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**Beyond Borders: Migration and (In)Equality in Central Europe in Comparison.
Conference Proceeds: Selected Papers
Edited by Daniela Pěničková**

Lidé města / Urban People

jsou recenzovaným odborným časopisem věnovaným antropologickým vědám s důrazem na problematiku města a příbuzným společenskovědním a humanitním disciplínám.

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ON THE COMPLEXITY OF THE URBANIZATION PROCESS OF THE BUSHMEN: CASE STUDY ON THE !XUN IN THE GROOTFONTEIN AREA IN NAMIBIA

Radek Nedvěď

Abstract: Although overlooked by both administrators as well as anthropologists, and numerically rather marginal, the Bushmen have been always part of the Namibian urban spaces on their erstwhile territories. Based on several field research trips to the area of Grootfontein between 2007 and 2013 and archival research, this article outlines the complex historical processes and factors influencing the mobility of the !Xun Bushmen into, and out of, the urban space of Grootfontein in the commercial farming area of Namibia. Even though the mobility to its urban space was largely legally controlled during both the German and South African rule, the Bushmen continuously managed to penetrate it. With the development of the Blikkiesdorp settlement in the township of Grootfontein in the early 2000s, when many Bushmen were allocated a plot by the municipality, the number of !Xun in the town considerably increased and they became an integral part of the afore-mentioned settlement. This article argues that the reasons for Bushman urbanization are far more complex than being solely economically motivated.

Keywords: *Bushmen; !Xun; urbanization; Namibia*

Introduction

The ratio between people living in rural and urban areas is globally shifting towards the latter. This process is also progressing fast in sub-Saharan Africa and encompasses peoples whose ways of living have been regarded in the Western imagination as the very antithesis of urban life: the

Bushmen.¹ According to the last national census in Namibia in 2011, at least one in five Bushmen households was living in an urban area.² This marks a significant increase in the number of urban-dwelling Bushmen and this has occurred in only the last quarter of a century. In 1991, one year after Namibia's independence, only 3.4% of Bushmen were "urbanized" (Pendleton and Frayne 1998: 3). Therefore, the phenomenon of the urbanization of the Bushmen, which has been largely neglected so far by anthropologists (some data in this regard can be found in Dieckmann (2007) and Sylvain (1999)), should deserve more attention of social scientists as a whole. It is also an issue that may present challenges for Namibian state authorities.

The author of this article has been studying the urbanization process of the !Xun (in older anthropological studies known mostly as the !Kung) Bushmen in the area of the town Grootfontein since 2007.³ These !Xun were gradually drawn to the immediate area of Grootfontein and its township from the areas to its northeast, east and southeast. In pre-colonial times Grootfontein apparently lay not far west of the then Hai//om – !Xun "frontier" (Seiner 1912, 1913; von Zastrow 1914). Grootfontein was established at the

¹ Being aware of the preference of the term San by some authors, I still find the use of the term Bushmen to be more appropriate as a description in this study. The reason for this is that it was perceived by my informants as less derogatory than the former. If the term San is used in this study, it is mostly for stylistic reasons to avoid frequent repetitions of the term Bushmen.

² Out of the 228,955 households counted in Namibian urban areas, 0.3 percent of them were San (and out of the 235,884 households in the rural areas 1.3 percent were San (Namibia 2011 Population and Housing Census, p. 172; in the census, the term San was expressly used). At the same time it is critical to be aware of the ambiguity of the term "urban," especially within a Namibian context. This concept seems to be problematic also in the way it is used by census institutions (see criticism expressed by Melber 1996: 4). In Namibia, in official population surveys, the criterion for counting people as "urban" is when they reside at that time in an area proclaimed as urban by the government, i.e., either in municipalities or towns (Land Authority Act 1992). But this begs the question of variety within the context of "semi-urban" spaces, as is the case of the "locations" on private plots, run as small farms, next to the "urban" space of Grootfontein.

³ I conducted six short-term research trips to Namibia between 2007 and 2013: September – October 2007; July – August 2008; July 2009; November – December 2010; December 2011; and April – May 2013. The aim was to spread the field research over several years to be able to observe the mobility patterns of the !Xun over an extended period. During the last visit I also conducted archival research in the National Archives of Namibia. I communicated with the !Xun in Afrikaans, which most of them learnt on the farms, and which largely serves as lingua franca of the Grootfontein urban environment. During the field research I gathered both qualitative and quantitative data. The most important method for the collection of the data was interviewing: ranging from informal and unstructured, to semi-structured and structured interviewing. Most of the time of the research I spent with the !Xun in the township of Grootfontein, with occasional short visits to their kin in the communal area in the western part of the Tsumkwe District, close to the Red Line.

end of the 19th century in an area only scarcely inhabited by Bushmen at that time, and hence was regarded by the German colonial authorities as *herrenlos* (Deutsche Kolonialzeitung 1892: 11). It soon developed as an administrative, commercial and service center for the surrounding farm area within the former Police Zone designated by colonial authorities for the white settlement. It had 16,632 dwellers in 2011 (Namibia 2011 Population and Housing Census: 39). In 2001, the last year for which I was provided with statistical data by the Namibian National Planning Commission, the most numerous peoples living in the town were Oshivambo and Nama-Damara (Khoekhoegowab) speakers, both comprising about 30 % of the town dwellers, followed by the far less numerous Afrikaans-speaking people (Coloreds and Afrikaners – 13.3 %) and Otjiherero speakers (12.1 %).

An informal census conducted in 2006–7 by some “foremen” of the !Xun dwelling in Grootfontein, which provides only an estimate, found approximately 200 !Xun San living in the township. Their number might in fact be even higher at some periods. The number of Hai//om Bushmen in Grootfontein, who evidently traditionally inhabited this area (see, e.g., Vedder 1928), is very likely to be even higher, but they “disappear” in official censuses among Damaras, who are Khoekhoegowab speakers as well.

Most of the !Xun I met in the Grootfontein township of Omulunga during my five short-term field research trips there between 2007–2011 started to live for extended periods in Grootfontein only after they were allocated plots by the municipality in the first shanty settlement, Blikkiesdorp, which was developed in the early 2000s. Most of these !Xun as well as their parents were born on the farms. It was only their younger children who were born in Grootfontein. The last generation of “traditionally” living !Xun in genealogical kin relationships to my oldest informants must have been born around the 1910s.

