK and she got some feedback from them. The working conditions were very bad. They were living near the care home; the hourly rate was £5.50; some weeks they worked long hours, some not, depending on the shortage of staff. There was no time to study English and this is one of the main reasons they had left China.

She decided not to go to UK: 'I do not want to work as care assistant for ever. I told school not going to UK I want to stay in Ireland and apply for registration as

nurse. They told me I had to go as I signed my name and if I did not go I had to pay €1,000.

They think that Chinese people stupid but I know I did nothing wrong.’ They said she had to pay for the work permit for the job in the UK. She asked to see the work permit, but there was none.

She decided to go to another language school in order to pass the English exam so that she could apply to the Irish nursing board. In order to stay documented in Ireland she needed to renew her visa and that meant getting an attendance record from the school. The school wanted €650 or they would not give the attendance record. She explained that she did not have the money and she knew she had done nothing wrong. The school said to her, ‘We don’t care; you can speak to any government department about this, we don’t care.’ She replied

I really did not know what to do. I’m helpless. I’m scared. I can’t go back to China. How to face friends and family? I was very depressed... I don’t know who can help me... You see I had no attendance record, no visa. I become ill. I think suicide. I could not go back China.

Eventually, with the help of a migrant rights NGO, she obtained her visa from a sympathetic immigration official and enrolled in a regular language school. Has she been trafficked or simply duped? Did the level of deception and threat of deportation if they did not comply amount to trafficking? What was the language school engaged in who recruited nurses to teach them English and then sent them off, with very dubious levels of consent to work in the notoriously low pay, low prospects care assistant sector?

Migrant workers, if they are lucky, arrive from their overseas destination with a work permit, but that does not mean they are ‘legal’ and thus not prone to trafficking and forced labour conditions. The local immigrant community leader we spoke to told us how:

As regards the work permit you can’t change it and you have to work and can’t go anywhere else. You are like a slave. They are happy to come here. There are financial problems back home. People come to other countries to make better living. There are big problems and they can’t go back home. Many people have taken out loan or sold property to buy their ticket to come here. Here they are in a problem they have to work; if they don’t work they have nothing; if they go back home there is nothing for them so they are suffering ...

They are still working in this situation and with the help of the Migrant Rights Centre they are hoping to take a legal case and get other employment. They want to remain in Ireland and bring their families here. The only way out of the situation is to get another job offer and a work permit for that job. It is very

important that they continue working so they can send money back home to their families.

These migrants are in constant contact with their families back home and have communities in Ireland that constitute virtual transnational communities. In Ireland itself they are often segregated, as was the case with the Turkish construction workers employed by Gama Construction, who kept them confined to the workplace or areas under company control and 'discouraged' any mixing with the local Irish communities.

Transnationalism, in conclusion, does not lead in the case of TFL to the cosy cosmopolitanism that liberals espouse but, rather, amongst the irregular migrants we interviewed, to a shared sense of fear. There is fear of the employers and what they might inflict on the family and community 'back home'. There is fear of the state because of being illegal and the fear of being deported 'back home'. Yet they often put up with forced labour conditions so as to be able to send money 'back home'. They may even carry on hoping that they might yet be able to build a home in Ireland, the land of the 100,000 welcomes (*céad míle fáilte*). The world is smaller today in many ways and the rise of transnationalisation has opened up avenues of mobility hitherto unsuspected. But the oppressors have also learned to benefit from transnationalisation in terms of capital and labour mobility. They have also been very adept at maintaining the very 'traditional' patterns of subjugation through control of information, movement, and collective organisation of any sort.

### **Prospects**

Our knowledge of trafficking for forced labour is progressing steadily, but as one trade union activist we interviewed told us, what we are seeing in our research is 'probably the tip of the iceberg'. In terms of pursuing future research and policy development it is important to clarify at the outset, I believe, whether TFL is an unfortunate anomaly or an integral aspect of contemporary globalisation. As an analyst of labour conditions in the era of globalisation (Munck 2002) I am clearly inclined to the latter view. However, I am also aware that to achieve social reform it may be necessary to highlight the 'anomalous' abuse of human rights involved in this processes, as was done indeed during the original abolition of slavery campaign. The nation states involved should be pressured into regularising the irregular labour recruitment and exploitation processes. Employers should be encouraged to practise 'corporate social responsibility' (CSR) or at the very least oppose 'unfair competition' from employers who operate irregular/ illegal labour processes. But can the state and capital be expected to deal effectively with this particular aspect of globalisation? Is it enough to simply trust the Group of 8 leading industrial countries who in 1999 pledged to fight against 'the dark side of globalisation', citing as major targets the fight against terror, drugs and trafficking in persons?

In a thorough study of smuggling and trafficking as particular forms of irregular migration, Alexis Aronowitz finds that 'smuggling and trafficking of migrants could not have grown to such proportions if it were not supported by powerful market forces' (Aronowitz 2001: 171). Indeed, smuggling and trafficking can be conceived of as major 'parallel' markets as important as those for arms or drugs. The 'official' or 'regular' market clearly profits from this 'people trade' as much as it has from the informal sector as a whole. Certainly trade in bodies for sexual exploitation is a growing and highly visible component of the new global order, but labour exploitation is still the dominant factor. Examining diverse forms of coercion and debt bondage in Latin America at the last turn of century, Alan Knight asks why this form of labour relations became so salient. The answer was simple: 'Coerced labour was clearly chosen because it seemed to pay dividends at least in the short-term' (Knight 1988: 112).

The discourse of global governance would appeal to the longer term and stresses the benefits of a more inclusive social policy. The reality is that the current trend towards ever more restrictive migration policies will generate a market for people traffickers. For their part most states prefer to identify victims of trafficking as irregular migrants who have voluntarily been 'smuggled' into the country. Thus we see the virtual criminalisation of people who suffer from contemporary forms of slavery, because of course they will often be illegal and they are certainly always irregular. The dominant reformist discourse amongst NGOs and liberal government departments is to develop pathways to regularisation, formalising informal work relations, and seeking the protection of the law for individual victims of trafficking. While preferable to criminalisation, it is unclear if this strategy can deal with the complexity of irregular migration and the vested interests at the stake here.

The International Organization of Migration (IOM) has recently carried out a major survey of data and research on human trafficking. It concludes that there is a pressing need for interdisciplinary research that brings into focus legal, health, human rights and migration perspectives. Policy approaches need to be more evidence-based than they are at present so that we understand trafficking not just as a problem but, rather, as a social policy issue. What I was particularly struck by was the IOM insistence that we need to move beyond 'victim studies' and pay more attention 'to studying the traffickers, the clients, and law enforcement agencies who may be involved ...in creating the conditions under which trafficking can flourish' (Laczko and Gozdziaik 2005: 14). Certainly the limits of the victimisation perspective (quite prevalent amongst NGOs) are clear insofar as they detract attention from migration as a voluntary process. As van Liempt notes, the victimisation perspective tends to equate female migration and exploitation and, and furthermore 'the victim discourse may sometimes be used to justify deportations, in the name of rescuing people out of the hands of traffickers' (van Liempt 2005). What we need to move beyond the criminalisation and victimisation problematics is, in my view, a holistic social science-based perspective that could provide us with a more nuanced understanding of trafficking as a 'normal' part of international capitalist development today and those engaged in that process not always easily labelled 'good' or 'bad'.

For my own part I would wish to argue in conclusion for an unashamedly utopian political perspective on irregular migration. The free mobility of the factors of production is one of the basic tenets of neo-liberal economies yet its promoters become coy when dealing with transnational labour mobility. Milton Friedman is reported to have said that: 'about immigration the least said, the better' (cited in Sutcliffe 2001: 327). If neo-liberal globalisation promotes entrepreneurship, labour flexibility, and capital mobility above all, it should logically encourage migration where that 'exit' option is seen as a viable mobility strategy by individuals. Immigration is one of the main contemporary 'governance hotspots' (Sassen 2002) and thus demands increased attention from above as it were, and 'human rights are at their weakest in the vicinity of frontiers' (Sutcliffe 1998: 331) thus demanding more focused intervention by human rights organisations. From the logic of human rights 'the individual emerges as site for contesting the authority (sovereignty) of the state because she is the site for human rights' (Sassen 1999: 8). Challenging the inconsistencies between encouraging the mobility of capital, finance or knowledge, but not of people (other than tourists) is central to what form globalisation will take shape and its relation to democracy.

Trafficking for forced labour is an integral if contested element of actually existing globalisation. It has predominantly been approached through a criminalisation lens where TFL is seen as a particular aspect of '*transnational organised crime*' seen as an aberration in a basically benign system. This perspective ignores the basic market logic that if an activity is made illegal it is thus rendered profitable for irregular business. The '*migration management*' perspective is slightly more grounded but it is still a dominant state perspective insofar as it focuses on regulating the migration flow and on the basis of G8 country interests decide whom is worthy of entry and who must be deported back their place of exit. Trafficking and smuggling are, from this perspective, viewed as equally reprehensible practices to be dealt with through interdiction of their entry routes. The '*international human rights perspective*', where the 'UN family' is dominant has sought to draw out the human rights implications of the 2000 UN Convention on Transnational Organized Crime and take them 'down' into national legislative frameworks. Its limits lie in the individualisation of rights and their subsumption within the logic of neo-liberal globalisation. A possible alternative perspective would build on the now developing transnational social movement theory and practice that would see migrants as part of a global working class that can be organised and part of a broader social transformation process premised on the assumption that 'another world is possible'.

Giovanna Campani

## **Irregular Migration and Trafficking: Controversial Concepts and Changing Contexts in Southern Europe**

### **Introduction**

Irregular migration is a main feature of the so-called Mediterranean model, which scholars use to define the migratory process towards southern Europe. Practically all immigrants to Italy, Spain, Greece and Portugal have been, at one moment or another of their stay, irregular migrants. The absence of a clear legal framework, the introduction of restrictive laws on labour migration, the growing obstacles to obtaining asylum, combined with the major involvement of immigrants in the informal economy have contributed to encourage irregular migration, in the prospect (and hope) of getting a regular position through amnesties.

Since the late 1980s, all southern European countries have organised amnesties (Italy had five) that have regularised hundreds of thousands of persons. The introduction of the quota system has not been effective, so far, in reducing irregularity in the countries that have chosen this path, as Italy. A permanent system of regularisation, as the recent Spanish law foresees, seems a better solution.

In southern Europe, given the specificities of the geographical and socio-economic context, restrictive policies have perverse effects: they promote illegal practices, such as smuggling, which has become one of the main ways to enter fortress Europe, and they fuel the development of the informal economy, giving employment to irregular migrants. Among the different forms of irregular migration, trafficking for sexual exploitation and, to a lesser degree, for labour exploitation, have become crucial issues.

Trafficking is not only a southern European problem: countries with a tradition of immigration such as France, Germany, Belgium, Austria, which do not encounter irregular migration on such a large scale as southern Europe, have been confronted with this problem. Smuggling and trafficking are no new phenomena, but they have increased in recent years all over Europe. The development of trafficking in Europe has different causes, which are rooted both in the receiving and in the sending countries.

Among the factors that stimulate trafficking in the receiving countries, we can consider two factors: restrictive migratory policies and the growing importance of the informal economy, which is no longer limited to some countries of southern Europe. Another specific factor is the demand for cheap immigrant women's labour in the services sector (live-in maids, persons taking care of old people—called '*badanti*', or carers, in Italy—for private persons), because of the ageing population and the change in family relations. The demand for such labour is stronger in southern European countries, where the welfare system is limited, but it is growing also in other parts of

Europe with the informalisation of the services sectors. In countries such as Spain<sup>1</sup> women can even be employed in agriculture. The growing demand for female labour also relates to the development of the sex business or sex industry as a 'commodities' sector.

Considering the countries of origin, we should remember that the socio-economic changes that have taken place in Eastern Europe, one of the most important sending areas, have affected women in particular, who represent the majority of the migratory potential. In other words, the gender dimension is crucial in understanding the phenomenon of trafficking.

There are two lines along which the feminisation of migration is usually investigated. First, by looking at women's motivations to migrate and identifying a growing weight of motives which are solely gender specific and not related to family reunification. Second, by figuring out the increasing number of foreign born women employed in EU countries. From this double perspective women's migration can be analysed in general economic terms by modelling supply and demand components. Sketching such a demand and supply model should also determine how both the situation of women during transition and the structuring of employment opportunities for female work in developed economies impact on the attitudes of women towards migration (El-Cherkeh 2004).

This essay looks at the issue of smuggling and trafficking in southern European countries and in France. The comparison between different realities shows that irregular migration, smuggling and trafficking are now a common phenomenon in Europe, both in the new and in the old immigration countries; they cover, however, different migratory processes, networks and social actors, with changing contexts of departure and of arrival.

Considering the complexity of the issue, scholars might look at irregular migration and trafficking as one specific form of mobility—characterised by over-exploitation of the victims—between the receiving and the sending contexts. They should also avoid the ideological use of concepts that ignore the responsibility of the European migratory policies and of neo-liberal economic organisation.

### **Smuggling and trafficking: concepts and contexts**

During the 1990s, the distinction between the concept of 'trafficking in human beings' and 'smuggling of migrants' was generally accepted.

Both represent a form of irregular migration, but there are important differences between these two phenomena. Trafficking in human beings is a criminal activity aimed at exploiting the trafficked persons; the crimes committed (fraud, blackmail, intimidation, forgery of documents, etc.) during the transfer are steps towards exploitation in illegal/illicit circuits (forced labour, commercial sex industry, begging, pornography). This feature makes the phenomenon a human rights issue and justifies

the definition of trafficking in human beings as a modern form of slavery.<sup>2</sup> Smuggling of persons is a kind of illegal transportation of human beings from the country of origin to the one of destination; the relationship between smuggler and smuggled person generally ends once the destination is arrived at. Currently, the United Nations has elaborated a legal definition of these two phenomena, contained in the two Protocols supplementing the UN Convention against Organised Crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (United Nations 2000).<sup>3</sup>

A more precise definition of trafficking in human beings has been formulated by the Global Alliance Against Trafficking in Women (GAATW):<sup>4</sup>

all acts and attempted acts involved in the recruitment, transportation within or across borders, purchase, sale, transfer, receipt or harbouring of a person (a) involving the use of deception, coercion (including the use or threat of force or the abuse of authority) or debt bondage (b) for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude (domestic, sexual or reproductive), in forced or bonded labour, or in slavery-like conditions, in a community other than the one in which such person lived at the time of the original deception, coercion or debt bondage.

The increase in trafficking has taken place at world level in the last 10 to 15 years. Various studies link the phenomenon with the globalisation process that has transformed the international migratory context. The trafficking of human beings has been worsened by the economic globalisation process, which has produced a contradiction between global consumer and services markets on one hand, and the work force living in impoverished countries which are still 'bordered' by restrictive migratory policies implemented by the rich countries. As I have myself stated in different articles, contraband and trafficking have a long history, but their present developments are a consequence of the new context of capitalistic global economy, *whose intrinsic characteristics promote trafficking* (Campani 2004).

Western Europe is part of this migratory context: restrictive migratory policies attempting to keep out the 'bordered labour force' coming from Eastern Europe, and Third World countries in Asia, Africa, Latin America cannot succeed because of the combination between migratory pressure from the sending countries and labour demand in the informal economies and/or in services in the receiving countries. Restrictive policies can just play the role of filter, forcing migrants to enter illegally and exposing them to over-exploitation. Considering the migratory potential and the fact that the demand for labour concerns largely women, sexual exploitation can easily intervene.

Since the 1980s, scholars have pointed out that one of the features of the new context of international migration is the growing demand for female labour—maids, nurses, entertainers (Lim 1997, 1998)—to be employed in services and especially in service to private persons. Since the mid-1980s, Asian studies showed the

development of the sex industry as a new feature of the present neo-liberal context. The sex industry is promoted in the context of globalisation, the integration of the world into a single economy, where both prostitutes and clients are products of the disintegration 'of local communities, the dissolution of roots or belonging, the break-up of old work models and traditional ways of life and the psychical disintegration of many people who are caught up in great epic changes, of which they have little understanding and over which they have even less control' (Seabrook 1996).

Trafficking may be considered as part of the present migratory system, which includes sending and receiving countries. Inside this migratory system, trafficking can take various forms, according to the national or even the regional contexts and the migrant groups involved. Europe can be considered a specific migratory system, sharing the main characters of the international one, with specific characteristics that vary between the southern European countries, both the recent immigration and the old immigration countries. Even inside Europe, the comparative approach is heuristic as it shows the common patterns of a migratory system and the specificities linked to contexts.

### **The Mediterranean model: irregular migration and trafficking**

The shift of southern Europe from emigration to immigration area occurred between the end of the 1970s and the early 1980s.<sup>5</sup> Italy, Spain, Greece and Portugal had no active policies for recruiting immigrants nor legal instruments for governing the flows, giving residence and work permits, integrating and expelling migrants.

The first research on migratory movements towards southern Europe insisted on the importance of the 'push factors', represented by economic crisis and conflict in Third World countries: new migrations would have been a general population movement from South to North, as a consequence of the socio-economic disaster of the Third World and of Eastern Europe (Sergi 1988; Melotti 1990). This approach considered migration in the framework of North-South relations marked by conflicts, the extension of poverty and the worsening of economic and social differences. The North-South approach was coupled by the East-West one, after 1989, when the socio-economic transition of Eastern European countries led to millions of unemployed.

While not contradicting the North-South or East-West approach, other studies focused on the socio-economic changes that had taken place in the labour markets of the receiving societies because of the crisis of the industrial sector, the increase in flexibility of productive processes, the development of the informal economy and services (Mingione 1995).<sup>6</sup> They remarked that, in spite of the unemployment of local populations, the demand for immigrant labour was growing in some sectors of production and in services. This happened especially in countries where the informal economy represented a large part of the national product, as in Italy or Spain.<sup>7</sup>

In contrast to what had happened in northern Europe in the 1950s and 1960s, in southern Europe the industrial sector was not the main absorber of immigrant labour: immigrants found employment in specific niches that had been abandoned by the native workforce in various sectors, in particular in agriculture and fisheries, in

construction work, in unqualified industrial labour, and in services, where migrant women were recruited to care jobs for young children and elderly people. These jobs, often black work, nevertheless represented a 'pull factor'. Consequently, push factors and pull factors had to be taken into account to understand the new migratory flows towards southern Europe: 'it is the labour market which stimulates illegal immigration' (Campani 1993; Pugliese and Maciotti 1991). As a result of this incorporation of migrants into the informal economy and the absence of a legal framework for regular foreign labour, immigrants were (and still are) both needed by the labour market and over-exploited by employers.

It appeared that a specific migratory system was appearing in the southern Europe, which was different from the one that had characterised northern Europe before the 1970s: it was a 'Mediterranean migratory model' (King 2001; King et al., 1993, 1997, 2000; Pugliese and Maciotti 1991).

In this Mediterranean model, migration begins spontaneously: it is not directed by national or local authorities and is not framed by legislation. The industrial sector is not the main absorber of the immigrant labour force; the informal economy plays an important role in the employment of immigrants, who find specific niches in the labour market. Other characteristics of the Mediterranean model are the variety of the countries of origin<sup>8</sup> and the importance of the female presence corresponding to a growing demand in female jobs (mainly services to private persons). In the migratory flows towards southern European countries, women represent around half of the total.

The political answers to this situation do not solve the problem of irregular migration and of the informal work of migrants. Migratory policies are introduced slowly; they do not present a systematic character and are aimed at solving urgent problems. After the mid-1980s, legislative steps were taken in all southern European countries—from 1986 onwards in Italy; as late as 1997 and 2002 in Greece—but the main aim of these laws has been the closing of borders and not the integration of immigrants. In order to solve the situation of irregular migrants, all the countries have to introduce amnesties or regularisation processes.

Integration takes place mainly at local level for a limited number of the immigrants; in the meantime, the restrictive policies introduced are not capable of stopping the process of irregular migration, which has become even more widespread. Just to give example, in Italy in 2006, it has been estimated that there are 540,000 irregular migrants out of 3,300,000 immigrants. The recent European debates on the arrivals in the Canary Islands show how dramatic is the situation in Spain.

In this context, from the early 1990s onwards, a specific form of irregular migration appeared first in Italy, then in Greece, Spain and Portugal, representing the most perverse effect of the combination of restrictive migratory policies, cultural changes in sending and receiving countries and socio-economic transition in Eastern Europe: trafficking.

Italy is one of the first countries that is concerned by the issue of trafficking. During the 1990s, the phenomenon appeared in Greece, Spain and, finally, in Portugal. Without ignoring the importance of transnational criminal networks from all over the world—Latin America, Nigeria, East Asia—the increase of trafficking in

Europe is connected with the socio-economic changes that have taken place in Eastern Europe and the Balkans. In the countries where migratory flows from this area are particularly important, like Italy and Greece, the phenomenon of trafficking is stronger.<sup>9</sup> In a context when legal migration is not possible because of restrictive policies and smuggling is the only way to enter a country, trafficking can count on a larger network of support.

There are no reliable statistical data for irregular migration and trafficking. Official statistics are partial and the estimates produced by academic research are not numerous. Moreover, estimates can easily be manipulated by the press looking for sensational news and by political interests (campaigns on security have a clear political motive).<sup>10</sup>

### **Migration, trafficking and government policies in Italy**

Italy is the ideal type of the Mediterranean model of immigration. Migration started spontaneously, in a legal limbo. Migratory policies were introduced slowly, responding to urgent problems through ad hoc measures. Instead of an efficient management of the new flows, regularisations or amnesties were the instruments used to give legal status to irregular immigrants already on the national territory. It must be stressed that, in Italy, the majority of immigrants have experienced, at one moment or another of their migratory trajectory, illegalism: the majority of regular immigrants have become such because of the regularisations.

Amnesties or regularisations (*sanatoria*) have taken place on average every five years (1986, 1990, 1996, 1998, 2003). The last one was effected between 2002 and 2003 by the right-wing government, which, in spite of a xenophobic discourse, had to do something for irregular immigrants, especially for some categories such as home carers (domestic workers and *badanti*, taking care of old persons). Of the 704,000 immigrant workers who have requested regularisation, 690,000 have been successful.

Since the beginning of the migration phenomenon, gender has been an important variable in migratory trajectories. There is a clear-cut male–female division in the labour market, corresponding also to different national and ethnic groups. The majority of migrant women found and still find jobs only in the area of people caring, where there is little social and professional mobility, while men, who begin the migratory trajectory working in precarious jobs, may eventually end up in more stable and profitable jobs, moving from one area of the country to the other and from one sector to another. The gender factor is crossed with the ethnicity: among the Filipinos, who mainly work in domestic services, women make up around 70 per cent of the total, while among the Senegalese, who are mainly street-vendors, males represent about 90 per cent.

The phenomenon of trafficking for sexual exploitation appeared in Italy in the early 1990s. The first wild estimates spoke of 200,000 trafficked women. Serious investigations undertaken in 1996 showed that of around 30,000 foreign prostitutes, around 10 per cent had been victims of trafficking, having been completely cheated about their destination. Now, estimates speak of 50,000 prostitutes: the question of

how many are trafficked is very controversial among the NGOs. Trafficked women come from different countries, Africa, Latin America, Eastern Europe and the Balkans. Women from Nigeria arrive through criminal networks, in the absence of migratory flows from this country. On the contrary, trafficked women from Albania, who were the most important group for a time, were part of massive migratory flows from that country towards Italy.<sup>11</sup>

The majority of trafficked women come from Eastern Europe, which is now also the origin of most immigrant groups. At the beginning of 1980s the most representative nationalities in Italy were composed of immigrants from Eritrea, Somalia, Cape Vert, the Philippines and Tunisia; in the 1990s, the most numerous nationalities were Morocco, Albania, Romania and the Philippines. Now, the majority of the immigrants come from Eastern Europe: the most important group is today represented by Romanians (240,000), followed by Albanians (227,000) and by Moroccans (224,000). These are the three most important nationalities, followed by 121,000 Ukrainians.<sup>12</sup>

The reasons why the majority of the trafficked persons come from Eastern Europe is not only due to a proportional link—number of immigrants—number of trafficked persons—but the feminisation of migratory flows from Eastern Europe is also an important fact. Trafficking can be seen as a consequence of the weak economies and poor job opportunities that have hit women especially in the countries of Eastern Europe in transition reducing many of them to a position of vulnerability. At the same time, the feminisation of migration responds to a labour demand in Italy. Our research has shown, however, that, in the case of Albanian migration, trafficking has been a part of the Albanian migratory flow: the restrictive migratory policies have forced the Albanians to use smugglers to enter Italy (mainly boat-owners, the so-called *scafisti*). The development of this illegal activity has encouraged trafficking for sexual exploitation.

In Italy, trafficked women end up mainly in street prostitution, but, according to the information given by the representatives of NGOs, the number of women exploited in street prostitution markets is decreasing, because there has been a *displacement* of the trafficked women into other sex markets, especially in apartments, hotels and nightclubs. This is due to a variety of reasons: the regular round-ups of the police in prostitution areas, both in the streets and in public places; the ‘crisis of the supply’ from part of local prostitutes requiring high prices (high-level prostitution); clients who go abroad for sex tourism are used to buying sexual services in apartments; the exploitation of prostitution in closed places is less visible and, thus, less risky (for exploiters to be caught). It is, of course, more difficult for the social operators and the police to discover this aspect of trafficking in human beings.

Cases of trafficking for the purpose of forced domestic labour (without any salary) have been detected, involving especially women between 35 and 40 years of age. These women usually arrive in Italy through apparently regular ways, such as using visas (bought in conniving embassies) for entering a Schengen country. Other cases of trafficking have concerned minors for begging on the streets and women (especially from Eastern European countries) who have been recruited by ‘fictitious

working agencies' in their countries of origin and were afterwards forced to get married with elderly Italian men.

Denounced first by international organisations such as IOM and NGOs, trafficking has been at the centre of the Italian political debate: Italy is the country in Europe that has introduced the best protection law for victims of trafficking, the so-called Article 18 that gives a stay permit to the victims of trafficking if they are in danger, under the protection of NGOs.

Trafficking has also been exploited to introduce repressive measures against irregular migration as such, especially in the last five years, characterised by the exploitation of migration in electoral campaigns by the political forces of the centre-right, by the reintroduction of populist rhetoric into political debate, and by the approval of a restrictive law on migration during the years of the centre-right government (Law on Immigration, No. 189/2002, the so-called Bossi-Fini).

### **Trafficking in Greece, Spain and Portugal**

After Italy, Greece is the southern European country that has been most touched by the phenomenon of trafficking. Different reports from the Council of Europe, UNICEF and Save the Children state that trafficking has contributed to making Greece a country of immigration.

The situation of trafficking in Greece is similar to that in Italy: it is the result of the activities of specific criminal networks, such as the Dominicans, and is a part of the most important migratory flows, which come mainly from the Balkans and Eastern Europe. Trafficking is just one component of these flows, in which the migrants are forced to use smugglers to enter the European Union. Trafficked women are the weakest part of a migratory potential that exists in the sending countries.

First to arrive in Greece, in the early 1980s (1983–84), were foreign prostitutes from Poland, Thailand and the Philippines, a few thousand people in all (Lazaridis 1996). They were generally over 25 and went to work in clubs. Some women from the Dominican Republic were also trafficked to Greece at this time. Since 1990 trafficked women, following the general pattern in migration, arrive, in their crushing majority, from Eastern European countries. The main countries represented remained more or less the same until today. Russia and the ex-Soviet Union Republics constitute the main source of trafficked women. From the Balkan countries it is mainly Romania, Bulgaria and Albania that are trafficked to Greece. This information has been presented in a recent report on trafficking in Greece prepared by the Reintegration Centre for Migrant Workers (Working paper on Trafficking in Women in Greece).

Estimates regarding the scale of the phenomenon in Greece vary considerably. A recent UNICEF study estimates up to 75,000 foreign women who are prostitutes in Greece, while the number of persons involved in the phenomenon would be more than 210,000. According to IOM, 240,000 people in Greece live out from the exploitation of 20,000 foreign women more or less forced to be prostitutes. A recent piece of detailed research gives lower numbers: 'On the basis of the information

available by the police, the Unit Against Human Trafficking of the Ministry of Public Order (OKEA) estimates the number of trafficked persons for sexual exploitation to 14,000. (...) No other reliable estimates are available in Greece.' This sentence can be found in the Working paper on Trafficking in Women in Greece written by the Reintegration Centre for Migrant Workers, an NGO working with refugees, migrants and women victims of violence). However, a large number of arrests and court convictions (284 perpetrators were arrested and convicted in 2003 and 352 in 2004) show that the problem is acute and the violence of the phenomenon has mobilised public authorities and NGOs.

The descriptions of immigrant female and child prostitution in Greece presented in research are shocking (see Psimemos 1997 Lazaridis 1996 Ruggiero 1997, Lazaridis and Romaniszyn 1998; and Papantoniou et al. 1996, 1998). In order to respond to this situation of exploitation and violence, the Greek government has created various institutions to combat trafficking, such as the Inter-ministerial Committee on Trafficking; the Unit against Human Trafficking (OKEA) and a specific Inter-ministerial Committee with objective of 'combatting of trafficking in human beings'.

A new Law (Law No. 3064/2002)<sup>13</sup> concerning trading in human beings and in women was passed by Parliament in July 2002. Through this law offences relative to trafficking and forced prostitution have been described with more precision and penalties have become stricter. Moreover, the law foresaw the issuing of a Presidential Decree, which would define the means and modalities of offer of assistance, of protection and of support for the victims as well as the organisations that would take over the task.

The phenomenon of trafficking seems less important in Spain and Portugal. Transcrime (2002), in its pilot research aiming at estimating the number of trafficked people for sexual exploitative purposes, has calculated (on the basis of official statistics) that the victims of trafficking in Spain 'falls within the interval of 4,120 (min.) and 8,240 (max.) for 1999, and of 3,920 (min.) and 7,840 (max.) for 2000'. In Portugal there are no statistics, but the numbers seem to be limited.

In Spain, trafficked women come from Africa, Latin America and Eastern Europe. They are generally induced to exercise prostitution in clubs, hotels or apartments; just a minority is forced to work in the streets.<sup>14</sup> The first flows of trafficked people came mainly from Latin America (the Dominican Republic, Brasil). It must be stressed that prostitutes working in the streets are mainly transsexuals from Latin America.

Flows from Eastern Europe have increased in recent years and, with them, the phenomenon of trafficking. Recently (July 2002) the police detected a criminal network used to traffic Rumanian women to Alicante, capturing ten traffickers and individuating at least 125 trafficked women, including minors, forced to prostitute themselves in clubs and apartments.

As we have seen, in all the four countries, women are recruited both in Eastern European countries (former URSS, Ukraine, Rumania, Moldovia, Bosnia) and Sub-Saharan Africa (Nigeria, Congo, etc.). However, there are *preferential flows* towards one or the other country: Albanians tend to go to Italy and to Greece, migrants

coming from Latin America<sup>15</sup> to Spain (speaking the same language, they avoid the problem of being understood in a foreign country), Brazilians to Portugal.

In all the four countries, in spite of the differences, trafficking has developed in contexts characterised by the importance of irregular migration. It can be interesting to see how the phenomenon of trafficking appears in a country like France, where irregular migration is a more limited phenomenon.

### **Migration, trafficking and new slavery in France**

France is an old immigration country, where different immigrant communities have settled since the period between the two world wars. Unlike other European countries, France has encouraged family reunification and promoted the settlement of immigrant populations through naturalisation policies. French nationality was granted to the first generation and, automatically to the second generation born in France. Main immigration groups were traditionally southern Europeans (Italians, Portuguese, Spanish) and Maghrebians (Algerians, Moroccans, Tunisians). Immigration policies changed in the mid-1970s when, as other European countries, France introduced restrictive migratory policies. Labour immigration was stopped: the doors remained open only for family reunification and asylum.

In spite of restrictive policies, during the last 20 years, France has also received new migratory flows from Third World countries in Africa and Asia. The regularisation of 1998 has showed that the national origin of the immigrants are today much more differentiated than they were before: if the majority of the regularised are still from the African countries that were colonised by France, such as Algeria, Morocco, Mali and Tunisia, many immigrants come from Sri-Lanka, China, Togo, Haiti and Cape Verde. They belong to new migratory flows, without any colonial link with France (De Wenden 2001).

After 1989, new flows have also arrived from Eastern Europe. However, in comparison with other European countries, France is not the first destination for Eastern Europeans. Between 1980 and 1990, France received refugees 60 times fewer refugees than Germany from Eastern Europe (De Wenden 1994). The Census of 1990 counted 60,000 Eastern Europeans, mainly Polish (46,283), which did not represent a high proportion of the total of 4,100,000 immigrants. The situation did not radically change in the following decade. In spite of a growing number of Eastern European asylum seekers, mainly Romanians and former Yugoslavians, the number of Eastern Europeans remain limited (Laidi 1997). Many migrants are, by the way, 'commuters', remaining just for a period of the year in France, as it is shown by the research of Dana Diminescu (1998) (see also De Wenden 2000). France seemed not to have 'la c<sup>^</sup>ote' (have a high rate or score), as De Wenden writes, that is, not to be the destination of first choice: research done by the IOM in 1993 on potential migrants from Russia, Ukraine, Bulgaria and Albania showed that only 5 per cent of them chose France as their country of destination, far behind the USA, Canada, Australia or, in Europe, Germany (De Wenden 1994).

The geographical position of France has certainly played a role too in limiting the flows from Eastern Europe. Austria, Germany and Italy have probably played a role of 'filter' in front of these migrations. France has no borders with Eastern European countries and no coasts close to the Balkans. Because of France's geographical position, smuggling routes are between France and other European countries. Smuggling routes pass mainly through Italy (the border at Ventimille, near Nice and Menton), Spain or Germany. Cases of boats of refugees, as that with 1,000 Kurdish (men, women and children) arriving on the Var coast in 2000, are rare.

In France, the phenomena of smuggling and trafficking are clearly divided: trafficking is mainly the activity of organised networks, which operate at transnational level. Trafficking for sexual exploitation is the predominant form of trafficking in France: it is linked to networks (in French *filières*) of prostitution, mainly from Eastern Europe and the Balkans. Some networks are African and South American. Traffickers bring their victims into France through different routes; it seems that there are no typical geographical trajectories, as traffickers tend to use the easiest one at that particular time. However, Albanian prostitutes are trafficked through Italy and Czech prostitutes through Germany (Colombani, audit in the Report of M. Alain Vidalies, 2001).

Another form of trafficking concerns unaccompanied minors, mainly from Romania, who are brought in for petty criminal activities. There too, very organised networks are involved. Trafficking for labour exploitation concerns mainly the Chinese community. There is another form of trafficking which does not operate with networks, but with private families or small groups of Africans: it is the trafficking for domestic slavery, against which the French Committee against Modern Slavery (CCEM) (Comité Français contre l'esclavage) is very active. To summarise, there are four different areas in which trafficking in human beings has become relevant in France:

- Trafficking of women for sexual exploitation;
- Trafficking of minors (children) for begging, petty theft, burglary, labour and sexual exploitation;
- Domestic slavery or servitude;
- Trafficking for labour exploitation.

In France, a specific form of trafficking concerns unaccompanied minors who are victim of domestic exploitation: these are minors brought to France to serve as family servants in a new form slavery. They are compelled to carry out domestic tasks for 12 to 18 hours a day, have no free time and live in bad conditions (sleeping on the floor, little food, etc).

The phenomenon was denounced by CCEM, which identified 300 cases in eight years. This NGO, founded in 1994, specialises in the fight against domestic exploitation in France. The founders of the NGOs had been active in the fight against

situations of slavery in Africa, Mauritania, Somalia, Soudan. In Europe, they had worked on the situation of domestic workers in London and Geneva. Enquiring about the Filipino community in Paris, they soon encountered forms of total dependence. The situation soon appeared not to be limited to the Filippino community: a young Erythrean was discovered to be sequestered in the apartment of the member of the Lebanese Embassy. Soon other cases, mainly concerning African women, were discovered.

Victims of domestic exploitation, adults and children, are mainly women (76 per cent) from Africa (80 per cent) (Western Africa, Morocco and Madagascar) and Asia. One-third of them were minors upon their arrival in France.

In order to understand better this phenomenon, it must be borne in mind that in many African countries, particularly the West Coast of Africa, Benin, Ivory Coast, Togo and Morocco, it is common—we could even say, it is part of tradition—in very poor environments to give one's child to friends, neighbours or even richer people, who promise to take care of the child's education. In practice, in many cases, children are not educated and they are used as slaves by the hosting family (Vaz Cabral 2002). The CCEM distinguishes three typologies from the point of view of status:

- victims who are over 18. They come with tourist visas. Their passports are taken by the employers who want to keep them in irregular situation in order to exploit them better;
- victims who are minors: they are generally on the passport of the employers/exploiters, who pretend they are their own children;
- domestic working for foreign diplomats, who have a special card, depending on the employer.

The cases of domestic slavery are a specific form of trafficking for labour exploitation.

In France, other forms and cases of trafficking for labour exploitation have been denounced in the Chinese community. In this case, it is very important to make a distinction between the 'traditional' migratory chain, for example, of immigrants from the town of Wehnzou, in the Zhejiang (another part of the Chinese community is from South-East Asia), and these new forms of trafficking from other parts of China. Even in the Wehnzou chain, forms of smuggling existed and exist: new immigrants are often 'smuggled' into France, where they have to work very hard for paying the debt. But they are not trafficked nor are they slaves. They just pay a huge price for coming to France and then they have to work very hard.

On the contrary, in the last few years a new form of immigration from northern China has appeared. The immigrants are between 35 and 45 years old. Their debt is paradoxical lower than that of the Wenzhou, but they cannot enjoy the network of solidarity of the Wenzhou. Some of them have been sequestered, their passports have been taken and they are forced to work all their lives to pay off their debt (Boudin,

audit in the Report of M. Vidalies, 2001). Recently, even sexual exploitation has appeared among the new flows of smuggled/trafficked Chinese women.

The issue of trafficking has interested the French political powers since the mid-1990s as a consequence of the growing awareness of the presence of East European and African prostitutes, some of whom appeared to be minors. It has become one of the topics evoked in the debate on security and prostitution. A Domestic Security Bill, prepared by the Minister for the Interior, Nicolas Sarkozy, was brought into force in March 2003 after successful readings in both houses of parliament. This bill was presented as a response to the widespread feeling of insecurity among the French public. However, parties of the Left, trade unions, associations concerned with human rights, poverty and social justice, NGOs working to enable prostitutes to access health, social and legal services, have strongly criticized the bill, writing petitions, organising demonstrations and demanding calls for action.

### **The feminisation of migration from Eastern Europe: the victims and the traffickers**

We have seen that the comparison between southern European countries and France shows the existence of various forms of trafficking: it appears, however, that trafficking for sexual exploitation represents the most important part of trafficking in Europe and that the biggest group of trafficked women comes from Eastern Europe and the Balkans.

Eastern Europeans can be found in the four southern European countries, even in Portugal, and in France. They come mainly from Russia, the Ukraine, Moldavia, Bosnia, Kosovo, Romania, Bulgaria and Albania,<sup>16</sup> where women represent the largest part of potential migrants.

The important research of Tanja El-Cherkeh, titled *EU-Enlargement, Migration and Trafficking in Women* and published in 2004 has insisted on the importance of having a gender-specific approach to east-west migration. In fact, women and men in Eastern Europe have been affected differently by the changes in employment and earning opportunities caused by economic restructuring during the transition and EU accession.

In the majority of East European countries poverty disproportionately affected women (UNICEF 2003). This disproportional impact is in part due to women's lack of access to formal education and employment. Market-oriented reforms in Eastern Europe are often not to the benefit of women if they lack the economic power in the workplace or in their communities or families (UNICEF 2003).

While the participation of women in the labour market has been nominally encouraged by the former socialist regimes, this obligation-like commitment transformed into a burden for women during transition (UNICEF 2003). As a consequence, female employment has decreased more markedly than female labour force participation. Most affected by the growth in unemployment were younger women. The high unemployment rate of younger women in the transition explains much of the very high rates of poverty and social distress in some East European

countries and what is being called the ‘feminisation of poverty’: because female-headed households experience higher unemployment rates or are restricted to low-income and informal employment, they are more likely to be poor and less likely to obtain formal education and health care. Given these conditions, it can be said that there is a gendered migration pressure from Eastern Europe.

Using standardised samples of East European survey respondents from the Candidate Countries Eurobarometer 2002 the cross-tabulations of gender and variables related to migration intentions prove an overall high propensity for women from EU accession countries to migrate. It is worth noting that women from Romania and Bulgaria—who earn on average the lowest incomes in Eastern Europe—display a high propensity to migrate, both in absolute terms and compared to the intentions of co-national men.

Rather than questioning the overall numbers, El-Cherkeh (2004) analyses attempts to empirically identify gender specific motivations for migration. The relevant question is whether women’s motivation in migration fits the family migration model? In case this does not happen, the consequence will be that women are likely to migrate independently from their families.

Hoping to escape misery and begin a better life, Eastern European women, who generally have a medium-high level of education, try a ‘migratory project’ that cannot be achieved in a legal way. Thus they make use of the services provided by traffickers (advertised in newspapers, or in fictitious travel/working agencies). Women are sometimes promised legal work and sometimes already know that they will work as prostitutes, but in any case they do not suspect the conditions of harsh exploitation they will suffer in Europe (street prostitution, violence, rape). Others women—but they are a minority—are just cheated: they expected to become mannequins or employees. As El-Cherkeh writes:

Most of the individual trafficking experiences originate in strategies of (failed) circulatory migration.<sup>17</sup> Given the poor opportunities in the regions of origin, women have a strong motivation to seek employment abroad. This migration pressure and the restrictions to legally enter the EU labour market explain the growing probability of migrant women ending in vulnerable situations...It is important to remember, that despite relatively high unemployment rates, in the majority of EU countries there is a growing demand for foreign labour and particularly for the undocumented work of women.

The EU is thus a pole of attraction for many categories of migrant women from Eastern Europe who ‘settle into mobility’. The most vulnerable of them end up trafficked.

### **The traffickers**

Between the push factors and the pull factors, the demand and the offer, there are the victims and the traffickers who organise this perverse form of mobility. There is

relatively little information about the traffickers, the actors who make the trafficking move.

Using the statements of privileged informants (in this case police and law enforcement agents, which are the main source of information on criminal organisations) and the information collected during different conferences on THB in Italy, France and Portugal,<sup>18</sup> it is possible to outline the main characteristics of the criminal organisations controlling the human trade towards Europe.

According to the Italian experts, as far as the organisational structure of the criminal groups is concerned, it seems possible to differentiate among/ identify/ classify three main levels of activity:

- high level, which is related to the so-called ethnic organisations that plan and deal with the transfer of their fellow nationals from the country of origin to the country of destination;
- medium level, which involves the criminal organisations responsible for the operational phase of the journey, operating in strategic territories due to their position at the border with the destination countries or with those representing an obliged route;
- low level, which is represented by minor criminal organisations operating both in the transit countries and border areas with the destination countries, which are concretely responsible for crossing the borders.
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The three levels are simultaneously present in the countries considered. Transnational criminal organisations achieved a high organisational level in relation to operational capacities, numerical composition (including members of different nationalities) and the capacity to act simultaneously in various countries and illegal markets. The criminal groups particularly active in this field are Albanian, Russian, Turkish, Nigerian and Chinese. The importance of the different ethnic groups varies from one country to the other, according to endogenous conditions.

According to the French police, however, the majority of the Eastern European networks exploiting prostitutes in French territory are not organised in a permanent, centralised and vertical way as the mafia are. Traffickers may be just small groups of people, who are ‘in the sex business’ through the exploitation of their victims. For this reason, trafficking networks are quite flexible. The points of view of the Italian and French experts are not contradictory: the French police is referring to the medium and low level, the high level not being directly involved in trafficking operations.

In 2000, French police disbanded 23 trafficking and prostitution networks, 14 of which were from Eastern Europe and the Balkans: five networks were from Albania; two from the Czech Republic; two from Ukraine; one from the Slovak Republic; one from Kosovo; one from Russia; one from Bulgaria; and one from Lithuania. The other networks came from Africa (Cameron and Nigeria); Latin America (Cayenne-

Brazil, Guadeloupe-South-America; Antilles-Guyana; Ecuador); Asia (one from Indonesia).<sup>19</sup> One network came from Morocco.

The idea that the traffickers were highly organised in both the process in general and everyday practice was also expressed by the Spanish experts: THB is controlled by transnational criminal networks engaged also in other illicit activities, such as money laundering, drug trafficking, forgery of documents and so on. (Alberola 2002).

'Foreign criminal organisations' have complicities in the country of departure and in that of destination. For example, a few years ago, a visa market was discovered that was organised by employees in the Italian Embassy of Lagos, Nigeria.

In Italy, the information obtained suggests that the relationships between the traffickers, the so-called foreign criminal organisations and the Italian ones (Mafia, Camorra, Sacra Corona Unita, N'drangheta) consist mainly of business relationships, that is, exchange of certain services and/or products. On the one hand, the Italian criminal groups allow the landing of illegal immigrants on the southern coast of Puglia, Calabria and Sicily, ensuring the control of the territory in order to prevent any counter activity by the police forces and providing the relevant logistic assistance. On the other hand, they are given drugs, arms and tobacco consignments or, as an alternative, agreed sums of money for each landing. Moreover, they are given money to 'rent' a certain 'territory' in which the trafficked women are exploited as prostitutes.

Sometimes former prostitutes living in Italy with a regular residence permit act as intermediaries between the would-be migrants and the traffickers, making it even more difficult to detect the criminals (who in certain cases live abroad). At the beginning of the 1990s, the Russian mafias controlled the trade of Eastern European women towards Italy; at that time the women used to work for a period of three months and then returned to their countries. Currently, Albanian criminal networks (but also Romanian ones) control the trade with Eastern European women, who are bought into EU countries. Thus, the criminal groups invest an initial sum of money to start the THB activity, producing a harsher control of and more exploitative conditions for the trafficked women (who have to pay back their debt with the organisation). These networks are well organised, with a precise distribution of roles (recruiters, transporters, forgers of identity documents, etc.) amongst the members of the organisation.

## **Conclusions**

Both irregular migration and trafficking are embedded in the present socio-economic context of Western and Eastern Europe, of southern and northern Europe. It is difficult to separate trafficking from the migratory system, and to make of it just a criminal action that can be eliminated through new repressive measures. Trafficking is stimulated by restrictive migratory policies, which have been implemented in Europe and continue to be implemented. If the answer of the various governments is just more repression against irregular migrants, victims will be at greater risk before the traffickers. Restrictive migratory policies and repression appear especially

inadequate in southern European countries, such as Italy and Greece, whose borders cannot be controlled because of their geographical position and whose economies need migrants, especially migrant women for the care of children and elderly people in the absence of a welfare system. The demand for women labour in Europe is another factor that must be considered in relation to the development of trafficking.

Trafficking is stimulated by restrictive policies, but it is also a direct consequence of neo-liberal policies applied in the transition countries of Eastern Europe. Eastern European girls do not like to be prostitutes any more than Western European girls, but they find themselves in a no-hope situation which they want to leave. It can be said that restrictive migratory policies and the neo-liberal transition in Eastern Europe are at the origin of the most important part of the phenomenon of trafficking. This means that we have to look at the complexity of the factors that are behind trafficking. Sharing the point of view of El-Cherkeh (2004), we can say that:

Our point of view is that taking seriously the ways in which gender, migration, immigration, legal jurisdiction, human rights, economics, exploitation, and globalization all continently but distinctly contribute to the phenomenon of trafficking has the potential to produce if not answers, at least discerning frames in which we can move beyond the ideological retrenchment around and governmental resistance to assisting trafficked women. Which policy conclusions –in fact- could be drawn for preventing the trafficking harm?

Trafficking cannot be fought only with a repressive approach, which currently predominates in the Europe in spite the NGOs' proposals for a more comprehensive approach and the attempt of the European Commission, through some ad hoc projects, to pay more attention to the victims. Good answers can be considered, in Italy, Article 18 for the protection of victims of trafficking and the Spanish law introducing a permanent mechanism of regularisation for irregular migrants.

## Notes

1 The replacement of Moroccan men in Spanish agriculture by Polish and Romanian women can be traced back to the preference for cheap and docile labour for low-skilled, low-paid jobs.

2 In fact, the trafficked person is strictly linked to the traffickers by a debt bondage that must be paid off through long-term exploitation.

3 United Nations General Assembly (2000) *UN Convention against Transnational Organised Crime*, A/RES/55/25, Palermo, Italy. The definition of trafficking in human beings in Law 2003-239 is not very different from that of the IOM, who considers that 'trafficking is established when a migrant is involved in an illicit way (kidnapped, sold or simply recruited) and/or is transported, either within a country, or to a third country. Traffickers benefit from it, at some stage of the process are involved, in an economic or any other manner, by fraud, coercion and/or other forms of exploitation, under conditions which violate the fundamental individual rights of the migrants' (IOM 2002).

4 A 'descriptive definition' provides an analysis of the key elements and phases that characterise a phenomenon; while a 'prescriptive definition' aims at regulating (directly or indirectly) the phenomenon through the intervention of institutional authorities, at national and international level (Pastore 2002).

5 The introduction of containment policies all over northern Europe and historical reception area for immigrants during the 1980s has certainly influenced the arrival of immigrants in southern Europe.

6 Venturini (1989) asserts that migration flows were no longer the result of an overall quantitative imbalance of the labour markets in the receiving countries. Sectors' imbalances may arise in situations of unemployment where they are produced by the labour market's segmentation process and apply mainly to jobs at the lowest or highest rungs of the occupational ladder.

7 In Italy, the informal economy touches around 30 per cent of the national product, according to some estimates.

8 In e.g. Italy, according the Italian Institute of Statistics (ISTAT), the pupils of foreign origin in schools came from 189 nationalities in 2002–03 .

9 This would explain the important differences between Italy, for example, and France, which has been less touched by the trafficking phenomenon as we will see in the next sections.

11 In the Otranto channel, between Albania and Italy, smuggling directed by so-called '*scafisti*' (boat-owners), has for many years been an important source of income. The changed economic situation of Albania and government intervention have reduced this activity.

12 The growing importance of the Eastern is the most significant element of the last regularisation (amnesty) process in 2002–03. In the meantime, some national groups have started to decrease in number, as e.g. the Cape Verdians, the Tunisians and the Filipinos.

13 When the trafficking bill was prepared various feminist and human rights organisations created a study and lobby group called the Galatsi Group.

14 Most of the people working as prostitutes in the streets seem to be drug addicts and/or old Spanish women.

15 Especially Colombia and Ecuador.

16 Albanians are diminishing in street prostitution in Italy, probably because they are moving towards other countries and because there is a saturation of supply (Albanians are not so numerous!).

17 The author describes the characteristics of east–west migration as circular movements, short-term stay, informal or irregular residence status.

18 Prostitution e Migrazioni. Soggetti, diritti, condizioni di vita e di salute. Una prospettiva europea, U of Padua, May 2002; International STOP Conference, Osservatorio sull'art.18 del D.Lgs.286 del 25/7/1998 nel contesto delle norme di contrasto della criminalità contro i migranti, org: Region of Emilia-Romagna and the European Commission, May 2002, Bologna; Trafficking in Human Beings and Police Cooperation, Fondazione Cariplo and Associazione Irene, fin: European Commission, June 2002, Milan.

19 In France, some cases of trafficking for sexual exploitation have as well concerned Asian women. See Boudin, audit in the Report of A. Vidalies.

Ilse van Liempt

## Human Smuggling: Types, Origins and Dynamics

### Introduction

In the age of globalisation it has become relatively easy for certain groups to migrate; for some people mobility has even become a lifestyle, expressing their free spirit. Mobility in this case goes hand in hand with a positive view of travelling and tourism, especially for businessmen and researchers like me who travel around the world. Others, however, have to jump high hurdles to achieve the same levels of mobility. For them a tightening of the rules has come into being. In *Guests and Aliens* (1999) Sassen refers to a distinction between wanted and unwanted migration. This essay will deal with the causes of so-called 'unwanted' forms of migration. I will focus on migrants who have been smuggled towards the Netherlands coming from three different regions: Iraq, the Horn of Africa and the former Soviet Union. Why do people from these regions need smugglers in order to migrate? Apart from the causes, attention will also be paid to the consequences of these specific forms of mobility. To what extent do smugglers give direction to the migration process and how much autonomy do migrants themselves have within this irregular migration process?

### Why do people need smugglers?

'Illegal' migration is very often identified with migrants who are not allowed to migrate and who therefore must be 'economic' or even 'selfish' migrants. If we take a closer look at the reasons our respondents had for migrating with a smuggler the picture however becomes more diverse than just economic motives. For most of our respondents there were no alternative ways to travel other than to go with a smuggler. For people from Iraq it was often not easy to leave their country since they need exit visa to do so. Thus, smuggling takes place not only because people cannot enter Europe, but also because they cannot leave their own country. An extreme example comes from an Iraqi woman we interviewed. She had an official invitation for a family reunion in the Netherlands, but was not allowed to leave Iraq. She thus needed a smuggler to get her out of the country. She first went from Iraq to Iran by car, and in Iran forged documents were made for her so that she could fly through Dubai. Unfortunately, she was caught in Dubai because her papers were not in order. The official invitation moreover was for an Iraqi woman and not for a woman from Iran, so the whole story became unbelievable. She was put in detention and her husband had to fly from the Netherlands to Dubai with the official invitation to go and get her.

Another reason why people need smugglers has to do with the fact that people who have been politically active are often not in a position to apply for a visa or a passport, as they cannot make themselves publicly known. Some of my respondents

had to hide during the contact phase while others had to negotiate with smugglers on their behalf. There are also people who first move to a neighbouring country and only then decide to migrate further with a smuggler. Sometimes it is not safe to return, and the conditions in the camp are bad. People may also have a legal option to migrate, for instance official resettlement, but they may not have time to wait for the whole bureaucratic apparatus to get started. For example, a Kurd from Iraq whom I interviewed was waiting in a refugee camp in Ankarra, his status already confirmed by United Nations High Commissioner for Refugees UNCHR. But then he heard rumours about deportations taking place and two Iranian boys were send back to Iran from the camp and were subsequently killed, so the man became so scared that he contacted a smuggler. Refugee camps are 'hot spots' for smugglers because there is a whole reservoir of people willing to migrate abroad.

For people from the former Soviet Union there was a huge exit problem before 1991, when smugglers were needed to escape the communist regime. After the collapse of the Communist regime it became easier to travel, but people now have to fit certain criteria if they want to apply for a visa. A young single man will not easily get a visa, for example, as it is feared he will overstay. For this reason people have started to travel under other headings. Agencies are sometimes involved in faking travel identities. From certain asylum-producing countries like Chechnya, Azerbaijan or Tajikistan, smugglers are still used. But migrants from for example the Ukraine, often manage to travel on their own or at least with the help from a travel, labour or mail order marriage agency. We can call this 'help' smuggling or, in a wider sense, we can call it the migration industry.

### **Smuggling as an alternative to restrictive policies**

If migrants cannot find a legal way to enter a country smugglers may help them to find alternative ways. The first report on human smuggling in the Netherlands, *Plan van Aanpak Mensensmokkel*, was written by the Special Prosecutor against Human Smuggling in 1996. It is based on 867 smuggling incidents that took place in the period between November 1994 and April 1995. The report states that most asylum seekers in the Netherlands are smuggled into the country, while the degree to which human smugglers are used varies according to the migrants' country of origin and individual opportunities. Hesseling and Taselaar claimed that the role of smugglers in the arrival of asylum seekers in the Netherlands was between 10 (Guinea) and 60 per cent (Caucasus and Russian Federation) (Hesseling and Taselaar, 2001: 340-49). The definition of human smuggling used in these reports refers to persons who have entered the Netherlands without valid travel documents, are assisted by a travel agent and have paid a sum of money for this assistance. When we widen the definition of smuggling, the average number of asylum seekers being assisted in one way or the other when crossing a border is as high as 94 per cent (IND 2000).

### **Research on human smuggling**

Data on human smuggling is scarce in Europe. Most data is collected by law enforcement agencies and not for research, and any writing on the subject has been 'media driven' (Salt and Hogarth 2000: 11-64). Recently it has been foremost the International Organisation of Migration (IOM) that has published on human smuggling. On the basis of IOM data in Hungary, Poland and Ukraine, a model for human smuggling and trafficking was developed (Salt and Stein 1997: 467-89). In this model international migration is conceptualised as a global business with licit and illicit sides. Salt and Stein were the ones who theoretically divided the smuggling process into three stages: mobilisation; en route; and insertion. This division of the smuggling process is very relevant, since we normally think about migration as taking place in one step—from one place to another—whereas irregular migration can take place in several steps and is very dynamic in character.

In the mobilisation phase, contact is made between migrants and smugglers and the preparations are made. In the transit phase, the actual moving takes place, and documents, transport and shelter need to be arranged. Certain cities, like Istanbul, clearly function as hubs to which migrants are brought from different countries and are grouped for onward transfer to other destinations. In the entry phase, migrants need information on asylum or work possibilities and shelter needs to be found. In cases where the migrant has well-established friends or relatives, this may be relatively easy to attain. Among asylum seekers and others who arrive 'spontaneously' this frequently is not the case.

A critique that can be made of this model is that it presents the smuggling business as a closed circuit, while in reality this is often not the case. The model implies that smugglers recruit migrants and the money paid to them is used to invigorate the business. Migrants in their turn send money back home (if they find a job) and this money is paid again to smugglers who bring new family members/friends abroad, which keeps the business going. In reality people might need several smugglers, who are not all connected to each other, to reach their goal. As such the process does not always evolve in linear fashion as portrayed by the model. Where there are several smugglers, the last smuggler in the chain determines the final outcome. Moreover, the migrant in this model is seen as a passive actor (more a commodity than a human being) who simply follows the smuggler. Migrants might, however, have preferences for specific smugglers or even arrange certain parts of the journey themselves. Besides, they can update themselves during the course of the process, which can affect their preferences and so change the decisions they make.

### **Smuggled migrants' perspective on the issue**

Data was collected in the Netherlands between May 2003 and May 2004 for a PhD thesis. In total, 56 smuggled migrants from three different regions, namely Iraq, the Horn of Africa and the former Soviet Union, were interviewed. Interviewing was used as the methodology in order to get an insight in how the smuggling process

works for the migrants involved. Additional interviews were held with representatives of non-governmental organisations and law enforcement agencies to better understand the wider context in which smuggling takes place.

For the data collection we made use of research assistants from the same communities as the migrants and most interviews were carried out in the respondents' first language. The interviews were later translated into Dutch or English. As the topic of human smuggling is a sensitive one, anonymity and confidentiality were assured. We tried to create an open atmosphere in which respondents could refuse to answer certain questions and/or raise topics they themselves thought were relevant. This was something most of the asylum seekers said they had missed during official interviews with the immigration authorities. Interviews took place in informal settings, most of the time at the interviewees' own homes, and sometimes we visited more than once. Moreover, some respondents were politically motivated in talking to us. They thought that people should be aware of the fact that those in need of international protection nowadays have great difficulty in reaching a place where they can find security.

### **Smuggling as a 'necessary evil'**

Surprisingly, there was only one respondent who clearly identified smuggling with a mafia-like business and brought up the subject of physical violence when we talked about smuggling. This respondent said that people are locked up in safe houses and badly treated by smugglers. Most of the respondents qualified smugglers as bad persons in the sense that they make profit out of people's despair and that they cannot always be trusted. But the majority of the respondents also realised that there was no alternative for them. Most qualified their smugglers as a 'necessary evil', which indicates that for many there simply was no alternative. Most of our respondents did not use the word smuggler when they talked about the person who helped them.

I would not call him a smuggler. At the border I was allowed to walk with this man for \$400 and then he was so kind to hand me over to people who brought me to the nearest city for free. Within Europe there are so many people offering services, I do not think you can call them smugglers. Some people are willing to sell their passports; others bring you to neighbouring countries, like our Algerian truck driver who brought us from France to Germany. He was not a smuggler; he was just an ordinary man.

Most of the Kurds from Iraq call their smugglers '*qachaqchi*' or '*muharrib*'. '*Muharrib*' comes from the word '*harraba*', which means to help someone to run away (Doornbos 2001). Among Somali people, smuggling people illegally into the West is referred to as '*xambaar*', meaning the 'bringing in' of illegals into Europe and on to America (Farah 2000). We did not find special names for smugglers from the former Soviet Union. Most migrants from this region came through travel agencies.

Another distinction should be made between those who knew their smuggler through friends or family and those who had an anonymous relationship with their smuggler. The ones who knew their smuggler personally were more positive about the smuggler's image and it seems that such smugglers acted more out of humanitarian motives. Against this it must be said that most of our respondents paid a large amount of money to come to Europe, even if they knew their smuggler personally. If personal relations exist, reputation is vital. The following situation illustrates the smuggler's dependence on accounts of his reputation back home.

Taha went first to cross the river together with the smuggler. The smuggler knew Taha, but before they had reached the other side of the river I saw that the boat turned around and Taha fell in the river. The river took him and nobody found his body again. That image keeps coming to my mind. I will never forget it. But you know what happened? The smuggler was completely out of his mind and he wanted to go back to Turkey. He said he couldn't continue because he was too shocked and he asked several times: what should I tell his family? We went back to Istanbul by taxi, and the smuggler paid for it. He almost went bankrupt for that.

If a migrant travels together with a smuggler, the relation between them is crucial, especially in case of Iraqis. Smugglers are in that case often dependent on their reputation and will try to make the journey pass as smoothly as possible. It happens quite often that smugglers have relatives or acquaintances in their group and that they cannot afford things to go dramatically wrong.

It is interesting to see that throughout the course of the process people may rely less and less on contacts given by family or friends: the farther away people get from home the higher the chance of being cheated. In the initial phase people often know their smuggler or know the market, but farther away from home people become more dependent on the smuggler and the relationship becomes more anonymous, which may lead to less space for negotiation. This chain of trust finds its expression in how people are treated by their smuggler, but also in the prices charged: for example, in Morocco Moroccans pay \$200-\$300 to get to Spain, while Sub-Saharan Africans pay \$1,000-\$1,200 (van Liemt 2004).

### **Who is the smuggler?**

Most research on human smuggling is done from a criminological, western point of view and is based on police files and criminal court procedures. This research method has a certain bias towards 'big' cases and those that have come to the attention of the authorities in general. In the Dutch monitor on organised crime the selection of criminal investigations was based on a definition of organised crime in which 'groups that are primarily oriented on profit making systematically commit crimes with serious effects for society and who are capable of hiding these crimes effectively' (Kleemans, van den Berg and van de Bunt 1998: 30). This pre-selection of big cases

overlooks amateurs or other small-scale organisations involved in smuggling. Besides, their focus is on apprehending those specific persons who run the criminal network. Replaceable actors in the network such as truck drivers or recruiters do not have priority. The image they create as a consequence of this bias is one of merciless criminals who are only in the business to make huge profits.

Sociological research based on interviews with smugglers draws a different picture (Içduygu 2004: 294-314; Içduygu and Toktas 2002: 25-52; Spener 2004: 295-321; Zhang and Chin 2002). From these studies it is clear that most of the smugglers are ordinary citizens with specific knowledge of routes or who have found a niche in the market. National migration laws often qualify smuggling as an illegal activity, what leaves little space for understanding the social context in which migration takes place. Fishermen in Tunis, for example, have started to bring migrants across the Mediterranean after their government sold the country's fish quota to Italy. As in this case, smuggling is often part of the region's economy. Moreover, smugglers are often ex-migrants and their clients may come from their own migrant community. We came across smugglers not only with profit-related motives, but those claiming to have political and ideological motivations. All our respondents, however, still had to pay money, even though prices differed according to the relationships between migrants and smugglers (Van Liempt & Doomernik, 2006).

### **Who decides where to go?**

The literature on smuggling offers a picture that there is a growing dependency on smugglers in choosing the final destination. Koser (1997), for example, found that smugglers choose destination countries that are not necessarily the first choice of the prospective immigrants. Engbersen et al. (2002) interviewed 156 irregular migrants in the Netherlands, 40 per cent of whom stated that they would have preferred a country other than the Netherlands. From some police reports analysed by Informatie-Analysecentrum Mensensmokkel (a coordinating police organisation) we also know that in 16 out of 36 cases migrants had not chosen the Netherlands as their final destination. Great Britain, Scandinavian countries and France were mentioned as preferred destinations within Europe, and Canada and the United States were quite often the preferred final goal (IAM 2000). An explanation given for this discrepancy is that smugglers determine the destination more and more.

Similarly, if we take the migrants into account the picture is more diverse than the simple model of smugglers directing migrants to certain places, since sometimes the smugglers act as service providers and bring migrants to where they want to go. Besides, we also have to be cautious in attributing to the smuggler the decision as to destination when a migrant may have no stated preference in the first place. Most asylum seekers simply want to go to Europe, and individual countries hardly have meaning for them. This is in line with the findings of Robinson and Segrott (2002): people simply want a safe place and all Western countries are assumed to be such. Thus, these migrants often let the smuggler determine the country of destination (Barsky 1994; Bijleveld and Taselaar 2000; Böcker and Havinga 1997).

Other respondents, however, did have a preference for a particular country of refuge, but the smugglers overruled their preferences. This may be the result of limited options, as some smugglers have only a few destinations to offer, and also the result of the migrant's choice. Some migrants, for example, surrender their choice of destination for the choice of a *trusted* smuggler. Trust appears to be a crucial factor in deciding with whom to go and may, from the migrant's point of view, be even more important than being brought to the chosen destination.

Additionally, border enforcement might also determine whether someone can continue the journey or has to stay in the place of apprehension. In the Netherlands, for instance, people are often apprehended at Schiphol Airport because of forged or missing documents. Most people then ask for asylum in order not to be deported. In these cases it is not necessarily the smuggler, but the illegal character of the journey, that makes the migrant's journey evolve differently from that expected.

In summary, three basic types of interaction between smuggler and smuggled migrant can be identified. In the first case migrants choose the destination and the smuggler simply acts as facilitator. In the second case it is the smuggler who is the decision-maker and the one determining final destinations. This may have severe consequences for the migrant, who may end up in isolation or have to pay another high sum to a new smuggler to be brought to the preferred destination. In the third case negotiations between smuggler and client determine the destination, provided the former has options from which he can offer choices for a certain price and provided the latter has preferences. The last case shows that it is not just smugglers who make calculations based on migration policies, irregular migrants also change their calculations as a consequence of restrictive laws and the law in itself may determine how the process evolves. This so-called new geography of migration can thus only be understood if we are aware of the latest regulations and if we understand how the smugglers' as well as the smuggled migrants' minds work.

### **Changes in Dutch migratory regimes**

Three phases can be distinguished in the ways in which Dutch society has reacted to the arrival of 'illegal migrants' (Engbersen and Van der Leun 2001: 51-70). The first phase (1960-1970) was that of welcoming 'spontaneous migrants', who could easily be legalised and employed in factory work. The second phase (1970-1991) showed a silent toleration of groups of 'illegal workers': the 1980s were the years of 'tolerance', and despite the restrictive migration policy that had been developed in the course of the economic recession and public fear of the abuse of asylum, there was still a large gap between theory and practice. It remained, for example, quite easy for illegal migrants to acquire a social-fiscal number with which they could gain work.

The third phase (1991 to the present) is characterised by an increase of asylum seekers. Since the mid-1980s the number of asylum seekers has increased enormously all over Europe. The Netherlands was for a long time a favourite destination for asylum seekers, with 1987 as a peak year, when over 10 per cent of all applications to the EU were filed in the Netherlands. In other years the country's share of the EU

total was around 5 per cent. Asylum was, as a consequence of these sharp increases, seen as the main focus for tighter control policies and the 'real' asylum seekers had to be separated from the 'bogus' ones. In 1988 this resulted in a sharp drop in asylum requests, but in 1994 the number of applications reached another peak (52,576). Several reasons were given for this sudden rise in applications. One explanation was that policies in surrounding countries may have played a role; for example, the stricter measures taken in Germany with regard to asylum seekers could have had an impact on the Dutch situation. Tillaart et al. (2000) emphasised another, but related, explanation, namely the specific attractiveness of the Dutch 'safe-countries list'. Asylum requests in the Netherlands were awarded from a broader variety of countries than in other European countries, with Somalis, Iraqi and Iranian applicants in particular enjoying positive decisions in previous years, which had attracted newcomers. Besides, the conditions in Dutch reception centres were relative luxurious. According to these authors, this, combined with the weak Dutch deportation policy, made the Netherlands an attractive asylum destination.

From the mid-1990s onwards several measures were taken to combat illegality more effectively. The law on compulsory identification (2005) and the Linking Act (1998) are examples of stricter internal control. This last law introduced the requirement for all providers of public goods to establish a client's resident status, and deny access in relevant cases. An exception was made for medical doctors and teachers. Illegal migrants are as a consequence increasingly associated with the 'abuse' of public provisions and the disruption of the labour market (Engbersen and Van der Leun 2001: 51-70). Consequently, public opinion about illegal migrants has changed, and in this changing climate more restrictive measures have been taken more easily, internally as well as externally. In the meantime a decrease in the numbers of asylum requests has been observed in the Netherlands. In 2001 a new Aliens Act<sup>2</sup> was put into force, which resulted in the automatic termination of all reception benefits for asylum seekers rejected in the first instance (most of the time this takes place within 48 working hours) and severely limits the possibility of appeal against this decision. This abolishment of the appeal option quickly reduced the number of successful claims and apparently affected the amount of people applying for asylum: in 2001 there were 32,580 asylum requests, whereas in 2003 there were only 13,400 (<<http://www.cbs.nl/nl/cijfers/themapagina/bevolking/1-cijfers.htm>>). This is the lowest number in fifteen years and puts the country in 9th place in European statistics. Apart from asylum, other means of entering the Netherlands have also been tightened under the new Aliens Act. It has now, for example, become more difficult to invite somebody into the country; entrants have to earn 120 per cent of the minimum wage and the minimum age of the person wanting to bring a partner into the country has increased from 18 to 21 years.

### **Conclusion: from static to dynamic migration processes**

Our research has not given us any reason to conclude that the increased clampdown on unsolicited migration into the Netherlands of the past decade has done anything to

reduce the number of irregular entrants. The impression is rather that the opposite is more likely. In response to restrictive migration policies people increasingly look for loopholes in the law to find migration possibilities. The involvement of human smugglers has as a consequence been on the increase. While smuggling itself is an illegal activity, the reasons why people need smugglers are often legitimate and differ according to geographical location. In the former Soviet Union countries, for example, it is easier to obtain a visa than it is in Iraq.

With regard to the migration process, something that clearly stands out in our data is that irregular migration evolves more dynamically than regular migration. The fact that several smugglers may be needed and people might be apprehended or deported on the way can complicate the process enormously. Moreover, for many people the migration project does not end when they have arrived in a European country. After a while they might decide to continue their travel. Sometimes the last phase of the smuggling process thus becomes a starting point. For regular as well as irregular immigrants in the Netherlands the UK is especially popular as a second stage destination (many Dutch Somalis have left for the UK recently). Some travel on forged documents by plane, others try to hide on boats. This is in line with unpublished figures from the Dutch Royal Marechaussee. In 2004, 447 'illegal aliens' were detected in trailers at harbours from where boats to the UK leave (Vlissingen, the Hook of Holland and Schevingen). A whole new industry thus takes advantage of the fact that people have not arrived where they wanted to be or have not succeeded in getting the legal status they aimed at. Paradoxically, smugglers help migrants to escape dangerous situations, but they also expose them to dangers on the way. More emphasis should therefore be put on offering protection than on restricting mobility, since there is a risk of major human rights violations.

Besides, irregular migration with the help of a smuggler evolves more dynamically than it has been described in theoretical analysis to date. Salt and Stein (1997) are the only ones who have theoretically conceptualised smuggling. Their model, however, does not take account of the agency of the migrants themselves nor of the fact that migrants may change smugglers for all sorts of reasons. Moreover, smugglers in this model are portrayed as Mafia-type criminals and fails to recognise that smugglers may have interests other than profit only, which can impact on their behaviour and as such the evolution of the migration process itself.

## Notes

1 Interestingly, in this context, smugglers were often perceived as heroes.

2 The drafting of the Aliens Act 2000 was to speed up the asylum procedure. The new law introduced a single status for all recognised asylum applicants. The Act and the speeded up procedures are highly criticised by Human Rights Watch. See Chadbourne (2003).

Maria I. Baganha

## The Migration Industry: A Case Study

### Introduction

At the turn of the twenty-first century, migration to Portugal from Third Countries was constituted overwhelmingly of immigrants from Portuguese-speaking countries (76 per cent in 1999 and 77 per cent in 2000), that is, from the former Portuguese colonies in Africa and Brazil.<sup>1</sup> The remainder was spread among more than 100 different nationalities, none of which showed significant numbers (Serviço de Estrangeiros e Fronteiras 1999 and 2000).

Overall, the incidence of immigrants in Portugal was, until 2000, relatively low, and the main migratory movements were clearly rooted in the country's colonial past, its historical and cultural links as well as its main economic relationships.

This was not, however, the whole story. In fact, since 1996 when there was a general amnesty (special regularisation period) and Portugal entered the Schengen space, the number of illegal immigrants in the country has been growing. This was particularly so after 1998 when the possibility of obtaining a permit of residence for those with an illegal status in the country was introduced in a bill on immigration: Article 8 of Law 244/98 of 8 August established that:

In cases of recognised exceptional national interest, or for humanitarian reasons, the Minister of Home Affairs<sup>2</sup> may grant permits of residence to foreign citizens who do not fulfil the conditions established in the present legal text.

According to the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras (SEF)), at the end of 2000 there were 41,401 requests for permits of residence based on Article 8 of Law 244/98. Thus, there were at least 41,401 illegal immigrants in the country. As noted in official documents:

A noticeable growth of the informal economy took place in the Construction and Building sector. This growth was associated with the growth of immigrants needed in this sector, that, given the legal framework in place, was being based on irregular contracts, illegal permanence in the country, and informal labour relations...(IGT, ACIME and SEF 2002)

In fact, the construction and building sector, the main entry gate for newly arrived immigrants, registered a phase of intense growth during this period. The number of requests for construction permits, registered at the Instituto do Mercado de Obras

Públicas e Particulares, jumped from 3,677 in 1999 to 11,149 in 2000 and to 18,588 in 2001 (IGT, ACIME and SEF 2002).

The marked growth in demand caused by this construction boom was, however, met in large part not by the traditional supply sources, the former Portuguese colonies in Africa, but by entirely new sources, namely immigrants from Eastern European countries, and particularly from the Ukraine.

This was a most unexpected change in the Portuguese migratory patterns of the 1980s and 1990s, particularly so because Portugal had neither adopted any proactive policy to recruit Eastern European workers nor were there any privileged economic, historical or cultural links with that region that could explain the sudden and, as will see, massive inflow of immigrant workers.

Furthermore, the number of Eastern Europeans that established themselves in Portugal during the 1990s was very small, reaching 2,373 persons in 1999 (SEF 1999), and, what is more relevant, there was no sizeable group from any specific nationality upon which a strong migratory network could be based to sustain a sudden and extremely intense migratory inflow.

The fact is that under the dispositions of Article 55 of Law 4/2001 of 10 January the number of permits of stay to illegal immigrant workers during 2001 was 126,901.<sup>3</sup> More than half (56 per cent) of these permits of stay were given to Eastern European immigrants and 36 per cent to immigrant workers from a single Eastern European country, the Ukraine. The number of immigrants residing legally in the country<sup>4</sup> jumped from 208,198 in 2000 to 350,503 in 2001, that is, in a single year the immigrant population in Portugal registered a growth of 68 per cent. By 2002 the ranking of nationalities of the immigrant population from Third World countries had drastically changed. The immigrants from the Ukraine constituted now the largest immigrant group in the country.

It is this sudden and intense inflow from Eastern Europe and particularly from the Ukraine that we explain and describe in this essay. The analysis presented is based on the results of a survey carried out between June and December 2002 that covered 735 immigrants from Eastern Europe and on 23 in-depth interviews carried out in September and October of 2005.

The fact that the main determinants usually referred to in the literature—post-colonial relations, direct recruitment, state sponsored migration, bilateral agreements, strong historical, cultural or economic links, existent migratory networks—are all absent in this case makes it particularly interesting. In fact, we believe we have unveiled one of the most paradigmatic cases of ‘migration industry’ in the globalised world—a globalised world where sudden and massive migration, such as that described in this essay, can occur because organisations seeking profit can base their operations on instantaneous information and communication, directing the flows according to the most convenient destination; a world where supranational spaces, such as the Schengen space, do exist; and where distance has lost its temporal meaning.

### **The migration industry**

By migration industry we mean, following Castles and Miller (2003: 114), ‘the many people who earn their livelihood by organizing migratory movements as travel agents, labour recruiters, brokers, interpreters, and housing agents’. Or, as Harris (1996: 135) put it, the migration industry is made up of a myriad of migration agents that may be characterised as ‘a vast unseen international network underpinning a global market; a horde of termites ... boring through the national fortifications against migration, and changing whole societies’.

We may see these two definitions as complementary, since the first defines the migration industry by the providers of services to the migrants, and the second by the main objective of the services rendered. In other words, the migration industry may be defined as the services offered to migrants to circumvent, evade or profit from current migratory policies.

Usually the agents offering these services are external to the migrant community and relate to the migrant at very specific phases of the migratory process. But, as also noted by Castles and Miller (2003: 114), ‘There is a broad range of entrepreneurial opportunities, which are seized upon by both migrants and non-migrants.’

In the countries of origin, these opportunities range from obtaining the information and contacts needed to obtain documentation, making travel arrangements, offering labour contracts at the destination, or the ability to transport migrants legally or illegally across borders.

At the receiving end, the opportunities are different. They range from legal advice on immigration law, to work agents specialised in finding jobs for immigrants in the informal labour market, to the setting up of special transfer facilities for remittances.

There has always existed a migration industry generating plenty of opportunities for business<sup>5</sup> but it has never before attained the power it has today because of the spread of the transnational webs upon which it functions linking the multiple agents and brokers involved. Today the migration industry directs and redirects migratory flows, frequently in accordance with its own interests and loopholes in regulations, being responsible for a very sizable share of all incoming movements into EU countries. It is precisely the direction of the migratory flow from Eastern Europe, especially from Ukraine, to Portugal and the business opportunities created by the loopholes in the Portuguese immigration law of 2001 that are particularly salient in our case study.

### **Why do they come?**

Using a classical pull/push model we may say that after the fall of the Soviet Union, Eastern European countries entered a period of transition to market economies and to democracy that considerably increased their propensity for migration abroad. The first reason for this is a marked economic deterioration, clear evidence of which is the drop in GDP verified in all these countries. Thus, for example, in the Ukraine in 2000 the GDP was only 37.6 per cent of that in 1989; in Moldavia it was 30.6 per cent and

in Russia 60.8 per cent (Godzimirski 2005: 52). A second reason is that it became possible for a large number of persons to emigrate, that is, restrictions on moving abroad were progressively removed in all these countries. A third reason is the public awareness of the huge differences in salaries and standard of living between Eastern European and EU countries. Notice, for example, that 65 per cent of the respondents to our survey indicated earning less than 100 euros per month in their home countries. This is well below the minimum wage in force in any EU country.<sup>6</sup> A fourth reason is the existence of an already strong migratory culture in some regions that could be reactivated (Satzewich 2002)—the example of the Western Ukraine comes to mind, where more than 49 per cent of the respondents to our survey came from, and which has a long migratory tradition. A final reason is that 'reforms have been won at the expense of rising unemployment', which has created a large pool of surplus labour in countries like Belarus and the Ukraine (Wallace and Stola 2001: 7).

Reforms have a particularly deep impact in countries like Ukraine where unemployment was estimated to reach 50 per cent of the population, in 1998, and where a survey, conducted the same year, found that 92 per cent of the population was not able to live on their earned income, due to inflation and late payment over long periods of time (Wallace and Stola 2001: 8).

These are root determinants that help to explain, at a macro level, why people from Eastern Europe decide to work abroad. Why some of them decided to come to Portugal can be attributed to the following reasons. Firstly, their choice can be attributed to the marketing of Portugal, particularly in the Ukraine, by Eastern European travel agencies, offering attractive packages—including travel documents, transport and job opportunities—that were affordable to a large segment of the population. Secondly was the fact that salaries in Portugal were several times higher than in their home country. In fact, the majority of the respondents to our survey (65 per cent) indicate earning less than 100 euros per month in their home countries<sup>7</sup> while in Portugal the salary for the lowest non-skilled occupation in the construction sector,<sup>8</sup> the main entry gate for newly arrived immigrants, was 458 euros in January 2001 and 474 euros in January 2002.<sup>9</sup> 61 per cent of the respondents to our survey indicated earning between 300 and 600 euros per month. And finally was the fact that there was a process of regularization of immigrant workers in force from January to November 2001, offering a real alternative to an eventual illegal stay in any other EU country. The possibility of obtaining a legal status of residence was indicated by 13 per cent of the respondents to our survey as the main determinant behind their choice of Portugal as the country of destination.

Official documents confirm the points above. They attribute the sudden and massive inflow from Eastern Europe to Portugal to three main causes: the lack of control by other EU member states in the granting of short-term visas; the speed and ease of movement within the Schengen space; and the trafficking of human beings,<sup>10</sup> organised in Eastern Europe under the guise of 'travel agencies'. Thus, for example, the *Relatório sobre a evolução do fenómeno migratório* (IGT, ACIME and SEF 2002) states:

In the case of Eastern Europe illegal migration operates on a massive scale. In the German consulates of Kishinev (Moldavia), Kiev (Ukraine) or Moscow (Russia) thousands of citizens from these countries request short-term visas, sometimes through travel agencies connected to human trafficking, and these are largely granted.

Speedily transported by bus or by some other fast mean of transportation, they enter [the EU through] the German or Austrian borders and then travel directly to Portugal. Once in Portugal they are integrated into informal or clandestine labour networks, but remain under obligation to those that brought them to us. Some of them are under the control of clandestine migration networks (...)

The reason their numbers grew so significantly is linked to the ease with which short-term visas were granted (...) and the speed with which they were able to cross the Schengen space. (...)

It is this context that explains the qualitative change in the composition of the immigrant population in Portugal. Such a change is not the result of a national option, but the result of policies granting short-term visas adopted by other EU member states. (...)

[As for the *modus operandi*] of criminal organisations based in Eastern Europe, everything is managed there, providing the usual necessities for travelling (i.e. documents, visas, transport, and guides). This is generally done through ‘travel agencies’ created for this specific purpose. The process is based on coercive methods by establishing previously defined routes to the country of destiny. (...)

On arrival in the country of destination—in this case, Portugal—these criminal groups go on controlling the immigrants, if necessary by coercion, by keeping their passports, making threats to their families or by denouncing the immigrants to the authorities.

Everything has to be paid for (...)—the ‘services’ rendered by the ‘travel agencies’, the ‘tolls’ established in the different countries crossed, where they have to keep paying to continue their journey, until they reach their destiny. Then they have to pay again to find a job in the informal or clandestine labour market.

These last factors are undoubtedly determinants in this case. A sudden, massive migratory flow can only occur if there are organised infrastructures for transport and legal travel documents can be obtained. Furthermore, the results of our field survey clearly confirm the relevance of these factors. Thus, for example, 96 per cent of the respondents indicated that they had entered Portugal with a short-term visa (30 per

cent with a uniform visa and 66 per cent with a tourist visa) which had been issued by a non-Portuguese consulate/embassy. Fifty-seven per cent of these visas were issued by the German embassy in Kiev; 70 per cent of the respondents declared that they had entered Portugal with the help of a travel agency and 86 per cent had travelled by coach or by minibus. Furthermore, when directly asked if he/she had experienced 'difficult times' as a result of Mafia attacks an impressive 16 per cent admitted to having suffered difficulties.

In fact, the role of the so-called travel agencies went well beyond selling tickets to potential migrants. As several of our interviewees remarked, in Kiev there were hundreds of travel agencies and tourism firms advertising trips to Portugal, their marketing campaign also sustained by newspapers and word of mouth. Rumours held that there was plenty of jobs available in Portugal, and good money to be made.

Furthermore, when a potential migrant contacted one of these travel agencies, Portugal was specifically promoted as the best final destiny, as the following quotations from the interviews exemplify:

'Portugal is the cheaper [place to go].' (Natasha)

'They explained to me that there was lots of work here and that they paid money. In the Ukraine there was constant talk that if you worked in Portugal they paid you 1,000 euros a month.' (Natasha)

'In the Ukraine there was a firm that helped to obtain the visa and afterwards they organised a bus, a minibus for eleven persons.' (Steva)

'I wished to go to Ireland but the agency advised Portugal because they were given legalisation.' (Ludmilla)

'Here [it] was easier to legalise ... to France, Germany and Italy I could not go because the police send us back.' (Alexei)

'Campaigns many campaigns. There are firms to arrange the trip and persons who arrange the job.' (Yaroslav)

In summary, the marketing campaign would go more or less like this: go to Portugal, it is cheaper, it is easy to get legalised, and there are plenty of jobs available. The campaign was very successful, since in a single year the tourism firms, travel agencies and individual brokers brought to Portugal more than 45,000 migrants from Ukraine alone.<sup>11</sup>

The price paid by the migrants varied considerably according to the services offered and the credibility of the firm or agent involved. Our survey reveals that firms offered three types of packages: first a simple one-way ticket from the Ukraine to Portugal by bus or minibus at the standard price of 250 euros. The second, the most frequently used, was a combination of the first plus the handling of the

documentation. This package costed on average 750 euros. The third was a combination of the second plus a job offer in Portugal. This would generally cost 1,000 or 1,200 euros, but it could reach more than 2,000 euros.

This variability in prices was also referred to by our interviewees. Thus, for example, Natasha mentioned having paid 700 euros to a travel agency for the journey and the visa, while Yuri said he had paid 600 dollars for the same service, plus 500 euros for a job in Portugal. But the most interesting statement on this topic came from Sergei, who, after mentioning he had paid 250 euros for the journey and 200 euros for the visa, remarked: 'afterwards people have to pay much more. When I got out the prices were low. After people begun to make business with visas.' Sergei's remark suggests that when demand for visas increased the agencies and the brokers involved profited from this increase in demand by raising the price of their services.

Given that the average price of the transport from the Ukraine to Portugal was 750 euros we may estimate the volume of business of the firms and agents linked to this transport at 34 million euros during 2001.<sup>12</sup> This is an impressive figure for a business that hardly existed the previous year. Unfortunately, we do not know how much these firms paid to bureaucrats to facilitate the issue of travel documents nor to agents to find jobs for the migrants in Portugal; nevertheless, we believe the margins of profit must have been very high.

For the majority of the migrants the journey from Eastern Europe to Portugal was without incident, although for some, this was a time they came into contact with the criminal side of the migration industry. A few were harassed and robbed during the trip. This was the case of Olek, a migrant from the Ukraine who travelled to Portugal in a five-seater van in 2001. Olek and his travel companions were robbed near the Polish border and again in Portugal. On both occasions the driver was not robbed, which suggested to Olek that some type of connivance existed between the transporter or the driver and the criminals.

For the majority of the immigrants in our survey, dependency on agents from the home country ceased on arrival in Portugal. Still, for a sizable number, dependency continued: when asked how they found their first job, 22 per cent indicated that they found it with 'help' of an agent from the immigrant environment, 4 per cent through a travel agency in their home country.

For those who paid to find their first job in Portugal, the usual price referred for this service was 500 euros, but it could be less. Steva, one of our interviewees, paid only 200 euros to a compatriot for this service. She stated in her interview: 'A woman received us, she had been already here for some time, she was from Ukraine. She said she would help us, but she was part of the traffickers. We had to pay 200 euros for her to find us a job here.'

## **Conclusion**

As our brief description indicates, migration from Eastern Europe may be typified as a temporary labour movement rooted in the economic disparities existent between the two regions. The movement occurred because the incentive for profit in the home

countries, particularly in the Ukraine, promoted migration to Portugal thanks to the ongoing process of regularization in 2001 and because the economy was generating plenty of job opportunities.

In fact, from 1996 to 2001 Portugal experienced a boom in some labour intensive sectors, such as building and construction and the tourism industry. To prevent wages from sky rocketing employers resorted to immigrant workers, but their inflow into the country was not in accordance with the intense needs of these economic sectors.

Under pressure from these expanding sectors the government enacted a new immigration law in 2001 that temporarily opened the doors of the country to immigrants with short-term visas who subsequently found work contracts.

What is interesting is that it was not simply individuals who responded to this call but organisations set up for profit who matched the demand in the Portuguese labour market with the supply in Eastern European countries, particularly the Ukraine. Jordan and Düvell (2002: 43) noticed that

Since there remained a demand for irregular labour – especially for certain kinds of service sector work – in the EU, it was not surprising that organisations sprang into existence, especially in the former communists countries, to supply such workers. This, in turn, fuelled further restrictions, and the perception by EU security organisations that irregular migration was a criminal activity, reflecting the interests of racketeers and traffickers, rather than the decisions of migrants.

The case study presented here confirms the first part of this assertion, this is, that organisations were created in Eastern Europe to satisfy the demand for irregular labour in the EU. But it does not confirm the remainder of the assertion, particularly the statement that ‘this, in turn, fuelled further restrictions’ by the EU countries. In fact, for almost one year the Portuguese government gave total priority to the short term needs of the labour market and practically abolished all restrictions on the influx of new immigrants. This special situation allowed us to observe how these profit-seeking organisations function and their ability to promote the mobility of huge numbers of immigrant workers into an EU country, and how they rapidly adapt their services to loopholes in immigration law. Finally, although, our case study reveals that at times travel agencies direct migrants to Portugal who would otherwise go to other EU countries, the evidence presented also indicates that the majority of the migrants made their decisions in advance, which thus reflected their own interests and not those of the travel agencies or the brokers involved.

## Notes

1 Angola, Cape Verde, Mozambique, Guinea-Bissau, and S. Tome and Principe.

2 Ministro da Administração Interna.

3 Permits of stay (*autorizações de permanência*) are one-year permits that can be renewed to up to a maximum of five years. Article 55 establishes that permits of stay may be granted to

illegal immigrants as long as they prove to be in the possession of a valid work contract, have no criminal record, have their social security situation regularised, and entered Portugal before 30 November 2001.

4 Holders of permits of residence plus holders of permits of stay.

5 An example from the 1960s and early 1970s, due to the very restrictive migratory policy of the Portuguese government, a migration industry flourished that involved human smugglers, labour recruiters, police officers and bureaucrats etc., all seeking profit by helping hundreds of thousands of Portuguese emigrants cross into France.

6 In 2002, the two countries with the lowest average minimum wages per month (yearly minimum wage divided by 12) were Portugal (406 euros) and Greece (473 euros). In *A Economia Portuguesa*, Ministério das Finanças, 2003

7 Baganha, Marques and Góis, 2004: 34.

8 *General Labour (Servente da Construção Civil)*.

9 In *Inquérito aos salários por profissões na Construção Civil e Obras Públicas*. Ministério da Segurança Social e do Trabalho 2002.

10 The expression 'trafficking of human beings' is used by Portuguese governmental sources broadly. It refers to the businesses associated with exit from an Eastern European country and entry into Portugal. It is not used in the more usual sense, the trafficking of women and children for the sex industry.

11 In 2001 permits of stay granted to illegal immigrants from Ukraine was 45,233.

12 Our estimate is based on the number of permits of stay granted during 2001 to immigrants from the Ukraine: see note 12.

Anna Krasteva

## **Post-Communist Discovery of Immigration: The Case of Bulgaria**

### **Migration trends in the Balkans: from ethnic cleansing to free flows**

M. Baldwin-Edwards (2006) distinguishes four types of migration in the Balkans in the end 20th – beginning of 21st century:

- forced migrations;
- ethnic migrations;
- trafficking;
- temporary migration.

The first type took place on a massive scale, being associated with war and ‘ethnic cleansing’ and included internally displaced persons. It resulted from the wars in former Yugoslavia—0.6 million from Bosnia were displaced (more than half the pre-war population) and 1.2 million found refuge abroad. In 1998, 350,000 people fled their homes in Kosovo as international displaced persons (IDPs) or refugees, and in 1999, 450,000 ethnic Albanians fled to Albania, 250,000 to Macedonia and 70,000 to Montenegro. With the end of war in June 1999, 600,000 people returned to their homes in Kosovo, only to be followed by a reverse exodus of 230,000 Serbs and Roma who sought safety in Serbia and Montenegro (Baldwin-Edwards 2006).

Bulgaria is not included in this trend and this is one of the main achievements of the post-communist democracy. Ethnic migrations are of a voluntary nature but inspired either by exclusion or by better opportunities abroad. A case in point is the Turkish minority in Bulgaria (see the following chapter).

Trafficking is the most visible, yet not the most important type of migration. For the period 2000–2004, 621 assisted trafficking victims were identified in Bulgaria, three times fewer than in Albania (1,750) and Moldova (1,643) and twice fewer than in Romania (1,054). Despite their scarcity and unreliability, all figures confirm that Bulgaria is on the bottom of the list of the countries of origin: in 2000 the most significant nationalities of trafficked women assisted in Austria were: Romania (27), Slovak Republic (23), Ukraine (14), Dominican Republic (14), and Bulgaria (13) (Baldwin-Edwards 2006). The figures for Italy are similar with the noticeable exception of Albania, leading with 593, followed by much more modest figures for Moldova (151), Romania (142), Ukraine (141), and Bulgaria (82) (Laczko, Stacher and von Koppenfels 2002: 167). There is also a new trend of trafficking to Bulgaria:

Laczko, von Koppenfels and Barthel quote reports of Moldovan and Romanian women trafficked to Bulgaria (Laczko, Stacher and von Koppenfels 2002: 169).

I would agree with Baldwin-Edwards (2006) who insists that trafficking is less an issue of immigration than one of economic survival strategies for both traffickers and those who are trafficked or smuggled.

If Bulgaria does not take part in the first trend and modestly in the third, it remains one of the typical examples of the fourth sort—the seasonable migration of a semi-skilled or unskilled labor force to Greece,<sup>1</sup> Spain<sup>2</sup> and Italy.<sup>3</sup>

The analysts mainly emphasize the flows out. This chapter aims at filling up the lack of studies on the flows in. It will articulate immigration in Bulgaria in five parts. The first introduces the passage from biopolitics, strict regulation of mobility from the Communist authorities to an increased freedom and variety of flows, the object of a more loose post-communist migration policy. Three groups—Chinese, Lebanese and Africans—are discussed by way of comparison in the aim of building a picture of the Bulgarian immigration phenomenon. The next part will introduce the theoretical challenges of studying a new phenomenon without academic tradition in the field. The third chapter will analyze the paradoxical institutionalization: the small number of refugees and a developed set of governmental and nongovernmental, national and international organizations; a growing number of immigrants and only gradual attempts to create an adequate institutional structure. The fourth will examine the political instrumentalisation of migration. The concluding chapter will ask (more than answer) the main question: The ‘Bulgarian ethnic model’ was forged for dealing with minorities. Is it able to face the new challenge of immigration?

### **The post-communist ‘discovery’ of immigration: from biopolitics to migration policy**

Michel Foucault’s conception of biopolitics shows the key importance of population control for any modern state. The French philosopher analyses the transition from the idea of subjects as individuals to the notion of population as an autonomous ‘body’ that can be measured, controlled, increased or decreased. The archaeology of the construction of this new concept coincides with the emergence of a new form of government—from the punishment of the individual body to the disciplining mechanisms of surveillance of the whole social organism. The idea of panoptic, of the omnipresent and omniscient power is even more valid for Communist societies.

A typical Communist society, Bulgaria used to be a closed country. The state strictly controlled movements from and to the country. Preventing emigration was a top priority: there were several willing to emigrate and few inclined to immigrate. The rare exceptions were politically inspired:

- Several waves of emigration of Bulgarian citizens of Turkish origin to Turkey;<sup>4</sup>

- Students from Third World countries with the specific purpose of providing higher education to leftist intellectuals as a part of a long-term strategy for the preparation of a world revolution;
- Activists with leftist ideological beliefs from neighboring countries such as Turkey and Greece.
- 

An exception to this dominating political logic was the acceptance during the 1980s of the Vietnamese in response to the demand for labor in certain economic sectors like construction. The Vietnamese was the only figure of ‘*gastarbeiter*’.

After the collapse of the communist regime the picture has been significantly modified: freedom of movement (at the beginning still restricted by visa requirements) was one of the first and eagerly sought freedoms. Migration developed in three main forms. The first, the most significant in terms of numbers and the most consequential is *emigration*. It features three main varieties:

- Emigration of representatives of the Turkish minority, which was repressed by the Communist authorities. In 1989, 350,000 people left Bulgaria, the biggest migration wave in Europe between the Second World War and the wars in former Yugoslavia, which reached new record figures. An estimated 150,000 of these returned later. The emigration of Bulgarian Turks continued at much lower numbers and was due to economic rather than political reasons.<sup>5</sup> If at the threshold of the transition they were expelled by the Communist state as part of the violent politics of name-changing, while a few years later, the economic crisis, the unemployment (particularly high in areas populated by the Turkish minority) pushed several of its representatives to join their families in Turkey or to try their chances in a more dynamic economic environment.
- Emigration of highly educated and/or young Bulgarians to Western Europe,<sup>6</sup> the USA and Canada;
- Seasonable migration of workers, employed in agriculture in Greece, Spain and other mainly southern countries.

The second form is immigration:

- New and visible groups, such as the Chinese, settled in Bulgaria for the first time, and their numbers are growing fast (from a practical zero at the beginning of the changes to over 10,000 today);
- The Vietnamese illustrate a second type of immigrant mobility. The first wave arrived in the 1980s. They were invited by the Communist authorities for two reasons: as an expression of international solidarity with Communist Vietnam, and also for meeting labor force needs in the construction sector. A decade later the post-communist authorities ended this cooperation and

the Vietnamese were asked to leave the country. Only a few remain, mainly those with mixed marriages. Some years later, a small number of Vietnamese started coming again, mainly from the previous wave who have the advantage of knowing the local language.

- New immigrants started adding to the traditional communities, like the Armenians in search of a more stable political and economic situation than their native Armenia and attracted by the modest but very well integrated Armenian community in Bulgaria. Similar phenomena could be observed with the Macedonians, the Russians, and so on.

The third is the flow of *refugees*, whose numbers increased tenfold in ten years, at levels that are not high (276 applications for refugee status in 1993, 2,888 in 2002). This relatively small group has great public visibility, both because of the developed network of governmental and nongovernmental organizations, and because of media coverage, nourishing the fear of refugee waves with each new crisis, in Afghanistan and in Iraq.

Bulgaria signed the Geneva Convention in 1993. For the period 1993–2005 the authorities received 15,000 applications for asylum. Refugees in Bulgaria both resemble the global refugee movements and have some specificities. Like the latter, the flow is not regular, but in waves. Three periods can be differentiated:

*Period of fluctuations: 1993–1998.* The number of applications varied. In 1994 it was twice the figure of the previous year (561), reaching two years later the initial value and then increasing again at the end of the period—to 429 in 1997. One has to stress that these fluctuations show modest figures—between 250 and 550 per year.

*Period of rapid growth: 1999–2002.* Applications increased annually by around 500, reaching a peak in 2002 with 2,888. It is worth mentioning that even then the number was not alarming and did not exceed the institutional capacity for dealing with the refugees.

*Period of smooth decreasing: after 2003.* 2003 witnessed a significant decrease—1,339 applications fewer than the previous year. Later the speed slowed down and the applications decreased, with 422 in 2004 and 305 in 2005 (Krasteva 2006).

The cultural diversity of asylum seekers is impressive—they come from 78 countries. Afghanistan (3,532) leads, followed by Iraq (2,143), Armenia (551), Iran (548), Nigeria (335). One can see the first main difference of the refuge flows in Bulgaria by comparison with global flows: there is one element ‘missing’. Africa is a huge ‘producer’ of refugees, but an only insignificant number reaches Bulgaria, which attracts asylum seekers mainly from the Middle East. Refugee flows follow the migration networks. Palestinians, Afghans, Iraqi have created strong communities in the country. They facilitate the integration of the newcomers. Often, these are the main reason for choosing Bulgaria as a destination.

The peculiarity of Bulgaria is that the country receives refugees from distant regions. In this respect it is similar to Western Europe and quite different from Africa and Asia where countries receive massive flows from neighboring states. The third

and main specificity is that asylum seekers in Bulgaria are on a delicate edge between refugees and immigrants. One paradox summarizes the refugee problem in Eastern Europe—it is a democratic phenomenon, the result of the (relative) opening of the borders and of adhesion to human rights principles.

Bulgaria is a typical (post-)communist country illustrating the main differences between migration in Western and Eastern Europe:

The new member states have witnessed far greater migratory movements and migratory upheavals than the average EU-15 member state, even when taking the inward-migration aftermath of colonialism fully into account. Whereas the EU countries were confronted with emigration in the 1920s and 1950s in particular, and with immigration since the 1960s (guest workers and asylum seekers), the East European missed out the 1950s emigration, were countries of origin for refugees and hardly received any newcomers since 1945. (Laczko, Stacher and von Koppenfels 2002: 187)

A short comparison of three groups—Chinese, Africans, and Lebanese—can give an idea of the ethno-cultural variety of immigration in Bulgaria.

The three groups differ in a number of characteristics. The Chinese immigration is the newest—there were practically no Chinese during the Communist period. The roots of the African and Arab immigration are relatively old, going back to the 1960s—they were the main beneficiaries of grants for Third World students. The mid-1970s (a period of war between Iraq and Iran) marked a boom in Arab immigration. A joke of that time tells that in summer the student quarter in Sofia resembles Iraq. The Africans are the single ‘racial’ group in Bulgaria, a country without colonial tradition and absolutely no historical experience in this type of intercultural contact.

In terms of numbers the ratio is reversed: the Chinese group is growing in the most dynamic way (with about 10,000),<sup>7</sup> while the African is limited (to a few hundreds) and the newcomers are mostly asylum seekers. The Arab immigration is the most numerous (with about 20,000).

The sociological portrait also varies: Chinese are people of lower education, occupied mainly in two sectors, restaurants and retail. The Africans form the other extreme: several are educated, but work also as small traders.

The Arabs present the major competition to the Chinese in the two niches they have adopted. The Chinese are more aggressive and succeed in pushing the Arabs out of certain economic positions they easily occupied at the beginning of the post-communist transition period. At the same time, due to their longer-lasting presence in Bulgaria, the Arabs have penetrated more economic activities. The Arabs are doctors, engineers, editors, accountants. Several are middlemen entrepreneurs, others are employed, and a few are big businessmen. The sociological portrait is diversified.

The profile of the Chinese is (still) uniformised—small entrepreneurs in trade and restaurant business.<sup>8</sup> The integration strategies follow a different logic: the best integrated are the Arabs with a lot of mixed marriages, very good knowledge of the

Bulgarian language and good professional and human relations with the local population. They do not settle in the same area. The Chinese are quite different. They live mainly in two districts close to a big market where several of them work as traders. There is no China-in-Sofia-town, but the spirit of a Chinatown dominates the structuring and self-organization of the Chinese community. The Arab group has the most structured and developed community life. They have several associations, a magazine in both Bulgarian and Arab,<sup>9</sup> an active cultural life, including exhibitions, clubs, discussion forums and commemorations of political figures and other events which strengthen the links of the diaspora with the homeland. None of the communities has demonstrated an explicit desire to launch a public debate on its rights.

The immigrant in Bulgaria is different from the immigrant in Western Europe. Italian miners at the beginning of the 20th century and Filipino maids at the beginning of the 21st century illustrate economically weak and socially vulnerable figures. Second and third generations face unemployment and identity crisis.

By contrast, there are no unemployed immigrants in Bulgaria. They rarely work for Bulgarian companies; they often offer jobs to Bulgarians. Even more, they succeed in niches where some Bulgarians fail. The host society has still a lot to learn from the newcomers concerning entrepreneurial spirit, flexibility and reasonable risk.

Besides those economic and social positive characteristics, there is an additional cultural one—there is no traumatic historical memory to poison contemporary relations. If the Turkish minority is associated with the Ottoman yoke, Chinese, Africans, Lebanese, Afghans come from distant, unknown, even exotic cultures.

### **Migration studies: quantitative lacks, qualitative discrepancies**

To be able to study a phenomenon from the beginning is a rare chance in a professional scientific career. While our Western colleagues analyze the third and later generations, we have the exceptional opportunity to examine the first.

This challenging situation can be summarized in two characteristics and two paradoxes. Migration studies are making their first appearance in Bulgaria. This is clearly manifested by the fact that there are only few publications on the subject. The first book on the subject, *Bulgaria: The Social Impact of Seasonal Migration*, has been commissioned by the International Organization for Migration (IOM 2003). It focuses primarily on emigration, and as regards immigration the volume is concerned mainly with the institutional and legal provisions in Bulgaria for the integration of migrants and refugees.

In the same year the International Centre for Minority Studies and Intercultural Relations published the book *Living There, Dreaming Yourself Here* (Karamihova 2003), which studied the emigration attitudes of the population in the Rhodops Mountains.

Special interest has been paid to the Bulgarian Turks who emigrated to Turkey: the International Centre for Minority Studies and Interethnic relations publishes a series on Muslim communities in the Balkans focusing on the transformation of Turkish

identities after the emigration: the first of great interest is A. Zhelyazkova (1998) *Between Adaptation and Nostalgia. The Bulgarin Turks in Turkey*, followed by *The Bulgarian Turks: Emigrant in the Republic of Turkey* (Maeva 2006).

Immigration is studied less. *Immigration in Bulgaria* (Krasteva 2005) is the first attempt to acquaint the reader with the new groups in Bulgaria—Chinese, Kurds, Vietnamese, Russians, immigrants from Middle East. The book asks the important question of whether the newly developed democratic culture of Bulgaria will be able to face the challenge of immigration. So far, immigration in Bulgaria has not been politicised. However, the contributors to the book underline that it is necessary to develop responsible policies on the integration of refugees and migrants. Bulgaria could avoid many of the failures of the West European countries which have tried to integrate foreigners from different races and religions over the last 50 years.