Below I will present the data on the urbanization of the !Xun in the Grootfontein area, which is, I believe, to a considerable degree, also applicable to other Bushmen groups in the commercial farming region(s) in Namibia, because of the similarities of the socio-economic features of the whole area. The main questions to be answered here are:

- How and why have the !Xun been moving into the Grootfontein urban area?
- What place does the town have in their present mobility patterns?

German and South African rule: urban space controlled

When studying the phenomenon of Bushmen urbanization, it is necessary to avoid approaching it in a simplistic way, to which even academics may not be entirely immune. The most apparent tendency to over-simplify might be to view the urbanization of the Bushmen in the studied area, and evidently elsewhere as well, as a move of “pure” hunter-gatherers out of their “traditional” natural environment, “untainted” by civilization, into an alienating and antagonistic modern “city” space.



“Buschmannswerft in Grootfontein” from a photo album of the South West Africa Company in the National Archives of Namibia (Accession A.791, Album 1). The picture is from the German period and gives us a notion about the beginnings of Bushman “urbanization” in South West Africa.

The Bushmen groups within the Grootfontein commercial farming area were not living in a static state of splendid isolation even in the precolonial time before the establishment of the first urban spaces. There are records of a number being in contact with non-Bushmen (Galton 1853, Vedder 1928, Gordon and

Douglas 2000). The urban spaces in Namibia often developed gradually from settlements of a small number of white settlers, and were, therefore, called *Orte* or *Plätze* during the German period, and could host, if they were not booming mines demanding a large labor force, only a relatively small native population, for whom they could offer employment opportunities. Places such as Grootfontein resembled small rural settlements. Grootfontein's first native camps (*Werften*) developed, "hidden in the bush," in the north of the settlement (Jaeger and Weibel 1921: 77). In the 1930s all the natives were resettled in the location (in Afrikaans *lokasie*, a term used for the township for natives) on the other side of the town, known nowadays as the "Old Location."

Groups	Male adults	Female adults	Male minors	Female minors	Total
Ovambo	1600	262	139	105	2106
Herero	510	327	193	155	1185
Klip Kaffir (Damara)	415	252	246	129	1042
Bushmen	171	161	93	103	528
Zambezi	201				201
Bastard	32	21	7	6	66
Hottentot (Nama)	18	11	14	20	63
Colored	17	5	7	16	45

Reflecting political developments in South Africa, in the 1950s the whole territory underwent a toughening of urban apartheid legislation. In the early 1960s, in line with the Natives (Urban Areas) Proclamation No. 56/1951, urban native dwellers were moved into the "New Location," which has been since then expanding. The aim of this policy was to "create a very small African urban elite with rights to remain in the towns, while the majority of the black population were conceived as a transient proletariat" (Wallace 2011: 251–2). The separate development policy was applied towards particular ethnic groups regarded as having their own traditions, habits and languages. Thus, the locations had to

⁴ LGR 3/1/16 17/15/2, Annual Report on Native Affairs 1926, Magistrate Grootfontein. The terms used in the table are those of the original source.

be divided into separated ethnic sections, whose dwellers should be in contact with their respective ethnic homeland. Grootfontein location was divided into three sections: the Ovambo, Damara and Herero location, representing the most numerous ethnic groups. For single contract workers, a dormitory-like Single Quarters was built. According to Köhler (1959b: 64) in the 1950s the Bushmen in the “Old Location” lived “scattered among the Bergdama and Ovambo.” According to my older !Xun informants, in the “New Location” the situation was similar, but some of them were living with the Hereros too.

While the influx of the natives during the first phase of German colonization was to some degree spontaneous, it became gradually legally regulated and remained like this throughout the South African rule period until the second half of the 1970s, when the influx control measures were relaxed. During this period it was legally bound on the breadwinners to have work and a place to stay in the town (the system of residence, site and lodger permits), for which rent had to be paid; only then could this person be joined by the spouse and children. To fulfill these conditions on a long-term basis might be difficult and, in the case of Grootfontein, a significant part of the urban population stayed in the town only for a limited time. The aim of the German and South African administrations was to keep the urban population at the minimum to satisfy the town’s economic needs. This enabled the distribution of the labor force to other areas that were short of workers and, in theory, made the towns socially controllable spaces.

The first statistical data regarding urban Bushmen dwellers in the Grootfontein district I know of are from the Native Affairs Annual Report of the Grootfontein Magistrate for 1926 (see Table 1). Contrary to the generally held notions that during the colonial period only a negligible number of Bushmen lived in the towns, they state that in that year there were 528 Bushmen living in the urban areas of the district without specifying a division between the Grootfontein, Tsumeb and Otavi settlements. Thus, in the 1920s, in the Grootfontein district, there may well have been a significant population of several hundred Bushmen town dwellers. This number, however, soon decreased and was only exceeded again after independence. In the period from the 1920s until the 1950s, for which we have statistical data from the archival records of the town and district authorities, in Grootfontein itself there were always several dozen Bushmen (see Table 2). The highest number was 92 in the year 1954, which means the Bushmen comprised 8.3 % of the town’s native population. In 1944 the level was 10.5 %.

Year	Men	Women	Children	Total	Natives total
1935 ⁵	11	7	10	28	
1936 ⁶	11	6	8	25	
1937 ⁷	5/15	12/21	11/12	28 (or 48)	496
1938 ⁸	8	17	6	31	448
1941 ⁹				70	
1944 ¹⁰	23	15	27	65	618
1945 ¹¹	22	15	30	67	678
1946 ¹²	21	16	33	70	780
1947	22	15	30	67	700
1948	22	15	32	69	731
1949	18	26	41	85	825
1950	18	19	12	49	956
1951	16	16	19	51	984
1952	13	15	9	37	879
1953	13	31	36	80	940
1954	24	34	34	92	1114
1955	17	22	22	61	1073
1956 ¹³	16	30	16	62	1092
1958 ¹⁴	27	23	22	72	1313 ¹⁵

⁵ LGR 3/1/7 2/20/2, Annual Report on Native Affairs 1935, Tsumeb, Office of the Station Commander, 3. 1. 1936.