CERMES (Centre for European Refugees, Migration and Ethnic Studies)<sup>10</sup> has launched the series Migration and Refugee Studies. The first volume, *From Ethnicity to Migration* (Krasteva 2004), argues that the new migration field does not start from zero but, rather, is built on the achievements and results of minority studies. The second volume, *Figures of Refugees* (Krasteva 2006), continues the ambition of ‘Immigration in Bulgaria’ to present a panoramic picture of the main types of migration focusing on the second most significant form, the political or the forced. The objective of the study is twofold: both theoretical, to analyse the refugees in a variety of perspectives (labour market, security, human rights), and empirical, to study the Bulgarians as refugees and the refugees in Bulgaria.

These examples express the two peculiarities of the scientific field: the relatively small number of publications<sup>11</sup> and the imbalance between the interest in emigration and immigration with the predominance of the former.

Within the immigration field one sees unevenness: a small number of refugees and a relatively high number of publications, with a much higher number of immigrants and small number of publications.<sup>12</sup> The United Nation Commissioner for Refugees Branch Office in Bulgaria in conjunction with the State Agency for Refugees has published several volumes on refugees in Bulgaria; but they are usable mainly as reference books. They are an unclear ‘genre’, being much more institutional reports than scientific studies.

The quantitative discrepancies have theoretical parallels at three levels, data, interpretations and methodology.

I will illustrate the first by the new and ambitious book, *Demographic Development of Bulgaria* (National Council for Demographic Issues 2005). This book includes the first study on immigration that claims to be representative. The study estimates the African and the Chinese community as almost similar in size—3 per cent and 4 per cent respectively, while the differences between the two groups are considerable. African immigrants do not exceed a few hundred, while the Chinese amount to thousands—10,000 according to some estimates.

Such paradoxes are not only at the level of empirical data but at the level of interpretation as well. ‘The number of individuals who have xenophobic views and racist attitude to foreigners does not exceed 7–8%’ (National Council for

Demographic Issues 2005). Another study claims: ‘Unlike the common perception, there is racism, anti-semitism and xenophobia in Bulgaria. They are widespread. Between  $\frac{1}{3}$  and  $\frac{1}{6}$  of the majority ethnic group support some form of ‘ethnic cleansing’ (Coen 2005: 21). We remain perplexed whether Bulgarians are deeply tolerant, as posited by the academic team of authors, or fundamentally xenophobic, as stressed by the Helsinki Committee for human rights activists. We are also puzzled by the nature of the conclusions—the result of scientific enquiry or preconceived ideas?

The methodological challenge is how to study migration in a country without a history of migration or migration studies.<sup>13</sup>

Immigration in Bulgaria, in its history, scope and relation to emigration, is significantly different from that in Western European countries and even more so from that in Northern America. At the same time, the only theoretical sources that can provide analytical instruments for explaining the phenomenon are Western concepts. Bulgarian researchers respond to this challenge in two ways: one of the approaches is declared as empirical, and the other as self-reflexive. The first is a ‘pristine’ entry into the field with a research view not burdened by an a priori theoretical choice. The second draws on two assumptions: that there is no ‘tabula rasa’ view; theory does not restrict but stimulates discovery and empirical sensitivity. This second approach is focused on the sphere of validity of the existing concepts and their applicability to the Bulgarian case.

### **Institutionalisation of migration: the Weberisation—a goal, rather than an achievement**

Bulgaria, like the whole of Central and Eastern Europe, has experienced a rapid transition from a refugee-producing towards a refugee-hosting region. Indeed, for several asylum seekers, Bulgaria is still a transit point on their way to Western European countries. Refugees are well institutionalised, with a dense set of governmental, humanitarian and international organisations.

With Bulgaria’s accession to the 1951 Geneva Convention and the 1967 New York Protocol,<sup>14</sup> the country assumed the obligation to provide a fair procedure for dealing with asylum demands. In order to implement these responsibilities a National Bureau for Territorial Asylum and Refugees was established in 1992.<sup>15</sup> Later it was renamed in State Agency for Refugees. It is accountable to the Council of Ministers and is responsible for refugee policy. Its priority areas are:

- Application of the European standards with respect to the reception of asylum seekers;
- Institutional building and enhancing the administrative capacity;
- Strengthening the capacity of reception centers for refugees and asylum seekers;<sup>16</sup>
- Improving conditions for refugees’ integration by focusing on the social protection of the most vulnerable groups (UNHCR 2005).

As of 2006, there is a relatively high number of NGOs operating in the refugee field (in comparison with the number of refugees in the country). The first UNHCR non-governmental partner in the country was the Bulgarian Red Cross in 1992. Its Refugee-Migrant Service (RMS) aims to facilitate the integration of refugees in Bulgaria, prevent the isolation of migrants and promote tolerance towards both groups in the Bulgarian society. RMS assists refugees with physical and mental health services, in-kind (food, clothes), Bulgarian language courses, professional and vocational training, and so forth. Almost half the assistance is in the form of social counselling (UNHCR 2004).

The second active and visible NGO is the Bulgarian Helsinki Committee (BHC) for Human Rights, which established a Refugee Migrant Service. It was initiated to fill the gap of a legal aid system for asylum seekers and refugees. Legal aid is rendered by means of consultations and legal representation of rejected refugees before the Supreme Administrative Court and the competent district courts, especially the Sofia City Court. BHC succeeded in guaranteeing access to legal defense at each stage of the procedure. In addition to court representation, BHC developed the practice of representation during the administrative procedure.<sup>17</sup>

The UNHCR Office in Sofia organizes a variety of activities. It takes part in the elaboration of the policy for combating human smuggling and trafficking of persons, organizes the training of the border police officials on refugee protection and human rights. Its ambition is to launch and foster a public debate. Round tables are held on a regular annual base with representatives from different ministries, NGOs, media groups and so on. It initiated also an academic programme for introducing refugee issues into university curricula. UNHCR is the main sponsor of the NGOs functioning in the field.

In summarizing the institutionalization of migration, I would like to emphasize three deficits or paradoxes. The most glaring one is the inverse proportion between the size of the group and its institutionalization. According to estimates, there are about 1,000 refugees<sup>18</sup> and there is a dense network of governmental, non-governmental and international organizations. By contrast, there are hundreds dozens of thousands of immigrants, but the Directorate on Migration at the Ministry of the Interior was established only in 2004 and it is the only governmental body dealing with the issue. The National Council on Demographic and Ethnic problems explicitly excludes migration from its remit.

The second paradox is the lack of focus in the respective activities. Bulgaria is still a transit country. The main direction of the activity of the numerous organizations is integration—the Integration Centre of State Agency for Refugees, the Bulgarian Red Cross. A new NGO<sup>19</sup> was set up recently with the same noble objective. Minister Feliz Husmenova<sup>20</sup> appointed in 2005 a major interministerial commission that worked months for elaborating a national programme for the integration of refugees. University programmes on social work with refugees were introduced into the curricula in several universities.<sup>21</sup> The target group for all these activities is a few

hundred refugees.<sup>22</sup> The refugees joke that there are more experts acting for integration than refugees to be integrated.

At the same time, the integration of tens of thousands of immigrants is left to the immigrants themselves.

The third deficit is the lack of specialization, a euphemism for amateurism. From NGOs such as Caritas and the Red Cross one would expect humanitarian action. The first surprise is to discover that they offer more (or at least as much as) counseling than food, clothes, language training, health care and so on. The second is that part of the funding is used for research projects. Some data can be collected this way, but two negative implications are unavoidable: the quality of the research is not guaranteed if not conducted by academics and under academic control; and the funding aimed at refugees is spent for other purposes.

Building an efficient, rational and legal bureaucracy in the Weberian sense is one of the conditions for a successful post-communist transition. The unbalanced, somehow chaotic institutionalization of migration in Bulgaria is far from achieving this goal.

### **Political instrumentalisation of migration or the new challenges to the Bulgarian ethnic model**

#### *First period: (beginning–late 1990s) Building the Bulgarian ethnic model*

‘The Bulgarian ethnic model’ is the most successful political product of our fragile democracy. Bulgaria entered the post-communist transition with extremely strained ethnic relations; in 1984-85 the Communist authorities replaced the names of the Bulgarian Turks with Bulgarian names and in the summer of 1989 they provoked the emigration of a mass flow of representatives of the Turkish minority. The expectations of observers were that Bulgaria would be the country where ethnic conflict would erupt. Such conflicts spread in former Yugoslavia, while the Bulgarian political elites managed to control the tension by peaceful means, supported by the moderation of both the majority and the minorities. The Movement for Rights and Freedoms, a political expression of minorities’ concerns, was founded months after the beginning of the democratic transition and continues to play a key role in the Bulgarian political scene.<sup>23</sup> That is the good news. The bad news is that post-communism chose an ethnic figure for a scapegoat. Communism was particularly effective in producing ‘enemies’, but its preferences were oriented towards social and political figures —‘bourgeois’, kulak’, ‘internal enemy with party ticket’. In sharp contrast, post-communism chose the gypsy to personify all the frustrations of the transition.

The political context is ambiguous: successful management of ethnic conflicts through minority representation, from one side; transforming an ethnic community into an underclass, from another. The advantages and disadvantages are unevenly distributed. The Turkish minority has access to both the legislative and executive power: Movement for Rights and Freedoms has been present in all democratic parliaments and for a second term participates in the governing coalition; the Roma

have few representatives at local level and the community has been dramatically impoverished. Immigration issues were conspicuously lacking in the political discourse during the whole period.

*Second period: (Late 1990s–beginning of the 21st century) The emergence of immigration issues in the political discourse*

Immigration issues were introduced, tentatively, by a small right-wing party whose unusual name, Saint George's Day<sup>24</sup>—even more than its programme—is associated with Bulgarian national identity. The leader, Luben Dilov junior, was innovative in distinguishing between 'good' and 'bad' foreigners. The former are ethnic Bulgarians from different countries.<sup>25</sup> They are invited to settle in the motherland in order to stop demographic decrease. The 'bad' foreigners are defined as refugees from poor, undeveloped and unfamiliar countries.

This party does not have a strong political impact; its leader succeeded in being elected as MP thanks to a coalition with the Union of Democratic Forces. It is interesting for our analyses only because it illustrates the mechanism of incorporating immigration into political discourse. The latter is not provoked by real problems of integration; it is inspired by Western models. The political niche of 10–20 per cent of the electorate favourable to the anti-immigration discourse in several Western countries is overly attractive to our opportunistic politicians.

*Third period (2005–) Creation of the first extreme right xenophobic party*

The 2005 parliamentary elections surprised the observers more than the public opinion: a bright new extremist party with the emblematic name Attack not only over passed the 4 per cent threshold, but became the third parliamentary force.<sup>26</sup>

The 2006 presidential elections confirmed the Attack's success. Their leader was the incumbent president's opponent at the second round. Bulgaria repeated, in reverse,<sup>27</sup> the French situation where Jaques Chirac had to face Jean-Marie Le Pen instead of a 'classic' left-wing opponent. The situation is even more striking in Bulgaria where this extremist leader succeeded in eliminating—without any difficulty<sup>28</sup>—the leader of the right-wing parties which for years were the standard-bearers of the democratic transition.

Experts still hesitate as to whether it is extreme left or extreme right; the debates are more contrived than analytical; the phenomenon is too fresh for final conclusions. Two features, nevertheless, should be emphasized. This is the first party which overtly 'attacks' all who 'threaten' the national unity, such as Turks, Gypsies and foreigners. The paradoxical logic of its impact can be summarized by the observation of Adam Mihnic: 'There are no Jews in Poland, but there is an anti-semitism'. There are still some immigrants in Bulgaria, and though there are no real tensions between the local population and the foreigners there is already a xenophobic discourse and a quite vociferous leader able to attract public attention to sensitive issues.

## **Conclusion**

Post-communism found migration to be an ambiguous phenomenon: from one side, as one of the new freedoms Bulgarian citizens enjoy in mass; from another, as the

new phenomenon of immigration. Labor migration, both in and out, became ‘the main game in town’. From political to economic arguments, this transition expresses the new logic of migration. It could be illustrated by the migration of ethnic Turks to Turkey: at the threshold of the transition they were expelled by the Communist state. The post-communist situation guaranteed their political rights, but not employment. Emigration continued, not any more for greater security and freedom, but for better job opportunities. The agency of the migration decision also changed—the individual, not the state.

The immigration phenomenon is new and dynamic. Neither the institutionalization, nor the related studies measure up to its scope and complexity. The ‘Weberisation’ of the institutions—building adequate and efficient governmental bodies for dealing with both emigration and immigration—is still to be undertaken; the academic field faces the challenges of professionalisation and specialization. The figure of the immigrant is quite positive—economically active, flexible, entrepreneurial. There are neither extremist tendencies, nor a refusal to integrate. The political discourse of anti-immigration has recently emerged but has already a strong spokesman with serious electoral support.<sup>29</sup> The good news is, it is not a response to real problems of unemployment or community closeness, but an imitation of Western models. The bad news is that, thanks to the performative power of any political discourse, once introduced, the xenophobic approach can create the problems it fears.

### Footnotes

1 The second largest immigrant population in Greece after the Albanians (Baldwin-Edwards 2006).

2 Two per cent of the immigrant population.

3 15,000 (Baldwin-Edwards 2006).

4 Communist rule represents just one period in a long-standing pattern of Muslim emigration from Bulgaria to Turkey: From 1878 to 1912, about 350 000 Muslims (Turks, Pomaks, Circassians, Tatars) emigrated from Bulgaria; from 1913 to 1934, an annual 10 000 to 12 000 emigrated from Bulgaria under international treaties; from 1934 to 1939, the numbers vary from 70 000 to 90 000, according to different sources; in the Second World War, between 1940 and 1944 approximately 15 000 left the country; forcible land collectivisation drove some 155 000 Turks to emigrate in 1950 and 1951; after the signing of the Bulgarian-Turkish agreement on the reunion of divided families, more than 130 000 people left for Turkey between 1968 and 1978 (Zhelyazkova 1998: 302); the largest exodus was in 1989 (see below).

5 The Turkish minority is well represented in the Bulgarian political scene. The Movement for Rights and Freedoms (the Turkish party) is an influential political actor.

6 Germany’s green card programme is an illustration of the trend of recruitment of highly skilled workers from the CEE. It provides for residence and employment in Germany for up to five years for IT workers. While Indian nationals represent the largest single group benefiting from this programme, CEE citizen represent the largest single group overall (Laczko, Stacher and Koppenfels 2002).

7 Krasteva 2005.

8 The few exceptions are doctors practising Chinese medicine, one artist, lecturers in the Chinese language at Bulgarian universities. There is an interesting new phenomenon—highly qualified Chinese working in Bulgarian branches of multinational companies.

9 Initiated and edited by a very dynamic Lebanese lady.

10 Directed by the author of this chapter.

11 Some NGOs produce publications on migration issues but they are not academic books as such, rather reports and survey data.

12 The same imbalance is even more evident in the institutional field.

13 Without a recent history of migration because of the closed nature of Communist society.

14 Ratified with a law passed by the National Assembly on 22 April 1992 and promulgated in the *State Gazette*, issue 36/1992, later supplemented with a law passed by the National Assembly on 1 April 1993, published in the *State Gazette*, issue 30/1993; effective in Bulgaria from 10 August 1993 ( UNHCR 2004).

15 Decree 207 of 23 October 1992.

16 Three centres are functioning: the Registration-and-Reception Centre for Refugees in the village of Banya, Nova Zagora municipality, with a capacity of up to 70 people; the Registration-and-Reception Centre for Refugees in Sofia, with a capacity of up to 450 people; the Integration Centre for Refugees in Sofia. Another transit centre is planned; several problems are slowing down its construction.

17 The scope of this representation covers, among others, the lawyer's right to defend asylum seekers during the interviews, namely the right to make remarks, raise questions and objections regarding the record of proceedings, as well as the access to personal files and the relevant information from the administration as soon as the case has reached the judicial review stage (UNHCR 2004: 82).

18 Not asylum seekers but those who have been granted refugee status and who have not left the country.

19 Association for the integration of refugees and migrants.

20 From the previous government of the National Movement Simeon the Second (2001–2005).

21 New Bulgarian University, Shoumen University, Sofia University.

22 Some refugees are relatively well off, and they do not ask for special support.

23 Much higher than what its electoral support and the number of MPs suggest.

24 Popular folk holiday of shepherds and the army.

25 There are Bulgarian minorities in Moldova, Romania, etc.

26 Some MPs were expelled from the group, so there are fewer members today, yet it is still vociferous.

27 Reverse, because the incumbent president is left-wing: he used to be the leader of the Bulgarian Socialist Party.

28 The reasons are complex and the analysis goes beyond the scope of this study.

29 Attacks's leader, Volen Sideron, won 24 per cent of the votes in the 2006 presidential elections.

İsmet Emre Işık

## **A View from Istanbul: Where Does Turkey Stand on the Issues of Migration and Multiculturalism?**

### **Introduction**

Turkey, once a country of emigration, has, since the 1990s, begun to experience a new situation and has also become country of immigration (see e.g. Erder 2000, 2004; İçduygu 2004; Timur 2004). Its geographical location has also made it a crucial location on irregular migration routes, especially for migrants trying to move to EU countries. Istanbul plays an important role in this migratory process and provides a snapshot of Turkey's globalisation. Istanbul's position in the migration process is a unique one and it is becoming an important site, not just for the 'new national settlers', but also for the today's 'international settlers' ( Sassen 1999).

Keyder's concept of informal globalisation is very useful in understanding the situation in Istanbul. This concept may be considered as an alternative globalisation and has two main aspects. The first one is related to illegal transactions. Here Keyder refers to money laundering by various means such as casinos, the construction sector and even banking (Keyder 2000: 31–32). In this respect, Castells wrote that : 'Turkish organised crime (enjoying significant influence in Turkey's politics and law enforcement agencies) is a major player in the traditional Balkan route that brings heroin into Europe, a route now used for all additional traffic' (Castells 1998: 173). One has to add human trafficking and irregular migration to this informal globalisation.

Since the 1990s, irregular migration has become an important part in Turkey's globalisation process, and even though the exact figures are not known, the issue of irregular migrants and their involvement in the economy has started to receive attention. In order to understand the situation for these migrants and related state policies—or the lack thereof—and where Turkey stands in Europe in relation to the issues of international migration and multiculturalism, it is necessary to take a wider perspective and elaborate on the historical roots of the current discourses on foreigners, migrants and minorities and ethnicities in today's Turkey. This article argues that these issues and the populist discourses surrounding them are historically rooted and also gain impetus from the current political climate, both national and international. While the existence of irregular migrants is being mostly ignored, any attempt made towards the starting of a debate on minorities or ethnicity in Turkey is seen as a threat to the unity of the state and causes various populist reactions. In what follows I shall attempt to look at the Turkish experience by taking Istanbul as a microcosm of Turkey. As Turkey and Istanbul become ever more demographically mixed, the issues of integration and multiculturalism become ever more important both socio-culturally and economically. In order to see what, if anything, Europe has

to offer by way of guidance on these issues, I will look at the three EU countries and their attitudes towards migrants and multiculturalism. All three have adopted different models, each of which shares some similarities with Turkey. These models are crucial, not just in the sense that they show differing policies in Europe, but also various attempts of managing minorities and integration of migrant communities.

The situation in the UK following the end of colonial era, when the notion of imperial subject was devalued to a form of citizenship, is reminiscent of that during the dissolution of the Ottoman Empire. Modern Turkey took the French model on board and tried to establish a strong sense of citizenship, a model facing significant challenges, as may be seen in France today. The Dutch system of pillarisation somewhat invokes the Ottoman Millet system.

In the second part of this essay I will look at Istanbul and create an historical overview of its migration and minorities. I will also discuss the issue of irregular migrants in Istanbul. I will conclude by examining EU accession and forbidden issues (commonly known in Turkey as ‘red line issues’) in relation to growing populist nationalist discourse, which will be scrutinised in the part three.

### **Mismanaging diversity**

During the last couple of decades we have witnessed growing anti-migratory discourses in the West, which reached a peak in the aftermath of September 11. While Muslims and Islam became the main focus of various populist nationalist, xenophobic and racist attitudes, migrants as a whole, including refugees and asylum seekers, began to be viewed more than ever as, at best, social problems, and at worst, criminals and parasites. Stigmatisation of migrants and migrant communities has to be analysed in a wider context as the issue of integration, and the peaceful co-existence of different groups is ever more important after the recent events in France. I will look at three examples in terms of attitudes towards minorities.

#### *From multi-racial empire to ethnic nation-state*

In the UK context, the issue of multiculturalism takes us to the country’s colonial history. According to Joppke (1999) Britain had no citizenship until 1981 but only a pre-national notion of subject-ship defined as allegiance to the Crown. This has reflected on post-colonial migration, with colonial migrants having the same legal status as the native population. This situation changed with the enactment of the 1981 British Nationality Act (Sassen 1999:121). The devolution of multi-racial empire to ethnic nation-state resulted in frustration (Joppke 1996). Exclusion from the national community of ‘blacks’ and ‘immigrants’, even of the second generation, resulted in the creation of more militant and ethnicised immigrant communities than anywhere else. Tom Nairn (quoted in Joppke 1996), in his analysis of the anti-immigrant rhetoric in Britain, stated that ‘in the obscene form of racism, English nationalism has been re-born’.

This situation in the UK is the result of a series of transformations in citizenship and migration policies. In the 1960s and 1970s controls and restrictions in immigration were initially directed towards the entry of Commonwealth citizens into

the UK. These restrictions, as we briefly mentioned above, changed the notion of citizenship. The 1981 British Nationality Act clearly defined entitlement to citizenship. This also shows again the transformation of the *jus soli* system (Sassen 1999). This Act limited entitlement to those, for example, born outside Britain who at birth have at least one parent who is a British citizen, other than by descent, for instance as a member of the armed forces. These rules were overturned in 1987. In short, the 1981 Act connecting nationality law with restrictive immigration policies established a three-tier system of British, Dependent Territory, and Overseas citizenship with the right to entry for 'British' citizens only (Joppke 1996: 478).

Joppke argues that the British Empire, which comprised various ethnicities, had no intention of blending these ethnicities 'nor did the British Empire attempt to assimilate its colonial subjects' (1999: 642). The reason for this can be explained in the idea that such ethnicities would not become British or English anyway. This is the core of conservative thinking that states that a West Indian, Indian or Asian, though born in England, remains a West Indian, Indian or Asian. The liberal idea of group particularism that is based on keeping migrants and domestic society apart became stronger in the mid 1960s. An 'elite crafted multiculturalism became Britain's integrative solution to its new commonwealth immigration' (Joppke 1999). In order to work against racial discrimination in public places in Britain, the 1965 Race Relations Act was passed with modest legal powers. With professionals paid to work in the area of race relations, this act became the foundation of what is known as the 'race-relations industry' (Joppke 1996). A second act followed in 1986 and strengthened the power of the first to investigate discrimination in various areas, from employment to housing.

The third act came in 1976 and outlawed indirect discrimination and established the Commission for Racial Equality to advise the government on policy. This Act did not follow the American model of 'affirmative action' and rejected 'reverse discrimination', but permitted certain 'positive action', some training programmes and so on (Joppke 1996, 1999). Local Race Relations Councils (RRC) were also set up to prevent racial discrimination at the local level. By 1991 there were about 80 RRCs all over Britain (Joppke 1996: 481).

Even though Britain's official multiculturalism 'has expressed itself in a multitude of legal provisions such as partially exempting Hindus and Muslims from Britain's strict marriage rules', and allowing minority groups to wear their own dress in school and so on, the main site of official multiculturalism has been in education. Race awareness training has become required component of education.

The importance given to education may be seen as the result of identifying education in post-colonial Britain as the major site of discrimination and oppression of ethnic communities. The under-achievement of 'West Indian' children in education was on the Labour Government's agenda in 1977. The Rampton Report (1981) compared the 'West Indian' children's performance with 'Asians', 'whites' and 'all other school leavers' (Modood and May 2001: 307). The report highlighted racism as a factor in the poor educational performance of Afro-Caribbean students. It also noted particular biases in IQ testing, the negative stereotyping of ethnic minority students

by teachers. According to Modood and May (2001), 'the inquiry's emphasis on teacher racism caused considerable controversy' and the Conservative government forced A. Rampton to resign. A new report, the Swann Report, became the final inquiry report and left aside anti-racist strategies and went towards an inclusive multiculturalism. Education for All, the formal title, saw multicultural education as enabling all groups to participate in shaping society, 'whilst also allowing for, where necessary, assisting the ethnic minority communities in maintaining their distinct ethnic identities within the framework of commonly accepted values' (Modood and May 2001: 307). Unlike the situation in Canada, bilingual education was rejected and it was decided that the usage of minority languages should be restricted to the home and the ethnic minority. The Swann Report also rejected the idea of minority schools.

While supporting a multi-racial and diverse Britain, it argued for common frameworks and rejected the idea of 'colour-blindness' by seeing it as the denial of an important aspect of a personal identity (Joppke 1996: 482). This was referring particularly to the claims of Muslim minorities. The Swann Report, without commenting on the presence of Anglican, Catholic and Jewish schools, viewed the prospect of Muslim schools as socially divisive (Modood and May 2001). In response to the Report many worried immigrant parents sought to establish schools outside the state sector (see Joppke 1996).

The race-card and anti-immigration discourse is still considered a familiar feature of British politics and public opinion (see e.g. Saggat 2003; Alexander and Alleyne 2002). The British government in 2002 published the UK White Paper on migration and this was a move towards the Canadian model with naturalisation rules, citizenship oaths and ceremonies. But according to Kymlicka (2003: 204) Britain forgot about the two other important elements of the Canadian model, namely liberal citizenship policies and commitment to immigration and multiculturalism:

In the British context, there is no strong visible public commitment to either immigration or multiculturalism. On the contrary, there is, if anything, a consensus against (non-European) immigration. To put it crudely, many people in Britain believe that it was a terrible mistake to have admitted and granted automatic citizenship to so many non-white immigrants in the 1950s and 1960s, but luckily the country woke up in time and adopted more restrictive admission and naturalisation policies, and must remain vigilant against the threats and burdens posed by unwanted illegal immigrants and 'bogus' claimants to refugee status (Kymlicka 2003: 203).

It is also argued that we can see the same situation in the legal and constitutional commitment to multiculturalism in Britain. This became clear in the responses to the report published in 2000 entitled *The Future of Multi-Ethnic Britain*. The report, known as the Parekh Report, caused a lot of controversy (see e.g. Vertovec 2001; Kymlicka 2003; Kivisto 2002). The main objective of the Report was to create a vision of 'a self-confident multicultural Britain with which all of its citizens can identify' (Parekh 2000b: xv). In order to do this it has tried to move away from the classical view of 'national' community and argue that Britain has to develop both as a 'community of citizens' and as a 'community of communities' (Parekh 2000b: xv, see also Kivisto 2002: 154; Vertovec 2001: 6). By rejecting the static and self-sufficient

notion of group identity and community, the Parekh Report (2000b: 37) argues that communities are open, porous formations. Comments like ‘Britishness and whiteness go together like roast beef and Yorkshire pudding’ (Parekh 2000b: 25) were the real cause of outrage. Almost everybody from Right to Left, and especially (the right-wing) media misread the argument. The purpose was to move towards a British identity which has multi-ethnic and more inclusive connotations rather than restricted Englishness composed of whiteness.

*Republican cul de sac*

While the UK took the idea of multiculturalism as an attempt to integrate minorities and migrant workers into wider society, the French took its republican ideals as its starting point and rejected any notion of multiculturalism, thus leaving no room for communitarian ideals. While much debate has always surrounded the issues of racism and national identity in the UK, the French would appear to be ever confident about the operation of the republic concerning these issues.

Like many other Western European countries, France suffered from a labour shortage in the aftermath of World War II. It had, up to that time, solved this problem by using Portuguese, Italian, Jewish and Eastern European workers. The period starting from the 1950s and ending in the 1970s is defined as ‘the zenith of immigration in French history’ (Kivisto 2002: 173). The issue of immigration in the post-World War II period was partly related to the need for labour but also related to the declining birth rate: ‘By unlinking residence permits from work permits, the government opened the doors to jobseekers who had not yet been hired, and to families. This encouraged immigrants to view themselves as permanent settlers rather than labour sojourners’ (Kivisto 2002: 172).

Alongside mainly Portuguese, Spanish and Italian immigrants, African and Asian immigrants began arriving in France. The three nations of the Maghreb (Morocco, Algeria and Tunisia) became the main source of solving France’s problem of labour shortage. During the period of de-industrialisation in the 1970s, immigrants from these three nations were the most affected groups.

In the early 1970s, even though France stopped recruiting foreign workers from non-EU countries, it became the most ethnically mixed country of Europe. In France today there are 4–5 million Muslims, which is the 7–8 per cent of the total population (Kivisto 2002: 181). It is the leading immigrant country of Europe. As Walzer (quoted in Jennings 2000: 575) points out: ‘France has been a society of immigrants. And yet it isn’t a pluralist society – or at least it doesn’t think itself, and it isn’t thought of, as a pluralist society.’ Despite its cultural and ethnic diversity, France claims to be a mono-cultural society and is not a multicultural one (see e.g. Martiniello 1998). In France, according to Martiniello (1998:911):

Immigrants and members of potential national minorities are expected to become full French citizens and to become invisible as groups in the public sphere. ... They are also expected to share fully and endorse the one and only French national identity and culture as defined by the majority.

Muslims are the second biggest religious group in France today. The French policy of assimilation seems to be greatly troubled in the face of these unassimilable types. The

argument of ‘assimilationist’ republican tradition can be summarised as follows:

(a) national identity is not a biological but a political fact; (b) one is French through the practice of language, learning of culture and participating in economic and political life; (c) moreover, one enters this community dressed simply and solely in the garb of an individual citizen divested of all particularistic affiliations. In this context Jennings (2000) also highlights the role and the importance of the school as a site of individual emancipation, which makes it possible to gain universal (i.e. French) values such as justice, tolerance, liberty and so on. In 1989 the arrival at school of the three Muslim girls wearing headscarves caused hostile public response. Jennings (2000: 584) identifies three reasons for this hysterical reaction. The first one is the fear of fundamentalism. The second is seeing the scarf as a direct challenge to the secular Republic’s educational system, and the third is seeing the scarf as the symbol of male dominance in the patriarchal Muslim faith. Muslims, on the other hand, saw this event as an attack on their religious freedom and argued that wearing a headscarf is no different from ‘Jews wearing yarmulkes and Roman Catholics wearing crucifix necklaces’ (Kivisto 20002: 183).

The state policy of assimilation is also changing. The notion of integration became the main focus of a 1988 document entitled the ‘Rapport de la Commission de la nationalité’. This report, which Jennings (2000) argues did not upset the status quo, called for a policy that combines the full integration of immigrants and the affirmation of a strong French identity. Islamic practices of polygamy, inequality between sexes and arranged marriages were seen as incompatible with French values. It is argued (Jennings 2000: 583) that the republican idea of integration can be summarised in four principles:

The integration of immigrants must be in accord with the secularism of the state: the latter respects religious philosophies and beliefs but gives them no special support.

It is individuals rather than groups that integrate and at no time can, or ought, the action of integration contribute towards the constitution of structured communities.

Integration presupposes rights and duties: an immigrant must respect French law as it is: in return, the law naturally respects their cultures and traditions.

Immigrants and French must be treated equally. As such, integration is not designed in order to favour immigrants but for the benefit of all and their collective cohesion.

As can be seen from this notion of integration, this tradition naturally prefers the word ‘*immigré*’, with its passive and labour-related notion, rather than the actively connoted term ‘immigrant’. Also, Body-Gendrot (1993) writes that this tradition prefers to use concepts such as ‘identity’ and ‘culture’ rather than ‘ethnicity’, ‘communities’ or ‘minorities’. Some (see e.g. Martiniello 1998) argue that the French intelligentsia lacks the notion of interculturalism, or multiculturalism by paying no attention to them. In the case of Islam it is also argued that colonial wars are still being fought on French soil, and social memory is still being contested. M. Wieviorka

(1998) argues that ‘republicanism is retrospective, advancing reluctantly, while at the same time paralysing any consideration of cultural changes and the space they demand’.

The Dutch model varied in almost every aspect from the French model, and particularly by giving pride of place to communitarian ideals. The Dutch attempted to empower ethnic and religious communities by encouraging them to develop themselves into constituting an important element in Dutch society.

#### *Pillarisation*

Pillarisation became the Dutch model of cultural pluralism from the beginning of the twentieth century until the 1970s. Pieterse (2001) points out that the notion of pillarisation ‘refers to the history of cultural differences within the nation along religious lines. This includes Catholics, Protestants and the non-church affiliated’. In 1917, equal rights, in terms of state support for education, were granted to Catholics:

‘The financing of schools funded by religious organisations established the system of pillarisation, also known as the “silver strings”, between the state and the Christian denominations’ (Pieterse 2001: 400).

In the later period, this expanded to include trade unions, universities, newspapers and broadcasting for Protestants, Catholics and the non-church affiliated. At a later stage pillarisation became a model of multiculturalism and the model for incorporating new migrants. Pieterse (1997: 192) argues that the Dutch model of cultural pluralism (pillarisation) valorises cultural differences from the angle of religion, as opposed to British multiculturalism, which ethnicises these differences. It has also been argued that in the Netherlands the differences between denominational and multicultural pillarisation were overlooked (Pieterse 1997, 2001): ‘The confessional pillars shared power at the top, together their elites made up a roof over pillarised society, but the pillars of the newcomers, with their low socioeconomic status do not reach that high, theirs are only mini-pillars.’

The Netherlands has many different migrants including those from ex-colonies, such as Indonesia, The Antilles and Surinam. Van der Veer (2003) points out that even though these migrants are naturalised citizens, and there has been improvement in their chances and opportunities during the last two decades, they still suffer from discrimination and have a poor position in society. The second category of migrants, mainly Turks and Moroccans, is the migrant workers. Again, the last decade or so has seen an improvement in the status of second- and third-generation migrants, but they still suffer from high unemployment rates. Van der Veer (2003) points out that the unemployment rate of this group is four times that among the native Dutch population. The third category of migrants is refugees from various countries, most of whom are unemployed. Even though there is a policy towards structural and institutional integration of refugees into Dutch society, it has been highlighted that the unemployment rate among refugees in 2000 was 35 per cent, compared to 3 per cent among the Dutch population (Korac 2003: 56).

In the 1980s, within the pillarisation model, social democrats emphasised integration, and according to Pieterse (1997) ‘free market conservatives’ emphasised assimilation. In the 1990s, policies in the Netherlands moved towards language and citizenship skills, immigrant ‘employment schemes with a reporting system for companies’. Unemployment became the most important issue of this period, so it led to ‘a compulsory system of reporting on hiring practices by companies and to policies of fostering integration by making learning Dutch obligatory for newcomers’ (Pieterse 1997: 193).

The combination of plural society and pillarisation in the mid-1970s gave birth to what is known as consociationalism (ethnic conflict management or power sharing). The period after the 1970s has been dominated by this model.

Its critics are many. For example, Pieterse (2001: 194) points out that: it doesn’t problematise ethnicity and group boundaries; it doesn’t deal with hybridity; it promotes patronage and clientelist politics; it produces static multiculturalism as a mosaic of ghettos; ‘New pillars’ do not reach the roof. Furthermore, following the 2002 elections, the image of the Netherlands has been transformed. Pim Fortuyn’s PFL Party’s success in the election ‘introduced doubts concerning the liberal credentials’ of the Netherlands (see Saggat 2003: 190).

These three cases show little similarity to each other, and highlight the multiplicity of attitudes that exist in Europe towards the issues of minorities, migrants and multiculturalism. In the case of the UK, the notions of Britishness and Englishness are hugely debated and the issue of racism seems to linger on, as evidenced by the time and money spent on various reports and commissions. French republicanism would appear to have failed almost completely in its integration project, particularly with regard to its Muslims, while the French state continues to determinedly reject the notion of any negotiation or debate on what it means to be French. The Dutch model seems to have made very little headway on the road to integration, as proven by the rise of anti-migrant discourse there. Indeed, all three would seem to have provided the fertile ground in which anti-migrant sentiment and populist nationalist discourses are taking root.

#### **A view from Istanbul: marble or mosaic**

By the late 1990s multiculturalism as an ideology had become obsolete and was replaced by interculturalism. Whether the various policies of the past in terms of integration of migrants were successful or not, the experiences do not seem enviable from many angles. Parekh writes that the Ottoman Empire, in comparison to most contemporary Western societies, was much closer to being a multicultural society (Parekh 2000: 7). The Ottoman Empire never claimed multiculturalism or avowed its principles and as long as taxes and tributes were paid any community was welcome. But Parekh may still be right in arguing that, like China and India, the Ottomans were more tolerant compared to European empires in relation to their attitudes towards minorities (Parekh 2000: 66). The broadness of authority extended by the Ottoman

millet system of government allowed elites to develop within the ethnic or religious groups themselves (Armstrong 1982).

Even though it had elements that remind us of the later model of Dutch pluralism, the system also had similarities to that of market pluralism defined by Furnival (1944), who identified two different entities, one being separate ethnic groups and the other the marketplace. As in the Ottoman case, the communities, or different Millet (Nations) didn't have much contact other than the market relations. But we have to separate this idea of plural society from multiculturalism.

J. Rex (1996) talks about four possibilities in relation to multiculturalism by referring to public and private domains: (1) a society which is unitary in the public domain, diverse in the private or communal matters (equal opportunity); (2) a society which is unitary in the public domain and also enforces, or at least encourages unity of cultural practice in private or communal matters (French ideal of assimilation); (3) a society allowing diversity and differential rights in the public sphere and also encouraging or insisting on diversity of cultural practice by different groups (colonialist and South African apartheid system); a society with diversity and differential rights in the public domain even though there is a considerable unity of cultural practices between groups (the deep south of the US before civil rights took effect). For Rex, we have to be careful to distinguish the multicultural ideal from the notion of a plural society. For him, there has to be a notion of equality in the public domain and in the private, and diversity has to be permitted.

#### *An historical overview*

According to Keyder (2000: 17) in the late nineteenth and early twentieth century the inhabitants of Istanbul, as a microcosm of the empire, began to regard each other with suspicion and doubt. Kemalism, or the official nationalism of the Turkish Republic, in a way brought a solution to this problem in Asia Minor. For example, in relation to Izmir and other Anatolian cities and regions the exchange of population (see below) was seen as the ultimate solution, especially with regard to the Greek population (see Berber 1997).

In 1885, the distribution of population in Istanbul was given as follows: Muslims – 44.06 per cent, Orthodox Greeks – 17.48 per cent, Armenians – 17.12 per cent, Jews – 5.08 per cent, Catholics – 1.17 per cent, Bulgarians – 0.50 per cent, Protestant – 0.09 per cent, Foreigners – 14.74 per cent. Çelik explains that the high percentage of foreigners may be accounted for by those under Ottoman citizenship taking another nationality in order to protect themselves from high taxes levied on property (Çelik 1998: 32–33). An example given by Çelik (1998) shows that a Belgian trader was taxed at 5 per cent for any goods sold by him within the empire, whereas even the transferral of goods from one area to another within the empire by a Turkish trader was taxed at 12 per cent.

One of the main increases in the population of Istanbul happened with the arrival of the White Russians. It is estimated that nearly one million passed through Istanbul between 1918 and 1921 fleeing their homeland following the October Revolution (see Deleon 1995). Keyder (2000) has pointed out that this event was also the harbinger of

a new development relating to the economy of Istanbul: it meant the effective closure of the Black Sea and its profitable commerce for Istanbul.

The Christian population of the city in 1914 was 450,000 and had declined to 240,000 by 1927. The general population during the same years had declined from 1 million to 700,000. By the 1980s the non-Muslim population accounted for less than 1 per cent of the total (Mansel 1995; Keyder 2000). In the decades following the 1920s we can talk about a hidden Kemalist nationalist policy being carried out regarding the homogenisation of the population, or what could be called a policy of Turkification, as recommended by the sociologist Ziya Gökalp. In the Lausanne Treaty, as part of a separate agreement between Greece and Turkey, there was an official compulsory exchange of populations whereby almost 1,200,000 Anatolian Greeks and 400,000 Muslims in Greece were made to leave their homelands. In this way, an attempt was made to homogenise both Turkey and Greece (Aktar 2000: 77). The only exceptions to the exchange were the Turks of western Thrace and the Greeks of Istanbul and the islands of Imbros and Tenedos (Freely 1996: 297). Those Greeks who wished to remain in Istanbul had to prove that they were inhabitants of the city from before the war.

Modern nationalist movements in the region brought much hardship to the Balkans as well as Anatolia, the continuing effects of which can still be seen and felt in that part of the world. In relation to this, in his analysis of the exchange of population as a stage in the process of homogenisation of population and the emergence of national economies in Turkey and Greece, Aktar (2000) tries to explain how painful it was for those people forced to leave their homelands. For both governments this exchange produced different results. The Greeks who moved to Greece from Anatolia were mainly urban dwellers, skilled workers and business people. On the other hand, the Muslims who came from Greece were mainly villagers. Greece was faced with enormous costs in the resettlement of their migrants, whereas Turkey had a much lighter financial burden. Aktar points out that this agreed exchange of minorities was, in many ways, a better option in comparison to others, such as the most common one of forcing the migration of an ethnic minority to move through ill-treatment.

After World War II, the government introduced a new wealth tax to be levied on non-Muslim businesses. Anyone unwilling or unable to pay would be expelled from the city. This caused many Jews and Greeks to leave the country. The events of 6 and 7 September 1955 were another example of such ill-treatment and forced migration of Greek and other minorities from Istanbul. These events, the looting and the destruction of the minorities' businesses and premises, were provoked by the state (Keyder 2000: 19-20).

### **The new mosaic of the city!**

It could be said that the progressive model or the Turkish modernisation project has lost control of urban cultural dynamics in Istanbul. As in other globalising metropolises, in order to cope with urban life Istanbul has chosen tribalisation and

segregation of groups and communities rather than a project for living together. As Aksoy and Robins (1995) observed, the Kemalist homogenisation project, which aimed at the creation of a 'nation' for the good of Turkish society, failed. The real people or nation never matched the ideal citizens or ideal nation visualised in the scenario or project.

Ocak (1993) writes that issues such as Alevis and Kurds in Turkey were inherited by the new republic from the Ottoman Empire. Until the late 1980s these issues had never been discussed in Turkey, as even discussion itself was felt to be a threat to the continuity of the state and the integrity of the nation and the land. The definitions of Alevilik that play the most important role in the minds of the Gazi neighbourhood inhabitants and many other definitions from various sources refer to the 'democratic, laic, emancipatory and modern' nature of the Alevi belief system. Alevis have been considered a society that represents, protects and defends such universal principles. For Ocak, these definitions have little to do with the origins or the experience of Alevilik but refer instead to the ideals of post-French revolutionary Europe.

On the night of 12 March 1995 three coffee houses in the Istanbul's Gazi neighbourhood were attacked by unknown persons armed with automatic weapons. That night one person died and 20 were seriously wounded. The whole neighbourhood came onto the street and marched to the local police station to confront what they saw as the symbol of the system and those whom they held responsible for allowing the incident to occur. The protests continued throughout that night. The following day the Turkish media broadcast live coverage of the continuing events in which the total number killed by the police had risen to 15. This was when the Turkish public in general became aware of the tensions that had been building up in this neighbourhood. These events triggered protests in the central business district of Ankara on 14th March in which 36 people were seriously injured. On the 15th the protests continued in Istanbul and four people died with many injured. The lawyers representing the police officers involved in the killings insisted that the case could not be tried in Istanbul, yet no judge was willing to have the case heard in their jurisdiction. In the end, the case was held in the Black Sea towns. None of the police officers got sentences of more than five years; none of the sentences were actually served; and all the sentences eventually became part of a general amnesty (Radikal 5/11/2001).

### **'Irregulars' in Istanbul**

Turkey, and especially Istanbul, has become a more complicated site demographically with the recently arrived, but not yet very visible, international migrants. Various types of foreigners exist in Turkey. Kaiser and İçduygu (2005) identify eight different categories of EU migrants alone in Turkey. The number of irregular migrants is estimated to be around one million. According to İçduygu (2004: 19) this is not a very reliable figure, but nevertheless shows the growing importance of the issue. In the eight interviews of the pilot research conducted over the last few months, the

conditions of foreigners working illegally apparently differed according to their countries of origin, as is shown in the four examples below.

Two female Ukrainian nationals in their early twenties with student visas are in a desperate situation because of inconsistent and often non-existent payment. One hopes to achieve an MA in business and the other wants to continue living in Turkey. The only option for them is to either find a Turkish husband or keep studying; so they are both preparing for exams. The work they find is generally in the service sector (working at PR fairs, for example) and more often than not they are not paid at all, or paid less than the going wage.

A female British citizen has been resident in Istanbul for the last two years and every three months when her visa expires she travels to Bulgaria and comes back. She is employed illegally in a primary school and quite happy about the work she does. Her family owns an apartment in Istanbul, and she spent a couple of years there in her teens. After graduating from college she decided to come to Turkey, and even though the payments are sometimes irregular she earns more than Turkish teachers working in the same school, and pays no rent.

Another British citizen, a male, worked as a teacher for a couple of years. When his qualifications were turned down by the Ministry of Education he continued to teach for a while and ended up working for a research company. He also left Turkey on few occasions for visa purposes. Now he has started up his own successful business and appears not to have problems, even though obtaining a work permit and coping with the way people operate still shocks him. In a recent talk, the general manager of a transnational company complained to the prime minister about work permits and declared that he himself was in fact working illegally.

As Turkey enters the fast lane towards globalisation, and Istanbul becomes a regional centre, it is evident that Turkey's visa regime and attitude towards foreign workers remains in the slow lane. Deportation of undocumented migrants and migrant deaths on Turkey's shores are becoming just more pieces of unimportant news in the media. Even though the image of Turkey as presented by the state and the media in tourism advertising is one of a cultural mosaic and hospitality, reality does not match the claims. Nationalist commentators put Turkey forward as 'a marble', and are not greatly interested in Turkey as 'a mosaic'.

## **Conclusion**

At the time of the founding of the Republic, Turkey adopted the French model of nationhood, with its strong emphasis on citizenship, republicanism and laicism, and has since abided by these ideals. As in the French model, today some parts of society seem to be challenging these ideals. Even the words multi-ethnic and multicultural ring alarm bells for some parts of Turkish society. Nationalist sentiments and populist discourses invest all their energy in the issues of minorities and ethnicity in Turkey. Istanbul with its ever growing diverse population highlights the importance of discussion on multiculturalism and diversity for the peaceful co-existence of various different groups, not just for the inhabitants of the city but for wider society. As

irregular migrants become an important and permanent part of the population, it seems crucial to engage with the issue and deconstruct the existing discourse on migrants, minorities and ethnicity in Turkey. The informal globalisation of Istanbul would appear to be resulting in non-recognition of the existence of these migrants, and the informal economy in which these migrants are employed prefers the status quo.

Even though there is widespread agreement from both Left and Right for EU membership, nationalist sentiment has become apparent with respect to any attempts by the EU to force Turkey on any issues close to Turkey's heart. These centre mainly on the Armenian question, minorities and Cyprus. Turkey's official stance is to repudiate any accusations of genocide, said to have occurred in 1915–16, when the Armenian population of a large area of eastern Turkey was forced to migrate. There is, however, a general public feeling that eventually Turkey will be forced to accept the 'charges', which will create a stumbling block in the negotiation process. The minorities issue is also considered an obstacle, this time mainly centred on the Kurds of south-eastern Turkey. The official stance is that no minorities exist other than those set out in the Lausanne Treaty. The Cyprus issue constitutes the problem that may be most easily solved, and Turkey has become more relaxed on this issue since Turkish Cypriots voted in favour of the Annan plan. Since its red letter day in December 2004, the Turkish public has begun to follow more closely and become more aware of European public opinion and, more particularly, attitudes displayed by right-wing European politicians. These are, generally speaking, anti-Turkish in tone and are resulting in frustration in Turkey, where the main line of thought is centred on the EU being a Christian club.

In this atmosphere almost every criticism is being rejected by nationalist sentiment. For example, a recent report of the Minority Rights and Cultural Rights Group is being challenged and members of the group are being accused of treason. This group was formed by the government as part of the reform process, but according to populist nationalists it is part of an effort to divide the country. Another famous example is that of the writer Orhan Pamuk, who mentioned that Armenians had been massacred and in a later period 30,000 Kurds had been killed. Reaction was immediate and angry. In one city the governor went so far as to suggest that Pamuk's books be removed from the public library and destroyed. This never happened, partly because the library did not have any of Pamuk's writings, but the official concerned was removed from office by central government. Nevertheless, for a while Pamuk became public enemy number one.

Another example was highlighted in March 2005 during celebrations of the Nevruz (the mainly Kurdish celebration of the coming of spring). Two young people set a Turkish flag alight, an event which occupied much space on the evening news and in the media for the better part of a month. Demonstrations of loyalty to the flag were organised all over Turkey and were steadily maintained over a period of weeks. The original event occurred in the southern city of Mersin. In Trabzon, in the north-east, five students illegally distributing leaflets protesting at prison conditions narrowly escaped being lynched by the public when a rumour was spread that they

were burning the flag. A week later in the same city a group of protesters made up of the families of prisoners were again violently beaten by members of the public.

These events may be seen as reflections of growing popular nationalism and have to be seen in a wider context that includes not only the local or national but also the transnational. Turkey's dynamic economy and its informal globalisation coupled with its regional and political location seem to create fertile grounds for xenophobic attitudes. The question of where Turkey stands in Europe may be answered in two ways. The first answer is about the traditional view of Turkey from a European perspective. As Said (1984) argued, for a European trained principally in mediaeval and Renaissance ideals, Istanbul does not simply connote a place outside of Europe: it represents the 'terrible Turk', the scourge of Christendom, the great oriental apostasy, as well as Islam. In relation to this comment Parker argued that we can make our own substitutions for Europe, Istanbul, Turk, Islam, and Oriental (Parker 1993) Even now, Istanbul represents the clash of cultures, or as an American political journal stated, Istanbul, or Turkey, is where cultures clash (*National Journal*, January 2002). This journal saw Turkey as a model which has to be studied carefully in order to create a bridge between East and West, Islam and Christianity. The second answer is embedded in the story of Turkish nationalism in conjunction with post-nation-building phobias. Contemporary popular nationalist attitudes are blocking every move forward and gaining impetus from both the representation of Turkey in European discourses as well as its own internal phobias.

These tensions are preventing any discussion on irregular migrants and growing diversity in Istanbul and Turkey in general. As Turkey's informal globalisation and relative economic stability appear to attract more and more international migrants, discussions on this issue remain under the shadow of the larger issue of ethnicity and minorities in Turkey. Turkey, therefore, needs not look only to Europe for inspiration in managing diversity and creating the peaceful co-existence of various groups: it has historical experiences to call on in the formulating of strategies for the future. The main aim would appear to be the deconstruction of both the positions of those who are benefiting politically from the rise of nationalist sentiment and tensions, and those who are in the vast informal sector of Turkey who benefit from irregularity in the life of work.

***2. Irregular Migration and the Informalisation of European labour Markets. Comparative Perspectives on Labour Markets, production and Welfare Regimes***

Zoran Slavnic

## **Informalisation of the Economy and the Recommodification of Labour**

### **Introduction**

The following quotation is quite illustrative of a number of issues that will be discussed in this essay:

IP: One day I was approached by one of those ‘big bosses’ (a good reputation used to spread quickly at that place, you know). He said: “Enes,<sup>1</sup> you are in great demand here, how many men do you have?” My answer was ten, though I had only one. What could I do? I was forced to lie a little, just to get the job! So it was the first piece of business that I had managed to settle, and I got a fixed total of 300,000 crowns for it. We were supposed to be demolishing some asbestos wall. And I sold it right away to my buddy Ivan.

ZS: Wait a little. Isn’t it dangerous to work with asbestos?

IP: Of course it is dangerous! And I had neither the equipment nor the training to deal with it. You need to have special training to be able to deal with it. But I knew a guy who had a licence to deal with asbestos, and I sold it to him. And that person did the job and was paid by me. But in this particular case, I first called a Swedish company that specialised in this kind of business. I said that I was a customer who was wondering about the price for a demolition of approximately the same scale – all this in order to ferret out how high a price I could ask for. This was very important, since if you are not able to ask for the right price in this business, it is all up with you. So I asked for 85 crowns per square metre plus container costs. I wanted to charge a slightly lower price than the Swedish company. And I got the job. Then I sold it right away to Ivan for 40 crowns, and he sold it on to a certain Bulgarian for 20 crowns. That guy had just established his business and even had a licence to deal with asbestos. So it was good deal for all of us. I cheated Ivan and he cheated the Bulgarian. The Bulgarian in his turn was not worried about anything. He just kept on digging, without a protection mask, without anything, you know... And I made a lot of money out of that business. There was plenty of work in those days ...

The first detail that attracted my attention in this quotation was the fact that some ‘big boss’ himself made contact with Enes, a small businessman of immigrant background, and, moreover, an absolute beginner in this line of business—he even

lacked the essential qualifications for his occupation. This is in strong contradiction with our everyday experience relating to the situation of immigrants in the labour market as well as in working life in general. In a society in which job applicants with an accent or with 'strange' names are rarely invited to interview, let alone get the chance to personally present their credentials to someone in authority, one becomes, to put it politely, baffled by such details. Some time later, another informant told me a story that threw new light on the matter. He said that nowadays there are more and more kinds of jobs, or parts of jobs, within the construction industry that larger companies do not want to do at all. It is mostly seasonal work, such as facing, or related to special, more demanding requirements, such as asbestos renovation, or demolition. Since such work is often associated with problems of effectiveness or with the high costs of safety equipment and/or training, most larger companies treat it as unprofitable. They instead subcontract it to some of the smaller actors that specialise in just these kinds of job. But the big problem, according to my informant, is that this cooperation always takes place under conditions imposed by the bigger and more powerful companies.

A couple of points from this story are important for my paper. First, from the fact that big companies do not perform some kinds of work, it is possible to conclude that the small companies' involvement in such work does not represent isolated cases, but is part of the routine practice and the orderly, systematic strategies of big business.. Furthermore, this means that those big companies that are regularly classified as part of the so-called formal economy are evidently systematically involved in the *informal outsourcing chain* described above. The point that links this short history to my purpose in the present paper is that most dominant academic discourses usually just bypass this first link of the chain, namely, big companies, and focus exclusively on relationships between Enes and his 'buddy' Ivan, or between them and the 'poor' Bulgarian, who 'just keeps on working', with his own health as his means of competing. But before we continue discussion of this issue, we have to say something about two important problems, which essentially characterise both our understanding and the application of the notion of the informal economy, within academic discourse as well as within political practice.

The first problem is linked to the history of the concept of the informal economy,<sup>2</sup> which is relatively short and has long been associated exclusively with the analyses of social processes in Third Worlds countries. Keith Hart, a British economic anthropologist who introduced the notion in the academic literature, based his view of the informal economy on the distinction between employment and self-employment, whereby the informal economy was primarily associated with self-employment. This general view of the informal economy is for the most part valid even today. At the same time, the causes of informalisation are related in the first place to the so-called 'multiple inability', as Saskia Sassen (1997) put it, of Third World countries to modernise their economies, to take control of the population movement from the countryside to the cities, to implement general education programmes, to create a sufficient number of jobs in the formal economy, and so on (*ibid.*: 3). During the 1980s, when the concept of the informal economy was brought into play as useful for

explaining social and economic processes in First World countries, it came to be associated more with increased immigration from Third World countries than with the structural changes taking place in the First World (Sassen 1998: 194). An assumption that arose within certain political discourse was that informalisation as a process could be controlled only if immigration itself could be brought under (strict) control.

Sassen criticises this view (*ibid.*: 154), arguing that increased informalisation in developed countries has nothing to do with increased immigration, but is primarily to do with the structural properties of developed economies in general and of their big cities in particular. Elsewhere she writes:

Informalization emerges as a set of flexibility-maximizing strategies by individuals and firms, and consumers and producers, as a result of growing inequality in earnings and in profit-making capabilities. Its expansion invites us to focus on the broader set of problems in the relation between new economic trends and old regulatory frameworks (Sassen 1997: 18).

In previous work on this issue (Slavnic 2001) I point to a kind of paradox that is a feature of contemporary research on the informal economy, which is that, even if Sassen's methodology is being accepted by more and more researchers, at the same time they, and even Sassen herself, continue to associate the informal economy first and foremost with small immigrant businesses.<sup>3</sup>

The second problem is related to the content of the concept, as well as to its connection with the so-called formal economy. According to the currently most accepted definition, the informal economy includes all income-earning activities that are 'unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated' (Castells and Portes 1989: 12). Here we have two important points that typify research within this field. The first is that the informal economy is defined as a negation of the formal economy, and the second is that the economic system is not seen as a single system but rather as two different and separate subsystems—the so-called informal economy and the so-called formal economy (Harding and Jenkins 1989; Leonard 1998). Accordingly we have on the one hand economic actors within the informal economy (most usually immigrant small business owners), which according to Portes's definition (1994: 431) 'bypass existing laws and the regulatory agencies of the state', and on the other had we have economic actors inside the formal economy (usually big companies as well as the state, which together with its institutions partly sets the rules and partly itself appears as an economic actor), whose activities are always viewed as in conformity with existing laws. This tendency towards *reification*, as Harding and Jenkins (1989: 137) put it, or overemphasising the formal nature of modern bureaucratised societies (this is true both for public and private sectors), is most important distinctive feature of the dominant political, media and even scientific discourses in this field. One consequence of this is that the big construction company in our opening quotation is never conceived of as a relevant actor in the informal economy.

My general methodological point of departure is therefore that we cannot strictly divide economic actors between the formal and the informal economy, as is so often done in current research in this field. On the contrary, it may be argued that all economic actors without exception have a propensity, in certain situations, to engage in informal economic activities. These situations may be caused by, for example, economic crises or operating within extremely competitive markets. In such circumstances, when *winning the game becomes more important than winning under the rules of the game*, to paraphrase Robert Merton (1938–49), engaging in the informal economy is a kind of adjustment or survival strategy for those economic actors who otherwise would not be able to survive.

Having presented my methodological position, I now turn to the aims of the paper. My ambition here is both to identify the most important causes of informalisation in Western economies and to show how relevant economic actors adjust to these processes. Economic informalisation is, according to the argument developed in this essay, a general, (un)intended consequence of the deep economic, political and social changes that characterise our societies, which in the academic literature are often referred to as the ‘post-Fordist transformation’. Informalisation is a result of a structural conflict ‘between new economic trends and old regulatory frameworks’ (Sassen 1997), or, as Bob Jessop (1997, 2002) puts it, a conflict between new forms of capital accumulation and old regulatory regimes.

To make this clearer, the traditional welfare state may be described as a society where citizens, apart from traditional civil rights, also have social and economic rights guaranteed by state. In other words, as well as guaranteed political equality, they are assured of a high level of social and economic equality (Hernes 1988). By virtue of these modern welfare rights, their well-being is less and less dependent on the immediate market value of their labour. Gösta Esping-Andersen (1990) has called this process ‘decommodification’. What both makes possible and secures this process is the so-called historical compromise, as well as the detailed regulated relationship, between three central actors in modern capitalistic (welfare) state, namely, capital, state and labour. These relations and processes within welfare states (which of course differ from state to state, depending on how the relationships between capital and labour have developed historically) constitute their regulatory regimes.

During the last few decades or so traditional welfare regulatory regimes have been exposed to increasing pressure to adjust to new economic trends. Critics of the traditional welfare regimes have argued mainly that the focus on decommodification, as well as on decoupling labour’s well-being from the market value of their work, is both economically irrational and politically unrealistic. They argue instead for political measures to initiate the opposite process of re-commodification, that is, the process of re-coupling welfare rights to the market value of labour. In other words, it means that each and every citizen’s standard of living and material security should again become directly connected to the price that he or she is able to command for his or her work in the open (capitalistic) labour market. Viewed from this perspective, informalisation is an immediate result of this growing conflict between the social forces for decommodification and recommodification. At the same time, informal

economic strategies have increasingly become a kind of adjusting and/or surviving strategies for all relevant actors in this conflict.

In what follows I first describe these general transformation trends in the capitalistic economy as well as in the capitalistic (welfare) state. Then I turn to the issue of how these general trends influence the mutual relationships between the three central economic and political actors, capital, labour and state. Finally I deal with question of how all this contributes to the informalisation of the economy.

### **Post-Fordist transformation**

In this section I present a general outline of the structural transformation that during the last two decades has affected both the capitalistic economy and the capitalistic (welfare) state. According to Jessop (2002), the prevalent form of capitalism since World War II in 'the West'<sup>4</sup> is so-called *Atlantic Fordism*, which may be described as a regime of accumulation based on mass production and mass consumption, and secured by a regulatory framework provided by national (welfare) states.<sup>5</sup> The most important characteristics of this traditional welfare state may be summarised, according to Jessop (ibid.), in four points. First, it tried to secure full employment through demand-side management as well as to provide the necessary infrastructure to support mass production and consumption. Second, it strived to generalise mass consumption and welfare rights in such way that all citizens were able to share the positive effects of national economic growth. At the same time the state tried to make its own contribution to economic growth by developing modes of collective consumption that are most favourable to national economic prosperity. Third, as has already become obvious, the most important framework of both economic and social policy-making was the national territorial state. Finally, the traditional welfare state was statist, meaning that the state was a sort of central guarantor of both economic development (by compensating economic actors for market failures) and social cohesion (by guaranteeing welfare rights to citizens).

During the 1970s and 1980s this model of the welfare state experienced a deep crisis. The crisis, as well as various strategies that different countries developed in response to it, were certainly functionally related to transformations that were going on at the same time within the capitalistic economy (the so-called post-Fordist transformation). At the same time these processes were also influenced and determined by class conflict, which was present at all times in these contexts and which to varying degrees affected the strategies of all relevant actors. This complex internal dynamic between political and economic processes of course varies from country to country, depending partly on different historical backgrounds and partly on the operative ability of the relevant contemporary national actors to find adequate solutions to their problems. One important consequence of this is that it is quite difficult to outline any sort of general transformation model. Nevertheless, according to Jessop (1999, 2002) it is possible to identify a number of common features, which seems to indicate that the traditional welfare state underwent a general reconstruction during this crisis, along all four of the dimensions described above.<sup>6</sup> First, instead of

full employment, the new state tried to promote permanent innovation and flexibility within relatively open economies. Second, social policy has been increasingly subordinated to economic policy, thereby reducing the importance of the individual needs of citizens and employees. Third, the national framework for economic and social policy is gradually losing in importance, while other spatial frameworks are becoming more important. And finally, the state's role as coordinator and guarantor of both economic growth and social cohesion is being gradually downgraded, which does not mean that we face a 'decline of the nation state' but simply that other territorial, as well as non-territorial, forms of political power are becoming increasingly important, for example regarding compensation for market failures (Jessop 2002).

This is a compressed outline of the general transformation trends within contemporary capitalism. These trends are apparently shifting the course of societal development away from decommodification and more and more towards recommodification, whereby labour is increasingly regarded and treated as a commodity, whose price depends on demand–supply dynamics.

Without doubt, the aforementioned transformation trends partly affect capital–state–labour relationships and partly are affected by the actual changes of these relationships. In any case, the historical compromise between capital, state and labour seems to be seriously challenged. Parties' opinions about citizens' welfare rights become more and more irreconcilable. These rights, according to the representatives of big business, are turning out to be a major factor impeding future economic growth. At the same time representatives of organised labour in general believe that these rights are precisely the most important conditions for stable economic growth in the long run. The role of the (welfare) state, which traditionally mediated this class conflict, is now becoming extremely complicated as a result of these conflicting views and correspondingly conflicting political claims. In such a situation, all relevant parts develop their own coping strategies, increasing numbers of which, in one way or another, move outside the existing regulatory framework that defines the difference between formal and informal economic activities.

### **Informalization from above—accommodation of capital**

One of the cornerstones of the compromises described earlier between corporate capital and organised labour, which in its turn historically has brought about both political and economic stability in all modern (welfare) states, was the regulation of mutual relationships between employers and employees in capitalistic firms. Within the Fordist model, with its focus on standardising, mass production, routinised production processes and vertical, hierarchic organisation, it was of decisive importance for capitalistic enterprises to secure stable and predictable access to qualified manpower. That became possible by the use of the *internal labour market*,<sup>7</sup> whose purpose was to regulate all issues concerning employment, dismissal, working hours, working environment, work processes, as well as compensation for work, overtime, unemployment, absence due to illness, holidays, and so on. It was the way

for both employers and employees to reduce, if not all, then at least a great deal of the uncertainties that are an inevitable part of the market economy.

For employers, it was important to be able to keep already employed qualified manpower, especially because workers' productivity resulted from on-the-job-training of different kinds, internal specialisations, and so forth, for the most part paid for by the employers. That is why they were interested in having their relationships with workers highly regulated. For workers, the most troublesome problem of all was the risk of losing their jobs. That is why they are anxious to have their relationships with their bosses regulated, especially in respect of issues concerning employment, dismissal and compensation in the case of unemployment.

As a result of these common interests, relationships between employers and employees became heavily bureaucratised, that is, regulated in detail. However, these bureaucratic regulations were created not only with the help of instrumental rationality, or, as David Stark (1989: 494) put it, with the help of numerical calculation, which take into consideration increases of productivity and costs of living, existing wage rates, and so on. To the contrary, they were often the result of long and exhausting negotiations as well as political compromises. This feature of the internal labour market is, in my opinion, central to understanding the nature of the conflict between old regulatory frameworks and new economic trends. At first, the big capitalist enterprises accepted this internal regulation, which was partly politically negotiated, because they believed that it was good for business in long run. But when its internal regulation was no longer so good, the problem businesses faced was that political compromises of that kind are always resistant to change, especially when change needs to be effected quickly. This is exactly the essence of the crisis in the relationship between capital and labour that has been deepening during the last two decades.

Before I describe some of the strategies that big capitalist enterprises tend to develop in order to manage this situation, I will present some empirical evidence about existing transformation trends. First, there is clear trend towards growing diversity in the kinds of contract covering paid work (Supiot 2001). Alongside the traditional employment contract, an increasing share of employees work under other sorts of contract, for example part-time employment, project employment, and other kinds of temporary employment. What is important here is that in all these cases the power relationships between employers and employees are more asymmetric and favour the employers. Another key aspect here is that these new working arrangements give workers more so-called on-the-job autonomy (*ibid.*), which certainly allows them more freedom as well as the opportunity to employ their own initiative during the work process; but control does not disappear, it just becomes internalised. At the same time more and more employees experience working conditions that are not essentially different from those of self-employed entrepreneurs (*ibid.*).

The second relevant trend is so-called outsourcing, that is, the transfer of parts of the production process to subcontracted small or medium-size businesses. Small businesses have been permanently increasing in number during recent decades. One

consequence of this has been an enormous growth of flexibility in big businesses. Another consequence has been an equally enormous lowering of the value of labour in these small firms, which is directly related to what we call 'the informal economy'; or with a retrospect allusion to Karl Marx's analysis of capitalist primitive accumulation 'bloody sub-contracting in the network society' (Schierup, Hansen and Castles 2006: ch. 9) which particularly severely affects socially marginalised immigrants.

The third trend, which together with the previous two clearly illustrates the erosion of the internal labour market, is related to the ongoing process of polarisation between the primary and the secondary labour market (Leonard 1998). What is happening here is that employers divide their manpower into two groups. One continues to receive protection from competition from the external labour market. Here belong those employees whom the bosses, because of their working experience, skills and/or loyalty, want to retain by offering them good career prospects, high income and employment protection, attractive pensions, and so on. These workers are usually recruited from those who are already in the internal labour market, and are called 'core workers' (ibid.). The other group of employees, who belong to the secondary labour market, are those who do not possess so-called relevant competence, who can be substituted, and who are more and more often offered so-called flexible employment contracts. Besides that, they usually have lower incomes and are generally less protected within employment. They are called 'peripheral workers' (ibid.).

In summary, regulatory regimes that historically had been in harmony with the interests of big businesses have, during the last two decades, gradually become an obstacle or, better, have increasingly come to be perceived as an obstacle, for the further growth of big capitalist enterprises. In such a situation, such regimes, no longer needing the old, highly regulated internal labour market (while at the same time being unable to change the existing regulatory framework, at least not to the extent they would like,) simply shift their focus as far as their relationships with manpower are concerned from those old, overregulated regulatory frameworks to new fields, which are either less regulated or regulated in a way that is more acceptable to them. These strategies are all about trying to evade existing regulations for the purpose of recommodifying labour. In the process, these strategies become nothing but informal economic strategies.

### **Informalisation from above—accommodation of the state**

The role of the welfare state, with its focus on the mediation of the class conflict, becomes extremely difficult in such circumstances. It is already clear from Jessop's diagnosis, discussed above, that the coping strategies of the state in reality result in one concession after another to big businesses. Instead of full employment the focus is increasingly on the importance of competitiveness. Instead of guaranteed welfare rights, the focus is on so-called *workfare*, meaning that those in need must earn, in one way or another, their welfare rights. Flexibility has become the central notion in

this context. However, for the sake of fairness I am going to start this story about the informal strategies of the welfare state with a strategy that is in line with traditional welfare values. This strategy has been developed within the Dutch social policy system and is called 'flexecurity'.<sup>8</sup> Flexecurity includes social policy measures that aim to provide a certain level of social protection both for those who are employed and for those who are looking for work. This becomes possible through a general improvement in the competence as well as the flexibility of labour power, whereby even the general level of inclusion within the labour market increases.<sup>9</sup> Even if these coordination strategies do not include big businesses themselves (or include them to a lesser extent), which means that big enterprises have become exempt from their earlier responsibility in this respect, and even if the focus here is again on competitiveness instead of on welfare, the flexecurity strategy seems to be the least problematic with regard to traditional welfare political ideology.

The remaining three strategies to be discussed here all show a clear tendency toward so-called *flexploitation* (Gray 1998; Jessop 2002), which includes different *anti-worker-aspects* of the labour market that aim partly to reduce the labour rights of those who are employed, and partly to increase the demands on those who are looking for work. According to Anne Gray (1998), flexploitation can be summed up in three general trends—systematic demands on all employees to increase their work discipline; slowing down the pace of making new, and/or abandoning some of already promised or existing, labour rights; and, finally, a more open acceptance of the neo-liberal conception of the labour market.

The first relevant strategy deployed by the state is that, at the same time as it introduces these anti-worker policies, the state carries on as usual with its traditional welfare political rhetoric, as well as maintaining its traditional welfare ideology. The point here is that the state, even as in reality it increasingly exposes its citizens to 'pure market forces', that is to commodification, it continues to keep on telling them that they can count on protection from these market forces (decommodification) in the future. This strategy has often been deployed by the Swedish state during the last 15 years or so (Slavnic 2001). It is perhaps possible, if one tries to be benevolent, to justify this strategy by saying that in employing such methods during times of radical social change, the state is trying to maintain political and social stability, that is, social order. But if social order is about stable social institutions and predictable conduct on the part of all social actors, then the combination of old political ideology and new political practices described above becomes quite problematic. To be exact, such a strategy is not only incapable of bringing about stability or predictability but undermines the bases for other relevant social actors to act in an orderly and predictable way. In other words, this strategy is not only in a sense informal itself; it also contributes to other social actors becoming more inclined to develop their own informal strategies.

The second relevant (informal) strategy developed by the state is selective political and economic practices, in relation not only to different lines of business but also to different population categories. The fact is that the re-commodification process described above affects neither all economic actors nor all population categories in

the same way or to the same extent. On the contrary, these processes result in an increasingly polarised society, divided between winners and losers. The state is not outside these processes, but contributes to them both as an active participant and as coordinator. What we witness today is, according to Agnus Cameron and Ronen Palan (2003), not the decline of the state as a relevant political and economic actor, but rather its effective transformation from the traditional national state's role characterised by sovereign control over the national economy to a state form wherein the previous social order, which included a homogeneous national economy, changes toward a tripartite system that embraces *offshore-, private-, and anti-economy*.

'Offshore economy' is related to the growing number of so-called third spaces, which include highly integrated capital markets, export processing zones and tax havens. Within these protected zones a certain number of, but not all, economic actors have the opportunity to evade the established regulations that are applied to all other actors. In contrast to most proponents of globalisation theory, who use the offshore economy as a key argument for the thesis about diminishing state sovereignty, at least as regards economic policy, Cameron and Palan (2003; Palan 1998) argue not only that the offshore economy is intimately related to states, but that national states play an important role in the emergence as well as expansion of the offshore economy.

Even if the offshore economy becomes more and more important, the national private economy, according to these two scholars (2003), still occupies the dominant position in contemporary national economies. Here economical actors run their businesses within regulated zones protected by the state. At the same time, the purpose of public policy is not, as before, to protect the national economy from the anarchic international market, but rather to adjust national economical processes to global trends. Economic policies accordingly tend increasingly toward privatisation, liberalisation, deregulation, flexibilisation, and so on.

Eventually, those who end up in the anti-economy are in the first place those who are unable to survive within the highly competitive national private economy, and who may be categorised under the notion of 'social exclusion' (ibid.). The state, in this case, has the role of helping at least some of these economic actors to achieve some of standards, necessary for participation in the national private economy. At the same time, the state tries to keep those who cannot be helped at a decent distance from the private economy, in order to prevent the private economy from being negatively influenced by the anti-economy. In my view, however, this ambition has an unavoidable side effect, which is to deepen existing social polarisation, which is another key contribution of the state to the informalisation of the economy.

In support of this thesis, we may take the Swedish example. From recent research it is clear that, on the one hand, the higher percentage of immigrants among those who start up small businesses largely reflects the fact that they are marginalised and excluded from society (Darin 2006, forthcoming). On the other hand, it is also clear that those immigrants who are self-employed have worse material living conditions than those who are employed in big private companies or in the public sector (Hjerm 2001)

Based on these facts it is possible to develop the following line of argument (Slavnic 2004). People running small businesses and their employees are apparently more exposed to market pressures than is the rest of the population. This means that they are also denied some of the basic privileges of the decommodified life that are guaranteed to the rest of population. As a result of working under conditions of more work and less job security, they can produce cheaper products. When these smaller businesses are contractors to large companies, these companies can increase their flexibility without changing their traditional relationship with the welfare state.

The welfare state itself benefits from small businesses in several ways. First, unemployment is lower, meaning higher tax revenues and lower welfare expenditures. Second, there are even benefits in terms of legitimacy, since the actual political and economical crisis of the Swedish welfare system becomes less visible and thus less politically problematic. At the same time, small business is not allowed truly to prosper, because this would undermine the system.

To recapitulate, we can say that the established system exploits small business in two ways. First, most of the material and ideological benefits of small-business success are used to help decommodified sectors to prosper. In other words, small business help decommodified sectors to ensure their economic and political sustainability based on old ideological premises, but by using methods that conflict with these premises. As a result we have a growing polarisation between two segments of the population, those who benefit from the welfare system and are protected from market pressures, and those who lack this level of protection. Second, the old system uses small business to reduce the negative effects of its own crises or to make these effects less perceptible.

Finally, the third relevant informal strategy that states tend to develop more or less directly involves the informal economy. Manuel Castells and Alejandro Portes (1989) describe how the Mexican state, in its attempt to create attractive conditions for American companies to establish their businesses during the 1980s on Mexican territory near the border with the United States, adopted economic and political measures that were in direct conflict with politically agreed national standards and regulations developed earlier. That is, the dilemma was between, on the one hand, respecting and defending those regulations, which the state itself had established in cooperation with national unions and the national business community, and, on the other hand, American companies setting up their businesses somewhere else. The Mexican state made a decision, obviously after careful calculation of both economic and political advantages and disadvantages, which most likely were in favour of its political and economic interests, but which without doubt was also a clear example of an informal economic strategy. Such cases are today still primarily related to Third World countries. At the same time, as regards for instance endeavours to reduce unemployment, or to increase the competitiveness of national economies, it becomes more and more common even for Western states to be directly involved in informal economical activities (Castells and Portes 1989: 27).

### **Informalization from below**

In the preceding two sections I have shown how two main social actors—big business and the state—strive to survive under conditions of post-Fordist transformation. In their struggle they increasingly employ methods that are in one or another way in conflict not only with previous rules of the game and day-to-day political and economical praxis, but also with previously dominant political ideologies and ethical norms. In what follows I recapitulate the economic, political and social aspects of post-Fordist restructuring discussed above, but with a focus on the effects that these processes have had on the individual and group strategies of ordinary people.

If we bear in mind that regulatory regimes' formation and transformation always take place through class struggle, that is, through conflicts of interests between social actors who occupy different positions within the social structure, then it is clear that new regulatory regimes will be more in favour of those groups and individuals that possess more social power than those that possess less social power. Consequently, those who receive least protection of their (welfare) rights within the new model are those weakest groups and individuals in society, that is, low-income earners, poorly educated workers, small businesspeople active in work-intensive and highly competitive markets, as well as women, immigrants and all those who 'are excluded because of traits they possess but did not choose to have, not because of what they have done but because "people like them" do not fit into someone else's sense of order' (Bauman 2005: 107)

Their participation in the informal economy has two important aspects. First, they may be victims of what I have in this essay called 'economic informalisation from above', and, second, they increasingly become part of what I call 'informalisation from below'.

As victims of informalisation from above, they become both object of and means of the flexibilisation strategies of two mayor social actors mentioned above, namely, big business and the state. There are at least three important consequences of these processes. First, they become increasingly part of what Lúç Wacquant (1996) calls 'advanced marginality', that is, new forms of marginalisation that characterise growing numbers of urban zones in almost all big Western cities and whose most important features are extreme poverty, ethnic and race segregation, and violence.

Second, they become an object of economic exploitation. Even if these marginalised social groups constitute a majority of those who are active within what is usually called the informal economy, it is not they who make the greatest profit from such economic activity (Williams and Wildenband 1998). On the contrary, those groups and individual that are more established within the economic system, that have more widespread and denser networks, that better know how the regulatory system works, are more apt to take advantage of informal economic activities (Williams and Wildenband 1998; Kloosterman et al. 1998; Castells and Portes 1989). Our introductory anecdote is another illustration that supports this claim.

Finally, on a discursive level these groups become a stigmatised part of what Harding and Jenkins (1989) call the 'myth of the hidden economy', that is to say,

dominant practices which essentially characterise political, mass-media and, not least, scientific discourses on the informal economy. These practices on the one hand overemphasise the formal nature of both bureaucratised state institutions and the so-called formal economy, and, on the other hand, divide the economic system into two separate sub-systems that are isolated from each other, namely, the formal and the informal economy. These discursive practices, to paraphrase Bauman (2005) symbolically promote and reproduce the formal character of those so-called formal social actors, as well as their economic activities, by keeping the focus on the informal character of those who do not conform to the norm(al).

In the light of the living conditions just described of a growing number of groups and individuals, it becomes clear that their engagement in the informal economy—those processes that we may call informalisation from below—is both a reaction to informalisation from above, that is, marginalisation, flexploitation and stigmatisation, and the only way for the majority of them to survive. At the same time these strategies make their specific contributions to the reproduction of both dominant discourses about the informal economy and dominant social and economical (power) relationships.

In concluding this section, we have to remind ourselves to include a methodological discussion in this essay. The interdependence just described between informalisation from above and informalisation from below makes it clear that it is impossible to keep the analytical focus on only one of these processes while leaving the other out of the picture. Instead, these processes need to be observed and analysed in their mutual relationship and in the broader context of global trends of political and economical transformation (Schierup, Hansen and Castles 2006: ch. 4).

### **Concluding comments**

My ambitions with this essay have been twofold. First, the article may be regarded as a sort of plea for a new methodological and theoretical perspective on the notion of the informal economy, which up till now, it is true, has existed within this research field, but only in a fragmentary way, and has nowhere been presented as a systematic methodological claim. According to the argument developed in this essay, however, we cannot observe this sort of economic activity as a separate and isolated part of the economic system, something that is defined exclusively in negative terms in relation to the so-called formal economy. On the contrary, the formal economy and the informal economy should not be understood as exclusive of each other. The first reason for this is that in every social action, as Harding and Jenkins (1989) point out, regardless of whether it is economic action or some other sort of social action, possesses to a certain extent both formality and informality. So the question cannot be whether or not informality exists, because it always exists in all sorts of social actions, although to varying degrees. The second reason is that all economic actors are increasingly prone to act in a way that is in conflict with the existing rules of the game, if that is the only way (or if they perceive it as the only way) their economic activity can survive. In line with these methodological principles, I have tried here to

treat all economic actors equally in respect of their propensity to become a part of the informal economy.

With this in view I tried to complete the second main aim of this essay, which was to describe the causes of, as well as the main actors in, the existing informalisation trends that characterise contemporary advanced economies. Based on this, and in line with previous research (Sassen 1987,1988; Jessop 2002), it is possible to conclude that the informalisation process is a general result of structural conflict between old regulatory regimes and new economic trends. Essentially, the old regulatory regimes have become too tight for new forms of capital accumulation to be able to expand without disruption. Supiot provided one example of this. In a situation where old forms of employment, carefully and closely regulated, became an obstacle to the further growth of big capitalist enterprises, these enterprises simply created new employment forms which either were less regulated or were regulated in the way that favoured the employer. What is happening here is that the focus is being shifted from old regulatory frameworks to new ones, where the relationships between employees and employers become increasingly asymmetrical, at the expense of employees.

Under such circumstances, the role of the state becomes extremely complicated. On the one hand its room for manoeuvre has turned out to be limited by its welfare commitments to the population, since guaranteed rights appear to be not only the generally accepted value system but also the dominant political ideology. On the other hand, the fulfilment of these commitments is completely dependent on continuous economic growth. The problem is, however, that big capitalist enterprises more frequently and more forcefully demand from the state measures that basically result in the limiting or even abandoning of some welfare commitments. To manage such a situation, the state more frequently employs strategies that are either more or less informal in character or force other economic actors to adopt informal strategies more often than before.

The final issue discussed in this article was the role of those individual and group actors that have been most severely affected by the structural transformation of society. If we bear in mind that the process of the formation and reformation of regulatory regimes always, at least in part, happens through class struggle, that is, through political struggle between social actors with different economic and political interests, and who occupy different positions within the social structure, it is quite clear that each and every change of the regulatory regime will be more to the benefit of those social actors who possess more social power than of those who possess less. The latter's participation in the informal economy most often takes the form of acute exploitation (Sassen 1987), as a result of informalisation from above. These weak individuals and social groups thereby become a resource that other powerful social actors use, via informal methods, to acquire economic and/or political profit. At the same time their participation in the informal economy may take another form. They often deploy informal strategies themselves in order to survive in situations where all other avenues in society are closed to them. This phenomenon has been denominated in this article as 'informalisation from below', whereby informal strategies have the

function of providing resistance against the exploitation and symbolic violence to which these people are exposed.

In summary, even if I have discussed the general context of the existing informalisation trends that increasingly characterise contemporary Western economies, this essay does not amount to a concrete empirical case, even though all countries manifest, to varying degrees, all the trends discussed above. This political economy of exclusion, that is, processes of informalisation in their interdependent relationships with exploitation, marginalisation and exclusion (Schierup, Hansen and Castles, 2006), differ from country to country, depending on the factual dynamics between, on the one hand, political economy and class conflict, as it takes place at a national level, and, on the other hand, the conditions that these states of affairs meet at the global level.

## Notes

1 Names as well as ethnic affiliations in this quotation are fictitious in order to protect informants' anonymity.

2 For the history of the concept see Portes 1994: 427.

3 Examples can be found in the older American literature (Castells and Portes 1989; Portes and Sassen-Koob 1987; Light and Karageorgis 1994; Portes 1994 as well as in more recent European literature (Kloosterman et al. 1998; Kloosterman et al. 1999).

4 According to Jessop (2002: 55), 'the economies of Atlantic Fordism' embraces the USA, Canada, North and West Europe, Australia and New Zealand.

5 Bob Jessop (2002) describes this state formation as the 'Keynesian Welfare National State' (KWNS).

6 The new state formation is described by Jessop (2002) as the 'Schumpeterian Workfare Postnational Regime' (SWPR).

7 The concept of the internal labour market was introduced by Clark Kerr (1954) and further developed by Doeringer and Piore (1971).

8 Wilthagen (1998), quoted in Jessop (2002).

9 Concerning ever-changing discourses within the EU about the relationship between social welfare and economic efficiency, see Schierup, Hansen and Castles (2006)

Carl-Ulrik Schierup

## **‘Bloody Subcontracting’ in the Network Society: Migration and Post-Fordist Restructuring across the European Union <sup>1</sup>**

In *Mirages and Miracles: The Crisis of Global Fordism*, Alain Liepitz (1987) argues that the restructuring and partial dismantlement of the established Fordist production system in the old industrialized centres does not necessarily mean the end of Fordism as such, nor of Taylorism, its typical system of industrial organization and management. It means, rather, their *internationalization* and partial transformation contingent on relocation. Classical Fordism and Taylorism, while receding in the old industrial centres, became essentially reproduced while ‘exported’ to and reconstituted in peripheral or semi-peripheral parts of the global political economy; however, they would acquire other particular forms given the specific politico-economic conditions and frameworks of regulation belonging to each social formation. Hence, different varieties of a so-called *peripheral Fordism*, in many ways a cheaper replication of the old system of industrial Fordism, take shape in earlier semi-peripheries like, for example, parts of south-east Asia, parts of Latin America, and parts of southern Europe. Here a deepening process of industrialization has taken place together with the construction of some kind of welfare state and the emergence of a local market for mass consumption.

Some version of industrial Taylorism would be an integral part of the package in each case, but kept within bounds by the moderating effect of existing or emerging forms of regulation in these Newly Industrializing Countries. Liepitz’s illustrative term ‘bloody Taylorism’, alluding to Karl Marx’s gloomy description of the so-called primitive accumulation at the dawn of capitalism in England, is therefore reserved for those cases where new industrial sites are being established in marginalized spaces of the (Third) World where exploitative industrial relations are hardly soothed by any existing or emerging frameworks of regulation.

Yet established categories of national or regional political economies, like ‘centre-periphery’ or ‘North-South’, based on the general quality of industrial relations, have become increasingly dubious. Clusters of technology, science, finance, and corporate culture, conventionally seen as the most advanced and intrinsically as belonging to the old industrial centres, were, throughout the last quarter of the twentieth century, established in metropolises of what recently used to be called Third World countries. Parallel to this, ‘The Third World in Europe’ (Blaschke and Greussing 1980) became a catchphrase for describing the character of new de-privileged economic sectors and local communities dominated by the presence of immigrants and new ethnic minorities in the very heartlands of the old European metropolises. Yet, as examples of the dynamics of subcontracting discussed below indicate, this presence would be

more adequately explained in terms of advanced corporate strategies heading the ongoing restructuring of the political economy and societies of EU-Europe than in terms of the intrusion of elements from a Third World, intrinsically alien to the character of First.

However, rather than re-exporting anything like ‘classical’ Taylorism—with its formal large-scale and scientifically monitored work processes—to the ‘centre’, the growth of new downgraded and informal sectors of the labour market staffed by socially marginal migrants has an ostensible air of a ‘pre-modern’ regression in terms of organization and management. Yet the processes through which this occurs are part and parcel of advanced capitalist strategies of deregulation, for the enhancement of ‘flexibility’ in terms of a networked economy and society, and a fragmented labour market. However, the ‘networking’ in question does not exactly correspond to the kind of ‘flows’ within horizontal networks devoid of actors, often referred to in current discourse as ‘network society’ (Castells 1996a), but rather to a hierarchical chain of subcontracting links controlled by central corporate actors.

This point, to which we return in a concluding discussion, is well illustrated by the following examples of industrial restructuring from Britain, the Netherlands, Spain, and Portugal. These examples exhibit processes of restructuring typical for different sectors. But the cases also demonstrate the impact of the different overall institutional contexts and welfare regimes in which these strategies of restructuring are embedded. This chapter advances a different perspective from those of Chapters 5-8, though it is complementary to them. Instead of depicting the articulation of different modes of exclusion in particular countries, we focus in greater depth on the political economy of post-Fordist transformation as it is articulated in *one particular type of process* observed across a selection of countries.

### **Restructuring the Garment Industry in Britain and the Netherlands**

The proliferation of sweatshops, analysed by, for example, Saskia Sassen (1991; 1998) as an important aspect of the so-called new economies and labour markets segmented by ethnicity and gender in the ‘global cities’ of New York and London, has in fact played an important role in the restructuring of industrial capitalism worldwide (Mitter 1986). Britain stands out as a typical case, but sweatshops and homework represent significant forms of the flexibilization and casualization of labour within a shrinking sector of industrial production across most of the European Union. These are processes of industrial restructuring that during the 1980s and 1990s came to involve hundreds of thousands of workers within a number of EU countries (e.g. Morokvasic 1987, 1993, 1986). Typically they have been instrumentalized through the structuring and restructuring of new divisions of labour, combining *class*, ‘*race*’, and *gender* as qualitatively different yet entangled and mutually reinforcing modes of organization and domination (e.g. Anthias 1992; 2001; Bonacich 1993; Wallerstein 1991).

The increasing reliance on small sweatshops and homework is characteristic of the production of a range of industrial goods, like footwear, many different kinds of

clothes and textiles, electrical goods, toys, office utensils, and many others. They offer a range of conspicuous examples of the feminization and racialization of labour markets running parallel with the degradation of work in post-Fordist flexibility regimes. One of the most remarkable and well-studied examples within several EU-countries and cities (e.g. Mitter 1992; Morokvasic 1993; Raes 2000a; Rath 2002) is that of the garment industry. A number of national and local case studies provide comparative material that elucidates both general trends at the global level and the importance of specific attributes of national institutional settings, the regional economies of big cities, as well as the particular forms of organization of different ethnic minority groups. Below we discuss aspects of this general development, illustrated by the experience in Britain and the Netherlands. These two cases exhibit certain important similarities as well as revealing differences.

In both Britain and the Netherlands the development of the garment industry has historically been closely connected with immigration and the work and entrepreneurship of ethnic minority groups: for example, the immigration of consecutive generations of Jewish immigrants and refugees from eastern Europe engaging in the industry from the seventeenth century well into the twentieth (Panayiotopoulos and Dreef 2002; Raes 2000a; Raes et al. 2002). After the Second World War the industry became an important magnet for new labour migrants from a range of countries outside north-western Europe, who came to make up substantial parts of the labour force in this traditionally labour-intensive industry well into the 1970s. During the 1970s and early 1980s, however, the clothing industry of the economically advanced western European countries everywhere started to experience heavy crisis and rapid decline. Out-sourcing of production to low-wage countries and the closing of numerous garment factories hit the immigrant labour force in particular and made hundreds of thousands of workers redundant (Raes 2000a; Raes et al. 2002; Mitter 1986). This situation changed, however, in both Britain and the Netherlands, as it did in several other northern European countries during the 1980s, when a new sweatshop sector emerged, run and staffed by immigrant or ethnic minority entrepreneurs and workers. In Britain it involved predominantly Cypriot, Indian, Pakistani, and Bangladeshi minorities, and in the Netherlands chiefly migrant groups of Turkish background.

This development, which finds close parallels in North America, actually involved a relocation of parts of recently out-sourced garment production back into the advanced North Atlantic economies. But it took place in a completely changed economic setting and within new organizational frameworks with a distinct post-Fordist character. The character of this post-Fordist volte-face conforms to what Stephan Raes (2000b) describes as a process of *regionalization*, which 'constitutes the concrete spatial manifestation of the globalisation process for the European Union'. Here a number of global and local factors interact. One important factor is the character of the market for *fashion*, distinguished since the 1960s by ever-shorter cycles of wear and a rapidly increasing differentiation, individualization, and volatility of consumer demands. Another factor is *state policy* towards the sector in terms of degrees of protectionism or liberalization of imports.

However, the critical issue is that of *capital-labour relationships*, which, argues Raes (2000b: 32ff), needs to be analysed within different contexts of a post-Fordist globalization process, including in this case new low-wage producers in east Asia, nearby producers in eastern Europe and the Mediterranean, and the old industrial core countries (OICs) of western Europe. In spite of the inroad of Taylorist mass production techniques into most parts of it, clothing had remained among the most labour-intensive industries. But the high-wage character of the Fordist welfare compact in the OICs gave a strong impetus to out-sourcing production to Far Eastern producers in connection with the crisis of Fordism in the core countries in the 1970s. This was, further, combined with the introduction of new technology and changing modes of organization and management in remaining segments of the industry. At the same time, however, the new face of the international division of labour, which resulted from the export of capital and out-sourcing of production, fed back into the OICs themselves, weakening the bargaining position of labour and eventually degrading the very character of capital-labour relationships. High rates of unemployment, combined with deteriorating welfare provisions for the redundant, eventually acted to create a new potentially cheap labour force. This allowed the OICs to revive certain parts of the clothing industry, directed in particular towards sections of the market most dependent on flexibility and ‘just in time’ production. Everywhere in the OICs immigrants and ethnic minorities had made up a substantial proportion of the labour force in Fordist-production. They were everywhere affected the most by crisis and redundancy. At the same time the communities and families of certain ethnic groups became a resource for organizing low-wage sweatshop production in a new hidden economy within the OICs, which met the need for flexibility and cost reduction on the part of big retailers catering for local or neighbouring markets.

#### **Cottage industries of the silicon age—the intersection of ‘race’ and gender in a new ethnic niche: the case of Britain**

Swasti Mitter (1986) studied the relationship between big British retailing companies in the garment trade and ethnic minority subcontractors in the clothing industry of London and the English Midlands during the 1980s. Her work scrutinizes an intricate articulation of ‘race’ and gender in the management of a cheap and flexible labour force, although we would not subscribe to her rather one-sided location of the institutional basis for an exploitative ‘sexism’ in the so-called ‘ethnic minorities’:

the expansion of ethnic businesses, in the twilight area between the regulated and the unregulated economy, is the outcome of a hierarchy of exploitation and of an intricate interrelationship between ethnicity and the sexual division of labour. The ethnic sub-contractor himself is frequently in a weak position in relation to the big retailers and manufacturers... His survival often depends on his ability to exploit his own family or community labour. Trapped between the racism of the host community and the sexism of their own, women of the

ethnic minorities offer the advantages of third world labour in the middle of the first world. (Mitter 1986: 63)

The driving forces are foremost the restructuring strategies of corporate capital and discriminatory practices belonging to 'the host community'. From the 1970s, management, design, and marketing became heavily concentrated in a few big and highly capitalized British retail clothing companies, making intensive use of information technology and highly skilled labour (Mitter 1986). At the same time, domestic clothing production declined steeply and in the 1970s and early 1980s the predominant strategy adopted by the big London-based retailers was to import textiles for the domestic market from low-cost producers. This rendered redundant large groups of immigrants who had worked in the garment factories of London and in the Midlands. During the 1960s and 1970s the immigrant workforce in the garment industry had mainly been first-generation male immigrants: Pakistanis, Indians, Bangladeshis, and others. Most had worked in factories organized on the lines of a racialized division of labour, where immigrants were concentrated in the less-skilled and low-paid sectors where labour and social regulations were often ignored. It was largely individuals from among these former employees in the garment industry who now started to become contractors to the big clothing houses, setting up small formally independent sweatshops based on mainly second-hand machinery and cheap ethnic minority or immigrant family labour.

These new odd 'cottage industries' and their super-exploitation of female labour, reminiscent of the infancy of industrialism, are indeed products of an advanced 'silicon age' (the notion of Sivanandan 1979). Recent history and current experience demonstrate the persistence of limits to the benefits of new technology as a one-sided solution to crises caused by global competition and falling rates of profit in traditional industrial sectors. A combination of the two major strategies of crisis management explained by Marx (1976 (1885)) in *Capital*—raising the productivity of capital through the introduction of new technology and forms of organization, and merely intensifying the exploitation of living labour—appeared once more to be an effective solution, in a fashion that would have appealed to Rosa Luxemburg's (1923) scholarly creativity.

The early 1980s was a time when family reunion within most British migrant communities had largely been completed and it was the migrant women, many newly settled, who had come to make up the bulk of the workforce in the new sewing shops which now started to proliferate in London and the English Midlands. Every model and every stitch made in these new ethnic minority sweatshops were designed and monitored by the big retailers, maintains Mitter, which at the same time could, in the interest of 'flexibility', push every loss resulting from the shifting whims of the market on to the small producers. But wages and working conditions for the female machinists in the sweatshops were generally appalling. The rate of accidents and work injuries has been continuously high. Most workshops have been exempt from normal labour regulations and the workers without legally stipulated social benefits.

Cost reduction was to a large degree accomplished through this sector's nature as a *hidden economy*, with most workshops and workers out of sight of any public register—a fact which also helped the producers to evade taxation. This state of informality has suited both the economic interests of the big retailers and the male ethnic middlemen contractors, who managed to keep their female workforce under control through bonds of family and ethnic community allegiance and dominance. The constant need to evade public control led in many cases to the further fragmentation of production, which to a large degree shifted into small, easily moveable, and easy-to-hide establishments, or came to take the form of homework. However, British economic and labour market policy as well as the prevailing practices of local authorities have continuously stimulated the growth of small ethnic business, in the garment sector and elsewhere (Panayiotopoulos and Dreef 2002). The control of labour market, social and health regulations has been lenient. Altogether this continuous state of *informality* contributed to the survival of sweatshop production in Britain and a differentiation of ethnic business in the garment sector throughout the 1990s (Panayiotopoulos and Dreef 2002, *passim*), in spite of growing competition from nearby low-cost producers in eastern Europe after the fall of the Berlin Wall. It also made British ethnic minority clothing contractors competitive in relation to sweatshop production elsewhere in the heartland of EU-Europe—as the Dutch case below reveals.

#### **The potentials and limits of clandestineness: The case of Holland**

Although developing at the same time on the basis of cheap immigrant labour and being dependent on similar global-local contingencies, the *Dutch* experience differs in several ways from the English one. This has been highlighted through detailed studies of the rise and fall of the Turkish sweatshop economy in Amsterdam, the capital of clothing production and retailing in the Netherlands (in particular Raes 2000a; 2000b; Raes *et al.* 2002). As in London and the Midlands, the first contractors to the big retailers setting up sweatshops in Amsterdam from the early 1980s were immigrant men, mainly former textile workers of Turkish background made redundant by restructuring and globalization in the 1970s.

Deteriorating welfare provisions, related to an increasingly liberal economic reform policy, induced many unemployed immigrants, with experience in clothing factories in the Netherlands or in garment production in Turkey before emigration, to set up sewing shops for longer or shorter periods. Yet the Dutch welfare system remained more generous than the British, making it unfeasible to recruit unemployed immigrants with legal residence permits or Dutch citizenship to low-paid, unstable, and hazardous jobs in the rising ethnic garment production sector. Instead, while managers came from among the stabilized Dutch Turkish minority, the bulk of the workforce came to be made up by *male undocumented migrants* recruited directly from Turkey through bonds of ethnicity, locality, and kinship. They had no formal claims to the Dutch welfare system and, due to their very clandestine status, they were fully under the control of their employers.

As in the British case, the informal social control residing in ethnic communities and networks of family and kin became instrumental in reproducing a cheap and docile labour force in the combined interest of the big retailers and subservient ethnic middlemen contractors. As in Britain, the development of profitable sweatshop production in Amsterdam depended on conditions of informality, which made it possible to circumvent tax payments, union involvement, labour regulations, and employers' social costs. This was to a large degree a *sine qua non* for the industry's prosperity and existence during the 1980s.

However, the limitations imposed by the very nature of a different Dutch welfare system in terms of blocking the recruitment and reproduction of a sufficiently cheap labour force *within* the country became a serious problem for the Turkish garment industry in Amsterdam. It contributed greatly to its decline and virtual disappearance during the 1990s, as the industry's heavy dependency on undocumented or illegal immigrants developed into a public scandal and led to reinforced and heavily sanctioned public control of immigration and labour market regulations. Deprived of their chief source of cheap labour, the Turkish garment contractors were forced out of business, unable to cope with rising competition from east European producers but even with that from increasingly forceful Pakistani and Indian garment wholesalers from Britain entering a toughening Dutch clothing market (Raes *et al.* 2002: 79ff).

### **Networking the Building Industry: The Cases of Spain and Portugal**

The duality of post-Fordist flexibility, discussed above, is particularly well-illustrated by Ubaldo Martinez Veiga's seminal discussion (1999) of subcontracting and migration in an expanding Spanish building and construction industry. It brings out how classical Taylorism's separation of intellectual and manual work and its breaking up of the work process in order to establish greater control over the worker may be in the process of being revamped and further exacerbated within the framework of the kind of 'bloody subcontracting' contingent on post-Fordist industrial 'networking'.

In Spain and other southern European countries during the 1980s and 1990s, an accelerated and more thorough process of industrialization has taken place together with a heavy de-qualification of immigrants and a structuring of an ethnic division of labour (Veiga 1999:106ff). Hence, immigrants from non-EU countries—that is, in particular from different parts of Africa, eastern Europe, and Asia—who work in Spain bring a wide variety of often higher professional qualifications from their countries of emigration. But, quite apart from immigrants' wide range of qualifications, their employment is funnelled through network recruitment practices into a limited range of occupations, where they do generalist work within reduced niches; non-specialist and low-paid under most often very taxing working conditions. Among the most important occupations are domestic service, agriculture, tourism, and construction. The channelling of workers into these sectors of the Spanish economy and labour market takes place mainly through ethnically specific networks. Hence the job market is structured through networks composed of group members

already doing the same kind of de-qualified jobs, regardless of their formal qualifications and earlier work experience.

As in the case of the restructuring of the textile industry discussed above, change in the organization of the *construction sector* is marked by a profound dualism. The intermediate industries tend to disappear and two opposing poles are constituted. On one the hand a smaller number of high-tech big firms become centres of financial and legal expertise, design, know-how, and project conception and monitoring. On the other hand, all manual production work and associated matters of execution costs, social security, and employment are subcontracted to a large number of increasingly small firms, which are made to carry a growing amount of the risk and the periodic and often quite unpredictable fluctuations in the business.

The polarization between big and small firms becomes, at the same time, a polarized job setting, marked by *re-qualification* and favourable job ladders and wages in the dominant firms and conspicuous job *de-qualification* in the subcontracted small firms. In the latter, work is downgraded in terms of both pay and the level of qualification designated to them, and they mainly employ non-EU immigrants from eastern Europe and Africa.

Any growth in the construction sector only exacerbates the 'ever greater externalization of work by "management firms" and continuous subcontracting of activities to smaller and smaller firms' (Veiga 1999: 115). Often subcontracting takes place through several consecutive links, as intermediate subcontracters subcontract smaller subcontractors. Often the last link in the chain consists of small firms whose owners are themselves immigrants, middlemen in the complex network of subcontracting relationships. The work performed by the small subcontractors at the end of the chain usually involves temporary employment, without any formal contract, and marked by hazardous working environments. It is also characterized by the performance of isolated work tasks in the context of a fragmented production process with an exceedingly low level of horizontal coordination. The increasing fragmentation within the business is further exacerbated by the proliferation of fake 'self-employment', which consists of workers who are subcontracted as if they were indeed 'self-employed' simply in order to save costs for the firm. The hazardous working conditions, together with the lack of horizontal coordination of work tasks between various trades and subcontractors, leads to a high accident level in the business.

The practices of restructuring recorded by Veiga are quite general across the EU. But they take on a special character in southern Europe given the extent of a secondary labour market made up of fairly recently arrived but socially excluded migrant workers. Malheiros (1999: 177ff) presents a similar case from Portugal, where the construction sector experienced a remarkable boom during the 1990s. He discusses how the intersection of formal and informal economic strategies is related to the accumulation strategies of a complex network of interests involving banks, construction firms, and public agencies. Here too big firms have reinforced their subcontracting strategies, geared to a reduction of risks and costs. The use of subcontractors is connected with minimal responsibility for ensuring control over the

working teams. The sector as a whole is marked by ‘more firms, more workers and increasing precariousness’ (Malheiros 1999:178). The subcontracting strategy in combination with an abundant supply of immigrant workers from, in particular, the former Portuguese colonies in Africa ensures a flexible labour force, which is particularly valued in this sector due to strong fluctuations in demand. A specific recruitment system cascading through a chain of subcontractors and ethnic recruitment agents contributes to the vulnerability of the immigrant workers. Recruitment agents (*engajadores*) of Cape Verdean or Guinean origin cultivate direct contacts with local communities in Africa but also develop recruitment systems within the dwelling quarters of migrants in Lisbon. Each agent tries to accumulate as much capital as possible from his position in the chain, and the workers’ strong dependency on the *engajadores* puts them in a weak position marked by the presence of fraud, the breaking of mostly oral agreements, and so on.<sup>2</sup>

Similar chains of dependency and a complex intersection of formal and informal sectors and accumulation practices clustered around the exploitation of immigrant workers are recorded from other economic sectors and from other parts of Europe. An important aspect is the so-called illegality—that is, the undocumented status—of a still substantial part of southern Europe’s immigrant workers. In a discussion of labour market strategies in Greece, which continues to be the most extreme case in terms of the extent of undocumented immigration, Fakiolas (2000:61ff) points to the convoluted intersection of the formal and the informal sectors. On the one hand the very clandestine presence of immigrant workers is a precondition of the degree of ‘flexibility’ that they provide, and is therefore tacitly tolerated. On the other hand this function presupposes the existence of continuous repression, which takes the form of periodic police round-ups and mass expulsions. This also contributes to the typical distribution of clandestine immigrant workers across the hierarchy of firms and entrepreneurs.

As in the other cases that we have discussed, it is low-status jobs in smaller firms that are filled by undocumented migrant workers. Bigger firms find it difficult to employ clandestine workers due to ‘stricter state controls, internal bureaucratic procedures, trade union opposition and prestige considerations’ (Fakiolas 2000:64). Smaller firms are more difficult to control, but they often subcontract to bigger and more powerful ones, so that accumulated value from the super-exploitation of undocumented workers is thereby transferred upwards in the business hierarchy—which also helps to secure the general complicity with the system.