⁶ LGR 3/1/7 2/20/2, Annual Report on Native Affairs 1936, Magistrate Grootfontein.

⁷ LGR 3/1/7 2/20/2, Annual Report on Native Affairs 1937, Magistrate Grootfontein, 11. 1. 1938; Annual Report on Native Affairs 1937, Office of the Station Commander, Grootfontein, 3. 12. 1937.

⁸ MGR 1/3/16, 1/1/1, Report on Management, Sanitation and Health of the Grootfontein Native Location for 1938.

⁹ LGR 3/1/7 2/20/2, Annual Report on Native Affairs 1941, Magistrate Grootfontein, 14. 1. 1942.

¹⁰ LGR 3/1/7 2/20/8, Report of the Village Management Board Secretary on the Magistrate Grootfontein, Annual Report on Native Affairs, i.e. non-Europeans 1945, Grootfontein Native Location, 11. 12. 1945.

¹¹ Ibid.

¹² LGR 3/1/7 2/20/9, Annual Report on Native Affairs 1946, Grootfontein Native Location, Secretary of the Village Management Board.

¹³ Data for the years 1947–1956 are from Köhler (1959b: 58–59).

¹⁴ LGR 3/3/3, Jaarverslag oor Naturellesake: Distrikt Grootfontein: 1958, Naturellekommissaris.

¹⁵ The statistics on the Bushmen living in urban areas in the Grootfontein district include the location in Grootfontein, Otavi and up to 1952, when the Tsumeb district separated from Grootfontein

Unfortunately since the second half of the 1960s the Bushmen disappear from the records. In the records of the Grootfontein municipality kept at the National Archives of Namibia data are mentioned only for the years 1967 and 1968. In 1967 they mention only 13 Bushmen out of the total native population of 2603,¹⁶ and the following year it was 15 Bushmen out of the native population of 2639.¹⁷ The data for the ethnicity of Grootfontein's native dwellers for the subsequent years stated only the Ovambos, Hereros and Damaras, since ethnicity was apparently ascribed according to which one of the three ethnic sections of the location or Single Quarters (meant primarily for single Ovambo contract workers) an individual occupied. Thus, these statistics also conceal under one of the three ethnic labels peoples from other ethnic groups, including the Bushmen. Furthermore, when the town's authorities began in the second half of the 1970s to lose control of who was living in the location, it must have become yet more difficult to obtain reliably accurate statistics about its dwellers.

If the statistical data are correct, I suggest we may explain the initially higher numbers of Bushmen in the urban areas in the following ways: the urban spaces drew into them in their beginnings the local Bushmen populations, but the latter gradually lost the space to non-Bushmen, who better fulfilled the administration's criteria for employment in the town. Ovambos and Kavangos were provided to the urban areas also by the South West Africa Native Labor Organization (SWANLA), which was headquartered in Grootfontein. The wages in the formal sector in the town were generally higher than at the surrounding farms, and it was more advantageous to work there. However, the Bushmen lost out to other natives in the competition for the employment in the urban areas.

The way they were classified and stereotyped by the whites must have played an equally weighty role in the Bushmen not being employed in the urban environment as well. If the whites regarded the natives as people with fewer needs than themselves, they recognized only minimal needs in the Bushmen.

district also Tsumeb urban area. It is worth mentioning that there was also a not negligible number of Bushmen (apparently mostly Hai//om) in Otjiwarongo, e.g., in 1955 there were 86 of them and in 1956 already 97. "There are many Bushmen, who have infiltrated from the north. They are Nama-speaking and largely integrated" (Köhler 1959c: 70–71, 78). In smaller numbers the Bushmen (//Kxau-//en) were dwelling also in the Gobabis location, e.g. in 1949 it was 49 of them (Köhler 1959a: 48, 90).

¹⁶ MGR 1/3/16, 1/2/10, Grootfontein munisipalitaet, maandverslag: February 1967, bestuurder/lokasiesuperintendent.

¹⁷ MGR 1/3/16, 1/2/11, Grootfontein munisipalitaet, maandverslag: April 1968, bestuurder/lokasiesuperintendent.

“The needs of a Bushman are few, and provided he can get food and tobacco he is satisfied. He has no desire for money, clothing or civilized luxuries,” was Doke’s perception of the !Xun at the farm Neitsas, northeast of Grootfontein. He observed that they were paid a “small monthly wage, usually in clothes” (Doke 1925: 41–43). The Bushmen were regarded as the most backward natives and the worst workers, preferably to be employed only where there was no other option, in other words on the farms in scarcely populated territories. The minimal expenses associated with the Bushmen made their employment on the farms advantageous. However, the negative stereotypes about the Bushmen became deeply internalized by the whites and co-shaped Bushmen self-identity as a marginalized people, while also hindering their development and limiting their ability to assert themselves economically, except for doing the worst paid manual work.

The less time the Bushmen spent in the urban environment, the more difficult it was for them to penetrate its regulated space and the more it became a social domain of the non-Bushmen. In the urban areas there were also (in the beginning mission) schools, which gave the children of the town dwellers the opportunity to obtain some elementary education, which gave them a comparative advantage over the Bushmen living in the farm areas where there were no schools, perpetuating their status as farm proletariat. The non-Bushmen town dwellers got to know the urban social environment and how to exploit its employment opportunities. The longer someone stayed in the town, the greater the chance to stay there in the future and vice versa. This general pattern has also been observed by modern-day Bantu migrants to Windhoek (Frayne 2004: 494).

Importantly, those Bushmen who stayed in the town could be followed by their kinsfolk, for whom they constituted social capital that could be called on to aid their mobility. However, once the urban environment became too non-Bushmen, it must have dissuaded some Bushmen from entering it since it was a socially alien environment. Thus, before independence, according to my information, there were no !Xun “townspeople” families who stayed in the location permanently.