### **Corporate Networking and Globalized Modes of Exclusion**

We have focused on the formation of racialized divisions of labour related to *strategies of subcontracting* in two industrial sectors. Although organized within a different framework from that of the classical large-scale firm, such current practices of corporate restructuring, Veiga (1999: 116) argues with reference to Harry Braverman (1974), reaffirm rather than break with the basic principles of Taylorism, one of which is that of ‘separating project design and execution’; indeed, it represents

the perfection of Taylorism. Here, in the context of post-Fordist restructuring of the work organization, we find not only 'separation within the firm itself, in which there is internal division between managers and manual workers, but rather a division between different firms, some taking care of management and design whilst others subcontract the tasks to be carried out' (Veiga 1999: 114ff).

But this argument is doubtful. Generalizations building on analogies with classical 'Fordist' models of accumulation and industrial relations are becoming increasingly inadequate for describing a so-called 'disorganic development' (Sivanandan 1979) of capitalism. This development is marked by the coexistence in time and in local space of contrasting modes of work, production, and living in what used to be called 'the periphery' as well as in what used to be called 'the centre'—alternatively the 'first', the 'third', and the, now almost extinguished, 'second' world—yet set within a new overall framework and with new qualities.

Taylorism was developed during the first half of the twentieth century as a system of organizing the production of relatively homogeneous commodities for mass consumption in the core state-formations of capitalism. In terms of industrial or class relations, classical Taylorism aimed at confronting monopolies of increasingly well organized skilled workers by breaking up hitherto integral, complex, and highly qualified work tasks and processes into simple, monotonous, low-skilled, and mechanically controlled operations. Its chief technological instrument was the assembly line. It organized masses of semi-skilled or de-skilled workers within a centralized and highly hierarchical industrial system, marked by the separation between intellectual and manual work, and between planning, control functions, and production tasks, all based on large-scale, spatially concentrated production units. Its wider political framework was that of a homogeneous, or at least institutionally and culturally homogenizing, nation state, and industrial corporations were largely dependent on markets within the boundaries of nation states. Within this framework Taylorism expanded in tandem with *Fordism*, which matched fairly high wages for national industrial working classes with expanding markets for mass production.

Thereafter, with the adoption of Keynesian economic policies, Taylorism and Fordism became the unitary framework that formed the backbone of the post- Second World War national welfare state and its dominant modes of civil, political, and social citizenship. This became also the basis for a dominant role of the nation state in setting up and managing an elaborate system for the regulation of working conditions, industrial relations, and the functioning of the labour market, all embedded in a complex social pact between capital and labour. Yet increasingly well-organized working classes, building their power base on democratic and social citizenship within the closed framework of the national welfare state, started to demand not only higher shares of the profits and economic and industrial democracy, but also the dismantling of the dehumanizing technological and industrial relations system itself. Thus, the great success of the Fordist model, in the heartlands of industrialism, at the apex of its reign planted the seed of its own demise.

The coalescence of new working class demands in the 1970s with those of the so-called new social movements became a prime factor motivating capital to seek ways

out of its crisis through a radical restructuring of national and global power relationships. This occurred together with the historical ripening of new global conditions in terms of the availability of new potential industrial workers and markets in the customary 'periphery' of the capitalist world system and the simultaneous dawning of the *informational* technological revolution. Thus were assembled the essential preconditions for what has come to be named 'globalization' and, as analysed by Manuel Castells in *The Informational City* (1994, first published 1989), the rise of 'the network society'. Yet the forms of networking, which we have discussed in this chapter in terms of hierarchical chains of industrial subcontracting, appear to be only superficially similar to the fluent horizontal networks, seemingly devoid of central actors, that dominate Castells' scenarios (1996a) concerning *The Rise of the Network Society* towards the close of the twentieth century. We find his earlier analysis in *The Informational City*, which is closer to his original Marxist framework of thought, more analytically potent in this particular context. Here, he describes subcontracting as one of the favourite new organizational forms implemented by major multinational corporations:

Unlike the tendency of the industrial mode of development towards oligopolistic concentration, in the informational era large corporations set up specific alliances for given products, processes and markets: these alliances vary according to time and space, and result in a variable geometry of corporate strategies that follow the logic of the multiple networks where they are engaged rather than the monolithic hierarchy of empire conglomerates... The restructuring of capitalism has used the adaptive potential of organizational networking to find breathing room for its 'creative-destructive' energy, hitherto constrained by the social and political bonds inflicted upon it by a society reluctant to be but a commodity. The libertarian spirit of capitalism finally found itself at home at the last frontier where organizational networks and information flows dissolve locales and supersede societies. Informationalism and capitalism have historically merged in a process of techno-economic restructuring whose social consequences will last far beyond the social events and political circumstances that triggered the decisions leading to its development in the 1980s. (Castells 1994, first published 1989 first published 1989: 32)

Yet, seen from the perspective of 'globalization' as a comprehensive and multifarious process, our task would be to reach a synthesis of Liepitz's perspective on 'bloody Taylorism' and Castells' perspective on corporate networking strategies, rather than discarding the former as already essentially 'outdated' in favour of the latter. As Taylorism has been successfully 'exported' from the old dominant economic-industrial centres to parts of the 'periphery', labour relations, spuriously reminiscent of so-called post-colonial modes of production and based on the indirect merging into the capitalist labour process of labour embedded in traditionalistic

family, kin, and ethnic networks, have in the same fell swoop made major inroads into the 'centres'.

This double movement is, certainly, contingent on the same general condition of 'globalization' in terms of weakened nation states (in the 'centre' as well as in the 'periphery' and 'semi-periphery', although this takes importantly different forms), increasingly permeable borders, and the enhanced potential for managing globally dispersed and ever-mutating production systems embodied in information and communication technology. But we need to go further, analysing changes in particular political economies, in both 'periphery' and 'centre', from a dynamic and dialectic perspective.

Taylorism, which was rendered unfeasible by a changing balance of forces between capital and labour in the centre in the heyday of Fordism and the national welfare state, could be re-established on the 'periphery' within a political-economic setting where trade unions were either weak or non-existent. However, this very 'exodus' of industrial capital and its favourite technological system of production became in turn the overture to a dramatic enfeeblement of the industrial working class in the 'centre', to the demise of its 'social compact' with capital, and to the assumption by the new professional 'middle classes' of its role as a dominant political factor. Hence, as demonstrated by Raes (2000b), the relocation of sweatshops or cottage industries, reminiscent of the first Industrial Revolution, back into the centre should be seen in relation to the same factors that drove internationalization in the first place. Internationalization was set in motion by, among other things, strong unions. But the relocation of sweatshops and the kind of networked outsourcing, which we have discussed in this chapter, became possible precisely against the background of the breaking of the power of labour unions brought about by, among other things, internationalization and out-sourcing to newly industrializing countries, and so forth. So, the 'bloody Taylorism' of the periphery and the 'bloody subcontracting' of the centre may be seen as two sides of the same coin. But in the course of the last three decades of crisis and restructuring—as major parts of the 'native' old Fordist working class and its offspring belonging to 'ethno-national majorities' have become pensioned off, or enrolled into a revamped 'labour aristocracy', or moved up into the post-industrial echelons of 'symbolic specialists' (the notion of Reich 1991)—the brunt of what we have called 'bloody subcontracting' has been shifted on to racialized ethnic minorities and immigrants.

These and similar strategies of 'organised corporate networking' (in Castells' terminology) have two major structural components, according to Gabriella Lazaridis and Jordanis Psimmenos (2000). These are 'first between deregulation and loss of workers' ability to intervene in their economic space, and second between the flexibilization of the work place and the employment of immigrant workers'; and their dual purpose is 'to reduce production costs and . . . to break up the collective identity of workers and increase their surveillance by employers' (Lazaridis and Psimmenos 2000:174). Immigrant workers are flexible basically because their 'exclusion' is related not simply to the labour deregulation process as such but to the wider political economy which 'connects production techniques to the politics of

labour control, and job-related to non-work practices of migrant workers'. Hereby, the 'duality of flexibility is further extended to include areas that are external to the workplace, such as welfare benefits, citizenship status and political participation' (Lazaridis and Psimmenos 2000:174).

Yet, as discussed here, these strategies and practices of post-Fordist flexibilization are present to different degrees and articulated in importantly different ways, all depending on the regimes of welfare, modes of labour market regulation, and forms of industrial relations of single countries. Southern Europe represents a truly dual system. Here a still fairly intact conservative-corporatist welfare regime and a regulated labour market for ethnic majority *citizens* is juxtaposed to a large informal sector harbouring a differentiated irregular labour market for (non-EU and non-OECD) 'foreigners', migrants with, at best, rudimentary rights of citizenship.

It is thus the traditional presence of a large informal sector, combined with a traditionally hierarchical and nested structure of citizenship, that has permitted the extended exploitation of undocumented migrant labour in the quest to enhance post-Fordist flexibility in Spain, Portugal, Italy, and Greece. But similar results have been achieved, in the case of Britain's neo-American (neo-)liberal regime, through the organization of subordinated network economies among ethnic minority *citizens*. It is, indeed, in this case too the enfeeblement of citizenship that makes such strategies of exploitation and control feasible. However, in the British case this has been effected through the articulation of general processes of dismantling social citizenship, deregulation, and casualization of work through ethnic discrimination and racialization. The ethnic networks of racialized 'occupational' ghettos become the sites for the reproduction of a low-wage labour force, caught in a state of 'truncated citizenship' (Cross 1998, see also ch. 4), excluded from the social welfare system and hindered from exercising substantial civil and political rights.

Hence processes of racialization become the most poignant manifestation of the ways in which exclusion from citizenship can be put to use in shaping new forms of organization. The comparison between Britain and the Netherlands, moreover, exposes the gender dimension of subordination at play in the working of the networked economy of subcontracting and, in particular, the complex articulation of 'race' and gender at play in concrete strategies for the organization of networked forms of exploitation. Hence in Britain, where the exploitation of undocumented migrant labour has not, until recently, been possible on any larger scale, the dismantling of (substantial) citizenship is combined with processes of re-traditionalization of family and gender relations embedded in the networks of ethnic minority enclaves. This has made a cheap, subordinated, and predominantly female labour force available for the sweatshop economy. This was not so much the case in the Netherlands, with its larger welfare state and relatively robust policies of 'diversity' and anti-racism. There, corporations did not, to the same extent as in Britain, have an excluded and racialized reserve army of migrant and ethnic minority women at their disposal for organizing new flexible sub-economies. But as undocumented labour was more readily available, there was less incentive to combine racialized exploitation with gender-based exploitation.

Yet, in all cases, new conditions emerge which tend to modify or transform prevalent strategies. In the British situation the availability of a sufficiently cheap (for sweatshop production) subordinate female ethnic minority labour force was dependent on the existence of the large 'redundant' and markedly racialized reserve army of labour, which was ubiquitous during the 1980s and early 1990s but started to dwindle as the turn of the millennium approached. This has, conceivably, been the driving force behind the currently growing importance of undocumented migrant labour, although this sharply challenges the fundamentals of British immigration and integration policy over decades. In the Netherlands the challenges that undocumented migrant labour posed for citizenship and the welfare state were among the important factors promoting a sudden outburst of a reactive and unruly nationalist populism at the turn of the millennium. Clandestineness has, contingent on this, become less feasible as a lever for flexibilization than it once seemed to be. In spite of the different character of southern European welfare states and of the traditional political acceptance of a large informal sector, a similar development is currently taking place here, as we discussed in the case of Italy (ch. 9); the undocumented labour is becoming criminalised and, therefore, increasingly politically unfeasible as the EU builds its 'Mediterranean Wall' (ch. 5) and as clandestines become the favourite scapegoats of local nationalist-populist movements.

Across the Union a (German-led) alternative of new temporary ('guest') worker systems is becoming (re-)implemented in different forms. Given the European commission's stress on temporary work permits for new eastern European labour migrants, it may emerge as a possible large-scale answer to an ageing EU-Europe's looming demographic crisis and prospective future shortage of labour. This takes place at a time when the problem of racialized exclusion of growing, permanently settled, immigrants and ethnic minority populations has found no sustainable solution in any member state, and is becoming one of the European Union's most poignant social and political issues. While new immigration and the social exclusion of settled ethnic minority populations have become national quandaries produced by political mismanagement in individual member states, the political initiative in the realms of migration, 'integration', and 'diversity management' is, step by step, being transferred to the supranational realm of the European Union's institutions and new policies of regulation.

## Notes

1 This essay was first published as Chapter 9 in: Schierup, C., Hansen, P. and Castles, S. (2006) *Migration, Citizenship, and the European Welfare State. A European Dilemma*, Oxford University Press (2006) and is reprinted here with their permission.

2 The case of migrant workers in the Portuguese building industry is well-documented in, for example, the detailed study by Maria Ioannis Bagagna (1998; 2000).

Branka Likić-Brborić

## **Globalisation, EU Enlargement and New Migratory Landscapes: The Challenge of the Informal Economy and Contingencies for ‘Decent Work’**

### **Introduction**

Following the breakdown of the Soviet Union in 1991 and the transition from a socialist to a market economy across the former communist world, we have witnessed the formation of a global production system as well as regional and national configurations of a global political economy. Policies of financial deregulation, trade liberalisation, state retrenchment and regional market integration, informed by a neo-liberal vision of a global *laissez-faire* economy and the Anglo-American business model, have instigated global industrial restructuring and the internationalisation of economic activities.

The most disturbing corollary of these processes has been growing structural unemployment, coupled with rising social inequalities within and between countries, as well as new patterns of economic and social exclusion. Yet policymakers’ rejoinders to these predicaments entail still further market liberalisation, propelling excessive flexibilisation of labour markets and causalisation of work. These seemingly perpetuating dynamics have also generated various informal individual survival strategies and enterprise responses, which in the last resort depend on ever cheaper, precarious, usually undocumented migrant labour. EU enlargement eastwards has reinforced these trends of informalisation and new forms of regular and irregular transnational migration towards more developed countries and sectors that are dependent on a more adjustable workforce. Migration has now become one of the focal political issues in the EU both as a social problem of ‘multiculturalism’, that is, integration of legal migrants, and as an economic problem of clandestine migrants’ informal employment jeopardising the existing premise of regular employment.

This chapter addresses new configurations of migration and informal employment practices brought about by globalisation and EU enlargement eastwards and the influence of these processes on European welfare and migration regimes and labour market institutions. The main objective is to discuss institutional responses at different levels of governance, primarily on the global and EU levels, to the phenomena of the informal economy, new forms of legal and clandestine immigration and employment. The chapter is divided into four sections. The first addresses the processes of post-socialist transformation and the Europeanisation of the countries of Central and Eastern Europe, with its concomitant socio-economic consequences and new migration pressures. The second section describes the socio-economic effects of globalisation and migration pressures in the European context and the EU member

states' national and transnational responses to these challenges. It addresses the recent EU enlargement eastwards, new European migration patterns and their challenge to national labour markets, welfare and migratory regimes in the advanced EU economies, including the ideas of a European social model and global social justice. The third section traces the development of the social dimension of globalisation and addresses the articulation of an inclusive, human rights-based policy approach to migration management and the informal economy with a focus on the International Labour Organization (ILO)'s reformulation of social justice in terms of 'decent work' for all workers, even those working in the informal economy. The final, concluding, section discusses the possibilities of, and obstacles to, the inclusion of decent work parameters and a social dimension of globalisation into the project of EU enlargement and changing EU migration regime.

The analysis of these complex dynamics and the ensuing discussion are related to ongoing debates concerning the economic constraints of globalisation, the role of ideas and the capacity of 'epistemic communities' to shape national and transnational social policy agenda in terms of greater distributive justice (Deacon 2005).

### **Post-communist transformations, informal economy and East–West migration**

In the last three decades we have witnessed a powerful states- and business-led furtherance of global economic liberalisation. The main impetus of ongoing economic globalisation was and still seems to be the neo-liberal policy response to the economic crisis of the 1970s in the advanced economies, as well as the impact of the 'shift to the Right' on the reform of the Bretton Woods regime, development policy and post-communist transformations. Following the 1980s 'shift to the Right' in the USA and Great Britain (Reaganomics and Thatcherism) US and British economic policymakers denounced Keynesianism and embraced monetarism, macroeconomic stabilisation, deregulation, financial liberalisation, state retrenchment, privatisation and confrontation with trade unions, while promoting flexible labour markets and policies of 'wage squeeze' (Peterson 1994). According to Henk Overbeek 'monetarism restored unemployment to its earlier role of regulatory mechanism in the management of the economy', while it at the same time created rising unemployment and a downward pressure on wages (2003b: 1–2). As a result, the ensuing industrial restructuring not only involved the shift from Fordist to post-Fordist production systems but also rapid de-industrialisation, a huge fall in industrial employment and a 'deconstruction' of the welfare state (Overbeek 2003a: 26). It also led to rising inequality, economic polarisation and increasing informalisation of economic activities both in Great Britain and the USA (Standing 1989; Sassen-Koob 1989) as well as the generation of the demand for cheap goods and services both in the formal sector and within poorer, mostly immigrant communities in US metropolises (Sassen 1998). According to Manuel Castells and Alejandro Portes (1989) informal employment was also associated with irregular migration as the only survival strategy for workers who had lost their jobs in many developing countries struck by the debt

crisis due to the implementation of the structural adjustment programmes informed by the international 'shift to the Right'.

This shift took place in conjunction with the debt crisis in developing, primarily Latin American, but also African and some socialist countries, such as Yugoslavia and Poland. Following the 'silent revolution' in the development paradigm and discourse throughout the 1980s the conventional development model was shaped by multilateral aid regimes dominated by the USA and the international financial institutions (IFIs), namely the World Bank and the International Monetary Fund (IMF) (Boughton 2001). The model, so-called 'Washington Consensus' (Williamson 1990; Lavigne 1999), championed trade and financial liberalisation and the promotion of a market economy that were translated into the conditionality of structural adjustment programmes.<sup>1</sup>

In spite of the disagreements concerning the overall socio-economic impact of the contemporary wave of globalisation, evidence confirms that the implementation of neo-liberal policy packages both in developing and former socialist countries have led to rising inequalities, poverty, unemployment, de-industrialisation, expansion of informal and illegal economies, state capture, violent conflicts, state collapse and new emergencies (Chen, Vanek and Carr, 2004; Milanovic 2003; Putzel 2005). Furthermore, radical economic restructuring, trade and financial reforms shaped to guarantee foreign investments, have created both push factors and pathways for new migratory flows towards advanced industrial countries (Sassen 1988; Gosh 1998).

Yet, regardless of rising discontent with neo-liberalism, the 1989 revolutions, the breakdown of the Soviet Union and the transition from socialist to market economies only reinforced the process of economic globalisation and generated new European geo-political and migratory landscapes. In the course of the 1990s the Washington Consensus was also utilised as a blueprint for guiding the process of post-socialist transition to a market economy across the former Second World, while continuing to underpin the accelerated process of globalisation (Likić-Brborić 2003). EU enlargement eastwards and the final accession of eight CEE countries and former communist economies are presented as a successful EU-driven post-communist institutional transformation and a peace project. However, the sweeping economic restructuring that ensued during the so-called transition to a market economy has brought on economic recession, rising unemployment, falling living standards and new forms of social exclusion.

New types of informal economy began to flourish in the context of conspicuous 'de-industrialisation', 'de-agriculturalisation' and a dwindling formal economy related to the 'post-socialist transformation crisis' (Musiolek 2002). The 'secondary economy'—the various informal practices that permeated the state economy such as moonlighting, absenteeism, embezzlement and corruption—has evolved into an 'improving informal economy', while a growing number of informal businesses and the rising importance of the survival economy proved typical responses related to post-socialist transformation (Neef 2002). Yet, most striking is 'the decapitalisation of the state' as a method for 'private capital accumulation', configuring both a new political system in terms of state capture and an economic transformation in terms of

illegal privatisation and hidden economy. These practices also create economic polarisation and further informalisation: private businesses grow 'at the expense of the state, the state transfers its losses to the population, and the population at large does its best to minimise them' (Chavdarova 2002: 67–68). In the ILO report on the informal economy in the Central and Eastern Europe/Commonwealth of Independent States (CEE/CIS) region, Bettina Musiolek also finds that the policy of privatisations combined with a lack of capital generated illegal financial flows and the inadequate financing of small micro-business and self-employment and thus engendered '*demarketization and barterization of the economic activities*' (2002: 5-7). She thus questions conventional explanations of social exclusion and informality in terms of a failure to implement market reforms, the lack of market institutions and cultures in the region, old communist bureaucracies, state capture, insufficient liberalisation, high fiscal burdens and macroeconomic instability.

The most disturbing finding of Musiolek's report is the overall depressing influence of the EU trade regime and unfair accession negotiations with prospective CEE candidate countries that entail persistent flexibilisation and deregulation of the labour market with the intention to attract foreign direct investment (Musiolek 2002: 10). According to Musiolek 'de-industrialization of the CEE/CIS economies has been accompanied by a re-specialization on labour-intensive export production', especially in food processing, garment manufacturing and mining (2002: 16). The EU trade regime promoted the so-called outward processing trade schemes (OPT) or 'Lohnsystem' by removing tariffs on OPT produced goods while using tariffs on 'sensitive goods' such as steel, fabrics and other direct imports. The OPT involves subcontracting of labour intensive jobs through the import of semi-finished goods for finalisation and re-export to the country of origin. CEE/CIS countries have become the main field for OPT deals in footwear, clothing and sportswear. Women, who lost their jobs and the relatively equal social position they enjoyed during socialism, have been redirected into these low protected sectors marked by deteriorated working conditions and disrespect of workers rights (Musiolek 2002: 6-7). Such an understanding of 'competitive advantages' certainly promotes informal work arrangements and supports the statement that 'OPT can be called THE entry for informality' (Musiolek 2002: 16–17).

Transformation crisis, unemployment and protracted poverty in the region have also created structural conditions that has provoked East–West migration (Ardittis 1994), which reflects both general features of global migration and regional particularities (Iglicka 2002). In a recent UNESCO study on labour migration in Eastern Europe and Central Asia, Katja Patzwaldt depicts how workers migrate between the countries, 'cascading from poorer to richer countries' (2004: 4). Thus, people from the least developed countries in the region such as the Caucasus Republics and Central Asian states in the south are attracted to the Republic of Kazakhstan or Russia. While labour migrants from eastern Ukraine and Moldova choose Russia as their destination, migrants from Russia, western Ukraine and Moldova move to Central Europe to continue from there, together with workers from new EU member and accession countries, towards advanced EU economies.

Krystina Iglicka (2002: 205) points to a new 'primitive mobility' that was generated in the context of regional free movement and persistent structural unemployment. It was economically motivated by the mismatch in supply and demand of commodities as well as price and exchange rate differentials between CEE and CIS countries. Actually, irregular and circular regional migration flows were in place even in the 1980s in conjunction with the political and economic reforms in the USSR (*glasnost* and *perestroika*) and more flexible travel restrictions. In former Yugoslavia, the most open and developed of the socialist countries, Russian and Ukrainian doctors were seen working on construction sites during their holidays, while girls from the Ukraine were exploited in the sex industry. Finally, even before 1989 Poland and Yugoslavia were profiled as countries of significant labour emigration to the West.

Migratory flows in the region have been shaped not only by structural conditions, labour market and financial constraints and employment prospects that generate demand and supply of cheap migrant labour in both sending and receiving countries, but also by ethnic politics and post-socialist national state-building projects (Iglicka 2002: 208).<sup>2</sup> The ethnic wars in the former Yugoslavia led from the early 1990s to a new awareness in Western Europe of 'the flood' of refugees and asylum seekers. The challenges of new East–West labour migration and asylum seekers from crisis-driven and war-torn transition countries not only prompted discussions on a common European migration regime, but also reinvigorated the vision of a European Union and its enlargement eastwards.

### **EU enlargement, the challenge of mobility and European ambivalence**

The beginning of the 1990s was marked by the triumph of (neo-)liberalism over communism. A liberal vision of the European Union as a single market was institutionalised by the Maastricht Treaty in February 1992. Due to British influence, this treaty downplayed the Community Charter of the Fundamental Social Rights of Workers that emphasised a social dialogue on the macro level and economic democracy at the enterprise level. While multilateral agreements such as Schengen promoted inner mobility, nation-states started to impose more restrictive measures to meet the challenge of migration, in general, and irregular migration, in particular; they also found it necessary to collaborate in order to tighten border control in line with the character of the specific crisis, while intensifying control and sanctions of both employers and carriers of irregular migrants (Ghosh 1998). European level migration initiatives proliferated, both in the Council of Europe and in the EC/EU, and the East–West collaboration with CEE countries developed in order to improve control of migration flows.

During the 1990s the EU member states worked eagerly to develop the EU migration regime, erecting the walls of 'Fortress Europe' through the Maastricht Treaty that further expanded the Treaty of Rome, the Single European Act, the Dublin Convention and the Schengen Agreement. According to Michael Samers (2001), contrary to the US policy response to irregular migration and employment, which has

been more attuned to the needs of economic accumulation and different business and ethnic lobbies, European responses to migration pressures have been more attentive to issues of legitimisation in terms of voter preferences and trade union grievances, yet more so in the north European than in southern European countries.

Actually, the concern for political legitimisation of the European integration in member states came to be particularly pressing after 1992, when electorates in most important European states shifted towards social democracy, which saved Europe from radical restructuring and buffered the social consequences of neo-liberalism. In conjunction with the landslide victories of reinvigorated democrats in the USA, social democrats across Europe and New Labour in the UK, a search for socially sustainable globalisation and a more pronounced social dimension of the EU was launched. Considerations of social issues such as unemployment, poverty, income inequalities and different forms of ethnic and gender exclusion and labour market segmentation, and even issues of 'undocumented labour' and migration, resulted in the inclusion of the employment objectives in the 1997 Amsterdam Treaty. The treaty endorsed the European Employment Strategy (EES) and the launch of the 1997 Luxemburg process for its implementation, leading to the 1999 European Employment Pact that subscribed employment policy to macroeconomic stability policies. The 1997 Luxemburg Summit also endorsed the fifth EU enlargement towards CEE countries, while devising accession partnerships as instruments to support applicant states (Poland, Czech Republic, Hungary, Slovakia, Latvia, Estonia, Lithuania, Slovenia, Bulgaria and Romania) in the process of membership negotiations.

However, the inclusion of the social and employment concerns in the Amsterdam Treaty and the subsequent subordination of the EES to the given conditions of macroeconomic stability only exemplify a contradictory character of the processes of EU formation and enlargement, burdened by, on the one hand, the conflicting demands for stabilisation, economic efficiency and competitiveness and, on the other, the objectives of social cohesion and political legitimacy (cf. Likić-Brborić 2004; Schierup, Hansen and Castles 2006). This is illustrated by the discourse of 'global competitiveness' that framed the 2000 Lisbon Strategy and was advanced by the Heads of State at the Nice Summit that endorsed the Social Policy Agenda (CEC 2000) as an essential component in support of competitiveness. The aim of the agenda was 'creating more and better jobs' and development of a 'knowledge-based economy' through greater mobility, 'modernising' social protection and promoting social inclusion, gender and ethnic equality as well as human rights.

In fact, the Lisbon Strategy and its implementation, strongly influenced by British New Labour as well as by international politics marked by the US political shift to conservatism and post September 11 response, have watered down social aspirations into further political and economic individualisation, coupled with the transnationalisation of European regime change (Gowan 2004). EU-level intervention in the Europeanisation of 'multi-level' industrial relations systems reflects an asymmetric settlement between competing interest groups that supports a stronger role for the Commission, capital accumulation and economic growth while promising better 'living and working conditions' through the flexibilisation of labour market and

welfare regimes (Nieminen 2005). Essentially, the adjustments to macroeconomic stability of the single market and Anglo-Saxon financial capitalism have so far been 'negative' (Gowan 2004: 15). Bastiaan van Apeldoorn (2003: 160) finds that the emerging transnational 'European socio-economic order' can best be designated as 'embedded neo-liberalism', since it 'subordinates the European region to the exigencies of the global economy and global competition, and hence to the interests of global transnational capital', while it simultaneously reformulates the neo-liberal project in terms of social inclusion in order to meet a wider social consensus in traditionally corporatist member states.

This gearing of the EU project towards the creation of the global capitalist production system and its rearrangement in terms of 'buyer-driven' flexible global production chains (Gereffi and Kaplinsky 2001), is not unexpected considering the fact that the EU has become one of the most powerful economies in the world with the largest share of foreign direct investment (39 per cent in 1998) and the largest share of exports in the world (Berend 2006). The inclusion of China and India into the World Trade Organization (WTO) framework and transnational corporations' (TNCs) strategies that utilise their cheap labour through subcontracting and informal employment show that the configuration of the global capitalist production system is only made possible by a parallel creation of a global labour market. Overbeek distinguishes three main mechanisms that have induced the creation of a global labour market as the process of integration of 'an increasing proportion of the world population directly into capitalist labour markets'. These are: 1) the expansion of transnational trade and production, 2) new forms of global 'commodification' of labour, and 3) global patterns of labour migration (Overbeek 2003a: 17), and the EU has been constructive in their delivery. The commodification of labour is, argues Overbeek (2003a: 19), central to the shaping of the global capitalist system. It involves the search for cheap labour through the integration of formerly detached areas (former socialist and developing economies) into the 'capitalist world market' through 'semi-proletarianisation' and even the 'commodification' of the non-market activities in advanced capitalist societies through restructuring policies of privatisation and liberalisation.

The latter processes have resulted both in growing informal sectors and 're-commodification' of labour, the outcomes of inhibiting the de-commodifying character of the welfare state (Esping-Andersen 1990). This process reflects changing power relations between social actors aimed at altering existing institutional arrangements through discursive and other social practices favouring capital and reifying labour (Papadopoulos 2005). Similarly, (Slavnić in this volume) discerns the social practices of informalisation 'from above' as significant state and economic actors' strategies for advancing the contingency for re-commodification through a rapid structuring of dual and vertical segmentation of the labour market.

Schierup, Hansen and Castles (2006 and Schierup in this volume) have also addressed the rise of new informal economic sectors in the contexts of the European metropolises. The informalisation in Europe is interlinked with increasing ethnic and gender labour market segmentation. Here these phenomena are understood as inherent

to global capitalist strategies of liberalisation and de-regularisation, and involve corporate actors' pursuit of competitiveness through vertical chains of subcontracting. These link states and regions, blur the distinction between formal and informal activities and bring back pre-industrial forms of labour exploitation and sweatshops into the First World economies. However, as Schierup, Hansen and Castles (2006) point out, this has been more extended in Great Britain as a corollary to its 'neo-American' trajectory. Informal employment of irregular migrants in the clothing industry, domestic sector, hospitality, agriculture and construction has also become an important business strategy in south European economies, Germany and the Netherlands, in the context of state retrenchment, social polarisation, inadequate welfare provisions and aging population (Jordan and Düvell 2002: 59–64).

The main effect of these dynamics has been the crisis of the welfare state(s) as a provider of jobs and social security and the growth of social exclusion. The latter predominantly affects marginalised migrant communities. Bob Jessop (2003) identifies a common response to the crisis of the welfare state and the problems of unemployment and social exclusion as an ongoing, intricate and path-dependent shift from different types of 'Keynesian welfare national state'<sup>3</sup> models towards diverse, nationally mediated versions of 'Schumpeterian workfare post-national regime' involving a modification of the social, labour and migration regimes. A crisis-related Schumpeterian promotion of systemic competitiveness, innovation, flexibility and entrepreneurship, that is, the articulation of the workfare regime, gears social policy to the needs of national competitiveness, labour market flexibility and individual employability, and modifies welfare services and social rights so as to serve business interests. A search for the solution for the conflicting goals of a regional/global accumulation regime and a national social and welfare regime implies a 'shift from *government* to *governance*', as a re-scaling of state politics, best exemplified by the current configuration of the EU employment and social policy (Jessop 2003: 34–41).

Yet although the policies of flexibilisation and employability translated into the EES claim enhancement of social inclusion, action against racism and discrimination, they undermine the labour market position of the EU citizens of immigrant background 'who become trapped in the occupational ghettos of casualized labour in the post-Fordist service industries and in increasingly deregulated municipal services' (Schierup 2003: 133). In combination with a restrictive European border regime that generates an irregular inflow of migrants and cheap undocumented labour, the European adjustment to the social challenges of old and new migration calls for addressing 'the wealthy First Europe's dual crisis of the *nation* and of the *welfare state*' in terms of the formulation of post-national citizenship rights (Schierup 2003: 134). To that end, based on the Amsterdam Treaty that emphasised fundamental human rights and freedoms, the EC has tried to pursue anti-discrimination policies both through 'hard' and 'soft' regulations (Soininen 2003).

Nevertheless, multi-level reconfigurations of the new 'multi-ethnic' Europe intended to boost its 'global competitiveness' have generated multiple dualities that reflect unresolved normative dilemmas to be deliberated at EU level. The real European economy, marked by ethnic and gendered segmentation of labour markets,

has become both 'multiexclusionary' (Schierup 2003: 133) and dependent on continuous inflow of both high-skilled and low-skilled migrant labour force. Following the Amsterdam Treaty this insight has led to a reformulation of the European migration regime away from 'zero migration' towards 'efficient' and 'flexible' migration management and control of undocumented migration through 'intensive transnationalism' (Samers 2004). Ahead of the 2003 Thessaloniki Council the Commission presented a communication on illegal immigration, based on preparatory work on the so-called Santiago Action Plan. Samers (2004) identifies three main characteristics of this emerging migration policy regime: an upward re-scaling and 'gradual communitarisation' of policymaking, a horizontal re-scaling of securitisation to third countries, and a discursive creation of illegal immigration as a social threat. Peo Hansen (2005) claims that these contradictory articulations of the EU migration regime intended to address populist anti-immigrant sentiments undermine prospects for anti-discrimination policies and erode the right of asylum.

The recent, fifth wave of European enlargement and the inclusion of post-communist societies undoubtedly reinforces the existing informalisations of EU economies and the pressures of new migratory flows. Although the latest enlargement does not support popular fears of a sudden and significant inflow of migrants, many workers from the new member states have been involved in temporary agency work, especially in the construction and domestic sectors. According to the International Organization for Migration (IOM) (2006) it is suspected that a great number, especially in hospitality, home care and agriculture, still take irregular jobs, in spite of regularisation of residence. They accept lower wages and poor labour conditions, which promotes labour market flexibility in an enlarged EU.

Although demand for labour in the new EU member states will increase, especially in construction, environment and waste management, fuelled by money from structural and cohesion funds, these jobs will not eliminate important push factors for East-West migration, structural unemployment and bad working conditions. They will probably be taken by irregular immigrants from the new neighbouring Eastern European and CIS countries, whose irregular condition is created by new border controls, but also by workers from distant developing countries (IOM 2006). As the new member states have also become attractive immigrant destination and transit countries for a new kind of undocumented immigrant coming from, for example, China, Vietnam India, Sri Lanka and Bangladesh, they have to cope with the double challenges of regional and global migratory trends. In this connection Krystyna Iglicka (2002: 208) maintains that the enlargement and implementation of the Schengen regime causes the precarious position of the most vulnerable irregular immigrants in the CEE countries to deteriorate and may lead to the explosion of both xenophobia and nationalism. In the absence of proper institutions that preclude disrespect for labour rights and bad working conditions as well as a public discourse that critically addresses multinationals' violations of labour rights and raises a proper social policy discussion it is difficult to challenge the attitudes 'inside and towards' the region that tolerate an informal economy (Musiolek 2002: 12).

But informalisation is not only enhanced by the new geo-political mapping of the EU economy and a concomitant internalisation of the adverse outcomes of the post-socialist transformation through political and economic integration that now closely interconnects the West and the East. It is also generated by a contradictory introduction of the free movement of labour in the EU-27 across the 'old' EU-15 member states through restrictive transitional arrangements. Considering the increasing demand for workers from the new member states, these restrictions do not curtail already existing irregular labour movements. They distort the institutionalisation of a functioning labour market as projected by economic analyses, advance existing labour market segmentation and breed an irregular situation for new EU citizens and further casualisation of their employment. These processes maintain existing 'wage squeeze' and promote the reality of 'citizenship squeeze' that shrinks the socio-economic basis of European identity in the making. The restrictive approaches to Bulgarian and Romanian workers even in otherwise liberal Ireland and Great Britain illustrate political fears of the popular nationalistic responses to the pressures of labour market competition and cheap foreign labour, without addressing the very policies of flexibilisation of the labour market *per se*.

While the EU has put informalisation of the economy and its nexus to irregular migration and EU enlargement on the agenda, the problem has been conceptualised as 'undeclared work' and a threat to public services. The EC has promoted a harmonised policy approach, consisting of tax concessions in the sectors whose competitiveness relies on irregular work, employers' responsibility for the subcontracting chain and public campaigns to raise awareness of the problem. The actions against the informal economy have also become the part of the EES in 2003, involving soft policy coordination, through Open Mechanism of Coordination (OMC) processes and information exchange.

These initiatives hardly tamper with the general trend of informalisation that is inherent in the EU's primary concern with economic growth and low inflation. This orientation constrains the contingencies for development and emulation of the European social model, while the low level of wages and social protection in the new member states with new forms of labour casualisation—*cum*-informalisation enable continued 'wage squeeze', re-commodification and vertical segmentation of labour in the old member states. In the search for 'flexicurity', the formal redesign of the European model of social protection is pursued through soft policy coordination and dialogue concerning transformation of national labour market and welfare regimes, also named as 'self-transformation of the European social model' (Hemerijck and Schludi 2002: 105).

By the same token, the transformation of the European social model within these parameters clearly implies a decline of the welfare state as the institutional basis of social citizenship. In the context of the EU, social and migration policies are becoming post-national, involving the reassignment of the promotion of universal social justice to global, European, regional, urban and local level articulations. At the same time, the implementation of already extensive human and labour rights norms, as declared in the European Social Charter or ILO conventions, has been diluted and

reassigned to public–private networks, soft regulations and meta-governance interchanges between state and non-state actors on the EU and global level (cf. Jessop 2003).

### **Global governance, ‘fair globalisation’ and the ‘Decent Work’ agenda**

The management of the processes of economic and socio-cultural globalisation has implied a shift from government to governance with diverse combinations of common and country-specific institutional responses and political consequences across the globe. Global governance has been defined as ‘the set of normative, social, legal, institutional and other processes and norms, which shape, and in some cases even regulate and control the dialectical interplay of globalisation and fragmentation’ (Clarke and Edwards 2004: 6). However, the main global governance actors have primarily and consistently navigated the process of globalisation towards the creation of a liberal trade regime and related financial and monetary systems, embodied in the establishment of the WTO following the Uruguay Round. Without doubt, the system of global governance and its agenda have predominantly been shaped by the most powerful and economically advanced countries, OECD, led by G7 and clearly dominated by the USA, as well as by transnational corporations.

In this process, global governance itself has been reformulated. The Bretton Woods international financial institutions and IFIs, namely the World Bank and the IMF, have become instrumental in the imposition of the neo-liberal model and the promotion of free capital mobility. Strongly supported by the USA and the advanced economies the IFIs have also been given an exclusive position apart from rest of the UN organisational architecture, a clear mandate and the necessary resources to promote hierarchical global economic governance insulated from democratic grievances.

However, at the turn of the Millennium, the ‘Bretton Woods paradigm’ and its optimism concerning eradication of poverty through developing countries’ embracing GATT/WTO driven international trade (Thérien 2005) was increasingly questioned. The alternative, ‘UN-paradigm’ (Thérien 2005), which is informed by a different understanding of the nexus between global liberalisation and poverty, inequality, deterioration of social conditions, human and labour rights, was initiated by several funds, commissions and agencies affiliated to a complex and disjointed UN scheme under the ECOSOC coordination mechanism. This includes the UNDP (United Nations Development Programme), the ILO (International Labour Office), UNICEF (United Nations Children’s Fund) and the OHCHR (Office of the High Commissioner for Human Rights) in collaboration with the IOM. During the 1990s, these multilateral agencies, within their overlapping mandates to promote human development, labour rights and social justice, elaborated a comprehensive theoretical and policy framework for the promotion of the social dimension of globalisation.

Following the repeated failure to include the social clauses into WTO negotiations (Malmberg and David 1998) and the breach in the globalisation dialogue, in June 2000 the UN General Assembly decided to commission the ILO to formulate a

comprehensive global employment strategy. The ILO, given a golden opportunity to restore its derailed position within the global governance framework, reaffirmed its mandate to promote social justice through forging a 'decent work agenda', which was formulated by its Director-General, Juan Samovia, in the 1999 Decent Work Report (ILO 1999). According to that report, the ILO's primary goal is 'to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity' (ILO 1999). The report corroborated the basic principle of the ILO constitution, which postulates the 'de-commodification' of labour and reaffirmed the 1998 Declaration on Fundamental Principles and Rights at Work, while also appealing to a host of previously declared international human, social, economic and cultural rights.<sup>4</sup>

Moreover, the ILO's revitalised engagement in reaffirming and promoting labour standards is also connected to other, more ambitious, goals, such as the promotion of employment, social protection, security and social dialogue, including strategies to achieve these goals and addressing all workers, even unregulated, self-employed and homeworkers (ILO 2001). In pursuing these goals the ILO's experts have collaborated not only with trade unions, employers and governments but have also opened up a dialogue with global social movements and NGOs. A series of annually issued reports and numerous discussion papers centred on different facets of employment, deteriorating working conditions and poverty followed. One of the most significant and challenging reports is the *Decent Work and the Informal Economy* (ILO 2002). The preparation and endorsement of the report involved lively and heated debates between academics, feminist activists, NGOs, trade unions, governments and employers.<sup>5</sup> The main issues were who was to represent workers in the informal economy and how to enable the participation at the ILC of NGOs already working with informal workers, since the ILO's procedures worked on the basis of tripartite formal representations consisting of workers' groups, employers and governments. The discussion also concerned the demand for change in procedure in order to enable the participation of NGOs; this demand was met by the amendment made at the 90th ILC Session, when the report on the informal economy was presented.

This report stated that the growth of the informal economy, its complexity and the fact that most new jobs in developing and transition countries have been generated within it, challenge the term 'informal sector' as too narrow. An integrated approach was proposed and the term 'informal economy' was advanced to denote the heterogeneity of the phenomenon, including both informal employment and informal business relationships, involving a diversity of actors operating informally, such as own-account workers, street vendors, shoe-shiners, paid domestic workers employed by households, homeworkers and workers in sweatshops in production chains, self-employed micro-enterprises and their family employees. According to the ILO (2002: 2–3), these groups of actors share a lack of legal recognition and protection, extreme vulnerability and a dependence on informal institutional engagements that generate an idiosyncratic 'political economy'.

The report also elaborated a broad framework for the integrated approach, based on the assumption that the informal economy should be understood in connection

with the configuration of the formal economy and that ‘decent work deficits’ seriously endanger decent work conditions in the formal economy by creating competitive pressures through unfair practices. Accordingly, the ILO defined its goal as the promotion of ‘*decent work along the entire continuum from the informal to the formal end of the economy, and in development-oriented, poverty reduction-focused and gender-equitable ways*’ (ILO 2002: 4). The decent work agenda, as a part of a comprehensive strategy to remove the root causes of informality, consists of four modules: generation of opportunities for employment and income, enhancement of rights at work, improvement of social protection and strengthening of representation and voice in the informal economy. Diagram 1 presents the goals, strategies and most important actors as identified in the report.

**Diagram 1. Strategies and actors promoting the decent work agenda**

Goals and strategies	Significant actors
<p><b>1. Ratification and implementation of labour standards and right to organise</b>  <b>2. Promotion of entrepreneurship</b>  <b>3. Mobility schemes and active labour market policies, including skill development and education</b>  <b>4. Micro finances</b>  <b>5. Social protection schemes</b>  <b>6. Occupational safety and health</b>  <b>7. Inclusion of work standards in informal work into urban planning</b></p>	<p><b>National</b>  <b>Informal employees, employers and owners of informal businesses, central and local governments, tax authorities, trade unions, NGO’s and formal employers and their associations</b>  <b>International</b>  <b>ILO, EU Commission and Parliament, UN-based organisation, large TNCs and foreign employers, international and EU trade union organisations, global social networks</b></p>

In pursuing these strategic goals and the overall organisational objective to reinvent itself as a main forum for the social policy dialogue, the ILO launched several other global initiatives, which have structured a discourse of global justice, solidarity and fair globalisation configured around the concept of decent work, alternative policies aimed at a discursive reconfiguration of the global order. At the highest level, the ILO initiated the World Commission on the Social Dimension of Globalisation (WCSDG), which in 2004 produced its final report, *A Fair Globalization: Creating Opportunities for All*, taking stock of the impact of globalisation. This report proposes an inclusive framework for a fair global governance in order to balance global financial and economic institutions, free capital and trade flows, with a ‘universal social floor’, human and labour rights and fair rules for cross-border movement of people (WCSDG 2004). Another initiative concerns migration as the global phenomenon and building the Global Migration Group (GMG) together with the IOM and several other UN agencies and complementary to UN initiatives in the field of migration. The UN Secretary General also launched the Global Commission on International Migration (GCIM), which presented its report in 2005 (GCIM 2005). This probed into the problems of global migration, especially the estimate of rising undocumented migration, and reaffirmed the existing legal mechanisms to frame migration policies.

All these initiatives clearly present a formidable paperwork and discursive exercise, but the possibility to implement alternative approaches that entertain social justice in terms of workers' rights must also be discussed in a historical perspective and analysed within the international political economy understood as 'geopolitical economy' that reclaims the role of the nation-state in shaping globalisation in general and global migration, in particular (Samers 1999). In fact, there already exists a plethora of international rules, norms and regional instruments that make up a human rights-based approach to migration in general, and labour and irregular migration in particular, and which would, if implemented, protect migrants from the worst kinds of exploitation and human trafficking (ILO Conventions 97 and 143) while the 1990 *UN Convention on the Protection of Rights of all Migrants and Members and their Families* guarantees respect for migrants' rights.<sup>6</sup> However, these universal declarations, conventions and recommendations have, to a great extent, proved toothless since they are not backed up by effective sanctions. Some studies of the articulation of an international regime and its normative basis have even pointed to the weakening effect of the plethora of parallel standards and instruments that reflect organisational competition within the UN system (Ghosh 1998; Hasenau 1990).

Another problem is connected with the transnational strategy and the organisational capacity of the non-state multilateral actors, trade unions, international NGOs, academic communities, and civil society at large to make a significant difference. Basically, two avenues of action have been pursued: one towards empowerment of the 'precariat' and another along the governance of the production value chain, where the role of multilateral agencies, TNCs and the state is underlined. Trade unions and NGOs have been divided over the former. The trade unions were criticised for bureaucratic style, nationalism and exclusion of the poor and the excluded, while praised for organisational capacity and internal democracy. The NGOs, on the other hand, were praised for fluid organisation while criticised for a lack of coordination and for a focus on poverty reduction that disregards employment issues (Eade and Leather 2004).<sup>7</sup> The problem has, nevertheless been addressed by the WIEGO research network in the policy handbook *Mainstreaming Informal Employment and Gender in Poverty Reduction* (Chen, Vanek and Carr 2004). Another initiative has been launched by the Platform for International Cooperation on Undocumented Migrants (PICUM), an umbrella NGO located in Brussels. The report *Ten Ways to Protect Undocumented Migrant Workers* has called for civic and trade unions' engagement in the promotion of undocumented migrant workers' human and workers' rights and their empowerment through a reformulation of EU integration policies and European Social Inclusion Strategy (PICUM 2005).

The second strategy aimed at the development of corporate responsibility and state involvement, has been generated by innovative research that identified 'unequalisation' through hierarchically organised global production chains and its unfavourable distributional outcomes and trends (Gereffi and Kaplinsky 2001; Kaplinsky 2000). Last, but not least, initiatives such as corporate social responsibility and fair trade campaigns have been launched, including the practice of appending social conditions to bilateral and regional trade agreements. The most important

actors, the TNCs, national states and the regional actors, have for the most part pursued the fair trade initiatives, while being less enthusiastic in promoting the decent work agenda. Although many governments support the agenda formally, the implementation problem has been recast in terms of governance, understood as formal and informal sets of institutions and policies that establish the interplay between society and economy, but not any resolute government action.

### **‘Decent Work’ contingencies in an enlarged EU**

The EU and its member states are the most significant actors that shape the global economic regime within the framework of multilateralism. In that process the EU has cautiously communicated its support to different global initiatives to project the social dimension of globalisation and to address the issues of social justice. It has supported re-scaling and transnationalisation of the promotion of the social dimension of globalisation and the ILO’s ‘decent work’ agenda. For example, in 2001 the European Commission conveyed its support for the advancement of core labour standards and policy actions aimed to strengthen their efficient implementation through an inclusion of labour standards into generalised system of preferences (GSP), bilateral relations and trade agreements, corporate responsibility, social labeling and codes of conduct, but without ‘sanction-based approaches in trade policy’ (CEC 2001). In 2004 the Commission responded to the WCSDG report by conforming to the apprehension concerning the downside of globalisation and a necessity to promote the social dimension of globalisation both within European and global contexts. However, the significance of the European social model, policy instruments and methods in support of the social facet of Europeanisation is downplayed in addressing the ‘rest’, that is, other transition countries in the EU neighbourhood and the Third Countries (CEC 2004). In all these communications, the main goal and instrument of promotion of the social dimension has remained free trade, including bilateral agreements, corporate responsibility and private social initiatives, while the problems of the social effects of globalisation were to be addressed through research initiatives. The migration issue has been referred to only in parenthesis and assigned to multilateral forums.

Although the European Trade Union Confederation (ETUC) has persistently called for the EU’s more active commitment to the ‘decent work agenda’, as pledged by the exchange of letters between the EC and the ILO in 2001, these issues only came to be seriously addressed in 2006. As Bob Deacon (2005) rightly predicted, there has been a shift in the globalisation discourse towards a more serious consideration of universal social policies. The debate on globalisation has narrowed down towards a common concern for the downsides of globalisation, such as rising inequality and the undermined middle class, even in the developed world. So, the Commission’s communication (CEC 2006), prepared jointly by the Directorate-General (DG) for Employment and Social Affairs, Foreign Relations, Development and Trade, seems to reflect ‘the spirit of the moment’. The Commission emphasises its strong leverage on reshaping globalisation through the inclusion of the ‘decent work agenda’ as a ‘ninth Millennium Development Goal’ into all their external policies, including enlargement

policy, neighbourhood policy and development cooperation. Furthermore, it promised to promote a 'better management of economic migration', building on the previous experience of enactment of the free movement of workers, their rights and integration within the EU. However, civil society actors, such as the *EurActive*, have extended their criticism for the lack of addressing the deterioration of labour standards within the EU and the candidate countries (EurActiv 2006).

In her probing study on the informal economy in the CEE/CIS region Bettina Musiolek (2002) pointed to the state policies of de-regulation in support of attracting FDI as main obstacles to the promotion of 'decent work agenda'. Given the nationalistic sentiments in the CEE countries coupled with the lack of experience, institutions and administrative capacity for human rights-based migration management as well as for the interaction with and integration of immigrants in local societies, it is clear that the new member states require economic resources, political instruments and the normative basis for the acknowledgement and protection of migrant workers' rights and decent work conditions even for workers in the informal economy. Only recently has the CEE regional branch of the International Confederation of Free Trade Unions (ICFTU) initiated a process of inclusion of workers into the informal economy. In this they recognise their own organisational weakness, the enormous reliance of both private and state sectors on the informal economy and the CEE states' ambivalence in regularising and formalising the informal economy (Glovackas 2005).

Thus, in spite of discursive interventions in support of social justice and formalisation, we have seen the practice of further economic and social polarisation, informalisation of the economy and increasing irregular migration, i.e. articulations of regional and global 'political economy of inequality'. The efficacy of ongoing articulation of the global and EU consensus in support of inclusion of social justice into globalisation and Europeanisation is contingent on both its translation into national policy contexts and the limitations given by the developed states' unconditioned devotion to WTO negotiations and global competitiveness, that cautiously ponder inclusion of social conditions only inasmuch they facilitate a deterrence of economic protectionism.

Ultimately, the main obstacle to the promotion of the 'decent work agenda' and the promotion of the rights of migrants in the context of EU enlargement remains the ambivalence of state politics and the understanding of irregular migration as a humanitarian or free movement issue, on the one hand, or the global distorted labour market problem, on the other, disregarding irregular migrants as social actors (Termonen 2004). In order to address and harness the problems brought about by EU policies of free flows of capital and (a less) free flow of people we need to forge a notion of European citizenship that involves 'a substantive conception of political membership for immigrants as well as for marginalised citizens and poor people in the countries of the rich world' (Sassen 2006). Such an endeavour entails the formulation of the 'politics of propinquity and of connectivity' that embraces respect and 'responsibility' for both the proximate and 'distant other' (Stenning 2005; Amin 2004). It also demands 'the decolonization of European geographies' (Pickles 2005)

and an understanding of post-communist transformation as a core of Europeanisation that equally affects both East and West.

### Notes

1 These policies included: fiscal discipline, 'broad-based' tax reforms, financial and trade liberalisation, export orientation and competitive exchange rates, promotion of foreign direct investment, privatisation of state-owned enterprises, deregulation and protection of property rights and their promotion in the informal sector (Lavigne 1999: 160; Williamson 1990).

2 Almost all states in the CEE region, including the new states established following the fragmentation of the Soviet Union, have large diaspora communities in bordering countries: 1.2–2 million Poles live in former Soviet republics, 1.6–6 million Hungarians live predominantly in Romania (Iglicka 2002: 208).

3 The Keynesian welfare state is built upon a set of economic and social policies that were connected to social citizenship and confined to the national state, economy and society. It involves Fordist organisation of production and different levels of state intervention to address the problems of market failures and shape civil society, including the pursuit of 'decommodification' of labour (Esping-Andersen 1990).

4 The Declaration affirmed eight core conventions that ensured freedom of association, recognition of collective bargaining, elimination of forced labour, prohibition of child labour, elimination of discrimination in employment and occupation and a right to income. These rights are also linked to the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights and the 1995 World Social Summit Declaration and Commitments.

5 The main framework for the discussion and the report was presented by Woman in Informal Employment Globalizing and Organizing (WIEGO), a global research policy network led by Marty Chen, a lecturer at the Kennedy School of Government, Harvard University. Other organisations involved were International Restructuring Education Network Europe (IRENE), Global Labour Institute, International Confederation of Free Trade Unions (ICFTU) and a dozen other NGOs and campaigners that gave regional and country reports in the preparatory process.

6 It took 12 years to be adopted and more than a decade to be ratified by the number of countries necessary for it to come into force.

7 See Waterman 2004 for a radical critique of global civil society.

Gülay Toksöz

## **Informal Labour Markets and the Need for Migrant Workers: The Case of Turkey from a Comparative Perspective**

One of the most significant developments associated with globalisation is the shift of labour-intensive and, in many cases, environmentally harmful branches of industry in industrialised countries to developing countries within the framework of a new international economic division of labour. While the transfer of export-oriented units to developing countries is a significant event in terms of lowering costs for the multinationals, developing countries too welcome this development as a means to overcome their debt crisis and to generate employment. This has given rise to competition among developing countries for attracting foreign capital. Within this emerging global chain of goods and value, the central management of multi-national companies situated in industrial countries confine their work to design and marketing whereas labour-intensive production processes mostly take place, through outsourcing, in small and medium-size enterprises and home-based work in developing countries. Costs are further lowered through the use of a labour force without social protection and security in a milieu of flexible production relations. In fact, flexibility in developing countries manifests itself essentially through the rapid expansion of the informal economy and informal employment (ILO 2002).

In industrialised European countries, a shift to capital-intensive production techniques through technological innovation, particularly by enterprises which have hitherto engaged in mass production or the transfer of their labour-intensive production units to developing countries, brought with it the disappearance, to a great extent, of secondary sector workplaces in the manufacturing industry. This process is accompanied by unemployment on the part of migrant workers who constitute the major component of the peripheral labour force. Meanwhile, although somewhat reduced, small and medium-size manufacturing enterprises in industrialised countries still need skilled and unskilled labour. Since such enterprises are in no position to transfer their labour-intensive work abroad, they are trying to find a way out through deregulation, further flexibility in production and outsourcing/sub-contracting. 'Bad jobs' exist not only in manufacturing but also in the service sector, agriculture and construction, and in many countries there is a proliferation of jobs at the lower echelons of employment. So long as they are entitled to welfare benefits, native labour force and even second- and third-generation migrant workers who have acquired citizenship status in traditional receiving countries stay away from such jobs; and consequently new migrants are needed. The emerging demand for labour brings a strong motive for labour mobility and for the employment of new migrant workers. The existence of relatively large informal economies in southern European countries

such as Italy, Spain, Greece and Portugal contributes additionally to this development in that they become the main targets of irregular migratory flows in the EU. At the same time changing welfare regimes in the process of neoliberal restructuring, breaking down of traditional family structures providing care for children and elderly, new demographic trends with the aging of the society and increasing labour force participation of native women are the other factors decisive for the migration of female workers to be employed in domestic services of these countries.

As a result, the segmented structure of labour markets maintains itself and the labour force keeps segregating on the basis of gender, ethnic origin or race. In spite of the fact that individual components of this split undergo changes and that some categories of migrant workers become more like a domestic labour force, as a result of the hierarchy existing among migrant workers some categories are excluded as 'the other' and pushed to disadvantaged positions on the basis of ethnic or cultural origin.

This essay attempts first to analyse the role of the informal economy and the demand for labour in different sectors of economic activity in relation to irregular migration in the countries of southern Europe, in the context of their specific capitalist development. Then, the phenomena of the informal economy and informal employment in Turkey are examined, and the extent to which irregular migration is shaped by the demand for labour is investigated by highlighting similarities and differences with other southern European countries.

### **The informal economy and irregular migration in southern Europe**

In the countries of the European Union, the scale of the informal economy and the employment of irregular migrants in this sector vary according to the type of welfare state in question and the migration policies adopted (Reyneri 1998: 326, Jordan 2005). In general, the informal economy flourishes as welfare state benefits become more limited, and it remains relatively marginal in countries where welfare benefits are comprehensive and where there are stricter regulations on labour markets. Furthermore, the composition of employment (i.e. the relative proportion of small enterprises, self-employment, outsourcing and sub-contracting), the level of taxes and social security contributions, the level of effectiveness of state supervision, the degree of social acceptability of informal employment and the density of social networks are other variables which place individual countries at different positions in regard to the growth and dimension of the informal sector and informal economic activities (Baldwin-Edwards 1999: 6). In the countries of southern Europe, for example, self-employment is quite prevalent in agriculture, construction, small-scale manufacturing and services. Still, it is noted that the scale that the informal economy and employment have assumed in Italy and Greece remain above the average for other European countries (Reyneri 2002: 27-28).

In Italy, in the mid-1990s, the proportion of informal workers varied according to regions and sectors. While it is 8 per cent in the north, it rises to 25 per cent in the south of the country. There are twice as many informal workers among the self-employed than among wage-earners. Informal employment reaches 60 per cent in

agriculture and 33 per cent in construction work. These leading sectors in informal employment are followed by textiles-clothes, repair workshops, transport and entertainment. In many branches of manufacturing industry, even when employers pay union-set wages to their informal workers, they still save approximately at a rate of 50 per cent by evading such labour cost components as social security contributions, income tax and so on. (Reyneri 1998: 321) This is also a quite significant saving for the self-employed. In Greece, the informal economy cuts across the whole social and economic structure: 16–20 per cent of all wage-earners were found to be unregistered. Depending on the existence of family-based enterprises, the informal sector becomes an important component of the economy as a result of widespread self-employment and family work. Involvement in the informal economy is common in agriculture, tourism, construction, domestic services and small manufacturing firms (particularly in textiles and clothes), and also among socially prestigious groups, including lawyers and physicians. Almost all overlook the situation since all sectors of the economy enjoy its benefits in one way or another (Reyneri 2002: 28–29).

The transition of southern European countries from Fordist to post-Fordist production took place according to the specific conditions of each country. Following the dual economy of this region, enterprises with advanced and backward technologies, primary and secondary labour markets and interregional disparities in development all leave their imprints on the economy as a whole (Mingione 1995, cited in King 2000: 15). Until the 1970s, migration from the underdeveloped rural areas of southern Europe to the countries of northern Europe brought serious labour shortages in agriculture in the south. Although Bologna in northern Italy took the lead in flexible specialisation, the specific form of capitalism in southern European countries manifests itself with some marked features including late or inadequate industrialisation; generally a heavy dependence on agriculture and tourism; highly speculative forms of urban development; and a strong informal economy based on small family enterprises. It is observed that economic growth here triggers employment in tourism, domestic and personal services rather than industry and the nature of these services are quite conducive to informal employment.

The strength of the informal economy based on this dual structure is the essential factor determining irregular labour migration to southern Europe. The dynamism of the informal sector, the abundance of small enterprises and the growth of urbanisation and the services sector—which raise the overall level of education and lead to the refusal of the better educated young population to be employed in jobs requiring manual labour in the EU countries of the south, including Spain, Portugal, Italy and Greece—further add to the pull factors for irregular migration. In other words, the domestic market structures of these countries encourage migration. There is need for labour in jobs which were previously taken up by domestic rural migrants, women and young people dropping out of school (King 2000: 15). Migrants now replace the domestic workers in the informal economy and, as Reyneri puts it, although the informal economy is a deeply rooted domestic phenomenon, migrants' tendency to accept unregistered jobs contributes to its continuation (1999: 102)

The need for migrant labour in labour markets frequently manifests itself in arrangements for regularisation. Regulatory arrangements so far introduced in these Mediterranean countries has attracted millions of applications, but a significant part of migrants now gaining legal status continue to remain in the informal sector. Furthermore, not all irregular migrants applied for legal status. Applications depend on the conditions and requirements established by each regularisation attempt. Also, these attempts led to a further inflow of migrants with high hopes of obtaining legal status (Baldwin-Edwards 1999:10, Reyneri 1999: 91, Arango 2005). In addition to examining the situation of migrants country by country, their status of being regular or irregular and the question of whether they work formally or informally are important factors to consider in depicting differences in terms of specific problems they encounter. Migrants may have work and residence permits; they may work informally with their residence permits or stay and work in the country on fully illegal terms. Formally employed migrants cannot enjoy unemployment benefits since they are mostly employed in temporary works of high labour circulation. Consequently, they can endure only short-term unemployment since they are fully dependent on their own savings or support from their fellow citizens during the spell of unemployment. Migrants are mobile between legal and illegal employment positions. In Italy and Spain, considerable numbers of migrant workers who obtained temporary residence and employment permits under regularisation schemes returned to illegal status, since the renewal of their permits was made conditional upon formal employment contracts or a certain level of income (Reyneri 2002: 26; Arango 2005; Martinez Veiga 2005). It is quite difficult to act and maintain permanent contracts, particularly in agriculture and domestic services, in which migrant workers are relatively abundant. Irregular forms of employment make it difficult for migrants who have gained legal status to renew and extend their residence permits, and they necessarily move to informal jobs upon expiration of their permits. This is a vicious circle.

### **Jobs taken up by migrant workers in the segmented labour markets**

Informal and formal work taken up by registered and unregistered migrants are similar: domestic work, peddling, agriculture, construction, small manufactures, hotel and restaurant services, low status urban services, entertainment and prostitution. Common features of these secondary sector jobs include the absence of any social protection, low pay, marginality, multiple forms of exploitation and ensuing social exclusion. These jobs are mostly subject to gender-based segregation as well.

Domestic service is taken up mostly by female migrants. There are three important factors shaping the demand for such service in southern European countries. Firstly, a domestic worker at home is a symbol of status for middle- and higher-class households. Secondly, available services for the care of child and elderly are limited. Thirdly, traditional values and a gender-based division of labour still prevail in many households. The participation of middle-aged women in a country's labour force is possible largely because of the availability of migrant workers to offer domestic

household services. Young women reject such low-status jobs in spite of unemployment. It is probable that such jobs will pull further migrants in and domestic services will be further 'ethnicised' (Reyneri 1998: 316, 2002: 45; Lazaridis 2005).

Another area of female employment is entertainment and prostitution in the sex industry. According to Campani, the sex industry in the developed and developing world is being promoted in the context of globalisation by the growth of the consumer market and a new neo-liberal ideology (1999: 236). Women from some Asian, African and Latin American countries are trafficked to Western countries for sexual exploitation as subjects of a lucrative business. However, with the collapse of the socialist system since the 1990s, young women from former Eastern bloc countries are to be found especially abundantly in these occupations. The neo-liberal transition in Eastern Europe together with restrictive migratory policies are at the origin of the phenomenon of trafficking of women from this region. Even when such women are highly educated, adverse economic conditions and high unemployment rates compel them to work as dancers or sex workers. Very young women from rural areas in particular can be subject to human trafficking by criminal organisations and forced to work as sex workers under abusive conditions (Skrobanek 1998; Campani 2005).

In agriculture, especially during harvesting, male migrant workers are employed and so replace the domestic labour force in agricultural enterprises located in the poorer regions of southern Europe. These workers are paid mostly on a daily basis and are offered to their employers by intermediaries who in most cases are themselves irregular migrant workers. Wage rates are lower than those enjoyed by local workers, and daily working hours may be up to 12. The availability of a low-cost migrant labour force made it possible for the transformation of family labour into wage labour (Veiga 1999: 125; Reyneri 1998: 318, 2002: 46; King 2000: 16).

In the construction sector, there are irregular male migrants at the lowest echelons of the work process, which is defined largely as a result of subsequent sub-contracting: big companies that conceptualise, design and manage major projects sub-contract the manual work to smaller firms. Migrant workers are employed in various areas of the construction industry, ranging from small-scale building work and restoration to the construction of roads and airports through small firms. Sub-contracting schemes facilitate informality. The migrant workers may receive much less than what is paid to local workers and work with a high risk of accidents (Veiga 1999: 116–17; Malheiros 1999; Reyneri 2002: 46; King 2000: 16).

As far as the manufacturing industry in general is concerned, textiles and clothing industries come to the fore as employing more migrant workers, both males and females. Other branches of the manufacturing industry follow, but at much lower rates. Migrant workers in the industrialised central and north-eastern regions of Italy are employed in small- and medium-size enterprises engaged in plastics, ceramic, clothing, stone cutting, metal, cement and tanning. These are areas with relatively heavier working conditions, also entailing the risk of work accidents. Such work can be observed not only in some marginal firms but also in small firms that have undergone technological renewal. Larger firms exclude unskilled work, downsize accordingly and outsource this work to other firms (Reyneri 1998: 319, 2002: 47).

There is intensive demand for seasonal and temporary workers in the tourism industry and restaurants. Both male and female migrant workers are employed in such services as cleaners, kitchen workers, waiters and so on. Informal employment, without any contract or benefits, is generally dominant in this sector (King 2000: 17).

The main characteristics of migration to southern Europe can be listed as follows: migration stems from a demand for cheap and flexible labour in the secondary and informal labour markets; productivity is low in small agricultural and manufacturing enterprises whose survival is accordingly dependent on the availability of cheap labour (avoidance of social security contributions and relevant income taxes); indeed, it is hard to envisage the survival of some economic sectors or activities including small farms, some construction works, domestic services or care of the elderly in the absence of migrant workers; services delivered or works performed by migrant workers are mostly not transferable to lower wage countries due to their nature; low pay becomes possible because of the illegal or semi-illegal status of migrant workers; migrant workers concentrate in specific layers and niches of the labour market on the basis of gender and ethnicity; and, as a consequence, gender and ethnic segregation and segmentation further deepens in labour markets. Migratory networks play an important role in the transmission of information and the permanency of labour supply from developing countries (Veiga 1999: 116; Reyneri 2002: 56–57; King 2000). At this point, it must be underlined that traditional gender-based segregation in labour markets provides different opportunities for male and female migrants. Job opportunities for migrant women are confined to domestic services, the entertainment sector, hotel and restaurant services and assembling works in manufacturing industry. The existing legal channels of migration and employment are often related to agriculture and construction, which are mainly dominated by the male labour force. This fact forces women to irregular migration and therefore makes them more vulnerable to exploitative labour relations (Taran and Chammartin 2002: 9). Even when female migrants are regularised, as they were in Italy (the new amnesty of 2003 was only for domestic workers), they can only find jobs in the area of home and people caring, whereas men, with their mobility among different jobs, can climb up in the job ladder (Campani 2005).

### **Demographic trends in southern Europe**

The demand for additional migrant labour in the countries of southern Europe is not only boosted by the needs of cheap labour in low-productivity sectors and the informal economy, but also by demographic trends—specifically, the aging of the domestic population as a result of low fertility rates. In 2000, the rate of natural increase (births in excess of deaths) was negative for both Italy and Greece (-0.03 per cent and -0.02 per cent, respectively). It is also very low in Portugal and Spain, at 0.1 per cent (Council of Europe 2002: 34). Positive net migration is the factor preventing absolute population decline in Italy and Greece. Total fertility rates are 1.3 (Greece), 1.2 (Italy), 1.6 (Portugal) and 1.2 (Spain), which are much lower than what is required for maintaining the same population level (*ibid.*: 23).

The proportion of those aged 65 and over among the total population is 18.2 per cent in Italy, 17.3 per cent in Greece, 17.1 per cent in Spain and 16.5 per cent in Portugal: these are among the highest figures in Europe (ibid.: 44). The percentage of under 15-years-olds in these countries is lower than that of the elderly population (ibid.: 46). This demographic structure creates an increasing need for labour in the care and health services, which cannot be met from internal human resources.

A logical solution arising from this given economic-demographic structure suggests the formation of a Mediterranean labour market in which relatively poorer countries with high fertility rates (Morocco, Algeria, Egypt and Turkey) provide migrant labour to Italy, Spain, Greece and Portugal, where the population is ageing. This relatively simple logic indeed proves itself with the present *de facto* migration. However, European and national politicians unwilling to accept this fact strive to defend their ‘fortresses’ against the invasion of migrants with restrictive migration policies and strict border controls (King 2000: 19).

### The informal economy and irregular migration in Turkey

Although the socio-economic structure and direction of capitalist development in Turkey have features resembling those of southern Europe, there are some marked differences as well. In southern Europe, the development of capitalism was characterised by dependency on agriculture and tourism and a strong informal economy based on small family enterprises rather than massive industrialisation. All these characteristics are even more pronounced in Turkey, where agriculture has a large share in both total output and employment, and the share of tourism in national income and employment is rising. Small-scale production, self-employment and unpaid family labour in household-based enterprises are all very common.

**Table 1: Employment by job status and economic activities – in thousand (2004)**

Status	Total		Male		Female	
	N	%	N	%	N	%
<b>Total</b>	<b>21 791</b>	<b>100.0</b>	<b>16 023</b>	<b>100.0</b>	<b>5 768</b>	<b>100.0</b>
<b>Wage earn. (mont)</b>	<b>9 279</b>	<b>42.6</b>	<b>7 353</b>	<b>45.9</b>	<b>1 927</b>	<b>33.4</b>
<b>Wage earn. (daily)</b>	<b>1 800</b>	<b>8.3</b>	<b>1 461</b>	<b>9.1</b>	<b>338</b>	<b>5.9</b>
<b>Employer</b>	<b>1 020</b>	<b>4.7</b>	<b>971</b>	<b>6.1</b>	<b>49</b>	<b>0.9</b>
<b>Self-employed</b>	<b>5 388</b>	<b>24.7</b>	<b>4 805</b>	<b>30.0</b>	<b>583</b>	<b>10.1</b>
<b>Unpaid family worker</b>	<b>4 303</b>	<b>19.7</b>	<b>1 433</b>	<b>8.9</b>	<b>2 870</b>	<b>49.8</b>
<b>Economic Activities</b>	<b>21 791</b>	<b>100.0</b>	<b>16 023</b>	<b>100.0</b>	<b>5 768</b>	<b>100.0</b>
<b>Agriculture</b>	<b>7 400</b>	<b>34.0</b>	<b>4 101</b>	<b>25.6</b>	<b>3 299</b>	<b>57.2</b>
<b>Industry</b>	<b>3 988</b>	<b>18.3</b>	<b>3 202</b>	<b>20.0</b>	<b>786</b>	<b>13.6</b>
<b>Construction</b>	<b>1 029</b>	<b>4.7</b>	<b>1 004</b>	<b>6.3</b>	<b>25</b>	<b>0.4</b>
<b>Services</b>	<b>9 374</b>	<b>43.0</b>	<b>7 717</b>	<b>48.2</b>	<b>1 658</b>	<b>28.7</b>

Source: [www.die.gov.tr](http://www.die.gov.tr)

The labour market in Turkey displays a segmented structure deriving from the coexistence of a formal sector that incorporates workers of large enterprises, both public and private in urban centres, and an informal sector that incorporates informal workers of small enterprises as well as agriculture, which has still a very high share in total employment. The limited proportion of wage-earners in the total labour force and the fact that almost half of all workers are either self-employed or work unpaid in small family enterprises (which largely remain beyond the coverage of legislative or institutional arrangements) indicate that labour markets in Turkey are extremely flexible, highly segregated on a gender basis and quite unbalanced, as can be seen from the table below. This flexible structure of the labour markets enables employers to employ irregular migrant workers.

### **Distinguishing features of the informal economy in Turkey**

The distinguishing economic and demographic traits that shape the processes of informalisation in Turkish economy are multifarious. The similarities and differences with southern European countries work in such a way as to further boost informality in economic activities and employment.

One distinguishing characteristic is that industrialisation in Turkey, with its external dependence, remains even below the insufficient level of the countries of southern Europe. This situation manifests itself in the low proportion of wage-earners in the total number of employed, the quantitative and qualitative weakness of the working class and the reflection of this fact at the level of unionisation and organisation. In Turkey there are also marked inter-regional disparities in terms of the level of development and the share in the national income. As a result of these disparities, together with the political turmoil that reigned in south-eastern Anatolia in the 1980s and 1990s, internal migration is still continuing, though it has slowed down somewhat recently. In addition to internal migration, there are also some economic factors that affect the size of the informal sector in Turkey and, consequently, that set in motion the dynamics of migration from Turkey to EU countries and from neighbouring countries to Turkey. These factors are inadequate economic growth, structural adjustment policies and the resulting poverty-cum-rising inequalities, as addressed below.

### **Inadequate economic growth**

Increasing numbers of persons of working age and the accompanying internal migration lead to the swelling of the urban labour supply and pressure on the labour market. In Turkey, the proportion of those employed to population at economically active ages displays a falling trend. This is the result of lower and lower rates of labour force participation and high levels of unemployment. While the labour force participation rate was 65 per cent in 1963, it was as low as 43.7 per cent in 2004. This stems mainly from the withdrawal of rural women who used to work in agriculture as unpaid family workers, from production following their migration to urban areas. The

fundamental cause of unemployment is the failure of economic growth in non-agricultural sectors to create sufficient employment, while employment in agriculture is shrinking. Since the export-oriented industrialisation model adopted is based on falling real wages, limited domestic demand acts as a barrier to the proliferation of new enterprises and opportunities of employment (Ansal et al. 2000: 128). Consequently, for many people self-employment in the informal economy is the only possible form of gaining an income.

### **Economic restructuring and flexibility**

The structural adjustment policies adopted in Turkey after 1980 envisaged a transformation from import substitution to export-oriented industrialisation. Meanwhile, a range of institutional, political and economic incentives introduced by the state encouraged quick profit seeking and *rentierisme* in the process of capital accumulation. As a consequence, capital holders preferred, instead of investing in industry, lending to the government sector and enjoying high rates of interest, or moving to the tourism and construction sectors. The vacuum that emerged as the public sector withdrew from manufacturing and industrial investment, as part of 'downsizing state' policies, could be filled only partly by the private sector (Şenses 1994: 64). Many measures adopted to encourage exports led exporting firms to lower their prices, and therefore wages, in order to maintain their competitive positions in the international market. Large firms that were engaged in labour-intensive production and that could not possibly evade the formal economy found a solution by outsourcing to small and medium-size enterprises. Such enterprises essentially lower labour costs through informal employment, and flexibility indeed manifests itself as informality. The most important factor to bring informal employment in enterprises is the large margin between labour costs and net wages and insufficient auditing failing to cover so many small enterprises. The tax and social security burden on minimum wages is 41 per cent. As the margin between labour costs and the net wages received by workers gets larger and larger, it becomes advantageous for both workers and employers to cease to be in a registered business. In the face of a low minimum wage based on the needs of a worker as a single individual without any consideration of family subsistence, workers tend to share the margin between gross and net wages with their employers as a short-term solution instead of thinking long term and benefiting from social security provisions. Coming to self-employed, although they may be covered under the existing system, they fail to meet its requirements by not paying their contributions—mainly because of their low earning levels, insufficient health services delivered by social security institutions and insufficient retirement benefits. In a similar strain, due to wide spread views such as collected taxes are not used appropriately, and corruption and extravagancy reign in the state sector, employers and self-employers think tax evasion is legitimate (Özşuca and Toksöz 2003). In other words, informality is a phenomenon largely accepted by society in Turkey.

### **Income inequalities and poverty**

In Turkey, distorted and unfair income distribution is another remarkable phenomenon. In 2000, the poorest 40 per cent of the population's share of the national income was only 13.5 per cent. In the 1990s, while the proportion of wage-earners among the total of those employed increased, their share of the GDP declined. Consequently, it can be stated that 53.7 per cent of the poor are working poor. The percentages for rural and urban areas are 62.5 per cent and 29.7 per cent respectively (DPT 2001:151). Such large numbers of working poor stem mainly from the large number of minimum wage-earners in the formal sector and the abundance of low-paid workers in the informal sector. Poverty leads almost all household members to take up multiple jobs in the informal sector as a coping strategy. Because of insufficient employment opportunities in the formal sector, the late (2002) introduction of unemployment insurance scheme and the too demanding conditions of this scheme, a large majority of the unemployed turn to either the informal sector or self-employment. As an indicator of informal employment in Turkey, in 2004 53 per cent of all people working in Turkey were not covered by any social security scheme. Relevant figures show 73.5 per cent and 35.8 per cent for rural and urban areas respectively. While the share of informal workers in non-agricultural activities is 32.8 per cent, the corresponding figures are 20.5 per cent among monthly paid workers, 89.9 per cent among daily wage-earners, 82.2 per cent among unpaid family labour, 49.4 per cent among self-employed and 18.2 per cent among employers. The total figure for informal employment in urban areas is 11,159,000 (<die.gov.tr>).

### **Turkey's demographic structure**

Another important difference with the countries of southern Europe makes itself clear in a study of the demographic structure of Turkey and her positive rate of natural population growth. The rate of natural population growth in Turkey was 1.56 in 2000 (Council of Europe 2002: 34). With 2.5, Turkey has the highest total fertility rate of all European Council countries (ibid.: 23). In terms of population age differences, 5.4 per cent is aged 65 and over, the lowest of all European countries, while 29.8 per cent is under 15, the second in Europe after Albania (ibid.: 44). Nevertheless, population dynamics in Turkey are gradually getting closer to those observed in other European societies. In the period 1990–2000, the rate of growth of the young population almost nullified vis-à-vis the drop in the fertility rate, while the rate of growth of those at economically active ages remained constant and the elderly population reached its highest level. In this period, while the size of younger population remained more or less constant at 20 million, the size of the economically active population increased to 44 million and that of old-aged population to 4 million (DİE 2003: 32–33). The size of the adult population is projected to grow continuously until 2025, since those belonging to this group were born in a period when the fall in fertility was still slow. As the total population of Turkey will increase by 30 per cent until 2025, the population in the 15–64 age group will increase by 60 per cent and reach 60 million

(Behar et al. 1999: 60). These demographic trends suggest a rising potential labour supply, and they will lead to the further expansion of informal employment and feed migration tendencies among the young population so long as opportunities of formal employment remain insufficient.

### **Irregular migration in conjunction with the informal economy**

Although the existence of high unemployment rates and limited possibilities of employment in the formal economy in Turkey lead to a surplus labour force that is ready to take up any informal work despite unfavourable terms, the same situation also offers employment opportunities to irregular migrants. Comprehensive studies are needed, however, to disclose the conditions in which irregular foreign migrants work in Turkey and the scale of this kind of employment. According to limited studies in this area and certain media items, foreigners who actually want to head to the EU countries (mostly from Iran, Iraq, Afghanistan, Pakistan and Bangladesh [Asia] and Somali, Sudan and Nigeria [Africa]) work in the informal sector, depending on their duration of stay in Turkey. Migrants from the former Eastern bloc countries (Moldova, Romania, Ukraine, Russian Federation, Georgia, Azerbaijan and Armenia) enter Turkey with tourist visas obtained at the border and find jobs in the informal sector. Upon the expiry of their visas, they either leave the country to re-enter or stay illegally. The latter have to pay a heavy fine, the amount depending on the duration of illegal stay when they formally leave the country. Although few in numbers, others apply for refugee status. In case their applications are rejected, these people move to informal employment for subsistence.

The employment of foreigners is concentrated in the Marmara region, where the migrants work in small and medium-size enterprises such as the manufacture of textiles, clothes, food, leather, rubber, plastics and casting and in domestic services. The Black Sea region pulls in seasonal workers, especially during the tea and hazelnut harvesting seasons. In the tourism centres of the south, foreign workers who can speak Russian are employed in various services, including hotels and restaurants. As to specific jobs taken by foreigners, domestic workers employed in child care and care of the elderly are mostly from Moldova, Uzbekistan, Azerbaijan, Bulgaria; textile and clothes workers from Moldova and Romania; entertainment and sex workers from Moldova, Russia, Romania, the Ukraine and Belarus; construction workers from Iran, Iraq, Azerbaijan, Romania and Moldova; and restaurant and foodstuffs workers from the Ukraine, the Philippines, Pakistan, Bulgaria and Romania (İçduygu 2004: 11; Gürsel et al.: 2002: 20–21). Though there is no definitive data on the number of foreigners working informally in Turkey, it is estimated that about 200,000–300,000 foreigners enter the country illegally every year and about a half of these entrants work irregularly (İçduygu 2004: 68).<sup>1</sup> Considering that there are also others entering the country with tourist visas who also work and remain in the country even after the expiry of their visas, the number of unregistered foreign workers in the country can be estimated as reaching several hundred thousands.

Similar to what is observed in southern European countries, irregular migrants in Turkey at least partly take up those jobs rejected by domestic labour. However, the high rates of unemployment and the abundance of unskilled labour in Turkey creates a large reserve of surplus labour ready to accept any job whatever its conditions may be. Therefore there is a kind of competition between domestic and migrant workers in the manufacturing and construction sectors. In this rivalry employers may prefer foreign workers since they are ready to accept lower wages, are relatively more skilled and regarded as hard working and disciplined. Especially in long-lasting economic crises, some employers in small and medium-size enterprises try to cope with the effects of economic downturn by employing low-paid foreign workers at long hours. In fact, these enterprises are able to take orders from larger enterprises only by offering low prices, which becomes possible only if they can manage to keep labour costs down. The domestic labour force, on the other hand, cannot accept such low wages since it is impossible to sustain a family at such low rates. Hence we observe different wage rates for foreigners and domestic labour. The clothing sector in the manufacturing industry exemplifies this competition between the two wings of labour force.<sup>2</sup>

The situation is not different in agriculture. Temporary agricultural workers, particularly females, constitute the most vulnerable elements of the labour market. They come from south-eastern Anatolia and are paid very low daily wages. Irregular workers from the CIS and Russia to work in the hazelnut and tea harvests further depress daily wages below this low level and cause unemployment for this group of labourers (Yıldırak et al. 2003: 115). A partial substitution occurs in the manufacturing, construction and agricultural sectors.

Substitution is relative seldom in domestic services as there is a supply that generates its own demand. Families from middle and high income groups definitely prefer child care and especially nursing care by women, especially from Moldova, since they can deliver live-in care services, are usually trained in child/nursing care and are considered to be as industrious and disciplined as workers in the countries of southern Europe, where reliance is placed on domestic labour from Eastern Europe or the Philippines. Female professionals with a higher education in Turkey seek such paid services when they are unable to perform the traditional family roles assigned to women. As the state provides almost no child care or care of the elderly, these services are obtained through market mechanisms. However, it is quite exceptional for native females to give live-in services in others' homes since they have their own family responsibilities. In rare cases where they are ready to accept such jobs, they ask for much higher fees than those paid to foreigners.<sup>3</sup>

A distinction needs to be made between migrant women working in the entertainment sector and others in prostitution. In the former there is high demand for women from Eastern European countries. These women are sent to Turkey by intermediary organisations in their own countries, such as dancing schools, on completion of official procedures for performing erotic shows in nightclubs. (Özen 2004).<sup>4</sup> Furthermore, women working in these clubs do in full knowledge of what is expected of them. A representative of the Russian Consulate, on the other hand, states

that dancers in nightclubs may not be paid at all or are paid much less than that what was originally agreed. These women are mostly warned in their own countries before going to Turkey about such possibilities, and regulations concerning the employment of foreigners in Turkey require that the legal contracts are prepared in two languages.

The situation is different for those who are forced to work in the sex industry. According to statements made by the diplomatic missions of Moldova and Azerbaijan, in some cases women with little education and originating from rural areas are misinformed, deceived with false contracts and eventually pushed into prostitution. According to the Turkish Security, on the other hand, these women are given promises of decent jobs as cleaners, waitresses and so on by certain organised commercial sex networks in their own countries but are deliberately trapped into debt and then work to pay back their intermediaries during their early stay in Turkey. After a specific point in time, they are allowed to keep 40 per cent of what they earn. The security officials witnessed cases of extreme victimisation on the part of foreign women. Nevertheless, a considerable number of these women enter the country with prior information that they are going to work in prostitution, and the number of foreigners in this sector is increasing (Erder and Kaşka 2003: 40–50).

The decision of foreigners to move temporarily to Turkey, to work and make some money is influenced by adverse economic conditions, poverty and unemployment in their own countries. In choosing Turkey for temporary employment these people consider various factors, including the availability of informal jobs, prospects of earning well above what they can earn in their own countries, geographical proximity, cheap and comfortable ways of travelling and the social networks provided by their employed relatives or friends. Though the amount of money earned varies according to the branch of economic activity and jobs performed, it is still quite above what they can earn in their native countries. Migrants do not need to resort to traffickers, thanks to the flexible visa system, but use intermediary agencies in their countries of origin and in Turkey, which offer job placement services. These private agencies charge high commissions for their services; some cause the job seekers to run into debt. Under the constant risk of being spotted and deported, those who remain in the country after the expiry of their visas are vulnerable to various forms of abuse and exploitation including threats from employers or security forces, bribery and non-payment for days worked. Female migrants may also face such adversities as sexual harassment and assault (İçduygu 2004: 12–13).

The Law no. 4817 on ‘Work Permits of Foreigners’ which took effect on 6 September 2003 allows foreigners to work in various areas by applying for a work permit. The granting of such permission is dependent on the needs of the specific job market, which gives priority to the native workers. However, to be eligible for such application foreigners in the country are required to have a residence permit for at least six months or to have applied to the consulate in their countries before coming. Those coming in with tourist visas cannot apply for work permits in Turkey. Therefore the law has brought no advantage for those already working informally in the country.

The law requires employers to register their foreign employees to the social security authorities. In the domestic services, where there is almost no competition with the native female workforce, work permits are granted for migrant workers. However, in Turkey casual domestic services remain outside the remit of labour legislation; there is no legislative arrangement pertaining to this form of employment and neither is there any practice of registering nationals engaged in these services to the social security authorities. Considering all these points, there is little possibility of having foreigners involved in child care and care of the elderly registered with the authorities. According to data provided by the Ministry of Labour and Social Security there were 21,605 applications after the law came into effect up to 5 July 2005; 13,009 permits were granted and 3,268 applications were rejected. At that date 5,130 applications were under examination. There is no information regarding the occupational distribution of these work permits. This number, however, is very low compared to of the several hundred thousands of irregular migrant workers. In spite of heavy fines imposed on employing unregistered foreign workers (\$2,300 per worker) this provision is far from being dissuasive, because of ineffective inspection.

Considering the fact that the numbers of both unemployed and underemployed persons are relatively high in Turkey, irregular migrants can be taken as a factor further contributing to high rates of underemployment and unemployment. Nevertheless, this effect should be taken as limited since the number of irregular migrant workers is not too high compared with the total active population. Female migrants in the entertainment and domestic services in particular actually fill a gap.

### **Some concluding remarks**

Labour migration will remain inevitable as long as the informal economy remains, the domestic availability of cheap labour is not ensured and the welfare state refuses to undertake services to care for children and the elderly. Demand for labour originating from the informal sector will encourage migration with its pull effect even when borders are closed and irregular migration is put under further control. Border controls remain ineffective as long as policies are adopted to keep migration restricted without assessment relating to labour supply and demand. Unless sufficient channels of legal migration are provided, such restrictive arrangements in combating illegal border crossings, smuggling and trafficking made without due consideration of labour demand will deliver nothing but a further drive towards the informal sector, the deepening of exploitative forms of labour and the further stigmatisation of migrants.

Turkey is under the pressure of emigration and immigration forces and expected as a candidate country to harmonise its border controls with the EU, namely to adopt restrictive visa regulations. However, there will be no solution to the problem as long as informal economic activities and informal employment continue, which will further offer chances of employment for migrant workers. As the domestic market structure of southern Europe countries encourage migration, the highly informalised labour markets of Turkey also encourage migration. The main difference is in the fact that, as the demand in southern European mainly aims to fulfil the gap of native

workers, in Turkey, with its reserve of surplus native labour, irregular migrant workers contribute to a wage competition, sharpening the race to the bottom, and to unemployment. In spite of these negative consequences, instead of adopting the restrictive migration regimes of the Union, what seems to be of primary importance in Turkey is to implement measures to control and downsize the informal economy in different sectors. There is a need to develop support policies for small-scale manufacturing, services and agricultural enterprises that sustain themselves on unprotected labour in order to transform them into economically sustainable enterprises providing social protection to their workers. It is also essential to strengthen auditing to provide social protection to workers in manufacturing and construction sectors. This seems the only way to prevent the employment of unregistered migrants by enterprises whose survival is dependent on cheap labour. In areas where nationals of the country do not work, the status of foreigners should be legalised through relevant regularisation arrangements and they should be covered by social security schemes. Women engaged in prostitution should be regarded as victims and combat should be given against networks exploiting these women.

### Notes

1 According to data from the General Directorate of Security, 467,768 persons were officially identified in the period 1995–2005 as illicit entrants and residents. In 2000–01, the number of such persons reached its peak with over 90,000 (ÇSGB, 2004:39-43). It is safe to assert that unidentified persons in this status are at least twice as many as identified ones. According to the General Directorate for Security, there were 177,783 such persons deported by Governorships in the period 1996–2001 for various offences (i.e. unauthorised residence, unauthorised work, forgery, prostitution, intermediary of prostitution etc.). In 1999–2001, 46,366 persons were denied entry at border gates <[www.emniyet.gov.tr](http://www.emniyet.gov.tr)>. Migrants who cannot legally enter the country resort to traffickers who are paid from \$50 to \$3,500 per person (İçduygu 2004: 39).

2 In 2002, for example, when the effects of the economic crises were still felt, the minimum net wage (\$113) was commonly adopted in the sector. The rate was \$97–110 in informal enterprises and \$69–83 in enterprises using child labour and foreign workers (Eraydin and Erendil 2002).

3 In Ankara, for example, women from Moldova are paid \$350–450 monthly for nursing care whereas a resident woman would ask for at least \$600 for the same job. Women from Moldova say they earn at most \$50 even in qualified jobs in their home countries.

4 Paid daily and covered by insurance scheme, dancing women earn about \$500 monthly. However, they are obliged to accompany club visitors at their tables after the show and contribute to the earnings of the enterprise through drinks offered by customers. Each woman is assigned a drinking quota (amount of alcoholic or non-alcoholic drinks to be consumed daily or weekly) and each ‘consummation’ (time spent at customers’ tables) is limited to 10–20 minutes. The price of drinks offered to visiting women varied from \$15 to 35 in nightclubs in Ankara in 2004. These women may go out with men they know from their clubs outside

their working hours, accept presents, but strongly resent the stigmatisation that they are involved in prostitution.

Ubaldo Martínez Veiga

## **Irregular Migration, Informal Labour and Poverty in the Agricultural Sector in Spain**

### **Introduction**

This essay takes its empirical elements from a long and continuing period of fieldwork in the province of Murcia. We have studied intensive agriculture there and, within this area, immigrant labour. During the course of this analysis we found extensive informal work practices, which is the subject of the present study. In Murcia, since 1985, there has been a continued increase in the numbers of foreign workers, from 1,629 regularised during the year, to 6,549 in 1994. In 2005 the number had reached 44,000. In 1994 there were around 3,239 African workers in the region, of whom 2,978 were Moroccan. At present, from a situation of Moroccan predominance there is now a predominance of Ecuadoran workers. The current figures are 50,151 Africans and 46,384 Latin American (Secretariat of State for Migration, 30 Sept. 2005). Over the last five years, a fair number of Sub-Saharan workers originating from Mali, Senegal, Nigeria and Ghana have come to work in agriculture. All of them were irregular until the last regularisation process, which clarified the situation for approximately half of them. More than a third of the migrant workers are in agriculture and they are mainly male. In our study, we have not considered the ethnic origin of migrants but instead have focused our attention on their working conditions with respect to whether or not they are regularised.

### **Informal work**

The discussion about the so-called informal sector has suffered almost always from a lack of precision that has sometimes been interpreted positively and at other times in a negative way.

As indicated by Mead and Morrison (1966), several criteria define the informal sector of the economy. Initially, legality is the central criterion in the definition of this concept, and for this the legal(ist) definition of the informal sector (Savendra and Chong 1999: 99) is the most appropriate to analyse. The defining criteria include compliance, on the part of companies/corporations or individuals, with the laws or judicial parameters, be they regulatory or institutional, which the state establishes to regulate the economic activities in question. (Informal companies are those that are neither registered nor have a license or permit for this activity.) The payment of taxes is another important criterion. One should also bear in mind other criteria, such as the rules regarding consumer protection, product quality or even spatial regulations. Finally, we may note that here we are dealing with something as basic as the regulations concerning workers' conditions (minimum wages, or agreed wages,

holidays, health and hygiene in the workplace, written contracts, social security payments and so on).

This legal definition of the informal sector is described in the work of Castells and Portes (1989: 12) as 'a process of income generation characterized by one central feature: *it is unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated*'.

As explained by Mead and Morrison (1996: 1,612), an observation must be made:

The general presumption is that these different dimensions of legality come as a package: enterprises that are not registered would not pay taxes and would not obey other regulations. The contrary was expected to be equally true: once one enterprise is registered it would be subject to a whole list of complementary requirements and regulations.

The diverse dimensions of legality can in fact be divided and are separable to such an extent that one can consider the case of an enterprise that pays taxes but not the salary agreed for its workers or does not fulfil its obligations regarding health and hygiene in the workplace. This could have a diachronic dimension in that it is possible that in one month the stipulated amount is paid while in the next the payment is much less.

Another criterion often initially used is size. In particular, when one attempts to operationalise or carry out statistical analysis, the most common procedure is to start from the small businesses (with five or ten workers) as belonging to the informal sector of the economy, while the largest are considered formalised.

The third criterion is the amount of capital in the business. This could not refer to the amount of fixed capital per worker which then in some cases would mean the level of mechanisation. The presence of other types of capital such as human capital or workers' abilities should be considered. From this point of view one thinks that informal sector businesses are those in which the labour is unskilled. This criterion was often used in the analysis of businesses in developing countries.

Two other elements are also thought to be related to the informal sector, immigration and poverty. There is abundant literature regarding the relationship between the informal economy and poverty, and it seems possible to examine these problems in a general way starting out from two opposing hypotheses.

The first was proposed by Fields (1975), who maintains that work in the informal sector is always second-rate, which workers undertake when they have no other possibility, since this always represents worse working conditions with less chance for advancement. Workers are reduced to accepting these types of jobs because they are looking for something else which they cannot find.

If this is the case, work in the informal sector is demand led and to a great extent involuntary. Employers' demand for workers is not based on the preference of the workers for these types of employment. At times, the impossibility of satisfying basic needs explains the decision to work in the informal sector of the economy. From this point of view, poverty is not only one of the consequences of low salaries, but

constitutes one of the determining factors of labour in the sector. In a broad-based empirical study in Latin America, Maloney (2004: 1164) says that informal workers 'both self-employed and salaried, tend to be drawn disproportionately from the poor. What is more difficult to claim is that their poverty is a result of their job and not the other way around.'

According to Reyneri (2001: 39), this would be the case of the immigrant workers in Spain where 'few migrants are working or have worked voluntarily in the shadow economy. Most of them aspire to a registered labour contract, both in order to obtain or renew a residence permit and to acquire employee rights and more job security. It is the receiving labour market which offers only irregular jobs', and for this reason they are obliged to take them. But Reyneri does not prove his case, since he offers no data of any kind.

The second hypothesis or viewpoint is that informal sector employment is supply led and voluntary. Workers opt voluntarily to work in the formal or informal sector 'in response to the value of their marginal product in each sector' (Meckman and Sedlacek 1985). From this viewpoint, the salaried individuals employed in the informal sector prefer to work in it rather than in the formal sector. This viewpoint was present in Hart's work (1972), where the term was first used. Another important analysis by Fields (1990), in contradiction with his own previous viewpoint described above, discovers a group of prosperous agents within the informal sector who opt voluntarily for it. Since the cases vary widely, it is empirically difficult to resolve the problem of a voluntary or involuntary nature, and eventually the problem of the relationship between the informal sector and poverty. Cartaya (1994) analyses producers' resources in the informal sector in Venezuela and finds that in spite of much overlap between poverty and informality, the correspondence is imperfect. There are many poor workers who do not work in the informal sector while there are workers in the informal sector who are not poor. In a crucially important piece of research, Marcouiller, de Castilla and Woodruff (1997) compare the situation in Mexico, El Salvador and Peru and state that in the case of El Salvador and Peru there are earnings (wage premiums) that are significantly higher in the formal than in the informal sector, while in Mexico the wage premium 'is associated with informal-sector work'. This 'casts doubt on the received wisdom that the informal sector, always and everywhere, is a poorly paid but easily entered refuge for those who have no other option for employment. Mexico at least seems to require a different story' (Gregory 1986).

In any event, to say that the workers are voluntarily in the informal sector does not mean that they are happy or well off: it only means that they are not necessarily better in the formal sector. Williams and Windebank 1995 affirm that in the northern EU countries as much as in the southern ones, there are differences in both the quality as well as in the quantity of informal work. According to them, in the wealthiest places there is more informal work that is much better remunerated and the workers far less exploited than in the poorer areas, where there is less informal work and much worse working conditions. Other studies reach totally different conclusions. To avoid adding more and more cases we will consider just the work of Dorantes (2004) where wage

work in the informal sector is shown to increase the probability of life in poverty by 8 per cent in the domestic units headed by a man and 4 per cent when headed by a woman. Thus it is very difficult to explain the relationship between poverty and the informal sector because the comparable data are inconclusive. What is termed the informal sector of the economy is so varied that it does not seem legitimate taking it as a homogeneous entity. For example, in attempting to analyse the informal sector and poverty, it is convenient to clarify the type of agents to whom we are referring to within it, since to refer to the owners of large enterprises with a lot of workers is very different from referring to the owners of small businesses where mainly family work is involved. They are all distinct, as are the self-employed or independent workers. It is curious that much of the work in which the existence of a relationship between the informal sector and poverty is postulated refers to self-employed wage workers, while those who deny this correlation refer to the owners of the businesses.

We said above that two elements seem to be directly correlated with the informal sector. The first, poverty, has been briefly analysed and will appear frequently in the empirical analysis. The second element is immigration, which we will briefly consider here. Samers (2005) states that 'for many observers, one of the most convincing explanations for the putative rise of informal employment is the apparently rapid increase in undocumented illegal immigration since at least the early 1990s'. This problem is especially important in the Spanish case. In 2004 Spain registered the highest levels of irregular foreign immigrants, numbering 700,000. At the beginning of 2005 1.6 million foreigners were estimated to be without papers (*El País*, 18 Jan. 2006). Between 7 February and 7 May 2005, a process of regularisation/normalisation was initiated in which 688,319 applications were presented. On this basis, 569,000 immigrants have now been regularised (*El Periódico de Cataluña*, 17 Jan. 2006). Following this process, some researchers estimate that about 865,000 irregular immigrants remain in the country.

The number of irregular workers increases considerably if one considers those who have arrived since February 2005. Spain represents a special migratory regime in which de facto the majority of immigrants enter without papers and are subsequently regularised. According to municipal register data, in 2001 there were 1,977,900 foreigners registered, in 2002 there were 2,664,200 while the numbers for 2003 and 2004 are 3,050,000 and 3.5 million respectively. The corresponding growth rate is the highest and most rapid in the EU. In 2005, 8.5 per cent of the Spanish population was *foreign*, but the figures are even higher when examining certain provinces, such as the Balearic Islands (15.9 per cent), Madrid (13.1 per cent), *Comunidad Valenciana*/Valencia (12.4 per cent), or Murcia (12.4 per cent). This last region is the subject of the study discussed below. If indeed there have been such rapid immigration increases and the migration process begins with those who arrive without papers, these undocumented subjects make Spain a privileged place in which to study the relationship between such irregular immigrants and informal work. It is extremely difficult to deny the coexistence of informal work and immigration, particularly irregular immigration. However, the establishment of a causal relationship between the two is not so clear, nor does the affirmation of Williams and Windebank (1995)

and Samers (2005) that it is the citizens and not the immigrants who carry out most of the informal work seem exact.

It seems implausible that the cause of the informal economy should lie in the presence of irregular immigrant workers. As stated by Samers (2005: 879), somewhat tongue-in-cheek, 'in Europe at least, conservative political parties often point to immigration as the cause of informal employment, and ironically use the term "exploitation" to justify stricter immigration controls'. Thanks to the influence of the book by Portes, Castells and Benton (1989), it is thought that immigration plays an important role in the restructuring processes of the so-called advanced capitalist countries, as if the informal economy were created or invented anew in the less economically developed countries and exported via the migrants to the more industrial societies. This rather glamorous idea does not respond to what we empirically observe.

In Spain, as in Italy (see Mingione and Quassoli 2000) and other countries, the important participation of immigrants has not given rise to any new development nor is it the fruit of special restructuring of the productive forces it represents rather a continuum with the economic organisation already in existence. Hence, work participation in agriculture since 1900 have neither been protected nor regulated by the state, and for this reason informal agricultural practices continue to occupy a prominent place (Martínez Veiga 1995: 55 and 137). This lack of protection is based mainly on the premise that agriculture is not real work—hence in Spain agriculture and domestic labour are two areas of activity where the submerged economy has always flourished. In spite of this, recent studies have stated that the activity of the submerged economy increases at the same time as immigration. The national daily newspaper *El País* (14 Sept. 2003) refers to a study by the Instituto de Estudios Fiscales where a new plan to regularise irregular immigrants is presented. According to this plan 'employers will have three months to regularise immigrants... who have a job contract and make social security payments. The objective is to bring the underground economy into the open' (*El País*, 13 Feb. 2005: 6). In an interview in the same paper (*El País*, 2 Jan. 2005: 25), the Minister of Labour and Social Affairs explains this problem: 'I would like to say that what the *Reglamento de Extranjería* will do is to regularise workers, legalise the underground economy and regularise those who are already working.' This short explanation presents two statements together that must be distinguished. The Regularisation Project attempts to regularise immigrant workers. Simultaneously, in order to be regularised, the worker needs a job contract from the company and in order for this to happen, the company has to keep its social security and tax payments up to date. The company thus from informal becomes formal, and in this process of worker regularisation foreigners not only regularise their work but also that of their employer. This is perhaps the most important aspect, whose consequences we will discuss below.

First, we must consider the wage earners who live on a salary. Wage work includes those types, declared or undeclared, in which no social security payments are made, no contract is given, and the payment is not equal to the stipulated amount. In the empirical analysis one must show which characteristics are present or absent. The

group of self-employed workers will not be analysed empirically. Although in principle it does not seem very difficult to distinguish between wage workers and those who are self-employed, it is necessary to bear in mind two important observations. Currently, in Spanish agrarian capitalism there is a tendency to consider all workers as being self-employed or independent. This represents a great advantage for the owners of the businesses in that it allows them to avoid the reproductive costs of manual labour which self-employed workers are supposed to assume themselves. This is manifested in a way that now appears on a large scale in the case of Murcia. Although it is against the law, employers make immigrant workers pay their social security quotas with the purely ideological justification that they are self-employed or independent. The third type of agent corresponds to the proprietors of exploitative enterprises or businesses which although not directly studied, will be relevant since one cannot study wage workers without studying businesses and businessmen. Finally one must underline that the problems of formality and informality of labour must be described less from a dichotomous viewpoint and more as a continuum of work or activities with a diversity of characteristics.

### **Informal work of immigrants in agriculture in Murcia**

Murcia is an area of the Spanish Levant with widespread intensive agricultural practices ranging from the cultivation of horticultural products like tomatoes, lettuce, broccoli to the production of fruits, such as grapes and citrus varieties. The labour is mainly foreign immigrants. We will distinguish between the work of irregular immigrants, who have no papers, and regular immigrants, who do. Although an important correlation exists between regular immigrants and the formal sector of the economy, this correlation is imperfect. There are often cases of regular workers whose work have informal characteristics. The inverse relationship can also apply. There are cases of irregular workers whose jobs are informal from the business point of view (for example without social security payments), but whose other working conditions are perfectly formal. Hence, the perfect correlation in the literature between regularity and formality and irregularity and informality should be open to criticism.

### **Irregular workers**

In April 2005 Spain initiated a process of regularisation of immigrants. This process largely depended on the date of residence and on obtaining a job contract from an employer/business. In order to do this, the firm had to be up to date with tax and social security payments. This explains why it was claimed that the normalisation process represented a system to bring out the submerged economy. There is a supposition that immigration is 'the principal accelerator of the informal underground economy not only in Spain but in Europe'. This is considered to be negative, not only by the government but also by the trade unions. Lola Licerias, spokeswoman for the trade union (Comisiones Obreras) said to the newspaper *El País* that the informal

economy 'had negative effects on the economy itself, for the working conditions, social benefits, and for everything. Society at large is too permissive and this does not favour bringing these situations into the open' (*El País*, 14 Sept. 2003: 22). The process proposed by the government resulted in the regularisation of about 43,000 or 44,000 irregular workers in Murcia. The process is theoretically free for the workers, but during fieldwork it became clear that a high percentage of workers had to pay to get their contracts. After talking to more than 200 immigrants, to Comisiones Obreras and even with ten businessmen who considered this to be a normal procedure, estimates show that 25 to 30 per cent of irregular immigrants had to pay the employers for their contracts. Notably, it was not only small businesses who charged them but also the largest ones.

The amount varied considerably. The most costly businesses found charged their 800 irregular workers 1,000 euros each. This indicates that the sums involved can be quite large. In other cases different amounts ranging from 800 to 1,000 euros and even 1,500 euros were charged, reaching in cases between 2,500 and 3,000 euros. We interviewed both workers who had paid these amounts and others who did not have the funds and so could not become regularised. According to the patrons all this money was used to pay social security or taxes. As an example, a large enterprise who asked 200 workers to pay less justified 120 to 150 euros for taxes, or in the words of the immigrants, '*pagar la hacienda*', while other times 100 to 120 euros were asked for advisers' fees.

From a theoretical point of view, the most fascinating cases were those where it was affirmed that the irregular immigrants without papers had to pay before obtaining a contract in order for the firm to bring its social security debts or taxes up to date. It is striking that the irregular workers are the ones who, prior to their regularisation, contribute to the conversion of the informal nature of the firm to a formal one. In other words, formalising the firm is paid for by irregular workers, and so one can say that not only do they buy their job but also pay to reproduce the enterprise.

According to the established work rules, employers are the ones who pay or who should pay to reproduce the work force. However, this case is the opposite.

In principle, these social security payments are to cover workers' needs such as health, education, retirement and so on. The paradox in this case is that since these are irregular workers, excluded from social security, they will not benefit. We find here an extreme case of what could be interpreted as exploitation in the Marxist sense of the term. 'It is the subordinate classes who do the work in order for the dominant classes to reproduce and who, end up working to reproduce the conditions of their own subordination' (Shaikh 1990: 166). This phenomenon is mediated by the state, which unites the regularisation of immigrants and the formalisation of the informal economy. The business strategy of making the irregular immigrants cover the back payments to the social security results in sheer profit and surplus, since it provides no benefit to the workers (neither covering their needs nor their reproductive costs).

It is also necessary to emphasise that the worker's payment to the enterprise is an indirect way of paying for the regularisation. Despite the fact that many employers refuse to discuss this problem, some have offered explanations along the lines of: 'I

have been told that in the wealthy nations, rich Chinese buy their papers to enter the country legally and the way to do this is by bringing in large sums of money, more than half a million euros.' When asked about the relationship between this claim and the situation in Murcia, where the immigrants have to pay for their contracts, the response was: 'In the wealthy nations the immigrants must pay a lot to be legalised while in poor countries like Spain they have to pay much less, at the most 2,500 euros, which is nothing.' This constitutes an interesting ideological mystification. The illegal payment for contracts becomes a concrete and necessary contribution to the development of the receiving nation through which it is possible to regularise immigrants.

This corresponds to assimilation procedures (as in Australia and Canada), where conversion into regular immigrants, and eventually into citizens, is possible if the immigrant brings in a large sum of money. The two processes, however, present crucial differences. In Canada or Australia the conditions are imposed by the state, while in the case of Murcia private capitalists do so, highlighting another important element, with great ideological validity in Spain. The government, the trade unions or NGOs and, even according to some experts, the immigrants' social security affiliation payment is seen as an important aspect of the success of the regularisation process. The national newspapers provide confirmation. *El País* (10 Nov. 2005) underlined that the social security system now includes five times more foreigners than in 1998. Recently, the number of foreigners affiliated to the social security has increased more than sixfold and within this huge number (1,458,100 people) 44 per cent signed up between January and October 2005, which is precisely the regularisation period. This large number of workers starting to contribute to the social security plays a very important ideological role in justifying the regularisation process itself. It is beginning to be thought that immigrants present enormous economic and demographic advantages to Spain, since the population is ageing rapidly. Social security resources are thus draining quickly, so the contribution of these younger and healthier working people are needed in the system. This justifies the process for the general public in that immigration is thought to represent a considerable advantage for the Spanish people.

With regard to the NGOs, this justifies their defence of immigrants while the trade unions and government justify the process because their social security affiliation is identified with bringing to light the submerged economy. For the owners, the possibility of paying social security even if only by charging irregular immigrants is also presented as an asset. Although we agree in principle with the process of regularisation one cannot deny that in this respect there is an element of exploitation of the irregular immigrants since they are being made to pay for something that they should not have to pay for. One can even find an element of racism in the entire process. In analogy to what some American historians like Roediger (1991, 2005) describe as a premium salary for being white and a fee for being '*negro* or immigrant', one may consider an immigrant without papers or irregular (representing at most a purely administrative fault) as a condition for which one must pay a fine or

toll. Even though it is illegal, this payment is presented as legitimate in order to bring the enterprise up to date with its social security payments.

It is interesting to note that the same rationale is used to present natives with the right to a salary, giving this sense to the idea of social citizenship. In the case of foreigners, prior to obtaining citizenship status, not only do they have no right to a salary, but additionally have to pay some sort of fine in order to acquire this status. In order to do so, some had to go into debt and even, in some cases, be reduced to a temporary state of severe poverty and homelessness, including living in the open for a certain period. This ideology of social security payments as some sort of panacea or solution to all problems is also present in other situations, to which we will return below.

In principle, the work of irregular immigrants is informal because the worker cannot have social security benefits. This makes their work unprotected, although paradoxically many irregular immigrants have had to pay for benefits in order to regularise the firm. However, as we have already stated, the characteristics of formality or informality can be easily ordered in such a way that they do not all fit together in a systematic fashion. It is interesting to analyse some elements that appear: we will concentrate primarily on the problem of salaries.

First there is the problem of payment or non-payment by the employers. Recent studies (Martínez Veiga 2006) on situations of poverty among irregular immigrants have seen that on several occasions, after working for more than two weeks, immigrants had not been paid by their employers. What we have been able to collect are repeated statements describing non-payment as occurring much more frequently when changing jobs, from one employer to another, and also in general when starting work. An example could serve to illustrate this problem: an irregular worker from Mali worked for the same employer for three years collecting broccoli. One day the employer tries to make him work in something that does not correspond to his duties. This involves taking the broccoli in a van to a neighbouring village. The worker does in fact drive and has done so on other occasions, but since he has no driver's license, he says that he cannot. From this moment on, things deteriorate and the boss starts to postpone payment. First he does not pay him for a month. The second time he does not pay him for 45 days and then a discussion arises between the worker and the employer. The worker, a very articulate person who has completed secondary school, says that he can wait no longer: 'I have no rights because I have no papers. But I have to eat, live and send money to my family.' The employer tells him that if he does not like these conditions he can leave. The worker replies that he will leave, but out of the 45 days he is owed he is only paid for 15. When he protests he is told that the remaining 20 days are to pay a *finiquito* or discharge. Really this is nothing but an insult since there is no such thing to be paid. The worker leaves and immediately starts working in the lemon groves, working three weeks without pay, so he finds himself on the street without resources to the extent of having to ask for a loan to survive. When he finds himself penniless and jobless, the first employer calls him back to work in the broccoli fields. Subsequently, when the regularisation process starts, this worker asks his employer for a contract in order to get regularised. The

employer states that the contract costs 800 euros. The worker says that he does not have the money so he continues to be irregular, working for the same employer who is unwilling to charge less for his contract, nor even to lend the worker the money. When asked why he continued to work for this employer, his answer was that in this enterprise he was paid the salary stipulated by law. We wanted to interview this employer, but had no success, since he did not want to answer any of our questions. The only information we could get was that to him it was all the same whether the workers were regular or irregular and that the worker from Mali was one of his best.

This case offers a wealth of detail from which we can discern some of the diverse processes that are taking place today. It is important to emphasise first that delaying payment or non-payment in this period is essentially punitive in character. In other cases, the punitive character does not appear, but frequently, when payment is protracted for a long time, in the end all or part of the salary owed is not paid. This represents a serious problem for the irregular immigrant in that with such a highly adjusted economic situation, delays in payments and incomplete payments often lead to situations of poverty, even absolute poverty.

Fairly frequent at the start of a harvest, many of the workers change and start work anew. Many irregular immigrants have been interviewed who affirm that this is always an occasion for the proprietors to pay much less or not pay at all. We recently interviewed a Nigerian worker who had just obtained his regularisation permit and had been put in charge as foreman. His job consisted of finding workers and going with them in a bus. They worked collecting lemons, which is hard work since the trees have thorns which prick their hands and forearms causing wounds. When the workers ask how much they will be paid he has to say that he does not know. They all think that they will be paid the first day, but this does not occur and up to the date of interviewing the foreman (the seventh workday), they still have not been paid. After 22 days and another interview, he explained that the owner would not come to pay them until after 25 days' work. Finally the payment was less than stipulated: only for 14 days, so they were not paid for the 15 other days of work.

The most common case is that of the *furgoneteros*. These are regularised immigrants, normally from Ecuador although there are also some Moroccans, who have a van for transporting workers from where they live to where they work. Sometimes their sole mission is worker transportation and they often charge double the price for the trip—being paid both by the employers and the workers whom they transport. This institution may be found in many agricultural areas of the world. In Mexico they are called *camioneteros* and in Murcia *furgoneteros*. In the Mexican case 'the services provided by the camionetero are not restricted to recruitment, transportation and housing but also extend to labor management as drivers increasingly assume the role of subcontractors, organizing and supervising the work crews in the fields' (Kripner 2001: 375). The situation is similar in Murcia. Those who carry this out are quite similar to the temporary help agencies widespread in the area, with the sole difference that it is done in an informal way, without paying taxes. Often the *furgoneteros* collect the workers for a particular task, take them to the fields to work, supervise them and pay them either at the end of the day or after a week or

two. According to the workers themselves, we know that when newly arrived in the workplace, the *furgoneteros* are subcontractors; and, as a Caritas/Oxfam representative in the city of Murcia said, their initial pastime is to not pay the new people after work. These cases are often repeated with irregular immigrants not receiving due payment. Thus starting a job for the first time or changing jobs seem to be propitious occasions to rob irregular workers of their pay. This phenomenon is widespread. We did not find anyone to whom this had not happened. A related aspect consists in paying less than the amount stipulated (*convenios*). Not paying irregular immigrants the amount stipulated appears to be the rule. The most common payment is one or two euros less than what had been agreed. Both phenomena, the possibility that one is not paid at all or always paid less than stipulated in the agreements, often place the workers in a situation bordering on poverty. Hence these workers often fall into situations of extreme and severe necessity, which the immigrants themselves explain by the fact that, in addition to the low salaries, they have to send some money to their families in their countries of origin. 'This is why we came', affirmed an immigrant from Mali without papers in Cartagena. The vulnerability of irregular immigrants makes them cultivate and develop sophisticated relationship networks between them. In fact we have found several groups of immigrants without papers who either live together or meet regularly. These associations give them protection to survive in moments of need. It is also possible that at work too the irregular immigrants get together.

The evidence for the formation of immigrant networks, however, is fairly contradictory. We found evidence in the statements of two employers, who had at times stopped bringing in irregular immigrants to work on their farms out of fear of the authorities. According to one of them, at times up to 20 were brought in from the same village. This could represent an activation of the networks of relationships that extend, obviously, to obtaining employment. However, the rotation of these irregular immigrants between the different firms is so great as to make such agglomerations difficult. Some data clearly indicate that there is certainly competition between immigrants to work for the firms that employ natives and foreigners simultaneously, rather than solely immigrants. The advantage is that these firms always pay. In this competition the irregular immigrants are always the losers since few of those without papers get such jobs.

### **Regular immigrants with papers and informal work**

At a focus group meeting with eight workers from Mali and an immigrant who works for one of the trade unions, salary variations among immigrants were discussed, the reason why these vary so much depending on the time of year and between individual workers as well as different firms. The immigrant who works for the trade union said something that was very well received: 'In Murcia what reigns is the law of the jungle!' This phrase gave rise to immediate peals of laughter among those present, who said that this was not only true but could be further divided between the 'law of the jungle' and 'law of the deep forest'. When asked about the meaning of such a

phrase, they referred to the disorder and arbitrariness of the employer–employee relationships.

This is particularly noticeable in the impossibility of knowing how much one will earn at the end of the month or the period of work for the same employer. We will now examine some concrete cases in more detail. First, they all insist that they were *never* paid according to their agreements. If the amount stipulated is 5.20 euros per hour, in cases where they are paid by the hour the pay is only 4.20 and sometimes even 4; and this fluctuates. The workers do not know the reason for these variations. This phenomenon also applies to regular workers, but in the case of the irregulars the discount is even larger. The discount is also larger when paid by the hour rather than by the day. The stipulated amount is 43 euros for eight hours' work and the resulting payment oscillates between 39 and 40. In the case of piecework, where the salary is measured by the number of crates filled, the discount varies. In the example of the large crates filled with broccoli the payment is 50 cents while for the other smaller ones just 30 cents. With plenty of good quality broccoli, one can earn up to 40 euros a day—which in any case never adds up to what is stipulated in the agricultural workers' agreement. Among those at the meeting there were six who had been regularised through the recent normalisation process, and they affirmed that they were paid less now than when they no work permits. When they protested the owner told them that they had no right to protest after the favour he had done them. In addition to this daily discount, there are others that appear from time to time.

One of the largest firms in the Cartagena area, a tomato producer, makes monthly discounts which range from 30 to 120 euros. When the workers demand an explanation, the person in charge says it is to pay the rent, '*es quitar la renta*'. When enquiring about the meaning of this statement, they are told that they need to learn Spanish, as they have no idea. In the discussion of the meaning of '*la renta*', they all laugh and repeat the phrase as if it were some arcane formula: *la renta, la renta, la renta*. One of those present laughingly said that construction workers also have the *renta* discounted, but in that case it is called '*quitar la hacienda*'. Bit by bit a consensus is reached amid laughter that this is the tax the employers need to pay, so they charge their employees for it.

Finally, the focus group discussed a new topic. In the case of immigrants who had completed the regularisation process, the proprietors had started to talk about paying social security. In fact, according to the immigrants, the number of proprietors who had started to make social security payments had increased considerably. At the state level, the figures confirm this, and, according to press reports, the ideas in circulation justify the regularisation process. At the present time there are more or less 1,700,000 immigrants affiliated to social security. In other words, more than 9 per cent of those affiliated to the social security are foreign immigrants who contribute 60 billion euros (60,000,000,000). Whatever the general level of social security is in Spain, it is evident that in Murcia in particular, social security payments have increased tremendously among farm workers. In Murcia there are now 94,568 immigrants affiliated to the social security (36,000 more than in the previous year). This represents 17 per cent of contributors in the region (*El País*, 29 Jan. 2006). The

problem is that in the agricultural sector under examination, it is the employers who should pay, and they are illegally placing this responsibility on the shoulders of the immigrant workers.

This finding does not only appear in our interviews with immigrants, but has also been aired in the national press. In *El País* (29 Jan. 2006: 32) it was stated in reference to Murcia ‘that the perversions of contracts are historical in the region, from transportation out to the fields, costing around 3 euros per day and cramming in a van, back and forth, to the social security payments having to be met by the worker. All this without going into the inherently temporary nature of their employment.’

According to the dominant ideology in Spain, social security payments are considered to be a medicine that cures all. Among other effects, these payments have formalised and brought into the open the informal economy or, in our case, informal work. According to one of the employers we interviewed, these payments even resolve the problem of worker exploitation (!). It is true that, as he said this, he burst out laughing. Exploitation aside, it is not even clear that social security payments, even when paid by the workers, turn work into something formal. In our case, social security rather becomes some sort of private insurance, something which the social security system in Spain is not. In any event, the employer interviewed said that he considered normal that workers should pay social security and taxes since they were no longer wage workers but have become autonomous self-employed. As we can immediately observe, this ideological construct on the part of the employers is enormously significant. Going back to the immigrants’ affirmation regarding the ‘law of the jungle’ and in an attempt to interpret this in a more or less scientific mode, it is easy to understand that what the workers were trying to emphasise was the disorder and lack of structure in the organisation of their work.

Copious literature about the agricultural labour markets as something unstructured could perhaps shed some light on the phenomena presented. Beginning with work by the ‘prematurely disappeared’ (Fisher 1953), many authors have spoken of this. According to Fisher five characteristics define Californian agricultural markets:

- The absence of unions, seniority considerations and systems of preferential living;
- The existence of transitory and impersonal relationships between employers and employees;
- A labour process that requires little skill or training;
- Payment systems based on piece rates;
- Low levels of capital intensity and machinery.
- 

Most of these elements are also found in the labour market under consideration here. The case of the agricultural market in Murcia represents an almost perfect example of a competitive market (Doeringer and Piore 1971; Thomas, 1985). As Kripner (2001: 366) states, ‘the seasonality of production, variability of labor demand, and low skill

levels in agriculture translate into a labor force that is subject to market forces to a much greater extent than in most other industries’.

The criteria of an unstructured labour market as described by Fisher are perfectly applicable to the situation under analysis here. The first criterion applies since, although there are trade unions in the area, the level of affiliation is very low and there is of course no right of seniority nor any preferential treatment except by reference to the personal tastes of those who contract the labour. The second criterion, referring to the existence of transitory and absolutely impersonal employer–employee relations, also has direct and immediate application to the case under study. This holds for both the proprietor and the temporary help agency despite its more formal nature, and in the informal character of the vansmen or *furgoneteros*. The mission of the agencies is to supply workers to the landowners. We note that these agencies offer strictly temporary workers for periods ranging from one day to three months and sometimes even longer. Their function is to always have workers available to be hired and fired as needed.

From the employers’ viewpoint these businesses are needed because, as one of them said, ‘Murcia has cycles’ to such an extent that an employer can contract workers for example for two weeks to plant a crop and then let two months pass without having to employ anyone. This is why the temporary help agency can then take the workers to another location where the land is under a different crop; hence they can give work throughout the year. It is true that at times there is work throughout the year, but a contract is never given for the whole year, even when there is work available. The time periods are always shorter.

These temporary help agencies are intermediaries between owners and workers and serve both to manage and sometimes accentuate the temporary character of the employer–worker relationship. These intermediaries are used to avoid the formation of attachments between employers and employees. Kerr (1977: 4, 24, 30), clearly states that ‘there is no attachment except the wage between the worker and the employer. No worker has any claim on any job and no employer has any hold on any man’. This creates what has been described as a perfect example of a competitive or ‘spot market’ in which transactions are always on a one-to-one basis as if they were for the first time and as if the sole criterion were the price. Glover (1984: 64) summarises this point: ‘the labor contractor system tends to isolate workers from growers and introduces ambiguity into the employer-employee relationship in agriculture’. This ambiguity breaks the possible link between employers and employees. It is a phenomenon described in a report in *El País* (29 Jan. 2006): ‘The immigrants go to work ‘like lambs to the slaughter’ (*vendidos*). Sometimes they do not even know for whom. They are picked up, let loose in a field and after eight hours of piece work are left back where they were collected’. The relationship between employer and employee is thus broken, leaving only the intermediary or temporary help agency to supply the workers. From this point of view the ideological construct that immigrant workers are autonomous and self-employed may be clearly understood. By affirming their independence, no special link exists between employer

and employee, except for the salary. The worst part is to use this idea to force the workers illegally to pay taxes and social security.

The third criterion refers to the lack of skill or training required for the job. This is also perfectly applicable in this case, although the notion of skill needs some critical appraisal. The lack of skills needed for this type of work is ideological propaganda on the part of the proprietors. The requirements made by those in charge, particularly the condition of the finished product and the speed at which this is required, indicate that numerous skills are required. These are difficult to acquire, especially with the sweat of a worker's brow, but a different issue is whether the workers can monopolise them. This does not occur because there is much rotation among the workers, so the immigrants acquire general skills that are then no longer scarce since the majority of the workers have them. The universalisation of these qualifications makes them irrelevant in the eyes of the proprietors.

The fourth criterion, piecework, is clearly applicable in the case of Murcia, since it is said to be the proprietors' preferred system. Piecework allows proprietors to disengage themselves to a great extent from the work process and measure the returns on the basis of criteria that lend themselves to quick and easy quantification. Both irregular and regular workers must adapt to the de-structured labour market. Here we have diagnosed the situation of irregular workers compared with the regular ones. In summary, one cannot affirm that informal work has passed to formal since these categories have gradations and hence one cannot make a clear distinction.

In some aspects, such as salaries, immigrant wages are similar to those in the formal sector. However, taking into account the actual hours worked and paid for, it would seem that no transformation has occurred. The frequent changes of employers and activities make for increased travel times for the workers, sometimes three hours or more, which are unpaid. But the regularisation process does provide greater freedom for the workers, who gradually move into other sectors such as hospitality services or construction. At present, businessmen in Murcia claim that they need more workers and that these must be sought for wherever. In so doing they are hoping for the artificial creation of a labour market much like that which Arthur Lewis discovered in the third world: a system of 'economic development with unlimited supplies of labour'.

## **Conclusions**

In this essay we have studied immigrants when irregular, then during the regularisation process and, subsequently, once regularised. The first discovery was that a large percentage of irregular migrant workers were obliged to pay the back dues owed to the social security by the firms that employed them. This leads to the paradox of the irregular workers having to pay to regularise or put these firms on a formal basis. Secondly, many workers, after one or two weeks with a particular employer, were not paid at all. This happens much more often among irregular migrants, and leads to situations of extreme poverty. When we studied migrants who became regularised, we discovered that no perfect correlation exists between regularisation

and formal work. If we consider the working conditions from the point of view of the salaries involved, this is often less than the amount legally stipulated. Often, in the first month following regularisation, the salaries of the newly regularised workers are less than when they were irregular. They are obliged to pay for their social security, which is illegal, along with the proprietors' taxes. This creates tremendous objective uncertainty as to the amount they will be paid at the end of the week. This has been discussed above on the basis of unstructured agricultural labour markets; but it is equally applicable to regular and irregular labour markets.

### **3. 'Intimate Others': Irregular Migration, Informal Labour and Gender**

Ursula Apitzsch

## **Citizenship, New Migration and Gender Diversity in Europe**

### **Introduction**

An analysis of the history of immigration and integration policies of the EU countries shows that they rely on unequal gender constructions, such as the male breadwinner model for immigration. Integration policies in the 1980s were underpinned by gender constructions that imposed on migrant women a specific cultural model of human development and construct a deviant, subordinated female 'other' (Ålund 1991; 1999). There has been no acknowledgement of the special constraints of women migrants regarding citizenship.

The EU construction of rights rooted in the flow of goods, services and labour limits the application of social rights only to those attached to paid work.

However, most challenging is the task of dealing with the inherent dilemma of the European Union (EU)'s integration policy, that is, undocumented immigration. Concerning the situation of new female migrants, it is of major interest that the European Commission (EC) addresses integration policies both with regard to legal residents and the dilemma of integration policy arising from the presence of large numbers of illegal migrants (European Commission 2003: 26).

However, EU citizenship debates contributed to triggering new social movement demands including migrants. Accordingly, the implementation and political challenge of EU citizenship rights has to be addressed, with a view to establishing whether and how the erstwhile exclusively legal validity of 'European' citizenship has been critically interpreted and enhanced by day-to-day practices towards establishing a concrete implementation of a more inclusive social citizenship (Wiener 2003). To that end there have to be further analyses of the emergence of new transnational political arenas, organisational fields and the respective principled and/or regulatory changes following interaction in these arenas. Here, women's political mobilisation has led to significant procedural, legal and cultural changes, including the adoption of the UN's gender-mainstreaming principle as institutionally binding for the regular migration.

What remains unsolved, however, is what impact different social citizenship policies have on a range of typical coping strategies in informal migration processes and how resources for these strategies are deployed according to gender.

In the following, I firstly outline the theoretical concept of social citizenship with special focus on gender. Secondly, I discuss gendered care-giving in the light of new migration processes. Thirdly, I will discuss new transnational migratory patterns and the consequences of European citizenship for informal migration. In conclusion, I summarise some results for the discussion of the traditional Marshallian concept of citizenship.

### **The concept of social citizenship with a special focus on gender**

Citizenship is a contested and multifaceted concept (Werbner and Yuval-Davis 1999; Yuval-Davis 1997). At the centre of much contemporary policy and academic writing, citizenship is defined as a status, which accords a bundle of rights and obligations and identity, and as a practice, involving participation of various kinds (Gerhard 2001, Lister 1997; Siim 2000; Werbner and Yuval-Davis 1999; Yuval-Davis 1997). It is a concept that promotes equality and inclusion, while simultaneously constructing boundaries and inherently containing exclusions.

Modern citizenship is tightly connected to the development of nation-states. The notion of modern citizenship was conceived of in different historical and philosophical backgrounds, reflecting the particular evolution of individual nation-states.

Citizenship is also connected to the concept of civil society, to membership in a broader sense of community beyond nation-states. This position has been extended by a growing number of feminist scholars, who see gender relations as one of the multiple social divisions such as class, race, ethnicity and immigration status. They are developing an understanding of citizenship both as membership in a community and as a mode of inclusion and exclusion that shapes the community. This understanding broadens the concept of citizenship to belongings, identity and participation, all of which are underpinned by agency.

#### *Feminist analysis of welfare states and social policy*

Many contemporary studies of citizenship start with T.H. Marshall and T. Bottomore (1950), whose path-breaking work analysed civil, political, and social rights as representing a historical evolution from 18th- to 20th-century Britain. Following Marshall's socio-historical concept of citizenship as entailing a triad of rights and the universalistic assumption that the concept of citizenship is based on the two tiers of rights and identity, an encompassing conception of citizenship defines it as the set of institutions which determine and reflect the *rights, access and belonging* of individuals to a polity (Wiener 1997).

Feminist scholars in this area revealed that the Marshallian concept of citizenship rests on the gendered division between public and private and between paid work and unpaid care work. In Marshall's theorisation, the entitlement to social rights was conceived of as the result of labour market activities. He neglected unpaid reproductive work, which was largely borne by women, associated with their roles as 'wives' and 'mothers' *outside* the labour market (Lewis and Ostner 1994; Lister 1997; Pateman 1988).

There have long been two opposing strategies for women's inclusion into citizenship. One approach emphasises women's equality with men as citizens by promoting women's participation in the labour market and politics. In contrast, another strategy celebrates women's particular quality mediated through maternalism and caring, arguing for new conditions of citizenship 'with implications for access to social rights' (cf. Lister 1997; Pateman 1988). There is an inherent tension between

these strategies of inclusion for women in citizenship. The central question is how to overcome the gendered hierarchical dichotomy in citizenship defined as equal rights and how to evaluate care as an element shaping citizenship.

In most European countries women are also at greater risk of poverty than men and they act as the main managers of poverty (Lister 2004). This has damaging implications for their citizenship. We do not know enough about the barriers to citizenship faced by groups of women in poverty and in migration in different European countries and how they do or do not manage to overcome these barriers by drawing on various personal and social resources. At the institutional level, gender-sensitive provisions have to a certain extent facilitated women's participation in different spheres of life. From the conception of the European Economic Community (EEC), equal rights provisions were implemented (EEC Treaty 1957). The 1970s and 1980s witnessed further advancement. These cumulative achievements were translated into the first approach towards gender mainstreaming in 1996. This paved the way for a new legal framework for gender equality in the Treaty of Amsterdam. Gender mainstreaming efforts face a real challenge in recognising other social divisions along with gender, which shape the different social, economic, and political statuses of women. This aspect becomes increasingly relevant in the face of globalising, multi-ethnic European societies. An emerging strategy for more inclusive citizenship addresses solidarity in differences. However, equal rights provisions have tended to concentrate on employment, and thus lacked evaluation measures for unpaid care work in its own right (Gerhard, Knijn and Weckwert 2005).

#### *Gender, migration and work*

Feminist scholars have examined the mode of incorporation of women migrants into host societies and nation-states. Of particular focus is the intersection of gender, ethnicity, 'race', class, immigration status cast on institutional arrangements, that is, the labour market, access to social, economic, civic and political rights. One of the central debates concerns discursive notions of multiculturalism and policy impacts on immigrants. Multiculturalism has been an influential ideology in structuring ethnic and 'race' relations since the settlement of guest workers in the 1970s (Ålund 1999; Schierup 1994; Yuval-Davis 2000). 'The right to be different' anchored in multiculturalism, however, has been twisted to 'being different' and translated in Nordic countries and in Germany into 'not being integrated' (Schierup 1994). Furthermore, 'cultural difference' is used to naturalise the difference (Ålund 1999). As such, conventional multiculturalism is criticised for freezing cultural identities, leaving little space for multiple belongings and neglecting gender hierarchies *within* an ethnic, cultural group (Yuval-Davis 1997, 2000). Despite these debates on multicultural policy and concept, multiculturalism shapes some elements of reality in contemporary Europe. Integration of migrants in cultural and social life is seen to enhance Europe's competitiveness, sustainable economic growth, and greater social cohesion, as the Lisbon Strategy (2000) acknowledges.

Self-employment is identified as an important means to the economic integration of immigrants and to tackle their unemployment problem. Such European policies

aim to assist immigrants and women in becoming 'active citizens' (Apitzsch and Kontos 2003). However, in implementation, state support mechanisms for self-employment mostly require a full-time employment history. This precondition is difficult to fulfil, particularly for women, immigrants, and second-generation young adults. Furthermore, long-term residents, who are accorded access to social rights ('social citizens', 'denizens' cf. Faist 1995, 1999, 2004), could paradoxically endanger their citizenship status by practising their social rights. Social citizenship status may be lost much faster than that of 'classic' citizenship in the Marshallian definition (Apitzsch 2004). The two concluded EU-projects on 'Self employment activities concerning women and minorities' (acronym SEM) and on 'The chances of the second generation in families of ethnic entrepreneurs' (acronym: EthnoGeneration, see [www.ethnogeneration.org](http://www.ethnogeneration.org)) have evaluated social policies in relation to the self-employment activities of migrant women (Mason 2002; Apitzsch and Kontos 2003). This group of European scholars has been carrying out research on immigrant self-employment and informal work from the gender and intergenerational perspective. In these research networks the situation of the new generations of the children of migrants in the countries of former guest-workers recruitment (the UK, Sweden, Denmark, Germany, France) as well as the situation of newly arriving informal and illegal migrants in the former countries of emigration in southern Europe and the periphery of Europe (Spain, Italy, Greece) have been investigated. One of the outcomes was that the self-employment policies and schemes tend to be drawn on the male 'normal biography model', thus not taking into account discontinuous labour market participation often resulting from women's life cycles. Moreover, the *fragmentation of policies* and, in the case of the undocumented immigrants, the *vacuum on social policies* became visible through this analysis (Apitzsch and Kontos 2003).

Several evaluations show that immigration and integration policies have tended to target the *old migrant populations* (Penninx 2004). The assessment of immigration and integration policies in relation to new female migration is marginal. Interesting hypotheses have nevertheless been developed as feminist researchers have formulated critiques of immigration policies, showing that these policies may make female victims of trafficking even more vulnerable, as women are treated as violators of the immigration and residence law rather than as its victims (Joo-Schauen and Najafi 2002; Sassen 2003).

Scholars in gender and migration studies have looked at such inclusionary and exclusionary mechanisms of Europe. Since the fall of the socialist regime in CEE countries, freedom of movement was granted to nationals of the then EU member candidate states for visiting purposes. This change was made in preparation for European 'reintegration' and the expansion of the EU. The freedom of movement institutionally facilitated labour migration of CEE nationals (Morokvasic-Müller 2003). Among East European women, circular migration has become well established. They work as care-givers and cleaners in West European middle- and upper-class households, while maintaining their familial life back home. Their strategy is gendered in that they have avoided confronting gender roles (Morokvasic-

Müller 1994). In contrast, most labour migrants from 'third countries' occupy an extremely precarious position. While immigrants' integration has a top priority in the European policy agenda, the irregular migratory flow is debated in terms of control and management.

*European citizenship, new governance and transnational social movements*

The ongoing process of 'citizenship practice', that is, the politics and policy-making which contributed to establishing the institutional terms and the meaning of citizenship (Wiener 1998) introduced a 'touch of stateness' (Hobe 1993; Shaw and Wiener 2001) to the Euro polity. Nonetheless, despite the legal stipulation of citizenship the *meaning* of this new constitutional norm both with a view to 'European' state-building and to enhancing the quality of EU citizens' life remains disputed (La Torre 1998; Kadelbach 2003; Kostakopoulou 2001).

While the stipulation of citizenship of the Union in Article 8a-e of the 1993 Maastricht Treaty meant a radical change in the relationship between the individual and the EU's polity (Curtin 1996), that innovation neither brought much praise by citizens and social movements nor was it, indeed, the result of social movement mobilisation in Europe (d'Oliveira 1995; O'Leary 1995). Citizenship had been introduced as the result of inter-governmental and inter-institutional debates in the EC and then the EU which date back to the early 1970s when the EC lacked recognition as an actor on the world political stage. Following modern nation-state experiences, 'European' citizenship was perceived as a means to enhance *identity* akin to that of modern states. The two decades of citizenship policy-making demonstrated the diversity of experiences with and expectations towards citizenship (Shaw 1997) brought to the table by the policy-makers' respective individual experiences. Social movements requested citizenship rights based on residence so as to include so-called 'third country nationals', enhanced anti-discrimination legislation, and supporting policies to guarantee access to equal citizenship practice for women and men (Shaw 1997; Wobbe 2003). In addition to the formal bodies of the EU, these social movements, informal groups and networks, civic initiatives and recently especially NGOs, which were characterised as 'a key feature of a vital, modern civil society' (Cohen and Arato 1992) play a significant role in the process of strengthening the EU as a democratic project. Politicising 'from below' social movements have constantly—since the 19th century—mobilised around civil rights as participatory rights and claimed human rights in order to change political and social structures as well as cultural values and practices (Gerhard 2001). The various women's movements in Europe in particular have a rich, multifaceted tradition of interference—at different times and with a different timing—that set new standards of justice and functioned as motors of democratisation, forming a wide range of discursive communities. There are already many gender studies and wide expertise in social movement research that has investigated the different sites of citizenship participation as well as the structural barriers to and political prevention of women's equal citizenship. Feminist theorising, used to dealing with differences and an intersection of differences, enables the inclusion of the whole spectrum of social and

political participation and governance in a multi-level system. The recognition of the diversity of multiple belongings without freezing people into fixed group identities is pivotal (Lister 1997; Yuval-Davis 1997). This equal, just and inclusive citizenship is defined as founded on respect for diversity (Jenson 1995).

As a new means of inclusion, in the 1990s we can observe a development of new migratory patterns and behaviour which we call transnational circulation. Marginalised persons and groups exercise agency as they draw on a range of biographical resources. The community-building process in the new female migration flows follows new rules, as the new migration flows are highly gender unbalanced. Migration that is related to domestic services (for instance from the Philippines) consists of females only. Here, community-building follows paths different from the community-building of gender balanced migrations (Harzig 2003). The monadising structure of domestic work and the permanent mobility that is implied in the commuting of new female migrants decouples them from wider ethnic communities and binds them instead within transnational networks (Morokvasic-Müller 2003). There emerges a 'chain of marginality' in these networks with less marginalised members of the group helping more marginalised ones (ibid.). At the same time, there emerge local and national networks of collective self-help of migrant women in which approaches to improving policy and laws for female migrants may develop (Anderson 2001; Apitzsch 2006). Networking with other female migrants from their own national or linguistic group becomes a major strategy for regaining the ability for action in the social arena (Lenz and Schwenken 2002). These networks are the main resource of migrant women, as this form of social capital enables social agency (Campani 1993, 2000; Jiménez Laux 2001; Kontos 2003).

*Multiple belongings, gender, and generational processes of citizenship*

Feminist theorising of social, economic, and political participation suggests that citizenship is historically inflected and reflects social assumptions about similarity and difference. An inclusive notion of citizenship goes beyond a judicial notion and takes in transformative and negotiation potentials that citizens may exercise. Such a notion is also critical of unequal power relationships that precipitate discriminatory treatment of 'racialised' Third World labour migrants and refugees in the North (Stasiulis and Bakan 1997). More inclusive citizenship furthermore conceptualises processes of becoming and being a citizen that can evolve over several generations, regarding entitlements, acknowledgment and recognition, and changing identifications and belongings. Historical—especially East–West—divisions as well as the discrimination, exclusion and persecution of many groups of the European population have deeply marked the meaning of citizenship and the relationships among citizens in Europe. Anti-discriminatory action and policies towards social cohesion depend on knowledge about long-term and generational processes of becoming European citizens. Migration scholars have looked into the gendered dimensions of generational social and cultural change (Inowlocki 1993) by analysing multiple belongings and identity constitution in the host society and immigrant

communities (Breckner et al. 2000; Breckner 2003). Also as an outcome of historical processes, multiple belongings remain contested up until today within societies.

### **Gendered care-giving in the light of new migration processes**

Different modes of women's inclusion into citizenship, both as a status and a practice, have been identified in different citizenship regimes. Among feminists there is a consensus that inequality is gendered in the acquisition of civil, social, and political citizenship rights (Hobson and Siim 2002) and that doing unpaid care work should be recognised as an important expression of citizenship responsibility. The central question is how to overcome the gendered hierarchical dichotomy in citizenship as equal rights and how to evaluate care as an element shaping citizenship. In practical terms, this involves men's participation in care both in the private and public spheres (that is, hospitals) as much debated throughout in Europe, but particularly in the Nordic countries (Siim 2000). Women's care-giving—both paid and unpaid—is undervalued and therefore all too easily associated with poverty. More generally, women's position in the private domestic sphere and in the public sphere of the labour market, and consequently in welfare systems, underpinned by assumptions about female economic dependence, spells an increased risk of poverty in most European countries. Poverty is corrosive of citizenship as both a status and a practice (Lister 1997, 2004).

While this argument played a big role in advocating for more 'active', inclusive citizenship for women who do unpaid care work, there is an emerging phenomenon of migrant domestic/care workers in Europe. This analysis poses new, challenging questions. They are new because this phenomenon inevitably brings in an analytical framework beyond nation-states; challenging because migrant domestic/care work simultaneously addresses the issue of solidarity, difference, and new hierarchies along with racial, ethnic, and class divisions as well as gender relations (Andall 2000a; Anthias 2000; Lutz 2002).

There are, however, still ongoing different struggles for women's inclusion into citizenship as a status and a practice in each national context. This phenomenon develops in relation to different types of citizenship and of care regimes and different labour market structures in Europe. In southern European countries, it is well known that underpaid domestic care work is among the primarily underground economic activities of migrant women (Campani 1993) but also increasingly of men (Anderson 2000). In Germany, domestic care work has been considered as a private matter. This work is increasingly done by migrant women. Their activities also tend to be in the informal economy, but in contrast to Spain and Italy, talking about 'illegal' domestic care work is still largely a taboo—however well known it may be that this practice is widespread (Shinozaki 2005). Nordic countries are yet another case. In Denmark, for example, one central problem for potential migrant care workers is to get access to the public market.

Moreover, migrant care work is part of a gendered economic restructuring worldwide. Female migrants who work as domestic and care workers in the Western

world often delegate the care work for their own children to female kin and other paid helpers back home, and not to their husbands (Parreñas 2001). Identifying ‘a series of personal links between people across the globe based on the paid or unpaid work of caring’, Hochschild (2000: 131) termed this phenomenon ‘care chains’, which captures a relationship between globalisation, care and migration. To what extent and which groups claim and practice their citizenship rights, using the ‘*de-facto* transnationalizing’ legal framework (Sassen 1998), such as the EU Charter of Human Rights, is pivotal.

### **New migratory patterns and the question of European citizenship**

In the middle of the 19th century, during the establishment of capitalist markets and the submission of human labour force under market conditions, T.H. Marshall saw not only a subsequent deep social crisis but also a crisis of the traditional concept of citizenship. This crisis was resolved by a decisive shift from the local, communal definition of social citizenship to the definition of citizenship as directly emerging from national belonging. When writing his book on citizenship in 1947, Marshall saw for the first time a perspective for a parallel development of civil rights, political and social citizenship while these three elements had had very different developments throughout the previous century. This understanding was eagerly supported by national workers’ unions and the diverse national Labour Parties in Europe. With the new migrations flows in Europe and the new women’s movements, however, it became obvious that citizenship rights cannot any more be conceived of as deriving from and granted by national status only (Castles and Davidson 2000). The recent irregular migrations mark the peak of a development of a loss of citizenship rights for many Europeans that had already started in the 1960s. Social movements requested citizenship rights based on residence so as to include so-called ‘third country nationals’, enhanced anti-discrimination legislation, and supporting policies to guarantee access to equal citizenship practice for women and men (Shaw 1997; Wobbe 2003).

In this respect it is necessary to investigate the empirical consequences of the Amsterdam Treaty that incorporates race, ethnicity and sexual preference in anti-discrimination law and suggests a more inclusive definition of citizenship rights and protection in the EU on a supra-national level. Consideration must be given to the fragmented legal nature of the ‘European’ citizenship legislation, that is, its presence not only in Article 17-22 EC Treaty but in addition in a number of other articles and provisions, for example, Articles 12 and 141 (Wiener 2003).

In this way, new policies have to be identified that will emerge in response to this new framing of social citizenship rights. They have to counteract the danger that transnational politics and new forms of governance may exacerbate the democratic deficit by the de-empowerment of women and marginalised social groups. This implies governance as a concept that allows thinking about the chances and risks of governing beyond the various nation-states and in various local conditions. This is of special importance in the case of European citizenship practices in the ‘non-

state' (Wiener 1998) called the European Union. The different access to fundamental civil, political and social rights for national citizens, non-national European citizens and Non-European residents in European cities may affect the concept of sovereignty as 'the existence of a final, highest, or supreme power over a set of people, things, or places' (Latham 1998) which remains in the era of globalisation (and I am here following the argumentation of Aihwa Ong) 'key to our understanding the shifting relations between state, market, and society' (Ong 1999: 215).

### **Some conclusions**

Following Marshall's socio-historical concept of citizenship as entailing a triad of rights and the universalistic assumption that the concept of citizenship is based on two tiers of rights and identity, an encompassing conception of citizenship defines it as the set of institutions that determine and reflect the *rights, access and belonging* of individuals to a polity (Wiener 1997). Crucially, belonging is based on both the legal entitlement to a national passport (Hailbronner 1997) and the cultural experience of belonging to a particular place (Kaplan 1993). The latter has gained in importance as a consequence of 'European' citizenship rights to move, work, reside and vote in the EU country of one's choice. Feminist theorising of differences and intersections of differences aims to include the whole spectrum of social and political participation and governance in a multi-level system. Consideration has also to be taken, however, of the 'unintended consequences' generated by the introduction of citizenship—as a core principle of modern constitutionalism—to a non-state (Wiener 1998). It has to be discussed how the input of social movements, advocacy groups and interest groups has contributed to forging the meaning of 'European' citizenship demanding the implementation and enhancement of citizenship rights.

It might be necessary for cities to give access to social citizenship rights to irregular migrants in a more inclusive way, according to local, communal settlement instead of national identity only. This would respect the fact that new citizenship movements are working on a "glocal" (Ruppert 1998) level: they try to bind together universal claims for civil rights and their local social implementation. A comparison and analysis of different trajectories of national and transnational movements in European history and in the new European Union—especially with regard to the different stories and experiences in East and West—would offer a significant contribution, a broader understanding and 'a pluralistic notion of citizenship' (Lister 1997) based on both agency involvement and structural constraints.

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Helma Lutz

## The 'intimate others' – migrant domestic workers in Europe

### Introduction

A couple of years ago, I read the novel *Tea-bag* by the Swedish author Henning Mankell, in which he describes the life of a group of young immigrant women in Sweden whose residency is illegal and whose life is part of a shadow world—officially, they do not exist and their lifestyle is totally unknown to the indigenous Swedes. This novel has been translated into many languages and has been praised for its courage and its purpose, namely making the life of irregular migrants visible.

Although I enjoyed reading the book, I also found it unsatisfying: on the one hand, it describes well the precarious life of the twilight zone—the fear of being deported, the tentativeness of everyday life, the complete absence of security in planning for the future, vulnerability with regard to agents of the state, indigenous Swedes and fellow-migrants, the dependence on the goodwill of supporters and so on. On the other hand, it also supports well-known public discourse stereotypes such as that of the young woman who makes a living from mugging and breaking into houses where she stays when the owners are away; such examples are portrayed as prototypes of the frequent assumption that illegals are engaging in criminal activities.

I was disappointed because I found this novel a lost opportunity to sketch the life of irregular migrants in a 'normal' dimension and to deconstruct the demonised images of threat that feed fear of this group. Mankell boosts the well-known figure of the illegal migrant as the unknown 'other'. I would have preferred a book which makes it impossible for the reader to de-engage mentally from this group so easily. Instead, I would have liked to read a novel about those young and middle-aged women whose life is not invisible to many middle-class indigenous families all over Europe; on the contrary, their work helps these families to engage in their own professional work, pursue a career or to deal with leisure activities while these women, domestic workers, take care of their households, their children, their elderly or invalided family members. Many middle-class families all over Europe are in fact in personal contact with irregular migrants. These migrants are not threatening strangers, but persons in positions of trust, aware of their employers' intimate life, their lifestyles, their pre-occupations, their likings and, often, their personal problems.

I am talking about a growing group of predominantly female migrant domestic workers from Eastern Europe, Latin America, Asia and Africa who migrate from the world market into the household of Western industrialised countries.

I will start this essay by giving some information about this group of women and their working activities; I will then turn to the question of why this phenomenon has emerged so quickly in many European countries and whether or not there is a

relationship between new governance in welfare state regimes and the increasing demand for domestic workers. The latter will be discussed in the context of old and new gender-regimes. After a description of two case studies, I will finish my paper with some considerations of the solutions implied in different migration regimes.

### **Domestic work – the three ‘c’'s**

It is now widely acknowledged that the feminisation of migration is at the heart of new migration movements and domestic work is the primary area (Phizacklea 1998; Momsen 1999; Ehrenreich and Hochschild 2003; Parreñas 2001, 2005; Hondagneu-Sotelo 2001, 2003). This phenomenon contradicts former migration regimes in which women and children emerged as followers of husbands and fathers; women have become pioneers of migration paths.

For many countries in the world, domestic work is not a new phenomenon; it has a long-standing feudal and colonialist tradition and is found in post-colonial Asia, Africa, Latin America and the countries of the Middle East. In most of Europe, however, domestic servants have been disappearing little by little since the 1920s and in particular after World War II. Today, we see a massive comeback; domestic workers can be found working for dual earners, middle-class families and single people, for double or single parents, for young urban professionals as well as for the elderly and ill. Doing household and gardening work, cooking meals, cleaning, washing and ironing, caring for children and older people, the area of domestic work comprises an enormous amount of different tasks; Bridget Anderson (2000) has aptly called them the three ‘c’'s: cleaning, cooking, caring. The German debate uses the terminology of ‘household contiguous, person oriented services’ (*Haushaltsnahe Personenbezogene Dienstleistungen*) and differentiates between performance-oriented (cooking, washing, cleaning, ironing, etc.) and care-oriented tasks. Feminist researchers have shown over the last twenty years that care work requires emotional engagement and cannot be done without ‘love’; love, however, cannot be measured by the regular meriocratic remuneration systems; care workers, therefore, deliver emotional surplus to their employers.

From the work of the French sociologist Jean-Claude Kaufmann (1999) it can be ascertained, however, that emotions are not only involved in care-oriented tasks but that they are also part of performance-oriented tasks; household work for Kaufmann is ‘dealing with things or artefacts’ which as part of people’s habitus is heavily emotionally loaded. Negative emotions such as disgust, shame and pain, as well as positive ones like pride, sensuality (the smell of a clean apartment or ironed laundry), delight and satisfaction are all linked to household work. Moreover, household work produces a physical and emotional sense of well-being and a spatial and mental order. Specific cleaning rituals establish a civilised condition; performance-oriented household work can, according to Kaufmann, be called ‘civilising work’. One can, therefore, argue that both person-oriented and performance-oriented household tasks require physical as well as emotional engagement.

Next to the heterogeneity of tasks there is also an immense heterogeneity of women and some men performing those tasks. Over the past decade among these workers the number of migrants has increased tremendously—in some countries there are only a few native people found in this work area, mostly elderly and from a working-class background.

The new geographies in this field are amazing: we find Moldovan women in Turkish households, Albanian and Bulgarian women in Greek households, East European, Filipinas and Latin American migrant women in German, Italian, Spanish and Dutch households, Ukrainian in Polish, German and Austrian households, and so on; they all follow a pattern of ‘east to west’ and ‘south to north’ migration, although the Turkish, Israeli and Greek cases are important deviations from these geographical patterns (see Kaska 2005; Mundlak 2005; Hantzaroula 2005).

The only generalisation one can make at this particular moment of time is that the wage differences between the countries of origin and the destination countries are an important migration incentive for those who leave. In combination with the desire for a higher standard of living, lack of money for their children’s education, health problems of family members, marriage problems and so on, they form the backbone of migration motivation.

For many countries of origin, the remittances of the domestic workers pose the major income factor in the national budget (see Parreñas 2005 for the Philippines; Herrera 2005 for Ecuador). Although these countries may not facilitate mass migration openly, they are not at all against it and emigration support is given through many state, church and NGO institutions. Even the World Bank is now strategically looking at remittances sent home by migrant workers as the best anti-poverty programme, considered to be much more efficient than other international programmes (see Herrera 2005: <[web.worldbank.org](http://web.worldbank.org)>).

But what happens when a woman from Eastern Europe, Latin America, North Africa or the Philippines emigrates to a country on the other side of the world? In reply we can say that the *linea recta* migration from one household into another is no longer the fate of those who find work in Hong Kong or Saudi Arabia. It is also true, for example, for many whose migration destination is Italy, Spain, Israel or Greece. These countries have either launched work permits for live-in domestic workers, nurses or carers and/or legalisation measures for those who have worked in this condition for a long time irregularly. This situation has massive implications for the visibility of the new migrants as well as for their citizenship rights and their political representation. If 80 per cent of a country’s new migrants disappear into the private sphere,<sup>1</sup> their presence in the public arena will be relatively low-key and little public attention is given to them. Thus, the distinction between public and private has major consequences for this whole new area of work. I will come back to this question later on.

Some countries (Italy, Spain) have launched work permits for (live-in) domestic workers; others, like Germany or the Netherlands have only hesitantly acknowledged the demand for these workers, or they are still ignoring it.

Although the phenomenon is still very confusing, one of the patterns to be found in this area is the difference between live-in and live-out employment situations. While live-in may be a desirable position for those who do not have a network in the location of destination, in the long run many domestic workers wish to move out and work from their own home base. If the live-in arrangement is linked to the employment arrangement and following from that to the residence permit, changing the employer is not an easy decision.

Another difference is that between the legal and the irregular status of work and the immigration status of the worker. Although some European countries have worker recruitment programmes, even in these countries irregular domestic workers can be found. By using the term 'irregular' I follow the terminology used in the GCIM Report 2005 (which is also used by the Council of Europe, the ILO, the IOM, OSCE and UNHCR). As Khalid Koser (2005) underlines, this term is preferable to the one that is still used by the EU, 'illegal', for three reasons: the term *illegal* (a) connotes criminality—a stereotype that is overwhelmingly contradicted by research; (b) denies a person her or his humanity; (c) may further jeopardise the asylum claim if asylum seekers are called illegal, as happens in many countries where the distinction between migration control and refugee protection has been increasingly eroded (Koser 2005: 5, 6). As in other cases, there is also a variety of routes into irregularity for domestic workers: clandestine entrance or entrance with fraudulent documents; entering the country on a tourist or student visa but becoming irregularised by overstaying, remaining in the country after the expiry of a visa, a student or a work permit.

The answer to the question 'who is irregular?' is even more complex, because the migrant's status can change over time, for instance after legal entrance on a limited work permit—as a seasonal employee, as au-pairs or students (a status which provides the right to residence but not to take on paid work)—migrants can legalise their residence through marriage.<sup>2</sup> In countries like Germany or the Netherlands, where a legal recruitment policy and an earned regularisation policy for domestic workers is absent, working in a private household means working in an irregular work situation. In this sense, domestic workers' irregularity applies often both to the individual's status and to the employment status. Dealing with irregularity is handled very differently according to the migration regimes of the different European countries.

From my research on migrant domestic workers in Germany (see Lutz 2002; Lutz 2007; Lutz and Schwalgin 2004; <[www.uni-muenster.de/fgei](http://www.uni-muenster.de/fgei)>) it can be said that for many of those affected, the move into irregularity is not easy, as they are aware of the concomitant risks, among which the loss of citizenship rights and human rights (access to health care, housing, and so on; schooling for children). However, it also became clear that the women deal very differently with this situation. I will come back to this in section 4.

### **Welfare regimes**

The new or renewed demand for domestic workers in many European countries is usually explained by the growing labour market participation of indigenous women; for example, Will Hutton and Anthony Giddens succinctly mention in a conversation about globalisation: ‘the growth of two-earner households who have to buy in services because the woman is no longer at home’ (Hutton and Giddens 2000: 5, 6; for a critique see Lutz 2002). Other frequently mentioned reasons are: changing family patterns (growing divorce rates, growing numbers of single parents, patchwork families, dispersal and large geographic distances between the different generations of one family); demographic changes (growing number of elderly and ill people; absence of adequate and sufficient care facilities); high flexibility demands concerning the number of hours and the time flexibility in many branches of the labour market which do not combine with reliable care-arrangements; and, finally, the unchangingly low performance of household and care work by men. The latter does not at all fit the common equality and emancipation discourses, but has repeatedly been affirmed by time–budget studies in recent years. In general, most explanations of this phenomenon stress that the demand for domestic workers is need-driven and not—as was the case in the nineteenth and early twentieth centuries—a question of status.

In addition, feminist researchers have emphasised the negative consequences of the neo-liberalisation of welfare arrangements for the care sector. Whereas in many European welfare state countries the state has played the role of providing services for children, the elderly and the disabled through subsidies for carework (parental leave, crèches, elderly care and homes), welfare state restructuring now leads to market driven service offers and a serious decline of state provided social care services. For example, Misra and Merz (2005) notice that ‘Over the last decade, the trend has been for states to move towards subsidizing care that families provide or negotiate or withdrawing entirely from care provision’ (ibid.: 10). They give the example of the French crèche system which has been weakened by new policies that encourage families to hire nannies and carers, using state subsidies. A comparable example stems from the Netherlands where the marketisation of home and of child care was introduced more than a decade ago and has led to a high dependence on income facilities and/or social networks of those who receive care (Knijn 2001). The Dutch state has been a pioneer in what is now called the introduction of governmentality in the private sphere: the individualisation of care obligations and arrangements and the soaking of economic market logic into this sphere; individual regulation supported by the ideology of choice and ‘managing the self and the household’ seem to be the bridgeheads of this process.<sup>3</sup>

These suggestions are very important and helpful, but I still want to point out the fact that many countries in Europe made little effort, before neo-liberalism became the dominant social model, to achieve the balance between reproductive work and employment. Among those countries who did little in the first place are weak welfare states like Italy, Spain and Greece, but also strong ones like Germany; there, the need

for crèches, all-day-schooling and high quality home care has never been arranged in accordance with existing demand. Crèches, in the German case, have been available on a sufficient scale only in East Germany, and these rapidly reduced in number after unification; and all-day-schooling has only been discussed recently, following the debate on the abominable performance of German schools and school children in the international PISA contest. Only now does the German state realise that schools should engage more in providing all-day teaching and activities for children in order to improve the international contest position. What is missing, however, in Germany as much as in other countries, is a profound discussion of the gender regimes that are and have been the backbone of the long-lasting asymmetrical division between care work and gainful employment. Shortly, I therefore want to enter this debate.

### **Gender regimes**

In their famous article 'Arbeit aus Liebe – Liebe als Arbeit'<sup>4</sup> the German feminist historians Gisela Bock and Barbara Duden (1977) labelled the *unpaid* work of housewives and mothers, seen and performed as quasi naturalised female determination, 'work based on love', which is transformed into 'love provided as work'. They questioned two aspects of the organisation of social life, both contributing to this phenomenon: first, the social division of the private and the public sphere, which are separated from each other spatially and are also gendered. Based on this separation is an implicit contract between the genders in which productive and reproductive work are differentiated along gender lines. Second, this gendered differentiation of work is linked to a hierarchical distinction that values productive work more than reproductive work.

This article triggered a long lasting and highly complex discussion about gender as a key factor in social inequality. The feminist movement demanded a 'salary for housework' and an equal distribution of house and care work between the partners. Very few of these claims were taken up and included in official government policies as emancipation policy.

Since then, the questioning of the presentation of the traditional division of labour along gender lines as 'natural' has had some effects. The participation of native women in the labour market has considerably increased in all developed industrial countries over the past twenty years. However, the hope that the redistribution of paid labour would be followed by the redistribution of household work has not been fulfilled. Since then, researchers have tried to explain the absence of change. Some have argued that there are 'objective hurdles' and 'structural reasons', focusing on the continuation of higher income and better career prospects for men.

All these explanations, however, are not sufficient to explain the current situation. Why, for example, has the decreasing participation of men in the labour market in OECD countries not induced a rearrangement of domestic work distribution (OECD 1999: 20)? Why have organisations of fathers not functioned as pressure groups? Why have they not demanded more and better parental leave or part-time working

arrangements in order to enable them to take up their share? Why has the state retained the traditional view of women being responsible for children and care of the elderly in the first place?

An answer to these questions can only be provided through an analysis of the *symbolic meaning* of gendered divisions of labour. *Domestic work is not merely work, but a particularly gendered activity*. As a gendered activity it is 'emotionally linked to meanings and interpretations of who we are as women and men and who we wish to be' (Rerrich 2002: 21). In other words, domestic work is a core activity of *doing gender*, perpetuating the existing social order of the genders. By doing gender people know how to act on an everyday basis and what it means to be a man or a woman. Following this argumentation it becomes apparent why traditional gender arrangements are so resistant to change. Outsourcing household and care work to another woman is widely accepted because it follows and perpetuates the logic of gender display in accordance with accepted gender regimes. Because household work is allocated on one side of the gender dichotomy, traditional gender identities are not placed at anybody's disposal or questioned. (Self)-images of 'loving mothers' or 'loving daughters' can be maintained by reactivating traditional patterns of care by calling on a nanny, or an elderly care nurse.

Thus, it can be argued that as long as society widely tends to accept the gender displays of the institutionalised gender regimes, these will remain the cultural scripts for employers as well as for the employees. The *new* phenomenon of domestic work is not so new any longer if we analyse it in the context of an outlined continuation of gender scripts. In this respect domestic work must be seen as a major defeat of the Western feminist movement.

In conclusion, I want to emphasise the interaction and intersection of old and new welfare regimes with old and new gender regimes. It also has to be stressed that the growing demand for domestic workers is not pure substitution. The entry of migrant workers into the private sector has also developed self-reinforcing tendencies and has triggered the demand for domestic workers as a new job creation (Mundlak 2005). The complicity of the state and its institutions in the making of this job area is obvious. The employment of migrant domestic workers helps sustain the traditional gender regime in the receiving countries. The existing analogy between the gender of the work area and the gender of those who perform this work is continued.

In the following section I want to turn to the actors in this field, the migrant women who endure life in the twilight zone.

### **Dealing with illegalisation**

What are the reasons that lead women to migrate as undocumented domestic workers, despite the difficult living conditions of illegalised existence and the emotional costs they are paying for their migration? Can domestic work be regarded as a space of opportunities for undocumented migrants?

We have to keep in mind that female migrants first and foremost do not choose unstable working and living conditions, but actively try to leave them behind. The

most important regions of origin of migrant domestic workers are those that are—in contrast to the target countries of the global flow of migrants—regions in crisis. These unequal terms of trade have facilitated the emergence of a new export product, care work, which is offered mainly by women and to a much lesser extent by men.

Although the countries of origin do not actively promote the export of care work, they encourage this work indirectly because their economies considerably rely on remittances—as for example the Philippines, where 5.6 million women working out of the Philippines earn 8 billion dollars per year (Parreñas 2001).

Recent studies as well as our own results report that most domestic servants are well educated. For example, women from Eastern European countries have undertaken occupations that are devaluated after the system transformation. This devaluation process is twofold: it takes place in the country of origin as well as in the destination country; brain drain becomes brain waste. Destination countries are not interested in their professional expertise but rather in their ‘experiential’. For East European and Latin American migrant domestic workers who were the focus of our project,<sup>5</sup> the following factors for migration can be distinguished:

- Young women, who have no opportunity to find a job in their countries of origin. By migrating they attempt to improve their working opportunities through foreign language skills or they aim to study in Germany, or they only want to earn some money to finance a university education back home. Moreover, these women are like other peers attracted by cosmopolitan dreams which they try to realise through migration;
- Divorced women who want to earn money for their living and the education of their children. Some of them try to find a German marriage partner, because marriage is the only way of bringing their children to Germany;
- Women who themselves or whose families encounter financial difficulties and thus attempt to work abroad until these problems have been solved. Sometimes they try to realise other targets, such as the establishment of their own business. However, in many cases remittances develop their own dynamics, as, for example, when the family expects them to fulfil new material desires that are developed by the constant flow of money;
- A fourth group consists of young lesbian women and homosexual men from Eastern European and Latin American countries who attempt to flee discrimination and the taboos of homosexuality through migration.

In most cases these migrants do not strive for lifelong emigration, but a mobility, flexible in time and space, to overcome immediate problems. Many wish, as the migration researcher Mirjana Morokvašić has pointed out, to ‘leave home in order to stay at home’ (Morokvašić 1994). This results rather in pendular transnational migration instead of emigration.

This above mentioned list mirrors a more or less (socio-economic) typology that is not only characteristic for new or irregular migrants, but has been symptomatically for other migration movements and groups too. Yet socio-economic factors are only one of the reasons that foster migration. There are, however, distinguishing factors for irregular migration and there are different ways of *responding to irregularity*. These differences are shaped by the following four *intersecting structural and biographical factors*:

- the *different modes of illegalisation*: an illegalised residence status and an illegalised employment situation;
- the *geographic proximity* between working places and places of origin;
- *individual differences* in the ways in which migrant domestic workers deal with their living situation as illegalised migrants. These differences can only be examined by focusing on the *resources* that arise from their *biographical experiences*;
- *transnational relationships* to their places of origin and their families left behind.

In the following these intersecting factors will be exemplified by focusing on two case studies.

Mrs A. came to Germany in the summer of 1990. She was 30 years old, single, and had just finished studying economic science in Poland. Searching for an opportunity to bridge the unemployment gap, she worked as a cleaner in various households during the summer. She had entered Germany with a tourist visa and returned to Poland after three months. Another six months later she came back to Münster. A network of Polish friends supported her in finding her jobs as a domestic worker as well as accommodation. In order to legalise her residence status, Mrs A. successfully registered in an academic course in Economics at the University of Münster in the summer of 1992. During the following years she took on jobs in various households, looking after children, caring for elderly people and cleaning in both private houses and offices. Ten years later her residential status as a student ceased. At the moment of our interview she felt forced to choose between two alternatives—to stay in Münster as an irregular migrant or to return to Poland. And she did not like either of them.

Mrs A. felt scared by imaging herself as a *'sans papiers'*. For her, being an honest person had been a central value. She already felt guilty of cheating or 'playacting' as she called it, on her employers, having led some of them to believe for years that she was only working for them in order to support herself as a student, even though she hardly attended any classes. She pointed out the importance of being needed by her employers because she does 'not like to feel like a robot'. She developed friendly relationships with one of the families employing her—she takes care of their child, who has learned Polish words from her, she cleans their household and helps out their

parents as well. Moreover, her employers are her landlords; she does not live as a live-in but rents her flat from them. She feels like a member of the family.

In the first place, it seems to be essential to her that she is respected and acknowledged by her employers; she derives satisfaction from the fact that she has a key function as a first port-of-call for the friends of her homosexual Polish network, as well as a communications role. In contrast to Mrs M.—the subject of the second case which we will present—Mrs A. does not have any plans for the future. During the interview she stated that not having a plan had been characteristic of all the years she had been living in Germany.

However, returning to Poland is definitely not an attractive alternative for her. For Mrs A. Münster has become the focus of her life ('I know my way around better than in Germany'). Although she visits her place of origin in Poland several times each year she feels completely estranged from Poland. Even the fact that she could count on the economic and emotional support of her family does not dispel her doubts that she might be perceived as a 'migration loser' when returning to Poland. During her frequent visits to Poland she had felt uncomfortable with not being able to show the expected symbols of successful migration, such as a car, a good job in Germany, money for establishing her own business in Poland or at least a German husband. For Mrs A., returning to Poland is therefore just as unattractive an option as staying in Germany illegally. Thus, she finds herself in a social trap, and at the time of our interview it was not yet clear how she was going to get out of it.

Mrs M., the subject of our second case study, developed a rather different way of dealing with irregularity. She had left Uruguay for Hamburg in 1994; at the time she was already in her late 40s. At the beginning of the interview she stressed the fact that her migration to Germany had not been motivated by economic reasons. She had just taken advantage of an opportunity, accompanying her daughter who had fallen in love with a German man. After her arrival in Germany she could rely on a network of German friends whom she had met through their common political activities in Uruguay. This personal network enabled her to find accommodation and places to work as a cleaner as well as access to important knowledge about how to get medical treatment as a '*sans papiers*'. Moreover, she got in touch with the German NGO 'Nobody is illegal' and started to give public lectures about her life as an illegalised migrant.

In contrast to Mrs A., Mrs M. has developed plans during the course of her stay. First of all she experienced migration as an emancipatory project, since she separated from her husband after 27 years of marriage. After having lived and worked four years as undocumented migrant she decided to legalise her residential status by marrying a German. After legalisation she gained a work permit and could take up jobs legally, but she decided to pursue irregular work because her most important aim was to save as much money as possible. The purpose of saving, however, changed over time. While she first supported her son's university education in Uruguay and later started to renovate her house in Montevideo, she is currently preparing for her return to Montevideo and saving money to establish her own business there.

During her years in Germany Mrs A. supported herself (and her family) by working as a cleaning woman. As she explained, she cleaned private households and offices because she lacked German language skills, which prevented her finding a job in any other field: 'I am cleaning because I cannot speak.' On the one hand, her argument describes a painful lack of alternative opportunities. On the other hand, Mrs M. emphasised during our interviews that she prefers to clean in places where she is *not expected to speak*. In contrast to Mrs A., who needs to feel like 'one of the family', she has no desire to cultivate close emotional relationships with her employers; in fact she tries to avoid them.

These quite different ways of coping with irregularity can only be explained by taking Mrs M.'s biography into account. In contrast to Mrs A., Mrs M. has already lived through several biographical ruptures before migrating to Germany. During the years of the military junta in Uruguay, she and her husband had been persecuted as political activists and had been forced to go underground in order to save their lives. Finally, she and her family had left the country and spent 12 years as political refugees in Argentina. During their first years in exile she had continued working in her old profession as a designer. After realising that this profession did not offer a future, because of ongoing computerisation, she retrained as a gastronomical specialist.

For Mrs M. her occupation as a domestic worker in Germany is not the centre of her life, but a means to follow other aims. Her political activism allows her to derive recognition beyond her occupation as domestic worker; she gives lectures and interviews and she has been the subject of a documentary on her life in Germany. Recently she started to write a book about her migration experiences. In addition, Mrs M.'s political engagement provides her with access to a circle of German political activists. This network is not only a resource of emotional support but a community of friends with whom she is well able to communicate (in Spanish), despite her limited language skills in German.

In both the cases sketched out here, irregular migration did not automatically result in experiences of crisis. However, the case of Mrs A. shows that a biographical crisis in the context of migration—which for her finally led to an irregular status—can occur even many years after the actual move has been made. In her case, the end of her residence status coincided with a severe crisis around the time of her fortieth birthday, which led her to question the very meaning of life; both these developments threatened her stability and thus her biographical project. In the case of Mrs M., on the other hand, migration represents a 'purposive means of continuing the biography' (Breckner 2003); even irregularity can be an aspect of this overall biographical process. Moreover, it is striking that Mrs A., who does not have any financial responsibilities for her family in Poland, feels very much under pressure to present a successful migration project. She argued that she rejects remigration to Poland because she is not longer able to integrate into Polish social life. Mrs M., on the other hand, who shouldered considerable financial obligations towards her family in Uruguay, actively strived for remigration. Although she visited Uruguay only once during her years of absence, she did not expect any difficulties in reintegrating

socially in Uruguay. However, when she finally realised her plan and returned to Montevideo in 2004, her daughter became pregnant and she returned to Germany and revived her former work circuit in order to be near her first grandchild.<sup>6</sup> By doing so, she deferred her plans and her desire to go 'home'.

In comparison, both women have one thing in common—both actively keep up transnational relations with their families through daily phone calls. In the case of Mrs M., these communication practices can also be described as a transnational praxis of motherhood, since they enabled her to remain emotionally close to her son, left behind and with her ex-husband.

Both case studies show that illegalised domestic workers develop individual ways of dealing with irregularity and transnational relations. Even if they live in similar circumstances, the two cases demonstrate that these differences cannot be explained in terms of ethnic origin or geographical proximity to the place of origin. On the contrary, different biographical resources as well as age differences and a different marital status have to be taken into account to explain these differences. Moreover, different structural resources that are available for illegalised people in different German cities may influence these differences, too: Mrs M. could continue her political links with German political activists in Hamburg without any problems, whereas Mrs A. could only rely on the Polish Catholic Church when she needed support.

What can be deduced and generalised from these case studies? First of all, it is important to stress the unlikelihood that irregular migrant domestic workers could stay in their 'twilight zone' without the knowledge and support of their employers, middle-class members of the dominant society. Every single case in our research shows the compliance of employers and employees in this area of work. Some employers have tried to legalise the employment situation—with little success. The German state does not recognise household work as an area in need of migrants and has refused to introduce green card regulations for cleaners, child minders and so on.<sup>7</sup>

Secondly, albeit the very different situation of these two women, it becomes clear from their life stories that migration has its own dynamics and that many developments in the process of migration are not foreseeable. Strong emotional family ties with family members left at home engender a strong loyalty and the endeavour to meet financial obligations, even if these change over time; through their work abroad these women introduce new consumer patterns and the flow of remittances kindles new material expectations. Contrary to the idea that the status of 'bread winning' mothers abroad will help to change gender patterns in the countries of origin, we found that these women still were held responsible for the care of their children and that husbands did not automatically take over the task of bringing up the children; instead, mothers are taking care of their own substitution by either paying female family members for this task—for example, the eldest daughter who becomes the deputy of her mother—or a carer from outside the family. Thus, instead of a redistribution of care work in the countries of origin, a long-distance management of care obligations arises and the result is 'global care chains'.

Third, irregularity and life in the condition of illegalisation obstructs the planning of the future and fosters short-term instead of long-term arrangements. This, in my view, is not so much an indication of the 'autonomy of migration', as Moulier Boutang (2002) would call it, but rather an indication of the assumption that the maximisation of profit is only one element among others, like moral and emotional guidelines, which sway migrants' decision-making processes.

Fourth, the presumption that the private household is an opportunity space for irregular domestic workers can only partly be confirmed. On the one hand, it is true that the private-public divide protects these women from discovery as the private space is not easily accessible to state control. On the other hand, the isolation of this work area hampers collective action and organisation.

In the last section I will shortly go into the question of which kind of solutions are feasible and desirable.

### **Migration regimes and welfare regimes – dealing with irregular domestic workers in the private household**

Irregular migration in the case of many European states does not only interfere with these states' organisation as nation states but also as welfare states.

Irregularity in the welfare state is related to two aspects of a fundamental tension: first, between state sovereignty and control competency on the one hand, and legitimate claims of individuals grounded in basic human rights on the other; and, secondly, between members and non-members of the established welfare state or political community. This basic tension is important and visible in all cases of migration and immigrant integration, but of special relevance to irregularity. This is because modern welfare states are essentially based on the validity and assertion of laws within their territorial jurisdiction and hence their capacity to control their borders and to regulate access to the political community and diverse functional systems. National welfare states differentiate between members and non-members, with various gradations regarding civil, social and political rights for different categories of persons. In principle, illegality undermines the effectiveness of immigration policies and the maintenance of established standards of labour market and working conditions regulations threatens the legitimacy and financing social security systems; it also challenges the established system of collective bargaining between unions and employer associations. Nevertheless, democratic nation states, which are essentially legitimised by respecting human rights, cannot completely ignore the individual claims of illegal immigrants to procedures according to the rule of law, such as medical treatment in emergency cases and basic education for their children.

As in many other areas of research on irregularity, the *gender dimension* deals with many issues which have not been sufficiently addressed in research. We still need reliable estimations of the quantity of the irregular migrant population in this area; also, an analysis of political and public debates on irregular domestic work and/or the absence of such debates as well as illegal migration and its consequences

as a (non-)issue and (non-)decisions are badly required; in the case of irregular domestic workers, the application of moral and legal principles from different viewpoints of philosophical and professional ethics is important; the basic right to reunite with their children and the guarantee of the children's access to schooling and health care is also crucial for irregular domestic workers in many countries. It is also important to address the question of legal and administrative discretion in dealing with irregular migrants within social legislation and health care on the regional level; furthermore, the problem of illegal employment and its impact on the regulation of labour markets and the whole system of collective bargaining between unions and employer organisations needs to be investigated; and, finally, the individual management of irregularity on the part of the persons concerned within transnational (family) networks, and individual and group level coping strategies with experiences of irregular migrants upon return to the country of origin.

In short, there are many more questions than answers at this particular moment. If, as many researchers assume, irregular employment in private households can play a significant role in realising gender equity in the labour market for the (indigenous) employers, then many more questions about the character of the private–public divide and the soaking of market principles into the private sphere have to be asked. It can no longer be argued that the private sphere is a refuge from the market and at the same time, work in the private sphere can never be professionalised in the same way as work outside this sphere: as the German sociologist Helga Krüger notices, this work is always associated with 'the smell of the private', underpaid, undervalued and not acknowledged as 'work' because it can be retransformed into unpaid work performed by housewives at any moment.

As long as 'migration without borders' is not a feasible option, irregularity in this sector will occur, even in those states where recruitment programmes offer a legal work permit as domestic workers.

The legalisation of their status may not be the main concern of the affected individuals in the first place; the aim of saving as much money as possible may be the first aim; but in the long run, the absence of citizenship rights become more urgent and protection of the rights as workers becomes crucial. As tools of dealing with irregularity, states have to offer earned legalisation programmes as well as the provision of health care and education facilities.

Short- and long-term interventions have to take into account the connections between world wide unequal terms of trade, labour, development, emancipation and education policies and the debate about these intersections has to extend beyond national boundaries.

## Notes

1 Jacqueline Andall (2005) gleans from a Caritas report (2004), which describes the rapidly changing situation in the city of Naples, that the official number of Ukrainian migrants

following an immigration amnesty rose from 1,355 to 31,042 within a period of two years; 80 per cent of them are women and they are primarily employed in the domestic sector.

2 In Germany enrolment as a student or marriage with a German citizen are the only possibilities for temporary legalisation (students) or a permanent residence status.

3 This is not the place for a discussion on whether the popular governmentality theory is helpful for explaining the phenomenon of migrant domestic work. I do, however, believe that one does not need Foucault to explain the current situation, but that theories of social inequality in combination with intersectionality theory (including gender, class, ethnicity and so on) already do a good enough job.

4 The translation 'Work as love, love as work' does not cover the meaning adequately: work out of love and love provided as work would come closer.

5 This German research project was carried out between 2001 and 2005; alongside expert interviews with representatives of various NGOs and Church based organisations, 73 interviews with migrant domestic workers and employers in three different German cities were undertaken and analysed; for more information see <[www.uni-muenster.de/fgei](http://www.uni-muenster.de/fgei)>.

6 The fact that she had left her baby daughter with her mother for many months when she went 'underground' as a political activist can explain her decision to return to Germany

7 The only exception is a green card for Eastern Europeans launched for household helpers in households of elderly persons in special need of care, started in the beginning of 2005. As these helpers are not paid as professional nurses or carers but earn a salary as household helpers and as their residence permit is linked to their work and dwelling in a particular employer's household, it is not yet clear whether this regulation will attract more people than a previous programme in 2003, which was a failure.

Gabriella Lazaridis

## **Irregular Migration and the Trampoline Effect: *Infirmières Exclusives*, Quasi-Nurses, Nannies, Maids and Sex Workers in Greece**

### **Introduction**

Since the late 1980s and early 1990s there has been a rapid growth of female migration into Greece,<sup>1</sup> the women looking for better earnings and possibly a better life. This essay attempts to analyse a number of globalised industries that are built upon the labour and so-called care services provided by women.<sup>2</sup> It explores the complexities of experiences and positions of migrant women and seeks to explore the reasons why the demand for these services has been created. It shows how the multifarious degrees and forms that various exclusionary processes take depend to a large extent on cross-cuttings of gender, ethnicity and class, as sexism intersects with different forms of 'othering' and racialisation processes in the destination country.

This essay is structured as follows: it begins by setting the scene, contextualising the paper (and the need for care services) within the Greek socio-legal and cultural contexts and economic milieu characterised by a highly active informal sector (see Katrougalos and Lazaridis 2003: 41).<sup>3</sup> It continues with an examination of the experiences of migrant women who provide care services in Greece. This section deals with migrant nurses, distinguishing between those who work as *infirmières exclusives* in hospitals and those who work as quasi-nurses, nursing elderly people at home. It examines the experiences of nannies and maids and those of the women working in the sex industry, which allegedly cares for the needs of men. The commonalities and differences between the above-mentioned three broad groups of women's experiences are drawn with reference to the multiple degrees and forms of risk, discrimination and exclusion they are faced with. The argument put forward is that for only a handful of the women interviewed was there a clear progression in the occupational ladder between working as a maid and performing the duties of a quasi-nurse or functioning as *apoklistiki* (the Greek for *infirmières exclusives*). For the majority there was a trampoline effect in operation: from unemployment to maid, from maid to quasi-nurse, from quasi-nurse back to unemployment, from unemployment back to quasi-nurse or up to *apoklistiki*, back to unemployment, up to maid or quasi-nurse and so on. Often the boundaries were blurred, the work was characterised by discontinuity and performed against the backdrop of a complex web of insecurity, uncertainty and the violation of basic human rights. Finally, in the concluding section, policy-related recommendations are made, based on the issues raised by the interviewees.

## Methods

The paper is the product of a series of projects researching migration issues in southern Europe. The paper is based on qualitative data collected during the past 12 years (multiple visits and projects) with migrant workers in Greece<sup>4</sup>. Information was collected on the way in which such women perceive and interpret their experiences in the host country. In-depth biographical interviews were conducted, 18 with *infirmières exclusives* and quasi-nurses, 38 with domestic workers (nannies and maids) and 18 with women working in the sex industry. Carrying out such research involved risks for the women interviewed, which made them reluctant to participate. Because of access problems, the sample was obtained by snow-balling, so one cannot claim generalizability for the findings of this article (Devine 1995: 138). What is reported here is based on the interviewees' subjective accounts and interpretations of events, their view of reality as they experienced it and reported it at the time of the interview (Lazaridis and Wickens 1999; Lazaridis 2001). The women interviewed were a heterogeneous group in terms of age, ethnicity, social and educational background, religion, marital status and number of children. In addition, guided conversations were carried out with key informants working in Greek immigration and with authorities, academics, NGO representatives, nurses' and domestic workers' associations and recruiting agents. Moreover, valuable information was gathered during visits to key informants' areas and rallying points, such as migrant housing complexes, ethnic gatherings and churches. Reflexivity was maintained to allow for diversity of interpretations, attitudes, perceptions and behaviours.

## Why the need for nannies, maids and quasi-nurses? Socio-economic, welfare and cultural contexts

The demand for migrant domestic workers and quasi-nurses is a function of a number of factors. First, the emigration to guest worker countries and rapid urbanisation in the 1960s and 1970s and the resulting spatial break-up of the extended family and weakening of traditional family relationships and related inter-generational reciprocal arrangements (Lazaridis 1992). This has implications for the care of dependants, a task which now becomes the responsibility of the nuclear family, and in particular women, who today lack the extended family networks and mechanisms of support (Lazaridis 2000: 57). In addition to this individualisation of care obligations and arrangements, we have the growing number of single-parent households and increasing divorce rates, which make the balance between reproductive work and employment difficult to achieve.

Second, because of the changing structure of the Greek population, the Greek state no longer meets the country's care needs: the declining fertility rate and demographic ageing—the result of increasing longevity—has meant a rise in the proportion of economically inactive elderly persons with increased levels of dependency (Lazaridis 2000: 56). A welfare state characterised *inter alia* by underdeveloped social services and an emphasis on the role of the family as the core unit of social care, has created,

together with factors mentioned below, a caring gap that has not been met by changes in state provisions in childcare and care for the elderly and people with special needs (see Katrougalos and Lazaridis 2003).

A third factor is the desire of Greek women to pursue full-time careers—for economic reasons but also as a result of cultural changes—and the need to reconcile work with their duties and obligations towards the care of the family prescribed by the patriarchal structure of the Greek family and by traditional values where sexist attitudes are deeply entrenched. Within this framework, men are expected to be the main breadwinners whereas the women's role is still centred on domestic affairs. This 'double presence' (Bimbi 1993: 140) has contributed to the specific economic niche within which migrant women are predominantly concentrated.

A fourth factor is the social status attached to having a *Filipineza* (a Filipina); the latter has become a generic term for a domestic worker (as Hoover for a vacuum cleaner), a symbol of a particular lifestyle, a necessary consumer good for the contemporary household whose members wish to meet their caring responsibilities and also buy quality time for themselves.

A fifth factor is the cultural concept that putting an elderly or a person with special needs into a care home is taboo—this applies in a society where men's honour in the eyes of the community depended on, and women derived pride from, the cleanliness and care of the house and the good care of dependent family members. So, although traditional Greek culture did not necessarily value reproductive work less than productive work, the performance of these tasks still remains highly gendered. Nowadays it has become permissible for a woman or a family to pay for care to be bought in—to be done by another woman—rather than shaking up the existing social order of the genders or questioning traditional gender identities (see also Lutz 2005). This, in turn, has contributed to a demand-based migration, which enables local women to meet their caring responsibilities without violating cultural norms. Domestic workers are not perceived as competitors in the employment market since they occupy a highly stigmatised sector and are nowadays shunned by local women.<sup>5</sup>

Finally, increasing restrictive immigration controls, lack of work permits and an extensive informal economy confine these women in privatised spheres of work bounded by a highly racialised sexual division of labour. Even those migrant women who, during the regularisation programmes that have taken place in Greece,<sup>6</sup> have acquired a work permit, may experience racial discrimination, which confines them to low-paid jobs in the informal sector. Moreover, the regularisation ties the recipient of the work permit to a particular employer; this, combined with the 'hidden' nature of this type of work, leaves the women vulnerable to physical, mental and material abuse with no escape option other than return to irregularity and risk of deportation. This vulnerability makes them particularly attractive to a society where patriarchal structures and privileges are preserved. Unlike nannies and maids, *infirmières exclusives* can gain some strength from the fact that the patients' relatives are dependent on their work and skills and cannot so easily replace them with another person.

*Why the need for infirmières exclusives?*

The Greek National Health System (known as ESY) was established in the early 1980s. There are a number of concerns, such as infrastructural inefficiencies, unsatisfactory provision of services in terms of quality and erratic organisation of human resources, widespread corruption in terms of unofficial back-handed payments to doctors and nurses. Moreover, patients are willing to pay for better services and jumping the queue (see Katrougalos and Lazaridis 2003). So, within hospitals, the formal and the informal labour markets run side by side, where the latter is supported and assisted by the hospital administration; in almost all hospitals, private and state, there is an office on the ground floor where relatives of the patient go to ask for an *infirmière exclusive*.

Greece and Italy are the only countries in the EU where doctors outnumber nurses in public hospitals. This shortage of manpower for all areas of nursing care generates multiple inefficiencies at the level of in-patient care and has important consequences, one of which is the creation of a niche for *infirmières exclusives*, or *apoklistikes*. This takes place right under the nose of the state, and the hospital administration embraces it. So there is fluidity between irregularity and regularity, or rather between irregularities the state is bothered about and issues the state is complaisant about. This paradoxical coalition encourages the further spread of grey work. The risks and financial cost of this type of informality are heaped onto the shoulders of patients and their families.

*Why the supply of and demand for migrant sex workers?*<sup>7</sup>

In Greece there is no specific law prohibiting prostitution. Rather, prostitution is seen as a necessary social evil, looking after men's sexual needs, needs which are 'natural', 'nobler' and 'stronger' than women's (Loizos and Papataxiarchis 1991: 222), and which should be served by women other than their 'honest decent women'. Visiting a prostitute (and especially an 'exotic other') is a legitimate option for a man in need of expressing himself heterosexually in a way that does not accord with the values of the conjugal relationship (Lazaridis 1995). The Greek state therefore tolerates prostitution and informally condones it, provided that the various laws aimed at the protection of public health are adhered to and women working as prostitutes are registered as prostitutes and their profession appears on their identity cards. This involves a moral loss for the woman, because she becomes stigmatised as 'a commodity to be bought', a 'woman with no worth' (see Lazaridis 2001). The law does not prosecute the client, even in cases where the woman is a victim of trafficking.<sup>8</sup>

The demand varies depending on client tastes: some work in clubs and massage parlours, others in hotels and houses that manage sexual services within a semi-legal location; and yet others work in the streets (see Lazaridis 2001).

## The experiences of migrant women who provide care services in Greece

### *De-skilling*

All *infirmières exclusives* and quasi-nurses interviewed were skilled migrants. Most had a college education and/or a professional background. To give a few examples: Neli finished her training as a cook and waitress in Bulgaria before coming to Greece. Another Bulgarian woman, Zousi, was a qualified teacher teaching typing skills in a college; 'when the computers came into fashion I lost my job and decided to migrate', she said. Eleni, a migrant from Albania, had a degree in civil engineering and was studying economics when political changes took place in Albania and she had to abandon her studies and come to Greece. As the procedure for securing recognition of migrants' skills is long and cumbersome, and she needed money to survive, she decided to get any job that was available. An African woman, Mousoumbaka, came to Greece after finishing secondary school to study nursing. Thus, these women's migration to Greece is part of a brain drain, the effects of which on both sending and receiving countries have long been acknowledged in migration literature (see e.g. Petras 1981; Oommen 1989). Some Filipinas came to Greece on a nursing aid permit, that is, a permit granted under the pretence of being employed as a nursing aid by a specific employer, and ended up working as a nanny or maid.

Once in Greece, such women find work mainly through three different channels: through migrant networks, a recruitment agency or word of mouth. After they establish themselves in the host country they feel confident enough to rely on individual effort. The majority of the women interviewed started working as domestics before moving on to staff the lower echelons of the health service. This is because the work currently on offer to migrant women is confined to a narrow band of jobs traditionally viewed as women's jobs and which require little skill.

In many cases employers keep the women's passports and other documents for 'security'. There is no contract stipulating hours of work or type of work. In most cases, the worker is denied social security and other benefits. Abusive employers threaten to report the domestic worker to the immigration authorities to keep her captive. Women who flee abusive employers end up becoming undocumented and hence 'on the run', in fear of deportation.<sup>9</sup>

Sex workers either drift into prostitution in order to supplement their income as domestic workers or carers of elderly people, or are brought into the country by well-organised traffickers. They are either abducted or in debt in their own country, are trafficked as 'bonded labour', or recruited as 'entertainers' or 'artists', often not realising that when they arrive in Greece they will be required to offer services of a sexual nature. As one Filipina said:

I found work as a live-in domestic, looking after an elderly couple ... the money I earn is not enough ... I have to send money back home for my children ... my parents are looking after them but they are very poor ... I need more money ... so I work as a prostitute on my days off (interview cited in Lazaridis 2001: 82).

*The work and racialised hierarchies: commonalities and differences*

The area of domestic work comprises a number of different tasks, ranging from cleaning to cooking, ironing, caring for children and providing quasi-nursing for the elderly. According to Lutz (2005) the German debate differentiates between performance-oriented tasks and care tasks, requiring emotional engagement. She writes: 'negative emotions such as disgust, shame and pain, as well as positive ones like pride, sensuality ... delight and satisfaction are all linked to household work'. One could argue that these emotions can also be linked to personal care work performed by *infirmières exclusives*, since they carry out personal care tasks (such as washing up and feeding the patient) as well as nursing tasks (such as administering prescribed drugs, injections and changing the drip) and emotional support. Negative emotions can be found amongst sex workers, who are the most stigmatised group discussed in this essay.

Crude racist stereotypes apply to different nationalities, which in turn, affect work chances and arrangements. For example, in regard to domestic workers (nannies and maids), there seems to be a preference for Filipinas, the 'good Catholic girls', who can be relied on, whereas at the other side of the inclusion–exclusion continuum one finds Albanians. The association of Albanians with various criminal acts reported by the media in the 1990s, their racialisation by the media and the social construction as 'dangerous others' (see Lazaridis and Wickens 1999), have resulted in many employers justifying their lower remuneration on the basis of the risk involved in employing them. In the case of *infirmières exclusives* and quasi-nurses, any nationality is better than an Albanian. As the Bulgarian woman Neli said: 'There is a big problem of racism here ... at work, they were asking whether I was an Albanian ... it's the way they talked to me.' And she continued to explain that some patients objected to having an Albanian woman as *apoklistiki*. A good or bad experience might lead a person to generalise about the carer's nationality. One employer, for example, said that because she had had a bad experience with a Filipina, she will never hire a Filipina again; they are 'very demanding', she said, 'always looking at the clock'. 'The Ethiopians are much better. Placid, easy to work with; if you need them to stay half an hour longer, or do something extra for you, they do not say no.' '*Ehoun filotimo*' (they have moral worth) she added.<sup>10</sup> This expectation that the domestic worker should be subservient derives from racialised assumptions about the proper relations between the white middle-class employer and the ethnic minority employee and from cultural assumptions about what is permissible and what is not; and it justifies a blurring of the boundaries between paid work and unpaid favours, which leads to the domestic worker's exploitation. 'What about the Albanians?' I asked. 'The Albanians are hard working but not to be trusted. They can walk out with all your silverware, and then try and find them; they vanish into thin air... No, I will never have an Albanian anywhere near my house', she replied.

In the sex industry the hierarchies differ: clients have overt preferences for the relatively educated, white, tall, and blond women from East–Central Europe, especially Russia and the Ukraine, perceived as polite and refined, whereas those from Latin America, Africa, Asia and Albania are at the bottom of the hierarchy of

preferences, the latter described as rogue peasants with no manners. These crude stereotypes

have contributed to the placement of the Albanian prostitutes at the bottom of the hierarchy, occupying a space on their own, away from the 'others' ... It seems that 'whiteness' is differentiated, with the Russians and the Ukrainians at the one end of the scale and Albanians at the other; all experience racialised discrimination but to different degrees, as some categories of 'white' are more devalued than others (Lazaridis 2001: 85-86).

A polarisation also exists between those working on the streets and practising prostitution for extremely low fees and those who retreat to safer environments, such as clubs, striptease joints and massage parlours. Having said that, complex hierarchies exist across a range of different dimensions: for example, Polish women offering sex services in hotels can be seen to be in a relation of dominance over poor women from Albania practising prostitution in the streets, but in a relation of subordination with regard to high-class Russians who cater for the needs of the economically privileged clients in so-called safe environments like special clubs.

Another difference between those who care for the sexual needs of men and the other carers is the element of *transferability* prostitutes are subjected to, as against a relatively spatial stability that the other carers seem to enjoy and which gives them the opportunity to organise and spaces of control. The sex workers are transferred from one place to another (one week here, two weeks there) and from one country to another according to market necessities; it is a risk limitation strategy on the part of the traffickers in order to avoid detection and in order to disempower the women by preventing them from forming any meaningful interactions with the host population or with other migrant communities outside the sex circles. Thus the ultimate commodification of this group is being achieved; sometimes the women are referred to as 'the cargo'. This does not allow them to form or become part of any support networks, and thus facilitates their ultra- exploitation and dehumanisation (Lazaridis 2001: 85).

The spatial stability experienced by domestic workers, quasi-nurses and *infirmières exclusives* is important for enabling them to network and carve out spaces of control; this is certainly the case with the Filipinas whose umbrella association KASAPI has been instrumental in fighting for the regularisation of undocumented workers, while its local branches all over Greece work in protecting their members as well as in building bridges and a cultural dialogue with the host society by organising cross-cultural functions, or acting as a buffer zone between employee and employer. Unlike the Filipinas, the Albanians try to empower themselves by using other tactics, such as voluntary assimilation; they change their first names into Greek, baptise themselves and their children as Orthodox Christians, learn the Greek language and way of life and customs. To give an example, X, a 30-year-old woman from Albania came to Greece in 1992. She found work as a domestic worker for an elderly couple. When in 1999 her employer was widowed, she offered to be baptised (her new name

now is Aekaterini) with her two children, aged 9 and 12. She named the children after her late husband and mother-in-law, Apostolos and Maria. This conscious affirmation of self-identity as a Greek is an attempt to lessen the cultural racism directed towards them as migrants and to build *bonds* with the host population, which will allow them access to the apparatus of patronage in operation. So, instead of asserting their difference, they try to conceal it, thus creating opportunities for themselves based on the construction of *fictive identities and belonging*. Their old identities survive as dreams or ghosts from the past, there but not really there, kept *in limbo* as the search for and adoption of new identities better suited to the new socio-cultural landscape takes place. Whether these old identities *in limbo* will resurface or not in the years to come with the back and forth flows that have developed since 1998 between Albania and Greece, or whether a new *Greco-Albanian* construct comprising of a mix and match of the old identities and the new *fictive* identities will emerge, remains to be seen.

There are also differences in degrees of associated risks. For example, the live-in domestic workers,<sup>11</sup> hidden in the confines of the household, are at higher risk of being sexually harassed than *infirmières exclusives*, who are visible in the public domain and thus at lower risk of such experience. For example Adama, from Sierra Leone, said:

He employed me to look after his father-in-law .... I worked for them and at the end of the month I asked him 'where is my payment?' He answered: 'I don't have money to pay you, what do you want me to do?'... And he wanted to fuck me. I said 'no, I don't want'. I said 'I am not doing this kind of job. I'm doing house cleaning, I'm not a whore...' and I quit this job... (Extract from an interview cited in Lazaridis 2003a: 180-81).

Another woman said:

I work as a domestic worker during the day but the money is not enough ... I have children to support ... they need clothes, they need to eat, to go to school ... I have to earn more ... sometimes I work as prostitute at the weekend. It is risky but I need the money...

The sex workers are the most vulnerable of all, often suffering physical, sexual and psychological violence by their clients, pimps and traffickers, which they never dare to report; they know that if they do not obey, they will be punished. Fear, insecurity and the knowledge that police officers often turn a blind eye to the sex trade force them into silence. According to Emke-Poulopoulos (2001: 31):

There are several cases where policemen offer 'protection' or are organising prostitution rings. A striking case is one that occurred in the police station of Menidi [a small town near Athens] where 14 out of 20 policemen were

involved in affairs such as forgery, blackmailing, certificates for false residence permits of foreign women working as prostitutes. They informed in advance the owners of clubs and brothels about police raids, so that they arrested only the women that the pimps wanted to get rid of ...<sup>12</sup>

So a complex web of vulnerabilities and risks exist. These women move in and out of this at different times and for different intervals.

Prostitution can provide women with a better living when other unskilled work is scarce and the ability to hold other jobs in the informal economy as well as to sell sexual favours in order to supplement their income or pay back their bondage to smugglers and traffickers. Many women work as domestic workers or quasi-nurses during the day and as *infirmières exclusives* or prostitutes during the night. Or, others are live-in maids or nannies who at the same time offer sexual favours to the employer; as in Italy, in Greece ‘often the employer will obtain sexual favours from a domestic worker not through direct physical threats or violence but through forms of exchange which push the victims into giving such favours in return for the promise of a work permit, for example’ (Scrinzi 2003: 88). For some of the women interviewed, there was a clear progression in the occupational ladder between working as a maid and performing the duties of a quasi-nurse or functioning as *apoklistiki*. But for most, there was a *trampoline effect* at work: from unemployment to maid, from maid to quasi-nurse, from quasi-nurse back to unemployment, from unemployment back to quasi-nurse or up to *apoklistiki*, back to unemployment, up to maid or quasi-nurse, and so on.<sup>13</sup> Often the boundaries were blurred and/or there was a *mixing and matching*: for example, working as a maid or quasi-nurse during the week could be combined with working as a prostitute at the weekends, or working as a quasi-nurse in the mornings and a maid in the afternoons.

Leaving a job often involved unpleasant interactions, especially in cases where genuine bonds had been formed with the employer through baptism, where the domestic worker was led to believe that she had become a member of the family. As one woman said about her employer: ‘She baptised my son, I thought we had become family, and then she refused to pay contributions towards my IKA [social security contributions]; I explained to her that I needed IKA. She said “No. You are too expensive. Others do not ask for IKA.” So I left...’ However, for both employers and employees, quiet dismissals and alibis are neater, more manageable, less offensive, and thus preferable to heated, honest exchanges. The most difficult work to move out from was the dehumanising world of the red district where traffickers exercise property rights over the women in the sense that once they enter into contract they are rendered powerless, held by the chains of a slave-like relationship.

Carers are situated metaphorically speaking (since they are not in a camp) in a ‘hyperghetto’ (Bauman 2003: 145). According to Bauman: ‘hyperghettos are anything but self-sustaining communities. They are truncated, artificial and blatantly incomplete groupings of people, aggregates but not communities; topographical condensations unable to survive on their own ... A “hyperghetto” is suspended on

strings that originate beyond its boundaries and most certainly beyond its control' (ibid.). Resistance is therefore difficult.

One could argue that these women, 'living on the "margins of the margins" of a society are the "slaves of the new millennium", fenced into social, economic racialised spaces they cannot escape from' (Lazaridis 2001: 75). Not only does the acceptance of this crude dehumanisation and an eyes-closed policy reveal a collective decline of civilised womanhood, it also buries a society in a whirlpool of corruption, justice deficit and paradoxical coalitions.

### **Concluding remarks**

Similar to other countries in southern Europe, women have occupied a central position in the migratory flows into Greece's strongly gendered informal labour market since the late 1980s (Lazaridis 2003b). Migrant women end up concentrating in the feminised spheres of some services, such as domestic work, informal types of nursing and the sex industry. An ageing population, changing family structures and lifestyles for women, a rudimentary welfare state unable to provide adequate care for the people who need care, and the existing patriarchal regime which circumscribes how men perceive women and how women perceive themselves, make the demand for such services imperative (Lazaridis 2000: 50).

All these industries represent the commodification of highly personalised relationships and capitalise on racialised assumptions about the nature of migrant women's roles, their character and morality in a society where their undocumented status renders them powerless on issues of control and consent in human relationships. Nevertheless, these women, in differential degrees depending on their ethnic background and nationality and the work they do in the host country, 'are not threatening strangers, but persons in the position of trust, connoisseurs of their [employer's] intimate life, their life styles, their pre-occupations, their likings and often, their personal problems' (Lutz 2005). They allow existing patriarchal structures and privileges to be preserved; Greek women can pursue their careers without the need for marital egalitarianism, the state can go on with its rudimentary welfare state without rocking the boat and men can fulfil their sexual needs and appetites for the exotic. Globalisation of child care, domestic work and care for the elderly to some degree brings together

the career-oriented upper middle-class woman of an affluent nation and the striving woman from the crumbling Third World or post-communist economy. Only it does not bring them together in the way that second-wave feminists in affluent countries once liked to imagine – as sisters and allies struggling to achieve common goals. Instead, they come together as mistress and maid, employer and employee, across a great divide of privilege and opportunity (Ehrenreich and Hochschild 2003: 11).

Domestic workers constitute a pillar in contemporary Greek society without which the ageing society could not function, nor could the Greek family welfare system remain as it is today. Although the government has moved into its third regularisation of third-country migrants, the procedures to be followed are so cumbersome and non user-friendly that a lot of them fail to prepare the right documents in time. But even those who are regularised carry on working as irregular workers as this makes it easier for them to find a job in an environment where employers are reluctant to meet social security and other costs:

Domestic work undertaken under these types of conditions cannot contribute to any reassessment of societal relationships and identities, beyond that of reinforcing relationships of inequality between 'citizens' and 'migrants'. In this sense, rather than talking about new forms of 'domesticity', it might be more accurate to talk about new forms of 'servility' (Scrinzi 2003: 88).

The picture is bleak. What can be done?

- Take measures to combat corruption. It has been reported by the Greek media that transnational networks and collaborations exist between traffickers and the police; police at the borders wait for women to be deported, to facilitate their entrance back to Greece and to the pimps within a day or two (*Eleftherotypia*, 23 November 1999). Policemen are paid in cash or in kind. Moreover, it has been reported in the media (*To Vema*, 13 February 2000) that officials working in the Greek Consulates of sender countries are often involved in the issuing of illegal documents, thus allowing procurers to obtain Greek passports, entry visas, and so on.
- The Greek media must adopt a reflexive attitude when it comes to ways in which they have contributed to the racialisation of some ethnic groups and also the way in which they promote prostitution of migrant women in their Personal columns.
- It is critical for migrant women to receive accurate information concerning employment prospects and conditions prior to migrating.
- Introduce programmes aimed at improving migrant women's chances of finding jobs in the receiving country on a par with their qualifications.
- Network activity must be encouraged, together with coalition-building between different ethnic groups and cooperation with governmental and non-governmental agencies.
- Recruitment agencies must be carefully scrutinised.
- A forum for discussion (including representatives of the judiciary, police, immigration officials, local non-profit organisations, the IOM and migrant women's organisations) must be set up in order to formulate concrete recommendations for legal reforms, and to devise mechanisms of support and empowerment of these women.

- Public awareness campaigns and training of officials are important in sensitising the population towards the human rights and fundamental freedoms of these women and dispelling myths of the dangerous or the exotic other. This must be accompanied by a condemnation of racial discrimination, acceptance of difference and diversity and inclusion of the excluded in the general distribution of rights and resources.
- The state must promote research on the effectiveness of measures implemented (if any) to prevent and redress violence against migrant women.
- Develop targeted policies to address the needs specific to different categories of migrant women.
- Recognise the valuable contribution of carers and enable those who undertake such work to extend their permits, work in humane conditions and facilitate family reunification.

### Notes

1. Some migrate *solo* (*solo* migration is widespread amongst Filipinas and a large number of women from East-Central Europe and East Africa), whereas others follow their husbands (such as the Albanians).

<sup>2</sup>. The word 'care' is used here as a generic word for the taking care of the needs of someone, or looking after them.

<sup>3</sup>. The informal economy produces an estimated 45 per cent of Greece's GDP (Katrougalos and Lazaridis 2003: 41).

<sup>4</sup>. A statistical compilation of data on general trends proved unfeasible given that most of these women are irregular workers and so remain invisible in official statistics.

<sup>5</sup>. Until the influx of large numbers of migrant women into the country, most of the domestic workers employed were working-class Greek women from rural areas.

<sup>6</sup>. The first regularisation programme was launched by presidential decrees 358 and 359 in 1997. A two-stage process was introduced: migrants had to apply for a temporary white card (valid for up to a year) and then for a green card, valid for up to three years. The second regularisation programme was introduced in 2001 and the third in 2004. It is estimated that this last programme will bring the number of regularised migrants up to about three quarters of a million. A different set of measures apply to different groups of ethnic Greek migrants; for example, the ethnic-Greek-Albanians and those of Pontian origin (that is Greeks from the former Soviet republics), were by and large granted Greek citizenship.

<sup>7</sup>. This section is based on Lazaridis 2001.

<sup>8</sup>. Trafficking has become big business for many smugglers. Since the early 1990s, it appears that the Greek police has been actively involved in the trafficking of migrants and forced prostitution rackets (*Athens News*, 1 March 1998; 23 October 1998).

<sup>9</sup>. The Law 1975 of 1991 replaced the migration law at the time (Law 4310) which dated back to 1929. Law 1975 put the emphasis on strict policing of the borders and on combating

illegal migration through arrests and deportations. Operations *skoupa* (broom) as these were called were widespread during the 1990s. Since 2001 a new law (2910) has been introduced, which recognises that Greece is an immigration country, and *inter alia* incorporates provisions for family reunification and measures for the integration of migrants, such as rights for national insurance and social protection of foreign nationals legally residing in Greece; moreover, an action plan for the social integration of migrants has been introduced, which includes provisions for training, health care and the labour market integration of migrants, the establishment of social support centres and so on. But as I show below, there are problems in practice, since for example, there is often resistance from employers in meeting the cost of the employers' part of social security contributions.

<sup>10.</sup> *Filotimo* is a polysemous term relating to moral value. Its meaning varies from one situation to another and from one community to another (Cowan 1991: 182).

<sup>11.</sup> Another problem that live-in domestic workers who have families in Greece are faced with is that their ability to perform their mothering roles is damaged by the long-term nature of their employment (Andall 2003: 54).

<sup>12.</sup> Emke-Poulopoulos (2001: 31) also refers to the existence of corruption in the Greek administration. Although it is not possible to accurately define the degree of corruption of an administrative system, it is worth mentioning that the Corrupt Perceptions Index elaborated by Transparency International where ten equals a perfectly transparent country and zero a completely corrupt, gave Greece 4.9 (Transparency International 1999).

<sup>13.</sup> Only very few women manage to escape from this vicious circle and become more independent by setting up their own businesses: see Lazaridis 2003a.

Beatriz Lindqvist

## **Migrant Women in Ambiguous Business—Examining Sex Work across National Borders in the Baltic Sea Region**

In this chapter I will first explore how the current discourse about sex trafficking criminalises the mobility of women across national borders and thus limits both understanding of, and solutions to, their situations; and second, how the criminal aspects of this discourse engender a reaffirmation of state autonomy, in order to cope with the fears of an increasing globalisation that poses a threat to the sovereignty of the nation-state.