The marginality of the !Xun in the area of concern has had the effect of galvanizing their intra-group kin ties and dependency. Georg Simmel’s rule that the intensity of a group’s cohesion increases with the level of strained relationships towards the *Others* applies in some ways to the !Xun in the Grootfontein area. There was a strained relationship between the Bushmen and the Republic

of Upingtonia settlers¹⁸ (Burger 1978, Prinsloo and Gauche 1933, Gordon and Douglas 2000) and this was followed by the harsh approach of the Germans, which reached genocide-like dimensions during the last years of the German colonial period (Gordon 2009). The Bushmen were then being “pacified” during the South African rule, especially in the farm border areas, most intensively in the Nurugas area east of Grootfontein, which the administration reports described as “law-abiding” only since the second half of the 1930s. Even though there were individual differences among the farmers, the Bushmen were harshly treated by their employers on the farms up to independence. Physical assaults on the Bushmen by the farmers were common. After independence, violence decreased, but did not disappear. The conflict-laden relationship between the farmer and !Xun developed new forms: it became a constant quarrelling about wages and rations.

The intra-group bonds have been further constantly activated due to the economic vulnerability of the !Xun in all the socio-economic environments in which they appeared, be it urban, farm or communal areas. These intra-group bonds have been strengthened since independence in the process of economic competition with non-Bushmen, in which the San have largely lost out. Strong dependency on the kin has also co-hindered the movement of the !Xun out of their “traditional” areas, where their kin networks are at their densest and provide them with social security. This also helped keep them on the farms.

The !Xun often used to and still move from one farm to another in kin-related groups. Even today the !Xun in Grootfontein’s urban environment live in kin clusters and even the township non-!Xun dwellers observed that the !Xun are those who “always” move in groups in the town, be it when going shopping, scavenging at the main dump site, or withdrawing the elders’ pensions at the NamPost. Similarly, Sylvain (1999: 374) observed that young Ju/’hoan men move around the Epako township in similarly-styled “gangs.”

The circular migration patterns of Bantu or Damara people from the communal areas, their “home base,” to towns in the commercial farming area, mostly in the capital Windhoek, has been extensively reported on. They often go to the towns, following their kin, in search of work or a generally better life and can always return “home” to the communal farms, when unemployed or ill. The latter is an area to which they often relate their hopes and aspirations and

¹⁸ The short-lived republic of Boer trekkers coming from Transvaal and then Angolan Humpata to the area of Grootfontein existed between 1885–1887.

they plan to come back there when they grow old (Greiner 2008: 160). These migrants can nowadays build on historically-created kin networks, in urban spaces, on geographically large areas often far away from the home areas of their ethnic group.

In the case of the !Xun and, apparently, other Bushmen groups as well, these networks stretching out of the traditionally inhabited areas are virtually non-existent. The !Xun were used at most as (unreliable) farm laborers in the areas where they were living. The !Xun could move further out of their original territories following the white farmers and farmers' kin. However, the farmers did not take the !Xun along to other areas in large numbers if they could use the local inhabitants there as workers. Thus, the !Xun did not "jump" from one region to another as was the case of Bantu contract workers, some of whom then permanently settled in the spaces into which they moved and built "bases" in originally alien ethnic environments on which could capitalize the kin. There is nothing like a !Xun "migrant" or even "Bushman migrant." Pendleton and Frayne (1998) documented that migrating Namibians mostly stay with their kin, but quite a significant number of urban dwellers move among urban spaces on their own without having to rely on kin. In contrast, the !Xun and other Bushmen's moves depended solely on the presence or movements of relatives or employers.

The !Xun could only gradually penetrate into neighboring areas. However, when they came across areas inhabited by other peoples, their movement seems to have significantly halted. Thus, they did not move farther west of Grootfontein, where the Hai//om traditionally lived.

Sylvain states that the concept of urban and rural sites, where the latter represent the periphery, does not reflect the Ju/'hoan Bushmen perception: "... from the Ju/'hoansi point of view, the 'periphery' would be any site – rural or urban – where jobs are scarce or insecure and where making a living is most difficult" (Sylvain 1999: 376–7). In fact, for the !Xun I observed that periphery is comprehended strongly in the sense of *social periphery* in a threefold sense: (1) the presence, or lack of presence, of the kin, mirroring a situation in which the !Xun often struggle to acquire work and have to rely on mutual support; (2) contacts to potential employers, for instance whites, for whom the !Xun used to work in the past and (3) contacts with !Xun and non-!Xun friends. Many !Xun who decided to settle in Grootfontein did so after working throughout their lives on the farms close to the town or for some periods even in the town itself. Without contacts in the urban space, which were more developed the longer an individual

stayed in this area, it would be more difficult to find employment opportunities there. The !Xun, who had lived on the farms or in the communal area, lacked this social capital to move to the town.

Given what was said above about the regulated colonial urban space and the factors hindering the movement of the Bushmen into it, we may change the way the researchers have approached Bushmen urbanization so far: the right organizing question may not be why were so few Bushmen, given their total numbers, in the urban areas in the past, but how is it possible that, given the mentioned factors, so many of them, relatively, still penetrated it? There were several factors:

- Following the white owners of the farms (and their kin), who had houses in the location, these !Xun could stay in the white employers' *buitekamer* (staff room as part of the house or separated from it).
- The !Xun women came to Grootfontein with their non-!Xun, mostly Ovambo and Kavango, partners, who came to Grootfontein area as contract workers. Their stay in the location depended on the man's employment.
- The !Xun could follow their !Xun kin, or, to a much smaller degree, their non-!Xun affines' (of the !Xun women staying with non-!Xun men) network in the location.
- Generally, the longer a !Xun stayed in the urban environment or at farms and plots in its vicinity, the better this person knew the employment opportunities in the town and could look for and find work there.

Many !Xun who lived in Grootfontein during the time of my research (and who tended to stay there) had non-Bushman fathers.¹⁹ This suggests the question of to what extent the affiliation with the non-Bushmen from the father's side, with the latter's higher social status, influenced their children's psychological mind-set regarding their confidence to enter and assert themselves in a multi-ethnic urban environment. As we know some of the contract workers settled in the town and built their families with local women. This was also the case with extraterritorial workers, who tended to keep to their families in the

¹⁹ The relationships between the !Xun women and non-!Xun (mostly Bantu or Damara) men were, in the past, and even now, often short-lived with the men usually leaving the women after some time and not looking after the child/children who came out of these unions. Though the situation is more complex than this, generally the women are looking for partners with a higher socio-economic status than the !Xun men have, while the non-!Xun partners tend mostly to enter these relationships with the prospect of them being short-term relationships.

Police Zone since they were cutoff there from their ethnic kin networks. The physical appearance of the !Xun from inter-ethnic unions, who did not look “typically” Bushmen, may have contributed to their easier negotiation of the urban environment as well. The non-Bushmen fathers generally also have better jobs and higher wages than the !Xun, which enabled their families to enjoy, to a relative degree, a higher social status.

Generally, even though there were always some Bushmen in Grootfontein under German and South African rule, they did not appear in the records of the town’s authorities outside the statistics for native dwellers. It is apparent that the latter focused only on the larger ethnic groups that were relevant numerically and economically and, after the beginning of the native liberation effort, could pose a security threat for the colonial administration. The location’s Bushmen minority was not an element considered to be worthy of much attention. Therefore, in terms of primary written sources, these Bushmen urban dwellers are virtually invisible. The study of archival records also indicates that the smaller an ethnic minority was in the Grootfontein urban environment, the more its members resorted to conformity with the *Others* and the less they were, as such, “visible.”

Independence: from squatters to “permanent” dwellers

The relaxation of mobility control in the second half of the 1970s and even the independence did not have immediate significant influence on the movement of the !Xun to Grootfontein. A crucial prerequisite for staying in the town remained having a place to dwell. Since the !Xun, mostly former farmworkers, had limited marketable skills for securing jobs in the urban environment, it was difficult for them to generate income that would enable them to rent a house. The town’s authorities also prohibited the establishment of any illegal settlements. The turning point for the !Xun to settle in large numbers in the township was the establishment of the Blikkiesdorp (*blik* – in Afrikaans tin sheet/plate; *dorp* – town or village: thus the name can be interpreted as a settlement of houses made out of metal sheets) settlement.

The fact that in Blikkiesdorp, and later on, in the extension next to it, some !Xun were allocated their “own” plot by the local municipality, created a historically new situation. The plots were formally rented to them. Although the cash-strapped !Xun, like many other poor township dwellers, pay their rent only rarely, I have never heard of a case of a Blikkiesdorp dweller being evicted

for not paying rent. The municipality also allocated some plots in Blikkiesdorp to !Xun families who had started in 2001–2002 to squat under trees next to the main street passing through Grootfontein's commercial center and at the Total station. The then regional and town authorities first tried to resettle some of them in former Bushmanland, but they soon returned to Grootfontein, since these former farmworkers were not used to life in the communal area. Importantly, all Blikkiesdorp dwellers were also allowed to build shacks and huts on their plots, whereas before independence the natives had to live in brick houses. Some of the !Xun who had not received a plot up to that stage stayed in the township by subletting a site and erecting a shack on the plots of other landlords, who are often non-!Xun.

The Grootfontein !Xun dwellers who stay in the township for long periods, (1) are mostly employed in the town in the houses of the white European descendants, as domestic workers; (2) engage in occasional work or live on *zula* (a word of apparently Nguni origin), which means they look for, and sell, empty bottles and scrap metal; and (3) some also live on occasional scavenging of food on the dump sites. Many !Xun combine these strategies as a means of survival. An important role for sustaining the !Xun families in the township is played by the Namibian state pension scheme to which all citizens older than 60 are entitled.

Regarding the Hai//om Bushmen in Outjo, Dieckmann (2007) suggests that the decreasing demand for labor at the commercial farms is one of the main factors behind their urbanization. The commercial farms struggle economically, can no longer rely on the pre-independence state subsidies, and as a result are often turned into safari lodges and guest farms. The farmers also have to comply with new labor legislation (Labor Act No. 6 of 1992), which sets forth minimum conditions of employment concerning remuneration. A role is also played by demographic factors such as population growth, resulting in increased competition among the workers for employment opportunities on the farms (Dieckmann 2007: 240–1; Devereaux, Vemunavi, and van Rooy 1996: 9–13).

Below I list the reasons why the !Xun I have encountered in Grootfontein during the period of my research choose to live in the township:

Losing work at the farm: statements vs. reality

Some !Xun breadwinners told me that they came to Grootfontein after losing work as farmworkers. However, I noticed the !Xun gave this reason most often at the onset of my research when they wanted to highlight their generally

difficult economic situation and may have expected some kind of assistance from me. During the course of my research I gathered a lot of evidence indicating that finding work on a farm or plot tended not to be particularly difficult. The problem lay in having work with satisfactory employment conditions (such as decent wages and food rations and a good relationship with the farmer) and the willingness to engage in farmwork. I came across some farmers who claimed that the Bushmen had lost work at farms after the white farms were acquired by black natives of Namibia. However, I never came across any !Xun who intimated that they had lost work in this way, or even had worked at a commercial farm for a non-white person. This is not to say that it has never occurred in the past, or will never happen in the future, but it is apparent that the blaming of the black farmers in this regard reflects aspects of current racial and political tensions in the country to some extent.

All of the !Xun living in Grootfontein regarded life in the town as difficult, but I observed that none of them had settled down there because there were no other options. Most of the !Xun could try to find employment on a farm and some of them could move to former Bushmanland. In the case of the elders they could also join their relatives in other areas, but when contemplating their possibilities, they regarded Grootfontein as a better option.

Thus, statements about the !Xun living in the town as being the most *desperate* ones, who were virtually *forced* to live there as a last resort – to live in a hostile urban environment – seem to be too simplistic and hinder us from grasping the issue in all its fullest complexity. At the same time, such statements implicitly support the notion that the Bushmen, by their nature, do not “belong” to the urban environment and that their lives there must be less satisfactory than on the farms or communal areas. Such perceptions tend to view the Bushmen one-sidedly as passive victims of the socio-economic system and deny their autonomy to act.

Joining the kin in the township

Sylvain (1999: 384) highlighted the connection between kin network and mobility: “It would be too simplistic to see Ju/’hoan mobility exclusively in terms of job seeking and job dissatisfaction; but, worse, doing so obscures how Ju/’hoan families both facilitate and motivate mobility.”

The !Xun may “settle” in the township after first joining their kin who are already living there. This may be easier when it concerns a single person who can stay at the shack of a relative with whom s/he has a good relationship.