I will argue that these discourses become perceptible in Swedish society in relation to the processes of European integration and enlargement of the EU that increasingly focus on immigration. Despite the Schengen Accords' (1995) reinforcement of *external* borders, fears about uncontrolled immigration brought on by the removal of *internal* boundaries have played a role in creating a number of policies that can be likened to the criminalisation of migration. In Swedish debates the multifaceted conditions of trafficking and other forms of gendered migration function as a symbol for transnational crime and as a justification for intensifying border control, in the name of protecting the principle of gender equality and the women victims of trafficking. I will argue that under the maxim of the protection of innocent victims, immigration policies have become increasingly restrictive, while assistance to trafficked and migrant women has been relegated to a proximate or even subordinate status that does not correspond to what such policies stand for.

Views of prostitution as crime, sexual violence, disease, sin and perversity play a role in everyday understanding of sex work as well as in legal responses to it.<sup>1</sup> However, in this chapter I wish to align myself with feminist anti-racist approaches that aim to explore the intricacy and heterogeneity that encourage women to migrate despite the risks; and I claim that we must move beyond the stereotype of victimisation and criminalisation to consider the forces that both motivate and impede women in crossing national borders (Lenz 2003). Nevertheless, even within what are broadly feminist approaches, there is little consensus about how to understand sex work and little agreement about the best course of action for improving the lives of people involved in sex work.

Moving beyond victimisation is not to suggest that abuses and exploitation of women do not take place in trafficking. Clearly, they do; and cases of deception, oppression and abuse have been confirmed by reputable governmental and non-governmental sources as well as in my own fieldwork.<sup>2</sup>

Drawing on original research conducted between 2002 and 2004 with activists in the field of prostitutes' rights and anti-trafficking in Latvia and in Sweden, and on a

close reading of debates surrounding issues of transnational prostitution, trafficking and sexual slavery (expressed in legislative hearings and media reports), I argue that the Swedish debate mobilises anxieties surrounding sexuality and gender in implementing immigration control.

The empirical foundation on which this article rests, are baltic women who sell sex and female NGO staff operating in transnational contexts in the Baltic Sea region. My study is based on ethnographic fieldwork in the cities of Stockholm and Riga. The methods include group discussions, informal conversations, observations and interviews with ten NGO staff and 25 female sex workers. In addition, I analysed a range of articles written on the topic between 1995 and 2004 from major Swedish newspapers as well as from a few other Swedish media sources. With NGOs for women's human rights and health in Riga, to which I was attached as a volunteer, I observed local activity and had the opportunity of finding key informants among the streetwalkers visiting their office. The variety of sex services that the women studied offer in hotels, bars, brothels and the streets is extensive. My fieldwork took place in the proximity of the 'unofficial' red light district, where the strip clubs are concentrated. I spent time at a canteen where street prostitutes go to have a cup of coffee and a sandwich, to keep warm, to chat, and to use the lavatories, to meet volunteers, get free condoms and rest for a while. Some of them were working along the main road outside the city on parking areas for lorries, caravans, and around petrol stations. The interviews were thematically structured and focused on identifying the experiences and working conditions of women in the sex sector, as well as the local discourses and attitudes surrounding commercial sex services.

However, the group researched cannot be considered representative, as my informants were not chosen according to correspondingly statistical observations. My focus of interest was to collect those views of streetwalkers and strippers that are absent in official reports and to make an ethnographic documentation of prostitute narratives. Most of these women were white Latvian and Russian speakers from rural Latvia, based in Riga but operating also in Sweden.

Trafficking in women is an international criminal problem. It is also, on the other hand, an immigration issue, a labour issue and a gender issue. The exploitation that women meet when they seek to move for (sex) work should be readdressed in an analytical framework that focuses on the intersections of gender, migration, racism and sexuality. In approaching these questions, I will argue that issues of trafficking are closely linked to the changing social, political and economic conditions associated with globalisation.

### **The rise of a discourse**

The fall of the Iron Curtain, together with globalisation and the enlargement of the European Union, have generated a sense of anxiety in Sweden, especially around the modern nation-state, in what might be called a crisis over boundaries. In order to explain how certain representations can address that crisis I will explore the discourses emerging from this sense of threat against national gender equality. My

analysis is inspired by Michel Foucault's notion of discourse in order to interrogate how and where discourses come to 'define what conditions and in view of which analyses certain of them' (representations) have become 'legitimate' (Foucault 1972: 26). The specific associations, connotations and contradictions created through this discourse will help to elucidate how, and in what form, this issue has come to the top of the Swedish agenda for the Baltic Sea region.

My argument takes up three interconnected key themes: constructions of 'otherness', national security and gender. Categories of the national self and foreign 'other' rely upon, among other distinctions, gender, ethnicity and sexuality in constituting the division between self/other, public/private, domestic/international.

The terms trafficking and prostitution are not neutral signifiers for the selling of sexual services across national borders. Besides the presupposed male perpetrator agent and the passive female victim, the terms evoke notions of how proper sexuality should be expressed, how normal decent women should use their bodies and how dangerous an enterprise female migration without male protection can be.

According to relevant international ethnographic research, prostitution must be understood in relation to a specific historical moment and the society and cultural context in which it exists. More specifically, the women who provide sexual services for money should be understood from a number of gender-related perspectives on the social organisation of sexual-economic exchange, ethnic stratification and women's working opportunities, and so on. These are all conditions that influence the regulation of the practice of prostitution and the way in which women prostitutes are seen.

Fundamental notions of prostitutes as a homogeneous transhistorical group have been criticised because they tend to perpetuate some women's stigmatisation (as victims, sick or fallen women) at the same time as they contribute to empowering an elite of a well-educated group of women (as agents, conscious and morally superior) with the mission of rescuing their traumatised sisters (Pheterson 1989; Kempadoo and Doezema 1998). In contrast to the homogeneous, perpetually victimised, and passive subject embedded in legal discourse or constructions of the 'other' as a 'repressed subject', Ratna Kapur offers an image of the migrant woman as a 'resistant subject', as 'she situates herself as a resistant subject, challenging 'patriarchal' control within the family and marriage, as well as a subject who exercises economic choices and social mobility' (Kapur 2001: 880). In this schema the migrant subject's agency is not 'free and unfettered' but is fractured by experiences of violence, poverty, racism, and marginalisation (Kapur 2001: 885).

Inspired in general by the social constructivist approach, and more specifically by anthropologists Lorraine Nencel (1997) and Elizabeth Bernstein (2001), I should like to emphasise that I do not use the term prostitute to reflect a specific identity but an act consistent with the transaction of sexual services for money.<sup>3</sup> The women I interviewed do not always recognise themselves as prostitutes but rather as women who occasionally sell sex, which gives them an opportunity to increase their low income.

**A struggle against Eastern European criminal syndicates.**

While stories about East European 'sex-trafficking' began to increase in the Swedish media soon after the fall of the Soviet bloc, a crucial series of articles appear under the title 'Sold as sex slaves'.

The articles recount the shocking story of beautiful and gifted but poor and innocent Baltic girls who, after the fall of communism, sought new economic opportunities abroad. They were promised regular jobs but found, after few days, that they were forced to work as prostitutes (Zatz 1997). The Baltic girls are characterised by their blond hair, blue eyes, baby faces and their fear as they tell the sad story of being driven to a brothel, where their bosses burn their passports before their eyes, announcing 'You are my property and you will work until you earn your way out.' In almost identical words, the articles construct an evil, criminal gangland populated by wicked Eastern European men from Russian crime gangs who arrange the human sale of naive and desperate young women on blocks, partially naked, sold at an average price into sexual bondage.

In the Swedish press, as in the government sex-trafficking discourses, the association of gendered innocence and terrible crime serves as a key representation— young, innocent, blond East European girls, tricked, kidnapped and forced into prostitution.

Media stories detail, in sensitive and vivid language, the crimes of trickery, kidnapping, physical and sexual violence perpetrated against young Baltic women as they clandestinely and illegally cross the border to Sweden. According to these media accounts the girls arrive in Sweden to end up in brothels, brutalised by Eastern European pimps and Swedish sex buyers. Swedish men's demand for young, blond, innocent, submissive and cheap East European girls seems insatiable and a serious threat to Swedish gender equality (cf. Ekberg 2004).

The demands of the buyers also constantly shift and change. Men who frequent the brothels, strip clubs, massage parlours, escort agencies, and street corners in all of our countries want unlimited access to a varied supply of women and girls from different countries, cultures, and backgrounds. This constant demand for new merchandise gives rise to international and domestic trade in women and girls (Ekberg 2005).

According to interviewed Swedish experts in gender equality and official reports, the women were kept as prisoners. An interviewed expert at the Ministry of Industry, Employment and Communication explains:

There was no way to escape. They got fed once a day and they were put under surveillance the entire time. These girls were forced by violence to sell sex. When the women failed to make enough profits they were burned with cigarettes and beaten. Ignoring the innumerable circumstances that might lead women to seek the aid of traffickers in migrating. It it's a problem that

authorities overlook the complexities in concentrating on crime and victims of crime (Swedish counsellor) .

In these stories, the foreign male criminals and the Swedish male sex buyers who are understood as agents and active perpetrators, while the women remain naive and passive victims of modern-day enslavement in Sweden. The Eastern European crime syndicates are supposed to be closed ethnic gangs beyond police control and with their own laws.

Within this discursive logic, the most appropriate solution to the problem becomes criminalisation, in order to stop these gangs from violating the freedom and integrity of Eastern European women and the integrity and sovereignty of the Swedish nation-state. The criminalisation includes creating more effective border controls and implementing legislation to punish those who engage in trafficking or assisting in any way persons who might seek to immigrate illegally. The focus on criminality relies on the principle that 'adopting stronger legislation can curb trafficking in persons . . . [with] more effective detection and prosecution of traffickers and the increase of penalties for trafficking; criminalisation allegedly provides the most effective means of combating 'this terrible commerce and other forms of global crime from the former Eastern bloc' that have created 'a network of international operations ranging from money laundering and prostitution to drugs, arms, and people smuggling'.<sup>4</sup>

In the Swedish context, criminalisation involves police and judicial cooperation to fight trafficking in women; but there is a refusal to legalise the situation of immigrant women in the sex sector. It entails harmonisation of judicial and criminal laws against organised crime, and it also encompasses measures that increase pressure on women who seek to immigrate including, for example, surveillance mechanisms to detect the prostitution networks; expulsion orders that force women to return home irrespective of the conditions at home or in the country of immigration; and the refusal to allow immigrant women to obtain residence permits or apply for asylum.

Since fighting violence against women, especially prostitution, is seen as an effort to guarantee all citizens equal rights, the problem is not just individual violence but equally involves gender structures and the threat of cross-border activity in the form of trafficking. In this case the multifaceted conditions that surround trafficking and other forms of gendered migration are interpreted as violence against women and as an occasion to reinforce border control in order to protect Swedish gender equality and foreign victimised women.<sup>5</sup>

The question is what motivated the near unanimous support for abused migrants and prostitutes from legislators, politicians and police otherwise hostile to undocumented immigrants and poor women engaged in commercial sex? As I argue in this chapter, the answer lies, in part, in the usefulness of the law in creating a politically strategic exception to a general punishing rule.

The measures adopted are intended to create more restrictive laws against prostitution and irregular migration and to eliminate international trafficking networks. However, assistance to women who have been trafficked tends to be secondary or is understood to take place through arresting criminals and the women's

return to their homeland where they properly belong, without considering that the women do not want to return. Some women I interviewed indicated a variety of reasons for migrating to Sweden or other West European countries. The most compelling reason cited was the need to access new economic opportunities. In addition, the women also reported wanting to see the world and to have international experience, looking for new chances. As secondary reasons they mentioned the achievement of a cosmopolitan life style, autonomy and self-determination. Here are some examples of women's perspectives on migration, in their own words:

I came to Riga from Bauskas a small city. I lost my job in manufacturing. I looked for a new job and couldn't find one. I got a loan from my neighbour and came to Riga. At the beginning I started to work in a shop for 50 SEK a day. This wasn't enough for food, accommodation and clothes. So I followed my friend to the Banana Club to see her dancing. So I started to do the cleaning and then to work as entertainer . . . in the sex business. Two months later I met my boyfriend and he told me that he would take care of me so I quitted this job . . . At the beginning he gave me a lot of money but later on he started to see me as his living partner /.../ Then the less money I got the more I start thinking that he won't value me any more, he will try to restrict my freedom. So I started to go into the 'industry' again. I wanted to become a dancer or at least a barmaid but you need talent and skills for that so I went back to the sex business. In Latvia sex services are cheap so foreigners spend a lot of money on that. My mother takes care of my children in Bauskas and I have to send them money. The money I get from my current boyfriend is not enough. So I lie to him, sometimes I tell him I go to Bauskas but I go to Sweden and work. I have regular clients in Stockholm who contact me by Internet. (Iveta, a 26-year-old Latvian woman)

I left my job at the municipal office because it was boring there. I wanted to go abroad and experience the world. After a short time in Germany I came back to Riga two years ago because I was looking for a chance at home. It was more difficult to go to another European country because you need to get a visa and you have to speak their language. Staying in Riga and visiting other countries is sometimes is much easier for us. They give a visa for tourism and then it is possible to lengthen the stay through illegal ways. Then you return back to Riga with a better income. Everything is cheaper here and you can make a lot of money in Stockholm. (Larisa, a 31-year-old ethnic Russian woman)

My fieldwork indicates that more restrictive policies preventing legal immigration may contribute to growth in illegal migration, including trafficking, in response to women's wishing to migrate and to the Swedish demand for cheap workers in informal economy sectors. Key informants in Riga reported that, in the initial years following the fall of communism, they were brought to Sweden by male

acquaintances and marketed to customers in Stockholm. Later on they returned to Latvia, with the profits divided to some extent equally between the woman and the pimp. Other women reported that this practice, common during the 1990s, afterwards had decreased because many women now were fluent in English and travelled on their own to work as independent agents. Women organising their own call-girl and erotic dancing agencies on a seasonal basis seek to avoid engagement with abusive men and arrange their sex work activities accordingly.

Other migrant women without visas to travel and work in the Schengen countries still need to rely on traffickers and their associates to effect and maintain their irregular migration; and these widely reported trafficking abuse.

A major concern in the narrative of women is their ability to move freely and safely to and around the EC without recourse to traffickers and their mobility networks. Once the necessary local knowledge and social networks had been established, women seek to reduce their dependency on abusive men, and they have established a number of strategies to reduce their vulnerability. According to Latvian and Russian women working in Swedish sex clubs they are paid according to their liability to get arrested. While Latvian citizens are free to visit Sweden, ethnic Russians classified as 'non-citizens' in Latvia risk being deported as illegal aliens, which means lower pay as more money must be given to agents and traffickers who facilitate the woman's immigrant position.

Therefore, the exposure of women from Latvia to abusive traffickers and exploitation in sex work is today no more common than for local EC women struggling to deal with a poorly regulated and stigmatised occupation. Greater possibilities for migration would seem to contribute to the success of these women in avoiding trafficking abuses.

However, ethnic Russian women from Latvia seem to be far less successful in overcoming trafficking harm and reducing the dependence of their communities on the need for agents to arrange and sustain their irregular migration. In other words, and irrespective of whether or not an Eastern European woman has been trafficked, once she is identified in the Swedish trafficking discourse as the victim of a crime, the decision about how to respond is 'send her back home'. The woman's desire to immigrate, to break free from miserable conditions, abuse or violence at home are supposed to be secondary, resolvable problems.

The implementation of laws to protect women from traffickers can also increase the need for women to seek traffickers to help them circumvent these laws and to migrate and so increases opportunities for exploitation (Sassen 2000: 517). Sex-trafficking discourses thus reinterpret border transgression as cases of transnational violence against women: this renders immigration more dangerous and costly to women while not necessarily impeding their movement nor capturing the trafficker criminals. As Eithne Luibheid (2002: 144) observed in the case of US migration policies, 'public discourses on sexuality legitimate the exclusion, condemnation, or acceptance of particular migrants . . . discourses about dangerous migrant sexualities legitimize the subordination of (minority) . . . communities'.

### **A kind of contra-discourse**

According to Michel Foucault, ‘there are no relations of power without resistances; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised’ (Foucault 1980:142). The interpretation of female migration from the former Soviet bloc as a ‘new type of slavery’ or as ‘sex slave trade’ was contested by Anita Gradin, former European Commissioner for Justice and Home Affairs. She refused to accept this construction and instead attributed trafficking and women’s migration to ‘painful changes towards a market economy’ that have produced ‘a loss of the social dimension’ of everyday life.<sup>6</sup> Gradin’s mention of the economic and social circumstances that might encourage women to rely on traffickers to migrate for work shed light on the intricate character of the issue. Gradin resists understanding the problem as international organised crime out of control by pointing out the consequences of global capitalism in Eastern Europe.<sup>7</sup> In other statements, however, Gradin relocated the issue within the realm of criminalisation, calling for it to ‘becom[e] a priority in the law enforcement community’.

Gradin’s comments do not constitute the only challenge to the dominant constructions of sex-trafficking discourses. Indeed, upon closer examination, a number of dissonant statements emerge from the statements of counsellors interviewed at The Swedish Association for Sexuality Education – RFSU. The counsellors recognised that women seek (sex) work abroad in response to rising unemployment, chaotic economic conditions and sexual discrimination at home and that prostitution is an income generating activity much more profitable in Sweden than in Eastern Europe. One of the counsellors posited that development assistance in the region is the best way to reduce trafficking and migration for sex work. Another suggested that more flexible migration policies in Sweden would eradicate trafficking because the higher the walls of Fortress Europe rise, the higher risks migrants will take.<sup>8</sup>

These explanations challenge crime and victimisation as the exclusive factors that relate to trafficking. The Dutch activist Marian Wijers is convinced that ‘increasingly restrictive immigration laws resulting from European unification’ have had ‘negative effects for women who attempt to migrate’ and have created a context in which trafficked women ‘are considered, above all, as undesirable aliens’ (Wijers 1998: 72). The International Organization for Migration (IOM) has also pointed to the need to create immigration and economic policies that do not force women to opt for doubtful job offers as a way of supporting their families. Wijers and others explain that sex workers’ rights organisations also challenge the discursive construction of trafficking as criminality in need of control. These groups regard the creation of new laws and further policing as a means of restricting the movement and activities of women rather than as a way to end exploitation in the sex industry.<sup>9</sup> They suggest the creation of better economic opportunities for women at home and the regularisation of sex work by implementing standard workplace regulations against abusive practices as well as by creating unions as alternatives to criminalisation. These

policies would, they argue, help to end the conditions of violence and exploitation that women experience when they work in an illegal sex industry or illegally in a legal sex industry.

### **From the margins of society**

Among the voices that disrupt the dominant sex-trafficking discourses, the most persuasive must be migrant women themselves—trafficked and otherwise—working in the sex industry. Some claim to have travelled to the West ‘planning to work in a sex club. The money is better here.’

Several critics have argued that much feminist thinking and research on sex work is inadequate because it has ignored the personal experiences and opinions of people involved in such work (Nencel 2001). In the discourse theory, sex workers’ narratives are crucially important because they give insights into what prostitution means as a result of their marginalised position in the dominant social moral order. Nevertheless, any general statements made by sex workers about prostitution have to be treated with caution, not least because of the heterogeneity of women in prostitution and sex work. However, the accounts examined in my study are not taken simply at face value but are treated as discursive practices that constitute, but may also contest, the meanings of commercial sex work and prostitution. But explanations of sex work and prostitution are not just explanations of the realities of the sex trade. Rather, the explanations collected by my fieldwork represent the discursive resources available to interpret experiences of sex work and to realign existing power relations.

Transnational sex work is a complex issue, related to different fields and interests: migration, organised crime, prostitution, human rights, violence against women, the feminisation of poverty, unequal international economic relationships, and so forth. Depending on the discourses operating in diverse national states, the interpretation may differ. Nevertheless, just because sex work and prostitution are related to so many power relations and states’ interests, any considered measure must be carefully questioned as to what problem, and above all *whose* problem, it seeks to resolve, whose interests it serves and what the effects on the women exchanging sex for money will be. Does a given strategy address the problem of the women concerned or rather the surveillance problems of the state? Will it help to empower women and improve their working conditions or will it make their situation more risky? Within the various approaches two modes of strategies can be differentiated: on the one hand, repressive strategies, aimed at suppressing the demand for commercial sex and criminalising prostitution and on the other hand, empowering strategies, used primarily by NGOs, aimed at supporting the women and reinforcing their labour rights. Although repressive strategies can be seen as valuable tools for eliminating gender oppression, they run a major risk of turning against women in marginal positions. Restricting women’s freedom to migrate, the exclusion of migrants from unregulated work and using migrant prostitutes as witnesses against organised crime without protection against reprisals expose these women to a major threat. At the same time, it is obvious that such strategies appeal to governments for their simplicity

and their analogy with a variety of state interests, such as immigration control, public order and formal gender equality.

Tatiana had her money and documents stolen by the traffickers; and once in custody in Stockholm she was informed that she was safe and would return to Latvia very soon. She was devastated: 'All those debts and all my efforts to save money for my future and now they deported me. I wanted to stay for a while. What shall I do here? Who is going to compensate me?'

Sex-trafficking discourses sent Tatiana 'home' to conditions that she had tried to escape. She was not satisfied with her occupation and had aspirations of finding better opportunities in a near future. When she is regarded as a trafficked victim of sexual violence the possibility of her having reasons for migrating and working informally is invalidated. The logic of sending her back 'home' fails to understand Tatiana's experiences. The dissonances that I pointed out here question the ways in which sex-trafficking discourses represent Eastern European migrant women in the informal sex business. Discourses on criminalisation and victimisation work against the possibility that women may make decisions to migrate; and they reduce the elements in the women's experience that contradict, and present counterclaims of motive to, dominant representations of the passive, naive girl from Eastern Europe in need of protection and guidance.

As already stated, I am not arguing that sexual exploitation does not take place in trafficking and prostitution. Rather, I suggest that as trafficking in women involves questions of gender, ethnicity, migration and sexuality it is necessary to elucidate the intricate relations of power and resistance evolving around the multiple borders crossed by migrating women from Eastern Europe working in the Swedish informal sex industry. Any effective measure must then move beyond criminalisation to include the agency of women, allowing the possibility that women make decisions to work in the sex industry as an 'alternative circuit for survival' and that women have found a way to navigate networks of migration for their own benefit (Sassen 2000: 515).

### **Moving beyond moral and national borders?**

We have seen that the sex-trafficking discourse names, delimits and undermines complex forms of women's migration involving everything from deception and abuse to informed decisions to move into a representation of Eastern European women as victims. The logic of this representation excludes perspectives raised by counter-explanations of trafficking offered by the women themselves that challenge criminalisation as an effective means of addressing the issue. I suggested that the discourse also provides the Swedish nation-state with a means of exercising border and migration control under the pressures of EU enlargement and globalisation, while not necessarily assisting the women it claims to protect. Trafficking is stereotyped as an example of the inability of the nation-state to control borders and as reflecting a contemporary crisis over other forms of boundaries including ethnicity, sexuality, gender and so forth (Stoler 1991; 1997). According to Ann Stoler, boundary crises

occur at historical moments when new moral orders emerge to overtake older, diminished ones. During Europe's colonial era, supremacy and control depended upon a clear delineation between a colonizer 'self' and a colonised 'other'. This distinction was protected by various forms of sexual control that served as 'a fundamental class and racial marker implicated in a wider set of relations of power' (Stoler 1991: 52, 55). In the colonial era, when periods of crisis over boundaries occurred, 'protection of white women intensified' (Stoler 1991: 68). The defining and policing of women's sexuality facilitated and codified male agency and societal control into a narrative of sovereignty (Stoler 1997: 365). At the beginning of the 21st century, forces associated with globalisation, European integration, immigration and new forms of capital circulation suggest a loss of individual and national control over the realm of everyday life. Sex-trafficking discourses evolve in this atmosphere and function as symbolic sites that tone down this sense of crisis and loss of control.

### **You will be raped if you leave home**

In 2002, Latvian young women were the objects of a considerable trafficking panic; and a Swedish awareness-raising campaign was undertaken that used fear of rape as its principle message. Young Latvian women were informed that travelling for work outside of the country was dangerous and that sexual assault and slavery were possible consequences for au-pairs and other migrant women. The campaign did not offer effective advice to women on how to prevent risks when migrating, and the campaign did certainly not offer advice to women who wanted to travel for sex work, even though IOM's own research revealed that many young women travel to engage in erotic labour in other countries. The anti-trafficking messages have been consistent in their 'don't leave home or you will become a victim of trafficking' messages, rather than providing women with information on how to effect a safe migration without debt bondage or dependency on transporters.

The campaign also presumes that if women are given vocational training and poverty is eased, then women will not migrate. However, the migration decision-making of many young women is influenced by more complex factors. Many women seek the help of human smugglers to achieve a more secure and equitable social condition in a new society. Some of the ethnic Russian women interviewed in Riga reported that the trafficking experience was an attempt to access other lifestyle options rather than just to obtain money. Later on the women found other solutions to cope with trafficking harm, moving back or acquiring some other permanent status particularly through marriage with foreign citizens. Because ethnic Russians are denied Latvian citizenship, such women, specially the working poor and the highly educated, seem most likely to migrate following the enlargement of the EU. Therefore, training an unemployed woman to join the working poor as a low-paid textile worker or other labourer will not lessen her likelihood to migrate at all. In fact the low-paid work might just be sufficient to finance her migration.

### **No action without agents**

This would suggest that most prevention and integration programmes seeking to mitigate trafficking and migration through the vocational training of women to improve their economic security in the country of origin will not achieve their goals since they do not address the real motivation for migration.

Many women speak of their motivation for migration and proclivity to take risks, calculating the costs and benefits in using trafficking as a migration tool. Knowing that living conditions could be different somewhere else they follow their wish for secure lives free from cultural and social repression in their community of origin. Even women with trafficking episode experience express an unwillingness to give up many of the perceived liberties they have acquired, particularly freedom to behave independently from their previous cultural norms.

Therefore, the failure of many repatriation and reintegration services relates to the fact that many of the women interviewed wish to interpret their trafficking experiences as a journey to a goal of personal security and liberty away from their country of origin. Solutions that do not involve the understanding and agency of migrant women are no solutions at all. They often act as an obdurate form of combating trafficking in which the state exercises control over the mobility of women across borders, rather than the trafficker, and returns her to her country of origin.

Safe mobility obviates the need to engage with traffickers; but the anti-immigration agenda has hijacked trafficking as a means of engaging in a needless repression of the irregular migration of women. Women's labour is needed, and safe mobility programmes would allow young women to engage in sexual labour more safely, or avoid sexual labour in favour of other employment for which women are increasingly needed. Many women see their participation in migratory sex work as a means by which to transit to other occupations or situations. If direct access was available to other labour, many women would reduce their participation in sex work or not enter sex work at all. At present, young women are held hostage by the migration policies as the justification required to establish a '*cause for the war on trafficking*'; and this also conveniently allows the authorities to attempt to disrupt the irregular migration networks that occupy the same spaces as trafficking networks.

### **Notes**

1 These connections were addressed by the former Swedish Deputy Prime Minister, Margareta Winberg, at the Third Joint Seminar of the Nordic and Baltic Countries against Trafficking in Women: Action for the Future, in Riga, November 28 2002.

2 Prostitute rights movements make use of the term sex work to conceptualise prostitution as work. The market exchange metaphor highlights that prostitution denotes the payment of a fee in exchange for attending to another's (sexual) desire. On the other side, the market metaphor hides the fact that sex work is not always a particularly lucrative form of employment. Cf. Agustin (2003), Kempadoo & Doezema (1998), Petherson (1989), Östergren (2006).

3 The prostitute is a symbol that powerfully evokes the limitations of acceptable female behaviour. It is an important tool, therefore, in disciplining female identity. Rather than assuming that there is 'a' reality to female prostitutes' lives, this study asks how prostitutes are constructed and understood within particular historical locations and how certain interpretations come to shape state policy on prostitution. Cf. Jansdotter (2004), Lennartsson (2002), Svanström (2006).

4 Ekberg has often pointed to this, e.g. <sisyphe.org/article.php?id\_article=2035>; Ekberg interviewed by Märta Fritz, in the feminist magazine *Hertha* Mars 2003; Swedish Law on Prostitution (1999) Swedish Government Offices on Issues Related to Violence against Women; Socialstyrelsen, "Prostitution in Sweden 2003: Knowledge, Beliefs & Attitudes of Key Informants" Oct. 2004, <childcentre.info/projects/exploitation/swedendbaFile11751.pdf>.

5 Introduction speech held by Prosecutor Lise Tamm and Special Adviser Gunilla Ekberg from Sweden at the Conference on the Demand for Prostitution held in Tallinn 27-29 april 2006 by the Nordic and Baltic Meeting, NOKS. Ekberg explained the superiority of the Swedish model of eliminating prostitution and trafficking in human beings. It was clearly pointed, that 'by criminalizing the buying of sex a country can be made unattractive to pimps and traffickers and prostitution can thus be effectively prevented. Also, by categorising the act of buying access to another person's body as unacceptable, the society can send a clear message to its members: another human being cannot be bought'. For a summary: <.nytkis.org/NOKS\_Summary.doc>

6 Introduction speech of the former EU commissioner Anita Gradin "Trafficking - vår tids slavhandel" (Trafficking – Our days slave trade), a conference held at Utrikespolitiska Institutets bibliotek, Stockholm 18 March 2005.

7 *Aftonbladet* - 1998-07-15 'Unga kvinnor ska inte dö'.

8 For further discussions on neo-liberalism, restrictive migration policies and the informal economy in Europe see: Schierup, C., Hansen, P. and Castles, S., (Eds.), (2006) and Anthias F. & Lazaridis, G. (Eds.) (2000).

9 Cf. Agustin 2003, Kempadoo & Doezema (1998), Nagle (1997), Zatz (1997) and Wijers (1998).

Deniz Ünsal

## **The Emancipatory Project: Portraying Minority Women in Dutch Multicultural Society**

### **Introduction: March 2001 Amsterdam**

In March 2001, the research report 'I Decide on My Fate: Turkish Girls in Conflict Situations' was launched at a conference in the west of Amsterdam and was followed by a study day organised by the North Holland Participation Institute, which commissioned the research project.<sup>1</sup> The event was organised for a mixed audience of social workers, policy-makers, local and provincial politicians, bureaucrats, directors and employees of help and healthcare organisations, educational and scientific institutions, women's organisations and voluntary organisations of foreigners as well as young Turkish women. The purpose was to discuss some of the problems encountered at home by Turkish girls living between two cultures, and their strategies to solve them. The research also suggested some policy measures to be taken by local governments and the need for further research concerning Turkish girls in conflict situations in the Netherlands.

The report belongs to one of the many studies conducted and published on minorities and their problems in the Netherlands. The social and economic position of minorities has been a recurring political issue in the Netherlands since the 1970s. The social, economic and institutional integration of minorities has been a subject of interest for government ministries and local government which make relevant policies to manage the newly emerging populations and bring solutions to the problems of multicultural society. To talk about ethnic minorities in the Netherlands is often to talk about an unrelenting problem of social integration. Muslim minorities in particular receive the most attention in this discussion. Policies, reports, projects, programmes and other local and national state interventions aim for the complete social and cultural integration of the ethnic minorities into Dutch society, often couched in terms of ameliorating their socio-cultural position.

Non-Western women appear to be the frequent focus of most scientific and popular narratives reflecting on the problem of social integration of minorities. Muslim women in these narratives are often represented as imprisoned in their own sexuality and victims of the culture and sexual morals of their family. Simultaneously, projects aiming at the integration and emancipation of Muslim women delineate the cultural baggage of Muslim women as a source of sexual oppression and an infringement of specific individual freedoms such as choice of marriage partner and restriction of sexual activity. In other words, conditions of social integration of Muslim women into Dutch society are determined by their sexual emancipation.

Why do these scientific and popular narratives especially focus on women when the integration of minorities into Dutch society is the topic of discussion? And why do they focus on women's sexuality in particular? At what point does a discourse on sexuality intersect with a discourse on cultural difference?

I would like to underline here the mechanisms that reproduce knowledge about both the minorities and the Dutch nation itself. I will argue that this knowledge does not merely result in policies for the integration of the minorities but actually constructs categories and measures of belonging to the Dutch political and cultural body. Such measures and categories contribute to the rise of xenophobia and racial discrimination in contemporary Dutch multicultural society, while they simultaneously negotiate a renationalisation process in the Netherlands. A woman's body and sexuality become then the parameters of this belonging to the national and cultural body.

To illustrate everyday occurrences of the categorisation of ethnic minorities, often through images on ethnic minority women, I will give examples from the anthropological fieldwork I conducted between 2000 and 2002 in the Netherlands.

### Defining the other

Until the mid-1980s one sees terms such as 'ethnic minorities', 'migrants', 'first or second generation', 'Turks' and 'Moroccans' as indicators for the objects of study. In the 1990s titles such as 'Muslims', 'Moslimas' and '*Islamiet*' gradually become the norm. However, one widely used term for the non-Dutch population needs special attention here. The general term used to denote these foreign elements in Dutch society is '*allochtoon*'. The category *allochtone* was officially introduced as a policy measure in 1989 by the Minorities Policy and was thereon popularly adopted as a term to identify those 'who are not originally from here'. *Allochtone* differs from the term *vreemdeling* (meaning 'alien') in the sense that the latter is used to denote those who do not have Dutch citizenship. While those who do not have Dutch citizenship are juridically identified as aliens, and culturally as *allochtones* after acquiring Dutch citizenship, any of their children born in the Netherlands continue to remain *allochtones*. According to the Central Bureau for Statistics, the *allochtone* are all residents of whom at least one parent is foreign-born. In 2005 approximately 18 per cent of the Dutch population was *allochtone*. An *allochtone* is officially defined as a person who is born abroad or of whom at least one parent is born abroad. Those who are not born in the Netherlands but whose parents are born in the Netherlands are not counted as *allochtone*. Under this *allochtone* category, the law makes a difference between the first and the second generation. The first category includes those who are born outside the Netherlands while the second category is comprised of those who are born in the Netherlands to parents at least one of whom is foreign-born. A further categorisation makes a difference between Western and non-Western *allochtone*. State policies, such as the integration policy, address this second category only.

The presence of ethnic minorities—or the *allochtones*—in the Netherlands is due partly to the arrival of guest workers recruited between the 1960s and early 1970s

from southern European and North African countries such as Morocco and Turkey. Family reunification and later family formation resulted in an increasing number of Muslim migrant communities, concentrated in the inner city areas, especially of the major urban centres. Economic restructuring, technological reforms and market conditions in the 1980s pushed minority workers out from their positions in the lowest levels of the labour market. On the other hand, from the mid-1970s the number of small entrepreneurs in areas such as catering, clothing and services catering for a specifically migrant clientele has risen significantly. As the visibility of the migrants, or ethnic minorities, increased in public spaces, schools, health services and the labour market so did the amount of academic and policy related literature about the position of ethnic minority families, their customs and traditions, their participation in the labour market and educational services, and their social and cultural backgrounds. Students and scholars of social studies in the universities and research institutions produced numerous monographs, papers and theses. In fact, researchers in scientific institutions have been regularly commissioned by the government to produce research papers and reports to provide knowledge about the ethnic minorities for policy purposes. Issues focusing on migrant and ethnic minorities have gradually become a specialisation in the social sciences. Especially after the mid-1980s there was a boom in the quantity of migrant/ethnic studies. I shall call this genre of writing *Allochtonia*.

### **Act 1: back to March 2001, Amsterdam**

In 'I Decide on My Fate' the researcher divides Turkish girls into three fundamental categories: girls living at home, runaways and those living independently as university students. To illustrate these categories in a live performance the organisers had invited a young Turkish actress living in the Netherlands to impersonate and act out the categories on stage. The first category of girls who lived at home was represented in the research by their strict adherence to tradition. They 'adapted themselves to the rules of their culture for the outside world and their parents' (Yerden 2001: 45). They had no privacy at home and their freedom of movement was restricted. On stage the audience got to know a girl who spoke Dutch with a strong Turkish accent and spoke about her life at home: she helped with the housework and sat at home all day. She was still a virgin and waited for a suitor whom her parents would find for her.

The second category comprised girls who ran away under family pressure. In this category, 'the parents expected that the girls did housework and were present whenever there was a visit [...] some families considered it important that their daughters were wearing appropriate Islamic clothing' (Yerden 2001: 53). The actress on stage impersonated a runaway girl who spoke an unruly street Dutch, which caused much laughter in the hall. She was a victim of the world around her and was pulled into a life where she carried 'small bags of white powder' to different snack-shops and was forced to have sex with the owner of one shop.

The last type comprised students at university who lived on their own in a rented room like other Dutch students. They had more privacy and freedom, which

positively stimulated their study choices and success (Yerden 2001: 46). These girls 'recognised the backward position of their parents and therefore they were alert to the possibilities of escaping from it' (Yerden 2001). On stage the audience was introduced to a well-spoken Turkish girl, who spoke proper Dutch, lived on her own, studied at the university and had already chosen to have sexual intercourse with her boyfriend but had not told yet her parents. Her family was proud of her because of her studies. Her parents' neighbours also admired her. In short, she was a woman with full consciousness of and control over her future.

As the actress ended her act of trilogy of Turkish girls, the conference hall reverberated with applause. The lady sitting in front of me showed her appreciation with a brief '*goed zo!*' ('Well done!'). Her choice—which was obviously also the choice of others in the hall—was clearly the last type of girl.

### **Sexualised subjects of the nation-state**

Implicitly, through the representations of second-generation Turkish girls, this study frames the parameters of the modern subject. Clearly the first and second girls are examples of failures of social integration. The rather grim image of the first character as the one who is kept home and denied schooling recalls the structures from which the modern Dutch female has broken away. Women's emancipation during the 1970s in the Netherlands took place simultaneously with a process of individualisation, secularisation and loosening of the forces of tradition and cultural structures on sexuality. In this respect, the first girl represents what Dutch women were before emancipation. The ideal of the modern nation-state is to be found in the personification of the third girl, who speaks Dutch properly as a result of her education, which is also a sign of her class mobility. Furthermore, the fact that she has already sexual intercourse with her boyfriend qualifies her for the liberal values of the end of 20th century. She is what women's emancipation and modernisation fought for.

In *Beyond Innocence* Baukje Prins (2000) criticises the allochtonia produced in the Netherlands and asks what these texts do with the multi-ethnic society and what they bring about. Allochtonia as a genre of writing—what she calls 'new realism'—appeals to the autochthonous reader in his longing for a political and moral innocence, and it calls for highly esteemed typical Dutch virtues such as honesty, being down-to-earth and realism (Prins 2000: 77).

Jan Rath (1991) makes a differentiation between the *minorities paradigm* and *minorisation paradigm*. According to the first, Rath argues that the Dutch state acts as the agent par excellence to fully 'integrate' the migrants. The researchers who work on ethnic minorities, according to him, assume a leading role for themselves in these state interventions. They do this, Rath argues, 'usually by contributing to the design and implementation of the Ethnic Minorities Policy, which is a major project of social engineering. By placing themselves in the service of the state (whether deliberately or otherwise), they adopt its political and ideological framework' (1991: 275). The attitude of the 'minorities researchers' derives from the principle that the essence of

social research is to contribute to the solution of social problems. Rath also criticises the assumption of the minorities researchers that ethnic lines are the most important social dividing lines. He rejects the argument that ethnic or cultural differences, 'imported by people from foreign areas', are 'natural' and that they are assumed to disappear if the minorities can improve their position simply by 'integrating' or 'assimilating' into the 'open' Dutch society (1991: 276).

A similar critical analysis of allochtonia investigates the role and aims of the Dutch state in sponsoring research on ethnic minorities:

The Hague believes that immigrants are invariably socio-economically disadvantaged and that their disadvantage should be removed by welfare work [...] The attribution of [...] a preponderant role to ethnicity, the treatment of ethnic categorisation in absolute terms [...] contributes to the socially undesirable stigmatization of the migrants under view... I do not rule out the possibility that subsidies and the financing of research by the state may play a role in the choice, definition and methodology of the problem. Deliberately or not, well-intentioned researcher thus contributes to Dutch policy and thereby increases the gap between the ethnic minority groups and the population by reifying the object of study. (Jongkind 1992: 366, 367, 375)

On the other hand, the *minorisation paradigm* according to Rath is constructed on a hierarchy based on a process of distribution of scarce resources. In order to continue the dominant form of production and maintain the unity of the nation-state, migrants take specific class positions and have specific access to scarce goods and services. Rath argues that an imagined middle-class standard becomes a measure against which the socio-cultural characteristics of all people in the Dutch nation-state are assessed. The socio-cultural deviance of the lower classes in particular comes to be considered a problem. Such groups who also occupy inferior social positions are defined as 'ethnic minorities'. Since the positioning of people in the class system is in part the product of political and ideological processes, minorisation turns out to be a mechanism that contributes to the creation of class differentiation (Rath 1991: 278). Rath compares this process with a previous process which produced a social category of *onmaatschappelijken* ('anti-socials') in the aftermath of the Second World War; that is, a category of 'indigenous' Dutch people who constituted the lowest classes and who exhibited, according to the state and private institutions, deviant behaviour. From this perspective, the minorisation of Turkish and Moroccan groups resembles the *onmaatschappelijking* of the proletariat in the 19th century, the non-conformists in the interbellum period, or anyone who fell outside established bourgeois morals in the 1950s.

While Rath explains this class domination based on cultural difference, the fact that the position of women occupies a centrepiece in most of the texts written about the ethnic minorities points to a Western tradition in writing about the other. Recalling the Orientalist representations of Muslim women as erotic and exotic subjects in the Netherlands, Helma Lutz and Annelies Moors argue in *The Myth of the*

*Other* (1989) that most of these studies explicitly and implicitly create a hierarchy between Western and other women where the Western women take up a dominant power position. Likewise, dichotomies, such as traditional versus modern and Western versus Oriental, centre on 'culture' and find fertile ground in *Allochtonia* on women (Lutz and Moors 1989: 6). In a refreshing collection of articles on a historical genealogy of feminism of the black, migrant and refugee women in the Netherlands, the contributors point to the impossible combination created in the media and policy-oriented research between multiculturalism and feminism. The writers argue that supporters of so-called Dutch culture try to portray the anti-emancipatory character of migrant cultures to show that the multiculturalists cover up the 'sexual inequality' with the love for multiculturalism (Saharso 2000; Botman, Jouwe and Wekker 2001).

To be able to discuss what is really at stake with the cultural representations of Muslim women in scientific and popular narratives in the Netherlands today, we need a theoretical framework in which an examination of current discourses will take place. This framework would take account of the fact that scientific studies for policy purposes and popular feminist narratives about Muslim women are 'micro-sites' of power where discourses on sexuality posit racial, cultural and class differences as conditions of belonging to a national community (Stoler 1995).

### **March 2001 Amsterdam**

In the afternoon the day continued with a discussion on several predetermined statements. The audience participated in various workshops where issues such as the role of the family, external help organisations and peer groups in conflict situations were discussed. Also discussed were issues of communication between children and their parents and the desirable ways in which parties could act to avoid and/or solve conflicts. Each workshop announced its suggestions and a general discussion took place between the participants of the workshops. Those who took the floor introduced themselves first. Several people came from schools and social work institutions such as those working with youth and neighbourhood centres. Very quickly the discussion centered on four young Turkish women present in the room. One of them was a member of a student organisation who, as she explained, was specially asked to be present on this day. The other, who did not really know much about the research project, was invited by the organisers on that day. Discussion leaders asked them what they thought about the sort of problems Turkish girls encountered at home as discussed so far. The young women, although pleased with the attention, responded in a tone between indifference and denial. They argued that they had very loving and understanding relationships with their parents, especially with their fathers, and that they did not experience clashes with their parents like those portrayed in the book. One of them claimed to tell everything to her father and that her father never forbade her anything. Yes, she also went to school and was encouraged to continue studying by her parents. However, she heard about some other girls who indeed had problems at home. But she herself did not experience any difficulties. At that moment I wondered if anyone was going to ask them whether they were still virgins or not.

### The new liberal talk on minorities

The radical forms of democratisation of the 1960s and 1970s resulted in some fundamental changes in the social structure and political tradition in the Netherlands. Growing individualisation, secularisation and the emancipation of women aimed to create a society free from religious pillars and their suppressive morality. However, the critique of liberalism in the 1990s centred on a longing for a *gemeenschap* ('community'), with norms and values. This growing interest and longing for community and community values has been reflected in how one looked at the question of ethnic minorities. In the public debate there was a shift from 'developing one's cultural identity' of the early 1980s to 'integrating into Dutch society' of the 1990s. While until the 1990s, studies of *Allochtonia* warned against racism and discriminatory attitudes against the minorities, thereafter, with the advent of the liberal-right politician Bolkestein into politics (and later with the far-right Pim Fortuyn), the talk about discrimination against minorities made a U-turn. Longing for purity, the arguments around the 'misuse' of Dutch tolerance by minorities and their 'stubbornness' not to integrate as well as the social and economic 'burden' of disintegration on the simple Dutch citizen (represented in debates about ethnic youth criminality and the large number of ethnic minorities entitled for unemployment benefits) have become the quotidian language. In brief, feelings of guilt were replaced by those of innocence.

The liberal policies (or actually the 'no-policy approach' until 1983, when the first minorities bill was legislated) has given place in the two decades since then to a series of research and policy-making. The first minorities policy was legislated in 1983. It was aimed at creating a multicultural society where diversity would be conceived as enrichment and respected (Vermeulen and Penninx 2000: 20). Emancipation in its traditional Dutch sense was applied here as 'a process through which the minorities [would receive] the same rights and opportunities to practise and develop their own cultural and religious identity as other groups in Dutch society' (Penninx et al. 1994: 168). In practice this meant state and municipal subsidies for those who wanted to start an organisation to promote their cultural identity. To this effect, the bill was inspired by the social structures that had dominated Dutch social life for decades, the well-known pillarisation. The new populations were integrated into an ethnic minorities pillar where they could be emancipated with the help of state financial aid.

However, by the end of the 1980s when the ethnic minority population increased due to family reunification and family formation of the migrants who were already living in the Netherlands, there was general discontent with the enlarging multicultural society.<sup>2</sup> The Netherlands had become multicultural, but the problems of the poor social and economic position of migrants and their children were far from solved. Was it possible that the pillarisation of ethnic minorities, the idea that they would emancipate simultaneously as they developed their culture, did not work for them as it did for other religious groups before them? The Advisory Council on Government Policy (WRR) recommended in 1989 that 'more emphasis must be given to the importance of work in relation to integration, and programmes must be

developed for newly arrived immigrants, or newcomers, to prepare them for their future stay in the Netherlands' (Vermeulen and Penninx 2000: 21). In 1989, on the advice of WRR, there was also a shift from *Minorities Policy* to *Integration Policy*. The latter paid more attention to integration via education and the labour market than the celebration and promotion of multicultural diversity of a decade before. Integration Policy emphasised common *normen en waarden* ('norms and values') shared by all. Following the new policy, in 1998 the government adopted *inburgeringsprogrammas* ('integration programmes') for newcomers. According to these programmes, which were fully subsidised by the state, the newcomers were required to sign a contract with the Dutch government which obliged them to follow language and social orientation courses of 600 hours (Vermeulen and Penninx 2000: 22).<sup>3</sup>

In the 1990s a new liberalism expected that the politicians, writers and policy-makers would make bold statements about the social issues around migration and integration without feeling restricted by taboos. For the cultural and political elite, the taboos on criticising the minorities and their situation in Dutch society had to be cracked open. Everything had to be openly and freely discussed. Newspapers and politicians increasingly often expressed dissatisfaction with the manner in which the government dealt with ethnic minorities and their integration and emancipation. And increasingly often they used Dutch norms and values as a measure against which the ethnic minorities should progress.

The growing communitarianism of the 1990s advocated the demise of these taboos. The conflict between those who see this public expression of social dissatisfaction with the ethnic minorities as necessary and others who brand it as racism has escalated in the last couple of years. Still, in his opening speech in 2000, Professor Kohnstamm addressed the problems of minority children at school and argued that:

We decline immediately the thought of the possibility that, for instance, children born of a series of inter-familial marriages in centuries-long isolated mountain villages can be on average per disposition less gifted than children born in free urban societies. *Outside private circles such thoughts are taboo and may not be spoken.*

It can almost not be otherwise; or the time will come when the possibility of the inborn personal characteristics of groups from the world's populations will be once more publicly spoken and written about just as was the case in the time before National Socialism. *But for the moment it is not yet time, and so we'd better keep quiet* (Kohnstamm 2000:13).

Kohnstamm marks the Second World War as a turning point in the history of speaking out what you think about the minorities publicly'. We read between the lines in his speech that since then one is prohibited from making bold statements about, for instance, the children of ethnic minorities, such as arguing that children born to

healthy marriages (of unrelated individuals) and in a civilised environment (such as urban centres) have more chance of success in learning. He remembers the time before National Socialism as the time when statements about the relationship between the ‘inborn personal characteristics of groups from the world’s populations’ and their intellectual capacities could be publicly made and without restriction. But since the consequences of such bold statements brought disastrous results during the Second World War, following National Socialism, and subsequently stamped these kinds of thoughts as taboo, Kohnstamm unwillingly agrees to keep quiet until the time comes to utter them again. One thinks ‘such thoughts’ but speaks them out only in ‘private circles’.

To illustrate the logic of the new liberal talk on ethnic minorities, we might also quote Paul Schnabel, the director of the Social and Cultural Planning (SCP) Bureau, a research institution measuring social and economic developments in the Dutch society. In an interview he argued that Moroccan and Turkish migrant workers made no contribution to Dutch society except in regard to food and music:

Schnabel: What are they contributing? [...] Things that belong to illegal work, like sweatshops, illegal garment workshops. The sort of work which we do not promote for the well functioning of society and not for the functioning of the non-Western foreigners in the society [...].

Question: What migrants contribute may be also other management practices, and other ways of service such as more hospitality.

Schnabel: I do not believe in that. The nice parts are all pre-modern, thus useless [...] There is no place for pre-modern practices in our society, or that place is so small that it is obstructive for the development of people rather than for their benefit. (Bodegraven 2000: 6)

Referring to non-Western foreigners, including Turkish and Moroccan migrants, Schnabel maintained that ‘those who arrived in the Netherlands were no *toppers* (meaning they did not possess and demonstrate the highest cultural accumulation) of big cultural capital’ (Lockhorn 2001: 42). Dutch norms and values could not be questioned and rewritten just because there were new people joining the community. He believed that modern society built in this country over the last 1,000 years was the best that could be offered by the Netherlands to non-Western foreigners (Bodegraven 2000: 6).

It is interesting here to examine, not how he depicts the Turkish or Moroccan contributions to the society, nor his account of the cultural baggage of the ethnic minorities, but how he formulates Dutch culture. He defines it in terms of universal liberal values such as secularism, individualism and democracy. Modernity is definitely a defining element: as he says, ‘pre-modern values do not have a place in modern Dutch society’. Also, by arguing that the newcomers are not culturally advanced, the best, in cultural capital he is actually implying the class background of

the ethnic minorities. From Schnabel's perspective, what the Netherlands offers to the new arrivals is a set of middle-class norms and values to which the guest workers and economic migrants do not belong and cannot orient themselves. Therefore, 'Dutch culture' as presented by the head of the SCP Bureau is foremost a middle-class formation, or rather it is a middle-class version of Dutch culture that he juxtaposes against an 'underclass' of different cultures. By this intervention he not only denies diversity to Dutch culture, he also implies that integration is about developing middle-class values according to a liberal model.

### Conclusion

As was illustrated in the study day organised for the launching of the results of the research project 'I Decide on My Fate', sexuality has been the frontier between modern-traditional, oppressed-emancipated, and different-integrated. The diagnosis of membership in a cultural community is possible by looking at the sexual symbols epitomised in women's bodies. As for techniques of extracting the truth about sexuality, the narrative of the actress on the stage, based on the results of the report, can be considered the re-enactment of 'confessions of the flesh'.<sup>4</sup> The actress speaks the truth about the 'Turkish girl': the virgin who is no agent, cannot act but is acted upon; the sexually misused runaway who fell into other systems of oppression; or the sexually emancipated whose social integration is complete—though always not quite. Specialists of *minderhedenproblematiek* ('the minorities question') in the audience listened to the three girls acting on stage just as the researcher had listened to his respondents. The power structure latent in the discourse of confession assigns the agency of domination not to the one who speaks and confesses but to the one who questions, listens, interprets and registers (Foucault 1990: 62). Non-Western foreign women are expected in these scientific reports to 'confess', to bring into light that which is hidden. Sex, as that explanatory hidden core, has to be cracked open if the truth is to be seen. By means of a scientific oversimplification of their social and cultural worlds, women become both objects of the study and sexualised subjects. Confession serves as an instrument to extract "the truth" about others. The 'truth' of ethnic minorities lies in their sexual difference.

In public discussions on the integration of non-Western foreigners the sexual emancipation of (Muslim) girls—that is, their liberation from oppressive domestic cultural relations—is registered as a condition of their (sexual) integration into Dutch society. Post-pillarisation neo-liberal sexual morality—that is, independent choice of sexual partner, control over one's sexual activity, autonomy and sexual experimentation and pleasure—becomes a power instrument of the modernist project. The agents of the state adore the role of saving Muslim women, not only from Muslim men but also from cultural oppression, by means of various projects (Spivak 1988). 'When you save someone', Abu-Lughod argues:

you imply that you are saving her from something. You are also saving her to something. What violences are entailed in this transformation, and what

presumptions are being made about the superiority of that to which you are saving her? Projects of saving other women depend on and reinforce a sense of superiority by Westerners, a form of arrogance that deserves to be challenged. (2002: 789)

The performance of the actress on the stage and the accounts of the anthropologist in his report created neat categories which line up on an evolutionary track. One unfolds from a structure of no-agency, oppressed sexuality, low education and failed integration to full-agency, emancipated sexuality, high education and successful integration. This linear way of progress from 'backwardness' (as *achterstand*) to 'integration' (as *ingeburgerd*), freely associating different social, cultural and sexual 'realities', denies the diversity and specificity of women's experiences which vary with the migration history, class relations and the context in which minorities reinvent 'culture'.

These kinds of public debates feed into the everyday representations of minorities in the Netherlands. Often they are reflected in the media where ideas are matched with images to create knowledge about ethnic minorities. Politicians discuss the public issues and legislators make policies based on the reports written by journalists or social critiques. On the other hand, alternative voices, criticisms and rejections of the mainstream images about the allochtones arise too. However, they fail to capture as much media coverage as the mainstream ideas and therefore often go unheard. Furthermore, defensive counter-voices tend to be interpreted in the public opinion as confirmation of the existing images. The dominant imagery about the allochtone and his/her problems does not silence the counter-voices, though it overrules their force.

How should we then approach the emancipation of non-Western minority women? Is there an alternative to the existing language? If yes, what presence can it have in the face of the dominant/ mainstream studies as discussed above? To be able to define emancipation in the lives of non-Western women, the good-intentioned researcher or policy-maker needs to acknowledge the reality that 'race and class identity creates differences in quality of life, social status and lifestyle that take precedence over the common experience women share' (Hooks 2001: 34). Particular histories of non-Western women in Dutch society in terms of class, migration history, cultural change, interaction with the larger society as a minority, and effects of the transnational movement of images for and against them (such as the 'War against Terrorism' and 'Liberation of Iraqi People' campaigns) are decisive in their self-perception, identity formation and responses. This urges the researcher or the policy-maker to realise that emancipation is not defined once and for all, but that its content is time and space specific; that if not handled accordingly it can easily turn into a discourse and establish hierarchies, as in the case of the Dutch mainstream feminism and its variants in other parts of the world (since this is a feminism which also perpetuates itself outside the West, precisely in non-Western societies often among middle-class feminists who tend to appropriate the liberal language of the Enlightenment to 'save' their 'other' sisters) where the supporters register themselves as emancipated but remain unliberated from a nationalist discourse which assigns women to the role of

the social reproducers of the nation.<sup>5</sup> In the context of migration, integration and emancipation of the Muslim women, the emancipatory project works together with the nationalist project. This marriage de-empowers all women in Dutch society and mystifies the objectives of the emancipation movement, as it uses the image of emancipated Dutch female sexuality—women reduced to sex—as a representation of the Dutch nation.

Therefore, what we need, to be able to launch a meaningful debate on the emancipation of non-Western women at home and abroad, is perhaps a feminist analysis of multiculturalism which is keen to consider how race, class and gender are used within the reconfigurations of the nation, the homeland and national culture to reproduce difference. Once we are conscious of the structures that define perceptions of self and others we might be able to approach emancipation not as discourse but as social practice.

### Notes

1 The North Holland Participation Institute is an independent institute specialising in the relationship between the citizen and the state. Citizens as well as the state search for solutions to social questions.

2 In total from 514,000 in 1980 to 896,000 in 1990 (SCP 1999: 18). Another alarming development by the year 2002 was the so-called import marriages between Turks and Moroccans living in the Netherlands and their partners from Turkey and Morocco. On the eve of general elections of 2002 there were proposals to pass a marriage tax that would oblige the person bringing a spouse from another country to the Netherlands to pay a bail for the integration programme of his or her spouse.

3 If newcomers fail to fulfil the requirements and do not attend the classes, their benefits are suspended. However, in practice this is hardly ever done. In 2000 there were heated debates against these programmes. Mainly, neither the newcomers nor social critiques were content with the quality of education given. The costs and balances showed that the programme was far too expensive for the government and the results were unsatisfying.

4 Confession, as Foucault argues, is a 'ritual' of extracting the hidden essence about identity; it is the production of truth. This ritual 'unfolds in a power relationship, for one does not confess without the presence (or virtual presence) of a partner who is not simply the interlocutor but the authority who requires the confession, prescribes and appreciates it, and intervenes in order to judge, punish, forgive, console, and reconcile' (1990: 61–62).

5 Kandiyoti argues that Turkish women in Turkey are emancipated by means of state reforms to establish a political project of promoting the middle classes for the national body. However, she argues that the lack of a women's movement in Turkey to question and transform women's traditional roles and experiences in the Western sense leaves Turkish women emancipated but unliberated (1987). Following this line of thought I question whether emancipated Western women are liberated from a nationalist discourse which interpellates 'women' as sexed subjects. With this critique I do not make the oversimplification, as some radical critics do, that capitalist society in the West exploits Western women's sexuality and that women are reduced to sex objects, though this might be the case at some levels in all societies where capitalism functions as the organising principle of social relations.

#### ***4. Irregular Migration, Civil Society and Migrant Networks: Inclusion or Seclusion?***

## Vasoodeven Vuddamalay

### **Inner-city Ethnic Enclaves and Irregular Immigrant Networks as New Social Spaces in Global Cities: A Case-study of the 'Little India' of Paris**

Today ethnic enclaves are contributing to the emergence of a new spatial order in cities across the world. Cities are in fact becoming global through the development of these immigrant areas. The main focus of this essay lies in understanding the links between irregular immigrants and these enclaves. A key issue has appeared in the impact of undocumented immigrant groups on ethnic enclaves within world metropolitan regions (Marcuse and Van Kampen 2000). How have the institutions of global cities been dealing (and to what extent are they *not* able to deal) with such areas and new immigrant groups? Most of these groups are localised outside mainstream colonial patterns, whereby the French are linked to Maghrebis and Sub-Saharan Sahelians or the British to Indians, Pakistanis and Bangladeshis. These groups usually include a large proportion of irregular immigrants and more attention is given to their spatial behaviour. Micro-local spaces are chosen here as places to study 'linkages' between distinct globalising processes within contemporary urban societies. Within the last quarter of a century, South Asian groups have succeeded in establishing an ethnic stronghold within the north-eastern segment of Paris's inner city. How should one study these new trends, events and political issues? Notions drawn from the US's experience of cities facing problems from immigration in border-areas have enriched European research, though the implications of this circulation of ideas (Schierup 2003; Topalov 2004; Vasta and Vuddamalay 2006) have yet to be properly studied. The 'ethnic enclave' concept is applied to the *little India* of Paris and is also compared with North African and Chinese trading networks. These become key *destinations* within a world network geography of emerging immigrant groups; but they are primarily places of solidarity and resources—jobs, housing, regularisation of administrative papers, religious institutions and marriage partners are usually provided for in such enclaves. These places are used worldwide as *protective* ports of call for mobile irregular immigrants. Within continental Europe Indian groups who have settled in different cities constantly refer to these as 'home territories', despite being localised far apart in distinct political contexts (Baumann 1998).

In the following we will try to deal with three main aspects of these new social spaces, namely ethnic enclaves are specific terrains in global cities that *should* transform traditional sociological surveys. Such surveys will have to use more complex and time-consuming field methods and require that social scientists are engaged in more participatory techniques (language learning, socialisation with the cultural codes of the groups involved), which in turn implies that they stay for longer

periods within the places and milieux they are studying. These techniques are obviously accompanied or preceded by socio-historical research of urban sites and social milieux. These surveys and their results will lead us to test the ethnic area model in various French cities, some of them having to deal with their own Chinatowns, Medinas and little Indias. Since this ethnic enclave model has been confirmed and has multiplied worldwide, urban governance of different groups within the city has become an important issue. These developments impact on fieldwork practices and methods, which we are now starting to take into account. Hence our plea not to restrict fieldwork in the social sciences to the use of questionnaires (for the state, European and other official institutions) and interviews (Duchesne 2000). However, most researchers today depend on external funds and have to respond quite rapidly to the needs of these institutions. How will they solve this dilemma? Some of these issues will be dealt with in the following article. We will start by trying to account for the development of ethnic enclaves in French inner cities as specific terrains in global cities.

### **Ethnic enclaves as specific terrains in global cities: the case-study of the little India of Faubourg-St-Denis**

How should we approach the new spatial order in French cities? Several surveys of different ethnic quarters have helped in the reflexive exercises and in attempts at *conceptualising* field materials. Our focus in this essay is on little India, whilst some comparative remarks are made about other ethnic areas in Paris. How should the establishment of the area be linked with its global urban fabric? It should be remembered that the Gare du Nord, built in the mid-nineteenth century, was one of the factors in the setting up of the Maghrebi quarter of La Goutte-d'Or (Vuddamalay, White and Sporton 1991). Today this station is becoming the heartland of another expanding ethnic area, since distinct Indian groups have family, religious and business links in London (in the East End) and in Britain's Midland cities. For years, it has been the main link between Paris and London and increasingly since the opening of the Eurostar in the 1980s. Links between South Asian groups in Britain and those in France are therefore well-established. The 1989 anti-Rushdie demonstrations on the streets of Paris were, in fact, inspired by radical groups based in Britain (mainly Bradford at that time) with the help of local networks within the Pakistani *ethnic business area* of Faubourg-St-Denis. Pakistanis and Indo-Mauritians, who have been immigrating to France more regularly since the early 1970s, are among those groups who built the first links with Britain. From the early 1980s came the massive influx of Tamil Srilankans, a group that has proved to be more dynamic in establishing a solid core of ethnic trades in the area around La Chapelle underground station. Meanwhile, traditional Marekar and Malayali trading castes have been settling along the Faubourg-St-Denis near La Chapelle station.

The two main South Asian groups, Pakistanis and Tamil Srilankans, have succeeded in establishing their own chains of ethnic businesses. These activities have helped in the construction of the larger *little India* within which the sub-specialised

*little Jaffna* and *little Punjab* are being consolidated. Indo-Mauritians have also been active as a mediating group, but do not have the business acumen of Asian specialised castes. Irregular immigrants are more numerous in these three groups than among the Pondicherrians/Karikalese (Dassaradane 2005), who are French and have specific professions. Primary teachers, teachers of mathematics at secondary and tertiary level and the professions attached to the military are the most often cited. Urban governance between these sub-groups themselves, on the one hand, and more specifically between South Asians and other major groups such as Maghrebis and Sub-Saharan Africans on the other, is becoming an issue in inner-city Paris and in its suburbs (such as Sarcelles). South Asian groups are acquiring new roles in the *communes* into which they are settling. The entry of South Asians into local politics helps us observe these changes and Indians are in fact increasingly reputed for their public behaviour and their role in maintaining *social order* in coordination with *indigenous* street-bureaucrats. These new immigrants are often compared with the more mediated Maghrebis or Africans who are commonly represented as legal *trespassers* in French society. How should we perceive the connections between these groups and the new spatial order they are establishing in the host global cities?

New concepts for fieldwork in these milieux have been worked out by anthropologists, who help analyse the data gathered and the populations who are being identified. New issues arise regarding the practice of fieldwork within these distinct immigrant sub-groups who are currently contributing to the new social order of global cities and of their suburban towns. Socio-spatial approaches of immigrant urban settlements as ethnic enclaves or niches have contributed to a greater understanding of these intricate urban social milieux. In republican France, the dominant paradigms can hinder the circulation of such concepts. Specific milieux act as *gate-keepers* and can prevent the general use of incoming notions. In fact, changes in French inner cities brought about by ethnic enclaves can be overlooked by mainstream researchers. Their approach of integration does not enable them to see the deep transformations brought about by the settlement of ethnic traders through the rapid consolidation of ethnic neighbourhoods. These urban changes can, according to field research data, be best understood by exchanging ideas with foreign schools of thought, and not by researchers who have for a long time been working within the same conceptual frameworks, which cannot account for the deep changes in their urban fabric brought about by new immigrant groups.

Ethnic immigrant groups are fast succeeding each other in French cities. Maghrebi merchant communities are now being replaced by Chinese Wenzhous or Teochows, Indian Gujaratis and Marekars (Subrahmanyam 1990) or Tamil Srilankan Vellalars (Vuddamalay 2002), despite the fact that these groups have only marginally experienced French colonisation (Wright 1991; Markovits 2000). These changes in ethnic enclaves help identify the new communities arriving in any host country and settling in its urban space. Merchant groups have contributed worldwide to the emergence of *ethnic enclaves*, through the widespread immigration of their groups and, since the mid-1970s, of rising irregular networks. Urban governance by official state institutions is difficult and help brought by informal immigrant networks is

indispensable in understanding irregular immigration. Moreover, would there be new ways of doing fieldwork within such milieux which are part and parcel of a *multi-sited* transnational world (Marcus 1996) ? With the rapid growth of uncontrolled immigration coming from outside the North Atlantic countries this issue is already an urgent consideration. We shall start by contextualising these processes with the case of the Parisian *Indian enclave*.

### **Paris's Indian enclave as an established ethnic area model**

Can the Indian enclave be used here as an example of the fast-evolving ethnic area? Phases of the ethnic consolidation will be described and differentiated in order to improve our reading of today's French urban dynamics. Can Paris be compared to other world cities (Knox and Taylor 1995)? This should be discussed in detail since it has not yet been studied in depth. Ethnic quarters of large metropolitan areas start off as minute interstices within specific sub-areas. As soon as the first commerces infiltrate and, over time, consolidate their street-corner networks, they develop a spatial *continuity* across surrounding neighbourhoods, which then evolve into ethnic quarters. These *interstitial spaces* develop a specific geography that facilitates the work of religious and merchant diasporas, and the spatial concentration of mosques, Koranic schools or Hindu temples and other attached economic activities (e.g. Islamic bookshops or Hindu groceries) usually results. In the Muslim sub-spaces of Paris's *little India*, Muslim Indo-Mauritians (usually from Bihar) work in Punjabi Pakistani snack-restaurants, groceries and other ethnic trades, though they use the common Urdu medium of the North Indian Muslim areas and populations in the Indus and Ganges Valleys. Regional ethnic, religious and linguistic cultures—which were transmitted to successive generations from the first coolies, who emigrated from the 1830s until the end of Indian immigration in the 1910s, for instance, to Mauritius from Bihar and Uttar-Pradesh—seem to persist. Bhojpuri, Urdu and (to a lesser extent) Hindi have been the main languages which have been perpetuated. These observations, made during fieldwork in Paris, contradict the 'assimilatory' Franco-Mauritian model whereby the Biharis (Muslims and Hindus) should theoretically speak Creole or French/English only.

Competition within South Asian milieux have often been solved through their common allegiance to Indian cultures, be they Muslim or Hindu. Shops or snacks-restaurants are *exchanged* between Indo-Mauritians and Pakistanis. Turkish business milieux in the Faubourg-St-Denis appear to be challenging Pakistani socio-economic supremacy, and Turkish grocers infer that South Asian shopkeepers have set up a price-slashing strategy to attract more customers. Pakistani traders hence consolidate their position, often to the detriment of Turkish business. Matrimonial systems between male Pakistanis, mainly between *Mohajirs* (that is, Muslim Indians who since Partition in 1947 have settled in Karachi) and Muslim Mauritian women, have been set up in these areas. Solutions to linguistic and/or cultural difficulties are provided, in French public space, by these Muslim women for their male Pakistani partners who did not speak proper French; but they share a common religious faith.

Catering/hotel businesses (Gotman 2004; Roche 2000) have seemingly played a vital pioneering role in the initial phases of settlement of incoming immigrant communities. These phases have almost always been based on marital or extra-marital arrangements (mixed couples) between the first notables within merchant sub-groups and women of the receiving groups, as for example between Kabyle street-corner innkeepers and French *roumias* (usually *Breton nannies*) in the Parisian/Francilian region (Vuddamalay 2003).

Such micro-social events characterise inter-ethnic systems within today's global cities. And these micro-local processes (De Certeau 1980) usually escape the social control of official state and even local institutions. They are increasingly challenging core principles and doctrines (such as French republicanism) on which distinct nation-states have been established. Immigrant ethnic enclaves pose a major problem to French integrationist urban ideologies (Rabinow 1989; Taylor 1995). On the fieldwork level, longer periods in the field allow researchers to perceive the ethnicising process of French global cities. Urban political elites have usually tried to solve this problem through operations of surgical urban renewal, which result in gentrified neighbourhoods. In such urban ethnic areas, trading activities constitute vital solidarity networks for irregular immigrants. Merchant and entrepreneur *castes* have almost always accompanied early labour immigration to the ethnic enclaves of Western metropolises. These milieux add to the informalisation of such enclave economies and emerge as pioneering *investors* in immigrant trafficking networks. The classical immigrant landlord (*marchand de sommeil*) again appears as the first ethnic trader (of the merchant stratum) within immigrant communities (chain migration of family kins or village networks). Ethnic trades play a key role in such processes, which provide perhaps the basic *infrastructure* of today's widely accepted notion of global cities. The history of the pioneering settlements of immigrant groups—be they internal, such as *Bretons*, *Auvergnat* cafés and innkeepers or *Creusois* masons, or external, such as Italians, Chinese, Indians or Maghrebis—helps to open new debates. These ideas contradict the more conservative trends of republicanist approaches to French urban space, which deny the ethnicisation process of Paris and its suburbs (Fourcaut and Voldmann 2003; Perrot 1986).

Interaction between South Asian immigrants from Le Sentier and the business area of little India contributes to the informal economies of the textile and leathercraft sectors. Part of the Jewish business has been taken over by the Chinese Wenzhous in the Arts et Métiers area to the north of the Marais neighbourhood. They have developed ethnic niches, and the rise of transnational merchant *lower and middling bourgeoisies* has led to the first social stratification within the communities (*ethclasses*). Negative reactions on the part of civil host societies against the development of ethnic trades can also arise (Cohen 2003) in the immediate neighbourhoods of European traditional trades (*commerces de proximité*). And they also give rise in the same vein to NGOs specialised in immigrant rights. Recent fieldwork in the Communist suburban communes of Seine-St-Denis shows how undocumented groups cannot be studied through the usual administrative and technical approaches. These immigrants have developed their own information

channels and new means to solve their problems of regularisation. Chinese Wenzhous are constantly moving (*nomadising*) between the inner-city areas of Belleville or Arts et Métiers and suburban La Courneuve to speed up this regularising phase. Interactions between inner-city enclaves and the development of suburban *niches* in the taking over of former traditional neighbourhood trades should be thoroughly studied in order to understand the new dynamics at work in the new groups who are settling in European metropolises.

Specific commercial institutions have contributed to the establishment of ethnic concentrations. How do social and cultural structures of ethnic enclaves influence settlement, community and integration patterns? These areas help develop an efficient word-of-mouth system (*de bouche-à-oreille*) of information within a very short period. The bush telegraph networks (*téléphone arabe*) are based on trust as a major factor in the rise of ethnic groups in global cities (Gambetta 1988). Such invisible factors as the influence of trust in business/merchant communities (Markovits 2000) and irregular immigrant networks have yet to be researched. The *tontine* system among the Chinese is one of these intra-community systems based on trust. On another level, housing for immigrants is also a major preoccupation, where ethnic solidarity networking is most efficient. For instance, a new Hindu Gujarati (in contrast to the Malagasy Muslim Gujaratis) group was able to set up a Gujarati suburban hamlet by the rapid acquisition of flats in Sarcelles-St-Brice in the late 1990s. This sub-Indian group settlement began a dynamic of Hindu Gujarati spatial concentration. This system (i.e. *word of mouth* networks rather than the local housing market) influences residential patterns of distinct groups in suburban towns. Globalisation is producing a new spatial order (Marcuse and Van Kempen 2000). Irregular immigrants are also developing their own socio-spatial networks between European metropolises, as has been testified by the mobility of Pakistanis from Paris to Barcelona/Madrid and the regularisation of undocumented migrants in Spain in May–June 2005.

These issues are studied in the context of current research concerning global urban areas. One of our main working hypotheses is that these places (as ethnic strongholds) have had a key role in the ethnicising and globalisation of urban space. What are the components of these urban areas? Some of the earliest groups came from former colonies (Silverstein and Tetreault 2005), and quite often from war-stricken areas as Algeria in the 1950s and 1960s or the Srilankan Civil War of the early 1980s and 1990s. Field data from these social milieux have helped to argue that ethnic micro-spaces play a major role in global multicultural cities. Despite their important functions, these areas have yet to be fully researched. Classical sociology certainly helps in identifying strategic functions for distinct groups who participate in such economies. Who are these groups? Only partial knowledge has emerged during extensive recent developments in migration research. Formal state institutions are unable to penetrate behind-the-scene milieux (Marcus 1997), which play such a key role in irregular immigration (*Institut National des Statistiques et des Etudes Economiques, Institut National des Etudes Démographiques*). Largely because of the difficulties in investigating these social milieux, insider knowledge is only available

among specialised university research groups. Specific groups (e.g. the Pakistanis) attract attention from the police in such dramatic contexts as the development of radical religious networks years after (as shown by the anti-Rushdie demonstrations of 1989 and the ensuing years) and are sometimes linked to terrorist networks in Western European cities.<sup>1</sup>

A detailed chronology of Pakistani immigration into France is not yet available (Vuddamalay 2003), though Pakistani immigrants constitute one of the groups (without any historical colonial links with the French metropole) that are now under close scrutiny from the security authorities (as evidenced by a report for the French Home Ministry reported in *The Guardian* and *Le Monde*, August 2005). Indeed, what are the new modes of managing groups without any past colonial links with specific European countries? How can the Maghrebi *Bureaux arabes* be replaced by other institutions concerned with new groups driven by global forces who come to work illegally in French industries? The attention of most security institutions today is now focused on the religious dimensions of such groups (their associations, mosques, imams, Koranic schools, radical movements). Nevertheless, religious infrastructures, networks and informations/ideologies circulate efficiently within such ethnic spaces. These ethnic enclaves are, in fact, the point of intersection of many networks. Such places in the city provide above all the spatial localities (Gupta and Ferguson 1997; Clifford 1997), the clientèles, the religious libraries, the mosques or other religious milieux. Some of the firms have been trading on a European level since the opening a few years ago in Paris of a Pakistani sweet and snack business, Ambala, whose headquarters are situated in the Euston area near Kings Cross; and Tamil Srilankan groceries buy their curry powder from the Niru firm in Toronto, whose products travel worldwide and reach Paris through the London's Indian curry centre at Wembley. All these features are part of a transnational social process whereby new ethnic areas are being developed in global metropolitan areas. The governance of such places is difficult, the result of complex societies living near each other. Local political elites, field associations and distinct religious groups have a vital role in developing mediation skills between radically different (sometimes opposed) social groups.

### **Urban governance, the rise of ethnic enclaves and their impact on fieldwork**

Urban governance is an important issue in these developments in world cities. It has been shown that the French colonial system had a tradition of social control strategies that was put to renewed use in metropolitan France (Leveau and Mohsen-Finan 2001). In the wake of the widespread immigration of South Asian groups, it seems that French institutional networks are now dealing with these non-French groups. In fact, during fieldwork in the suburbs, the role of groups such as the Indians and Tamil Srilankans or even mainland Chinese (Wenzhous) is better known today. However, in suburban *communes*, which are often trouble-spots (e.g. Sarcelles, which is perceived as the Bronx of the northern Parisian suburbs), local municipal street-bureaucrats address themselves to Tamils from Srilanka or those from Pondicherry/Karikal

because their leadership is represented as more peaceful than the young Beurs or the new groups of young Africans. All these social processes would not have been thought about some two decades ago. The emergence of the Beurs and also the Islam issue, which disturbed the political elites of France (Wihtol de Wenden and Leveau 2001) from the early 1980s are today put forward as the main political issues in France. Urban control of emerging groups in ever-larger metropolitan regions is, according to our field research, becoming the key issue.

Increasing numbers of immigrant groups are given new roles in the new world geopolitics. Ethnic areas are usually spaces within a city where these roles are implemented. But what is the daily pattern of life in these ethnic enclaves? The village and urban hierarchies of the sending societies are transferred into ethnic firms set up by merchant castes in foreign countries whereby an ethno-professional social stratification is reproduced (Markovits 2000). The role of the entrepreneur, often as a middleman (Bonacich 1973), the flow of information concerning jobs often obtained in ethnic firms, the more immediate needs of housing and administrative papers are daily witnessed in these ethnic surroundings. Field techniques based on the 'complicity' of informants, the insiders' knowledge of ethnic and religious groups and the language issue within immigrant societies are here put to the test (Marcus 1996, 1997). What is the specific role of the hotel-café-restaurants complexes in the development of ethnic concentrations in street-corner trades and local societies (usually of second-generation youths and irregular immigrants)? Case-studies of the socio-historical development of these ethnic urban quarters help in the search for links between ethnic enclaves and immigrant illegal/legal networks. The Pakistani *tchaawke* of the Sentier (Vuddamalay 2003) and its extension into the *suk* or *bazaar* economy and socio-commercial structures of the rue du Faubourg-St-Denis illustrate the role of ethnic enclaves in the city. The actual symbolic frontier between Muslim and Hindu South Asia is represented by the rue des Deux Gares, between the railway stations of the Gare de l'Est and Gare du Nord. In this connecting and insignificant street is one of the first Pakistani ethnic shops, the Bhaï Bhaï Sweets, whose patron is one of the most dynamic Pakistani entrepreneurs in Paris. This trading dynamism has been extended to the Passage Brady, which is almost a South Asian alley (*passage*) with numerous restaurants, grocers and hair and beauty saloons. To some extent it is also a frontier between distinct South Asian ethnic and religious groups and sub-groups who have settled in the area.

Ethnic enclaves, irregular immigrants, sending societies and the impact on the urban forms of global cities are closely linked. But how do the distinct trading patterns and social structures of *little India* impact on the settlement patterns, integration and community relations? Traditional organisations, which are slightly modified from the original versions of sending societies, where religious fervour and business acumen are interrelated, are again emerging in host societies. How do *little India* and *little Jaffna* or Pakistani *bazaar/tchaawke* influence the residential patterns of the different groups (national, ethnic, religious) in the suburban areas of Paris? How have recent Gujarati trades been networking the underground and regional train system of Paris? How have ethnic enclaves been transformed into the main links

between illegal immigrant urban networks and the civil society of the host society? In what ways are the ethnic enclaves extensions of the socio-cultural and political structures of the sending countries into the cities of host-countries? How have the Pakistanis, Indo-Mauritians and the Srilankan Tamils shaped specific urban sub-spaces (street-corner *transitory societies*) on the streets of Le Sentier, a specialised area in the clothing industry? Immigrant subgroups who have consolidated their presence in trading activities in ethnic niches, which also constitute the immediate neighbouring environment, reinforce illegal immigrant societies and especially in their links with the civil host society. The intricacies of the ethnic terrains makes fieldwork more difficult. 'Complicity' (Marcus 1997) takes more time to develop between researchers and their field milieu.

How do ethnic enclaves impact on research practices and concepts? How should undocumented immigrant communities be studied? Research on irregular immigrants plays a key role in understanding the daily life of ethnic enclaves (*grey city*). Ethnic enclaves provide the pertinent spatial, commercial and socio-political contexts within which irregular immigration patterns can be understood. State security institutions and political elites tentatively wish to bring these spaces under control. These irregular movements are, at times, thought to be largely economic to the detriment of their political aspects. Chinese Wenzhous or Tamil Srilankans are today viewed as being primarily labour migrants, whereas they were treated as war refugees (and asylum-seekers) when they first came to France. However, in the long run, these movements should be assessed in their interrelated dimensions (politics in the host country's *reception* systems, economic mafias, terrorism). Research would be incomplete if we were to forget the political dimension vis-à-vis economic aspects (and vice versa): in fact, all these dimensions are closely linked. Ethnic community trades, religion, politics and the host country's policies are the indispensable dimensions, and have often been studied separately (Moulier-Boutang, Garson and Silberman 1986). How have we been doing fieldwork within these immigrant populations and how have we been reporting it? French anthropologists have worked on urban informal economies especially in West Africa. One of the Indo-American anthropologists (Appadurai 1988, 1991) referred to the key place of the African city in French anthropology. These research milieux were based in the former ORSTOM (today *Institut de recherches pour le développement* or IRD), the EHESS and the *Cahiers d'études africaines*, and IEDES and the journal, *Tiers-Monde* (Agiar 1996). Some of these French African-based researchers have come back home and are working on irregular African immigrants (*sans papier*) with the help of African researchers based in France. Fieldwork within immigrant social milieux in the cities has yet to produce the pertinent analytical approach. Such places in the city have been referred to by the Chicago sociologists and by successive waves of social scientists such as the Italian street-corner-society (Whyte Foot 1943). The increasingly globalised movements of communities throughout the world is the new challenge. Each ethno-religious group will in the long run develop its *home territory* in these world cities.

### Concluding remarks

Urban research communities have been working with the globalisation paradigm (Sassen 1991; Knox and Taylor 1995; Eade and Mele 2002; Marcuse et al. 2002). In the major works they have been coordinating, some of them have tried to come to terms with such notions as ethnic immigrant strongholds, niches, enclaves or citadels. In accordance with the traditions initiated in the Chicago school and other urban areas, such as New York, Miami and Los Angeles (Schmitter Heisler 2000), migration research has contributed to this new dilemma of place in contexts of ever-increasing migratory movements across the world. Fieldwork among immigrant networks (especially undocumented groups) is of necessity long term (Gupta and Ferguson 1997; Clifford 1997). Another phase of field-research, which focuses on networks of ethnic areas across the world (transnationalism), is being pioneered (Basch, Glick Schiller and Szanton Blanc 1994). As interactions between *Chinatowns* and *little Indias* are increasing worldwide, such fieldwork is gaining in momentum. However, these boundaries are largely unexplored despite the emergence of a *multi-sited* discourse coming mainly from north European and North American urban and cultural anthropologies (Hannerz 1980; Marcus 1996).

Our field among the South Asians of Paris/Ile de France region has shown the great diversity of the groups. The communities have settled in geographically dispersed nation-states worldwide, stretching from the Fiji Islands to the West Indies and also calling at intermediate places such as Mauritius and South Africa (Vuddamalay 2003). Some groups have been more systematically studied than others. Labour market, ethnic trades and undocumented immigration are seen to be interrelated. However, research in the field and on a conceptual level has as yet been insufficient (at least in Western Europe). These weaknesses are linked to the literary and anti-ethnographic traditions during the foundational phases of French/European sociology and other social sciences (Karady 1982). On the other hand, American interactionist sociology and anthropology in urban and migration domains (Lemert 1981) have perhaps not yet been reckoned with as major post-1945 French social scientific features. An understanding of these scientific positions of research on migration and urban studies is indispensable if we are to avoid the repetitions of administrative discourses on irregular immigrants, which are key issues for political elites. These ethnic enclaves are suitable places for studying irregular immigrant flows, for reaching more comprehensive analyses of the communities and for policy-making to help solve some underlying problems.

New social spaces are now a worldwide phenomena, giving, perhaps, a concrete significance to the internationalist discourses and political movements of the nineteenth century (Hobsbawn 1983). However, the notion of ethnic enclaves is restrictive in enclosing its far-reaching political and spatial implications within visible (and also invisible) frontiers, namely through their trading and other accompanying activities which are easily identified in cities (Appadurai's *ethnoscapes* 1991). These areas in global cities are usually looked down upon by local 'indigenous' (except for some 'bobos' or 'yuppies') populations or by rising immigrant bourgeoisies.

Traditional cultures have been readapted to their new environments, whereby, for instance, the separation within the Muslim world between women's domestic space and men's public space is transferred to ethnic enclaves of Western cities. These enclaves are used by groups mixing trades, religion and politics and transform themselves into symbolic places. What is this new spatial order within most world cities nowadays? Is this order mainly brought to light through the development of run down immigrant areas? We seem to be at the beginning of an era where ethnic enclaves will be part of a whole range of world networks where the same process of ethnic identification will be experienced almost simultaneously in the developed North Atlantic countries and also in parts of the developing world. These ethnic quarters (Taylor 1995) are ancient in the sense that specific cities in Europe, the Middle-East and Asia have for long enjoyed aspects of pluri-ethnicity and multiculturalism and have also experienced the difficulty of governance.

### **Notes**

1 *Courrier International*, 768 (21–27 July 2005), Special Issue, 'Après les attentats de Londres. Les Pakistanais. Une diaspora sous surveillance'.

Aykan Erdemir and Ellie Vasta

## **Work Strategies among Turkish Immigrants in London: Differentiating Irregularity and Solidarity\***

### **Introduction**

In recent times, numerous Western democratic nation-states continue to close or protect their borders, creating tighter controls around those who are in the country through surveillance and deportation. In London today, irregular immigration status is a fact of life for many immigrants. Many intend to return to their home country and do so, while others become caught up in the web of London life, seeking employment and a reasonable quality of life. Frequently, these immigrants are trapped in deregulated labour markets which lead to flexible and casual labour and, in turn, can lead to high and low wage sectors, unregulated work and the informal sector. However, the public perception is that immigrants and other ethnic minorities are the direct cause of these effects. In Britain today there is a general perception that asylum seekers and immigrants generally are driving the growth of a hitherto non-existent informal economy. These groups are seen to be hiding from the law—through tax evasion, through the circumvention of labour laws and by being instrumental in lowering wages and by defrauding the public purse through social security scams.

While there seems to be a moral panic about asylum seekers and the asylum process, the ‘pull’ factors in the UK economy and policies that attract irregular migrants and undocumented workers have been, conveniently ignored. Some governments have chosen to ignore parts of the informal sector in order to allow some industries to compete in international markets and to subdue protest about inadequate delivery of services and jobs. In some countries, such as in Spain, the undocumented or the irregular are given the opportunity to regularise; in the UK, the undocumented or irregular are criminalised. Until recently, the UK has turned a blind eye to the flourishing informal economy in London, aware that certain industries such as construction and hospitality would collapse without migrant labour. At the same time it punishes asylum seekers and irregular immigrants by providing little or no protection.

Nevertheless, many immigrants, in the course of pursuing work and life strategies for themselves and their families, take risks they would never have imagined. And they find themselves labelled as outsiders, stripped of their identities as people with multiple subjectivities, who are capable of managing their lives. But just as ‘normal’ society creates the conditions for irregularity, so too do migrants develop work strategies that accommodate both regularity and irregularity. For some, the process is dramatic. Immigrant networks and communities mediate between the individual and broader structural, social and cultural contexts. Thus immigrant networks are frequently concerned with the actual movement of people, family units and chain

migrations. Networks can also be conceived of as relationships where social capital or solidarity circulates among immigrants in their new place of settlement. How people are able to mobilise social, economic and political resources depends on the characteristics of the networks and people's embeddedness within them and beyond national boundaries.

Based on the broader project questions, this study aims to explore two key questions. The first is concerned with immigrant work strategies in a deregularised and casualised labour market. We interviewed immigrants who worked in both the formal and informal economy. Some only worked in one or the other; others worked in both. Given the enormous risks immigrants take (not only when they enter the UK but also in the labour market) in order to develop viable life strategies, one key question examines how immigrants go about developing work strategies and how are these managed. How do those who have irregular immigration status manage this status in terms of work? What are the work strategies of those who have regular immigration status, and do they work in both the formal and informal sectors?

Our second key question involves the problematisation of the dichotomistic understandings of regularity and irregularity, and the presence or absence of solidarity. While in terms of immigration and labour market regulations there is a clear demarcation between what constitutes a 'legal' and 'illegal' status, in the process of developing work strategies, immigrants create an ambivalent space or relationship between what is considered regular and irregular immigration and labour market status. We aim to differentiate 'irregularity' by drawing attention to the diverse ways in which it is conceptualised and experienced by Turkish immigrants in the process of developing viable work strategies. Since networks tend to mediate between immigrants and their broader socio-economic, cultural and political context, we also illustrate how collective social relations vary for Turkish immigrants as they develop work strategies in London. Thus, we look at how various types of solidaristic relations allow Turkish immigrants to accommodate irregularity. Overall, we offer differentiated conceptualisations of irregularity and of solidarity.

In this chapter, after a general outline of the Immigrant Work Strategies and Networks project, we provide brief background information on Turkish immigrants in London. This is followed by definitions and the problematisation of regular and irregular immigrant and labour market statuses. We then provide the findings of our research concerning the work experiences of Turkish immigrants to demonstrate the fluidity between irregular and regular statuses, and also the flexibility of solidarity. We conclude by exploring the ways in which our differentiated conceptualisations of irregularity and solidarity shed light on the taken-for-granted perceptions of immigrant settlement in London.

### **The project 'Immigrant Work Strategies and Networks'**

The aim of this project is to investigate the ways in which immigrant work strategies (in both formal and informal employment) are shaped or mediated by their social networks in the process of settlement of immigrants in London, a multi-ethnic city

with many recent arrivals from all over the globe, particularly in the past ten to 15 years. Although much research has been carried out among ethnic minorities in the informal economy (Phizacklea and Wolkowitz 1995) little has been carried out among recent immigrant groups.

Five groups were selected to provide a picture of how work and socio-cultural strategies are shaped by economic and political issues as well as by their networks and communities. The five groups, all neglected in studies of immigration to the UK, include Ghanaians, Portuguese, Romanians, Turks and British-born.

Qualitative research methods were used, beginning with the snowball sampling technique to find respondents. The 30 people we surveyed in each group were divided equally in terms of gender. For each language group several interviewers were employed in order to provide various entry points into the communities in an attempt to avoid sample and interviewer bias. Some 155 semi-structured questionnaires were completed and up to 12 in-depth interviews were conducted with respondents from each of the surveyed samples. In addition, we consulted with and interviewed a number of 'experts' and 'gate-keepers' ranging from academics to immigrant community-leaders *and* immigrant organisations (such as NGOs, trade unions, churches and so forth) to local authority officials. The data in this work are based on some preliminary results, concentrating mainly on the Turkish sample.

### **Turkish immigrants in London**

Overall, there is little scholarly work on Turkish immigrants in London, though this position is rapidly changing.<sup>1</sup> The work of Jordan and Duvell (2002) provides some of the most up-to-date research on irregular migration and irregular immigrants in London's labour market, particularly in relation to Turkish immigrants. They concentrate on migrants from Brazil, Poland and Turkey and are particularly concerned with immigration status, with the organisations that support immigrants and refugees, on immigrant control agencies and with the relevant public services. In comparison to other groups, they found that their Turkish sample (mainly asylum seekers) experienced more problems with unemployment, psychological distress and poverty:

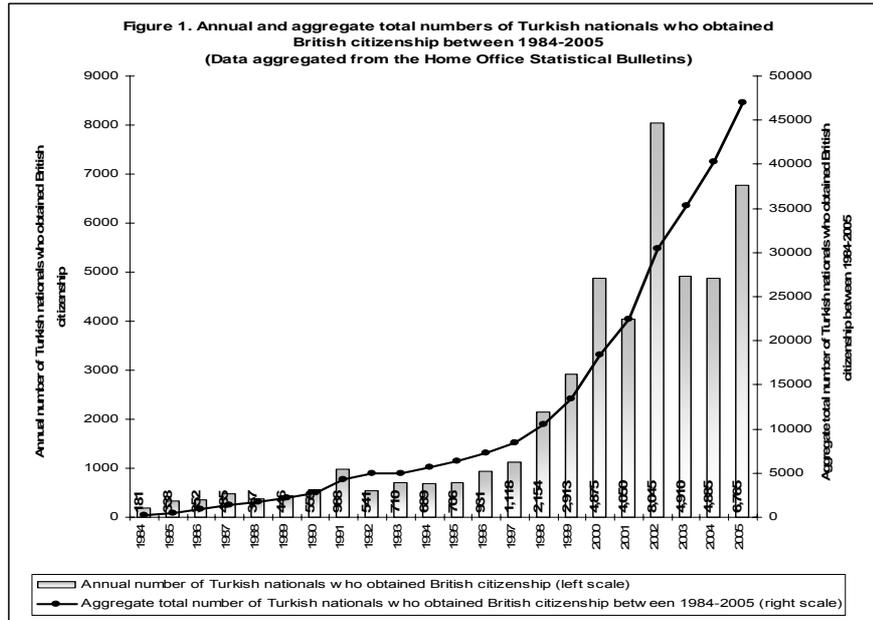
This was despite the fact that the majority, as asylum seekers, had eventually gained permission to work legally. It seems that, although they had the support of their communities and organisations, their positions in UK society, and in those communities, trapped them in disadvantage, in comparison to their mobile (and, perhaps most important, white European) Poles. (Jordan and Duvell 2002: 136)

Our sample differs from theirs in that asylum seekers/refugees constituted only about one-third of our interviewees. Nonetheless, as will be discussed later, our sample reveals specific variations in work and life circumstances and in collective social relations.

London's Turkish immigrants consist of a rather diverse group of people where categorisation is not co-terminus with ethnicity or nationality. For example, in the 2001 Census (for England and Wales), those in the group of 'people born in Turkey' can include people who identify themselves as Turks or Kurds.<sup>2</sup> The most popular way of self-identification among our respondents was the Turkish neologism '*Türkiyeli*', literally meaning 'someone from Turkey'. Some of our respondents are Kurmanji-speaking (a Kurdish dialect) and Alevi (a liberal branch of Islam in Turkey), many of whom have arrived in London over the past 15 years.<sup>3</sup> They have a very different demographic composition in comparison to Turkey's current population, which is predominantly Turkish-speaking and Sunni. Nevertheless, a majority of the Kurdish nationalists whom we encountered in London also preferred to use the term '*Türkiyeli*' to identify their community.<sup>4</sup>

According to the Greater London Authority's (GLA) *Labour Force Survey and Census Data*, based on the 2001 Census, there were 52,893 people born in Turkey in England and Wales (Spence 2005). Of these, 39,128 (74 per cent) were living in Greater London, comprising 0.55 per cent of the 7,172,101 residents of the metropolis. The Turkish consulate website, on the other hand, provides an estimate of 150,000 Turkish 'nationals' living in the UK noting that they mostly reside in 'London (Islington, Hackney, Haringey, Stoke Newington, Turnpike Lane, Newington Green in the North as well as Peckham and Lewisham in the South), Birmingham, Manchester, Liverpool, and Leeds' (Consulate General for the Republic of Turkey in London 2006). The consulate's estimate, which is almost three times the official figure, is rather dubious, though it most likely includes the children of all those settled in the UK who were born in Turkey, as well as a number of 'illegal immigrants' as stated by the consulate website. This figure, however, is probably very small according to official calculations (see below).

Based on the London Borough of Hackney's Directorate of Social Services, Hoggart et al. estimate that there are 20,000 to 25,000 Turkish speakers in Hackney alone (2000: 2). Alternatively, Cook, Metin and Genc (2001: 14), suggest that the Turkish speaking population in Hackney is between 25,000 and 35,000. Because these figures refer to 'Turkish speakers', they are certain to include the second and (possibly) later generations born in the UK as well as Turkish Cypriots who are not included in our sample. In the 2001 Census, on the other hand, Hackney is reported to have 7,729 residents who were born in Turkey.<sup>5</sup>



It is also difficult to obtain accurate figures for the numbers of Turkish nationals granted British citizenship in the past 50 years.<sup>6</sup> Nevertheless, according to data from Home Office Statistical Bulletins, between 1984 and 2005 alone the numbers granted citizenship was 47,008 (see Figure 1).

<b>Table 1: Number of Turkish Nationals Applying for Asylum in the UK between 1986 and 2005</b>	
<b>Years</b>	<b>#</b>
<b>1986-1990</b>	<b>4,549</b>
<b>1991-1995</b>	<b>9,320</b>
<b>1996-2000</b>	<b>11,795</b>
<b>2001-2005</b>	<b>10,905</b>
<b>TOTAL (1986-2005)</b>	<b>36,569</b>
<b>Source: Data aggregated from Kümbetoğlu and Karagöz (1998: 66); Heath and Jeffries (2005: 35); Home Office (2005).</b>	

The Home Office records also show that between 1986 and 2005, some 36,569 Turkish nationals applied for asylum in the UK (see Table 1). As of December 2004, however, the National Asylum Support Service provided accommodation and/or subsistence to only 4,750 asylum seekers (and their dependents) of Turkish nationality in Britain. Of these, 2,105 (44.3 per cent) were living in Greater London (Heath and Jeffries 2005: 69).

### **Regular and irregular immigrant and labour market status**

Before moving on to our results, we need to clarify our meanings and usage of the term 'irregular'. The expressions 'irregular' and 'informal' are often used to avoid normative language implicated with ethnocentrism and prejudice. There is, however, no clear consensus on what these terms denote since they might imply a set of meanings ranging from an emphasis on the method of border-crossing to a focus on current employment conditions. Nevertheless, the terms 'irregular' or 'informal' are frequently used by researchers in an effort to shift away from normative and legal language such as the term 'illegal'. For example, Jordan and Duvell define irregular migration as the 'crossing of borders without proper authority, or violating conditions for entering another country' (2002: 15). For the purpose of this study, irregular migrants comprise not only those who cross borders 'without proper authority', but may also include those who overstay their visa, or who rent, borrow or buy identity papers such as passports (see Vasta 2006). Some immigrants live irregular lives either through their irregular immigration status or by working in the informal economy. Government policies can encourage both forms of irregularity. The EU, for example, prides itself on its development of non-discriminatory immigration policies. Yet many countries, including Britain, have immigration policies that discriminate at the point of entry, that deport some nationals while turning a blind eye to others, and that discriminate against asylum seekers to the point of placing their lives in danger by forbidding them to work (see Flynn 2005; Morris 2002).

According to Morris (2002), in the UK there is a system of 'civic stratification' that provides new arrivals with different levels of rights. Morris (2002) suggests this leads to a 'hierarchy of statuses' with a close relationship between rights and controls. Furthermore, she suggests there are informal deficits when accessing rights. For example, some may have various rights on paper, but in claiming these rights they experience great difficulties when they discover that access to them is conditional. In addition, different value is given to rights in the system of civic stratification. Our research reveals there is also a hierarchy of statuses among those who can claim regular or documented status and those pushed into irregularity. For example, some nationalities who enter the UK on a tourist visa intending to work, may find it easier than others to gain self-employment visas, while others who do not have such an opportunity, possibly because they come from Africa, for example, end up over-staying.

Just as with definitions of irregular immigration status, reference to unregistered or undeclared work, the informal sector or the informal economy, can be confusing as

these terms do not distinguish, for example, between paid and unpaid informal work. Informal employment can be highly paid and autonomous work or low-paid, exploitative work. Further, informal employment is heterogeneous and ‘ranges from “organised” informal employment undertaken by employees for a business that conducts some or all of its activity informally to more “individual” forms of informality’ (Williams and Windebank 1998: 30–32). There are many degrees of informality in the labour market ranging from not declaring paid work to taking exploitative unpaid work.

A number of authors prefer to use the term ‘informal employment’ to denote a relationship where labour is paid by a wage or a fee (Pfau-Effinger 2003; Williams and Windebank 1998). Although they are linked, this distinction places the emphasis on employment, which is more the focus of this project, rather than on the informal economy itself. Furthermore, in order to avoid the danger that the ‘informal’ becomes the ‘other’ to formal employment or to the formal economy, or where the informal economy is seen as a sphere outside of the activities and regulations of the formal, organised economy, many now understand that the formal and informal economies are intimately linked and are shaped by each other in a complex process of economic, social, and political relations (Mingione and Qassoli 2000; Portes, Castells and Benton 1989). In this project, informal employment appeared in a number of guises—as unpaid or underpaid work in a family business, an undeclared job or second job; work that has not been declared by the employer even though the worker is paying National Insurance. Finally, some immigrants will be working informally by virtue of the fact that they have irregular immigration status.

From the state’s point of view, these phenomena are defined as ‘illegality’. From the migrant point of view, it might be seen as a form of resistance to draconian state policies in wealthy countries. Although resistance might provide immigrants with a sense of agency, many would rather have regular or legal status. Thus, the tensions between immigrants and immigration policies extend to tensions between workers and state policies. Over the past 50 years, one of the main goals in many advanced economies has been to achieve full employment and universal welfare provision. This clearly has not occurred in the UK, and given the visibility of irregular migrants in certain industries, the prevalent view has been, until recently, that migrants are providing the ‘push’ factor that creates an informal sector. Yet we can safely say that in none of the advanced economies and Western democracies are social needs met solely by the formal economy and formal institutions.

In the UK in 2004, of the 144,550 persons granted settlement, 42,265 (29 per cent) were in the employment-related category (Dudley et al. 2005: 40). Both in government and in the public arena there is a strong push to quantify and criminalise immigrants who have irregular status. However, given the nature of irregularity, it is difficult to gain precise figures about the extent of the phenomenon. The figures we have can only provide a tentative estimate. One estimate of the unauthorised population living in the UK in 2001 was 430,000 which constituted 0.7 per cent of the UK’s population of 59 million (Woodbridge 2005: 5). There are problems with the various methods used to calculate numbers of people who are resident illegally in

Europe (see Pinkerton, McLaughlan and Salt 2004). Salt (2005: 33) suggests that ‘due to the clandestine nature of the illegally resident population, all data types are substantially uncertain’.

Similar problems arise with attempts to calculate the extent of ‘underground activity’ in the informal economy. While self-reporting is not an accurate method for calculating undocumented employment, in a survey conducted in several EU countries, the proportion of UK people aged between 18 and 74 who reported being involved in ‘black activities’ in 2000 was 7.8 per cent (compared with 20.3 per cent in Denmark in 2001 and 10.4 per cent in Germany in 2001) (Pedersen 2003: 243). As noted earlier, there is a common mistaken belief that irregular migrants and asylum seekers form the largest constituent of the underground economy (Farrant, Grieve and Srisikandarajah 2006). Williams and Windebank suggest that citizens perform the bulk of undocumented work (1998). Samers, on the other hand, suggests that since the early 1990s this may be changing in the EU because citizen workers ‘are less available ... or less willing (because of poor work condition and/or low pay) to work in *particular sectors* ...because they have found more attractive employment elsewhere’ (2005: 40). Informal employment increasingly plays a contradictory role in advanced economies for, while it may be seen as a way of circumventing state regulations, it clearly provides people with work strategies that ensure reasonable living conditions. It can also contribute to ‘social cohesion’ through the social capital that circulates within and across networks and communities (see Pfau-Effinger 2003: 7).

### **Turkish immigrants at work**

Among our sample of 125 immigrants, it appears that there are three main reasons for migrating (Table 2). The majority came for economic and educational reasons, mainly to work and to provide a better life for themselves and their families. Many respondents were concerned with developing life strategies based on ‘quality of life’ as opposed to survival strategies. In some cases, educational reasons are the pretext for economic reasons, for coming to work. Some come to study but also end up working and disappearing into a life of irregularity. Others who come to visit family or friends may also disappear into irregularity by overstaying their visas. Asylum seekers appear only in the Turkish sample. The hierarchy of statuses applies especially to asylum seekers who, until recently, found they could not legally work. This often pushed them into a life of irregular work.

<b>Table 2: Reasons for migrating</b>			
	<b>Economic and Educational Reasons</b>	<b>Family and Personal Reasons</b>	<b>Political Reasons</b>
<b>Other samples (Ghanaian, Portuguese,</b>	<b>65%</b>	<b>35%</b>	<b>0%</b>

<b>and Romanian)</b>			
<b>Turkish sample</b>	<b>45%</b>	<b>23%</b>	<b>32%</b>
<b>Source: WSN Survey Results, 2004/5.</b>			

Current immigration statuses of our immigrant samples range from having a work permit visa, self-employed/business visa, au pair, students, family reunification to asylum seekers. Some already have refugee status and ‘leave to remain’ while others await a decision about their applications. There are overstayers on tourist and student visas.

From the project survey data, it is possible to build up a picture of employment and mobility by ascertaining the level of qualifications of our sample group in London and comparing it with the data collected by the Labour Force Survey (LFS) during the last census in 2001 (see Table 3).

<b>Qualifications</b>	<b>WSN sample (WSN Survey Results, 2004/5)</b>		<b>Labour Force Survey (Spence 2005)</b>
	<b>N (31)</b>	<b>%</b>	<b>%</b>
<b>Higher level qualifications</b>	<b>13</b>	<b>42%</b>	<b>18.1%</b>
<b>Lower level qualifications</b>	<b>9</b>	<b>29%</b>	<b>23.6%</b>
<b>No qualifications</b>	<b>9</b>	<b>29%</b>	<b>58.3%</b>

Although there is a slight time discrepancy between the times the data was collected, this table provides a picture of how representative our sample is with the broader population in terms of their qualifications. Although we interviewed a similar proportion of people with lower-level qualifications, we interviewed twice as many of those with higher qualifications and far fewer with lower qualifications in comparison to the LFS. Part of the discrepancy between LFS results and our data stems from the fact that while LFS presents a general overview of the Turkish labour force in London we have been particularly interested in a subsection of Turkish immigrants, that is, those who have immigrated to London within the last 20 years and had irregular immigration or labour market status. The discrepancy between the LFS and our data, therefore, might simply be a reflection of the different characteristics of the specific group of Turkish immigrants we targeted.