However, it is quite complicated when it comes to the movement of the whole family. This requires the permission of the “owner” of the plot, with whom the asking side should have a good relationship. There must also be space on the plot where the newcomer can erect a new shack. Furthermore, if the whole family settles in the township, the breadwinner must be employed (unless living on *zula*) to provide for the family.

The !Xun, like members of other Bushmen groups, often visit each other. The visitors often come to the town to accomplish a specific task which can only be done there. Examples of these tasks can be getting new registry documents such as birth certificates, undergoing medical examinations, taking children to the hospital to have their vaccinations, or when being summoned to the court (for whatever reason). In these instances, it often happens that some of their relatives come to Grootfontein with them. The “boundary” between a visitor and a person living on the plot may sometimes be unclear, as some of them might find work in the town and stay there for an extended period.

Looking for work in the town

The wages the !Xun received on the farms are, on average, very similar to those they receive in Grootfontein. Thus, if a !Xun decides to go to the town from a farm, factors other than the improvement of their financial situation are mostly involved too. The situation changes, to some extent, when the !Xun move from former Bushmanland or Hereroland where it is almost impossible to generate any income. Relocating to the town means the prospect of having at least some kind of income, although almost always a negligible one. However, because the !Xun from former Bushmanland or Hereroland can often receive better wages in the farm area(s), Grootfontein does not hold a strong economic attraction for them in general.

Reclaiming autonomy: fleeing the “baas”/worker (patron/client) relationship

Some of the !Xun dwelling in Grootfontein, even though physically capable of hard farm labor, are strongly hesitant to work for the white commercial farmers or the black cattle owners in the communal area(s) based on their previous experiences with them. They feel they would have to quarrel about, inter-alia, the actual work, wages, rations, etc. They do not want to again enter into a *baas* (master in Afrikaans) versus worker relationship (or a patron/client relationship when working for the Herero pastoralists). The !Xun perceive such relationships as being exploitative and, in the cases of the white farmers, sometimes

prone to violence. In expressive academic language, one can say that if farms are “total institutions” (Suzman 1995: 12), urban spaces within the commercial farm zone can be viewed as islands of individual autonomy surrounded by this “total” sphere.

Elders: life in the town is less difficult than on the farms or communal area

During the time of my field research, the elderly !Xun gave as their main reason for relocating to the town area their advanced age, which did not allow them to continue working on a farm or to live in the communal area. Life in the town, although not easy, is for them a better option. In Grootfontein, in contrast to the communal area, they could deposit part of their pension into their bank accounts and withdraw it at any time and in any amounts they want. They could also buy foodstuffs at much lower prices in the town than in the communal areas. In Grootfontein they were also able to engage in domestic work of various kinds. This kind of employment takes up mostly only half a day and is less strenuous than farm work.

Schooling of the children

Some parents in the farm areas send their offspring to relatives living in Grootfontein for schooling. The parents of the children often pay the attached school fees. However, the burden of providing food for the children frequently lies with the hosts.

Access to better health service

I have never heard any !Xun person saying that he or she decided to settle in Grootfontein because of the medical care provided by its hospital or clinic. However, if any !Xun in the farm area of Grootfontein or in former Bushmanland was seriously ill, this person went, or was driven by an ambulance, to the hospital in Grootfontein. After hospitalization, that person often stays in the town with relatives so that he or she can regularly attend medical follow-up procedures at the medical facilities at Grootfontein. Such a person becomes more familiar with the urban environment, broadens his/her social networks there and might stay in the township even after recovering.

The role of alcohol

Another factor that could influence the !Xun’s decision to stay in the town, and whose influence should not be underestimated, is the easy and permanent access

to alcohol in the town. In Single Quarters or other places in the township it is possible to buy a large cup of home-brewed beer at any time for 1 Namibian dollar. Most of the !Xun who started to squat in the town around 2001/2002 were alcohol-addicted. By living on *zula* they could always generate some kind of meagre income with which to buy alcohol, which was then shared among all of them. Alcohol consumption, *zula* life and occasional work have perpetuated the squatting. Had these !Xun not been drinkers, it is highly probable that they would not have stayed on the streets of Grootfontein and would have dispersed to the farms and plots utilizing their kin-networks as they had always done in the past. Once they obtained a plot in the township, alcohol and *zula* life kept some of them in the town on a long-term basis.

Moving into the township and staying there for a longer period is, then, mostly a complex process that may encompass several, if not all, of the factors mentioned above. One can draw several conclusions based on these observations.

The !Xun in Grootfontein are characterized by high mobility. In my sample of 109 !Xun living on 12 plots in Grootfontein in 2008, I could trace only 60% of them in 2009, and in 2010 this number decreased slightly to 58%. At the same time a significant number of !Xun relatives came from other areas to these plots in Grootfontein. In 2009 it was 39 persons and in 2010 another 28.

However, overstating the mobility of the urban !Xun dwellers would also be a distortion of the picture. Despite the high mobility, more than half of the !Xun in the sample stayed in the town or returned there and regarded it as their home. Thus, based on my observations and interviews, it becomes apparent that Grootfontein is a place many of them prefer to other areas. The !Xun who erected their shacks as sublets are in a very vulnerable position since they could easily be evicted by the owners of the plots. The !Xun who rent *erven* directly from the municipality, mostly men of third or fourth generations, tend to stay predominantly in the town. The fact that some of them have their “own places” to live represents an important event in their lives. Before settling in the township, they were mostly moving landlessly between farms and, to a lesser extent, also to communal and other urban areas. Veronika, a !Xun woman from Blikkiesdorp, expressed this tellingly when she said that each job on a farm was in fact “temporary” (in Afrikaans *tydelik*) and, after leaving or losing a job, the !Xun can never go to their “own places” (*ons eie plek*).

The movement space of the !Xun dwelling in Grootfontein in 2008 stretched mainly out to the surrounding farms in the area. Of those who were no longer



The !Xun living in the Ovambo „location“ of the Omulunga township.

present in Grootfontein in 2009, more than half (53.5 %) moved to the farms, and in 2010 this rose to more than four fifths (83.5 %). Most of the newcomers to Grootfontein came to the town from farms. In 2009 this figure was 62 % and the following year, 57 %. The movements to other socio-economic domains are much less important. The sites the Grootfontein !Xun dwellers move to are in the following determinable descending order: farms, former Bushmanland (mostly its western part), other urban areas and former Hereroland.