According to the GLA’s *Labour Force Survey and Census Data*, 14,473 (44.4 per cent of the 39,128 Turkish immigrants in London) are economically active (see Table 4). Of these, 10,649 (32.7 per cent) are employed and 3,824 (11.7 per cent) are unemployed compared with the London unemployment rate of 7.3 per cent (Spence 2005: 41, 52). Compared with the LFS, more than twice as many of our sample are actively employed and only one is unemployed. In our study, the majority are in paid

employment, while all four employers run their own businesses as shopkeepers and two of our respondents carry out unpaid volunteer work for their community.

Economic Position			WSN sample (WSN Survey Results, 2004/5)		Labour Force Survey (Spence 2005: 118)	
			N (31)	%	%	
Active	In employment	Paid employment	21	27	87%	32.7%
		Unpaid family labour	-			
		Unpaid labour outside the family	2			
		Self-employed	-			
		Employer	4			
	Unemployed	1	3%	11.7%		
Inactive		Retired	2	7%	0.9%	
		Student	-	-	12.1%	
		Caring home or family	-	-	17.1%	
		Permanently sick or disabled	1	3%	6.3%	
		Other	-	-	19.1%	

It is also possible to build up a picture of employment mobility of immigrants by establishing the last job they undertook in their home country, the first job they did in the UK, and finally, their current job (see Table 5). The LFS data is also included to provide a comparison of our sample population with the broader Turkish population in London. The main sites of employment for the Turkish immigrants appeared to be restaurants, grocers and off-licence shops, cafés, hairdressers, photo studios, music stores and bookshops. Turkish immigrants also work as au pairs, drivers, or as professionals in firms.

The LFS records that 41.1 per cent of Turkish born immigrants in London work in elementary employment which includes personal and administrative services, sales, process and elementary jobs (see Table 5). Although there were half as many of this category in our sample, the numbers in this category remained stable in our sample from the last job in Turkey to the current job. There are however, two notable changes in our sample. First, while providing a picture of upward mobility in the managerial/senior official positions (from two respondents in Turkey to ten in their current UK job), this mobility is not as convincing as it appears at first glance (see Table 5).

<b>Table 5: Turkish Sample: job mobility</b>
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Type of Employment	Last job in Turkey		First job in UK		Current job in UK		Labour Force Survey	
	N	%	N	%	N	%	%	sub-total %
<b>1. Manager/senior official</b>	2	36	1	13	10	48	21	37.7
<b>2. Professional</b>	8		2		4		7.2	
<b>3. Assoc. Prof</b>	1		1		1		9.5	
<b>4. Administrative</b>	-	26	-	13	-	10	6.9	21.2
<b>5. Skilled Trades</b>	8		4		3		14	
<b>6. Personal service/admin</b>	3	19	4	64	3	23	6.4	41.1
<b>7. Sales</b>	2		1		2		11	
<b>8. Process/plant</b>	1		7		1		10	
<b>9. Elementary</b>	-		8		1		14	
<b>Student</b>	2	19	-	10	-	19	-	-
<b>Housewife/don't work/sick</b>	4		3		6		-	
<b>Total</b>	<b>31</b>	<b>100</b>	<b>31</b>	<b>100</b>	<b>31</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Source: WSN Survey Results, 2004/5; Labour Force Survey, Spence 2005, 133.</b>								

Of these ten, with the exception of two respondents, one of whom is a chief of construction and the other a sales manager, the remainder work in the food and hospitality sector as restaurant managers/owners or as shopkeepers in an ethnic business niche. These respondents work long, hard hours, involving family labour, and often using exploited compatriot labour to succeed slowly in their business. This will be discussed more fully in the section on 'flexible solidarity' below. One of the initial reasons for moving into the ethnic business niche was the unavailability of factory work as labour-intensive manufacturing moved out of developed economies. Although seven of the Turkish immigrants initially took process/plant employment upon their arrival in London, there is now only one left in that line of work. Our respondents told us the way in which many Turkish factory workers rushed in early 1990s to establish shops with their savings following the collapse of textile work in London. Several Turkish immigrants indicated their scepticism concerning the upward mobility of shopkeepers by saying that factory work where one works regular hours and receives regular pay is superior to ethnic businesses where fierce intra-communal competition reduces profit margins considerably.

Secondly, four respondents with professional qualifications and five with trade skills have become de-skilled. Doctors and engineers, teachers and accountants have

lost their skills either through non-acceptance of their qualifications in the UK, through the long wait for refugee status and through irregular immigration status. One medical doctor who has since retrained in the UK has been waiting for a year to be placed in a hospital in order to finish the final requirements for his degree. Understandably, he is concerned that the long wait will render his retraining invalid. Nevertheless, one main work strategy for the de-skilled has been to move into the ethnic business niche.

### **The fluidity between regular and irregular status**

Some form of irregularity exists in all our samples, including informal employment among the British-born. The picture becomes complicated for immigrants who have irregular immigration status for, whatever they do, they will always be perceived as illegal. Thus, irregularity begets irregularity. This is especially the case in the labour market—if you are an irregular immigrant worker, your work is perceived as illegal, even if you are paying National Insurance, as many do. Howard Becker's famous study of 'deviance' and labelling theory sums up this problem squarely: 'The question of what rules are to be enforced, what behaviour regarded as deviant, and which people labelled as outsiders must also be regarded as political' (Becker 1963: 7).

In the case of Turkish immigrants, for example, some are able to regularise their immigration status first by applying for asylum, and then, for some, by receiving refugee status. Asylum seekers might continue to be involved in irregular work, which ensures them bearable living conditions during the lengthy and uncertain asylum hearings. On the other hand, Turkish immigrants who arrive initially on student, au pair, or self-employed visas (emerging from the Ankara Treaty, a bilateral agreement between UK and Turkey), and therefore, have regular immigration status, might overstay their visas, or get involved in irregular work besides or alongside the regular work they are entitled to, working at two, and sometimes more, jobs. Other work strategies include working many hours for low pay; accepting poor work conditions; changing jobs to find better pay and work conditions (May et al. 2006) due to de-skilling, opening up their own business and all the risks that that entails. In our survey, only ten out of 31 respondents indicated that their National Insurance was paid (WSN Survey Results 2004/5).

One of the aims of this project has been to explore immigrant work strategies and, in the process, we have discovered how people engage with and accommodate irregularity. One significant result is the revelation of the fluidity, or the flexibility, with which people handle irregular and regular status. Our results indicate that immigrants and non-immigrants alike accommodate irregularity by developing flexible or fluid life and work strategies in order to deal with new economic and socio-political contexts. Another finding is that immigrants develop what Levitt calls a 'dual consciousness' or 'dual competence' around regularity/irregularity. She suggests, that in their quest to develop relevant work and life strategies, people will find ways to mentally accommodate the two (Levitt 2001).

One of our respondents, for example, developed a ‘dual consciousness’ because he did not quite trust the outcome of regular status. For this respondent, who had finally obtained British citizenship, stability was not an end-game. This Turkish immigrant stated that he lived in a constant state of uneasiness since he believed there was always the possibility that his British citizenship could be revoked and that he could be deported one day. This state of uncertainty, a sense of never fully belonging to the British nation, was shaping his life and work strategies. Although over time, as a former asylum seeker, he regularised his status by obtaining British citizenship, he did not feel ‘regularised’ enough to stabilise his labour market status. Despite working at what appears to be a well-paid and secure job, he continued to ‘moonlight’ and sustain his compatriot networks that provide him with irregular work. He continued to move in and out of regularity not out of necessity, but out of precaution.

Thus, people move in and out of irregularity and regularity according to the political and socio-economic context.<sup>7</sup> Many of our respondents feel they have a right to live a reasonable life, so are prepared to challenge and contest the law, to cross spatial, institutional and cultural boundaries—and the boundaries are very fluid. There is both local accommodation and resistance to authority power structures as well as to global conditions. One way of resisting the power of the state’s gaze is by becoming invisible. Yet while it appears to be happening off-stage (Goffman 1959), it also occurs right under the surveillance of the state.

Finally, although immigrants have developed flexible ways of weaving in and out of regularity, nearly all we spoke to would prefer to have formal immigration and labour market status. Our research reveals a notable phenomenon which we argue is best explained by the concept *irregular formality*—the attempt to regularise one’s status within the constraints of irregular immigration and/or labour market status. For example, overstayers, those without National Insurance numbers, and those who do not declare a second job or whose employer does not declare an employee’s job, continually attempt to find ways to ‘regularise’ themselves. One respondent who came on a ‘work permit’ was threatened by his employer that if he did not accept his exploitative work conditions he would report him to the Home Office. The respondent’s work permit was attached to that specific work place. He shifted job, thereby becoming irregular, but later switched to a student visa, returning to regular immigration status. It was important to him to maintain a formal status. Nevertheless, he had to work in order to support himself, so now has an arrangement where he works on a ‘voluntary’ basis but is paid a low-taxed wage. He has created a more ‘just’, though irregular, work/tax arrangement. Thus, if it is not possible to arrange immigration status and work life through legal means, *irregular formality* is the next best strategy.<sup>8</sup>

#### *The Turkish sample—flexible solidarity*

Immigrant communities and networks are important sources of information and assistance for compatriot newcomers. Just as migrants develop flexible ways to deal with their immigration and labour market status, as we shall see below, the meaning of community solidarity also becomes more flexible, and is sometimes

stretched to its limits, in the migration context. On arrival, the sense of helplessness or feeling of being lost is palpable for some.

For many immigrants, especially for asylum seekers, the first few months, if not years, in London are when one most needs compatriot community support. Cook, Metin and Genc state that ‘Turkish/Kurdish people walk on the streets of London, and they feel as if they are on another planet’ (2001: 25). One of our Turkish respondents expressed her feelings of disorientation in London:

When I first came to this country ... There are such memories that one is disturbed even as one tells it. In my first day, I got lost in this small district. And I was able to find my way after an hour. There is a [tall] building which we keep our eyes on as we walk. We can find our way home only if we don't lose track of that building. One day, as we were strolling around we lost sight of that building. And I couldn't ask people where that building was. (#529)

Our Turkish respondents also reported the need for constant assistance and guidance from fellow Kurds, Turks, Alevis, comrades, co-villagers, tribesmen, and others in London. One asylum seeker who turned to assistance from his friends who shared his political conviction described the hardships of his first few months as follows:

There is no work permit. The state has provided the apartment. They also give 35 pounds a month. That is not good for anything, just for some food. I brought some money from Turkey and used that... I borrowed from friends lately. (#512)

Through community solidarity, immigrants learn, for instance, not only to use public transport, but also find temporary housing, borrow money, have access to trusted translators, scrounge for cigarettes (which are prohibitively expensive), and find informal jobs.<sup>9</sup> Those asylum seekers waiting for their cases to be heard prefer to work within the community in order to avoid loss of legal status and, thereby, deportation.

One of the most intense forms of community solidarity we observed was the case of one Turkish refugee, who works in a restaurant owned by one of his 5,000 co-villagers in London. These refugee's co-villagers have established a coffeehouse where they spend most of their free time. They have recreated a particular village atmosphere in the coffeehouse where many daily transactions take place. Even the institution of village headmanship (*muhtar*) was brought to London, and official announcements and news concerning the village were posted on the coffeehouse bulletin board as they would be posted in the village by the village headman. Thus, at times people forget that they are in London:

Right now, we live here as if we are in Turkey. We see this place as Turkey. Everything is Turkish. Sometimes, when I go out, I feel as if I am in my own neighbourhood. We forget that we are in London. Really! Really! (#509)

This example might mislead one to think in stereotypical and romanticised ways about immigrant solidarity. Victor Greene, for example, finds the source of immigrant solidarity in what he calls the solidarity of the ‘patch’. Such depictions of ‘tightly knit communal entities in close communication with each other’ (quoted in Carsten 1988: 434–35) not only give the impression that solidarity is a natural outcome of immigrant experience but also downplay immigrant agency and the possibility of discord. Often, the romanticised portrayal of immigrant solidarity is an off-handed complaint about the failure of immigrants to integrate with the society at large. Thus, just as different communities have different reasons for migrating to London, immigrant solidarity is both differentiated and also works through different kinds of networks (Vasta 2004). While some communities depend heavily on the use of the face-to-face of the intimate circle, others predominantly work through the impersonal realm. We have classified three distinct types of social relations and networks. *Primary social relations* are in the smaller, affective, and face-to-face realm of family, friends, and acquaintances. *Secondary social relations*, on the other hand, are at the formal and non-affective level of societal organisations, associations and bureaucracies. Finally, *tertiary social relations*, that is, relations without co-presence, are in the impersonal realm of the Internet, bulletin boards and newspapers.

For Turkish immigrants, solidarity works mainly through primary and secondary social relations. Turkish immigrants, for example, use primary social relations to set up their own businesses, to gather information on economic opportunities and information about wages and work conditions, to attain business and skills training, and to find out information about rights at work. They turn to secondary social relations when it comes to finding information about health services, sending money home, legal issues, schools, bringing family or friends to UK or to find adequate accommodation (see Table 6).

<b>Table 6: Social Relations of Turkish immigrants: the number and percentage of Turkish immigrants utilizing primary or secondary relations for various goals</b>					
<b>PRIMARY RELATIONS</b>	<b>N (31)</b>	<b>%</b>	<b>SECONDARY RELATIONS</b>	<b>N (31)</b>	<b>%</b>
To set up my own business	20	65	Info about health services	27	87
Info on economic opportunities	18	58	Info about sending money home	26	84
Info about wages and work conditions	17	55	Legal information	24	77
Business and skills training	16	52	Info about schools	21	68
Info about rights at work	16	52	Bringing family/friends to UK	17	55
			Help finding accommodation	17	55
<b>Source: WSN Survey Results, 2004/5.</b>					

Although Turkish immigrants deal with most socio-cultural issues via secondary relations, that is, through societal organisations, for work and business primary relations take precedence. Primary relations provide the trust, security, protection, and secrecy that the Turkish immigrant workers need. Jordan and Duvell (2002: 180), for example, found that the Turks and Kurds in London had higher levels of trust within their respective communities than the Poles and Brazilians. Immigrant solidarity at the level of primary relations, however, is not simply about reciprocity and benevolence. In fact, solidarity takes many forms. Levitt (2001) found that ‘mistrustful solidarity’ is a notable component of the community solidarity in her work among Dominican immigrants in the United States. She defines this as a situation where family and community ties are strong but are accompanied by a high degree of scepticism (Levitt 2001: 118).

We found that ‘mistrustful solidarity’ is also at work among Turkish communities, as our examples below reveal. However, our results indicate that the view of solidarity among the Turkish immigrants needs to be more differentiated. For example, one respondent claimed:

There is community solidarity only in the direst of conditions. Not in all instances. Solidarity used to be stronger in Turkey. Here there is a certain point. If it is beyond that point, then solidarity takes place, at the very last instance. (#509)

The respondent went on to point out that what is left of a more intense understanding of solidarity in the village is a simple safety net in London which is only in place if one is destitute or in great trouble—creating what we call *flexible solidarity*. There is not only a growing feeling of individualism but also a greater tolerance of inequalities and status differences among co-villagers. Thus, whilst this may be a form of ‘mistrustful solidarity’, there is awareness that solidarity has its limits yet remains flexible.

On the other hand, one respondent (#514) was even more critical of the notion of solidarity in London. For him, an uncle who pays smugglers for his refugee nephew’s transit from a Kurdish village to London, and who subsequently provides room and board and an informal job, is not necessarily altruistic. What appeared to be solidarity to an outsider was outright exploitation for this Marxist. He explained that in London, the ability to draw on as many close and trusted male relatives from Turkey as possible was the key to getting rich. The main business strategy enabling the uncle to establish multiple shops is drawing on relatives who can work 12 to 18 hours a day and can be trusted with the cash register. The poor nephew, the Marxist sceptic argued, would become aware of the level of exploitation only years later when he realises that the pocket money or wage he receives is only a small percentage of what documented workers earn elsewhere.

This phenomenon of a persistent socio-economic relationship in which ostensibly altruistic acts are undertaken in expectation of employing the labour of the recipient for personal benefit, profit, or gain without adequate compensation can be defined as

*exploitative solidarity*. Some of our interviewees, who were critical of exploitative forms of solidarity and the excessive greed and ambition of their compatriots, ridiculed them by saying that their motto was: ‘*Şop da şop, şop da şop!*’ which can be roughly translated as ‘Shops and more shops, shops and more shops!’<sup>10</sup> Nevertheless, Gazioglu argues that self-employment might offer an alternative to discrimination for the immigrants (2002: 3). In our case, exploitative solidarity seems to offer an alternative to discrimination in the labour market and other potential threats, such as deportation.

The concept of solidarity and the implication of reciprocity with one’s compatriot boss who has provided the newcomer with an informal job when s/he had no one else to turn to, might entail unquestioned obedience and loyalty even when work conditions are unbearable. The main benefits of solidarity are the payment for transit, free food and room upon arrival, pocket money for cigarettes and other immediate needs, and a ‘safe’ job, that is, a boss who will never turn you in to the authorities. On the other hand, the drawbacks of *exploitative solidarity* are 12 to 18 hour working hours per day and seven day working weeks, being underpaid, with very difficult work conditions (e.g. 12 hours by the hot grill), and having almost no time off from work (see Table 7).

<b>Table 7: Benefits and Downside of Solidarity</b>	
<b>Benefits of Solidarity</b>	<b>Exploitative Character of Solidarity</b>
<b>Pay for transit</b>	<b>12 to 18 hour workdays</b>
<b>Free food</b>	<b>Underpaid</b>
<b>Free room</b>	<b>Difficult work (e.g. 12 hours by the hot grill)</b>
<b>"Safe" job</b>	<b>No time-off from work</b>
<b>Pocket money</b>	
<b>Source: WSN Survey Results, 2004/5.</b>	

One respondent (#509), who has been working for 12 to 18 hours per day in front of a hot grill for the last five years, has bought his way to becoming the owner of his workplace, not officially, on paper, but informally, and again an arrangement based on trust and *community solidarity*, which we define as a contradictory process where help and support is given to the benefit of the community member with certain expectations in return. There is, however, not much change in his work conditions. He is no longer exploited by his boss but he is now exploiting himself. Then the day will arrive when he provides an informal job for a fellow co-villager or a relative, passing on the exploitative work to the newcomer. He will also provide room and board, all within the framework of *community solidarity*.

The image of taking turns in first receiving and then providing community support is a much more favourable one to the image of former exploited workers becoming exploiting bosses. The idiom of solidarity provides a comfortable framework for Turkish immigrants to adapt to conditions of harsh capitalism where, according to

them, unacceptable levels of exploitation, inequality, individualism, and alienation exist. In some instances, the solidarity softens the exploitation; in others, solidarity withers away:

Work is work. It is more tiring here. It is emotionally tiring. When your mind is tired, automatically your body gets tired. There is nothing else. There is just work. Nothing else! You don't have any other chance. There is no *'encoyink'* [enjoying]. Just work... Back in the village, one could stop working whenever one wanted. It depended on how one felt. Here, there is no such opportunity. Here you don't have opportunity. You have to work. (#509)

### Conclusion

Our findings indicate that most Turkish immigrants manage to regularise their immigration status over the years. A parallel regularisation, however, is not observed concerning their labour market status. Only one-third of our respondents stated that their National Insurance was being paid at the time of the interview. Another important finding is that there appears to be an overall upward mobility of Turkish immigrants which mainly resulted from their 'success' in the ethnic business niche. There is, nevertheless, considerable de-skilling for those immigrants who were in professional occupations and skilled trades in Turkey. Consequently, many of them ended up opening their own businesses in the ethnic business niche or taking voluntary work.

Our research also reveals a flexible understanding of irregularity and solidarity. Turkish immigrants move in and out of irregularity and regularity, and some hold regular and irregular employment simultaneously. They maintain a 'dual competence' which enables them to pursue fluid life and work strategies. Such attempts to manage immigration and labour market irregularity go hand in hand with flexible solidarity. Solidarity has become an ambivalent social process for many immigrants who rely on compatriots to help them, in time, to 'make it' in their adopted country. Solidarity is based on the idea that extensive networks, the circulation of social capital and strong community ties will promote the best possible means for immigrant work strategies and ultimately for immigrant integration. This, however, goes hand in hand with exploitative forms of solidarity as immigrants develop new understandings and practices of 'solidarity' in their settlement process. One asylum seeker pointed out the resemblance between a refugee and a baby: 'to be a refugee is to be born again'. The gradual, but not necessarily complete, regularisation of immigration status and the labour market status of immigrants was compared to the pains of growing up. The Turkish immigrant's community networks were crucial as he developed life strategies and competencies.

In conclusion, immigrants construct cultural meanings around work strategies as part of a process of accommodation and resistance to dominant modes of power relations, resulting from immigrant agency. Our results indicate that immigrants move in and out of regularity, some with ease and others with difficulty; some out of choice

and others through circumstance. Old compatriot transnational networks operate alongside emergent solidarity structures, operating as constructive and productive processes. Collective social relations within the compatriot community enable immigrants to accommodate various kinds of irregular status, yet the outcomes are positive for some and exploitative for others. The state can also undermine solidarity through state policies and regulations. The development of viable work strategies includes a process of accommodation and resistance to global and local labour market conditions, to the enabling and restricting state, and to the constructive and exploitative nature of social networks.

## Notes

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<sup>1</sup> There are various works on Turkish immigrants in the UK. For a review, see Erdemir and Vasta (2007). For comparison of Turkish communities across other European countries see Böcker (2004) and Thranhardt (2004).

<sup>2</sup> Cypriot Turks are in census data as people born in Cyprus. Not incl. in our sample.

<sup>3</sup> Kurmanji is the most common Kurdish dialect in Turkey, part. in the south-eastern part of the country. Although a vast majority of Kurmanji speakers in Turkey are Sunni, there is a small minority, as can be seen among immigrants from Turkey in London, who are Alevi. See Committee for the Defence of Democratic Rights in Turkey (1989) for the political background of the Alevi immigration to Britain.

<sup>4</sup> See Erdemir (2005), Enneli, Modood and Bradley (2005: 38–43), and Griffiths (2002: 128–65) for an account of the complex ways in which Kurdish and Turkish identities are negotiated in London.

<sup>5</sup> The table of Hackney residents classified by country of birth is from Hackney Facts and Figures—Census 2001 <map.hackney.gov.uk/>.

<sup>6</sup> The Home Office Statistical Bulletins provide naturalization figures since 1984. For the latest available report, see Mensah (2006).

<sup>7</sup> See Jordan and Duvell (2002) for specific ways in which Turkish immigrants/refugees accommodate these issues, e.g. pp. 98–99.

<sup>8</sup> See Vasta (2006) for a more in-depth discussion of this process.

<sup>9</sup> Community solidarity has a very important spatial aspect since it is often based on relations within the immigrant neighbourhood, what Enneli, Modood and Bradley call ‘Little Turkey’ (2005: 2). For a critical discussion of the Turkish neighbourhood and solidarity in London, see Erdemir, Zırh and Erciyes (2004).

<sup>10</sup> Compatriot exploitation was a recurring theme of all groups. Similarly Gryzmala-Kazłowska argues that ‘Poles who have regular status in Belgium have been deriving substantial benefits from the presence of undocumented Polish workers’ (2005: 687).

Aleksandra Ålund and Isak Reichel

## **Civic Agency for Social Inclusion: Reflections on Swedish Citizens' Associations Established on Ethnic Grounds**

### **Introduction**

Nevertheless, societies are not made up of passive subjects resigned to structural domination. (Castells 1996b: 495)

In the mid-1990s, Manuel Castells (1996b) sketched a vision of the role that contemporary urban social movements might play in order to recreate 'whatever limited control they can have over work and residence' (Castells 1996b: 496). These movements represent different responses to structural antagonisms and their development captures complex links between identity, culture and social structure, which all too often tend to be kept separate. In her survey of global civil society, Mary Kaldor (2003) develops similar approach. From their very beginning these movements have been a global phenomenon tied to civic awareness and spontaneous civic initiatives, including civil rights among new ethnic minorities. According to Kaldor (2003: 115–16), they constitute an action space outside the party system, bringing to the surface political dimensions that were not regarded as political and that deserve to be recognised as part of the political process.<sup>1</sup>

Kaldor (2003: 141) discusses development of civil society from what she calls the activist model into a neo-liberal version. In the *neo-liberal version* civil society functions as a substitute for the state, which has pulled back from certain fields and where 'domesticated'<sup>2</sup> (or tamed) social movements have turned into a market of separate NGOs. These will then have been more or less institutionalised and take over a number of service functions from the retiring state, services that encompass human rights, combating poverty, conflict resolution, training in democracy and citizenship, education and so on. This view of NGOs focuses attention on their role as key players in the concomitant expansion of market principles with the emphasis on competition and the notion of partnership between the public and the private (Kaldor 2003: 127). Nevertheless, they remain *value-driven* organisations, according to Kaldor, which ultimately means that it is difficult in practice to distinguish between service and activism. While some NGOs are organised in a more or less market-related way (as businesses), others continue as more provisional activist groups.

The *activist model* can therefore constitute a less formalised version of social movements and citizen networks. If, in line with this, the activist model is understood as a negotiating process comprising groups and organisations through which

individual voices can be heard (at local, national, or global levels), different NGOs—though not all—also have an important democratic function.<sup>3</sup>

Swedish associations established on ethnic grounds reflect to a great extent a shift from the activist model toward a market-related organisational structure. They work under special designations, such as ‘immigrant associations’, ‘associations of immigrants’, which in various ways single them out and mark them as ‘immigrants’. Having emerged as organisations demanding social and cultural equality in a multi-cultural Sweden they have developed into social movements with civil rights on their agenda. They are numerous, varied and complex (Bengtsson 2004). They span a broad spectrum of associations ranging from rigidly formalised organisations such as national federations to more informal extra-parliamentary movements. They address—nationally in Sweden (Karlsson 2003) and internationally (Crowley 2001)—a number of social and cultural issues that testify to their significance as political players, not least in the process of integration. More and more, Swedish associations established on ethnic grounds are coming to represent civil social movements in which anti-racism and social citizenship are becoming central items on the agenda (Reichel 2004).

The development of immigrant organisations in Sweden testifies to a new popular movement that has placed education in the forefront of the political agenda of Sweden’s ethnic minorities (Ressaissi et al. 2002). The right to one’s own language and culture has remained a key political demand. Cultural and political institutions have been established with a high degree of involvement in educational issues.

A clear trend since the 1990s is that civic associations have concentrated more and more on institutional cooperation. The Swedish National Investigation on Democracy (Demokratiutredningen 2000) terms this development ‘from voice to service’. The clearest instance is the tremendous rise in the number of parental cooperative day-care centres and free schools. A change in the grant system geared to ‘partnership for integration’ gathers together and promotes various forms of cooperation between ‘ethnic’ associations and state, municipal and private institutions (Karlsson 2003).

To many immigrant organisations educational initiatives are particularly urgent since educational needs are often perceived as great (Ressaissi et al. 2002). Organisations sponsor educational drives, ranging from simple study circles in collaboration with adult education societies to vocational courses, free schools, and pre-schools (Wingborg 1999). The goal is a partnership with various public players that aims to establish fuller organisational collaboration (Karlsson 2003).

This development indicates the need for a better understanding of ethnic organisations and networks as players in interaction with the more and more differentiated institutional system of the welfare society (Allen and Cars 2000). Below we present two associations established on ethnic grounds that demonstrate how being linked to neo-liberal developments in society affects a primarily activist version of civic associations established on ethnic grounds in Sweden. The text is based on empirical material gathered in ongoing fieldwork on integration efforts among different organisations and activists in the multi-ethnic suburbs of Stockholm,

within the framework of the project Education, Work, and Civic Agency (Ålund 2003c).

We discuss various expressions of and preconditions for social agency among representatives of certain organisations started and led by women of immigrant background. We claim that a growing body of such players represents the emergence of a civic movement for social inclusion that should be recognised and acknowledged for what it is actually doing, not least in regard to its importance for development of working practices. One special focus in this context concerns the different dimensions of the informal economy. Much work has been and continues to be done in various associations established on ethnic grounds. At the same time, this work seems to go unnoticed and is politically marginalised (cf. Bengtsson 2004).

We start by giving a brief background to social citizenship, social exclusion, and the role of social movements in this context. Then we present impressions from our fieldwork and conclude with a discussion of gender, migration and social agency.

### **Social exclusion, ethnicity and social movements**

In Sweden considerable attention is paid to immigrant ethnic minorities in terms of growing unemployment, social marginalisation, lack of political participation and urban segregation. The transformation of the Swedish welfare state has been followed by the social exclusion of 'immigrants', housing segregation in the major cities and the emergence of an ethnically divided labour market (Schierup 2003). This polarisation and the surfacing of a divided society seem to have accelerated in the 1990s. During that decade the level of employment among immigrants dropped drastically and unemployment rose dramatically, developments that appear to persist into the 21st century.

Social exclusion and ethnic discrimination can form a basis for the emergence of new social movements. The different expressions of social movements we encounter in contemporary multi-ethnic urban settings are often expressions of resistance to prevailing social problems, that is, segregation, discrimination and racism. The struggle against discrimination constitutes a foundation for solidarity in political work.

Social movements refer to collective agency defined in terms of organisation and objectives. In the discussion of what are generally called 'the new social movements', reference is usually made to more or less temporary nodes of resistance, to social mobilisation and organisation of a grassroots character that confront institutional structures and focus on social change in relation to political, social and cultural conflicts (See also Törn 2002; Peterson 1994, 1997; Gilroy 1987; Melucci 1989/1991).

In this perspective social movements can be defined as action spaces related to social conflicts, constituted and integrated through a communicative praxis of collective players attracted to the movement in a utopian context that embraces an intention and collective action towards transcendence of the social order (Peterson 1994, 1997). Social movements are, in this sense, understood as action spaces related

to social conflicts, a vision of social transformation and of the mission of the social movement in relation to this.

In the extensive literature that has addressed the issue of social movements, the organisational focus has usually been on civil society and informal social networks. Civil society is the overarching arena for mobilising social movements, a locus for citizen power, both as a connecting link and an autonomous sphere, usually understood as being in an antagonistic relation to both the state and the market (Bauböck 1996). Social movements are described as normally characterised by similarity, homogeneity and horizontality, an intersection of category and network, a social category with a collective identity (Tilly 1978: 62–63). How individuals' network-building relates to social movements is described, for instance, as 'Individuals are drawn into participation ... as a result of their embeddedness in associational networks that render them "structurally available" for protest activities' (MacAdam 1994: 36–37).

The deregulation and privatization of the labour market and other processes tied to the neo-liberal orientation in politics and economics have meant that civil society has been perceived in positive terms; here volunteer work finds its fullest expression (SOU 2004: 59). Volunteer work can constitute a trap for women: it can involve taking over services of various types that belong to the sphere of state responsibility, and women's volunteer work can be part of women's economic dependency on men. But volunteer work also brings with it social and political potential. Organised community activities are often locally rooted. Local anchoring can represent a springboard for building networks that normally reach beyond the local society to branch out both geographically/horizontally and vertically in a social sense.<sup>4</sup> By participating in community associations, women strengthen their local involvement, both socially and politically. As Naomi Abrahams states: 'Indeed, women's community participation reveals a great deal about the negotiation of power in families and communities. Women's community involvements contribute to collective identities' (Abrahams 1996: 768–69). Referring to a number of studies about social movements, Abrahams concludes (1996: 769) that such emerging collective identities 'refer to the production of communities and identities endowed with a purpose and course of action in power relation struggles'. Women's work in social movements expresses here a political involvement that branches out and helps establish collective identities. Below, we will use these observations as a point of departure to bring to light the experience of women leaders of associations in the context of integration efforts focusing on education in the multi-ethnic context of Stockholm. These associations have come to constitute a hub in the establishment of overarching umbrella organisations to tie together separate action groups and express a complex form of social movement.

Below we make use of the following working definition of social movements: we see social movements as expressions of civic mobilisation through social action groups, arising as more or less internally and externally cohesive and organisationally formalised groupings—such as networks, associations, organisations—centering on common objectives. The overarching issues of social exclusion/inclusion in society

are central to the civic commitment of these action groups. Social exclusion in society serves as a general springboard for various activities designed to promote social inclusion. The action groups studied consist of associations established primarily on an ethnic basis without any automatic link to a particular ethnic group. This can mean 'trans-ethnic' organisational associations or organisations in which individuals of various immigrant backgrounds make up the core or were the original instigators. But it can also mean 'ethnic' organisations of immigrants or new ethnic minorities who are organised in various national federations.

Inspired by a critical research tradition that relates new forms of educational work to civic agency and through cooperation between the schools and civil society, we regard new social movements as key players in work for social inclusion (e.g. Barry 2001; Kanpol and McLaren 1995; Giroux 1999). This research tradition emphasises the dual and often ambivalent position of schools between, on the one hand, the needs of the labour market for education as a basis for flexible adaptation to shifting demands for qualified labour and, on the other hand, as an arena for the claims of social movements regarding democratic empowerment (Carnoy 1985). These issues belong to an under-theorised field in Sweden.

Against this background and in line with Carnoy (1985) we address the ambivalent position of schools between the market and social citizenship. On the one hand, schools and the educational system are shaped by the differentiation and division of labour in the labour market in terms of class, gender and ethnicity. But, on the other hand, schools constitute a relatively autonomous field that serves as a platform for promulgating civic values and make up a traditional domain for the democratic efforts of social movements, to achieve a more egalitarian society through education and the social involvement of schools. This traditionally class-related political dimension has found new currency in multi-ethnic society, as a result of cultural differentiation, ethnic discrimination and urban segregation.

### **Sorting by schooling**

As David Drew (1995: 178) has pointed out regarding the United Kingdom, new immigrants and children of earlier immigrants have to keep to the same areas and economic sectors that correspond to the vulnerable and hardly attractive position of earlier immigrants. Drew maintains that young people belonging to ethnic minorities have a hard time getting jobs at the same time as empirical findings in a number of studies testify to their strong motivation to get ahead through educational achievement. Seeing young people from ethnic minorities as 'poor achievers' can lead to a situation in which their social differentiation and ethnic segregation are defined as self-incurred. The focus shifts from social conditions to ethnic and cultural traditions, and the realities and ramifications of social differences are rendered invisible. The 'failure' of immigrant youth, their exclusion and purported poor achievement in school is seen as having been caused by their cultural background.

The various institutions of the Swedish national educational system tend in their daily practice to maintain a thrust towards cultural conformity and to contribute to a

continued selection in terms of ethnicity and race (Bunar 2001). A number of critical voices have linked 'mono-cultural schools' to ethnic discrimination, discursive racialisation of 'immigrant youth' and the occurrence of racist attitudes among school personnel.<sup>5</sup> The need to bring to light the interplay between education, working life, segregation, and social inclusion and to contextualise schooling in the local community has been pointed out.<sup>6</sup> Against the background of the recent focus on differentiation between municipal and free schools, in the light of parental freedom of choice and its impact on the process of segregation, these issues are especially urgent.<sup>7</sup>

Developments following the 1991 reform of upper-secondary education in Sweden seem to have moved in the direction of growing differentiation between programmes of study at different schools. The report from the National Swedish Investigation on Welfare (Välfärdsbokslut 2000: 117) states that Stockholm is undergoing a geographic polarisation in which college preparatory programmes dominate parts of Stockholm's northern suburbs and inner city, where the economically more well-off population is concentrated, while vocational upper-secondary programmes are concentrated in the 'immigrant-dense' southern suburbs, which primarily recruit students of immigrant background. The aim of the reforms in Stockholm, implemented in 2000, was partly to counteract this segregation by making grades from lower-secondary school the basis for recruitment to upper-secondary school. However, it has been pointed out that there is a danger of creating achievement-related segregation, with students with the best grades applying for the most prestigious upper-secondary schools, while students with lower grades end up in suburban upper-secondary schools or quite simply drop out of school as a result of poor grades (Välfärdsbokslut, 2000). In this connection, the effects of organisation of teaching Swedish as a second language (for students of immigrant background) in schools have been challenged. Commitment to Swedish as a second language is highly dubious when it comes to grading. Rather than eliminating differences between categories of students, the result seems to be that stigmatizing level grouping – with ethnic minority and immigrant students characterised as "weak" – has occurred instead. As the School Development Authority (Myndighet för skolutveckling 2004: 50) argues, there is a need of 'real change'. In the meantime different local associations established on ethnic grounds are working with intensive help with homework and other forms of knowledge-enhancement efforts to compensate students with immigrant background and to improve their chances of continuing their education.

In the empirical examples below, different ways of grappling with these issues are depicted. The two cases presented illustrate the effects of international migration and social exclusion of immigrants in Sweden and their active responses to discrimination under conditions of neo-liberal orientation in the Swedish labour market. While the informalisation of the economy characterises both examples, the first case, X-Resource, illustrates balancing of voluntarism (educational support of primary school children) and market orientation (finding work for unemployed immigrants); the

second case, Little Universe, illustrates subordinating conditions for professional adult education and the marginalisation of initiatives among intellectuals with immigrant background in Sweden. In both cases connections between social exclusion and the emergence of an informal economy within more or less closed networks of immigrants are discussed and related to contemporary conditions of marginalisation in terms of culture, ethnicity and gender, in Sweden. We start with the association X-Resource.

### **Volunteer work for education and employment**

The X-Resource association is part of a network of some ten associations with similar aims, to ‘work for integration and democracy’, which during the beginning of the 2000 has received project funding from a state authority. All the organizations in the project cooperate with each other and with a number of authorities, institutions and activist groups.

X-Resource is headed by Anna, a college graduate, who grew up and was educated in Sweden. A divorcee in her thirties who has now remarried and is the mother of several small children, Anna’s roots are in the Middle East. She is the child of parents who immigrated to Sweden during the 1960s. Both her mother and her father were blue-collar workers who supported the academic education of their daughters in every way. With a great variety of labour market experience, including temporary jobs and self-employment, she is representative of today’s conditions for Swedes from immigrant backgrounds. They include moving from one temporary job to another and often various attempts at self-employment—which are not always as successful as various interests in society would like to think. When her company and her marriage broke up, she did not give up. She embarked upon the long-term establishment of different ‘projects and initiatives for integration’ on a more or less volunteer basis. Now she is working in one of Stockholm’s multi-ethnic suburbs in a volunteer association that works wonders with very limited resources. Her salary is minimal, practically symbolic. Her engagement in X-Resource represents a kind of informalisation of the economy that characterises work done by volunteers who act as teachers or informal ‘employment agencies’, due both to their *political consciousness* of the problems of social exclusion and individual volunteers own experience of being unemployed or *marginalised as ‘immigrants’*. The following examples, X-Resource and Little Universe, aim to illustrate both of these issues.

X-Resource runs a broad range of integration activities. Its target groups are children, adolescents, women, seniors, newly arrived immigrants, and so on. The main thrust of its work, however, seems to be for education and labour market measures. Schoolchildren are a central concern. Anna feels that children of immigrants fall behind in school and need help with their homework in order to be able to get into upper-secondary school. She claims that a strong contributory factor behind this is the fact that they are taught Swedish as a second language, which means that the children of immigrants do not gain the knowledge of Swedish and other subjects necessary to succeed in upper-secondary school.

Help with homework is the motor of the extensive support the organisation provides for students in the local compulsory school. Many of the organisation's members and other volunteers are engaged in order to offer the students competent tutors—all of them college-trained—to work with homework every weekend in the school building. Following a campaign that Anna ran on the Internet, students from the downtown upper-secondary schools have also volunteered.

Another project that has been launched focuses on supplementing the education of unemployed women of various ages and getting them back on the labour market. For this, a broad repertoire of cross-ethnic connections is brought to bear. Informal networks lead to different small businesses', often in the service sector, employing these women for limited periods. Anna's own experience of being self-employed has opened many doors. Sometimes the informal economy, in the form of unpaid labour, leads to more long-term employment. 'There is no other way to enter the labour market for these women', Anna says. Participants in the project are a mixture, Anna explains, of the 'whole spectrum of educated immigrants retrained for the service sector in order to find work' and those with limited education looking for a variety of jobs that the organisation helps to mediate, usually more or less temporary in nature and not necessarily matching their qualifications. But Anna avers that certain contacts, especially those involving ethnic small businesses, lead to more permanent employment. She illustrates this with a few cases where supplemental education and practical experience led to both permanent employment with the company concerned and, eventually, to 'the woman involved starting her own company'. In this context mention was made of 'import/export activities among Middle Eastern entrepreneurs' in Anna's network, with branches all over the world. Extensive collaboration between 'individuals and various firms' led to the flow of information both about labour market issues and about education and work between individuals and countries, generating new initiatives for dealing with educational and unemployment problems in Sweden. Anna describes it in following way:

My children now attend a Swedish school. But my cousin, who lives in London, thinks that education and the labor market in Britain are excellent when it comes to career opportunities. I'm considering sending my children abroad to study. Just look what happened to me. I never got a job in Sweden commensurate with my education...

### **Organising institutional contact nets and local community**

During her life as a college graduate and an organisational activist, Anna encountered difficulties on the labour market, in organisations and in her local community. After an attempt to move to a single-family housing subdivision 'where Swedes live', she moved back to the multi-ethnic suburb since she 'didn't feel accepted' by her Swedish neighbours. 'It was a time of loneliness and emptiness.' Back in the suburb, she became involved in organisations, both local and national.

Anna has been involved in starting an ethnic-based national federation of different local associations. The reason she took this initiative is that she felt that the national federation that her association previously belonged to was too conservative and ‘run by old fogies’. X-Resource belongs to a new national federation that is governed by an equal number of women and men of Middle Eastern descent, all of whom grew up in Sweden. The board of X-Resource includes three family members, Anna, her husband and her sister; a female home-language teacher; and a male board member with an academic degree in IT. Anna has an academic degree in adult education, business education and international tourism. Her sister, who has a Swedish upper-secondary school diploma, has acquired an international academic degree, with studies in Sweden and abroad. After a stint as a flight attendant, she left in order to work in the association’s ongoing labour market project. Several of the association’s board members have their ‘roots’ in the Middle East. However, Anna is quick to point out that the association is open to all, regardless of nationality. She is in constant contact with the world outside. Anna’s husband, who is a music teacher, lives abroad most of the time and ‘constantly brings new material, inspiration, and contacts’ to schoolchildren in Sweden. ‘We are like a boat that sails around the world with different passengers on the return journey’, says Anna.

The progress of association was at first sluggish. Initial applications for funding for various projects were rejected. Anna feels that this experience is a result of the fact that officialdom does not always unequivocally perceive this type of association as a partner in integration work. Her thoughts evince her irritation at not being taken seriously, not being recognised as a full citizen, not being appreciated. Doing volunteer work was her response: Anna comments:

When our applications were rejected one after another, we decided to work on a volunteer basis, both in school and by helping people come in contact with potential employers. Thus, we became a sort of unpaid ‘employment agency’.

This decision was made because the association perceived that the problems of both adults and adolescents were becoming more and more urgent. ‘Unemployment, passiveness, apathy, and depression were becoming too much of a daily thing’, and something had to be done about it, Anna says, and develops this argument further: :

Sometime you wonder whether they want us to be integrated. Do they want us to be a reserve army of labor on terms different from those for Swedes?... We’re being shut out...

With time the association’s efforts began to win recognition. Anna describes this development. ‘The principal (of the local compulsory school) truly appreciates our work. Mothers accompanied their kids to homework sessions and learned things themselves. Fathers didn’t do this to the same extent . . . they were sitting in the café playing cards.’ This initiative also helped to spark new life into the earlier fully passive Parent Teacher Association. It also helped to inspire a number of cultural

activities in the school and neighborhood, both for parents and children. Anna concludes:

The principal applied for extra funding to change the activities in the school and to pay for parents (mothers) to do practical work in the school. They work according to their capacity in the kitchen, cafeteria...In this way they develop a tie with the school and a connection to the labour market.

Next the association turned to other workplaces in its search for practical work experience for 'its parents', several of whom found a places, and for 'some of the women this became a channel to enter the labour market'. This often involved 'kitchens, restaurants, catering, import/export, groceries, hairdressers, etc.' that the association knew through its own networks.

These activities on behalf of parents and children brought respect and results. Adult education for parents has been established, and a translocal network of various activist groups was set up—both within the framework of the overarching project (see above) and with other activists and authorities. Through X-Resource's work a social space was opened up, beyond the one that has dominated local community, that Anna describes as 'the patriarchal sphere of male-dominated associations and café life'. X-Resource began to become established as a major forum in the local community. This represents the development of participation and legitimacy in the local community, of what we called, in an earlier study of the social integration of immigrants in Scandinavia, *a local ethnic public* (Schierup and Ålund 1987). This NGO, organised on an ethnic grounds, functions thus as an interface between the local ethnic public and the Swedish institutional actors. Locally established anchorage and recognition have also branched out translocally and transnationally through a web of social contacts. Several of the children who received help with their homework have gone on to prestigious upper-secondary schools. International contacts lead to information exchange and to what Moldenhawer (2001) connects with *transnational information flows* with reference to educational strategies in migration contexts. These flows affect the planning of, and seem to lead to the creation of, a platform for educational careers abroad.

Volunteer work, informal economy, political and identity work—all are interwoven in this association of local activists.

### **A 'Little Universe' in a closed world**

We decided to call this association 'Little Universe' because of the way the head of the association described it as *a whole world* in two senses. On the one hand, 'the whole world is involved here' and, on the other hand, 'we are a little universe of activities that keep us busy during the day and evening, working and enjoying ourselves.' Members of the association teach and 'arrange concerts and friendship evenings'.

Little Universe is a transethnic educational centre in Stockholm, run by enthusiasts. The association's activities consist primarily of various forms of educational activity dominated by language courses, especially Swedish for immigrants. Besides education, the association offers different forms of social counseling. The centre was started and is headed by Maria, who serves as the 'spider in the web', dealing with administration and worker management at the centre. Maria works full time, drawing a small salary under a wage-subsidy agreement and claims that she has not had a holiday in the last five years.

The association, the majority of whose members were not born in Sweden, runs 38 courses in Swedish and a number of other language courses. The teachers are usually senior citizens, which includes both ethnic Swedes and Swedes with immigrant descent. The most popular teacher is a lady of 80 from a Central European Jewish background. Despite her age she works between six and eight hours daily at the centre. These instructors, the overwhelming majority educated in their countries of origin, receive only SEK 40 per hour (about \$6, which is regarded as symbolic compensation rather than salary, but is still welcome 'income' as many instructors of immigrant background are otherwise unemployed). They cover 24 language groups and offer courses at different levels: literacy courses, qualifying courses, adapted conversation, preparatory courses for adult education, Swedish literature, instruction in Swedish through the medium of mother tongues, and so forth. Examples are Swedish for Bosnian speakers, Swedish for Turkish and Arabic speakers, and course instructors have backgrounds from various emigration countries, which, according to students, is a great advantage in their teaching. The association also runs courses that target Swedish speakers (usually ethnic Swedes), such as courses in Spanish and in English. Besides languages the association offers courses in computers, social studies, literature and cooking, and arranges a variety of cultural events, such as concerts and dance performances. The association also offers supportive activities in the form of a trained counselors and psychologist who offer volunteer work with members. The association's activities are dependent on volunteer work and the enthusiasm of the teachers. But as an institution, it's 'a huge elephant on feet of clay', as Maria puts it. Without volunteer work, the elephant would collapse. Membership has now reached 1,000, and it is membership fees that make it possible for the association to be open year-round, day and evening. Since the association gets involved with people who sometimes suffer from various forms of socially conditioned stress, it is not unusual for much of the energy to be concentrated on them.

Making use of the professional skills of senior Swedes has been systematised, so many of the instructors and other activists are past the normal age of retirement, apparently to everyone's mutual satisfaction. In this sense the association serves as a model forum for social integration across ethnic and age boundaries.

Besides its educational and cultural activities, which are intended for both men and women, Swedes and immigrants, the overarching objective of the association is to 'help immigrant women to become integrated into society'. This is why most of the members are women of immigrant background, although the proportion of male members is substantial.

In order to survive, the association has to 'act like a tightrope walker'. The struggle to find money for rent and operations leaves little scope for visions of the future.<sup>8</sup> But the vision is primarily 'to teach immigrants Swedish and to get Swedes together with immigrants', as Maria stated. And Swedish senior citizens seem to have meant a great deal for 'contacts with the outside world'. Clearly, this association works somewhat differently in regard to social inclusion from X-Resource, since it articulates the platform for direct contacts between immigrants and Swedes.

Cooperation with other established institutions that teach Swedish has not been without friction: 'They don't want to help us with textbooks in Swedish because they see us as competitors.' The association is not accredited to provide formal instruction in Swedish, but it is still seen as a competitor because it is so popular among participants. Many students we talked to go the association 'to learn Swedish with good teachers' after having completed basic courses at one of the more established institutions. Students comment thus on the conditions at Little Universe: 'The teachers have time for us and have often shared our experiences', as one student put it. This highlights how an unconventional way of applying teaching skills can be a source of both new pedagogical approaches and solidarity in a context of more or less volunteer efforts. We do not wish to maintain, however, that volunteer work should be systematically used as a substitute for societal responsibility. Rather, we wish to point out that it can be important to document an alternative form of instruction that is being developed in associations established on ethnic grounds in order to develop—not least in adult education—alliances between formal educational canterers and associations like Little Universe. This type of cooperation is not sufficiently well developed and is even being hampered in its development by a struggle in the education market.

The association's work is based on 'respect for the knowledge of every individual' and the capacity to make use of the professional backgrounds of members. The leaders of the association, professional teachers themselves, have no preconceived notions about cultural or age-related constraints. According to Maria, a number of associations whose activities target immigrant women have preconceived ideas about women's cultural backgrounds or gender stereotypes. For example, some state that 'immigrant women's career interests are governed by tradition', resulting in their 'offering these women sewing courses and the like'. They justify this by referring to 'labour market reasons in a situation where the Swedish textile and clothing industry has long been shut down by competition'. At Little Universe, each individual has the scope to choose and participate on the basis of what they personally want and are able to do.

The association works on the periphery of the established education industry in a way that should be an exemplary model. But precisely because they refuse to categorise people in terms of feminine and masculine in separate classes, or to exclude old people, and because they insist that 'education in other countries is a resource' they are seen as a threat to established 'one-issue' associations, Maria claims. They challenge, as she sees it, 'many aspects of the protectionism in Swedish education'.

But, while they cross boundaries in order to integrate and include people in society, which is sorted ethnically into Swedes and immigrants, young and old, the association itself finds itself in a situation of creating its little universe—an internally open but externally segregated space for socially excluded ‘immigrants’. On the one hand, Little Universe is a world of its own, more exploited than acknowledged as a resource in the world of Swedish education and institutions. On the other hand, Eastern European pianists have the opportunity to play before an audience again, Chilean counselors have a chance to help people in need, and retired teachers can teach Swedish.

### **Activism, market and informal economy**

In both cases illustrated above we can follow how—in the line with Mary Kaldor—these previously volunteer-based associations have turned into a market of entrepreneurs in the area of the education and labour markets. As these associations have become more or less institutionalised in terms of partnership with municipality, schools or institutions for adult education and business (as in the case of X-Resource) they have taken over a number of service functions from the retiring welfare state. These partnerships are, however, built on a precondition of less paid or volunteer work in the context of immigrant associations, which opens up different kinds of informal economy. Teachers in Little Universe work for half pay or without any payment at all, while Anna in X-Resource tells us about both her unpaid work and connections with immigrant entrepreneurs who offer unpaid practice for long-term unemployed women. While they need this practice they are at the same time exploited both by the ‘system and by employers’, as Anna explains. State employment agencies have a bad statistical image in Sweden due to the low employment figures for people of immigrant background. In their partnership with X-Resource and similar associations state employment agencies insist that Anna, for example, will find employment only for people registered at employment agencies as job seekers. If she succeeds in using her informal contacts within an ethnic entrepreneur’s network, these people will be employed—sometimes with financial support from the agency following training work programmes. Statistics for the unemployed inside the domain of labour employment agencies will then be affected—decreased, in this case as a result of Anna’s work as an *informal* employment agency.

But as she wishes to ‘help individuals who have been unemployed for many years to live in this area, and I know these people’ she will have to operate in the area of the informal economy. Employers (both with Swedish and mostly immigrant background) will have a worker who needs practical training in order to qualify for the next job. The worker will have a recommendation, the employer unpaid work and Anna probably some provision. State employment agencies are satisfied as far as ‘their’ unemployed also can use these informal channels of Anna’s network. At the end Anna is the one who invested most of her time as an unpaid informal ‘employment agency’. She is conscious of these problems; but as a volunteer worker she still feels that this kind of work is acceptable as long as she ‘has legitimacy in the

local community to initiate different interventions in the processes of discrimination in the schools and labour markets’.

Thus Anna illustrates what Kaldor (Kaldor 2003: 127) is referring to when she argues that these kinds of associations remain *value-driven*. Kaldor concludes that it is difficult in practice to distinguish between service and activism, and market-related businesses such as Little Universe are also activist ‘groups’ and a more or less provisional activist group such like X-Resource is becoming an actor in terms of the market. However, they still regard themselves primarily as ‘workers against discrimination’, which is fundamental to their feeling of community and willingness for volunteer work.

### **Social action space**

The sense of community that finds expression in the work of both the above associations is practised openly in regard to ethnicity, gender, age and so on. This kind of openness constitutes a precondition for new collective identities that ultimately define the parameters of civic inclusiveness beyond the setting up of boundaries that characterise the society of social exclusion. Such emergent collective identities, as argued in Abrahams (1996), are also about the production of a community that is equipped, or imbued, with both the reason for and the purpose of activism, where not least the experience of gender-related subordination provides a foundation for women’s social and political commitment that branches out to contribute to the genesis of comprehensive collective identities and visions.

To return to what Kaldor (2003) describes as ‘individual voices’, we see that these are embedded in contexts of interrelated dimensions of order/disorder, domination/subordination that frame the conditions for both social inclusion and exclusion. The Swedish multi-ethnic context is characterised by selection in schools and on the labour market, which constitutes the foundation for the social exclusion of ethnic minorities. This experience of being on the outside makes up the *social action space* that ultimately profiles both individual action and collective *negotiation*. As social movements, both of the activist groups described above formulate an idea of social conflict and a vision of a new order and social transformation, and also for their related mission and role.

Against this background, and in line with Carnoy (1985), we have shown how the ambivalent position of the schools/educational system between the market and social citizenship constitutes an opportunity, but also a social *embedding* for the differentiation and division of labour on the labour market in terms of ethnicity. At the same time, we also see that schools represent a relatively autonomous field for civic action where the democratic missions of social movements can find expression and be formulated as a vision of bringing about a more egalitarian society through education and social involvement. The visibility brought to the type of social agency finding expression here is close to ‘radical pedagogy’, which internationally has recognised the role of social movements in work for social inclusion (cf. Carnoy 1985). Social agency in this context involves a commitment that directs attention to

the role of these movements in community mobilisation against structural discrimination, not least when it comes to the racialising of ethnic minority students and ethnically determined selection in the schools (Carnoy 1985). In Sweden this perspective on social movements established on ethnic grounds, education, and social citizenship has only recently begun to be recognised (Roth 2001; Ålund 2003c).

What continues to dominate in the Swedish public sphere is the lack of recognition of the resources that clearly exist in associations established on ethnic grounds. An exclusionary policy is expressed, for example, in declining resources for these associations and a view that categorises them as generally passive and traditionalist in nature.

What we have wished to illustrate in the above examples is that different associations built on ethnic grounds largely work with similar issues regarding democracy, education, employment, equality and so on. However, this work is in danger of being of only marginal importance owing to the dominant view not least of women who immigrated as ‘immigrant women’—with the full discursive weight of homogenisation in terms of traditionalism and the perspective of deviance and misery that this entails.

The public debate about ‘immigrant women’ has been dominated since the 1970s by various types of descriptions of misery.<sup>9</sup> Such women have been depicted as victims of ‘the Culture’ or ‘the Structure’, as threatened by their subordinated position on the labour market, their antiquated traditions and values, their cultural heritage, and especially their men.<sup>10</sup> However, since the 1980s a perspective has developed that focuses on revolt against the oppressive structure, and today this view occupies an important place in Swedish research on international migration and ethnic relations.

A systematic critique of misery research—primarily initiated by black feminists in the United States and the UK—has long constituted a foundation for new modes of thinking.<sup>11</sup> Several leading feminist scholars have pointed out that the social order is constituted by structures that may overlap, coincide and collide, and that have to be seen as being in complex interplay.<sup>12</sup> A holistic approach to how the various subordination structures of power are interrelated is therefore necessary (Anthias and Yuval-Davis 1992). Following theoretical openings formulated in various works by Nira Yuval-Davis and Floya Anthias, a view of the interlinking of the dimensions of power was developed internationally and also gained a foothold in Sweden, where the concept of intersectionality has received special attention.<sup>13</sup>

The concept of intersectionality is used to designate the complex relationships of social identities to what Anthias (2004), for one, calls situational categories, such as social class, gender, race/ethnicity. Intersectionality can be used as an analytical tool to bring to light how various social divisions join together to produce a cohesive set of subordination practices. In this context Floya Anthias points out that it is important not to focus on the intersection of different subordinating dimensions of power, since there is a risk of construing individuals as belonging to fixed and permanent groups. Instead, the focus should be on processes and the results of mutually intersecting experiences among social players. A similar viewpoint is expressed by Bhavnani, Foran and Kurian (2003: 11), who propose the concept of *interconnection*. This

highlights active subjects or the social relationships among them, relationships that are subject to shifts and changes in various ways. Using similar reasoning, Anthias (2004: 215) points out that identity is situated in a social context, which includes the importance of location and position in social agency, as well as issues of belonging, social exclusion/inclusion, and of political mobilisation.

These are the very aspects of the complex preconditions for social agency that we wish to highlight in this chapter—how resistance develops and what expressions it can find in a context of discrimination and social exclusion of new ethnic minorities in Sweden. However, the view that still dominates the leading discourse in Sweden is that immigrant organisations are primarily a locus for cultural segregation rather than a resource in work for social inclusion. They are viewed with suspicion and even as an obstacle to the government's efforts to achieve integration (Dahlstedt 2005; Nilsson and Ålund 2004.) This type of categorical interpretation of culture and identity leaves no scope for recognition of resistance against both gender and ethnic oppression.

### **Concluding remarks**

In this chapter, our aim has been to shed light on an everyday reality in which the focal point is the struggle against various kinds of subordination in society, with special focus on the intersection of gender and ethnicity. The examples from associations established on ethnic grounds presented here illustrate a struggle for citizenship rights. The emergence of new social movements serves to demonstrate how social exclusion can be met with resistance based on solidarity and experience related to international migration. This is obvious in regard to the associations' creative strategies of combining formal and informal economy with volunteer work, based on solidarity.

We have chosen to focus on associations built on ideas of solidarity and inclusiveness across ethnic and other borders and their efforts to open new doors leading to community, education, the labour market and political participation. In the shadow of the dominant discourse's focus on cultural differences, fragmentation and fundamentalism, the examples discussed illuminate the existence of outward-looking and inclusive communities, a social force that still has not been sufficiently recognised.

### **Notes**

1 Though not necessarily a democratic one. See also Kaldor 2003.

2 Kaldor means here a relation to authorities and the processes by which social movements are 'integrated in the political process and institutionalized' (Kaldor 2003: 113).

3 According to Kaldor, in the postmodern version of understanding, where the focus is on identities, nationalists and fundamentalists are also included, but they fall outside the framework of the present text.

4 For further discussion, see Ålund 1985, 1988, 1991.

5 See also Tesfahuney 1999; Ålund 1997; de los Reyes and Wingborg 2002.

6 See Bunar 2001.

7 See Thullberg and Hwang 2003; Bunar 2001, 2003.

8 Maria says that 'it hurts to have to charge dues of SEK 500 (about \$75) split into three installments: spring 200, summer 100, and autumn 200'. Some of these members are reimbursed from the social welfare office. Attendance lists can be submitted to cover transport (Underground) costs. The social welfare office seems to have understood that participants appreciate the courses, and they send 'some individuals' to the centre.

9 For further critical analysis, see Ålund, 1991, 1999, 2004.

10 In the first decade of the 21st century this image has been reinforced by debates about honour-related murders, which have contributed to a new type of generalised image of immigrant women as (crime) victims and of immigrant men as the perpetrators.

11 See also Carby 1982; Hull, Scott and Smith 1982; Barrett and McIntosh 1985; Nicholson 1986; Anthias and Yuval-Davis 1992; Yuval-Davis 1999; Ware 1992; *inter alia*.

12 See Harding, 1986, 1990; Anthias and Yuval-Davis 1992; Yuval-Davis and Werbner 1999.

13 See also de los Reyes, Molina and Mulinari 2002, 2004.

Thomas Faist

## **Transstate Migration and Development: A Critical Analysis of the New Enthusiasm**

Transstate communities and associations have been at the centre of the optimistic visions of national and international economic development policy establishments. There are three elements of this new enthusiasm. First, over the past three decades the surge in remittances transferred by transstate migrants has given rise to a kind of euphoria. Migrant (Kapur 2004). Remittances are perceived to be a nearly ideal form of bottom-up development finance. Indeed, looking at overall numbers, annual remittances to developing countries more than doubled during the 1990s and have been approximately 20 per cent higher than official development assistance (ODA) to these countries. And certainly migrant remittances have been on a par with foreign direct investment in many parts of the developing world. Remittances have increased with the upward trend in the rate of transstate migration (United Nations 2004). Second, knowledge transferred through networks of scientists and experts from North to South are increasingly seen as ‘brain circulation’ beneficial to all parties involved (cf. Findlay 2003). The transfer of ideas is seen as helping developing and transformation countries to participate in knowledge societies, which are the basis for innovation, productivity and development. Third, even the transfer of political remittances, namely ideas regarding the rule of law, good governance, democracy, and human rights, has achieved a growing prominence in the aftermath of interventions into armed conflicts and efforts at reconstructing countries ravaged by civil war—evidenced lately in Somalia, Afghanistan and Iraq. Occasionally, diasporas made up of exiles, refugees, and labour migrants are hailed as mediators in conflict resolution, for example in the cases of South Africa or Nigeria (cf. Shain and Barth 2003).

The argument put forward in this analysis is that the new enthusiasm over the crucial role of transstate communities and migrant associations constitutes an effort to fuse principles of community with those of the global market. Yet there are both compatibilities and incompatibilities between community and market principles. Moreover, the principles of transstate community and the national state may clash—those who have chosen the exit option also have a voice because they partake in decision-making but are not affected by the consequences of these decisions.

How, in fact, do transstate communities and associations interact with the principles of states and markets in flows across borders and boundaries? First, how has academic and policy thinking on development cast the role of communities and non-state organisations? Second, in what ways are the activities of transstate cliques, groups, and organisations that embody some of the community principles complementary to or incompatible with those of other institutions functioning

according to the logics of states and markets? Indeed, little is actually understood about what role transstate groups and associations play vis-à-vis states and markets when it comes to the transfer of financial capital such as remittances and investments, knowledge and political ideas. The perspective taken here is not one of global governance but of transstate subjects, starting with migrants and their communities. What is needed is an examination of the role of communities for development and the role communities actually play vis-à-vis other principles of social order such as the market and the state. The booming interest in the role of diasporas and transstate migrant organisations reflects changes in the concepts of development that guide public policies of international and national institutions and NGOs. And the shift in attention may signal more fundamentally the changing balance of communities, states and markets. Therefore, the *problematique* raised relates to the more general question of the shifting balance of community, state and market under conditions commonly called globalisation.

Heuristically, one may distinguish three principles of social order in an ideal typical way—community, state and market. Here, the community principle refers to the notion that social order presupposes, or at least benefits from, the rights and duties that are attached to members of concrete communities of persons. Communities constitute the cement that integrates the members of concrete communities into sharing values of trust, reciprocity, loyalty, and solidarity, bounded by rights and obligations of members toward each other. Rights and duties delimit the boundaries of communities, which may rest on diverse mechanisms such as kinship lineage, shared knowledge and values, belief in common institutions, or religious beliefs. Here, the community principle is supplemented by association, which refers to organisations of persons interested in common causes. The boundaries of the market are quite different in that dispersed competition is ideally driven by the interest of human agents in the purposive acquisition of individual goods without much or indeed any consideration of, or control over, what impact the pursuit of acquisitive purposes may have on others or on other persons' future selves. The principle of state consists of hierarchical control, carrying out binding decisions in political communities. State authority is meant to serve the common good, in the case under consideration here culminating in the notion of development. Whereas communities are characterised by various notions of boundaries of 'us' distinct from 'others' and markets exist without geographical borders, states—at any rate in their modern incarnations since the Westphalian Peace—are defined both by clear territorial borders and boundaries set by their function to implement authoritatively binding decisions by the force of power and legitimacy. In short, community and associations, market, and state are master mechanisms of social order characterised by incompatibilities yet also requiring one another in order to function (Streeck and Schmitter 1985). Empirically, the community and associations principle is studied through categories such as cliques, groups, and organisations of mobile people; the state principle by looking at government and publicly authorised actors; and the market principle by looking at firms.

This analysis focuses on various transstate subjects, namely, groups and organisations of mobile persons, including families, epistemic communities, and diasporas. Such transstate social formations mobilise very diverse forms of capital: financial capital such as money in the form of remittances and/or investments; knowledge and professional experience; and political ideas, such as ideas on forms of government, rights and responsibilities, and democracy. Financial capital, knowledge, and political ideas can be mobilised within the bounds of social capital, that is, through various forms of reciprocity and solidarity (Faist 2000: ch. 4), sometimes called ‘social remittances’ (Levitt and Nyberg-Sørensen 2004).

Accordingly, the notion of development is understood here in the way that it is used by different kinds of transstate social formations: in the case of transstate families as an informal insurance against economic risks and as an investment in their children’s future; in the case of village associations as the improvement of the infrastructure and the provision of local collective goods such as education and health; in the case of networks of businesspersons as opportunities for investment and optimal interest; in the case of epistemic communities the unhindered flow of knowledge; and in the case of national communities a high degree of political autonomy, sometimes even involving the formation of an independent nation-state. All these notions resemble the overall lowest common denominator that the term development has carried since the late 1940s, namely the vague hope of progression and betterment for those parts of the world deemed ‘underdeveloped’ (for a trenchant critique, see Escobar 1995). A transstate approach means looking not only at developing countries and countries in transformation but also at highly industrialised countries. In the latter case, there is value added in, for example, the contributions of migrants to social security and welfare state provisions, the closing of labour market gaps in the informal service economy, and the values of democracy and human rights transported by the highly skilled.

The first part of this analysis outlines the ideational shift to communities and associations as a reference category for development thinking on the part of international organizations and OECD country governments over the past three to four decades. The second part discusses the role of the three principles of social order, in particular community and association vis-à-vis state and market in development processes, and looks at how migrant organisations and groups have been complementary or incompatible with state and market principles. Transstate analysis involves studying the ties that cross emigration and immigration states, sending and receiving regions, and must transcend the interdependence between closed units in opening up transstate social spaces. The third section of this analysis touches on the implications for further research and argues that the concept of transstate social spaces, that is, spaces in between the local and the global but also between states, can be used as an instrument to shed light on the dilemmas of border-crossing democracy and citizenship without relying simply on state-centered notions. Of course it goes without saying that states themselves—in contrast to more recent ideas on the balance between state, market and community & association in development—have to be brought back in to the analysis to unearth opportunity structures for the emergence of

transstate social spaces and thus the role of transstate groups and associations in development policy.

### **The conceptual evolution of the role of community and association in development**

The importance of principles such as community and association as a pillar of development has increased over the past three decades. The more recent focus of development policy on transstate subjects in the context of increasing remittances of migrants fits with a context in which the roles of the state and the market have been fundamentally reevaluated by international development organisations. There has been an obvious shift of thinking in the international development policy establishment, which has rediscovered transstate migration as a set of processes involving the transfer of resources from developed to developing countries. For example, international institutions such as the World Bank, but also national organisations and governments, have attributed an increased role of communities, associations and transstate communities in particular in development processes (cf. Biao 2005). Long ago, John Kenneth Galbraith described migration as ‘the oldest action against poverty’ (Galbraith 1962; cited in House of Commons 2004).<sup>1</sup> This hunch seems to rest on solid foundations in economic theory. If one were to liberalise transstate migration, large gains could accrue. Theoretically, migration will decrease under a global system of free trade for all factors of production, including labour, because of factor price equalisation, that is, the tendency of wages to equalise as workers move from poorer to richer regions of the world. Over time, differences in the prices of goods and the wages of workers should be reduced with freer trade. One of the by-products would be a significant drop in the wage level and probably welfare state provisions in highly industrialised immigration countries (cf. Hamilton and Whaley 1984).

As expected, there have been critical voices calling into question overly simplistic expectations and spurious causalities. Certainly, remittance flows through migrants and transstate communities and associations are not a panacea for development problems. After all, the onset and success of development processes depend, among other things, on macro-structural conditions, such as land reform, a favourable investment climate, an efficient, transparent, and non-corrupt bureaucracy and system of governance—to mention only a few of the most obvious candidates. Overall, the evidence for development effects is contradictory and fragmentary. Much of the analysis that supports beliefs about the overall costs and benefits of migration is based on micro-level research and cannot conclusively demonstrate the validity of macro-level conclusions. It is deeply problematic to extrapolate from micro-level evidence to macro-level outcomes without specifying the mechanisms of the aggregation processes. With respect to knowledge transfer, it may be of little practical value for emigration countries, immigration countries and mobile persons simply to rename what used to be called brain drain as brain gain. Such a facile renaming overlooks the fact that there are indeed deleterious effects resulting from the emigration of so-called

highly skilled professionals, such as the care drain in the health sector in Southern Africa, or the exit of natural scientists and engineers in the least developed countries, where there is little potential for replacing those who have left. Lastly, the involvement of exiles, migrants and refugees in political development as carriers of ideas of human rights and democratisation ignores the role that some of these groups may have played at the very core of perpetuating violent conflicts instead of resolving them; for example, the Tamil Tigers' long-distance nationalism. It is noteworthy that the documents presenting the Millennium Development Goals (MDG) declared by the United Nations (UN) make no mention of any links between transstate migration or diasporas and development. Very few of the Poverty Reduction Strategy Papers (PRSP) acknowledge migration or refugee flows and their connection to development. Yet all these caveats have not seriously challenged the emphasis on transstate subjects as carriers of development. Still, the role of transstate communities and migrant associations is largely an emerging issue, discussed in more specialised forums such as the Global Commission on Migration.

Bringing 'community' and 'association' back into thinking on development policy can be seen as an incremental process that has occurred over roughly four successive stages. The first refers to the long period after World War II in which development such as import substitution industrialisation occurred under mainly state-led industrialisation. Corresponding academic theories, such as the modernisation theory of the 1950s and 1960s, did not attribute a crucial active role to (small) groups and organizations—other than as recipients of massive cultural, political and economic change. This state of affairs began to change, making a second stage, launched by the World Bank's 1973 call for targeting development efforts to the 'poorest of the poor'. This proclamation catalysed a shift in focus away from growth and toward issues of redistribution and equity. Understandably, this ideational move involved an increasing emphasis on community participation and associational activities in development. Whether labelled 'farmer-first', 'bottom-up', or 'grassroots' development strategies, the focus was on decentralisation, localisation, and the satisfaction of basic human needs for food, shelter, health and what we nowadays call human security.

The foregrounding of community and association coincided with increasing criticism of the 'developmental' state and, above all, an attendant greater role for market principles. Organisations like the World Bank called for greater participation in the world market, in marked contrast to policies inspired by dependency theory, which advocated a partial dissociation from world market participation (e.g. Senghaas 1974). Influenced by events of the 1970s and 1980s such as the debt crisis in Latin America and the implosion of post-colonial states in parts of Africa and elsewhere, academic studies also emphasised the economic distortions effected by rent-seeking elites in command of predatory states (e.g. Bates 1988). International development institutions began to place more faith in the operation of more or less unfettered markets, and in the benefits of market-driven growth as promising for societies whose potential for economic growth had been stymied by what were considered inefficient state institutions. A shorthand description of this trend was the 'Washington

Consensus'. Indeed, international organisations such as the International Monetary Fund (IMF) pressured recipient governments to rely on price signals and little else for social coordination, thus advocating privatisation, deregulation, and the demolition of labour rights and social subsidies (cf. Chang and Graebel 2003). In crafting policy, international development agencies increasingly bypassed developing country governments, choosing instead to rely instead on the mediation of international and local non-governmental agencies.

The trend toward marketisation coincided, perhaps awkwardly but certainly not incidentally, with an anti-*étatist* notion that development entailed the empowerment of communities and associations of individuals to undertake the development project. Obviously, the emphasis on local autonomy and grassroots participation was meant to provide a useful corrective to top-down development strategies of the past. In policy thinking, in short, the state was retreating as a mechanism for creating social order and the community and association emerged as compensating mechanisms. In a paradigmatic conceptual innovation, the international development policy agencies began to use new concepts presumed to drive development—the concept of ‘social capital’ being one of the most important (cf. Evans 1996). Conceptually, the notion of social capital hints at the marriage of the market and community / association principles. Resources inherent in social ties—such as reciprocity, trust, and solidarity—are thought to constitute capital, which yields interest; for example, access to financial and other social resources. Major actors in development policy such as the World Bank and a myriad of NGOs propagated more participatory forms of development on the local level. Ideas of globalisation from below have logically focused on diasporas, cross-border associations and transstate communities. In this process, the role of the state as a principle of social order in development has changed as well. It is now a service provider for markets and partly communities, creating the very conditions for market exchange through non-corrupt rule-making, a stable bureaucracy, and the guarantee of minimum human, civil and political rights. In a nutshell, political and legal structures provide the necessary infrastructure for economic growth (North 1990). Notions such as ‘good governance’ and establishing the ‘rule of law’ in the aftermath of the ‘third wave of democratization’ (Diamond 1996) rule supreme in the universe of developmental concepts.

In sum, there has been indeed an ideational change in bringing community and association back in the development discourse and, most recently, transstate groups and organisations. While there is certainly a strong link between changing concepts and actual public policies, it is necessary to go far beyond the supposed role of community, association, state and market to unearth the distinct roles of each set of principles of social order.

### **Community and association vis-à-vis market and state: complementarities and incompatibilities**

While states authoritatively enforce borders and boundaries, and markets verge on a borderless world, communities and associations as boundary markers occupy a

distinct niche in creating social order across borders. The focus here is on how small kinship groups, business networks and epistemic cliques interact with actors in states and markets.<sup>2</sup>

*Financial capital as remittances: small kinship groups*

For many of the persons belonging to the smallest type of transstate group, namely families or kinship groups, border-crossing ties and living modes emerging out of migration may serve as a livelihood strategy, quite akin to income out of migration as an insurance mechanism (Nyberg-Sørensen et al. 2003: 2). This involves split households in various states and shadow households. Monetary remittances frequently bind immigrants to their kin over long distances through ties of reciprocity and solidarity; for example, exchange between generations when children work abroad and support their elderly parents and other family members in the country of origin.

Instances of complementarity of community and association transactions with state and market principles are obvious. Transfers of family members signal the dual role of some immigrants as providers both for families abroad and for the coffers of the welfare state in the country of employment. In social security systems for old age pensions, for example, the younger average age of immigrants compared to the rest of the population leads to substantial transfers. A study on Germany in the late 1980s found that immigration generated positive short-run benefits in selected sectors of the welfare state. The 3.6 million people who immigrated between 1988 and 1991 made significant contributions: according to this study, 100,000 immigrant employees generated 16 billion euros for social security against costs of only 7 billion euros (Barabas et al. 1992). On the other hand, transstate migrants may support kin in the country of origin. Such communities and states often lack state-organised social security systems; and if they exist, they are inadequate to ensure a minimum standard of living.

The limits to this dual role lie in the flow of remittances across the life-cycle of migrants. These are not necessarily steady flows. There is a general understanding in the literature that remittances are likely to decline over time as migrants may become more committed to the country or region of settlement. On average, there is a peak period of three to five years in which remittances are sent, often followed by a decline at the point at which a migrant achieves permanent resident status abroad.

A further element of complementarity is macro-economic. Some emigration states, especially those with large amounts of remittances and those in which such transfers reach high proportions as a percentage of GDP, have come to use the amount of current and future remittances to upgrade their creditworthiness in the financial sector. In this way, migrants' solidarity and reciprocity with their shadow households residing in the country of origin have become a 'hard-currency receivable' used as a 'tradable security' to secure foreign loans for economies whose creditworthiness has been downgraded in the international market (Guarnizo 2003).

The apparent incompatibility in the case of these transactions concern the ways in which small kinship groups compete with banks and other market institutions that

constitute formal remittance channels. Briefly put, market giants may, in some instances, compete with solidarity systems, such as the unofficial and sometimes illegal *hawalla* and *hundi* transaction systems. The latter are organised on trust among, for example, members of religious communities and associations, and are used in manifold situations. These systems allow migrants who wish to transfer remittances to do so without incurring high fees. The sending end transmits information to the receiving end, and the remittances are issued immediately—based on reciprocal trust. These forms of transactions clash with the more recent involvement of large financial corporations in the control of the transfer of remittances worldwide. For example, Western Union and MoneyGram controlled as of 1996 as much as 97 per cent of the remittance market and 81 per cent of the estimated 43,000 outlets in the US (Guarnizo 2003: 686). While the US–Mexican market is dominated by larger corporations, remittances to South Asia seem to take place through unofficial channels. A study in Bangladesh, for example, showed that 40 per cent of remittances are sent through informal *hundi* sources, 4.6 per cent through friends and relatives, 8 per cent are carried by hand by migrants when they return, and only 46 per cent go through official sources (Hugo 2003: 9). In the aftermath of 11 September 2001, various Western governments have closed down unofficial channels, arguing that they were used for illicit money laundering and explicit terrorist purposes (cf. Mellyn 2003).

The compatibility between community transactions and state efforts to tap these transactions is also questionable. It is often assumed in studies on remittances that the migrants concerned emigrated more or less voluntarily. Little attention is paid to refugees, or more precisely, those who had little element of freedom in exiting. Contentious state–citizen relations in the original emigration countries may go a long way in shedding light on the resistance to emigration states' efforts to tap remittances, especially where one of the motivations to emigrate was to flee the influence of authoritarian governments. Moreover, if migrants feel that governments are simply seeking to tax their diaspora, the compliance to indirect taxation is called into question. In the case of Eritrea, the young state tried to tax expatriates at two per cent, the so-called 'healing tax', in the late 1980s. Later, the state used the funds remitted to finance the war with Ethiopia.

In important ways incompatibilities affect small groups, which are changing as a result of learning during the migration process itself. In some cases, the 'feminisation of migration' resulted in the very transformation of gender relations, which constituted the backbone of the migratory arrangements in small and large kinship groups. In Bangladesh, the migration of women to Malaysia led to changes in social practices. Malaysia is considered a role model for Bangladesh, and is also a Muslim country. Once the flow of women from Bangladesh to Malaysia had started, young women sought to emigrate, resulting in increased economic independence. Those engaging in migration gave loans to other women and also participated in the labour force in Bangladesh. Since female labour force participation in Malaysia is relatively high, migrant and even non-migrant women adopted some of the same practices in Bangladesh (Dannecker 2004). Yet we also know of other cases in which transstate

practices exacerbated gendered power structures, especially when control over financial remittances rested with men (cf. Mahler and Pessar 2001 on El Salvador). These examples suggest that transstate groups should not be regarded simply as unitary actors in all respects but rather as social collectives connected by sometimes conflicting social and symbolic ties.

*Financial capital as investments: networks of businesspersons*

Emigrants and the children of emigrants living abroad are sometimes seen by the governments in the country of origin as effective middlemen (China) who play a crucial role in brokering foreign investments or investing themselves. Yet it is also a common assumption that development defined as economic growth does not depend primarily on the inflow of financial capital but on entrepreneurial spirit (Hirschmann 1958). Businesspersons as communities of practice may foster an atmosphere in which an entrepreneurial spirit of the Protestant and other kinds conducive to economic success might grow. Cases at hand are emigrants from mainland China, Taiwan and India. Overseas Indians who settled in Silicon Valley in the USA, for example, contributed to the rise of the region around Bangalore as the hub of the Indian industry in information technology. Indian emigrants who worked as highly skilled specialists in Silicon Valley invested in the burgeoning Indian IT industry. Software specialists in India were already employed by overseas companies to process data and develop programmes. The Indian investors from Silicon Valley added another dimension in setting up companies in India. Other foreign companies from the USA and Europe followed suit (cf. Cornelius, Espenshade and Salehyan 2001). The Taiwanese experience parallels this case (Tseng 2000).

In these cases of a large and well-educated tertiary sector of citizens living abroad, the potential for foreign investment is high. Again, about 20 million citizens from India live abroad, a diaspora second in size only to that of China. It is estimated that the income of this category amounts to more than a third of India's GDP. It is therefore no surprise that this category, called 'non-resident Indians' (NRI), provided about 10 per cent of foreign direct investment (FDI) in India and a sizable part of venture capital. The People's Republic of China may serve as a case par excellence: about 50 per cent of FDI comes from some 30 million overseas Chinese. Successive Chinese governments have created incentives for capital investment by overseas Chinese in selected enterprise areas (e.g. Saxenian 2002). Undoubtedly, global production chains, in this case software development and processing, have made investments like these more feasible and more profitable. Yet we know very little about the networks and cliques businesspersons entertain among each other and with bridging brokers in the emigration country. We need to know more about how businesspersons act as brokers, as communities in between—sometimes called 'transnational workers' or 'temporary returnees' who work in emigration and immigration regions and play a role as middlemen linking businesses in the two regions with their personal networks and technological and market know-how. It seems plausible to assume that quite a few expatriates investing in their countries of origin have insider advantages, such as knowledge of the language and local customs,

and are likely to enjoy the trust of bureaucrats who administer economic planning (cf. Rauch 2001).

Governments have implemented a host of policies to attract both highly skilled emigrants from abroad as returnees and entice those who stay overseas to maintain productive links. For example, the Indian government offers tax incentives for expatriates, and tries to use their expertise, advice, and ideas to equip Indian companies, and to create opportunities for overseas Indian companies. One symbolic but highly visible instrument has been a special resident status for expatriate businesspersons, akin to dual citizenship. This status has created added entry options for privileged groups.

This example already hints at potential incompatibilities between communities of practice and states. The Chinese state, for instance, encourages cross-border flows of financial capital but certainly objects to the import of political ideas via expatriates. Expatriates' ideas concerning liberalisation of the political regime and a greater recognition of human rights and democratic ideals have certainly not been welcome, albeit the groups involved in the transfer of economic versus political capital are not one and the same, students versus businesspersons.

For immigration countries, immigrant or ethnic entrepreneurship may be part of beneficial transstate business ties. Canadian-based studies have shown that a doubling of skilled migration from Asia saw a 74 per cent increase in Asian imports in Canada (Page and Adams 2004). Ethnic entrepreneurship may also be instrumental in creating jobs for immigrants and natives. Markets may expand in two directions. First, nostalgia among immigrants for the foods and products of the country of origin creates markets for those products in the immigration country, fostering local production and international trade (e.g. Turkish immigrants in Germany). Second, migrant entrepreneurs may invest in the countries of origin and thus contribute directly to economic development abroad. Although there is heated debate over the exact benefits provided by so-called ethnic niches, enclaves and ethnic markets and for which category (e.g. ethnic entrepreneurs versus co-ethnic workers; cf. Faist 2000: ch. 8), migrant entrepreneurship is a prime example of financial capital following persons, or more precisely, capital accumulated by those persons first attracted abroad by capital. In all these processes, social capital is a crucial bridging mechanism.

#### *Knowledge: epistemic communities*

Epistemic communities of scholars and experts are exemplary communities of practice without propinquity. Scientists and professional experts share common models, theories, and sometimes even lifestyles characterised by high geographical mobility. Recently, major political actors such as international organisations and governments have started to focus on not only the emigration or re-migration or return of highly skilled professionals but also on the formation of transstate networks. This shift of perspective is partly a result of the fact that while many of the highly skilled do not return to the regions of origin, they nonetheless form border-crossing epistemic networks in which the countries of origin are sometimes involved. For

example, half of all foreign students who earn PhDs in the USA are still in that country five years later. The OECD (1998) estimates the total brain drain from developing countries to OECD countries to be about 12.9 million persons, with 7 million in the USA alone. The flip side is a massive outflow from emigration regions: according to the World Bank Africa, for example, lost one-third of its executives between 1960 and 1987 (Stalker 1994). In short, the role of knowledge exchange for economic growth and development has regained importance over recent years; indeed, resource transfers across countries are nowadays discussed within the framework of the knowledge society (Stehr 1992). There are numerous claims about the importance of knowledge transfer and scientific cooperation for development (World Bank 1999). In connection with public policies, there have been increased efforts to connect migration policies to research policies in the developing states, transformation states, and industrial countries (e.g. BMZ 2001:12).

It is noteworthy that academic analysis of the developmental consequences of the mobility of highly skilled persons has paralleled political expectations: in the 1960s, a majority of analyses entertained the idea of a brain gain for developing countries, and mobility was seen as a resource for modernising developing countries. In the 1970s and 1980s, the reverse was true, that is, the more critical view of the brain drain carried the day, with the underlying assumption that emigration was harmful to developing countries. This is not surprising because such studies situated the phenomenon within the dependency literature paradigm. In the course of the 1990s, the dominant academic and political mood shifted again. Experts and politicians from industrial countries in need of highly skilled technological specialists now assert that there is a 'brain circulation', an apparently neutral term. There are claims about mutual benefits for all actors involved, for the highly skilled as well as for the emigration and immigration countries themselves, such as the creation of jobs in the software industry and increasing capital investment from abroad. In highly industrialised countries public policies directed toward recruiting highly skilled migrants now routinely also include efforts to attract international students. Subsequently, some OECD countries such as Germany have recently changed their legislation to allow international students to remain or to re-enter, once they have completed their studies. At the same time, countries of emigration have begun to take initiatives to reverse the brain drain. Examples include the Indian government's efforts to sponsor investments by expatriates in the Information Technology (IT) sector.

There are various possible outcomes of brain transfer: (1) brain drain followed by brain gain, (2) brain drain and (3) a 'global brain chain'. In the first case, brain drain followed by brain gain, there is usually deficit at exit, followed by possible gains not only for migrants and immigration countries but also for emigration countries. The emigration of the highly skilled may be advantageous for those remaining in the country of origin, when educated people leave and report back that they have been economically successful. Such communication creates an incentive to those left behind to improve their knowledge and social capital, for example, by investing in higher education. Such processes may happen on a large scale, but only a small

percentage of those whose capital assets have improved will actually leave, while the rest will stay in the country of origin and benefit from improved education in the home country (Stark and Wang 2001). In the case of brain drain, there is no replacement capability, an outcome that seems to affect the poorest countries especially. Prominent empirical examples include the so-called (health) ‘care drain’ from Zambia, Liberia, and Zimbabwe. Nurses and medical doctors from these and other countries of Sub-Saharan Africa fill the gaps in the health systems of developed countries although the deficits in their countries of origin are very large, not least because of the AIDS/HIV pandemic in Southern Africa. Meanwhile, health care systems in OECD countries reap the benefits. In the UK, for example, one in ten persons working in health care came from developing countries in the early 1990s. By 2002, within a period of then years, more than five in ten originated in overseas regions outside the UK. The third possibility is a global brain chain or ‘staged cascade’, which may involve both brain drain and brain gain. A noteworthy example is medical doctors who move from Canada to the USA, who are, in turn, replaced by South Africans in Canada. At the far end of the chain, Cubans physicians relocate to South Africa.

In immigration countries notions of economic globalisation have led to an increased effort by companies and states to attract post-secondary international students and future scientists. OECD countries have thus changed their legislation, moving from a red card to a red carpet strategy. The hunt for knowledge workers is nonetheless reminiscent of ‘body shopping’ and the poaching of workers, a well-known strategy employed by many countries emulating the success of economic leaders, for example eighteenth-century England attracting workers from the Netherlands (cf. Chang 2002). The difference is, however, that nowadays it is not the countries catching up that engage in poaching but those who are furthest ahead. The USA is currently the only country with a positive balance vis-à-vis all the other countries in the world at the same time. Persons of foreign origin make up 12 per cent of the entire highly qualified segment of the US labour market. Nonetheless, this share is similar in other OECD countries. Thus, while in simple numbers the contribution of the developing world to the developed is relatively marginal, it is nevertheless strategically important since it eases shortages in the labour market in the target countries.

For developing and some transformation countries the volume of skills involved is sizeable. What constitutes a small proportion of personnel in the North – the so-called developed countries – is a large one for the South – the so-called developing countries. For instance, about one-third of researchers and engineers who work in OECD countries have originated in developing countries. Generally, transformation countries, such as the People’s Republic of China, have greater leverage and may succeed in re-attracting their intellectuals. Also, proportionally fewer and fewer Chinese students go abroad to study (Meyer 2005). Overall, there is mounting evidence that some epistemic communities of scholars and experts also reach back into countries of origin (see e.g. Barré et al. 2003). Obviously, we observe a complementarity of community on the one hand and market and state on the other

hand in the case of brain gain, while an incompatibility exists in case of brain drain, such as the care drain out of least-developed countries.

Interestingly, there are clear limits to state sponsorship and hierarchical control of epistemic communities. Currently, roughly 40 such networks are documented throughout the world, involving about 35 developing countries. These networks concern activities such as joint research projects, information exchange, technology transfers, joint ventures or training sessions. Many of these epistemic communities are based on the idea that return is not the only alternative to a skills exodus. For them, there is an alternative transstate option. Not only national governments but also international organisations are engaged in setting up such networks, as reflected in, for example, policy programmes like the United Nations Development Program's 'Transfer of Knowledge through Expatriate Nationals'. The policy involves the production of databases of skilled nationals overseas who may be willing to engage in particular development projects. Another example is the International Organization of Migration's (IOM) 'Migration for Development in Africa' (MIDA) programme, which seeks to mobilise the skills of African nationals abroad for the benefit of Africa's development. Yet emigration of the highly skilled can be beneficial only if there is already a minimal stock of highly qualified people. Otherwise, there is no replacement capacity. An indication of this is that about 250,000 African-born professionals work outside Africa, and 100,000 non-African professionals in Africa are employed by UN agencies or through NGOs.

While systems of training and research are predominantly organised along national lines, epistemic communities often evade the narrow principles of the national interest. An important case in point is the network Red Caldas, set up by the Colombian government in the early 1990s (Chaparro et al. 2004). This experience suggests the importance of specialised research communities, built along decentralised networks, which have a genuinely transstate orientation. In the first phase, the government set up centralised radial networks, which developed later into epistemic communities with a decentralised character. In this stage the project developed along national nodes from the early- to the mid-1990s. The government established national nodes in all countries around the globe which had a critical mass of Colombian graduate students and researchers—all in all 27 countries and 874 researchers and graduate students were involved. Working groups formed, bringing together researchers in Colombia, Colombian researchers in the various countries abroad and researchers from developed countries who were interested in these topics. Red Caldas maintained a registry of such projects. In the second half of the 1990s it turned out that both researchers based in Colombia and those abroad did not congregate so much around the national nodes but congealed in specialised epistemic communities. Also, Red Caldas evolved into a network of networks when support from the centre—the government—diminished. The national nodes practically disappeared in the late 1990s. The epistemic communities in which researchers associated with Colombia actually participated had a more clearly defined membership and defined activities, and were characterised by a more participatory rather than hierarchical model. In sum, the state-centric effort to establish transstate

epistemic communities along national lines failed, while decentralised networks succeeded in attracting natural and social scientists.

Epistemic communities and the associated flows of knowledge are an excellent example of the different principles of providing goods in communities, markets and states. Communities and associations provide club goods, as distinct from private goods and public goods. While public goods and thus the common good provided by states are in an ideal typical way characterised by the twin principles of non-excludability and access for all, that is, non-exclusiveness, private goods are at the opposite end. Club goods are in between in that non-members can actually be excluded. However, based on membership, the goods provided are indeed collective (cf. Breuer, Faist and Jordan 1995). Put briefly, it is the boundaries between members and non-members that matter most in the provision of club goods. In the case of epistemic communities knowledge is akin to a club good, situated in between knowledge as a public and a private good. On the one hand, the increasing knowledge flows across borders, helped by the rapid dissemination and adoption of information and communication technologies, suggest that knowledge, an essential value for development, can be considered a public good. On the other hand, knowledge is a private good, reflected in the importance of industrial property rights (IPRs) and other forms of knowledge appropriation. Obviously, the production of and the access to knowledge is selective. Transstate epistemic communities provide mechanisms for the translation of science into knowledge as a factor of production and decision-making. Certain forms of knowledge are generated through communities of practice of like-minded people or peers who work in a given field or on a given topic. Epistemic communities are also connected to extension workers and end-users (so-called stakeholders). In short, epistemic communities of practice are organisational forms for producing and accessing protected knowledge that circulates freely only within these communities and is accessible only to members.

### **Outlook: transstate social spaces and states**

This analysis has suggested some of the ways in which communities and associations play a role in cross-border processes and development in pointing out interaction with other principles of social order, especially market and state. Two issues need to be considered in further research: first, the reconstruction of transstate groups, associations, networks, and organisations; second, the changing role of how states open and restrict transstate social spaces. The former helps to avoid the essentialisation of transstate subjects and to counter the tendency of both academic research and policy-making to reconstruct transstate collective subjects as unitary actors. The latter focus is necessary to clarify the changing role of states. More attention needs to be paid to how states structure transstate social spaces, for example, through the regulation of transstate migration.

The empirical examples discussed here suggest that transstate collectives, such as groups, associations, organisations and diasporas cannot be treated as unitary

actors if one wants to understand the tensions inherent in transstate spaces and the implications for the conceptualisation of transstate structures and processes. Certainly, the opportunities for transstate actors have changed in the process of globalisation, not only for migrant-based collectives (cf. Evans 2000). Because of the apparent increase in interconnectedness through long-distance communication, facilitated face-to-face communication and interaction through travel and interaction, and the diffusion of ideas and knowledge, social life across the borders of states has become more dense and extensive. The spaces 'in between' states have multiplied. Some of the cherished concepts of migration research need to be questioned because they may not be adequate to capture more fluid lifestyles, modes of action and collective behaviour. The lives of migrants are not necessarily characterised by one-time settlement and commitment to one society or associations and groups in one society. Clearly, transstate social spaces do not necessarily imply that communities of origin and communities of destination are congruent in terms of interests and ideas. As mentioned above, transstate activists who do not permanently reside in the community of origin may hold very different notions of development from those 'at home'. This problem of incongruence has not been paid sufficient attention in terms of its conceptual implications. For example, notions such as transstate citizenship are used to describe political participation, rights, duties, and belonging of transstate migrants through mechanisms such as hometown associations. But an important element of citizenship is equal political freedom, the principle of democracy—a principle that holds that those taking decisions (voice) should not be able to exit at will. While we may still want to use the term citizenship in a transstate context, we would want to avoid the ecological fallacy of simply transposing concepts from the nation-state level to transstate social spaces.

The concept of the nation-state is critical to defining the opportunity structures in transstate social spaces and transactions connected to development. Contrary to assumptions about the declining role of the state principle vis-à-vis market and community, states do play an active role in shaping the very conditions for transstate subjects engaged in development issues. The relationship of community to what is called globalisation has been even more obvious in the efforts of national governments to reshape immigration policy. In a departure from the 1960s, public policies now focus not only on return migration as a way to development but on the sponsorship of transstate networks. Policymakers in advanced welfare states in OECD countries have connected immigration with the future of social provisions. Facing a demographic transition of considerable magnitude, one line of argument sees immigration as a contribution to rejuvenate labour markets, maintain population size to ensure future economic growth, and soften the transition to other forms of old-age pension schemes and rejuvenating labour markets. In short, the issue of replacement migration (United Nations 2000) has climbed up the ladder of policy instruments in the contemporary restructuring of welfare states. One of the justifications for using immigration for economic purposes and thus clearly defining the 'national interest' in European countries is the effort to recast the effects of transstate migration for

developing countries. This trend is nowhere as visible as in the issue of migrants with a tertiary education.

Contemporary immigration policy in the OECD world, as we have seen, is partly concerned with competition for the best brains in the world, in efforts to attract not only highly skilled workers as permanent or temporary settlers for sectors such as information technology, but also international students. This investment in knowledge will help, it is believed, to weather the storms of global economic competition and the increasing competition among institutions of higher education and research (see e.g. Bericht der Unabhängigen Kommission Zuwanderung 2001 in Germany). Increasingly, the obvious criticism of the brain-drain effect of such policies is countered by references to the actual evidence and potential rewards of brain gain. The French and the British governments, for example, have rationalised the selective recruitment of highly skilled experts by introducing cooperative development schemes (cf. House of Commons 2004).

Such trends lie not only in the economic dimension of social order but also in the political realm. New international political constellations after the breakdown of the Communist world, the long-term spread of human rights and democracy as normative meta-discourses, and the rampant implosion of political order in some parts of the developing world have led to an ever increasing number of armed interventions, such as those that are often justified on humanitarian grounds or to counter terrorism. Western powers have intervened to end conflicts in the non-OECD world, and have engaged in post-war reconstruction efforts on a large and still expanding scale. These efforts require an army of experts to build the rudiments of the rule of law, sometimes from scratch, as in Afghanistan, for example. One of the crucial management questions has been the selection of personnel for such ventures. There is an ongoing debate on whether to look for refugees and exiles of the first generation who are likely to be intimately familiar with the situation based on their own experience, or to seek out younger persons, such as the children of migrants with a migration background, who may not be personally involved (see e.g. Von Carlowitz 2004).

These considerations already suggest that the changing role of the state in development policy thinking and actual policies should go beyond its function in maintaining boundaries, that is, infrastructural tasks for markets. Indeed, states play a much more activist role in development policy in addition to and beyond providing macro-economic conditions. To take but one example, the border control policies of immigration countries are intimately connected to enabling and restricting transstate mobility of persons and the potential of transstate groups and associations. The EU moved its policies from fighting 'root causes' to the conditionality of development aid (cf. European Commission 2002). At the 2002 European summit in Seville the leaders of the member states agreed that each future association or cooperation agreement which the EU/EC concludes with any country should include a clause on joint management of migration flows and compulsory readmission in the event of illegal immigration. Yet the EU's effort to link migration control to external aid is somewhat lopsided in favour of the control side. The largest share of the budget was allocated to management of migration flows, that is, strengthening border control and

mitigating illegal or irregular migration. Even more explicit are contracts between immigration and emigration countries on a bilateral level, which rest on emigration countries being willing to take back rejected asylum seekers and to control undocumented migration. The lead was taken by Italy when it offered temporary work permits and official development aid to willing countries such as Albania and Tunisia. It is noteworthy that the EU and its Mediterranean rim may be a special case not comparable to other forms of supranational organisation because the EU has engaged in a logic of expansion creating the need for increased border control functions for the set of countries adjoining the current EU borders—so far linked to the prospect of joining the EU in the long run. It is of the utmost importance to consider not only direct development policies but also indirect and powerful mechanisms like border controls and thus internal boundaries of states.

### Notes

1 The regional distribution pattern looks as follows: Latin America and the Caribbean receive the most remittances (\$ 30 bio), followed by South Asia (\$18 bio), East Asia and the Pacific (\$18 bio), the Middle East and North Africa (\$13 bio), and Europe and Central Asia (\$10 bio). Sub-Saharan Africa, including the poorest countries in the world, receives the smallest amount of remittances (\$4 bio). In Latin America, remittances amount to 2 per cent of the GDP. Yet in smaller economies the proportion is much higher: 29 per cent of GNP in Haiti, in El Salvador, Honduras, and the Dominican Republic about 15 per cent of GDP (cf. Orozco 2002).

2 Village communities and political diasporas are not dealt with here.

**5. Irregular Migration, Populism, Democracy and  
Citizenship: 'Fortress' versus 'cosmopolitanism'**

Nicos Trimikliniotis

## Populism, Democracy and Social Citizenship: Discourses on ‘Illegal Migration’ or beyond the ‘Fortress’ versus ‘Cosmopolitanism’ Debate

*Ideology has no history... [I]deologies have a history of their own [...but...] ideology in general has no history. [..T]he peculiarity of ideology is that it is endowed with a structure and a functioning such to make it a non-historical reality i.e. an omni-historical reality.*

*Louis Althusser, Ideology and Ideological State Apparatus<sup>1</sup>*

*September 11 has engendered a populist anti-Muslim culture.  
A. Sivanandan<sup>2</sup>*

### Introduction: discourses on ‘illegal migration’ and populism

This essay is concerned with the relation between discourses on ‘illegal immigration’, ‘security’ and what is perceived as a new racist anti-immigrant populism which has become more pernicious since 11/9/2001. There are four interconnected key arguments made in this essay. Firstly, the processes of alienation and criminalisation of what I refer to as *subaltern migrants*<sup>3</sup> occur via discourses of ‘social non-adaptability’ or ‘non-integration’ to ‘liberal norms’, *linking* old ‘welfare chauvinism’ with ‘criminalisation’ of migrants. This coupling process has transformed Western European liberalism into a racist force as the notion of ‘Western liberal values’ (that is, ‘basic liberal values’ and ‘fundamental human rights’) becomes the stick with which to beat the alleged value systems of migrants, particularly migrants of Muslim or Arab descent, even those who do not describe themselves as ‘Islamic’. Secondly, there is a new vigour in racist and anti-immigrant populism sweeping across Europe with a variable tenacity and impact depending on the particular political context. This ‘new’ air of racist populism cannot be explained away as mere ‘political opportunism’; in fact, the political opportunism thesis tells very little, if anything, about the ideological core or the socio-political and economic content and historical context that is (re)constituting racialised populist subjects. Thirdly, this essay considers the debate between ‘*the fortress Europe*’ versus ‘*Cosmopolitanism*’ as futile. This debate fails to appreciate and deal with the core of *structural* racism at an institutional level (EU and national levels) within the context of social forces that have generated a new *liberal* racism and anti-immigrant discourse in liberal capitalist ‘democracy’ as it is defined according to a simplistic binary logic. Finally, this essay raises the question of whether there are forces that can shape an alternative normative

formulation of European social citizenship drawing on a *European anti-racist and pro-immigrant populism*.

The term 'populism', to the extent that it can tell us something about the world, generally assumes a negative connotation. The rise of populist xenophobic and racist parties, by and large, derives from the mutation or continuation of different extreme right groups, but more importantly, from a powerful anti-immigrant racism that dwells in the mainstream. The growth of racist populism with its present day anti-immigrant and anti-Muslim slant has alarmed EU policy-makers and brings shivers as the spectres of Hitler and Mussolini haunt Europe again, with the emergence of new generations of demagogues, populists and nationalist racists from different angles of the political spectrum. To this end, the effort to theoretically connect 'populism' to democracy and social citizenship in the context of irregular migration and trafficking is an essential debate if we are to understand the generation of political processes from social processes, relations and practices related to this type of migration.

Studies of populism, particularly in 1960s, 1970s and 1980s, emphasised the macro-political dimensions, always in connection with the various populist movements of both Right and Left across the globe in the context at the time.<sup>4</sup> However, over the last two decades or so and particularly since 11/9/2001 we have a new different political, ideological and economic context and hence the shift of focus to more empirical, micro-level analysis, to more 'peripheral' questions primarily connected to the 'rise' of racist ultra-right parties and action. *Populism* is often presented as a 'malaise', a 'contagious disease' that cuts across Europe. It is certainly the case that mainstream politicians have tapped into racist and anti-immigrant discourses on a regular basis,<sup>5</sup> and that the politics of the extreme right have moved 'from the margins to the mainstream' (see Hainsworth 2000a). Regularly, in an increasing shift towards criminalisation of migrants across Europe (see Marshall et al. 1997; Tsoukala, 2005), 'securitisation' of politics (see Lahav 2004; Tsoukala 2005; 2007), there have been calls by mainstream politicians for 'securing the borders of Europe' from terrorism and security threats, which are often blamed on migrants as well as 'border controls' (see Anthias and Lazaridis, 1999) from 'invasion from immigrants'.

The complexity and unevenness of racist phenomena are certainly connected with the difficulty in defining the essential characteristics of 'extreme right'; it becomes even more difficult when trying to fit it with a particular national context. Nevertheless, on closer scrutiny it emerges that there are *some common themes and a common structure of argumentation*, such as a shared 'concern', which in practice verges on obsession, with 'immigration, national security, unemployment, culture, anti-communism, globalization, Europe, corruption, moral questions and identity' (Hainsworth 2000a: 2–3). Also there is the tendency to target immigrants as the source of 'evil' in modern society: crime, drugs and petty welfare fraud and unemployment and so forth. For Jean-Yves Camus (2005: 5):

this discourse primarily targets immigrants and refugees, especially those from Muslim countries, and sometimes Islam itself, as religion confused with its political expenses Islamism.<sup>6</sup>

Targeting migrants in Europe has been going on for some time now. Frances Webber (1996) describes the process of criminalising immigrants and asylum seekers in ‘the new Europe’ as inventing ‘crimes of arrival’: mere arrival has become a criminal act, and people are in effect imprisoned under the pretence of being ‘administratively detained’:

When people are subjected to continue fingerprinting, when they are locked up, when they are restrained by body belts and leg shackles and thirteen feet of tape, or forcibly injected with sedatives to keep them quiet as they are bundled on the aircraft, it seems reasonable to ask: What have they done? The answer is that they have tried to come to Western Europe, to seek asylum, or to live here with their families, or to work here, and the whole panoply of modern politics, with its associated rhetoric, is applied against them (Webber, 1996)

Through the mechanisms and apparatus for the maintenance of ‘the rule of law’, or, to be more precise, the system for ‘law and order’ enforcement, the fundamental principle of the presumption of innocence of migrants and asylum seekers is eroded. The process of criminalisation does not only occur by some peripheral practice or some ‘extreme’ ideology, which somehow finds its way into official policy, practice and law: it is at the core of legislation, policy-making and at the heart of the ‘mischief’ that law-makers strive to ‘remedy’. According to this logic, these ‘floods’ of people must be deterred and discouraged from coming to Europe. Hence there are parallel actions by national governments, mainstream political parties as well as EU institutions from 1990 onwards with an intensification of the process following 9/11, making ‘securitisation’ a *central* policy goal of the new immigration regime in Europe (see Lahav 2004; Tsoukala 2005; 2007). Most of these elements are strongly present in public discourses over migrants and migration in all European countries, even if there are not always specific political parties that focus on them and make them central discursive elements of their political programmes.

### **Ideologies and discourses targeting migrants in Europe**

#### *Racist discourses and the criminalisation of subaltern migrants and asylum-seekers:*

There is a frightening continuity between the treatment of asylum claimants and that of terrorist suspects. In the name of the defence of our way of life and our enlightenment values from attack by terrorists or by poor migrants, that way of life is being destroyed by creeping authoritarianism, and those values - amongst which the most important is the universality of human rights - betrayed” (Webber 2006)

For Foucault (1972: 49) discourses are ‘practices that systematically form objects of which we speak’. They can be seen as ‘the flow of knowledge—and/or all society knowledge stored—throughout all time’ (Jager 2001: 34): ‘discourses can be understood as material realities *sui genesis*’ that can be understood as institutionally consolidated concepts of speech as they ‘determine and consolidate actions and thus exercises power’. Hence, the question of *racist* discourse brings out the discursive praxis in a fluid environment that constantly deconstructs and reconstructs all material realities, generating and regenerating social discourses, structures and ideologies, including power relations such as racism. It is precisely ‘through discourse, discriminatory exclusionary practices are prepared, promulgated, and legitimised’ (Reisigl and Wodak, 2000: 32).

Discourses are ‘structured by dominance’, by a *specific dominance* that it is historically produced within a *specific time–space matrix*, even *subaltern views* are best seen in the light of their interaction, an accommodation–contest dialectic with dominant structures that are legitimated by ideologies of powerful groups. In other words, discourses are linked by collective symbolism: collective symbols are ‘cultural stereotypes’, also called ‘*topoi*’, which are handed down and used collectively (Jager 2001: 35). So if ideology interprets meaning ‘constructed and conveyed in symbolic forms’ as *the way things are* and thus *ought to be*, as the ‘order of things’ in a material world of ‘normality’, then we are essentially interested in demystifying discourses by unpacking ideologies.

Anti-immigrant discourses are thus a valuable source of situated *knowledge*, as regards racism in society, within institutions, ideologies, discourses and practices *in* each country and *across* Europe. They provide an understanding of *how* the status quo is reproduced and how to potentially transform ‘it’, ‘it’ being the general social environment that (re)produces racially discriminatory behaviour and actions. Such a perspective is not only capable of appreciating and locating empirically a Foucaultian-inspired ‘knowledge–power’ system but can simultaneously appreciate the *wider hegemonic processes*<sup>5</sup> that relate to ideological formulations.

It is within this framework that this chapter proceeds to unpack the racialised criminalisation of migrants via a *critical* analysis by firmly rooting discourses in the social processes and forces and placing them within a framework of a hegemonic order that entails *competing discourses* which interact in society.

Racism and discrimination as manifested in discourses ought to be located in *everyday* issues, where the ‘everyday’ is defined as ‘socialised meanings making practices immediately definable and uncontested’ and as such ‘can be managed according to (sub) cultural norms and expectations’ that are so ‘familiar and routinely or repetitively practised’ that they are not questioned (Essed 1991: 48–9). Building on this definition, *everyday* racism can be characterised as the integration of racism into daily situations through practices (cognitive and behavioural) that activate underlying power relations. *Everyday racism* combined with stereotypes and myths create a lethal combination; they operate powerfully through discourses, which can be seen as containers of racial and other prejudicial ideologies (sexism, ageism, and so forth).

Another question is the 'rationalisation and justification of discriminatory acts against minority groups' in more detail (van Dijk 1984: 13), with the designated categories used to rationalise prejudice against minority groups as 'the 7D's of Discrimination': 'dominance differentiation, distance, diffusion, diversion, depersonalisation or destruction, and daily discrimination'. In a European study,<sup>5</sup> it was found that across the eight countries studied extensive use was made of racist 'frames' by which politicians, political groups and trade unions and above all the media typically construct migrants and politicize the question of migration. These were coded as the ethno-pluralist frames; the conflict-criminality frames, the welfare-chauvinist frames, the job-stealing frames, the 'threat to liberal norms' frames, the biological racism frames and national specific frames.

There is a deeply rooted historical underpinning to the connection between *subaltern groups* such as 'race', ethnic minorities, migrants, working class persons and *crime*. The 'master races' saw it as their moral duty to 'bring lesser breeds into the law'<sup>7</sup> in the empires they ruled; at home the duty to protect law and order from the deviant, colonial subjects and other 'lesser breeds' became all the more vital. 'Racism by other means' came to be legitimated by 'seemingly acceptable socio-scientific discourses like socio-biology and eugenics (Goldberg 1993: 6) as well as other forms of *racialised knowledge* such as the measurement and weighing of skulls, IQ testing and crime statistics (Goldberg 1993: 152), social pathologies, 'black pathologies' (Lawrence 1982) and myths about 'black criminality' (Gilroy 1987) and general 'migrant deviance'. Such ideas are by no means only a thing of the past.

In a collective comparative study across Europe and the USA, edited by Marshall (1997) illustrate the significant variations in both the amount and sophistication of research on minorities, migrants and crime: 'All make free use of 'facts' and figures to lend credibility to their arguments. Statistics reflect the activities of social control agencies rather than the criminal involvement or individuals'. They found that the debates linking criminality to minorities and migrants were highly politicised, sensitive and emotionally charged, and, more worrying, enthusiastically embraced by extreme right-wingers. A number of methodological problems and inaccuracies were located: official statistics and sentencing data were affected by the tense relations between the police and minorities. Important generational differences were found: first-generation immigrants have particularly low crime rates (despite the fact that discrimination hits them too). As for second- and third-generation migrants (that is, children of migrants) there seems to be a disproportionate criminal involvement; however, this was explained by discrimination and deprivation/ structural inequality (that is, social position).

This study also found that references to 'anecdotal data', journalistic writing and street wisdom on the favourite subject of the 'connection' between migrants and minorities and crime abound. These discourses do not merely fit with some marginal street-wise logic; rather, these are codes strongly intertwined with policy-making at the highest political level: the shift of state policy, including EU policy, towards a greater focus on 'control', or, even worse, populist calls for 'war on crime', 'cross-border crime', 'organised crime', 'international criminal network', immigration

‘smuggling’, ‘illegal immigration’ are evidence of this. Local ethnic minorities and migrant populations are targeted as potential suspects for such or even as a ‘threat’ to the nation-state’.<sup>8</sup> What has emerged from numerous studies is a pattern of criminal victimisation, which is higher for immigrants and minorities, particularly for violent crime, and the same applies for blacks and Hispanics in the USA (Marshall 1997: 228). It is therefore essential to consider seriously the powerful social mechanisms and forces at play that *reverse* the social reality whereby migrants and minorities are *more likely to be victims of crime*, to be subject to racially motivated crimes or other hate crimes, rather than to be perceived in *dominant* popular discourses as *the most likely perpetrators or crime*. As presented above, the process has intensified since the 9/11 attacks.

What is more or less a starting point for criminologists and sociologists of crime—that crime is a *social construct* that needs to be understood in the context of the society that generates it rather than describing something natural and given (Hester and Eglin 1992)—still causes surprise if mentioned to lay audiences. It is therefore not surprising how rather less sophisticated ‘earlier’, even quite ‘primitive’ or ‘reactionary’ opinions about ‘race and crime’ are articulated and are still quite popular. Here is only noted the importance of various institutions and agencies in shaping and literally *producing* and *reproducing* the criminal subject in a stereotypical manner: a means of *racialisation* to use Miles’s concept (1989) of migrants (and ethnic minorities) via their *criminalisation*.<sup>12</sup> The study of Hall et al. (1978), which has now become a celebrated classic text, shows the crucial role of the media in orchestrating ‘moral panics’ via ‘*media amplification*’, being so active as even to coin terms such as ‘mugging’, when merely referring to the well-known offence of robbery in the streets. A process is then set in motion where *mugging* becomes ‘naturally’ associated with *black* people.

### **Racist populist discourses: targeting ‘illegal’ migrants and ‘high risk migrants’**

As will be argued below, populism is a political discourse and has today become an important ideological force that racialises migrants. So-called ‘illegal’ migrant workers are especially targeted, as a threat to the social fabric of the ‘nation’ vis-à-vis the ‘traits of the people of the host society’, which in turn is depicted as ‘peaceful’, ‘caring’ and ‘orderly’.

‘Illegal’ and clandestine labour is a prime target of populist attacks since they provide the necessary ‘shady figures’ condemned by both law and morality and moral panic is a favourite game of the media, populist politicians and far right groups. But legality is the key as it allows for legitimacy issues to be brought in as well as the question of social, or better, state control. The ‘illegal immigrant’ is faceless, timeless, country-less, thus characterised by his or her *not* being something, *not being legal*. ‘Legal status’ here assumes a social primacy determining essential traits of the ‘*illegal alien*’. The fascination with ‘the illegal’ is that he/she assumes the same, unchanging characteristics, irrespective of context, time, space, setting or condition or continent. Whether we are referring to the ‘illegal worker’, or the ‘over-stayer’, or the

tourist moonlighter, the ‘bogus’ asylum seeker or ‘bogus’ foreign welfare claimant, they are all homogenised and excluded from legal devices erected to protect all individuals from false conviction or accusation. The presumption of innocence is hereby eclipsed by the apparent ‘criminality’, illegality and ‘moral repugnance’ of this ‘floods’ of people’. In Greek the terms ‘*lathorometanastes*’ and ‘*lathreos*’ mean ‘bogus’ and ‘illegal’, and are presumed to apply to *all* migrants, with the media and the police: hence the migrant is in practice forced to carry an identity card and a valid stay permit at all times for the *next* police check.

They are the ‘other’, they are ‘here’ temporarily, only because the host societies are ‘forced’ to have them and will be disposed of as soon as they are no longer ‘needed’, as their presence depends on labour shortages, aging population or pension fund problems. The instance of the so-called ‘over-stayer’, the type of undocumented immigrants who supposedly ‘abuse’ the conditions of their stay, is an excellent example the blurred boundaries between ‘legality’ and ‘illegality’— the demarcation being part of wider questions in society of power, control and hegemony crises in the modern state. The classic schema is public policy for national states and the EU alike, ideology and repression when deemed necessary.

Border-control, in the wider sense, obviously takes new shape with processes such as the ‘*Europeanisation*’ of immigration policy (. Moreover, ‘the de-territorialisation and functional de-nationalisation of state sovereignty’ (Sassen 1996: 19) and the *re-territorialisation* are transforming old ideas about national citizenships and generate new exclusions at EU level. It is in this context that immigrants, and in particular so-called ‘illegal immigrants’, are marginalised as ‘*margizens*’ (Castles and Davidson 2000) and become the objects of populist attacks across the globe as *new global scapegoats* in society. *Subaltern* migrants, especially persons of Muslim or Arab background, be they undocumented or merely super-exploited, or even ‘settled’ but currently targeted as ‘suspects’, are the objects of attack, and as such stigmatised as threatening Western liberal legal norms. The subaltern migrant is the prime object of racist populism of the new century.

### **The populist phenomenon: the absence of historical memory?**

We now turn to the ‘agents’ of the discourses described, focusing on the question of anti-migrant and racist populism as a particular ideological and political phenomenon.

#### *A ‘populism gene’ or a ‘protean mutation’?*

Attempting to define a socio-political and ideological phenomenon is a tricky matter, particularly if we are to succeed in clarifying, condensing and simplifying a complex phenomenon. Whether it is best to define ‘populism’ by providing a basic working definition, or leave this to emerge from the text as a whole, is a matter of taste and style. It is useful to derive at a working definition, even if it is a temporary or provisional one.<sup>9</sup> Here I will not review the extensive literature on populism in general, but merely sketch some attempts to define the concept in a broader effort to

theorise populism, as literature reviews are available in recent texts (see Laclau 2005: 5–16).

Various definitions of populism focus primarily on the fact that it is a *political* and *social* phenomenon; the result is not particularly impressive. One attempt is to look at the socio-political content, the role of elites and the social appeal to the subaltern social classes of populism: ‘Its essence is that it mobilises masses of the poorer sectors of society against the existing institutions of the state, but under the very firm psychological control of a charismatic leader’ (Robertson 1985: 268–69).

Before we deal with the ‘inner’ structure or ‘logic’ of populism in terms of its institutional growth and generation (leadership, state, constitutions, and so on), we ought to think about the ideology and discourses that lie *beneath the surface* of populism. Several analyses of populism have concentrated on trying to explain what it is: a political movement or an ideology? Ideology or mere rhetoric? What are the essential elements that define the populist phenomenon? Yet a coherent theory as to its ‘ideological core’ is an impossibility as we are essentially dealing with *a method of articulation*, a *type of gene* which cuts across alternative ideological frames to adapt and articulate ideas about the world, whether descriptive or prescriptive, with a view to muster support by certain social/cultural/political groups for different *political* purposes. By doing so, they thus delineate modes of ‘belongingness’ and ‘exclusion’, which reconstruct and redefine, albeit momentarily but in powerful and particular ways manners, notions of ‘community’, ‘civility’, or ‘nationhood’, or other definitions of the plural self of ‘*us versus them*’.

It is no surprise that the very term *populism* is often described as ‘obscure and with variable outlook’ which ‘has failed to establish political parties successfully’ (Chambers Dictionary of World History 1993: 739). Robertson suggests that a reason for the obscurity of the term may largely be due to overuse: ‘Populism tends to be overused, being applied to almost any unorganised mass protest movement whose leadership comes from a lighter social class than most of its membership and it is doubtful whether it has, as a concept, enough analytic capacity or concrete scope to be useful’ (Robertson 1985: 269). Nevertheless, he recognises a difficulty in the meaning of ‘populism’, apart from the negative connotation it entails, there is an essential *ambivalence* about it as it derives from the ‘populous’: ‘in another sense populism simply means having mass popular backing or acting in the interests of the mass, the people, hence the derivations from popular’ (Robertson, 1985: 269). Populism is often connected to the notion of charismatic leader, who exercises psychological control of or appeal to the masses as ‘the leader of the crowd incarnates the primitive father who he feared so much’ (Freud, n.d.: 80).,

A characteristic of existing literature on *populism* indicates the very vagueness and ambiguity in the various approaches that have been provided so far:

A persistent feature of the literature on populism is its reluctance – or difficulty – in giving the concept any precise meaning. Notional clarity – let alone definition – is conspicuously absent from this domain. Most of the time, conceptual apprehension is replaced by appeals to a non-verbalized intuition, or

by descriptive enumerations of a variety of ‘relevant features’ – a relevance which is undermined, in the very gesture which asserts it, by reference to a proliferation of exceptions (Laclau 2005).

How then are we to approach such an elusive concept? For Worsley (1970: 219–20), it necessary to demonstrate the precise characteristics in speaking of ‘a genus of populism’: he prefers to consider populism as ‘a dimension of political culture’, rather than as a comparable ideology to liberalism, conservatism and socialism; hence he speaks of a ‘populist syndrome’ (see Laclau 2005: 14 for a critique). The observation of Alavi (1991) that populism is ‘a protean concept which has been used to label rather diverse social and political movements, state policies and ideologies’ is accurate. He in fact considers the attempt to ‘distil a general concept of populism’ as ‘unrewarding’. The fact that it covers different types of practices, movements and ideologies such as the radical North American movement in the South of independent farmers (who were not farmers); or the Russian populism; or Latin American ideologies, primarily state ideologies (the most well-know of which was Peronism, which was primarily ‘a political strategy to forge an alliance with subaltern classes against agrarian oligarchies’ where there is a ‘weak indigenous bourgeoisie’ (Alavi 1991: 432).

The ‘Functionalist’ sociological school consider populism to be a transitional phenomenon that derives from the conflict between the modern and the traditional, for example in Latin America a product of an assumed asynchrony of social structures (Fouskas 1995: 112). However, populism is not confined to ‘underdeveloped’ societies, but extends to those undergoing radical transformation change. The contention that all populism requires some form of direct appeal to the people and is all ‘anti-elitism in one form or another’ (Canovan 1981) is a theme that runs through almost all literature; and the idea of the charismatic leader, in the Weberian sense, who appeals to the masses, is also a necessary feature. The distinction between the ‘populist’ and ‘non-populist’ leader is, according to Mouzelis (1989), that the former may easily bypass and ignore the middle-ground of the party bureaucracy by appealing directly to the masses, something the non-populist leader, charismatic or not, cannot do.

This chapter is interested in these issues only to the extent that they are relevant to the explaining and understanding of anti-immigrant and racist populism: hence the overall schema (Mouzelis 1989) that populism is a ‘novel’ means of integration of the masses in the political process as it explains the ‘inclusion’ of subaltern classes in the populist politics of racism against migrants. It can be connected to the necessary distinctions made by Balibar (1991) in ‘racism and crisis’, between elite racism and ‘popular racism of the masses’ as well as the organic connection between the privileges of the host working classes (and/or colonial working classes) vis-à-vis the super-exploitation of migrants.

Laclau’s (1982a) thesis, first formulated in the 1980s and further developed 30 years later in a different context, remains valid: populism is the articulation of popular

ideological interpellations opposed to the power block. The contrast then is between class-based praxis versus the construction of the 'national-popular' which articulates 'peoplehood'. Later, as Laclau moved in a 'post-Marxist' direction, class was abandoned as a privileged point of reference, instead emphasising processes of articulation from one hegemonic moment to the next, in a discursive project of empty signifiers with no fixed abode and without *telos* (see Laclau 2005).

The problem of attempts to formulate precise definitions as well as the problem of lumping together as a unified category such disparate ideological phenomena, diverse socio-political, economic and historical contexts, as those mentioned above, is possibly inescapable. However, it would be valuable to draw a distinction between the 'popular' from the 'populist' for analytical purposes, because of the political implications of such distinction, even if the two are obviously connected. But not everything that is 'popular' is 'populist'. 'Populism' will here generally connote a negative ideological phenomenon whereas 'popular' refers to a more factual process which entails the embracing of an idea, programme or myth by a mass of people, something which may be progressive or reactionary depending on the content of such an ideal.

*Contemporary populism and the fascist legacy: is there an umbilical chord or is it a term of abuse?*

Although *populism* is by no means exclusive to fascism, this chapter contends that current xenophobic racist-type of discourses found in anti-migrant populism are connected to fascism. There is somehow an ideological *structural link*, an 'umbilical chord' so to speak, that connects populism, if not to historical fascism itself, at least to the European fascist legacy. This is not to collapse all racist populist phenomena into a blunt and unintelligible category branded as 'fascism' as a term of abuse. Yet there are connections which make legitimate comparisons and lead to considering possible links and points of contact. In fact, this chapter contends that the relationship between current racist populist parties of the extreme right in their different *mutations* with the 'old' populism of historical Fascism can be easily established, if one closely examines the content of the elements the actual discourses produced.

The fascist phenomenon is still enigmatic to social scientists and historians, and debates over its nature and meaning continue uninhibited by the passage of time, either as historical phenomenon<sup>10</sup> (Poulantzas 1974; Laclau 1982b; Mann 2004, Paxton 2004), or indeed in its (post)modern varieties (Milza 2004). It remains vital for understanding the fascist phenomena, in spite of the similarities between fascisms and other type of authoritarian ideologies and regimes, to be able to theoretically distinguish them properly from the historical fascist (Poulantzas 1974; Laclau 1982b).

Objections are raised whenever a connection is made between fascism and racist populism as 'branding' and 'labelling' without due caution. One argument is that fascism cannot technically be classified as populism because populism is by nature anti-elitist (Mouzelis 1989: 44). Thus fascism may possess all the elements of populism such as *appeal to masses*, *attack on establishment* and *direct relations between leader-supporters*; however, when it becomes a system of power it

transforms society by destroying civil society, something that does not, apparently, occur in other populism cases. This is a flawed argument because fascism may in fact be *a type of populism of a totalitarian and extreme type*, as fascism as a movement is considerably different from fascism as a system of power (see Paxton 2004) producing ‘an exceptional state’ (Poulantzas 1974). Secondly, on a more fundamental level, beyond the content analysis of populist discourse as anti-elite, or anti-establishment, one can argue that populism is by definition elitist as there are elitist values underlying whole ideological practice and structure: it derives from elitists who view themselves as the ‘great leaders’, the patronising of the *populous*, as a mere ‘mob’ in desperate need of leadership (that is, classical elitist politics).

It would nevertheless be inaccurate, analytically speaking, to consider *all* extreme right-wing parties or all populist right-wingers as ‘fascists’, even if there are certain shared features which can be thought as *structural elements of racist and right-wing populist parties, movements and ideologies*. If indeed fascism ‘derives from a self-appointed elite which abrogates to itself alone the ability to interpret the “time” needs of a people’, the same applies to various (racist) populist parties and groupings. Nevertheless, *populism* is a wider disparate phenomenon, which (a) cuts across ideologies of Left, Centre and Right and (b) does not necessarily have a fixed obsession with ‘race’ and ‘racism’ in the way Fascism and Nazism did. Some authors, in fact, suggest that certain racist groups are opportunistic rather than ideologically committed to a consistent racist ideology (see Fella and Ruzza 2006). This populist practice of opportunism derives from an elitist practice which call on the ‘masses’ for action without any of these connections with or reflections of class interests employed by Marxists. Pareto’s ‘derivations’ and Sorel’s ‘myths’ are the primary means of populist political praxis: ‘they are merely beliefs or doctrines that serve to justify, and to some extension to direct actions of groups’ (Plamenatz 1971: 124). This chapter challenges the ‘political opportunism’ thesis and maintains that there is a structural connection between racist and anti-immigrant populism and the fascist legacy.

Drawing on Althusser, Laclau’s original analysis of populism suggests that we here stand in front of a particular type of ‘*popular-democratic*’ ‘*interpellation*’, where it is the ideological elements that interpellate individuals as ‘the people’, as opposed to the elites. The reason for the ‘success’ of historical fascism was that it managed to identify, merge and establish *nationalist* and *anti-plutocratic popular* beliefs with *racism* and thereby produce a powerful populist ideology. Here we find the ideological continuity of modern or postmodern racist populism with fascism.

Of course racism is an extremely complex phenomenon, not directed only against migrants or all migrants with the same velocity, tension and intensity; nor is the term ‘race’ confined to ‘racial’ or ‘ethnic origin’ (see Anthias and Yuval-Davies 1992; Bhabha 1994). The very contradictory, transient and fluid processes of defining, redefining, targeting, retargeting and labelling which are the means by which subjects are ‘racialised’ (see Miles 1989), entails a multiplication, a split and a diversification of who will be the unfortunate victim of various racist populist groups. It can be a migrant group, an ethnic minority (old minority) or it can be a ‘degenerated’ group drawn from the ‘nation’ itself (for example, Communists, Jews, homosexuals, and so

forth). There is certainly an 'ethno-racial' core to be identified as connected with the ideology of the nation. The fact that in Italy for instance there are at least three types of populist political parties (the so-called 'post-fascists' of the (post)modernised MSI Social Movement (Movimento Sociale Italiano) now called *Allianze Nazionali/National Alliance*, the regionalist Northern League and the party of Berlusconi, *Forza Italia*) only serves to reinforce the argument in favour of a diversified populist phenomenon, even though it has to be pointed out that the target of attack is not necessarily the same group in society.<sup>11</sup> In other contexts, anti-immigrant racist politics is mainstream, to the extent that 'it could be argued that the most crucial factor in the reproduction of racist attitudes and policies has been the role of mainstream political parties and governments'. In fact it is the mainstream political parties which create the conditions for an 'anti-immigrant politics' or the 'politicisation of migration', as was the case with the French Front National (see Rydgren 2002; Hainsworth 2000b)

The legacy of fascism looms over modern racist populist ideologies and parties as a haunting spectre from the past, in different ways: Some 'post-fascist' parties attempt to distance themselves from Fascism to become respectable and mainstream for electoral reasons (for example, Fini's National Alliance), while other parties which have not grown out of fascist groups may from time to time allude to and appear nostalgic of some of Hitler's policies, on a number of occasions Jorg Haider for instance is quoted (see Reissigl and Wodak 2001:144-199). During periods of racist 'regression' or bitter racist eruptions, the fascist connection can actually, instead of embarrassing xenophobic populists, be something they flirt with and carry as a provocative badge indicating strength, allegedly reflecting (and amplifying) the views of 'the people' against political correctness.

The fact that historic fascism was 'defeated' makes, firstly, liberal democracies consider fascist ideologies as distant, exhausted and marginal, assuming that such ideas have no connection with the liberal frame of mind while, at the same time, mainstream governments and political forces are complacent and consider racist, xenophobic and anti-immigrant populism part of the liberal freedom of speech game. Secondly, ideas, beliefs, myths and practices may mutate, adapt and survive, albeit in 'genetically modified' forms: hence there can be both a rupture from the past and a simultaneous continuity of beliefs, practices, ideologies springing from fascism. Thirdly, mainstream political parties are at times happy to take up anti-immigrant and racist populism for opportunistic reasons as is the case with the Conservative and Labour Parties in the UK, in Denmark and the Netherlands.

The post-war period, however, is quite different, and democracies can learn from the past; populists can learn too from the defeat of Fascism (but not fascism as a genus). Some modern anti-immigrant and xenophobic populists may be drawn from anti-fascist traditions but are nonetheless racist, ideologically or opportunistically. Populism is indeed a 'force' and the political opportunity thesis contends that it has recognisable limits: a charismatic populist leader has his/her 'Achilles heel' in the very success of his/her ideas and discourses which spread so fast, but may exhaust themselves, losing their momentum and vigour. The drive for new means and the very

success of novelty of certain ideas is then transformed and thus becomes boring and old to disappear into thin air. However, this may well be wishful thinking when it comes to racist anti-immigration, as we are dealing with longer-term patterns, even at periods of relative calm and good race relations.

*Why there is no history in populism or populist memory?*

The contention that populism as an ideology has no historical memory, that it is essentially a *history-less aberration*, may raise question marks. Althusser's rather obscure comment that 'ideology has no history' is the starting point of this analysis in that populism is an ideological phenomenon of a particular type. To state that populist ideology has *no sense of history* is quite different from stating that *it has no history*, particularly after contending that there is a connection with the fascist legacy. In this sense there *is* historical memory of populist movements throughout the globe, but *there is no consistent and essential sense of history as such*. The various discursive devices and value-loaded myths, memories, dreams and goals are distorted, used and abused in potentially explosive discourses in polarised and divided societies.

Populist discourses are inconsistent, ever-shifting and cannot be pinned down so that we are unable to state with certainty their essential or contingent elements. Nonetheless, we can think of populism as a *peculiar form of discourse always connected to ideological phenomena, distorting and adapting* to meet the political goals it aims by design, or by default; it can be viewed as *an ideology within an ideology that produces certain ideological results*. In this sense one may speak of an 'inner structure', or 'logic' of populism, or 'populist reason' as Laclau called it, a point we return to later.

In the particular context of anti-immigrant and racist ideologies of a populist type we find very specific elements of the kind of closure required to marginalise, exclude and devalue the 'other'. It is in the process of 'delineation of the internal boundary' (Anthias and Yuval-Davis 1992) that we can locate what Laclau (2005: 197) called 'the authoritarian propensity of this political logic'. The 'discursive construction of the community' takes a definite form with the processes of criminalisation and illegalisation of migrants as the central element of a *'novel' racist populism and populist racism*. A working hypothesis, which is also a nightmare scenario, is that there appears to be a shift away from 'welfare chauvinism' towards the notion that migrants, or at least certain *types* of migrants who carry their 'Oriental' baggage are inherently unable to 'adapt to the western norms' (Said, 1995: 227), or better, to use Kipling's celebrated expression in his verse *'The White Man's Burden'* when referring to the subjects of the British empire: what he called 'new-caught, sullen peoples', who are 'half-devil and half-child', are the subaltern migrants from third countries residing in Europe, about at least certain types. The colonialist's civilizing mission was to bring these 'lesser breeds within the law', as Ignatief (1993: 167) aptly put it (see Said 1978; 1995; Bhabha 1994). What we have is a potential paradigm shift within the populist reason, whereby the old 'Kiplean logic' is being displaced as no longer functional: the so-called 'lesser breeds' can no longer 'be brought within the law'. It is in this light that Le Pen's eugenic immigration politics calling for a border control

that operates like a 'live membrane' that would accept what is beneficial and reject all that is not must understood; hence Derrida's dictum that whoever adopts an immigration discourse that aims at excluding 'illegal' migrants inevitably is ascribing in practice to Le Pen's axiom (Derrida, Stingler 1998: 27-29).

This essay does not pretend that the criminalisation of migrant, ethnic groups and minorities is a wholly novel phenomenon; on the contrary it is as old as 'black pathologies' (Lawrence 1982; Gilroy 1987) and the process of criminalising black people as part of 'race-making' (Gilroy 2002). However, if Eagleton (1991) is correct, that 'ideology is a function of the relation of an utterance to its social context', then under the current climate of [neoliberal] socio-economic transformation, widespread working insecurity and uncertainty about the future, there is indeed great scope for racist re-articulation and mobilisation. Thus there are great opportunities for populist racist and anti-immigrant politics; indeed, this is what we are witnessing. What we have however is a wave of what one scholar called 'immigration phobia' which entangles with security dilemmas hence the securitisation of migration (Aleseev, 2006)

This brings us to the next point, which is to dispel the widespread idea that racist/anti-immigrant populism can be dismissed to mere political opportunism, a prevailing view on populism.

#### *Racist populism: beyond the political opportunity thesis*

A popular thesis about the new racist and anti-immigrant populism is that of *political opportunism*. Even the former Greek Prime Minister Costas Simitis, who had already co-authored two books on the subject prior to becoming prime minister (Simitis, 1989, 1992), refers in his recent book (Simitis, 2005) to the 'constant contest' with populism, which 'simplifies' and 'appeals not to reasonable argument but to spontaneous feelings' and uses different subjects that have an emotional appeal without bothering about the logical consequences (Simitis 2005: 529). Academically the 'political opportunity thesis' has emerged as an influential explanation for the rise of xenophobic racist parties over recent years (Mudde 2000; Rydgren 2002), the emphasis being on opportunity structures that allow for the growth of these political groups/parties.

However, political opportunity is only useful in *partly explaining the context of tactics used by political actors*; but they say very little about both the *content* of the ideology of this brand of populist discourses, *little about the political and socio-economic and cultural context* that allow for this political opportunity to emerge. Moreover, this chapter doubts the very core of studies of populism, at least the type of populisms which I have tried to define as *'new' racist and anti-immigrant populism*, which view (racist/anti-immigrant) political movements as *merely* political opportunistic, as if there is little or no inner structural or ideological core or logic of the political constitution. To some extent all political groups somehow appeal to the masses for support and articulate overall simplified messages, slogans and discourses in order to mobilise popular support; this is, after all, the popular democratic game. Frankly, the political opportunity thesis is not convincing, or at least it does not

explain much, because it is simply redefining an obvious tautology. To state that political opportunity is a defining characteristic of populist movements is to say nothing we did not know, but to take a dig at the intelligence and intelligibility of the political group or individual who is branded as a political opportunist. But so what? It offers us very little understanding of the phenomenon, or explanation as to how and when such phenomena come into play, or indeed how to combat them.

Moreover, beyond criticising the fact that many perspectives on populism are mere *descriptive accounts stating the obvious* with little theoretical insight, we ought to consider how to move on and transform the debate into a meaningful social theorisation of the issue under examination. It makes sense to take up what Laclau (2005: 17) suggests about the need to replace the question ‘what is populism’ with an alternative question, or, better, to move on to the *next* question in order to push a debate in stalemate forwards: ‘*To what social and ideological realism does populism apply?*’

Drawing on Laclau’s exploration of the matter this question can be expanded and spelled out in three more specific questions:

How does the processes of criminalisation of migrants via the discourses about ‘illegality’, ‘danger’ and ‘emergency construct or reconstruct social and ideological spaces that (a) generate new ‘political spaces’ (that is, opportunities, possibilities for mobilization and manoeuvre, and so on) and (b) racialise society, communities, peoples, national spaces, and so forth.

How do these processes correspond to a *racism embedded in social, ideological and political institutions* that is somehow activated to become a devastating force in motion? In other words, rather than treating ‘extreme right parties’ as ‘an interesting fringe’ we shall look at the very centre of the institutional and political processes—the ‘mainstream’ system which creates the opportunities for populist opportunity under certain conditions. What does this tell us about the ‘limits of liberalism’, whether the borders of Europe are ‘soft or hard’?

This is where Laclau’s argument can be valuable. The starting point of his analysis is the critique of the dismissal of populism as a peripheral phenomena at the margins of social explanation. He questions the notions of ‘good community’ versus ‘the excesses of the margins’. For Laclau then,

Populism was always linked to a dangerous excess, which puts the clear-cut moulds of a rational community into question. So my task, as I conceive it, was to bring to light the specific logics inherent in that excess, and to argue that from corresponding to marginal phenomena, they are inscribed in the working of any communication space (Laclau 2005: x).

Here no claims are made as to the generality of this thesis for other forms of populist cases. However, his comments strike at the heart of racial politics and racist/anti-immigrant populism. The approach proposed is extremely useful in a way that allows us to promote the debate on the plasticity of the new racism within populism which has as its case an anti-immigrant discourse. Laclau’s (2005: ix) starting point is

to examine ‘the nature and logics of the formation of collective identities’ and to question a sociology [. . .] which either considered the group as the basic unit of social analysis, or tried to transcend that unit by locating it within wider functionalism or structuralism paradigms’. Instead, he attempts to examine in more detail the unity of the ‘identity’ between smaller unities via the desegregation of the ‘articulation of demands’:

The first path is to split the unity of the group into smaller unities that we have called demands: the unity of the group is, in my view, the result of an articulation of demands. This articulation, however, does not correspond to a stable and positive configuration which could be grasped as a unified whole: on the contrary, since it is in the nature of all demands to present claims to a established order, it is in a peculiar relation with that order, being both inside and outside it.

There are obvious alternative routes and Laclau proceeds to propose an understanding of the contextual basis of understanding populism, which is rooted in social reality, rather than considering the question in abstraction. This produces the transformation of our understanding of the subject:

Instead of counterpoising ‘vagueness’ to a mature political logic governed by a high degree of precise institutional determination, we should start asking ourselves a different and more basic set of questions: ‘is not the ‘vagueness’ of populist discourses the consequence of social reality itself being, in some situations, vague and undetermined; And that case, ‘wouldn’t populism be, rather than a clumsy political and ideological operation, a performative act endowed with a rationality of its own – that is to say, in some situations, vagueness is a precondition to constructive relevant political meanings; Finally, is populism really a transitional moment derived from the immaturity of social actors and bound to be superseded at a later stage, or is it, rather, a constant dimension of political action which necessarily arises (in different degrees) in all political discourses, subverting and complicating the operations of the so-called ‘more mature’ ideologies (Laclau 2005: 17).

Let us adjust Laclau’s method and modify it to suit the consideration of racist/anti-immigrant populism. When it comes to so-called ‘mature ideology’ such as nationalism or indeed other state-orientated or related ideologies, it can be argued that *nationalism will only ‘mature’ when it is defeated*. The ideologies of nationhood, and, even more ‘progressive’ notions of ‘peoplehood’, are racialised in specific ways according to specific conjunctures. The current *political moment*, to use an Althusserian notion, is characterised by the discourses of emergency: anti-smuggling, anti-trafficking, anti-terror, combating illegal immigration and so on—phenomena that all challenge the nation, in fact, indicating its approaching defeat.

It is in this context that we need to look at *the process of constituting racialised populist subjects*. From the question set out, it is apparent that this chapter does not subscribe to relegating racist and anti-immigrant populism to mere 'rhetoric' that will somehow disappear if and when other opportunities arise.

In this sense the constitution of political communities as racialised populist subjects is a central and powerful means of reproduction of social relations in society (see Laclau 2005: 12–13); indeed it is via the process of articulation that actually constituted populist subjects are produced: 'far from being a parasite of ideology, rhetoric would be the anatomy of the ideological world' (Laclau 2005: 12–13).

The very construction of 'the people' (that is, delineating the boundaries of peoplehood, nation, ethnic communities, and so forth) is an articulation based on actual, real and powerful structures and institutions (such as politics, law, ideology, repressive apparatuses). Just like the duality of Europe: on the one-hand 'basic human rights for all' (the rule of law) and on the other an exclusionary Europe. However, this Janus-like duality goes even further. It is in this sense that Balibar's critique of the processes of 'apartheidization' of an increasingly Europeanised immigration policy is relevant (Balibar 2004). I would argue that these processes of Europeanisation (that is, ideological, economic, political, cultural and so on) are reconstructing a European 'peoplehood' that generates new, deeper and more fragmented forms of exclusions that are simultaneously an essential part of the liberal idea, as they undermine the very basis of the liberal ideal: it illustrates the limits of liberal tolerance. Exclusions that complement and enhance 'national' racisms, 'old' and 'new', and thus play into the hands of and generate *new* racist populisms.

If Laclau (2005: 67) is correct that to regard the very 'vagueness and indeterminacy' of populist discourse as its weakness is false, but that its vagueness reveals it as an accurate correspondence of reality, then the failure to properly appreciate the strength of this odd social animal is hardly surprising. 'Vagueness and indeterminacy are not shortcomings of discourse about social reality, but in some circumstances inscribed in social reality as such.' In fact Laclau (2005: 67) goes even further to argue that 'rhetorical devices' are inherent in any conceptual structure to the extent that 'populism is the royal road to understanding something about the ontological constitution of the political as such'.

The contention of this chapter is nowhere as ambitious: it merely proposes to examine the correspondence between the ideological constructions of socio-political reality and the social processes that racialise migrants. Yet I will *extend* Laclau's argument further in the sense that I argue that the very vagueness and indeterminacy of populism is one of the great strengths of this particular type of political discourse. For populism has no historical memory—a tremendous advantage for someone who wants to manoeuvre opportunistically according to conjunctures and moods. However, I would say that there are structural limits to this room to manoeuvre. Populist racism / racist populism is very specific, for it corresponds to deep-rooted structures in society. It appears to be rooted not only to stereotypes, phenotypical prejudices or what Gramsci (1971) called 'bad sense' in common sense assumed to be part of an unquestioned 'popular wisdom', but as part of a racial embeddedness. This

contention of course relies on one's perception of the nature of racism in contemporary society.

*The inadequacy of cosmopolitan and the futility of the debate 'fortress versus cosmopolitanism'*

As is apparent from the way racism and connected types of populisms are viewed here, the debates on '*Fortress Europe*' versus '*Cosmopolitanism*' are considered to be futile and irrelevant. No matter how noble or well intentioned, notions of cosmopolitanism carry no social or political weight beyond circles that are engaged in the debate. Moreover, this debate is to my mind a diversion from the need to focus on the need for radical institutional transformation within the nation-states and EU structures.

The construction of cosmopolitanism as an alternative to the narrow-mindedness of the nation-state and fortress Europe is highly problematic. In fact it is playing into the hands of racist populism against migrants and other ethnic groups who present intellectuals as corrupted by bribes for funding and the protection of transnational centres of power. This is not to take away the importance of efforts to transcend the nation-state and to move beyond the narrow-minded constraints of 'patriotism' and 'nationalism', an issue that is certainly not as novel as it is thought (see Nussbaum et al. 1996; Derrida 2001). Beyond the appeal to certain intellectual and liberal minded elites, the concept of *cosmopolitanism* cannot be inscribed into any popular traditions, or be anchored to any democratic and legitimate institutions. It is therefore a poor and inadequate substitute for *class-based internationalist solidarity* (the Left), or *ecumenical appeals that we are all children of God* (religious calls) or *universal humanity* (liberal humanism). In this sense there is no tactical or strategic benefit in countering and displacing the various racist or ethno-nationalist populisms with cosmopolitanism. Any appeal to some supranational or transnational point of reference is likely to hit on the hard reality of an absence of a historical, legitimate and democratic institution or agency to anchor on to and push it forward.

What does this say about the potential for a European social citizenship or a holistic citizenship? This chapter proposes a holistic approach to citizenship that includes both social and civil citizenship, and even goes beyond that. In this way we can rethink democracy today in order to try to think of means to 'include' the excluded: let us not forget that the Aristotelian citizen is essentially a *political* animal. Of course we here hit on the 'nation-state' structures and the EU—which is a regional state-like structure. The absence of a European social citizenship that could act as a reliable unifying point for social solidarity, mobilisation and popular-democratic demand is still absent (see Balibar 2004). *Participatory democracy* involves both civil and social/economic rights—important to see them together if we are to have an inclusion of migrants—including, or to put it more forcefully, *particularly* irregular migrants and all racialised groups.

## Conclusion

The argument made here is that the shift in populist discourses towards ‘liberal values’ is an illustration of new factors: (a) anti-immigrant and racist populism is going mainstream and (b) liberalism is exposing its limits; (c) liberal argumentation and discourses are being increasingly racialised as the ‘values’ of liberal democracy are producing racialised ‘populist subjects’.

We cannot be certain about the extent to which the social forces and mechanisms activated are in practice ‘autonomous’ or ‘dependent’ in relation to the discursive strategies and work of populist racists. We must first connect the various discourses to the structural and institutional arrangements in specific historical contexts. Also, populist racist discourse may reflect what is already out there, the racist or racialised social reality (Goldberg 1993). Nevertheless, it is certain that the interaction of racialised institutions and racist anti-immigrant populists accentuates the social problem of racism. Unless a counter-force emerges, this vicious cycle is set to continue.

The key question on this issue is how exactly can social force manage to counter the processes of this ‘new’ criminalisation of migrants? How does one cope against the panoply of the exclusionary law, state, media and political institutions in Europe? How does one deal with populist racisms? The difficulty in addressing such issues is apparent: for the sake of coherence of the argument in a single text, one is obliged to make connections over matters that require considerable groundwork and conceptual modification. Nonetheless, the most difficult task is to suggest *a normative politics of optimism* in an undoubtedly pessimistic world scenario. In this sense we are more or less forced *to think ahead* towards a nebulous future of a world that looks ever changing, gloomy and increasingly complex.

In such a world, old utopias appear as weak as ever, intellectually speaking, but as powerful as ever as a matter of will, in an ironic replaying of Gramsci’s tragic but prophetic statement that has become an existential angst or the motto of our times: in a sense we are all ‘pessimists of the mind’ but remain ‘optimists of the heart’.

## Notes

1 Althusser 2001: 108.

2 *Race & Class*, 46(1): 1–2.

3 Not all migrants are ‘subaltern’ since we cannot assume homogeneity amongst the highly differentiated stratification of migrants in terms of class, ethnicity, gender, religion, age, wealth and power. The term ‘subaltern’ is taken from Gramsci’s allusion to the ‘lower’ classes, and has become a vogue term in postcolonial discourse following Spivak’s seminal work: ‘Can the Subaltern Speak?’

4 See *The European Dilemma*, 2002–2005.

5 A Gramscian-inspired project that appreciates the social forces in the shaping of power and social relations as a system of hegemony is extremely valuable as a theoretical–analytical framework when analysing racism in society. See Gramsci (1971); and Hall (1996).

6 See Work package 5, *The European Dilemma* (2002–2005).

7 A celebrated phrase which refers to the British Empire; Ignatief (1983: 167) points out that ‘bringing the lesser breeds within the law meant freeing them from lesser tribal fanaticism’s and teaching them the civic temperament of the English race’.

8 Huntington (1997b). Various similar jibes against so-called ‘non-Western’ migrants as ‘uspect’, dangerous and various ‘Trojan horse-like’ remarks are made throughout his infamous but celebrated book (1997a) *The Clash of Civilisations and the Remaking of World Order*.

9 In the version presented in Istanbul the concept was not defined and was accused of failing to provide anything ‘new’ on the subject of ‘populism’. The written and expanded version of the paper delves with the problem of definition without foregrounding however the spirit of the original text’s position that the populism ought to be approached openly, allowing explanations and understandings of this phenomenon to emerge, is maintained.

10 Historical Fascism, including Nazism, is given with a capital ‘F’, whilst ‘fascism’ refers to the general ‘genus’ of the ideology as proposed by Griffin (1991). However, for the purposes of this essay we refer to ‘fascism’ as a general ideology, save for situations in which ‘historical fascism’ is specifically mentioned. Griffin (1995) has compiled a useful Fascism reader that includes post-war fascism, pp. 311-387.

11 I thank Giovana Campani for pointing out that in the case of Italy ‘illegal’ immigrants are primarily the target of the Lega and not the other two parties. Paradoxically, the post-fascists have recently supported the idea of new migration to Italy.

Erik Berggren

## Danish Xenophobia – Power Logic in Motion<sup>1</sup>

Since the mid 1980's anti-immigrant feelings have occupied an ever more dominant position in Danish politics. (Rydgren 2004b). During this time local politicians across the political spectrum began to speak of immigrants and immigration as a 'problem', and soon this came from the highest national level. The Progress Party and its break-away, the Danish People's Party (DF), took the initiative in the mid 1990's and have since then worked the Danish public with an energetic xenophobic agitation supported by media which increasingly have promoted an image of immigrants as a threat to the country and Danish culture. Hence, today the established parties are competing in being toughest in the debate on immigration.<sup>2</sup>

As a result, in 2001 a Danish government came into power on a bill, saturated with xenophobia to an extent previously unseen in Danish politics. The shift in power was preceded by a raw campaign that warned of the 'problem' with 'foreigners', with systematic allusions to gang-rape and social-security fraud, all included in a programme promising a more powerful 'integration policy'. The same tactics also contributed to victory in the succeeding election, assisted by an exhausted Social Democrat Party which, instead of taking up the fight against the stigmatization of immigrants, incorporated this political strategy as its own weapon.

Ever since the Right-Liberal party Venstre formed a government with the Conservatives, with parliamentary support from DF, the government has worked with a fixed purpose to decrease immigration and the influx of refugees. A way of speaking of 'foreigners' has been established that is discriminatively problem-oriented and at times clearly racist – and this has been achieved without any really strong resistance from within the political system or from public debate. Before the last election in February 2005 the Social Democrats showed that by then they had accepted all the changes in the politics on foreigners that the Conservative-Liberal government had introduced, and they assured the voters that the party would not touch these laws. Hence, the issue is a matter of how immigrants and immigration are discussed, a discursive change, and a matter of actual political changes and jurisdiction on immigration, refugees, asylum and integration.

This essay focuses on how the political situation can be understood within the framework of the political dynamic during the last decade. For – and that is one of my main points – it is within this dynamic, with our gaze directed on those who sought this development and have entered into alliances with those who made this dynamic possible, that we can reach a more accurate understanding of what is now transpiring and why xenophobic politics in Denmark have proved to be so strong and durable.

A full understanding of this development must embrace narratives of Danish history, social structure and self-understanding which reach back further in time and

are linked to comparative research on the growth of extreme right-wing parties in Europe. However, among the attempts to understand Danish immigrant politics that have been done, the perspective is often too short or too long. Anti-immigrant politics is either sought in ancient cultural and national patterns and mentalities – in the thinking of Grundtvig, in the national feeling resulting from the crushed self-respect of the shrinking empire, or simply in the smallness of the country and its cherishing of ‘hygge’ as a value – or the focus is placed on the Progress Party and the Danish People’s Party, so that the part played by the Social Democrats, Venstre and the Conservatives is neglected (see e.g. Dencik 2005).

To a certain extent I am guilty of the latter form of amnesia. Yet my purpose is to identify what I call a *power logic in motion* and to show how it is central for understanding the political development and what keeps it going, rather than to give a complete analysis of the social, economic, discursive and ideological factors behind the development. By the notion of *power logic* I mean a political process that is played out in several areas, by different activists and on different levels of society, locally and centrally, in the media and in public, through law-making as well as discursive changes. In a complex interplay a political line has been introduced; this, in turn has established a political party and political alliances; and, this, in its turn, strengthens the power, extending the political line further – and so on. This is probably the rule for all major political changes, especially in democracies: politics jerks forwards in incremental steps. But I want to underline here the wide scope of what is now taking place and how these changes might be more durable than we might have tended to believe if we could have pointed out one party, one activist, one discourse, as explanation for the changes highlighted here. That this power logic is *in motion* is self-evident. However, this qualification is intended to underline the process of the many incremental changes in different areas which have occurred and continue to do so. This makes it difficult to assign a single cause and an end. It may also be this incremental quality in the changes in focus here that can explain the difficulties and failures in mobilizing and articulating an efficient resistance to Denmark’s anti-immigrant politics.

The development has been described in terms ranging from ‘toughening immigrant politics’ to ‘xenophobia’, ‘racism’ or, possibly most common, to ‘right-wing populism’. All concepts apply, but none can quite capture the radicalism of what has happened. A term which I suggest is worth trying, in order to deepen our understanding of Danish politics today in general and the politics on foreigners in particular, is ‘fascism’, a concept that I think better describes current developments in Denmark. This does not mean, of course, that Denmark has become a fully fledged fascist state, or that it is about to become one; but it does mean that certain aspects of the current political development can be understood through a modern understanding and view of what fascism can be.<sup>3</sup> A starting point for this discussion, to be developed below, is that I find the concept ‘populism’, or its qualifications ‘right-wing populism’ or ‘radical right-wing populism’, to be insufficient and to some extent misleading.<sup>4</sup> But fascism – with an understanding of the concept that researchers have given it during recent years, where fascism does not necessarily have to mean

totalitarian violence and explicitly anti-democratic ambitions – can open up a more interesting and complex understanding of the extreme Right dynamics now in motion in Denmark. This does not mean that the concept of populism must be abandoned and replaced with fascism. But the analysis of right-wing populism and extremism can be made sharper and more accurate if it accounts for the great overlap existing between the concepts and the phenomena they describe rather than making artificial boundaries that, in turn, run the risk of lulling us into a false sense of security about what our democratic systems can accommodate.

### **Fascism**

‘Fascism’ is, to most ears, probably too strong a word, yes, even ridiculous. In the West, post-Auschwitz, the concept has come to suggest exaggeration, since nothing can really compare with the European fascist experience. It is difficult to free the term ‘fascism’ from association with the European fascist regimes that, in varying degree, unleashed terror and genocide. There is also the risk that the notion, if used too readily, will be watered down, which might be offensive to millions of victims of fascist regimes of the past. Alternative concepts might be ‘neo-fascism’, or ‘proto-fascism’. But the former is blurry and means mainly fascism after World War II. The latter often connotes a milder form of fascism (Mudde 1996: 240–241), but the prefix ‘proto’ indicates a teleological logic, in which that which comes before (‘proto’) is followed by more developed forms of fascism. To avoid such a determinism I prefer to speak simply of ‘fascism’, but with the important reservation that this does not have to mean totalitarian and violent regimes of the classic pattern. Just as the historian Robert O. Paxton emphasizes in his book *The Anatomy of Fascism* (2004), it is unlikely that fascisms of today and tomorrow will look precisely like yesterday’s fascisms. Fascism is too stigmatized in our societies. It will, therefore, dress up in a partly new outfit, it will not wave the swastika and the bundle of twigs, not come marching in polished boots and military gear, and it will probably not aim at the Jew as its first target. One needs, therefore, as Paxton has done, to analyse also what fascism is and has been beyond the immediate fascist cliché (see also Eco 1995 Lapham 2005). Paxton has looked historically at a variety of fascist movements and identified different phases in their respective developmental processes. He shows how the fascisms of Europe were not determined to follow a certain developmental path, but that they exhibited among themselves a great variety of purpose, style, brutality and success – something that is often forgotten, or even actively denied, as there is a tendency to reserve the concept for Mussolini’s Italy and Nazi Germany. Recently the sociologist Michael Mann also contributed a historically grounded theoretical analysis of the subject, in *Fascism* (2004). Mann, who is trying to bring some order to the concept, posits, as does Paxton, that it is futile to look for a generic definition: fascism is far too varied and complex a concept and phenomenon.

The definition of fascism that has dominated in the postwar years, and that is tied to the catastrophic experiences of the 20th century (Nolte 1984), still has a strong hold, even though it has been largely discarded in the field of research, if not in

general public debate (Griffin and Feldman 2004). Already in the 1930s the theorists of the Frankfurt School, Theodor Adorno, Max Horkheimer and Walter Benjamin, suggested an alternative view, influenced by Marxism, Nietzschean perspectivism and Freudian psychoanalysis (Adorno and Horkheimer 1997, Horkheimer 1987). Their criticism tried to bring to the surface the links between fascism and modern 'monopoly capitalism' and how the individual in high capitalism, as well as in fascist totalitarian systems, structurally and psychologically was pressed to abandon his or her critical faculties. This later influenced a leftist criticism of the established liberal analysis of fascism (e.g. Haug 1977). Horkheimer coined the catchword of this view: 'Whoever does not want to talk about capitalism should also be quiet about fascism' (*Häftan för kritiska studier* 1990).

Paxton and Mann's perspective also try to avoid a demonizing understanding: yet without explaining fascism from foremost an anti-capitalist standpoint. However, what links them to Critical Theory, is the insistence that fascism should not be seen as the unfortunate exception in European modernity. On the contrary, and irrespective of how repulsive we find the idea, they emphasize how fascism is a central part of the modern European experience (Mann 2004: 1–3). Hence, they do not regard fascism as the embodiment of evil or irrationality, nor as mass psychological rage, nor grounded in a certain phase of economic development and its ensuing class conflicts. Instead, they emphasize the *political dynamic* preceding and surrounding fascist interventions—the ideas, the movements, the propaganda and the alliances with other parliamentary groups. In other words, the work and ambitions of the political activists to change society in a fascist direction are given a central role. An immediate question following from this is whether a democracy can also be, even if only to a degree, fascist. Mann and Paxton suggest that this is the case. Although it is in a sense correct to say that fascism is the antithesis of democracy, history reveals that democracy has in no way been a guarantee against fascist political developments. On the contrary, many, perhaps most, fascist movements have grown within the framework of more or less stable democracies, and they have developed their characteristic style in the public arena precisely because they have operated within political systems where power is conditional upon attracting and conquering public opinion. (Paxton goes as far as to make democracy a necessary precondition in his definition of fascism.)

In spite of the rejection of attempts at formulating a generic definition, Mann still suggests five elements central to an understanding of fascism. These are elements that refer to things that fascists have aspired to but only occasionally realized (Mann 2004: 13–17). First, fascism is characterized by an *organic nationalism* which builds myths about the origins of the nation and nurtures a desire for national rebirth. Secondly, to this a *statist ideology* has been linked, that is, a worship of strong. Mann is therefore talking of nation-statism as a central feature of fascism. In this a predilection for bureaucracy before democracy is present which fuels dictatorial tendencies. A third ideological element, linked to the others, is *transcendence*. In opposition to the conservative cherishing of an older social order and to the liberal and social democratic view of politics and society as centred around conflicts between interest groups and classes, fascists long for a transcendence of dominant social conflicts and

class distinctions: a rebirth of the nation that makes current lines of conflicts obsolete. Fourth, as an operative strategy, *cleansing* is often an important element in fascist movements. Since political opponents are defined as ‘the enemy’, they must be cleansed from the nation. The tools here are demogogy, intimidation, violence and, as a last resort, murder. In varying degree the political enemy has been defined in political and/or ethnic terms. *Political cleansing* has, according to Mann, often been bloody at the beginning, but has weakened after a while as opposition surrenders and is silenced. *Ethnic cleansing*, however, has tended to increase in fascist regimes, as the ‘problem’ of diversity cannot be ‘solved’ by silencing opposition or forced assimilation. Finally, Mann emphasizes how *violence and para-militarism* in one form or another has always been both a value and a central method of fascist regimes. The Nazi Brown shirts and Storm troopers or the Italian equivalent, the ‘*Fasci de Combattimento*’, simultaneously attracted certain people and intimidated others into silence as they showed vitality and power to act while they also performed the ‘dirty work’ of cleansing. Yet another element that Mann holds up, less ideological and more rhetorical but just as important, is the anti-elitist flirtation with the ‘people’ as the essence of the nation, which plays a part within all the aforementioned elements: this is a constant in all fascist movements and also the fundamental idea beneath all forms of populism. Put another way, populism is an essential part of fascism.

There is nowadays a great deal of consensus about these criteria. However, for Mann and Paxton they do not all have to be fulfilled. Rather, the list shall be seen as a sketch by which we can judge whether movements and political dynamics are *more or less fascist*. Here is, perhaps, the most challenging aspect of their argument. Traditionally, there is a requirement for all these criteria to be fulfilled (and often more), in order to speak of fascism; otherwise other terms are used, from extreme right to populism or chauvinism. Mann’s and Paxton’s approach opens up for an understanding of fascism also in its milder form, within a democratic context. That is, of the *political dynamic* in which fascism emerges, including the ambitions of political activists and their work.<sup>5</sup>

With Mann’s five criteria before our eyes we see immediately that Denmark has not developed a full-blown fascism. There are neither any storm troopers in sight nor a directly violent regime in office. Likewise, no worship of state power or cult of the leader dominates the political scene. The government is not motivated by a fascist utopian vision and the Danish People’s Party is not a self-declared anti-democratic party. Before I proceed to discuss how aspects of Danish politics today still can be understood with a modern definition of fascism as a tool, I will address the problem with the more commonly used concept, ‘populism’.

### **Populism**

Discussion of ‘populism’ is widespread. The concept is notoriously vague, partly because populism as a strategy is part of all political movements and partly because it is used so commonly as a derogatory judgement on opportunistic politicians: at the same time, political scientists have tried, in many ways, to furnish the notion with a

more precise definition. Research on populism and radical right wing populism has been steadily growing, as its object grows in importance in European politics (see Mudde 1996; Rydgren 2004b: 18–26; Eatwell and Mudde 2004: 8–23). This research is praiseworthy for describing populist parties, for ordering them in party families, for analysing their ideologies and strategies (Rydgren 2004b: 9–28) and relating them to socio-economic and value-based changes among voters. The causal order applied often assigns attitudes and valuations in the electorates as cause, while the emergence and growth of right-wing populist parties are seen as effect, although most scholars count on a certain degree of interdependency.

The party family to which the Danish People's Party can be said to belong has been called Radical Right-wing Populism (RRP) (Rydgren 2004b). It is characterized by charismatic leadership, anti-elitism, drastic agitation, power-assuring alliances (sometimes of an unexpected character), and, of course, a radicalized xenophobia and nationalism transmuted into a political programme. Significantly, the definition of RRP and modern definitions of fascism are, from all relevant aspects, almost identical (see Rydgren 2004b, 2004a; Mudde 1996). Yet, the predominant understanding of fascism in these studies are nevertheless strongly coloured by previous European experience. A central issue is thus whether a xenophobic, anti-elitist, nationalist populist party explicitly accepts the democratic rules of the game or wants to abolish them. The former is then classified as 'populist', the latter as 'extremist' or 'fascist' (defending the distinction, see Betz 1998: 3; Rydgren 2004b; Zaslove 2004) Often it is also claimed that RRP:s to be labelled as extreme or fascist must advocate biological racism, and not 'merely' cultural racism (Fennema 2005: 2-7).

However, this strong emphasis on the difference in terms of democratic credibility (ideologically and in practice) between right-wing populists and fascists is also called into question. Roger Eatwell suggests that this runs the risk of giving unfounded legitimacy to populist groups (Eatwell 2004: 12). He exemplifies with the French Front National, which many label as a radical right-wing populist party since they operate within the democratic system. Yet, Eatwell asks rhetorically whether an imagined realization of their political vision, even one that did not entail a Nazi-like dictatorship, would be in harmony with the ideal of liberal democracy. Eatwell erodes the distinction between populists and anti-democratic extremists by granting them all a certain tactical capacity (Eatwell 2004: 8):

...many extremists are willing to work through the parliamentary system to gain power, and their exact desires about democracy can be difficult to discern given the obvious reasons in contemporary West to hide anti-democratic sentiments.

Jens Rydgren indicates a related point when he posits how different variants of racism may not be rooted in ideology but in tactics (Rydgren 2004b: 25, my transl.):

Through using the ethno-pluralist doctrine (cultural racism, my note) it has been possible for RRP:s to pursue a xenophobic political message without becoming as stigmatized as 'old' racists have been in the postwar period.

Eatwell also suggests that RRP:s constitute a threat to democracy irrespective of whether their assurances of democratic credibility are genuine or not as the populist style, the black-and-white outlook and the often crude and vulgar, or alternatively, overzealous moralizing language threaten democracy since this obstructs mutual rational deliberation based on the ideals, at least, of the liberal tradition: tolerance and pluralism (Eatwell 2004:13).

Eatwell's criticism is related to what Ernesto Laclau (2005: 33–49) claims, that populists should not be analysed with ideological content as the primary object for the analysis, but with a focus on political *practice*. This in turn is based on a perspective where political practice is not seen as an authentic expression of the nature of a social agent (for example, ideology, core commitments, values, etc.), but instead as something which *constitutes* the agent. To Laclau (2005: 33) this means that:

a movement is not populist because in its political ideology it presents actual *contents* identifiable as populist, but because it shows a particular *logic of articulation* of those contents – whatever those contents are.

With this turnaround of the analytical perspective more comes into view than the explicit recognition or rejection of democracy, or confession to biological as against cultural racism. Instead priority is placed on style, the power-seeking logic, i.e. the way politics is articulated, or, as Laclau says, the *constituting* element.

From this perspective I believe that the established view of right-wing populism becomes insufficient. Because, first, it attaches too much weight to a party's *explicit* acceptance of democratic rules. Such a declaration is a precondition for any success in a stable democracy. Second, an analytical idea of *change* and potential for change in right-wing populist parties is missing in much classification oriented research on populism. This is needed however, because the expressed 'ideological' commitments of RRP:s can change fast. Research on right-wing populist parties is thus in need of a more forceful discussion about what happens when such parties obtain power, as in Denmark today (Fieschi 2004).

Even though there is unanimity regarding the radicalization of the Danish People's Party, few have discussed their politics in terms of 'fascism' (see note 3). But that the party today more and more resembles, for example, the French Front National is beyond doubt (Rydgren 2004a). Catherine Fieschi's institutional analysis of the Front National in *Fascism, Populism and the French Fifth Republic: In the Shadow of Democracy* (2004) is in this context an eye opener. She shows how the roots of the Front go deep into the French fascist movement, historically as well as ideologically. For Fieschi, today's Front National is simply a fascist movement which tries to survive and gain success within the institutional framework of French postwar democracy, the Fifth Republic, with all that this implies for limitations and

possibilities in terms of institutions, values, rhetoric and so forth. The political system is key here, with its increased 'presidentialism', putting a premium on aggressive populist campaigning, charisma and folksiness. From her perspective, 'populism' is merely an essential part of fascist strategy (Fieschi 2004: 110):

Populism is what, in effect, provides a bridge (both in practice and in discourse) between the – seemingly contradictory – elitism and the egalitarian collectivism of much fascist thought. This is essentially because populism allows the people to imagine themselves as elite. What gives this elite its specificity is the belonging to a nation which is itself seen as superior to others by its traditions, folklore, people etc.

In sum then, to see how the concept of fascism can be used for understanding political developments in Denmark one must call into question the idea that racism and xenophobic nationalism are sentiments that are 'released', 'emerge from below', that thus live, latently, among ordinary people. Through language we can see how diffused and common this idea is. We speak of politicians who 'trigger' racism and 'play on racist sentiments', as if they were there from the start, in people, just waiting to be played upon. This is a very problematic point of departure, that seems embedded in the connotation of the very word 'populism', where an opportunist populist politician is seen as addressing the most base sides of an already existing popular conscience rather than being an agent and disseminator of base politics. Such a view forgets that racism does not erupt *ab initio* like a volcano from the depths of the people, but is rather worked up energetically by purposeful actors who, above all, strive for power by first inventing and spreading a narrative about the people as racist and then mobilize the same people for the racist cause. That is the power logic that today has gained momentum in Denmark. In the following I will therefore treat the Danish People's Party as an *engine* in a development that can be described as a *power logic in motion* (or to use Laclau's terminology, a logic of articulation), into which gradually many more will be pulled. That is not to say that structural factors are without importance. Economic, labour markets and discursive factors indeed establish an opportunity – the terrain in which discontent thrives and central activists can operate and gain a hearing. As Carl-Ulrik Schierup (1993: 21) notes about Ottar Brox's concept, Danish social life in the 1980s was characterized by a 'structural fascism', that is, a situation where social- and welfare-dismantling, crisis and unemployment created a breeding ground for scapegoating and increasingly crude racist polemics. In the West, to some extent by virtue of the nationalist and colonialist traditions of our societies, we also have a readiness to read the world in Manichean terms, organizing impressions of 'us' against 'them', good against bad, and so on. But these background factors are, as I have said, not the main focal point of this essay. And in addition, a determinist outlook should be avoided. The articulation of racist demagoguery increased and was radicalized in the prosperous economic environment of the 1990s, with low unemployment and relatively low figures in immigration. This indicates that political factors have contributed to and become an engine in the

development, although some of the necessary preconditions that contributed to starting the process are no longer present.

To understand this political dynamic one must thus question overly strong and simplistic boundaries between right-wing populists, established parties and even more extreme parties and groups. When, as in Denmark, a (quite) extreme right-wing party not only ‘influences’ but also cooperates directly with established parties in government, it is analytically impossible to sustain any imagined absolute ideological and practical boundaries between them.

Hence, ideological classifications disguise the tactical willingness for change among right-wing parties. The Scandinavian Progress Parties, for example, have gone from neo-liberal anti-tax parties to welfare, chauvinistic anti-immigration parties, while the agents of a party like the Swedish Sverigedemokraterna have played down the references to fascism they used to mouth, put on a suit and a tie and are currently (successfully) concentrating on local elections rather than on street rumblings, now aiming for the national parliament (Larsson and Ekman (2001).

## Denmark

Since the new Danish Government in 2001 laid out its main intentions and Prime Minister Anders Fogh Rasmussen declared that it was time to terminate ‘nice-ism’ in integration policy, a series of laws have been issued that curtail immigrants’ and refugees’ lives. Among the most infamous is the law that restricts family reunions, that is, the conditions under which a person with citizenship or residence permit can be joined by a family member from abroad, a child, a parent, a sibling or a spouse. This law contains a series of restrictions that limit the possibilities for Danish-foreign couples to settle in the country: both have to be above 24 years of age, own their home or have a three-year lease on an apartment or house; the Danish partner must not have received social security during the last year; he or she must have at least the equivalent of 5,300 euros in the bank and show ability to support the other partner. Together they must also have a greater ‘connection’ to Denmark than to the country of the other partner, or a third country – a blurry paragraph that thus overrides parts of the previous rights of citizenship and calls for capricious rulings. This law has created a minor deportee and refugee wave of Danish citizens to the southern part of Sweden, people with Danish passports who are no longer allowed to live with their foreign partners in Denmark, although until recently they have done so for years.

The limitations of rights to asylum have also become among the most severe in Europe. For a residence permit a migrant must have been in the country at least seven years before he or she can apply at all. Now the government wants to sharpen these rules even further. A majority in parliament (Venstre, the Conservatives, DF and the Social Democrats) have joined forces and last year placed a motion – ‘A New Chance for All’ (*En ny chance for alle*) – which says that the (diminishing) numbers that are up for consideration for residence permits, such as refugees reunited with their families, must during the seven-year-long waiting period sign a Contract of Integration (Ministeriet for Flygtninge, Invandrare og Integration (MFII) 2005). This

contract entails, to begin with, a three-year introduction programme, in which the residence seeker signs an agreement that he or she respects the basic values of society, will submit to a language test and introductory courses. During the entire seven-year period the migrant must accept any jobs that are offered, will not receive the same social security payments as ethnic Danes, and must not commit any crimes whatsoever. Should the permit seeker for any reason decline a job offer, social security payments are stopped or reduced, and this offence will be held against him or her in making the verdict after seven years.

In summary, the prime objective of the Danish laws on immigration and asylum has been to diminish the numbers that come to the country seeking residence or asylum. The policies have been efficient. In 2001 12,512 persons sought asylum in Denmark: in 2004 this figure had shrunk to 3,235. The number of those actually granted residence permits during this period went from 6,263 to 1,592. The number of family reunions had dropped during this time by close to two-thirds (MFII 2005; Kjaersgaard 2005). Even the leader of DF, the populist politician of discontent par excellence, Pia Kjaersgaard, cannot help but cheer when she looks at these figures – as when, strengthened by success in the election of February 2005, she announced in a leading Danish daily (*Politiken*) that it was now time to start ‘Phase 2’ of the migration policy and added, in a gratified way, that Denmark had ‘become a forerunner in Europe’. She explained that the country is now making its way away from the ‘abnormal’ towards the ‘normal’, while reminding everybody that the welfare state was still threatened. Hence, according to Kjaersgaard, what is needed in ‘Phase 2’ is, among other things (Kjaersgaard 2005):

- that the concept of a (permanent) *residence permit* should be abolished: there should only be individual exceptions after 10 years
- that exceptions should only apply to family reunions and immigrants, ‘never to refugees...who shall be sent home again when conditions allow for that’
- that refugees with temporary residence permits should lose the right to move within the country during their first five years of stay (DF does not really count on any longer stays)
- that Danida, the Danish Aid and Development Board, should build refugee camps in ‘for example Afghanistan, Somalia, Iraq, Iran and Kenya’ in order to diminish the number of refugees that appears in Denmark.

Add all this together and the ‘foreigner’ is focused in a radically new way in Danish politics. Such laws, once implemented, entail in fact a soft form of ethnic cleansing. Those who stay must face the fact that they are permanent objects of the authorities’ ‘integration’ measures. All migrants, especially those from non-EU and non-OECD countries, will be victims of the stigma that the current political development attaches to them. This is of course intensified as all those without a permanent residence permit must live with a heightened social insecurity because of smaller cash subsidies

to start with and also because of the constant risk of having them further diminished or withdrawn altogether. The government and its support party have without doubt been successful in convincing the Danish voters that these measures are necessary and that they have the will power and courage to realize them.

### **The Engine**

In order to implement such radical changes the road must first have to be paved, that is, the threats must be conjured up and the opposition quelled. If we bear in mind what Paxton and Mann argue then instead of mystifying Danish racism as something somebody has ‘played on’ – as if it was there from the start like a waiting piano – we should think of this as something that some have managed to place at the top of the political agenda. Due attention must, of course, be given to enabling background factors. But this does not obviate that DF with Pia Kjaersgaard at the forefront, with their allies in anti-immigration politics, can be seen as an engine in the political development, rather than as foremost a catalyst of deep popular sentiments. Kjaersgaard, a political novice, brought an extraordinary energy and sense of order, to the anarchic Progress Party. In 1995 however she gave up and formed her own Dansk Folkeparti. This party is, she declared, above all national, to the (far) Right in questions regarding refugees, immigrants and jurisdiction (‘law and order’) and to the Left when it comes to issues of health care, welfare and animal rights (Svensson 2002). She situates herself as an amateur politician, coming from below, with no class identity or interests, merely fighting for a ‘normalization’ and restoration (rebirth) of the people and the nation to what it once were. They have now for nearly two decades worked energetically to reach power: first carrying, and eventually being carried by, a racist message. Now they are at the centre of the political discussion in the country.

The most important rhetorical weapons in this struggle are the accusatory labels ‘political correctness’ and ‘arbiters of taste’ (*da*: ‘*smagsdomere*’) which serves the self-assumed outsidership of DF by constantly drawing up a line between ‘the elite’ and ‘the people’ All criticism of the toughening policy on foreigners is brushed aside as ‘political correctness’ or as examples of the elitist outlook of the ‘arbiters of taste’, typically to be found among the Left, in Amnesty International, in the Institute for Human Rights, among supporters of multiculturalism, and so on. And when this attitude is, as now, displayed by the highest office in the nation, it has effect. Sensible persons eventually give up discussing the policy on immigration with DF, and, as it were, the government. The consequence is a disquieting silence on these matters.

The energy and the aggressiveness are key. Of course this does not come only from Pia Kjaersgaard. Two other figures central to the party are the cousins Sören Krarup and Jesper Langballe, two priests that now sit in parliament for DF. They have long played central roles in the Danish debate on foreigners and lead the journal-publishing company and think-tank Tidehverve (‘Epoch’). Tidehverve explicitly resists modernity, progress and ‘cultural radicalism’, with arguments founded in the gospel. Yet with little Christian love, their publications mostly consist of racist

diatribes, attacking Jews, radicals, Muslims, the left and others in broad strokes, all for the sake of God and Denmark (Tidehverve, <[www.tidehverve.dk/forlag/](http://www.tidehverve.dk/forlag/)> 2005).

DF has thus for a couple of decades, in press, in rallies and election campaigns, and in municipal and parliamentary work, energetically and aggressively worked with the classic tools of fascism: Church, nation, people and distrust of elites, modernism, communism, immigrants and internationalism. We can consequently tick off at least three of Michael Mann's points in his definition of fascism: *organic nationalism* including accelerating xenophobia; a clear longing for a class *transcendence* that elevates 'the people'; and *cleansing*, both political, in aggressive attempts at silencing opposition (see below), and ethnic, through the actual results of the politics against foreigners.

### Critical Voices?

Introductorily I mentioned how a central part of the changes in Denmark are discursive, meaning simply the way that immigrants and foreigners are talked about, how boundaries for what can be addressed, what is seen as a 'problem' and of decency are moving. This is to a great extent played out media. The role of the media is not the main focus of this essay, but its importance for the developments discussed here can hardly be exaggerated.<sup>6</sup>

As an activist and a vehicle of criticism, media was one of few institutions, beside established parties, that could have produced a reply and become a site for resistance against DF's agitation and, later, the politics of the government. But, by and large, it has failed to act thus. Instead, many media organizations have all along contributed to the stigmatization of immigrants and refugees, especially those from Third World and Muslim countries (Schierup 1993; Yilmaz 1999, 2000; Quraishy 2002–4), in both newsreporting and in editorials. There are of course important differences between various media organizations, and there have been some critical voices speaking through the media.

Among the parties, some of the left-wing parties, and especially the social-liberal party 'Radikal Venstre', at the centre, have been clear in their criticism of DF and the government's policies. There have also been a few highly critical parliamentary members from the Social Democratic Party and other parties. Yet, more decisive for the development has been the fact that so many of the big established parties and the major media organizations have done so little to resist the new way of speaking of foreigners and the bills that have been proposed and implemented. The government's adoption of anti-immigration policies has of course been key for the development, both of discourse and policy. This, together with the backing from the Social Democratic Party in opposition and the leading newspapers, has evidently outflanked the criticism from smaller parties, individual MPs and intellectuals. It is thus not an exaggeration to say that major elements of the establishment have made important parts of DF's agenda their own.

An indication that something has happened in terms of discourse change is seen in how the aforementioned DF-activist and parliamentarian Søren Krarup has been

treated in public. Already in 1986 he had placed a full-page advertisement in *Jyllandsposten*, today the biggest daily paper. In it he called for a boycott of an organization devoted to assisting refugees, Dansk Flyktinghjælp, since, as he put it, their assistance attracted more refugees, especially from Muslim countries, and this represented a threat to Denmark, Danish identity and the Danish people (Yilmaz 2000: 3). The advertisement evoked a storm of protests. The Danish public, the powerful media and all the established parties condemned Krarup in sharp language for being racist, lacking empathy and breeding xenophobia (Yilmaz 2000). Krarup was not discouraged, but interpreted the criticism as typical of the politically correct mind-police who dominate discussion in Denmark, marginalizing people like himself. In December 2005 however, Krarup can, instead, calmly and accurately position himself as part of the 'political and cultural power-holders in today's Denmark', when in the daily *Information*, he answers criticism for the latest tightening of policy on immigration and refugees which his party, together with the government, has ruled on (Krarup 2005). Quite remarkable considering how central the position as power-less outsider in opposition to the 'ruling elite' has been for him and his party. But, he is, no doubt, correct in his self-positioning (Krarup 2005). Since 1986 he has travelled from the margin to the centre of the political debate. But it is not he who has changed: it is the centre.

Another indication, which speaks to the fact that many in Denmark are unhappy with the development while it simultaneously reveals the unpreparedness and tardy quality of the opposition, is how the critics, when they do finally speak out, often address the lack of criticism and the absence of resistance to anti-immigrant politics. This is commonplace in all political opposition – besides advocating one's own political message, critics often ask of people to "wake up" – but in this case it has become a topic of its own. Indeed, the silence has surprised and puzzled many in Denmark as well as abroad. In December 2005 twelve Danish intellectuals published an appeal, simultaneously in a major Swedish and a major Danish newspaper, under the somewhat drowsy title 'It is time to react!' The group of authors attacked 'the tendency in politics and the media to look at Muslim citizens exclusively as criminals, antisocial elements and as potential rapists or dropouts' (Brøgger et. al. 2005). Many of the authors had indeed for a long time spoken out critically about the government and DF:s policies, the media and silent colleagues. The authors returned with another article on 30 January 2006, in which they addressed the lack of loud criticism as a factor in itself in the political development. Under the title 'Lethal Silence!' they explained why they had felt a need to speak up (Brøgger et al. 2006):

One reason was the increasing uneasiness over the ongoing dismantling of humanistic values, which we otherwise had considered to be the foundation of Danish democracy. In public debate today, more and more often, words and expressions are heard which are reminiscent of totalitarian movements from previous times in history. There is also the constant hunt for scapegoats among the minorities in the country... Another reason for our letter is the absence of an effective opposition against current immigrant policies. Silence is dangerous

for democracy, because he who is silent agrees. Silence is the sympathizer's first step. The second step is open consent, the third is active participation in persecution, and by then we have long since left humanistic society behind us.

The headline, message and timing (winter 2005/6) of these articles illustrate that the absence of strong criticism of the anti-immigration agitation and politics seems to have been an important factor in Danish politics, maybe as important as the agitation, propaganda and movements themselves.

### **Microscopic Coups d'États**

As important as media discourse has been the concordance in viewing immigration as a problem and a threat, between the new government 2001, their support party DF and also the Social Democrat opposition. The Prime Minister Anders Fogh Rasmussen and his government are now at the forefront of the cleansing mission in migration policy. From the start they focused on the 'foreigner' in, for Danish politics, a quite new way. Soon Fogh Rasmussen also launched a 'cultural struggle', with Denmark on one side and the so-called cultural radicals on the other. (This is also when he gave anti-intellectualism its special Danish buzzword by popularizing the notion in politics of 'arbiters of taste'.) The cultural struggle is about power over words, about Danish values, the nation and its youth. In fact in line with this struggle the government has declared that seven expert committees shall decide on what makes up the Danish canon in seven different areas: film, literature, architecture, visual arts, music, dramatic art and crafts (Jonsson 2004a, 2004b, 2004c). The paradox is obvious: DF, the party that has defined itself as popularly rooted and outside the spheres of power and elites, is now setting the agenda and cooperates closely with a government which won the election on challenging the elitist 'arbiters of taste' (and bashing immigrants). Together, they now go further than any previous modern political leaders in Denmark in pointing out, in minute detail, what cultural goods, education, traditions, 'values' and so forth, is recommendable and belong to Denmark. To maintain the 'outsidership' status while in power, DF and Venstre have understood the value of reproducing the divide between elite and people at the highest political level, so as to assure those attracted by this populism that their government and its supporting party are still 'one of them'. They achieve this through continued attacks on all the 'wishy-washy leftists', the human rights-, multicultural-, politically correct- 'arbiters of taste' who do not have the guts to be tough on crime and immigrants. This is, in other words, how Catherine Fieschi describes populism, as a bridge between the seemingly contradictory but central elements of fascist thought, elitism and collectivism (Fieschi 2004: 110). On this plank of nationalist and chauvinist populism the people can imagine themselves as the elite, while simultaneously the government can masquerade as folksy.

Even more important is how the government and DF, assisted by the rhetoric and actions of the 'cultural struggle', have actually staged what could be labelled as a series of *microscopic coups d'état*. The *coup d'état* is, to be sure, the fascist strategy

par excellence. But here it is not a question of seizing power: this is already secured democratically through elections. The point is to show vitality and resolve and to display a capacity to intimidate opponents. Hence, since the government obtained power a number of institutions have been singled out as 'arbiters of taste', been closed down or been threatened (for several examples, see Rothstein 2003). In fact, most parts of the cultural and social sector have been publicly questioned by the government and they work with the threat of being shut down hanging over them; and in the educational sector they are getting used to always taking into account direct signals from the government. This tactic 'works' in two ways. It strengthens the bonds to those forces and voters who identify with the (learned) feeling of *resentment* against the old elites; and it displays how the government is prepared to pull the carpet from under those who go against them. Among those who have had to experience this we find the Centre for Human Rights, the Centre for Peace and Conflict Research, the Danish Language Board, as well as social authorities, integration officials and researchers who have opposed the policies against immigration.

In the summer of 2003 Pia Kjaersgaard was truly in her element as she performed a series of microscopic *coups d'état* in the Danish public sphere (Rothstein 2003). When, for example, a political opponent claimed that Kjaersgaard's views were 'racist', she sued this politician for slander. The Danish court called in the Danish Language Board to secure an expert statement on the meaning of the word. The Board found that 'racism' today has a wider connotation and also connotes hostility towards groups based on national and cultural ideas, and so forth. The court accordingly dropped the case, as it was quite apparent that Pia Kjaersgaard is hostile to other cultures and that this was not a matter of false accusation or slander. Kjaersgaard and DF then simply showered the judges with accusations of being politicized ('judges of taste') and declared that they would work to have the Danish Language Board shut down. Hence, when the legal process used did not produce the right verdict, DF did not hesitate to make direct threats of closing down an institution that was merely called in, in due process, to give a statement in its area of expertise. Another incident occurred the same summer when a researcher from the Holocaust Centre presented an unpublished paper describing a trip to Auschwitz in which a young informant had reflected on the experience and, in a sentence, made a loose parallel between Adolf Hitler and Pia Kjaersgaard. DF got wind of this text and demanded an unreserved apology from the Chairman of the Board of the Holocaust Centre and that the centre's research should focus more on the crimes of Communism and less on the Holocaust. Both demands were met.

DF has also succeeded in scaring the Institute for Human Rights into silence after they expressed criticism of Danish policy on aliens from a human-rights perspective. As a consequence the institute announced that they would no longer make statements to the media (Rothstein 2003). The criticism has later been confirmed several times by the UN and the Council of Europe. This has led DF to the conclusion that the whole idea of human rights ought to be scrapped. The MP Sören Krarup argued that the UN Convention on Human Rights in fact was blasphemy, as only God can pass

universal laws, and that, therefore, Denmark should withdraw its ratification of the Convention on Human Rights.

In this way, researchers, writers and leaders of institutes have repeatedly been directly harassed by members of the government or, more commonly, by leading DF politicians close to the government. These microscopic *coups d'état* have been efficient. Those who have lost their jobs have also lost their legitimate platforms from which to speak and criticize, but already the threat of losing one's job has proved to be an efficient way to silence resistance – a kind of political cleansing, yet without the clumsiness of direct physical repression.

These deviations from traditional norms and conventions in the exercise of power have also left their traces in formal legislation and in political proposals. That Kjaersgaard's vision of a law on foreigners making it virtually impossible to settle in the country, the so called 'Phase 2', does not respect any conventional interpretations of jurisprudence and international law is maybe not too surprising (see MFII 2005). But even the government have openly complained how the principle of equality before the law limits their manoeuvrability in realizing their ambitions. For example, when criticism was raised at the harsh rules on family reunion – which typically came only when it had been discovered that Danes who had lived for some years and formed a family in, for example the US, could no longer move back to the country with their families – the former Minister of Integration admitted, frankly, that *this* was absolutely a problem: 'Everybody knows that this [these rules] is not about Americans, but we cannot give anyone special treatment. The rules should, regrettably, be the same for all. And I mean regrettably' (Persson et al 2004).

## Conclusion

If Danish xenophobia, immigration policies and the climate of debate is analysed, as I have tried to do here, as a power logic in motion, I think the links between different but related phenomena in the political–public arena can be perceived: nationalism–racism–xenophobia–concern for culture, heritage and language–populism, and more. Several elements in the current regime and the discourses it produces emerge which, put together, are fascist-like: xenophobia with ethnic and culturally racist overtones; the speedy radicalization of a deportation and assimilation policy; an organic nationalism which emphasizes a class-transcending community of 'the people'; the primacy of the nation; and the threats against its cultures. All these in turn penetrate more and more areas of politics, immigration, security, culture and education. This is bad enough; but above all it is the orchestrated interplay between these elements, together with the alliances established around these politics, that gives us a reason to speak of a fascist power logic. At the centre of that logic belongs also the evocation of a xenophobic agitation that has disseminated the fictitious image of a major threat that the promulgators then promise to eliminate. The Danish People's Party and the Conservative–Liberal government have in the course of time become very skilled in this opinion-winning and power-establishing work.

Only by identifying these developments within the democratic politics of our times can we reach a better understanding of how xenophobic agitation, political populist style and methods, parliamentary alliances across the spectrum and changes in the laws work in orchestration to change the rules of the societal game in fundamental ways. But when xenophobia and populism are, as often, seen as abstract tendencies, 'trends' or attitudes inherent among ordinary people, then fascism has won its first important victory of propaganda. For who wants to argue with the people? I have also emphasized the risk of false securities in the form of ideologically based classifications between different types of right-wing populists and distinctions between democrats and anti-democrats, cultural racists and 'old' racists. These boundaries can quickly become irrelevant; and, beyond that, in the analysis of anti-immigrant politics, one must also count on a capacity to change the political message to make it more palatable for a democratic public.

Whether the Danish xenophobic development will be even more radicalized or whether the country will cool down is hard to say. For the changes already established in law and discourse propel other changes in the active parties, in terms of their goals and ambitions, among their allies, and in terms of how the media handles the issues and how voters apprehend them. We can get a pointer if we reflect on the fact that what was twenty years ago virtually impossible to imagine in the politics of immigration is today accepted by most leading parties in Europe. Regarding Denmark, Jørgen Goul Andersen, a leading researcher on DF and populism, suggested three years ago that one can hardly expect any more motions for tougher legislation on immigration and integration, since (Andersen 2004: 170):

It seems likely that the sharpened laws of 2002 will make the immigration issue less prominent. People got, so to speak, what they wanted, and there is not much more in terms of tougher legislation that, on the whole, can be accomplished.

Unfortunately, he was wrong. 2003, 2004 and 2005 saw new laws carried through. It would have been wiser to assume that the radical right-wing populists in Denmark, given the chance, would try to reorganize society in precisely the direction that they in fact have suggested all along.

## Notes

1 This is an extended version of a previously published essay (Berggren 2005).

2 During the 1990s prominent Social Democrats began to use the same language that they had previously banned as racist: for example, the ex-Minister of the Interior Karen Jespersen suggested that criminal asylum-seekers ought to be sent to a 'desert island', while Prime Minister Poul Nyrup Rasmussen complained that the Muslim practice of praying five times a day was 'foreign to Danish work ethics' (see Schierup 1993; Yilmaz 2000, 1999 and 2003).

3 Parallels between Danish politics and fascism have been more frequent in critical journalism than in science, e.g. Smith (2006). See also Brøgger (2005, 2006); and Jensen (2006).

4 For a discussion of RRP's see Rydgren 2004a: 474–502; and their relation to fascism, Zaslove 2004: 61–81; or Mudde (1996: 225–248).

5 Cf Tingsten, 1936. He argued that the Nazis succeeded in winning over the otherwise democratic electorate of Germany through superior agitation.

6 Bashy Quraishy, who has 'shadowed' the Danish development for many years, stresses the central role played by the media in its work to portion out 'the daily doses of xenophobia' (Quraishy 2003: 30).

Anastassia Tsoukala

## **The Terrorism–Immigration Nexus in the Post-11 September Era: An Analysis of the Political Discourses in the British Press**

The terrorist attacks on New York and Washington in September 2001 led to a deep restructuring of all European Union (EU) countries' counter-terrorism policies that, henceforth, focus on the strengthening of the international cooperation networks among the law enforcement agencies, the intelligence services and the judges. Relying frequently on the introduction of emergency measures, adopted on a temporary or even permanent basis (Bonner 2002; Payé 2004; Tsoukala 2004, 2006; Gearty 2005), these new counter-terrorism policies have further gone together with the increasing hardening of domestic immigration and asylum policies (EU Network of Independent Experts 2003). Despite their initial irrelevance to terrorism, the immigration and asylum issues have ended by being so closely associated with it that the efficient fight against the former came to be considered as dependent on the restrictions of the latter.

While several studies have already focused on this terrorism–immigration–asylum nexus to analyse its modalities and denounce its effects on both the target populations and the host countries (Guild 2003; Saas 2004; Bigo 2005), the discursive framing of this nexus has not yet been the object of any in-depth analysis. What are the arguments used by the defenders of the nexus thesis to justify their position? Who has been involved in the establishment and further development of the nexus or, on the contrary, in its denial? What interactions are to be found between the public debate on the (in)existence of the nexus and the evolution of a given domestic political field? This essay aims to address these issues by analysing the reported in the press statements of domestic politicians, opinion leaders and security experts in one of the leading countries in the fight against terrorism in Europe, that is, the UK, from September 2001 until March 2005, when the Prevention of Terrorism Bill was passed by the House of Commons. As the analysis seeks to highlight the stakes underlying the emergence and further expansion of this nexus, in the present security context and within a given political field, it will not insist on the highly controversial media–audience relation (Jewkes 2004; Maigret 2004), which is unrelated to the analysis' core objective.

The data come from all relevant articles published by the following nationally distributed upmarket daily newspapers: *The Times*, *The Guardian*, *The Independent*<sup>1</sup>. The sample was collected via the electronic database LexisNexis. In total, 636 articles were identified and analysed. These articles are the object of a thematic content analysis, the findings of which are completed by a contingency analysis that seeks to study the associations between the chosen items. Only the statements put in quotation

marks have been studied. Each statement has been counted once, regardless of its probable repetitions by the journalists.

Considering that the emergence and further development of the present terrorism–immigration–asylum nexus cannot be fully understood unless it is contextualised, the presentation of its positioning and specificities will be preceded by a summary description of the key features of the current security context in the EU.

### **The current security context in the EU countries: some key features**

One of the main features of the European political agenda since the later 20th century has been the turning of the internal security into a key issue and the ensuing adoption of increasingly security-oriented policies. The emergence, since the early 1980s, of rapidly expanding security discourses and policies has been often linked with many recent transnational changes, namely, the acceleration of the Europeanisation process, the creation of the Schengen area, the end of bipolarity, the intensification of the globalisation process and the strengthening of transnational migratory movements (Huysmans 1995; Ceyhan and Tsoukala 2002). Frequently associated with the weakening of the sovereignty in the post-Cold War risk-focused Western societies (Anderson 1996; Mary and Papatheodorou 2001), this politicisation of the internal security has come to be seen as the outcome of a political process of threat construction, labelled as ‘securitisation’ (Waeber 1995; Buzan, Waeber and de Wilde 1998).

This securitising process is characterised by the redefinition of both the security threats and the object of the social control, following two distinct but interconnected patterns, related to the end of bipolarity and to the emerging of the post-modern risk society respectively. In the former case, the disappearance of the Soviet enemy strengthened the framing of a global threat concept, which had been at play since the mid-1980s, when the official reports and public discourses on the EU countries’ internal security started to define the threats by linking together many criminal and deviant phenomena, regardless of the degree of their dangerousness. They thus constructed a ‘security continuum’ (Bigo 1996) that was going from organised crime and terrorism to illegal immigration, juvenile delinquency, petty crime, soccer hooliganism, urban riots and, lately, anti-globalisation demonstrations. This wide range of interconnected criminal figures not only filled the vacuum left by the disappearance of the common external enemy but also amplified the dangerousness of the future threats. The new threatening figures were not anymore exclusively external or internal for, due to their alleged transnational character, they could act simultaneously inside and outside the national territory. Henceforth, security threats were deterritorialised and, moreover, closely linked together, as parts of a broad and limitless criminal network, as parts of a global threat.

This post-Cold War era concept of the global security threat has been reinforced by the emergence of the post-modern concept of risk-focused security (Beck 1996; Ericson and Haggerty 1997). As many scholars have noted, since the early 1980s the disciplinary character of social control has ceased to rely on the idea that it was

possible to act on the people to transform them into 'docile bodies' (Foucault 1975: 135f), conforming to the dominant behavioural norms. Adopting a risk-based way of thinking that focuses on the anticipation of security problems, social control started to dissociate the offence from the offender's motives to focus on the general behaviour of the persons and on the environment where this behaviour usually takes place. Therefore, it shifted from delinquent persons to deviant groups, perceived as risk producers for the rest of the community, and focused increasingly on the adoption of risk management strategies and the subsequent use of actuarial risk assessment tools (De Giorgi 2000; Shearing 2001; Silver and Miller 2002; Mary 2003). One of the main target groups of this process has been the migrant population, which, regardless of its legal status, rapidly became the object of a broad criminalisation process in several EU countries.

Observed in both law enforcement and judicial practices (Tournier 1997; Brion 1997; Albrecht 1997; Palidda 1997, 1999a, 1999b; Webster 1997; Barbagli 1998; Den Boer 1998; Brion, Rihoux and De Coninck 1999; Tsoukala 2000/2004), the criminalisation of migrants has also been widely present in the media, under the form of media discourses and of related in the media political discourses. At this public discourse level, this criminalisation often relies on well-known patterns of discursive construction of social enemies in general. Following the classic deviance amplification scheme (Cohen 1972/2002; Hall et al. 1978; Goode and Ben-Yehuda 1994; Critcher 2003), these patterns insist heavily on the 'otherness' of the 'high risk' groups and on the multiform threat they are believed to pose on society. Migrants are thus presented as culturally inassimilable, economically unwanted for reducing employment opportunities for nationals and cheating the welfare services, demographically undesirable for threatening the alleged racial purity of the community, and socially dangerous for being highly involved in criminal activities (Butterwegge 1996; Karydis 1996; Agozino 1997; Bergmann 1997; Ali and Gibb 1999; Cotesta 1999; Dal Lago 1999; Triandafyllidou 1999; Tsoukala 2002, 2005; Brion 2003; Angel-Ajani 2003). Migrants can be further criminalised insofar as they combine their foreign status with an ethnic and/or religious identity other than the dominant one in the host country. In this respect, the criminalisation rests upon a series of overlapping categories, where the objects of the process may be indistinctly asylum seekers, regular or irregular migrants, foreigners or nationals belonging to a given ethnic community, foreigners or nationals belonging to a given religious community. The criminalisation covers then the second-generation youngsters living in urban disadvantaged areas, seen as culturally inassimilable for diverging from the dominant cultural pattern, socially inadapted for being unable or unwilling to get integrated into the local labour market and dangerous for being highly involved in crime (Champagne 1991; Collovald 1999, 2001; Mucchielli 2001; Bonelli 2001, 2003; Peralva and Macé, 2002), as well as Muslims, who have been often associated with terrorism (Boyer 1993; Cesari 1997; Gastaut 1998) especially after the terrorist attacks of 11 September 2001 (Cesari 2001; Fekete 2004). To be solidly established, the dangerousness of these threatening mass media figures has to be regularly confirmed by politicians, law enforcement agencies and moral entrepreneurs. Once

confirmed by them, these themes are further fuelled by the media, creating thus a circular circuit of constructing and diffusing social threatening figures. Hence, far from being new, the emergence of the terrorism–immigration–asylum nexus in the post-11 September era is in fact a specific form of continuation of an already well-established pattern of associating migrants and asylum seekers with various social and security problems in many EU countries.

### **The emergence and further expansion of the nexus**

The present analysis of the British political discourses on this terrorism–immigration–asylum nexus uncovers that the emergence and further positioning of the issue in the public debate does not follow a linear pattern. The theme emerges in 2001, falls in 2002, rises again in the beginning of 2003 and disappears completely from the public debate in 2004 and 2005. As a matter of fact, 33.3 per cent of the statements regarding the nexus are made in 2001, 16.6 per cent in 2002 and 50 per cent in the first months of 2003. Furthermore, the nexus seems dissociated from the emotion produced by terrorist attacks, as only one statement is made in the aftermath of a major terrorist attack. Most of the statements are made by the Home Office (33.3 per cent) and by members of the opposition (33.3 per cent). The other ones are made by the Prime Minister (11.1 per cent), members of the civil society (11.1 per cent), the Attorney General (5.5 per cent) and one scholar (5.5 per cent).

The same non-linear pattern is observed with regard to the counter-arguments reported in the press. Those appear only in 2001 (54.5 per cent) and 2003 (45.4 per cent). Only 18.1 per cent of them are made in the immediate aftermath of a major terrorist attack. In 27.2 per cent of the cases, these statements are made by members of the opposition. In the other cases, they are made by human rights groups (18.1 per cent), the Home Office (18.1 per cent), one scholar (9 per cent), one union leader (9 per cent) and one Muslim writer (9 per cent).

The terrorism–immigration–asylum nexus is established in the immediate aftermath of the 11 September terrorist attacks, when it is stated, with regard to the Afghans who had come to Britain in the previous six months, that ‘we cannot rule out the real possibility that amongst them are terrorists here for a very different purpose and we do need to regain control of that process if we are to protect ourselves from international terrorists’ (John Butterfill, Conservative MP and vice-chairman of the Conservative friends of Israel, *The Times*, 15 September 2001). Henceforth, immigrants and especially asylum seekers are seen as a potential threat to domestic security, a threat that cannot be countered unless the government hardens its immigration and asylum policy. Criticising the procedural slowness of the law, the Prime Minister and the Home Secretary denounce then ‘a situation in which it takes years to extradite people’ (Tony Blair, *The Times*, 1 October 2001), considering that ‘that is not justice. That’s plain monkey business with our judicial framework and processes’ (David Blunkett, *The Independent*, 16 October 2001). Following the assumption that ‘if the New York hijackers had passed through London and we had arrested them, they could have escaped extradition by claiming asylum’ (Government

source, *The Independent*, 26 November 2001), it is generally presumed that the existing law has created 'a situation in which people come in and abuse our asylum procedures and are then allowed to remain in this country claiming asylum' (Blair, *The Times*, 1 October 2001). From now on, the terms asylum and abuse are so closely linked together that there is no explanation given as to why asylum seekers are believed to be more liable than migrants to be involved in terrorist activities or as to why foreigners in general are believed to be more liable than nationals to commit terrorist attacks on British territory. Far from eluding these questions, the Home Secretary has recourse to familiar, easy-to-understand metaphors, structured around the notions of home and hospitality. Yet, following his terms, hospitality is not understood as a responsibility for the other, arising as a response to the other's fragility and suffering (Venn 2002: 76), but as an unequal power relation leading to domination. Asylum seekers are thus identified with ordinary guests who can be thrown out by their host at any moment if they do not behave correctly. It is possible then for the Home Secretary to state that he is 'determined to protect the community from anyone who is prepared to abuse our hospitality and welcome in order to plan or promote terrorism' (*The Times*, 12 November 2001) for 'this is our home. It's our country. We have a right to say that if people are abusing the right and seek to abuse rights of asylum in order to plan or promote terrorism we must take steps to do something' (*The Independent*, 20 November 2001).

When the asylum issue rises again, in 2003, the alleged link between asylum seekers and terrorists is presumed to be so solidly established that the defenders of this thesis feel entitled to require further measures. For the first time, these measures are required by both the government and the opposition. While the Prime Minister makes it clear that the perceived 'rising tide' of asylum seekers, combined with the renewed terrorist threat is not acceptable anymore and states that he is prepared to reconsider 'our obligations under the Convention of Human Rights' (*The Independent*, 4 February 2003), the Conservatives call for all new asylum seekers to be locked up as the security services investigate whether they have terrorist links. They stress the need to adopt 'a new regime which reconciles national interests with the interests of genuine refugees, and ensure that Britain take its fair share of refugees whilst allowing us to operate effective controls on general immigration' (Oliver Letwin, Shadow Home Secretary, *The Independent*, 29 January 2003) for 'we are dealing with the possibility that many of our fellow citizens may die [by terrorists posing as asylum seekers] if we do not take appropriate actions' (Letwin, *The Times*, 29 January 2003). Concluding that 'a fair and rational asylum policy within the present international system [is] unlikely' (Letwin, *The Independent*, 29 January 2003), the Shadow Home Secretary demands that 'Britain derogate from the European Convention on Human Rights, to underline the right of Britain to deport failed asylum seekers if they represent a threat to national security' (*The Independent*, 4 February 2003). This view is shared by the Tory leader, who states that 'no person should be allowed to enter the country if they pose a risk to our security and those that do should be detained or deported immediately' (Iain Duncan Smith, *The Independent*, 17 January 2003), while warning that 'a Tory government might

unilaterally withdraw from the 1951 Geneva Convention if it could not be suitably adapted' (*The Times*, 29 January 2003).

It should be noted, however, that the establishment of this nexus did not go together with any close associating of terrorists with Muslims in general. Not only did the statements in favour of such a link remain marginal but, on the contrary, all major political actors and many senior police officers kept on denying the very existence of such an association. What is evidently sought is to establish a clear distinction between terrorists and Muslims. This distinction relies mainly on the regular recalling of the fact that 'we are not waging a war against the people of any country or any faith' (Charles Kennedy, Liberal Democrats, *The Guardian*, 27 September 2001) for 'in tackling terrorism, we do not tackle Islam' (Blunkett, *The Independent*, 22 December 2003). The diffusion of the message that 'no one is being targeted by police because of their culture or faith' (Sir David Veness, head of Scotland Yard's specialist operations department, *The Guardian*, 29 March 2004) is intensified in 2004, following the findings of several opinion polls that many Muslims see the war on terror as a war against Islam, believe that British anti-terrorist laws are being used unfairly against the Muslim community (*The Guardian*, 16 March 2004), and feel that Muslims are demonised. That the Muslim community's opinion is well grounded seemed to be confirmed a few months later, when it was statistically shown that stop and searches under terrorism legislation between 2001–02 and 2002–03 rose 302 per cent for Asians, 230 per cent for black people and 118 per cent for white people (*The Independent*, 3 July 2004).

The distinction between terrorists and Muslims and the ensuing idea that counter-terrorism measures are implemented following strictly security criteria are further grounded on the assumption that terrorism 'has nothing to do with the true message of Islam' (Blair, *The Times*, 1 April 2004). Islam is presented as a peaceful and tolerant religion, distorted by people pursuing other, unspecified objectives. Hence, the fight against terrorism does not target Muslims but, on the contrary, the illegitimate appropriators of Islam, 'those who distort and destroy the name of Islam by using terrorism in a way that was never authorised by the Koran' (Blunkett, *The Independent*, 22 December 2003).

### **The blurring of the frontiers**

While the above political discourses seek to draw a clear line between terrorists and Muslims, no such line seems to be drawn with regard to the various categories of people falling under the terrorism–immigration–asylum nexus. On the contrary, the findings of the analysis reveal an increasing blurring of the frontiers between terrorists, regular and irregular migrants and between terrorists, migrants in general and asylum seekers.

As a matter of fact, all the abovementioned claims for new restrictive measures go together with an enlargement of the populations thus targeted. Though the term 'irregular migration' is never mentioned as such, it underlies all the discourses on the allegedly fake asylum seekers. Hence, while the 'rising tide' of asylum seekers

denounced in 2001 by the Prime Minister is mentioned in a counter-terrorism context, this rhetorical argument cannot be dissociated from the previous broadly diffused discourses on the asylum issue in general, according to which most asylum seekers were in fact economic irregular migrants, who were seeking thus to settle in the country and to take advantage of various social benefits (Ali and Gibb 1999). The current terrorist threat is then merely added to the previous social and security problems posed by this allegedly veiled irregular migration. In this respect, the claims to harden the British asylum policy as part of the new counterterrorism policy go well beyond the countering of the terrorist threat to achieve a long-standing political objective, that is, the increasing strengthening of the fight against irregular migration.

When the issue rises again, in 2003, the blurring of the frontiers between various categories of foreigners is not limited anymore to irregular migrants and asylum seekers. Now the suspicion is expanded to cover all foreigners in general, regardless of their legal status. It is then specified that 'terrorists wouldn't necessarily come in as asylum seekers; they might come here as a tourist or as a student or get married to a British citizen. There are all sorts of ways of getting in. It's not just asylum-seekers, it could be anyone' (immigration official, *The Independent*, 17 January 2003). Therefore, it is not surprising that after a police killing in Manchester, during the arrest of three North Africans suspected for terrorism, one of the elements put forward to explain the drama was that the area where the killing took place was 'multicultural, the sort of area where anyone could walk down the street without attracting attention' (Rabbi Arnold Saunders, *The Independent*, 16 January 2003) for it had 'a large floating population which had the potential of masking the activities of anyone who wanted to remain unnoticed' (Richard Leese, Manchester City Council leader, *The Independent*, 16 January 2003).

### **The counter-arguments**

The controversy raised by this widely established association between terrorism, immigration and asylum appears in the immediate aftermath of 11 September, to denounce the criminalisation of immigrants and asylum seekers and to express the concern that this expanding suspicion will disintegrate community relations and social cohesion. This counter-discourse follows the general principle that people should 'stop viewing asylum and immigration as a problem and see them more as a responsibility and opportunity' (Simon Hughes, Liberal Democrats, *The Guardian*, 27 September 2001). Otherwise, social cohesion will sharply split up. Pointing out that 'in the immediate situation, the people most likely to be stopped will be Asians or those who look Islamic and black people' (Michael Levi, University of Wales, *The Guardian*, 25 September 2001), many voices affirm thus resolutely that 'law-abiding minorities [should not be] made the scapegoats simply because the enemy is invisible' for this may lead to 'an upsurge of racism, intolerance, bigotry and narrow nationalism' (Lord Dholakia, Liberal Democrats, *The Guardian*, 27 September 2001) as 'xenophobia does not flourish in a vacuum. It occurs within our political system

where political leaders receive standing ovations when they downgrade our minorities as bogus and cheats' (Hughes, *The Guardian*, 27 September 2001).

The impact of the terrorism–immigration–asylum nexus on social cohesion is commented on again in 2003, but this time the warning relies on a sheer analysis of facts, as it is stressed that 'in 2002, only 3 out of 80,000 asylum seekers were held in connection with terrorism investigations' (spokesman for the Refugee Council, *The Independent*, 29 January 2003). In the same period, a change is observed in the public position of the Home Office, according to which 'it's wrong to assume that asylum-seekers are any more dangerous than anyone else' (Home Office spokesman, *The Independent*, 17 January 2003). The modification of the Home Office's position is further confirmed by the Home Secretary, stating that he is 'deeply worried because genuine fears and concerns can so easily turn to a desire to find scapegoats' and expressing his concern 'about tension and frustration spilling over into the disintegration of community relations and social cohesion [...] about people taking the law into their own hands' (*The Independent*, 24 January 2003).