The “owners” of plots in Grootfontein tend to stay on them, but their adult children or in-laws, even if they have their own shack on a plot in the township, stay in the township for a longer period only if they find employment there. It often happens that it is first the man, the breadwinner, who moves to the farm, and his wife and children, especially if they do not attend school, follow him if the farmer does not object. They could leave the plot in the township for months or even a few years and visit their shack in Grootfontein, which is padlocked, only when they are on leave, often sometimes only for a few weeks a year.

It is also usual that the man employed on the farm, be it in long-term employment or a temporary job, leaves his wife and children in the town and

visits them occasionally. If the farm is nearby, he can do so on the weekends. If it is farther away, once a month or so is more common.

Therefore, for the adult children (and their spouses and children) of the “owners” of a plot in Grootfontein, their shacks in the township may serve as a base from which they can go for some periods to other places, mostly to the farms. Sylvain (1999: 370) made a similar observation about the Ju/'hoansi in Omahake.

Many adult daughters of the “owners” of a township plot live with their families on the farms. If they are abandoned by their partners, they could move back to their parents to the town. The !Xun in the township could also become foster parents of minors whose parents have passed away or who were sent there by their own parents outside of Grootfontein in order to distribute the burden of having to provide for their offspring among close kin.

Another important factor influencing the !Xun who have a shack in Grootfontein to come and stay there is connected to the ownership of property they may have accumulated in the past and keep at the shack. The mobility of the !Xun population in the farms, their landlessness and the fact that they do not have their “own” homes was a barrier to property accumulation. The prerequisite for acquiring, by !Xun standards, more valuable property on the farms was to stay there for a longer period and also to have a close relationship to its owner from whom they might purchase used prestigious goods such as bicycles, old TVs, radios or, in exceptional cases, even cars. Having a shack in the township means they have a place to store the property permanently. When they check if it is there or if they want to use some of the items, they have to come to the township. Ownership of things has made the !Xun “follow” them.

Prospects

A look at the terms used by the !Xun reveals that urbanization, as a process of creating permanent, or at least long-term, urban dwellers with a different social status and different cultural styles from the farm and communal Bushmen dwellers, is still a recent process in contrast to other Namibian peoples. The Damara/Nama-speakers call their townspeople *gai !a-//in* and they enjoy higher social status than the *farm //in*, the “farm dwellers.” The differentiation between these two terms reflects the longer exposure of these peoples to an urban environment within the former Police Zone. Similarly, the Hereros have a term for town dwellers, *tate ngo owozondwa* (this term implies far more than simply an urban

dweller, but rather implies the individual has come to be “civilized” as such), and in opposition to them are *ovozofarama* (farm people). Among Oshivambo-speaking people we find the expression *Ombwiti*, whose meaning is close to the term *Siconi* of the Lozi people and is used for migrants from the rural area to the town who forget their cultural roots (Pendleton and Frayne 1998: 5–6).

The !Xun do not appear to have any similar terms and they do not have a term for their own “townspeople.” They do not use the Afrikaans term *dorpenaar* either. Neither do the !Xun have a term for the town. Instead, they use two concepts: *n!ore n//áa* and *n!ore ma*, “big place” and “small place,” but they cannot always agree on their application to places of various sizes. When talking about Grootfontein, the !Xun use predominantly three terms: its !Xun (*/Xau n//áa*), the Damara name (*Káí /áú.b*), or the Afrikaans word *dorp*, which is used for both town and village by the !Xun (as it is in Afrikaans). Most of the !Xun I found dwelling in the township of Grootfontein during my research regarded themselves as former farmworkers. “The people of the town are not the people of the farm” (*Die mense van die dorp hulle is nie mense van die plaase*), claimed my main informant Kashe. “I am a farm man, [but] I stay here (in Grootfontein) only because of *zula*.” Gertrud and Andries, an older couple who had lived in Blikkiesdorp since 2003, claimed: “We are not town people” (*dorp se mense*). The economic vulnerability of the !Xun in the urban, farm and communal environments alike is so high and their income differences are relatively so small that as a group they comprise the lowest social stratum in all these environments (studied during the course of my research). The socio-economic differences among the !Xun are smaller than in other ethnic groups.

As pointed out elsewhere (Nedvěd 2014: forth.), among the !Xun in the Grootfontein area, there did not seem to be any significant “urbanization discourse.” Town is for the !Xun, even for those who prefer to live there than in other areas, not a space of many chances for individual development and socio-economic upliftment as we know it in a Western context. There is not such an uplifting prospect for an illiterate former farm worker or a communal area dweller. The lack of “urbanization discourse” might also be caused by the nature of the social geography. Grootfontein is the only major urban settlement in the commercial farm area reached by the !Xun networks. Thus, the !Xun do not seem to perceive Grootfontein as a representative of urban spaces, but one concrete area with its own specific characteristics. The !Xun then viewed their mobility “rather as a process of moving among concrete places (Grootfontein, particular small settlements in the commercial or communal area and particular

farms) and areas (farms generally, former Bushmanland and Hereroland) in a space whose borders were, to a significant extent, demarcated by the existence of their kin network” (Ibid).

What are the prospects regarding the urbanization of the !Xun in Grootfontein? The fact that they are gradually acquiring their own plots in the township where they can erect their shack dwellings and where they can live, in practice, may lead to a situation where, for the first time in history, a numerous !Xun population staying in Grootfontein over longer periods develops. Here they will tend to stay more permanently and they will be exposed to an urban environment on a long-term basis. As described above, the “owners” of the plots already tend to stay there and so will some of their kin. Given the landlessness of the !Xun farm workers, their desire to have their own place to stay, and the fact that most of them refuse to live in what is for them the socially alien environment of the communal area of former Bushmanland, Grootfontein may for many of them become the only place to live and sustain a meager living outside the farms.