### Conclusion

The findings of the analysis uncovered that the British political discourses reported in the press on the terrorism–immigration–asylum nexus follow two major patterns, structured around the security and the social cohesion issues respectively. Unsurprisingly, the former is mostly followed by many government and security officials, as well as by the leaders of the Conservative opposition. The latter is mainly followed by members of civil society, the leaders of the Liberal Democrats and, to a lesser degree, by government officials.

Initially, the above nexus is established and further developed according to a concept-associating scheme already broadly diffused in the EU countries. Security threats are seen as always interconnected, at some level. The erection of frontiers between them, either at the legislative or at the law enforcement level, is then artificial, counter-productive and ultimately dangerous for the security of the societies to protect. When applied to the migration and asylum issue, this scheme groups the threats by putting forth the more legitimate one, that is, the security-related terrorism–immigration–asylum nexus. The security threat, already used in establishing another broadly diffused nexus, that of crime–immigration, becomes then the politically and socially key legitimising ground of an otherwise less legitimate or even totally illegitimate migration policy. The vividly contested economic threat and the illegitimate cultural threat posed by migrants in general are thus hushed up and kept aside in the public debate while, in fact, they keep on fuelling the abovementioned expansion of suspicion of all foreigners.

Yet it should be kept in mind that this security-driven discourse that blurs all distinctions between asylum seekers, regular and irregular migrants remains always related to numerous domestic social and political stakes. Thus, the abovementioned security-oriented hierarchy of the migration-related threats does not merely seek to obtain an optimum legitimacy in the domestic political field, as the less controversial

stance, but is in fact the only hierarchy liable to comply with the dominant domestic multicultural pattern. In other words, the prevalence of the multicultural norm in post-war British society has so drastically weakened the usual cultural and economic anti-migrants arguments that the still existing general suspicion of all foreigners can only be expressed through security-related arguments.

The interaction between the terrorism–immigration–asylum nexus and the domestic social and political stakes is further seen in the fluctuations of the nexus' positioning in the public debate. When the potential jeopardising of the social cohesion, advanced since 2001 by the defenders of the migrants' and asylum seekers' rights, becomes highly probable, due to the country's involvement in the Iraq war, the terrorism–immigration–asylum nexus disappears completely from the public debate. The timing of the disappearance of this theme, just before the involvement in the Iraq war, and the insistent denial of any Islam–terrorism nexus by the government and security officials suggest that the disappearance of the immigration–asylum theme results from a wide political consensus to avoid the weakening of the social cohesion of the country. Admitting that the involvement in the Iraq war is likely to strengthen the hostility of the Muslim communities in the UK and, consequently, to lead to the disintegration of British society, domestic political actors seem then to have decided not only to deny the Islam–terrorism nexus but also to dissociate the terrorist threat from immigrants and asylum seekers. This dissociation, explicitly formulated by the Home Office since January 2003, that is, right before the beginning of the Iraq war, is followed by the total hushing up of the issue when the country gets effectively involved in the war.

Nevertheless, the disappearance of the terrorism–immigration–asylum nexus and the denial of the Islam–terrorism nexus in the public debate have not had any significant effect on the defining of the current immigration and asylum policies, nor on the effective implementation of anti-terrorism stop and search policies that keep on disproportionately targeting young Muslims. It seems then that, though the terrorism–immigration–asylum nexus relied on a threat assessment shared by many domestic politicians and underlying the implementation of security-oriented policies, its diffusion in the press was namely meant to be a generator of electoral benefits and, hence, could not but disappear when it came to be opposed to a major nationwide stake, namely, the very maintaining of the social cohesion of the country.

## Notes

1 As this issue has been less covered by the Conservative press, the left/centre-left newspapers are overrepresented in the sample to guarantee an optimum coverage of the political discourses in question. The link between the political orientation of each newspaper and the coverage of the nexus-related political discourses is clearly shown by the fact that out of the 636 articles that have been identified and analysed for the needs of this case study 177 have been published by *The Times*, 244 by *The Guardian* and 215 by *The Independent*.

Joanne van der Leun

## **The Dutch 'Discouragement Policy' towards Undocumented Immigrants: Implementation and Outcomes**

### **Introduction: Dutch discouragement policy**

Since the early 1990s the Dutch government has been aiming at increasing governmental influence on the process of immigration. Although this has been fuelled by the electoral turnaround of 2002, the process started long before. Irregular, undocumented or illegal immigration and asylum immigration have been the particular centre of attention for over a decade now. Whereas the number of asylum claims has dropped significantly from almost 44,000 a year in 2000 to less than 10,000 in 2004, there are still undocumented immigrants, and paradoxically their number may even have increased. These numbers are now estimated to be between 75,000 and 125,000, excluding people from Eastern and West European countries (Leerkes et al. 2004).

After years of silently accepting spontaneous migrants, the Dutch government has since the early 1990s pursued a comprehensive 'discouragement policy' vis-à-vis illegal residence (Engbersen and Van der Leun 2001). The exclusion of undocumented immigrants from public services became a policy goal; and internal surveillance by the police was taken more seriously than before. This stricter stance was partly a reaction to the idea that the country was 'full'. Asylum applications were among the highest in Western Europe in the 1990s and immigration based on family unification and family formation continued. From a wider viewpoint, this attitude also fitted into an activating policy trend that was visible in the social policy sector as a whole (Visser and Hemerijck 1997).

To a certain extent, undocumented immigrants have responded to the regulations and controls by behaving more unobtrusively and by going deeper underground, thereby escaping detection (Engbersen 2001; Van der Leun and Kloosterman 2006). At the same time, it must be noted that an undocumented immigrant's life chances are not solely determined by official policies: an immigrant's social embeddedness within the labour market and within ethnic communities is crucial. Family members offer housing, information and moral support, and employers often welcome the cheap and flexible labour that immigrants without formal permission can supply. The fact that, for a number of reasons, a wide variety of individuals, networks and formal and informal organisations, in some ways linked to the government, also offer some kind of support to undocumented immigrants has received far less attention in the literature so far. Research in the Netherlands has shown that despite a continuous stream of government measures to exclude illegal immigrants systematically from public

services, informal support at the local level still exists. This raises several questions regarding internal migration control.

Although gaps between immigration control policies and implementation have received much attention (Joppke 1998; Cornelius, Martin and Hollifield 2004), there is little insight into the concrete processes that take place within these gaps (cf. Jordan, Stråth and Triandafyllidou 2003). This essay brings these processes to the fore by looking at the interplay between the implementation of the Dutch 'discouragement policy' and opportunities for undocumented immigrants who are legally excluded. It takes into account the agency of both lower-level officers and of the immigrants concerned, both of whom are more than passive recipients of policy measures. Together they may be able to create and exploit loopholes that arise out of the inevitable ambivalence of policies that try to deal with illegal or undocumented immigration (Van der Leun 2003). In addressing the issues of implementation and outcomes, this essay concentrates on actors within public and semi-public welfare-state organisations in the crucial domains of the still over-extended Dutch welfare state and police officers. The key issue is to what extent, and how, attempts to systematically exclude undocumented immigrants from welfare provisions and, increasingly, to combat illegal residence through internal surveillance by the police are realised in practice. It is based on fieldwork conducted in the second half of the 1990s and on quantitative analyses of police data pertaining to 1997 to 2003 (see also Engbersen, Van der Leun and De Boom 2007). Most of the research was part of a larger study during which hundreds of undocumented immigrants were interviewed between 1994 and 2001 (see Engbersen et al. 2002).

Before addressing the main questions, section 2 will briefly put illegal immigration to the Netherlands into the context of legal migration and immigration controls. Section 3 provides the theoretical framework to study practices of implementation within public and semi-public organisations. Subsequently, the attention shifts to practices in social sectors (section 4) and surveillance by the police (section 5). Section 6 concludes and briefly touches upon the questions of future developments against the background of the anti-immigration climate in the Netherlands that has developed in recent years.

### **Policy and implementation in theory**

Although stemming illegal migration is a top priority for many states, (im)migration policies evidently misfire and backfire continuously (Sassen 1996; Freeman 1998; Joppke 1998). Some argue that it is primarily external pressures—such as transnationalisation, globalisation, human rights discourses and supranational policies—that undermine the sovereignty of the state in this respect (Jacobson 1996; Sassen 1999). Others question the empirical validity of the claims made. They argue that states are still very much in control and that it is domestic laws and policies rather than forces from outside the national states that limit migration policies (Brubaker 1994; Freeman 1998; Lahav 1998). Addressing the question of the extent to which national states are willing and able to control unsolicited migration flows,

Guiraudon and Lahav (2000) argue that Western European states are not losing control but that they are rapidly adapting to internal and external pressures by adopting a specific mixture of remote-control measures. They point to the fact that all European states are now shifting up, shifting out and shifting down their responsibilities in the field of migration. Shifting up refers to forms of international or supranational cooperation, such as within the EU framework. Shifting out refers to the role of private parties such as airline carriers, who face sanctions when they transport people without documents (Guiraudon 2001). And thirdly, the delegation of control-based tasks to (semi-) public workers is a clear example of shifting down. This article focuses on the last of these. Whereas the central dilemma of advanced welfare states confronted with immigration is drawing the line between members and non-members (Faist 1996), it is obvious that the responsibility to do so is increasingly being shifted down to 'gatekeepers' of the welfare state. In the Netherlands this was particularly the case when the Linking Act of 1998 was enacted in order to systematically exclude immigrants without valid residence status from public services. The crux of this voluminous law is that the entitlement of immigrants to a whole range of (semi-) public provisions such as social benefits, health care, housing and education, is systematically made conditional on their residence status (Van der Leun 2003). Although Guiraudon and Lahav (2000: 177) seem to assume that the interests of new actors – among whom human service professionals but also airport personnel - in remote migration control coincide with those of the central state, it is still unclear whether and how the delegation of responsibilities has affected the discretionary freedom of the workers concerned. More specifically, we can ask to what extent agents in the fields of health care, housing or education are willing and able to engage in control-based activities that do not necessarily coincide with their professional opinions (see also Hasenfeld 1983, Lipsky 1980).

A second strand of irregular migration literature emphasises the role of the police in migration controls. Under the label of securitisation, advanced states increasingly criminalise vulnerable migrants (Wacquant 2005; Welch 2003). Where in the 1990s the restrictive stance of national governments within Europe with regard to immigration was primarily legitimised on the basis of protection of jobs and welfare-state provisions, these fears now amalgamate with the perceived threat of immigrants' involvement in crime (Welch 2003), a topic which had been taboo in most countries for years. Understandably, the attention of criminologists and sociologists has been largely devoted to how far official data on reported crimes are products of cumulative bias in the criminal justice processes and/or of differential rates of offending. In the meantime, however, high crime and detention rates amongst foreigners are widely used to justify migration control and zero-immigration policies all over Europe (Albrecht 2002). These policies target undocumented or illegal immigrants in particular and tend to categorise them as the enemy within. Again, this literature tends to pay little attention to issues of implementation. The easy assumption that it is mainly the police that criminalises is the result of the role of the police in migration control (see e.g. Den Boer 1995; Bigo 1996). Although these risks have to be taken seriously, given the already existing tensions, there is very little insight into how the

processes of criminalisation take place in the case of undocumented immigrants and what the role of the police is. Empirical insight into how police officers conduct their tasks in this respect, how they use these powers of discretion and what judgements they make, is lacking: this often results in oversimplification of the role and the influence of the police. This information gap is anything but compensated by the general police literature which hardly mentions migration control at all. Despite the crystal clear fact that a sizeable gap exists between official migration policies and their implementation and consequences, a bottom-up approach to policy matters stemming from this perspective has scarcely been applied to migration control.

### **Policy and implementation in social sectors**

Within a single decade an extensive set of measures was taken to combat illegal residence, of which the most comprehensive, the Linking Act, came into force in July 1998. This law was preceded by several other measures that affected the position of undocumented immigrants, such as tying social-fiscal numbers to a valid residence status (without a valid social-fiscal number it is not possible to work in the formal economy) (1991) and the Employment of Aliens Act in 1994. In the closely related field of asylum policy, since 1994 the Ministry of Justice has announced a number of measures to control asylum seeking. These include closer cooperation with other EU members, the increased use of fingerprinting as a means of checking identity, intensification of controls immediately behind the borders and the setting up of a special task force to deal with illegal trafficking. Moreover, a new law on re-migration was enacted in 1998, and in 2001 the revised Aliens Act came into force with the main aim of speeding up asylum procedures. Encouraging the exclusion of undocumented immigrants from public services has gradually become central to the state's discouragement policy. This is not typically Dutch. Curtailing the access of unauthorised migrants to public services is high on the agenda of anti-immigrant policies in countries with comprehensive welfare systems (Faist 1996; Bommers and Geddes 2000; Alofs 2003). The fear is that welfare systems serve as a magnet for prospective immigrants, usually undocumented, and—maybe even more—as an obstacle when they are considering a return to their home country (Chiswick 2000). Health care seems to be the most likely public service to have this effect (Jordan and Vogel 1997:17-20). There is a strong contradiction between the widespread fear of the effect of public services on illegal immigration and the empirical findings on the actual use of these services in the Netherlands. Immigrants who do not have the permission to be present in a certain country tend to distrust official institutions and to find their own ways of surviving. On the other hand, many of them come into direct or indirect contact at some point or another with some kind of state-sponsored service. And although controls in the sphere of social benefits have always existed, in the past it was less common in other crucial sectors such as education, housing and health care to make a systematic check on legal status.

A major step in this direction was the Linking Act, which has been operational since 1998. The original proposal generated widespread societal protests. In its final

version, the obligation to report illegally residing immigrants to the police was dropped and restrictions concerning education for children were toned down. The age limit was raised to 18 instead of 16, and children were allowed to finish an education started before the age of 18. The law was also relaxed with regard to health care provisions. Where initially undocumented immigrants would only have been entitled to medical care in 'acute and threatening situations', this phrasing was eventually replaced by the notion of 'imperative medical treatment'. The responsibility for distinguishing this category was handed explicitly to medical professionals. Eventually, when the main sources of controversy were more or less removed from the bill, both Houses of Parliament accepted it in 1998 by a majority of votes. The Linking Act distinguishes five categories of immigrants with differential rights (Minderhoud 2000). Immigrants who fall outside these categories cannot claim public services; but they are not totally excluded. Three exceptions, which are partly rooted in supranational agreements and international human rights discourses (Jacobson 1996), can be made. These exceptions pertain to imperative medical care, education for people under 18 years of age and publicly financed legal assistance.

While the Linking Act was still in preparation and its adoption as yet undecided, 32 preliminary interviews were held in order to gain some provisional insight into the affinity of human service workers with control-oriented tasks. Most of the interviewees had encountered undocumented immigrants in practice, although on a relatively modest scale. The interviews indicated that they had a strong discretionary autonomy with regard to checking a person's residence status. Most interviewees were not aware that they should be concerned with migration issues, and the organisations did not formulate any concrete guidelines or policies in this respect.

After the Linking Act, 62 interviews were held with street-level workers and middle management in the sectors of health care, social housing, social benefits and education. In the domain of health care, discretionary autonomy was still considerable. The central dilemma in the sphere of health care can be summarised as funding versus professional duty. Immigrants who are either sufficiently insured or otherwise able to pay are never refused. Some patients pay in cash, in some cases even for expensive operations. Many hospitals, furthermore, try to make financial arrangements with uninsured patients. However, when illegally residing patients are not able to bear the costs of their treatment, health care workers have to decide how much care they are supposed to provide. The bottom line of the Linking Act is that no one should be withheld essential care. At the same time, the law implies that non-imperative care should not be provided. Most interviewees claimed that it was inherently impossible to draw a line between imperative and non-imperative care. A psychiatrist in Rotterdam claimed: 'There is not a single doctor who can determine what imperative medical care encompasses. When someone nearly dies? When there is a fifty per cent chance that he will pass away? (...) Everything that can be treated and could otherwise harm a person's health is imperative.' [personal interview]. For most interviewees, the duty to help prevails. They show little interest in whether a person is in the country legally or illegally. Giving more or less informal help—often for free—is not problematic as long as it is restricted to relatively basic treatment or

care. For instance, some interviewees know how to obtain cheap medicines. They use the free samples that they receive from the pharmaceutical industry or make a deal with the local pharmacy. In some instances professionals also turn a blind eye towards the use of other people's documents. However, when a patient needs more specialised care or treatment, they are dependent on the cooperation of specialists and hospitals. In these instances the decisions vary. A high level of discretionary autonomy appears to go together with contradictory outcomes. Severe cases of exclusion, sometimes with disastrous implications, goes hand-in-hand with practices that clearly soften the impact of the law. After all, the national government rather silently subsidises regional networks where health care workers can charge their bills to a special fund. These networks are private organisations with a voluntary board and are mostly based on informal ties between people who were involved in supporting undocumented immigrants before the new law took effect. And although many professionals complain about the red tape surrounding this solution, the Linking Act has, according to many interviewees, paradoxically resulted in an amelioration of the situation regarding health care for undocumented immigrants by bringing clarity to procedures. A recent survey held of 240 doctors in the Netherlands concludes that 60 per cent of general practitioners and 50 per cent of specialists have come into contact with undocumented immigrants as patients in the course of their work. A huge majority (91 per cent of the GPs and 88 per cent of the second group) reported to be willing to provide care to patients who lack the proper documents. Many of them, however, are unfamiliar with the exact rules and regulations, and they complain about complicated administrative procedures. Whereas many doctors are willing to help undocumented patients, financial and administrative personnel more often attempt to bar these patients from hospitals and clinics (Brinkman 2006).

As regards children's education, the assistance given is probably the most far reaching, as children can attend school until the age of 18. Most schools are quite open about the fact that they accept children without residence status and that they try to arrange all the help they can.

In other sectors, possibilities to help were shown to be far more limited and fewer measures were taken to regulate practices. The domain of social benefits—mainly welfare benefits—is a special case. In fact, the practical impact of the Linking Act is here very limited, as undocumented immigrants were already systematically excluded from welfare benefits except for exceptional cases. Effects on public opinion may have been more important here than actual outcomes.

By comparison with health care professionals, workers in the domain of social assistance and housing displayed a much more legalistic attitude toward the newly imposed regulations. They appeared to have accepted the Linking Act relatively easily. As a consequence, the Act has resulted in the most severe exclusion in two domains which received little advance attention, adult education and social housing. Public and semi-public housing corporations have quickly tightened up their procedures, and institutes for adult education have done the same. The interviews indicate that they send away relatively high numbers of applicants. In The Hague, two

interviewees who work for one of the institutes providing language courses introduced selection procedures for applicants after the summer of 1998. Previously, they had never asked any questions about residence status. In the first months of 1999 they had to refuse 30 to 50 per cent of all applicants because they did not have the appropriate immigration status. Although this surprised them the director responded quite straightforwardly: 'We are a subsidised institute and we follow the rules of the government.'

As for implementation, the attitude towards internal migration control appears to depend on the professional morale, the degree of discretion and the level of professionalisation within any given sector. Teachers in primary education and health care professionals have a high level of autonomy in this respect, and they tend to use this autonomy to help rather than to exclude immigrants who lack formal permission to stay in the country. At the other end of the spectrum, we find employees of housing corporations who—at least on the surface—apply the rules legalistically and grant housing only to individuals with the right documents. The interviews suggest that other factors also play a role. In particular the tendency to be more lenient toward illegal immigrants appears to be correlated with a high degree of face-to-face contacts with clients on a more personal base. Secondly, illegal clients are more likely not to be excluded when the selection of clients takes place at the lower level and by the professionals themselves, as in the case of general practitioners. A third factor appears to be the level of monitoring of decisions and possible sanctions if the rules are not followed. There is a relationship between these additional factors and the level of professionalisation, because more autonomy tends to go together with less monitoring, but this also differs between positions within one domain. As for the consequences of the restrictive and exclusionary policy measures, present research suggests that shifting down can also lead to shifting out. Housing workers turn a blind eye to sub-renting practices for instance, and refer their clients to private housing companies, while institutes for adult education refer undocumented clients to neighbouring community services where their residence status will not be checked. In many instances professionals are well aware that if they no longer provide services to illegal immigrants, these can fall back on other options, be it in the private sector or in sectors that do not fall within the remit of the Linking Act.

### **Internal surveillance by the police**

A second domain of empirical research has been internal surveillance by the police. In the larger Dutch cities, the two main forms of surveillance, administrative and operational, are assigned to the Aliens Police and carried out under direction of the chief constable of the urban police forces. Yet, when it comes to checking the legal status of immigrants who are apprehended for crimes or misdemeanours, the police force as a whole is responsible, since in practice general police officers are often the first to encounter illegal immigrants. Over the years, budgets for the Aliens Police have been continuously expanded and police officers have become more aware that

they have to check residence status. Consequently, the numbers of apprehensions has risen.

	1997	1998	1999	2000	2001	2002	2003
<b>Apprehensions</b>	15.213	13.885	13.497	14.410	15.145	19.636	(15.536)
<b>Apprehended persons</b>	14.141	12.899	12.653	13.513	14.305	17.877	(14.267)

Source: Police data (VAS). \*Data on 2003 pertain to nine months.

Most of the people apprehended—roughly 60 per cent over the years—come into contact with the police for infractions of immigration laws or because of misdemeanours that are usually not classified as crimes, for example fare dodging or disorderly conduct. A small, albeit rising, number of immigrants without documents are arrested for crimes, often acquisitive crimes such as theft and aggravated theft (Engbersen and Van der Leun 2001). In recent policy debates, criminal illegal immigrants have received major attention. In 2001 the revised Aliens Act came into force, in which the conditions under which the police are allowed to apprehend supposedly illegal immigrants have been relaxed. These legislative changes were paralleled by major administrative operations, including the establishment of a central computerised database containing data on all non-native individuals residing in the Netherlands. This database is accessible to all police units and indirectly to other government or semi-government bodies such as welfare departments and housing corporations.

A case study based on 40 semi-structured interviews with police officers focused on their day-to-day practices within the four largest Dutch police forces. These interviews, held with regular police officers from the four largest Dutch cities and their colleagues in the Aliens Departments, showed that contrary to the often-expressed fear they tend to use their discretion, ignoring the issue of illegal migration and focusing instead on crime. They did not express a strong ‘us against them’ attitude. Despite all the restrictive policy changes, most regular policemen did not see the surveillance of illegal immigrants as a key responsibility. They saw themselves first and foremost as crime fighters. Their restraint was reinforced by the fact that they felt saddled with too many tasks, and their approach was selective and pragmatic. A police officer in Rotterdam put it this way: ‘We’re out in the street and the problems are flying us in the face. The only thing we can do is react to the circumstances. (...) It’s difficult enough keeping up with everything that’s happening, let alone when we start to do that [apprehending illegal immigrants] on the side. And in my opinion it’s not exactly a police task. They can hire other people to fulfil these tasks.’ [personal interview] Another outcome was the large distance between policy-making and enforcement. The police were often only vaguely aware of the formal

priorities that officially served as a national guideline for the urban Aliens Departments. The only priority most respondents were able to mention was the aim to expel criminal illegal immigrants, but they immediately stressed the difficulties surrounding expulsions. In turn this leads to frustrations for the police officers, who sometimes choose not to apprehend illegal immigrants anymore.

Recently, there have been agreements between the Ministry of Justice and the police force of The Hague to set target numbers. In practice, these target numbers are translated into the 'smart rule' of focusing on easy targets, which is not at all in line with the formal priorities. In some respects the outcomes of these practices are completely contradictory to the official policy aims; in other respects they are much more lenient than recent discussions on restrictive policies suggest.

To summarise: mechanistic explanations of the process of criminalisation of illegal or undocumented immigrants which are often directly linked to police involvement in migration control were not substantiated. The case study demonstrated how a top-down pressure toward criminalisation, as visible in the discourse on illegal immigration, in increasing arrest and detention figures and in policy measures taken, can in practice go together with a high level of tolerance and non-enforcement at the local level. This study even suggests that police activities at the level of implementation function as a buffer preventing a push towards crime rather than as a factor spurring it on. One explanation can be found in the high level of pragmatism on the side of the police, who tend to use their discretionary freedom to focus on crime and rather than paying too much attention to the issue of illegal migration as such. Several respondents have pointed out that pushing the restrictive policy further would in their view lead to unacceptable situations that would run counter to their professional and humane standards. Their core business is promoting safety, and, according to them, this aim is not pursued by chasing undocumented immigrants.

This relative leniency at the lower level does not imply that the sheer endless stream of restrictive measures taken in the last decade in the Netherlands has been without impact. According to many respondents in charge of implementing the relevant rules and regulations at the local level, the ever more far-reaching internal restrictiveness, in combination with a problematic policy of return and the strong underlying forces that shape international migration, raises the propensity for criminal involvement of illegal immigrants. This holds in particular for newer groups, who cannot fall back on well-established communities and therefore are more dependent on people who profit from illegal immigration, such as human traffickers and human smugglers. There are similar effects in the economic sphere, where informal economic activities are increasingly being pushed underground, which strengthens the position of subcontractors and other intermediaries at the expense of undocumented immigrants. The social distance between illegal immigrants and the mainstream society is gradually enlarged. In this sense, the criminalisation of illegal immigration may very well turn out to be a self-fulfilling prophecy (Engbersen, Van der Leun and Leerkes forthcoming). The underlying processes, however, are misunderstood when implementation practices are not taken into account.

### **Conclusions: consequences and contradictions**

Over the last decade or two the Dutch regime with respect to irregular or illegal migration has been completely transformed into an ever more encompassing policy web aiming at excluding unwanted foreigners. Shifting down responsibilities to professionals in social policy sectors and internal surveillance by the police are important parts of this web. It is without doubt that these policy developments have dramatically influenced the opportunity structure for illegal immigrants.

At the same time, when looking at street-level processes, it becomes clear that the shifting down of internal immigration controls is a complex process in which the aims are at least partly transformed at lower levels where policy implementers are directly confronted with concrete dilemmas. In the process of decision-making, more general norms, the values and ideologies of implementers with a high degree of discretion and professional autonomy sometimes result in outcomes that run counter to official policy goals.

The qualitative research in the social policy sectors also demonstrates an inherent tension between attempts to diminish discretionary freedom of human service workers by, on the one hand, being more specific about who they are supposed to refuse help to, and, on the other hand, a reliance on the discretion of implementers. Some situations can only be solved humanely by being lenient every now and then. This is often arranged through local arrangements or bypasses in which professionals make use of their personal networks to bend the rules. Private funds sometimes support these arrangements but in many cases they are also partly, directly or indirectly, subsidised by the local or national authorities. The flip side of this discretion is ambivalence. The higher the degree of professional autonomy, the more mixed the outcomes appear to be. From a legal perspective, this ambivalence is unwanted. Immigrants should get equal treatment and selection criteria should be clear. From the perspective of an immigrant ambivalence may sound positive, but this only holds if the outcome is more lenient than the rules admit. Recent media attention on health care in the Netherlands shows that it can also work the other way round. Some hospitals unlawfully refused undocumented patients who should have received medical care.

Secondly, the present study has shown that the interests of the national government and local authorities do not always and automatically coincide. On the whole, most street-level workers in the social domains but also many police officers see the presence of undocumented immigrants as a fact of life, whereas the national government aims at systematically discouraging that presence. Many interviewees also stress that the national government has not been able so far to expel illegal immigrants effectively and thereby, in their view, are partly responsible for the problem.

These tensions are highly visible in the Netherlands at the moment. National politicians call for stricter enforcement of the existing rules at the lower level, whereas at the same time local authorities either plead for acceptance of the fact that the rules cannot be fully enforced or call for a much stricter policy of return. Taking

into account the fact that expelling people is often impossible and that amnesties are very rare in the Netherlands, one option for the national government might be to exert more pressure on lower-level professionals to act according to the official policy. This would not come as a surprise in the present political climate. Since the fieldwork was conducted, the Netherlands has witnessed a political turnaround and the issues of migration and integration have become more openly controversial than ever before. More generally, the positive connotation that *gedogen* (which stands for a tradition of finding pragmatic solutions by tolerating and regulating situations that are officially not permitted) used to have in the past is rapidly disappearing. This also affects the attitude towards undocumented immigrants. Illegal residence is now countered more actively. Some major raids took place in Amsterdam and The Hague in 2003 and 2004, after which hundreds of undocumented workers were evicted on special charter flights. Moreover, the national government decided in 2004 to evict 26,000 rejected asylum seekers, who have often been tolerated for years in the Netherlands. This last decision, which is also only partially enforced so far, again raised tensions between different governmental strata, because several municipalities one after the other refused to set up a detention centre for the former asylum seekers on their territory.

It remains to be seen what these changes will imply for the societal acceptance of illegal residence and for the relatively lenient practices at street level as described in this essay. The intense public debate about immigration may influence citizens' opinions about undocumented immigrants negatively and may legitimise a more active and strict approach. Control policies are still being extended, the result visible in rapidly rising detention figures for undocumented immigrants, higher fines for employers who employ undocumented workers and increasing identity checks in public places. On the other hand, it is clear that no country is able to curb illegal immigration fully, and so bypasses at the local level will therefore remain necessary. Some critical commentators even maintain that local bypasses in fact enable a strict formal policy which would otherwise be unworkable. Until now, the national government has not taken concrete measures to stop lower-level workers within certain sectors from steering their own course in specific instances. Neither has it sanctioned municipalities that continue to support local bypasses. Local answers to the issue of illegal immigration are still much more ridden with contradictions than the tough political language of recent years suggests. And so is public opinion, which is also highly mixed on to the issue of illegal immigration.

## Franck Düvell

### Migration Policy Divergence and Civil Society Activism: The Case of Anti-deportation Campaigns

#### Introduction

‘Abraham Rahimi is free’, ‘Pastor Daly and Family have been freed from Detention Centre’, ‘the right to stay for Zahra has been pushed through.’<sup>1</sup>

Similar notes can be found on countless websites and mailing lists. Detainees and deportees frequently protest against their detention or deportation, sometimes they take dramatic action such as sewing their lips together, going on hunger strike, inflicting injuries on themselves to stop being imprisoned or deported, even setting fire to themselves or trying to commit suicide. In France, Spain, Switzerland and Belgium irregular immigrants have engaged in collective action, and groups and organisations such as *Collectifs de Sans Papiers*, *sin papeles* or *Papierlose* have been formed to give voice to their demands. With no further support from members of the host society many such activities, especially if only a single individual is involved, would go unnoticed by the public, and would neither come to the attention of the media or the court room. However, often immigrants are supported by anti-deportation campaigns or migrants’ rights agencies, which can be found in capitals, cities, towns and even villages throughout Europe. Their demonstrations attract anything between dozens and tens of thousands of protesters, sometimes they violently force their way through the gates of detention centres and free the inmates, sometimes they block deportation flights, sometimes they arrange Church asylum and sometimes they organise public campaigns involving pickets, go-ins, leafleting and flyposting in support of irregular immigrants and refused asylum seekers. Not a few are linked to major NGOs, such as faith organisations, trade unions or even political parties. These often prove essential in facilitating a campaign’s access to policy decision-making processes, for example with local councils, parliamentary cases-of-hardness commissions or petition commissions. They represent irregular immigrants, rejected asylum seekers and detainees, and lobby against deportation. Usually, such NGOs or campaigns mobilise empathy and compassion, generally aiming at a ‘leave to remain’ policy, hence either individual or collective regularisation. Often, it is these actors and their activities that contribute to what is termed either the ‘liberal dilemma’, the tension between national regulations, which emphasise national interests, and international law, which instead emphasises humanitarian obligations<sup>2</sup> or a ‘civic paradox’, a concept referring to the tension between liberal democracies promoting civil society and civil society frequently resisting political society.<sup>3</sup> It will become clear in course of this chapter that often the liberal dilemma is activated by

members of society who oppose public policy, often by referring to universal ethics, and who undermine and reverse unfavourable decisions through lobbying, protest and civil disobedience and thereby contribute to the gap in policy between policy goal and its implementation. And not only that, but, as analysed elsewhere (Düvell 2005a), such opposition by civil society, because it may be part of migration networks, can enable irregular or otherwise unwanted migrants to stay and integrate into their host societies and thereby weaken authorities' efforts to exclude such groups of migrants. Thereby, a policy gap is created between a policy goal, such as the removal of a failed asylum seeker, and actual policy outcome, such as the subsequent stay of failed asylum seekers.

Whilst policy gaps in the field of migration can be caused by various factors, or the interplay of these, such as superior labour market forces, lack of resources or court rulings, this contribution only analyses the relevance of civil society activism in policy implementation. *First*, it sketches some empirical findings and case studies on the impact of civil society activism on policy goals in different European countries, especially the detention and deportations of 'illegal immigrants'. *Second*, it discusses the impact and success of civil society activism. *Third*, it theorises the role of civil society activism by combining economic, pluralist and institutionalist approaches. And *fourth*, it provides a summary and argues that 'street' is another decisive actor explaining actual policy outcome in liberal societies.

### **Civil society activism in the field of migration: examples from Europe**

In public sector culture, civil society agencies, lobby organisations, representatives of different kinds of interest groups (employees, communities, service users, service provider) are relevant actors in public policy and implementation. Such agencies have developed significant strength and often successfully challenge political or administrative decisions. In the UK, for example, black and minority ethnic (BME) voluntary sector agencies confirm and appreciate their new role and power:

The old state has vanished in '89, '91, it is abandoned, we now have a civil society, which means that small organisations like ours play a role. The community organisations are well developed. We choose to advocate on a particular issue, immigration and we defend it, we won't allow being butchered, ... we have a civil society, these small organisations matter. (Migrant and refugee support agency, London, interview, 1998<sup>4</sup>)

Immigration enforcement agencies are well aware of these processes and acknowledge the impact that civil society activities have on policy implementation:

'We get a very, very high number of representations', 'they will try to frustrate our attempts to remove people', 'a lot of constraints is put on removals', 'we are criticised all the time, you know external organisations', 'it is the kind of work where you repeatedly get blown off course, when you're trying to do

certain things but there is a sort of *force majeure* intervenes. (Immigration officer, London, interview, 1998<sup>5</sup>)

In the following subsections, civil society activism will be illustrated and cases from several EU countries presented (1). The protests chosen target enforcement authorities, appeal courts, policy-makers or businesses, such as airlines involved in deportations or security and catering services in detention centres. Examples from the UK, Germany, the Netherlands and Italy will be given. Organisations that support asylum seekers and irregular immigrants will be surveyed (2). The relevance of migrant networks will be discussed with respect to their role in undermining public policy (3). And finally some general legal conditions will be emphasised providing some ground for civil society activities (4).

#### *Campaigning and acting against deportation and detention*<sup>6</sup>

Anti-deportation campaigns are possibly the most frequent version of civil society activism in the field of migration. Therefore, they will be described and analysed in some detail and their impact on policy implementation assessed critically in both relative and in absolute terms.

A typical anti-deportation campaign, to take again the case of the UK as a starting point, consists of the concerned immigrant, who is the key figure in that process, and, if applicable, the family and children. The immigrants themselves normally represent their case, usually in the most dramatic way, and by pointing to any aspect that can support their claim and demonstrate the compassionate grounds on which authorities could be persuaded to grant leave to remain.

For example, a Rwandan mother of three, who had lost 30 family members during the genocide, testified against the perpetrators. As a consequence she was harassed, beaten and abused by family members of the perpetrators, suffered an early birth of her son, was targeted by the police and finally fled the country. In the UK, she claimed asylum but was refused. Meanwhile, she had 'made many friends and have become part of the community', her son is at college and wants to become a lawyer, her daughter sits exams and has offered places at several universities, whilst the youngest son is in psychiatric treatment because of the stress this is having on him. (NCADC 2006)

The arguments made here and on which the subsequent campaign was based combine three different patterns of arguments which, as in this case, can be made either simultaneously or separately. First, protests either refer to the situation in the country of origin, which makes safe return impossible, either because of persecution, or because of lack of medical treatment, or because of lack of livelihood. Second, protests refer to the situation in the host country, either because a person is well integrated—and a typical argument would be 'Halil is someone who belongs to us', as a group of campaigning pupils argued to protest the deportation order of one of their friends (quoted in ABS News 1, 2001)—or because of other aspects, such as

having family in the host country, a job, being in education or because necessary care and medical treatment is only available in the host country. And third, protests emphasise the negative effects deportation and detention have on the individuals and families concerned, which are taken as another argument why that should be abandoned.

Once the campaign is established and the main argumentative line developed the individual or family is then ideally supported by various members of the host society, such as neighbours, work mates, friends, other schoolchildren, a trade union representative, teachers and social workers, medics and representatives of religious bodies. These supporters give evidence that the lives and future prospects of such individuals would be devastated and that they are appreciated members of society. To give an example: in 2001, a large number of teachers of several schools in Bremen, Germany, submitted a protest note to the authorities, stating that the deportation of some of their pupils was found 'irresponsible' because it violated the wellbeing of these youths; instead, the teachers called for the pupils concerned to be accorded indefinite leave.<sup>7</sup>

Finally, once the campaign has unfolded the respective authorities as well as local politicians, members of parliament and local media are approached in order to influence decision-making at administrative and policy levels. This is often done by calling the concerned public to send protest notes to the Home Office: the traditional tactic is to collect signatures on petitions and to send them either collectively or individually to the relevant authority and political institution; in more recent years, fax and e-mail campaigns have become more prominent. For instance, the monitoring of National Coalition of Anti-Deportation Campaigns (NCADC) mailing lists in the UK and '*Kein Mensch ist illegal*' in Germany reveals that calls for sending protest faxes and e-mails to a responsible authority are daily occurrences. Consequently, it must be assumed that the authorities are bombarded with protest faxes, letters and e-mails, as the abovementioned UK immigration officer interview illustrates.

Another target of protest campaigns in the field of migration is detention centres. In the Netherlands, for example, in 2003, two detention camps for under-aged refugees were opened in Deelen and Vught. Protest broke out, activists called for 'defencing' the camps and finally, after less than 11 months, one institution, Deelen, was closed again, supposedly in response to the protest (VluchtelingenWerk Nederland 2003). And in Italy, in January 2002, a detention centre in Bologna was partially dismantled by demonstrators. In June 2003, protestors stormed the Bari-Palese detention centre and demolished the fences, and as a consequence 22 inmates escaped. Later, the camp was closed down by the authorities, which the Tavolo Migranti of the Italian Social Forum had been campaigning for (Tavolo Migranti 2003). In August 2005, protestors in Porto Empedocle blocked a bus aiming to take immigrants who had been shipped from the island of Lampedusa to the detention centre of Licata and Caltanissetta (both on Sicily); as a result, 14 detainees escaped. Simultaneously, the Ragusa detention camp, accommodating female migrants, was occupied and the authorities forced, after some negotiations to release the six inmates.

Furthermore, private businesses involved in the implementation of detention and deportation matters are targeted: here we briefly focus on airlines collaborating in deportations. Protestors aim to directly intervene in deportation enforcements, through protests at airports, check-in counters, on airfields and on flights, and to indirectly target airlines through image-pollution activities.<sup>8</sup> Typically, a protest is staged at an airport whilst a deportation is in the process of enforcement. Protesters either try to delay the flight or to win the support of other passengers; the resulting level of unrest would force the pilot, concerned with security considerations, to refuse carrying that specific person. For example, in 2005, the Working Group Asylum Göttingen (2005) reported that 'whilst the deportation flight was ready for departure 200 people were demonstrating; on the plane Zahra [a refused asylum seeker] resisted against the deportation, and finally the pilot refused to take off'. Sometimes, protests occur at a much lower level and may still be successful: for example, in December 2002, a group of activists sent a telefax to KLM protesting about a deportee who was not volunteering to return. The next morning KLM staff refused to check in this and a second deportee (Caravan Munich 2002). Major airlines such as KML, Air France, British Airways, Lufthansa, Sabena, Tarom, Cameron and Swiss Air have all been targeted.<sup>9</sup> Tarom seems to have been the first to cancel collaboration in deportation matters (Grote and Sprinzl 2005: 173); in other cases, airline staff organisations such as 'Vereinigung Cockpit' (VC) decided that persons 'not willing to travel should principally not be transported for reasons of flight security' (VC Info 16 February 2001). Such successes, however, were not sustainable, and governments looked for alternatives in an attempt to circumvent obstacles to their policies (see Schengen III Treaty 2005, article 23). Alternative tactics included, for example, turning to minor airlines (Ghana Air, Air Gabun) and initiating joint aeroplane charters of several EU governments (Schuster 2005).

In Italy, welfare agencies were targeted for their collaboration with local authorities in running detention centres. For instance, Croce Verde (Green Cross) headquarters was occupied by activists until its president agreed to withdraw from this agency's activities in a controversial detention centre; equally, Miserecordia withdraw from cooperation with the authorities to run a detention camp.<sup>10</sup>

#### *Supporting, representing and organizing asylum seekers and irregular immigrants*

In almost all European countries there are organisations that support rejected asylum seekers and irregular immigrants (PICUM 2002). As illustrated below, they do so either, by (a) campaigning on behalf of asylum seekers or irregular migrants, (b) other agencies are rather self-organising of refugees' and irregular immigrants, (c) integrating the asylum seekers or irregular migrants into mainstream organisations, or (d) serving the individuals' social needs by giving advice and practical support. Thus, activities can be distinguished by their individual or collective approach, their separate or inclusive nature and by social or political mandate. Often, all such characteristics are interrelated. The aim either is to realise human rights and/or to explicitly counter public policies. In effect, these tactics contribute to conditions that enable irregular immigrants to survive and to prolong their stay.

Major umbrella organisations campaigning on behalf of asylum seekers are Pro Asyl (Germany), the Joint Council for the Welfare of Immigrants (JCWI) and Refugee Council (UK), the Immigrant Council (Ireland), Groupe d'information et de soutien des immigrés (GISTI, France), Tavolo Immigranti (Italy), and the Network of Asylum and Refugee and Support Groups (FARR) (Sweden), to name just a few. Some organisations support the rights of irregular migrants, for example, Respect, Polish Social Council (Germany), Andalucia Acoge (Spain) and Collectif de défense des travailleurs étrangers dans l'agriculture (CODETRAS, France): for this paragraph see PICUM (2005).

Furthermore, there are self-organisations of migrants, asylum seekers and irregular workers such as the National Coalition of Anti-Deportation Campaigns (NCADC) and Kalayaan (UK), Organisatie voor Clandestiene Arbeidsmigranten (ORCA) and Samahan (Belgium), Ondersteuningskomitee Illegale Arbeiders (OKIA, the Netherlands) and Collectif des travailleurs/euses sans statut legal (CTSSL, Switzerland), whilst in France, Switzerland, Belgium and Spain irregular migrants have developed 'collectives' of '*sans papiers*' or '*sin papeles*', as they often call themselves, to prepare protests, but also to engage in round table meetings with authorities (IM Media Reflex 1997; Collectif des Sans Papiers Fribourg 2001).

In Spain (Centro de información para trabajadores y trabajadoras extranjeros de las Comisiones Obreras CITE-CCOO; Sindicato de Obreros del Campo, SOC), Portugal (Confederação Geral dos Trabalhadores Portugueses, CGTP; Union dos Sindicatos de Lisboa, USL; Union dos Sindicatos de Santarém, USS), and Italy (Confederazione Generale Italiana del Lavoro, CGIL), and to a lesser extent in Sweden (Sveriges Arbetare Centralorganisation, SAC), Belgium (Syndicat des Employee SETca/BBTK, Federation General de Travailleurs Belgique, GTB), Switzerland (Syndicat interprofessionnel de travailleuses et travailleurs, SIT) and the UK (Trade Union Council, TUC) trade unions organise and represent irregular migrants and their interests (TUC 2003; Haus 2002). For example, in 1999, the Belgium Syndicat des Employee (SETca/BBTK) deliberately recruited irregular immigrants in order to support their fight for regularisation (EIROnline 1999). Trade unions in southern Europe generally have a more universal approach, whilst trade unions in northern Europe tend to have a more exclusive and protectionist approach.

Numerous agencies provide advice and social services. Providing health care seems to be of top priority of migrant support agencies in many countries, where access to mainstream services is legally restricted, as it is the case in Germany, the Netherlands and Sweden (Düvell 2006a). The meaning of such services is disputed. On the one hand, NGOs provide services to irregular immigrants that are legally denied by statutory service providers such as the health service, either on purely formal grounds or to deter irregular migrants from staying. NGOs often feel compelled to deliver such services because they see a humanitarian gap which needs to be addressed. Simultaneously, they may feel exploited and suspect they are no more than appreciated providers of cheap services in areas where the governments have retreated (Krebbbers 2002). In that context, providing services can hardly be understood as civic action aiming to undermine immigration regulations. On the other

hand, there are cases where services are provided in breach of the law, for instance because migrants' access to such services is restricted or because service providers ignore their legal obligation to report irregular migrants to the authorities (as can be the case in Germany). Under such conditions service providers, implicitly or explicitly, undermine public policy and the provision of services – in particular when combined with awareness raising, publicity and protest – becoming a form of civil disobedience, even an act of resistance. This is reflected in a statement by De Fabel, a Dutch NGO providing health care to irregular migrants which explains its aim as follows: 'by giving support we can obstruct the exclusion machinery' (Krebbers 2002). Often, such services are provided publicly, whilst neither authorities nor police interfere indicating that authorities have been forced into retreat. Thus, authorities' ability to enforce the law and to introduce a deterrent environment, for instance, for irregular migrants, is effectively limited and undermined by humanitarian action. Simultaneously, an overall exclusive migration policy line, as pursued by central government, can be undermined by an inclusive approach by civil society. As a consequence, a policy gap is emerging between law enforcement, local authorities' regulations and central government policies on the one hand and social reality as created by civil society on the other hand.

#### *Migration, networks and civil disobedience*

Migration networks are usually analysed with respect to their relevance in actual migration processes, and rarely, if at all, with respect to their role as factors in policy implementation processes. Networks, however, can play a significant part in explaining migration policy divergence. This is particularly apparent in the case of irregular migration. Whilst governments aim to restrict unwanted migration and refuse entry and residence to the unwanted, some migrants' networks can facilitate migration on self-determined grounds. Thus, a tension arises between public policy and autonomous migration and respective networks.<sup>11</sup> In this chapter I shall also analyse migration networks within the context of social conflict and civil disobedience.

First, the extent of migration networks, in other words an individual irregular migrant's network shall be illustrated. Usually, the concerned individual is known to at least one employer, possibly a landlord, some acquaintances and friends, but possibly also to teachers, health staff and social workers. Some will be aware of the irregularity of the immigrant's status, others might not want to know or actually do not know; but the number of contacts such an individual has, and the number of people who are aware of his or her irregular status, ranges between zero, which is very unlikely, and  $x$ . This means that the number of legitimate members of the host society who know, support, tolerate or facilitate undocumented immigrants is several times higher than the number of irregular immigrants. For example, if estimations for the level of irregular migrants in Germany are put at approximately just above one million (Alt 1999: 50), then the level of those who directly profit from, support or at least tolerate and do not report irregular immigrants could be anywhere between zero and several million. This is indeed an astonishing phenomenon.

In order to understand an irregular immigrant's network we must focus not on the individual immigrant but on the other members of such networks. The level of knowledge and discretion of such other individuals varies. Some are certainly not aware of the immigrant's status, some have a suspicion but do not want to know — either to avoid being troubled or as a safeguard for themselves in case they are suspected of facilitating illegal immigration—but some are well aware of the immigrant's irregular status. Equally different are the motivations: some have commercial interests and either sell specialised services and information, such as documents, jobs and so on, or employ and possibly exploit the immigrants; others are motivated by moral obligations, which can be ethnic solidarity, but also professional and social ethical considerations, driven by compassion or by emotions (love, friendship). It is indeed significant that many legitimate members of the host society seem to be prepared either to turn a blind eye or not to report a known undocumented immigrant to the authorities, and even to establish some sort of a relationship. All such behaviour contributes to an environment that enables (irregular) immigrants to stay (see PICUM 2002). It has rarely been acknowledged that each immigration-receiving society, includes a significant proportion of residents and professionals who actively or through inactivity, and for a variety of reasons, do not obey immigration legislation but instead undermine it.

In cases where social networks are absent research has found that migrants may turn to humanitarian organisations for help. For example, in Italy (Triandafyllidou and Kosic 2005) or in Spain (Bleahu 2005), destitute migrants who have not formed any personal relationships with compatriots approached religious agencies for initial support (in the case of Italy, Caritas). Partly through the services of such agencies, migrants without contacts, who would otherwise not have managed to survive, are enabled to bridge the first weeks, months, and even years, allowing them to identify independent means of survival and become self-reliant. In cases where migrants have been aware of such opportunities in advance this may have encouraged them to take on the risks of migration. And given that this has helped to bridge the initial phase of migration and enabled the irregular migrant to become self-reliant it may have prevented the person from giving up and returning and instead enabled him or her to prolong their stay.

This brief discussion illustrates that most societies host a strata of people who hold moral views that are in contrast to public policy and legislation. Such views cannot simply be interpreted as criminal, although they violate immigration legislation, but rather they represent, in Weberian terms, an alternative sphere of values (see Weber 1968). And in a Kantian sense, morality thus comes into a conflict with legality (Kant 1993). Such network characteristics include some deviant, if not disobedient features. In the most elaborated version they can turn into 'communities of resistance' (Sivanandan 1990) effectively or deliberately undermining and challenging policies that are perceived as unpopular and unjust.

*Legal framework and political culture for civil society activities*

In most EU countries there is legislation in place that guarantees the interests of citizens, residents, customers and clients and which guarantees and regulates civic participation and provides appeals and complaints procedures.<sup>12</sup> Policies have been adopted, derived from concepts of social cohesion and social inclusion, which deliberately promote and enhance participation of all parts of society in public affairs, policy and decision-making on local, regional and national level. Some such efforts have been introduced in response to decreasing participation rates in many countries. Instead, citizens are encouraged to engage in ‘active citizenship’ (see, for example, Council of the European Union 2004) or to ‘citizens’ participation’ (Stadt Aachen 1996). Governments increasingly invite civil society organisations to contribute to consultation processes when a new policy is introduced. Thereby, a culture as much as an arena is established, ensuring room for manoeuvre for civil society organisations. Consequently, numerous local agencies have become accepted as relevant actors—as partners as well as opponents—in policy design and policy implementation.

In the UK, for example, the Treasurer’s Public Service Agreement (PSA) 8 aims, with the Home Office, to build strong and active communities and to increase civic participation (HM Treasury 2004). Agencies and individuals are encouraged to present their interests and they are supported by legislation such as the Human Rights Act 1998 and the NHS Community Care Act 1990. And in the field of migration and integration the Race Relations Act 1976 supports ethnic minorities in combating racism and discrimination. Finally, a Home Office (1999) publication with the self-explanatory title ‘Strengthening the Black and Minority Ethnic Voluntary Sector Infrastructure’ especially encourages ethnic minorities, immigrant and refugee communities to get involved in civil society activism (for a detailed analysis see Düvell 2005b). In particular, immigration and integration matters are highly politicised and a wide range of representatives and lobby agencies is active in this arena.

In daily life, civil society organisations, as well as concerned individuals, frequently refer to human rights and compassion, to civil liberties and to anti-discrimination regulations or data protection principles in order to stop authorities, for instance, from checking upon a client’s immigration status. This in effect limits the authorities’ capacity to identify and to report irregular immigrants to the immigration service and to enforce internal immigration controls as such (see for example, Jordan and Düvell 2002). Two examples, from London and Cologne, illustrate the effect of such activities:

A concerned individual—politically left and social worker by profession—assists a family of irregular immigrants to get into a housing association’s accommodation in London. The person convinced the association’s representative that no check of immigration status should be made because that would discriminate the respective family and would therefore be breach of the Race Relations act.<sup>13</sup>

In Germany, several federal states legally exempt children of irregular immigrants from primary education. Nevertheless, head of schools frequently refuse to report the child to the authorities but instead admit him or her as pupil. It is argued that the child's humanitarian right to education as well as the legal obligation of schooling overrides contrary legislation. (Kieser 2005: 87)

In both cases professional associations as well as trade unions declared support for members, thus the full weight of civil society is behind such individual civil disobedience. These cases illustrate a practice whereby concerned professionals refer to one set of regulations in order to justify ignorance of another set of regulations—the more inclusive set is played off against the rather exclusive set. As a consequence and because of civic engagement, a brake is put on the politics of internal immigration controls. It can be assumed that there are numerous such constellations where individual members of society or staffs of welfare associations undermine immigration policy goals in such a manner by playing off human rights, welfare and civil liberty legislation against immigration law.

### **Assessing success of migrant and refugee support campaigns**

This section presents and discusses the impact of civil society activism on policy outcome. The success of migrant and refugee support campaigns can be assessed in both relative terms, by measuring the success rate of all anti-deportation campaigns, and in absolute terms, by measuring their impact on the total number of deportations. Such an exercise, however, is no easy task. For example, protest might cause ever increasing spending on court proceedings, guards, and charter deportation fights and so forth, thereby enforcement costs simply become uneconomic. This, however, is not taken into account here. Nor will the possible impact of indirect social costs and consequences on policy implementation, such as alienation of parts of society caused by unpopular policies be considered here, even though governments might consider not pursuing policy goals in order to avoid further conflict. Therefore, no final judgement will be offered.

It has often been felt by activists that success in legal procedures was due to protest and public pressure: for example, a Kurdish women's organisation concluded that 'Nuriye Kesbir's extradition was stopped by the Dutch High Court only because of protest action, demonstrations, hunger strikes, leaflets, faxes, calls, petitions and prayers' (Ceni 2004). And in the case of Pastor Daly, an Angolan refugee detained in Scotland served with a deportation order but released after a series of protests, a spokesperson from Glasgow Campaign to Welcome Refugee explained that 'the importance of solidarity amongst community/religious groups, politicians, trades unions and concerned individuals are highlighted by this case' (NCADC 2005b). A prominent German case is that of 'Akubo', a Nigerian activist and refugee. Three times he was in detention and his deportation was prepared, but three times he was released after a hunger strike, after going into church asylum, each time backed by enormous support and protest campaigns. At the time of going to press (2007) he still

lives in Germany (Zülch 2005). In the UK, the result of campaigning, as reported by NCADC, is as follows:

128 public campaigns supported by NCADC have won since 1995. There is probably twice that number who didn't campaign publicly but just followed NCADC advice getting model letters/petitions signed and eventually got leave to remain. Not connected to NCADC probably 3 times as above what we call 'Parish Pump' Campaigns also won leave to remain, since 1995.<sup>14</sup>

Altogether, approximately 770 campaigns, 76 per year, more than six per month, or one per week, have been successful. In each case, a deportation order or removal direction issued by the Home Office could be reversed due to public pressure and instead a leave to remain was granted. In autumn 2005 NCADC concluded:

Deportations of failed asylum seekers from the UK were down 17% last year. No doubt NCADC and their supporters and the communities across England/Scotland and Wales, who refused to let the Home Office tear settled families/individuals from their midst had a lot to do with this . . . Since June of this year [2005], failed Zimbabwean-Iraqi/Kurds asylum seekers/campaigners/Solicitors, made the Government back down on immediate forced removals to Zimbabwe and northern Iraq. (NCADC 2005a)

In Germany, in 1998, a group of 500 refugees of Kurdish origin served with deportation orders sought the support of various civil society agencies. A campaign was started, which rested on a month-long migratory church asylum, whereby hundreds of people literally migrated from church to church throughout the federal state of North Rhine-Westphalia; about 100 churches were involved and thousands of supporters. After 16 months, during which only very few attempts were made by the authorities to detain and arrest these meanwhile illegal but highly visible and publicly active immigrants, they finally gave in, withdraw the deportation orders and reopened the cases. As a result the overwhelming majority gained leave to remain (Kieser 1999, 2005). And in 2000, a group of approximately 40,000 Lebanese civil war refugees who had been living in Germany, in most cases for well over a decade, were targeted by local and central government. Approximately 10,000 were finally singled out for deportation (see Statewatch 2002). Several local communities, but not all, opposed this decision and initiated support campaigns.<sup>15</sup> In Bremen, for example, a group of 500 individuals was affected. Each time an individual was served with a deportation order the full national network became active, ranging from lobbies and petitions, to demonstrations, road blockades, and church asylum. To date it has been so successful that only a handful of individuals has been deported, whilst most have been granted leave to remain.

Arranged church asylum to prevent deportation is another option chosen by anti-deportation campaigns to compel authorities to reopen an asylum case. The first case

of church asylum was recorded in 1983. Altogether several thousand people have been in church asylum and most of these have won their cases (Just 1993; Morgenstern 2003). For example, in 2004, there were 48 cases of church asylum, involving 159 individuals, whilst another 19 cases involving 49 people were recorded as 'silent' asylums, meaning no publicity or protest was organised (Asyl in der Kirche 2005). Of those 22 cases that came to an end in 2004, 19 were successful and leave to remain was granted, whilst three were unsuccessful, though only one person was finally deported. The success rate of church asylum in Germany in 2004 was 87 per cent, which means that where church asylum is organised it is very likely that the authorities will lose this 'conflict' (Morgenstern 2003) and have to abandon their policy goals.<sup>16</sup> Another successful local campaign, in Göttingen and Northeim, concluded that 'where protest and resistance was organised, deportations, which have been prepared with immense effort were stopped' (AK Asyl Göttingen 2005: 198).

Nevertheless, in absolute terms, 414,663 individuals were deported from Germany between 1992 and 2002, half of them rejected asylum seekers, and an equal number was refused entry or returned at the border.<sup>17</sup> This shows that the impact of anti-deportation campaigns on absolute numbers and on deportation policy as such is relatively small. It also implies that where no protest is organised deportation policies can be implemented and enforced.

In Sweden, in spring 2005, a broad coalition of civil society agencies (Flyktling Amnesti 2005) launched a campaign that aimed to regularise refused asylum seekers and irregular immigrants who had been staying in the country. A conventional range of activities were organised—flyposters, postcards, solidarity music CD, petitions—whilst a nationwide day of protest in September with marches in over 30 cities attracted a significant number of participants. In November 2005, parliament voted not for a general amnesty but for a 'provisional law' offering a fresh residence application procedure, 'a second chance' (*The Local* 2006), though to families with children only. Of 30,000 applicants approximately 16,000 were recognised, hence the success rate, as yet, is 50 per cent.<sup>18</sup> What is specific to this case is that civil society did not simply oppose a policy or an implementation measure, but that it pro-actively called for a policy which it felt was overdue. Another significant feature was the interplay between a church initiative, a campaign, a number of political parties and the parliamentary process, whereby street activity combined with parliamentary moves by minority parties and forced the government to adopt a measure initially not taken into account.

Finally, in the Netherlands, a parliamentary decision to deprive over 20,000 failed asylum seekers who had resided in the country for long periods of their stay permits and expel them, was said to be objected to by two-thirds of the population and by most civil society agencies (BBC, 17 February 2004). One year later, with still no action to follow this political announcement, it can be assumed, though there is no immediate evidence that the government has abstained from executing such an unpopular measure.

Sometimes, the impact of protest and lobbying is straightforward to assess, as in cases where protest movements have been able to prevail over government. This is

most evident in cases where a deportation order was reversed or detention lifted, and also in cases where policies are introduced that were not initially considered by the authorities, for example a (partial) amnesty as in the Swedish case. Often, however, the impact of protest is less clear. In the case of protest and direct action against detention centres in Italy these could not be prevented altogether, but at least their introduction seems to have been considerably delayed. In another conflict the introduction of controversial legislation could not be prevented in the first instance, but either moderations were forced upon governments or subsequent implementation has been limited. In the UK, for example, the government had to reform a controversial piece of legislation, section 55, NIA 2002, due to a combination of protests and legal appeals (BBC News, 3 November 2005). Similarly, one unpopular piece of legislation has rarely been enforced—section 8, 1998 Asylum and Immigration Act, declaring illegal employment an offence, was introduced against widespread protest from business associations, trade unions and migrants' rights organisations (Düvell and Jordan 2002). On the other hand, protest has often failed to force governments to make major policy changes, abandon a policy change, or stop the introduction of new regulations or measures. For example, the opening of refugee camps in Germany during the early 1990s and in Italy during the early 2000s, the change of §16 Constitutional Law in Germany, the introduction of Section 55 of the Nationality, Immigration and Asylum act 2002 (NIA) in the UK, all passed parliamentary processes despite widespread protest. In high profile cases in particular, it seems that governments have not bent under protest. Such a constellation is represented by the *Cape Anamur* saga in summer of 2004 in the Mediterranean. In course of a humanitarian mission *Cape Anamur* rescued 39 irregular immigrants from their sinking boat and shipped them to Italy, but only after considerable dispute with the Italian government were they given permission to land them. NGOs put pressure on the Italian government, to admit these people. A full-scale, highly publicised confrontation between *Cape Anamur* protestors and the authorities unfolded, finally resulting in the confiscation of the ship, the arrest of the captain and the detention of the migrants, who were subsequently deported. This exemplifies that the authorities—even when in the public spotlight—might well refuse to give in to protest and instead take a hard stand. The reasons might be to prevent a precedent, to avoid losing face or public confidence.

### **Explaining migration policy divergence through street protest**

Civil society activism, as has been shown, has an impact on policy-making and policy implementation. Protest and civil disobedience can efficiently impede policy-making, implementation and enforcement in liberal societies. Numerous examples can be found from all over Europe where protests have forced authorities to divert from initial policies and to abstain from initial goals. In some instances, policies have actually been changed or unpopular measures reversed, in others, however, policies have simply not been enforced or implemented. These diversions often become visible through undeclared de facto toleration or laissez-faire policies. As a

consequence ‘policy gaps’ (Cornelius, Martin and Hollifield 1994) between legislation and implementation emerge (see also Jahn and Straubhaar 1998; JEMS 2003), a number of reasons can be identified to explain these gaps.

From the perspective of international institutionalism, liberal states are bound to ‘rights based regimes’ and are compelled by law to safeguard the rights of vulnerable groups (Hollifield 1992: 28). Therefore, mass deportations, raids, numerous collection centres, and countless aeroplanes or trains full of deportees seem to be unrealistic in liberal democracies (Entzinger, as quoted in Radio Netherlands, 2002).<sup>19</sup> This is not only because governments feel obliged to international and humanitarian law (Soysal 1994), or because court ruling limits states’ room for manoeuvre (a mechanism also described as embedded liberalism, see Hollifield 1992) but because there are agencies which insist that governments meet such obligations. Sometimes, civil society agencies fight for the rights of such vulnerable groups, and by going public the media, the courts and policy-makers are made aware of their plight and so the pressure on decision-makers in administration and policy is built up. At other times civil society takes the implementation of, for example, human rights standards into its own hands, by providing services normally barred to irregular immigrants, whereby government policy is effectively undermined. Only by such activities, and because in liberal societies the principle of political pluralism requires policy-makers to take into account minority voices, does the ‘liberal dilemma’ actually become effective.

Consequently, several authors consider the impact of immigrant support agencies to be decisive. As early as 1990, Zolberg noted that migration legislation often fails to reach its proclaimed aims because it addresses migration issues only symbolically, often in response to the demands of pressure groups rather than in accordance with social scientific evidence. And Bhagwati (2003: 99) concludes that civil society activism and the politics of ethnicity have frequently ‘forced governments into retreat’ from restriction and enforcement of policies. Grass-roots refugee and migrants’ ad hoc defence committees, support agencies and international organisations ‘have proliferated and gained in prominence and influence’ (Bhagwati 2003.: 102), and have consequently effectively limited institutional practices. Shrestha rightly argues that

it appears that human history is a history of [a] tug-[of]-war between institutional policies to mould peoples’ behaviour to achieve certain economic and political goals and individuals’ attempts to free themselves from institutional constraints [and their] determination to control their own destiny. One area in which such conflicting tendencies between institutional goals and individual needs and desires are most apparent is migration. (Shrestha 1987: 329)

In this light, the activities of civil society agencies must be understood as expressing ‘civic culture as a countervailing culture’ (Bridges 2001). Such countervailing cultures contribute to discrepancies between institutional policy goals and actual policy outcome.

In political science, as mentioned above, these deviations from initial goals have been conceptualised as ‘policy gap theory’ (for example, Hollifield 1992; Cornelius, Martin and Hollifield 1994) which attributes lack of implementation to various actors and the patterns of interaction between them (Freeman 2000). It comes as a surprise though that civil society has not yet been acknowledged as a relevant actor in migration policy theory; as yet, only lobbies and social classes are identified as relevant actors (Freeman 2000), whilst law courts and ‘back room’ (Ette 2003) have been identified as influential mechanisms in explaining diversions from policy goals. This chapter has aimed to show that civil society and the ‘street’, in addition to conventional patterns and actors, are other decisive actors, namely, mechanisms explaining actual policy outcome in liberal societies.

Finally, a paradox emerges between liberal democracies and the principle of civic participation, since groups that thrive under conditions of liberalism can oppose the policies of these very democracies. An arena is thereby created where civil society is encouraged to take on immigration enforcement agencies.<sup>20</sup> Groups who oppose and resist statutory agencies and who aim to obstruct liberal democracies’ capability to enforce specific policies do as best as they can to succeed, namely in the field of migration. This encounter is adequately described as a ‘civic paradox’, reflecting an ongoing though civilised version of a power struggle which has been in-built into liberal society—and its results have to be accepted by both parties.

## Conclusion

Liberal democracies’ capacity to enforce migration legislation is limited by international law, bound by liberal principles, by practical and economic considerations, by court rulings and by civil society activism. This chapter has specifically analysed the impact of civil disobedience, lobbying, protest campaigns, street demonstration and direct action on behalf of migrants. Migrants’ refusal to comply with administrative orders, friends and relatives assisting them in realising their aspirations, civil disobedience by public sector staff and civil society support and campaigning, and the protest and resistance of the more militant members of society all influence divergence from policy-making and enforcement agencies in the field of migration. Such activities, resulting in civil disobedience or resistance, can be driven by compassion, solidarity and emotion or by political conviction—often closely interlinked, no clear distinction can be made between such motives (Kieser 2005: 87). In any case, one principle mirrored in all these activities is identical: prioritising individual aspirations over institutional policy goals.

This exercise has shown that political theory concerned with policy divergence and policy gaps must take into account civil society activism and must analyse the ‘street’ as another stage for negotiating contrasting interests of individuals, collectives and public institutions. Yet another paradoxical situation in democratic societies emerges and both ‘liberal dilemma’ and ‘civic paradox’ combined are relevant concepts in explaining policy gaps and policy divergence in migration matters.

## Notes

<sup>1</sup> Headlines from the UK-based National Coalition of Anti-Deportation Campaigns bulletin, referring to individuals who successfully ran a campaign against their deportation order.

<sup>2</sup> There are diverse understandings of what constitutes a liberal dilemma. Here, I refer to Cole's (2000: 5) analysis of the tension between the 'liberal principle of equality and exclusive membership practices', in other words between moral equality and individual freedom, including freedom of movement and restrictive immigration practices of otherwise liberal democracies. Others, as for instance Benhabib (2002) refer to the tension between individual liberties and the individual's liberty to be illiberal, specifically in cases where because of global migration processes an individual from a non-liberal society settles in a liberal society but behaves illiberally; and Dauvergne (2005) analyses tensions between liberal communitarianism and liberal individualism.

<sup>3</sup> See Foley and Edwards (1997) for an analysis of this concept; there are various other readings, for example analysing the growth of authoritarian NGOs within democratic societies (for instance Feldman 2003).

<sup>4</sup> This interview was conducted in course of an ESRC funded research project on irregular immigrant workers in London (see Jordan and Düvell 2003 for details). For reasons of confidentiality no further details can be given.

<sup>5</sup> See footnote 4.

<sup>6</sup> This section mainly focuses on immigrant and immigrant support agencies but not on the immigrants' activities themselves or the delicate relationship between the actual subject, the immigrant, and civil society, hence the support agencies.

<sup>7</sup> Forderungen Bremer Lehrerinnen und Lehrer zum Schutz abschiebebedrohter Kinder und Jugendlicher aus dem Libanon [Catalogue of demands of Bremen teachers for defending children and youth threatened with deportation], Bremen, 12 February 2001.

<sup>8</sup> See [www.deportation-class.com](http://www.deportation-class.com), [www.deportation-alliance.com](http://www.deportation-alliance.com), [www.deportation-airlines.de](http://www.deportation-airlines.de).

<sup>9</sup> See <[www.noborder.org](http://www.noborder.org), aviation campaigns>.

<sup>10</sup> This information, taken from Flüchtlingsrat Brandenburg, Italia Info, October–November 2005, was originally published at <[www.meltingpot.org/](http://www.meltingpot.org/)>, references 6123, 6124, 6090, 6120, 6091, 6144 and 6115.

<sup>11</sup> For the concept of migration, policy, conflict and autonomy see Rodriguez (1996), Mezzadra (2004) and Düvell (2006b).

<sup>12</sup> For a complete survey of policies, legislation and practices in all EU member states see the EU-funded project POLITIS, civic participation of third country nationals, <[www.uni-oldenburg.de/politis-europe/](http://www.uni-oldenburg.de/politis-europe/)>.

<sup>13</sup> example stems from fieldwork conducted in London in 1999, see footnote 4.

<sup>14</sup> E-mail from NCADC coordinator, 21 September 2005.

<sup>15</sup> Details can be found on <[www.libasoli.de](http://www.libasoli.de)>.

<sup>16</sup> Church asylum has also been noticed in other countries, such as Norway, Sweden, Denmark, the UK, Belgium, France and Spain (Morgenstern 2003).

<sup>17</sup> Annual reports of the *Bundesgrenzschutz* (Federal Border Guards).

<sup>18</sup> The recognition rate, however, is considered dissatisfying by campaigners and further protests are planned to cover more migrants.

<sup>19</sup> Also, U.S. Homeland Security Undersecretary Hutchinson, in the *Washington Post* (10 September 2004) and in an article headlined 'Rounding up all illegals not realistic' elaborated that 'it's not realistic to say we're going to reduce that number [of 8 million to 12 million

illegal immigrants]’, ‘we don’t set goals like that’, there is ‘too much compassion to tell our law-enforcement people to go out there and uproot those 8 million here ... and to send them out of the country’.

<sup>20</sup> Vice versa, this would not be possible under illiberal conditions, as, for example, in Belarus, China, Saudi Arabia or Libya.

Erhan Doğan

## **Locating Xenophobia in Turkey<sup>1</sup>**

Migration and xenophobia are terms often associated with each other in the politics of contemporary Europe, an association that has become stronger with the decline of the welfare state. It is only in recent years that Turkey has come to have a migrant population of any considerable size. Therefore xenophobia was not an issue directly related to the phenomenon of migration, nor a subject of political or scientific enquiry. However, Turkey's nation-building programme since the founding of the republic in the early 1920s, as with all other such programmes, created its 'others' and led to what may be termed a kind of popular xenophobia against Europeans, Arabs, Israeli and foreign Jews. A different kind of xenophobia may be associated with the rise in numbers of irregular migrants, such as Russians, Moldavians, Africans and others arriving in Turkey, particularly since the 1990s and in the context of the EU accession process. This chapter is a modest attempt to differentiate between these two popular xenophobic reactions. I will analyse the first type in detail, and try to shed some light on the latter, the newer form of xenophobia in Turkey, and less studied.

The main hypothesis here is that there is a strong relationship between the speedy opening up process and the EU accession process on one hand, and nationalism and xenophobia on the other. There does not appear to be as strong a correlation between irregular migration and presence of irregular migrants in the informal labour market and xenophobia and nationalism.

### **Turkey's opening up process**

Since the end of the Second World War, Turkey's domestic politics and international relations have been engaged in an opening up process, whereby the basis of an open society has been constructed. The constitutional freedoms of 1960, the export of labour to many European countries, especially in the 1960s and 1970s, increasing tourism activities, the introduction and widespread use of TV broadcasting, the transition from import substitution to export promotion, and finally the EU accession process have all to a greater or lesser degree served to this end.

Until the 1990s, this opening up process was initiated and carried out by the state itself, which decelerated, accelerated, reversed or even halted the process according to domestic and international political conjunctures. However, since the 1999 EU Helsinki Summit, which formally granted Turkey candidacy status, this process has greatly speeded up and is no longer under the sole control of the state.

The candidacy process, however, has so far been marked by ambiguous messages from the EU, which is having direct repercussions on Turkey's domestic politics and

engenders a kind of scepticism among Turkish public opinion towards the EU and the accession process. To date, this scepticism has become most visible in two areas, discussions on arbitration law and the issue of property sales to foreigners. A psychological syndrome, which has been called the Sevres Syndrome, has resurfaced, in which nationalist political groups at the extremes of the political spectrum see great similarities between the EU accession process and the reforms therein required and the final disintegration of the Ottoman Empire (Yılmaz 2005: 54).<sup>2</sup>

Discussions on property sales to foreigners have triggered a form of racism against Arabs, anti-Zionist feelings towards Israel, anti-Greek sentiments against the Greek state and a general scepticism concerning Europe, all of which share certain characteristics. They are categorised phobias developed against certain nations or states, but unrelated to and not reflected in interpersonal contacts. They are instead mostly fed by a state-led nationalist reading of history. Negative attitudes in these two areas have been fed by the continuous interventions and contradictory comments of some European political groups, NGOs, EU Commissioners and European MPs during the last 20 years of Turkey–EU relations. For example, statements on ethnicity-related issues have served only to disturb the delicate political balances in a Turkey which has been engaged in a bloody conflict with an ethnic separatist terrorist organisation since 1983. Careless comments by Europeans on Turkey's ethnic problems have created irritation among the public, and this irritation has surfaced in these two issues.

In addition to these nationalist feelings and attitudes, we may speak of a new kind of xenophobia based on interpersonal contact between Turkish citizens and irregular migrants. These migrants are mainly citizens of the Commonwealth of Independent States (CIS), Romanians and Moldavians working in Turkey, and Africans, Pakistanis, Afghans and Iraqi citizens who are, for the most part, transit migrants seeking a way into Europe.

This is quite a new phenomenon in Turkey's migration history. These people come to Turkey for various reasons: CIS citizens come for touristic purposes or to trade in what has become known as luggage trade, with some of the women coming into Turkey specifically to work in the sex industry (these have come to be known as *Natashas*); Moldovian migrants, mostly women, are employed largely in domestic service; Romanians are mainly employed in the construction and other informal sectors of the Turkish economy; while the Africans and Asian migrants are generally seeking a way into Europe. Thus, as result of all these activities new interpersonal relations have developed between these irregular migrants and Turkish citizens.

Turkey has never needed to develop structured or regulated policies regarding foreign labour to fill a vacuum in its labour market. In contrast to the pattern in many European countries since the 1960s and 1970s, in Turkey there has not been a settled foreign migrant population in direct or indirect contact with Turkish society since the establishment of Turkish Republic. In the past, Turkey accepted migrants from ex-Ottoman territories; but these people were immediately naturalised and were never considered distant foreigners, in so far as they were Muslim and the reader for

naturalisation since Turkey was seen by many of them as a haven for those who had to leave their homes in the Balkans and the Caucasus (Canefe 2002: 149).

The main aim of this chapter is to differentiate between these two types of attitude towards foreigners, to analyse the first type and its dynamics and show how it is related to Turkey's recent history and nation-building process. This is followed by an attempt to shed light on the new type of relationship with foreigners and to identify the new subjects of this relationship. Only after this analysis can one meaningfully differentiate between populist nationalist policies and the xenophobic reactions, intertwined in Turkey's very complex political atmosphere. The main question is whether one can yet identify xenophobia in Turkey. It is the author's contention that, while there may be signs that such a xenophobia is developing, it is still too early to identify in Turkey a widespread or structured xenophobia and populism related to irregular migrants such as may be observed in many European countries with a long record of migration history directly related to their labour market.

### **Migration and xenophobia**

Xenophobia has become a major problem in those countries that have vast numbers of immigrant residents not considered an integral part of society. During the 1980s, reactions to immigrants and foreigners provided the impetus for right-wing nationalism in France, Britain and Germany (Merkl 1993: 215). These migrants are individuals who, in many cases, were previously invited to these countries to meet their labour shortage, and remained permanently. However, several factors have resulted in an increase in tension between locals and migrants, among which may be counted crises in the welfare capitalism of Western European countries, which has led to unemployment and cuts in social welfare, the upward mobilisation of migrants within society, and the gentrification of working-class areas and neighbourhoods traditionally populated by migrants. Even as migrants claim more social and democratic rights and thus increase 'the burden' on government budgets, the unemployed native workforce calls for job production and more budget expenditure to improve their own condition, thus bringing about a situation where the very existence of migrants becomes a problem for citizens, who feel they are losing ground. This leads to welfare chauvinism where right-wing populist parties may blame migrants without being accused of racism, as was the case in Norway in the 1980s (Vural 2005: 182).

In this tense social atmosphere, political parties, trade unions and governments, all in need of public support, resort to populist policies, a solution which has been adopted time and again in democracies and developing democracies when there is an absence of progressive programmes. Thus, the lack of truly progressive political programmes to create wealth and offer a more just distribution of that wealth has led to the employment by politicians of a populist discourse, which, instead of addressing underlying social needs, is based on short-term responses to surface problems.

It is one of the main assumptions here that xenophobia in Turkey is a constructed issue. It will also be argued that while traditions and social values may provide the

language and main codes for xenophobic reactions, it is the populist policies of political parties and trade unions that have led to xenophobia. I will therefore first try to uncover how the hegemonic state attitude locates foreigners in the hegemonic state discourse. This will be done by briefly analysing Turkey in regard to the establishment of the state and state ideology, since, the construction of societies' memories, images and symbols plays an important role (Burke 1994: 56), and (history and) myths have important functions in the legitimisation of current positioning and policy (Burke 1994: 99). Subsequently, the interaction between the founding codes of the state and later experiences and results will be examined. Lastly, the major inflow of migrants after the Cold War and its impact on the state's ideology and major political institutions will be examined.

### **Historical setting**

The Ottoman-Russian War of 1877–8, the Balkan Wars (1912–13) and the First World War can be considered as important turning points before the National War of Independence in the history of the foundation of modern Turkey. These wars were the major catastrophes that led to the dissolution of the Ottoman Empire, and they impacted greatly on the mindsets of the founders of the Turkish Republic. Therefore it is important to understand both the influence of this dissolution process and the concerns of nation's founding fathers in order to shed light on contemporary state ideology, which underlies the political behaviour of modern Turkish citizens.

The Ottoman Russian War can be considered as the starting point of the Ottoman Empire's long and painful dissolution. By the end of this war the Ottomans had lost an important portion of their Balkan and Caucasian territories. In the wake of constant and insistent Russian interest in the Ottoman territories and consecutive attacks by the Russian armies, both from Balkan and Caucasian territories, several migration movements took place, as people fled the war and flooded into Anatolia. This war was followed by the political intervention of European Powers, as a result of which the Berlin Treaty was signed and which, with the support of Britain, limited damage to the Ottoman Empire and the loss of Ottoman territory.

The Balkan Wars of 1912–13 were the second episode in the empire's dissolution. During and after these wars began a great migration flow of the empire's Muslim subjects. Muslims in the empire's Balkan territories followed the retreating Ottoman armies (Zürcher 2003: 161). The radical nationalist profile of the newly established Balkan states also accelerated these migration flows.

The First World War and the National War of Independence comprise the last episodes in this shrinkage process. During the First World War, the Ottomans had to fight not only against the allied powers but also had to deal with Armenian and Arab nationalist independence movements. The Armenians were not successful in their struggle for independence and were subject to a major deportation, during which many died. The sober memory of this time comprises an important part of Armenia's and the Armenian diaspora's current identity. Armenians consider this event as

genocide committed against the Armenian nation. The official ideology of the Republic of Turkey regarding this case is a denial of genocide claims.

The Arab uprisings are another important incident in the collective memory of modern Turks.<sup>3</sup> During the dissolution of the Ottoman Empire, Sultan Abdulhamit II had no option but to look to the Muslim populations of the empire for support: this policy was known as Pan-Islamism. It was a reaction to the dysfunctional Ottoman *millet* system and was developed especially after nationalist uprisings by the empire's Christian subjects in the Balkan territories. Pan-Islamism was further encouraged during the 19th century by the intervention of European powers in Ottoman domestic politics, under the pretext of protecting the empire's Christian subjects.

The Ottomans tried to prevent the dissolution of the empire, first through Pan-Ottomanism and later through Pan-Islamism, neither of which worked (Akçura 1998). The Ottoman Empire participated in the First World War as a member of the entente powers and thus was on the losing side. The Sevres Peace Treaty was signed by the sultan's government, symbolising the total surrender of the empire, and the allied powers began to partition the empire. The Sevres Treaty formed the legal framework for the partitioning process as set out in the Sykes–Picot secret agreements concluded during the war.<sup>4</sup>

After the First World War, Istanbul, the capital of the Ottoman Empire, Izmir and some other coastal Anatolian provinces were occupied by the allied powers. The non-Muslim subjects of the empire welcomed the allied occupation forces with cheerful demonstrations in Istanbul. They also cooperated with these forces and adopted an anti-national stance during the ceasefire period when Istanbul was under occupation by British forces (Aktar 2004: 57; 2006: 61–65). The Greek army occupied Izmir and advanced into inland Anatolia. Greek occupation forces were welcomed by the Greek-Orthodox inhabitants of Izmir and Aegean coastal territories. These events changed forever the history of the Ottoman Empire's *millets*. Population exchanges based on mutual agreements between states took place in the aftermath of the National War of Independence. However, the flood of Turks and Muslim populations from ex-Ottoman territories towards the newly established Turkish state has continued until recently. Bosnians, Bulgarian citizens of Turkish origin and Pomaks form the latest link in the chain. Keyder (2003: 97) claims that the population exchange of 1923 and the deportation and massacre of Armenians are the most important factors in the formative process of the new Turkish identity.

### **A state ideology based on negation of the past and protection of the present**

The Lausanne Treaty completed the dissolution process of the Ottoman Empire, or the famous 'Eastern Question'. The Republic of Turkey was established as a continuum of Turkey's modernisation programme on the basis of Turkish nationalism. The founders of the Republic were driven by a desire to negate the Ottoman past and all it represented, including the *millet* system, dynasticism and the caliphate, capitulations and Turkey's semi-colonial status in the eyes of the West. They established a brand new republic based on the principle of national sovereignty,

which would govern Turkey's relations and its conduct on the world stage as an independent sovereign state with a uniform legal system.

Memories of the collapse of the Ottoman Empire were always in the minds of the founders of the republic. Turkish nationalism evolved within this process and has taken several forms since then; but any possibility which might result in any further loss of territory or sovereignty has always been categorically rejected. The national education system and the national security ideology of the state were also developed within this framework. The founders of the republic tried to strengthen the borders drawn by the Lausanne Treaty, not only physically but also ideologically. Efforts made during the 1930s to write a history of the new republic totally negated or degraded the influence of Islam, the 600-year-old Ottoman Empire (Ersanlı 2003: 239) and Anatolia's mixed population structure, while promoting secularism, republicanism and Turkish nationalism. The inter-communal conflicts that marked the years preceding the founding of the republic were left to fade into the background. Instead, there is a great emphasis on the pre-Islamic origins and the homelands of the Turks outside Anatolia.

Keyder (2003: 118) states that the official historical narrative of the Turkish Republic has negated the presence of non-Muslims in the Ottoman territories that later became modern Turkey. This narrative has never referred to the tensions or open hostilities between Muslims and non-Muslims, the deportation of non-Muslim groups and the exchange of Muslims and non-Muslim populations. The story of the real coexistence of Muslim and non-Muslim peoples, peaceful in general but ending in conflict, has been actively suppressed. Turkish nationalism, as the legitimising ideology of the new republic, was invented through a historical background in which there were widespread changes in the composition of the population. According to Keyder (2003: 114), in this ethnic nationalism the concept of Turkishness was developed as a tool to reveal to the remaining population the extent of their homogeneity, and served to conceal diversity.

Subsequent policies have been consciously practised with the intention of cleansing the country of those who constitute a potential threat, namely non-Muslims. The prevailing state ideology has always considered non-Muslim minorities as potential traitors, ready to actively betray the republic and open it to foreigners (mainly Europeans). The impetuous behaviour by non-Muslim minorities during the invasion of Istanbul in 1919 had a traumatic effect on Muslim Turks and created a climate of suspicion regarding non-Muslim minorities (Aktar 2004: 57). As Aktar (2004: 20, 42) states, the intervention by European powers in Ottoman domestic politics on the pretext of protecting non-Muslim rights was another contributing factor to this perception. Consequently, the founders believed that, through a Turkification campaign, the Anatolian population would undergo a process of homogenisation, thus preventing possible future foreign interventions.

Population exchanges were followed by the levy of a wealth tax in 1942–43 and the events of 6–7 September 1955, both of which served to reduce the numbers of non-Muslim communities to a level that would no longer constitute a threat (Aktar 2004: 243).

The origin of the growing nationalism and xenophobic attitudes in Turkey since the 1980s can be traced to the collective memory of the nation, which is fed by these historical facts. Perceptions of a collective threat from the Western world are strong and have been constructed and fed by the national education system and state ideology. This feeling of threat has been concretised with the construction of the famous red-apple coalition,<sup>5</sup> a coalition of right-wing nationalists, some leftist nationalist groups and the secular establishment, the latter known as Kemalists.

The cause that brought these forces together and keeps them close to each other is their opposition to Turkey's EU accession process. Although they were in conflict with each other during 1960s and 1970s, they had one important characteristic in common—anti-imperialism. Right-wing nationalists were against US and Soviet imperialism. The wide spectrum of left-wing groups<sup>6</sup> were also anti-imperialist, but their opposition was directed mainly at the United States, except for a tiny Maoist group which additionally took an anti-Soviet stance. In the minds of left-wing groups, the EU accession process is viewed as a re-colonisation of Turkey by the West, even though Turkey has never been a colony.<sup>7</sup>

Paradoxically, another strong impetus driving the founders of the republic was modernisation and Westernisation. By adopting the methods of the West, it was hoped to create a counter-weight to the threat directed at Turkey from the West. Since the time of Selim III and Mahmut II, and particularly after the Tanzimat Decree of 1839, first Turkey's state structure and then its social structure influenced by a modernisation and Westernisation programme. Thus, Turkey's current attitude towards the concepts and issues of nationalism and xenophobia is determined by these paradoxical contexts. The National War of Independence was fought against the West to construct a civilised, Westernised modern Turkey as an integral part of the Western world.

### **The return of history**

After briefly describing this historical and slightly paradoxical attitude of Turkey towards the West, I will now analyse the correlations between Turkey's speedy opening up process, the EU accession process, nationalism, xenophobia and irregular migrants. As was stated at the beginning of this chapter, the hypothesis here is that there is a strong relationship between the speed of the opening up process and the EU accession process on one hand, and nationalism and xenophobia on the other. The correlation does not appear to be strong between growing irregular migration and the presence of irregular migrants in the informal labour market on the one hand, and xenophobia and nationalism on the other. The first part of the hypothesis is supported by three specific cases: growing anti-EU and anti-West sentiment, observable through decreasing support for EU membership and reactions to property sales to foreigners; rising anti-Semitism following Israel's unlawful occupation of Lebanon and its policies in Palestine; the US-led occupation of Iraq; and anti-Arab campaigns concerning Gulf capital which the current government is trying to attract to Turkey.

Anti-European sentiments have become increasingly politicised since Turkey's developing political contact with the EU, especially since the December 1999 Helsinki European Summit, at which Turkey's candidacy to the Union was declared. Following this summit, all subsequent Turkish governments, including the Ecevit-Yılmaz-Bahçeli coalition and later the two AKP governments, have adopted policies to bring Turkey closer to the Union. In order to begin accession negotiations they introduced a series of legal and constitutional amendments, among which the issue of property sales to foreigners was one of the most politicised, by both left-wing and right-wing political parties. A nationalist current ran through discussions of the draft law. The extreme right political party, MHP (the Nationalist Action Party), some social groups and the nationalist Left, DSP<sup>8</sup> (the Democratic Left Party) and İP were totally against passing the law.

The issue was discussed in the light of property sales already concluded with foreigners and the potential threats expected from Israel through ownership of large amounts of land in south-eastern Anatolia, property sales to Syrians in Hatay and properties bought by Greeks in Turkey. The polemic also touched on Europeans buying property in the south and on the Aegean Sea coasts, on the basis of unrest about increasing property prices as well as changing population structures and culture in these towns. The issue has become highly politicised at the popular level through Internet campaigns and anonymous e-mail chains which highlight the danger behind these property sales. These kinds of campaigns are a new phenomenon in Turkish politics and have become quite influential on public opinion.

Anti-European sentiments are also categorically directed at the West and the EU. Memories of the past, the long and painful nature of Turkey–EU relations, the involvement and intervention of European countries in Turkish domestic politics in terms of democracy, ethnic rights and human rights issues, have created sensitivity and reaction among the Turkish public, although tourism serves, to some extent, to blunt the edges of these sentiments. The CHP and nationalist parties politicised the issue, although they were not totally against property sales to foreigners, as they such sales are reciprocal and many Turkish citizens and Germans or other Europeans of Turkish origin have bought property in many European countries. Nevertheless, the nature of the discussion and the language of debates provide us with some clues about the developing xenophobic attitudes in Turkey.

The second example concerns anti-Semitism, which emerged in Turkey in the late 1930s, mainly due to the increasing influence of Nazi Germany across Europe. Turkish governments of this time provided a space for anti-Semitic arguments, and this led to the infamous wealth tax which was directed at minorities and mainly affected the Jews in Turkey. Paradoxically, the Turkish wartime government opened up Turkey's borders to European Jews and provided them with passports, a safe haven and for some even a passage to Palestine (Yetkin 1992). The basis of today's visible anti-Semitism goes back to the 1970s and it is directly related to the Palestine–Israel conflict.

The notorious Jewish conspiracy theory comes to the fore whenever some groups feel that intrigue or secrecy is involved in any event, and is even offered as the

explanation for more basic incidents. This attitude is relatively common among religious groups and the MSP (National Salvation Party), and later the RP (Welfare Party), used a strongly anti-Semitic discourse. While it may be said that, in general, the secular elites and general public do not give great credence to such discourses, the attitude is widespread, especially among people who are religiously fundamentalist, for whom the Palestinian-Israeli conflict serves as a facilitator of this anti-Semitic attitude.

The third example is anti-Arab sentiment. The most commonly repeated call of finance ministers and prime ministers in Turkey since the 1980s is that Turkey is a country in need of foreign capital. Some government officials claim that there is an excess capital of \$700 billion in the Gulf, and it is this that they are trying to attract to Turkey. For several reasons, including rigid secularism and the image of Arabs as 'those who stabbed the Ottoman Empire in the back' (Dündar 2006), an irrational xenophobic attitude has grown up around this issue, which is at its most visible in media coverage. State officials claim that this money may easily be directed to Western finance capital centres and be redirected from London, New York or Frankfurt to Turkey with all the extra interest and commission that that involved. Prime Minister Erdoğan expressed his anger to critics about the incoming Arab capital as follows: 'Why do you feel so annoyed with the Arabs? What have the Arabs ever done to you?'

According to Can Dündar, a prominent columnist for the newspaper *Milliyet*, the sources of this anti-Arab feeling can be traced back to the memories of the First World War. Dündar claims that Erdoğan's question is dangerous because it may easily revive old animosities and bad memories. Dündar (2006), however, bases these negative sentiments on the parvenu nature of Arab capital, which would bring to Istanbul graceless monumental skyscrapers.

Anti-Arab feeling is visible in the reaction to the 'Arab sheiks'. The reluctance to take their money is irrational, and may be considered as xenophobic or even racist. Considering the acute shortage of capital in the country, it is a big luxury on Turkey's part to say no to this relatively cheap and direct injection of Arab funds.

Negative attitudes towards Arabs became visible over the issue of incoming Arab capital, for which some new destinations had to be found due to anti-Arab attitudes prevailing in the West. This issue was politicised mainly by the 'nationalist-leftist' CHP and some purely nationalist groups. Thus, regarding Arabs, it may be said that there is an institutionalised, politicised xenophobia in Turkey rather than a personalised xenophobia against individual Arabs. The presence in Turkey of many Turkish citizens of Arab origin who live in relatively peaceful conditions without experiencing discrimination is proof of this impersonal attitude. However, there was an increase in anti-Arab feeling during the 1980s when Turkey became the destination for large numbers of Arab tourists, who were subjected to derogatory comment on account of their habits.

### Attitudes towards irregular migrants

The attitude of society towards migrants is a different issue from the issue discussed above. The first is state-led, has its roots in the nation's history and nation-building process and has been popularised by societal reaction. As state elites push towards globalisation and try to adopt neo-liberal policies, an open conflict with the structured state ideology is created.

Migration related to the informal labour market is a new phenomenon for Turkey. While we may say that, as of the present, there are some clues to suggest that xenophobic attitudes are in the early stages of development, it is still too soon to speak of a popular xenophobia towards these migrants, or indeed of a politically articulated form of such.

The popular attitude towards migrants has different dynamics. First, it has its roots in interpersonal communication and experiences of living together, but is also influenced and controlled by state-led policies. Sometimes it changes the stereotypical perceptions of foreigners, as is the case with Russian migrants. Although anti-Russian sentiment is deep in society and constantly fed by a state ideology that has its roots as far back as the 18th century, and was reinforced during the Cold War period, the attitude towards Russians has been changing and it may be said to be more positive today.

The flow of people from the Commonwealth of Independent States was initially directed to Turkey's Black Sea region. Although many of these migrants were small traders, some of these people were female sex workers, whose activities became the dominant image of these migrants among the general public in Turkey. Within a short time the activities of these migrants were perceived to be threatening the traditional family structure, and indeed in some cases, led to the dissolution of families (Beller-Hann and Hann 2003: 135). The phenomenon became the subject of domestic political campaigns, and every mayor in Black Sea towns had to address this issue and promise to cleanse the towns of sex labourers, or *Natashas*. The local media also addressed this very 'heated' issue, and it was not difficult for the *Natasha* issue to become a populist one.

Widespread negative attitudes towards CIS women diverted the migration flow from the Black Sea region to more cosmopolitan centres such as Antalya, İzmir and Istanbul. The *Natasha* issue never became the subject of nationwide political debate, but was widely reported throughout the national media, and particularly in the magazine media.

The collapse of Nicolae Ceauşescu's regime in Romania signalled the opening up of Romania's borders and instigated a huge inflow of Romanian migrant labour to Turkey. These people mainly came to the industrial areas on the outskirts of Istanbul, where they gained employment as low-paid workers, especially in the construction and textile sectors, a situation which brought them into direct conflict with non-qualified labourers in Turkey. The construction and textile industries operating in Trakya (Thrace) are known for their wide use of informal labour, for which no registration is made and hence no social security, health or pension payments made.

The addition to these industries of even more informal labour in the form of Romanian workers created uneven competition in an already limited job market. This became a major concern for trade unions in Turkey (Erder 2006: 53–54), which may have learned from their experiences as members of the European Trade Union Confederation (ETUC). As members, Turkish unions were aware of, and were adopting, a similar discourse to that of the ETUC, which had expressed concerns about the potential for similar pressure to result from Turkey's EU membership and the consequent migration of Turkish workers to European cities. Thus, this issue was partially politicised by Turkey's Confederation of Trade Unions, which made calls for parliament to adopt strict anti-migrant laws. Over time, their discourse, which had been openly anti-migrant, became more politically correct and based on technicalities, a method also adopted as a result of their interaction with their European counterparts.

The Africans who try to cross to Europe via Turkey are another important migrant group who suffer with bad living conditions. These migrants are somewhat invisible, in that there is no overt anger or xenophobic attitude towards them. A certain degree of disdain for these poor, less educated and weak (economically and socially) people can sometimes be observed. While the state, for the most part, turns a blind eye to these migrants, they are sometimes detained by the police. As there is no state allowance for these invisible people, police authorities can only provide them with food through collective aid campaigns supported by neighbouring businesses.

There are great numbers of Afghani and Pakistani refugees who use Turkey as a transit country. Although this is a technical issue between Turkey and the EU, and the EU is pressuring Turkey to halt these people flows, there is no populist discourse in Turkey regarding such Afghans and Pakistanis, since many see them as the descendants of those who not only supported Turkey in its just war of independence against the West, but also fought their own wars of independence. Another factor explaining Turkey's attitude of benign benevolence to these transient migrants is related to their weakness and poverty. The same attitude prevails concerning Africans in Istanbul. They are considered as victims of white colonialism in their continent, and of course are also Muslim brothers and sisters. These explanations are in parallel with Bilgin's and Aksoy's (1993) findings in research designed to explore the reasons behind the love or hate Turks feel about different nations and countries. The research shows us that besides intelligence, development level, similarities (language, religion, common ancestors/roots) and friendly relations between countries, unjustly treatment and oppression of nations, domestic politics and ideological reasons are influential on the sympathy bred towards other nations (Bilgin 2004: 174-175).

## **Conclusion**

New legislation, or amendments to existing laws, in the areas of arbitration, property sales to foreigners, promotion of direct foreign investment and privatisation regulations are some of the strategies that since 1999 governments have deemed necessary to overcome the shortcomings in the Turkish economy. Since the 1980s,

Turkish governments have been in need of the political and financial support of both the EU and the United States to remain in power. The law on arbitration was an IMF requirement supported both by the European Union and the USA. The other regulations were parts of Turkey's EU accession process and required by the European Commission to bring Turkey closer to the Union. These were the EU accord laws and were prerequisites to starting negotiations with the EU.

All these laws and regulations have led to popular reactions with a xenophobic tone. During discussion of these regulations and laws, memories of 19th- and early 20th-century Turkey and the collapse of the Ottoman Empire resurfaced and were recalled and reconstructed. The nature of these reactions, other than those against Russian sex labourers and Arabic capitalists, were in general nationalist and anti-imperialist. They were constructed as a reaction to the suspected 'hidden and continuous imperial aims of the West'. In particular, regulations and political pressures from the European Commission, different EU institutions and EU national governments concerning the status of non-Muslim minorities, and demands made on behalf of Kurdish and other ethnic groups for broadcasting in the mother tongue and the provision of education courses to teach their mother tongues, recalled the destructive issue of France and Russia's 'right of protectorate' and the role of Britain and the United States in the government of minorities in the Ottoman Empire during the late 19th and early 20th centuries. At that time, the intervention of Western powers played no small role in the eventual collapse of the empire.

Most important of all, lack of confidence in a Europe that appears a reluctant partner in the accession process has increased the degree of suspicion. Indeed, it could be said that many Turks fear the possibility that, as they travel through the tunnel towards the EU, the light they see at the other end, instead of marking the end of the tunnel, may in fact be the European train travelling at great speed towards them! Those forces in Turkish society most protective of the status quo have been the groups who have worked hardest to develop an anti-European language in which xenophobic language is also embedded.

The main characteristic of this language is Turkish suspicion and mistrust of the West, fed by the language of the anti-West history of the war of independence. Another factor is the fear of being divided and further shrinkage of the country through ethnic conflict, which was fuelled by 'the suspect policies' of Western countries during Turkey's struggle against the PKK terrorist organisation. One must add to this atmosphere of suspicion the statements made by respected European politicians such as Helmut Kohl (*The Times* 1998) and Valéry Giscard d'Estaing (*BBC News* 2002) referring to the Christian nature of the European Union. These messages were easily 'bought' by a public in Turkey which had become accustomed to not receiving any positive messages from the European side. These negative messages transmitted to Turkey the image that all Europeans were, in essence, Christian fundamentalists. Meanwhile, it must be remembered that the voice of secular Europe, which emerged most clearly during debates in Europe on the Constitutional Treaty, has been given little, if any, space in internal discussion in Turkey.

There is no open and direct correlation between irregular migration and the rise of nationalism and xenophobia; but there is an open and constant fear of foreign intervention, which is something impersonalised and not directed at individual groups. It is hard to discover a xenophobic populist political discourse embedded in the programmes of political parties, such as can be observed in many right-wing nationalist parties in Western Europe. What is visible is a populist nationalist discourse fuelled by the memories of the dissolution process of the Ottoman Empire and the foundation process of the modern Turkish Republic.

During the coming procedures of EU accession negotiations and tuning processes of the Commission and interventions from EU member countries, nationalism and xenophobic attitudes are expected to increase. The attitude of the EU to accession, and more particularly that of some of its members, automatically increases this possibility.

Property sales to foreigners, foreign capital in-flow, and foreigners' growing interest in privatisation may be analysed from different perspectives. The prevailing discourse and attitude towards these phenomena can be summarised as reactionist and xenophobic. These reactions may be justifiable from an anti-imperialist and anti-globalisation perspective when one considers the prevailing neo-liberal policies of global powers.

Nationalistic and xenophobic reactions are social facts. These social facts, if they are not given a rational universalistic political perspective, may lead only to reactionist, infertile deadlocks. These reactionist and reflexive attitudes may easily gain a nationalist impetus and xenophobic language in societies fearful of loss of national integrity and lacking the mechanism and institutions for the solution and regulation of ongoing problems such as urbanisation, social change, ethnicity and identity, which have surfaced in the process of the society opening up.

A balanced criticism of the neo-liberal and unrestrained version of globalism is required for the analysis of the very basis of xenophobia and the resurrection of nationalist fever. It is the lack of a political programme and an alternative to ongoing rampant globalism that impels people to use nationalistic and xenophobic language. Thus, the job of social scientists is to analyse the parameters and facets of these facts and uncover the potential of ongoing debates for conflict or cooperation.

The political structure and state attitude towards the migrant communities are important determining factors regarding political and social attitudes towards international migrants. As Sema Erder (2002: 148) states in her noted work on urban tension, signals and messages from the state significantly determine local communities' attitudes towards international migrants, and local communities, in determining their attitude towards new migrant communities, turn directly to the state and state authorities.

This chapter has been a modest attempt to shed light on the sources and forms of xenophobia in Turkey, and indeed, to question if such xenophobia in fact exists in Turkey in the form in which we see it expressed in Europe today. In closing, it may be said that there is no clear personalised xenophobic political attitude towards international migrants in Turkey, and when one considers that nearly 30–40 per cent

of the Turkish population at some point in time moved from remote Ottoman territories to Anatolia, this fact is quite understandable. However, memories of the great exodus and collapse of the Ottoman Empire, the war of independence and population exchanges greatly influence current reactions of the state and society towards migrants and foreigners.

As mentioned above, Turkey does not have a structured and settled record of a living together experience with foreign national irregular migrants, since the flow of irregular migrants is a relatively new phenomenon in this country. Therefore, policies related to this field are relatively limited and immature. It is too early to say that there is a xenophobia in Turkey comparable to that which one may observe in Western European countries.<sup>9</sup> However, the few studies that have been done on this area make it clear that the public space in which irregular migrants and Turkish nationals meet each other is not free of problems (Erder and Kaska 2003; Kaska 2006; Yüksek and Brewer 2006). This chapter has tried to differentiate between two different kinds of attitude towards foreign nationals and to shed light on the new irregular migrants and their relations with Turkish nationals in the labour market. The field is understudied and needs to be observed further.

### Notes

1 The term xenophobia is defined in its broadest meaning by the *New Dictionary of Cultural Literacy* (2002) as '(a)n unreasonable fear, distrust, or hatred of strangers, foreigners, or anything perceived as foreign or different'. In this chapter the term will not be used for indigenous strangers and different peoples, but will just focus on people from foreign countries.

2 Hakan Yılmaz even tried to measure the increase in Sevres Syndrome within his quoted survey. He shows an increase in Sevres Syndrome by the year 2005, compared with the results received in 2003.

3 These collective memories are created and recreated by schoolbooks and every means of identity formation controlled by the state.

4 The decline of the Ottoman Empire and the partitioning of her territories was an important international issue during the 19th century and was called the 'Eastern Question' (Hobsbawm 2002: 128, 132–35).

5 Red-apple refers to the Turks' mythological ideal, which placed the red apple forever in the West. It is believed that Turks followed the red apple on their 'thousand-year (600–1600)' historical journey to the West.

6 In the 1970s, the Left was represented in parliament mainly by CHP (the Republican People's Party), which attempted to fashion itself on the English Labour Party of that time. Besides this mainstream Left, there were several Marxist groups, which were marginalised in different degrees by the Cold War atmosphere. Since the 1990s the mainstream Left has lost considerable public support, since it appeared to fail to meet the expectations of the masses, who would now vote for a Social Democrat Party. Today, due to the lack of a strong electoral base and the lack of in-party democracy, CHP clearly supports Turkey's EU accession process, but in daily politics, and particularly after the governing pro-EU AKP (Justice and Development Party) began to benefit from the accession process, has chosen to adopt a very defensive, nationalist, anti-EU stance. The party's newest election strategy refers to the fact

that, with Turkey's entry into the EU seeming a rather remote prospect at the moment, Turkey need not, and should not, 'imprison itself' within a cage of relations with the EU (Yetkin 2007).

From within the marginal Marxist groups, TKP (the Turkish Communist Party) and İP (the Labour Party), with a Maoist heritage) have also adopted a very sceptical anti-EU stance. İP was one of the founders of the Red-Apple coalition with nationalist right-wing groups. For arguments on the Marxist Left's anti-EU stance please see Özbudun and Demirel (2000).

7 Although the Ottoman Empire was never a colony, as stated by Ortaylı (2003), during the 19th century it became a widely used generalization to call the empire's system of economic relations 'semi-colonial'. However, Ortaylı adds, this 'semi-colonial' status was not acquired as a result of the Ottoman state's becoming exclusively dependent on one of the rival foreign powers in the 19th century. As with Ottoman diplomacy, the Ottoman economy was skilful in benefiting from the conflicting economic interests of the Great Powers.

8 The extent of reaction to property sales to foreigners reached an interesting level and was once more politicised with DSP leader Raşan Ecevit's accusation of 'Israel's purchase of mass amounts of land in Turkey's South East' (Milliyet 2006). Ecevit's reaction articulated the general anxiety about Israel's 'secret plans' regarding Turkey's Kurdish populated regions.

9 For a brief evaluation of anti-migrant political movements and their dynamics in Western Europe in the 1990s, see Merkl (1997: 27–29).

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