Those who settle in the ethnically heterogeneous urban area might be under certain assimilation pressures by the non-!Xun. However, “every long-term encounter with different cultures does not result in assimilation. In fact, boundary maintenance may be amplified by encounters with the ‘others’” (Kent 2002: 14). Kent reminded us that a common means of maintaining cultural boundaries is perpetuating “negative and stereotypical perspectives of ‘others’” (Ibid.: 15). The !Xun feel they are exploited, marginalized and looked down upon by the non-Bushmen in their daily interactions with the latter. Their negative perspectives of the *Others* and stereotypes provide them with convenient explanations of their situation. In each urban locality, the assimilation pressures will depend on the particular socio-economic and ethnic environment. In Grootfontein, they seem to come from the lower stratum of the Khoekhoegowab-speaking population, consisting, apparently to a large degree, of the Hai//om. This stratum is socio-economically just above the !Xun. These Khoekhoegowab- speakers occupy (geographically) the same spaces (shack areas) in the township as the !Xun, and the latter maintain with them the most intensive social contacts of all the non-!Xun groups.

Another factor which may be counterbalancing the assimilation pressure is the mobility of the !Xun. It is very evident that the kind of culture of mobility which the !Xun had in precolonial times was significantly nourished by the colonial system as well: despite the complexity of the mobility patterns,

the mobility of the !Xun in the Grootfontein area was also a reaction to their economic vulnerability, exploitation and landlessness. In the urban environment the economic vulnerability as a consequence of the influx of people in to the town has resulted in more competition for scarce work opportunities, and might even increase in the future. The mobility out of the urban area will most likely remain an important coping mechanism for them. If economically vulnerable, the !Xun will continue to follow their kin networks and keep to their own ethnic environment.

At the same time, the !Xun and other Bushmen staying in the town may appear to be in a complex and tricky situation: how can it be explained to some of the non-!Xun (both white and black), who have minimal knowledge and are deeply stuck in the stereotypes about them, who the !Xun are and why some of them (want to) live in an urban environment and not on the farms or in the “bush”? Will these non-!Xun be ready to move beyond stereotypes and understand the situation of the !Xun? The situation is all the more complex as the !Xun, from inter-ethnic marriages, might no longer look like “typical” Bushmen. For example, they might be tallish and dark-skinned, qualities not traditionally associated with this ethnic group. This is a phenomenon occurring in any multi-ethnic setting where the Bushmen live. However, in an urban environment it might become even more common or apparent.

The old images and the primordial and essentialist notions of Bushmen persist in both the popular press and development discourse and do not seem to be totally absent from scientific circles (Gordon 1997: 117–119). “While the basic image (of the Bushmen in the Western imagination) has changed, essentially from negative to positive, the centuries-old stereotypes of Bushmen as ‘primitive’ and ‘natural’ have remained.” (Barnard 2007: 2). It is apparent that these images are going to be applied by the *Others*, in one way or another, also to the urban Bushmen even though most of them are the offspring of farm workers and are alienated from the traditionally Bushmen-associated hunting and gathering economic mode. Their lives are going to be read through these long-associated images.

Ninkova (2009: 40) observed that at the Gqaina school in the Omaheke, attended predominantly by Ju/’hoan children, the non-San learners associated the Bushmen with (1) physical markers such as the shape of their hair and the color of their skin; and (2) life in the bush and the wearing of animal skins, although they knew the latter was no longer true. “This description reveals that the image of the San person today is still to a large extent influenced by static

old taxonomies and despite the fact that the San people no longer exhibit certain features, the attitude towards them is largely influenced by that.

This is also why the !Xun who squatted in the streets of Grootfontein in 2001 and 2002 were probably, in good faith, in the first instance not settled in the township, but sent to former Bushmanland, where they were expected to live in a bush environment that is assumed to be closer to their “nature.” The situation in Grootfontein is, of course, more complex: some of its non-San dwellers, including many whites, do not know that there are any Bushmen living in the town at all. Some, for example, the Hereros or Bantu peoples from the north, have certain experience with the Bushmen living in the communal areas and, in some aspects, more realistic notions about them. However, the old images of the Bushmen as primitive people with minimal needs, with whom it is not necessary to negotiate the conditions of their service, also often determine the interaction with them. If the Bushmen in the urban space continue to be treated in such a manner, they might remain prisoners of this imagery even in the urban space(s) they now occupy.

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WHEN I SAY I'M FROM INDIA, THEY ASK ME HOW TO GET A TAXI: IMAGERIES OF CONNECTEDNESS AND DISCONNECTEDNESS AMONG TRANSMIGRANTS IN MELBOURNE, AUSTRALIA

Markéta Slavková

Abstract: This article explores the imaginations of life strategies and negotiations of the notion of the self among young transmigrants, predominantly of Indian origin, who migrated to Melbourne, Australia, on an overseas student visa. The goal of this article is to present dense and complex ethnographic observations of a particular set of imageries, based on which these transmigrants perceived their lives within the context of global migration. I provide the reader insight into who these people are, the imageries that led them on their migration journeys, how these imageries developed in the host country, the repercussions their decisions to migrate had in terms of their imaginations of themselves, and finally, how these transmigrants imagine, experience and negotiate notions of social cohesiveness across the borders of two or more different nation-states.

Keywords: *Migration; transnationalism; transmigrants; identity; Australia; India*

Introduction

The distance between Chennai, India, where Rahul grew up, and Melbourne, Australia, where he has now lived for several years, is approximately 5,455 miles, 8,779 kilometers, or 4,740 nautical miles. These numbers come from a distance calculator that measures the straight line between two points. If one could drive on this straight line from Melbourne to Chennai, it would take 99 hours and 11 minutes at an average speed of 88.5 km/hr. For most people, it takes approximately

10 hours and 55 minutes to travel by airplane between their points of departure and arrival, not including the many hours of waiting at airports between check-ins, security and customs. Airports are transitory voids, filled with the syncopation of footsteps, and collages of fleeting conversations. They are non-places pervaded by the ear-splitting cacophony of engines, spaces defined by the artificial light of fluorescent lamps – airports are the lack of sunlight. The air inside hangs thick and stewed from hours spent waiting for everything and nothing.

Rahul would prefer to sit like everybody else and wait for his departure back to Australia, but the person behind the counter murmurs about the condition of his passport. He is told he is unable to fly due to the miserable appearance of his travel document. He knows this is not true; he has travelled half the world with the same passport he holds in his hand, and if it weren't for the greedy fingers of the airport employees hoping for a stack of bank notes adorned with the portrait of Mahatma Gandhi, he would already have checked in his luggage. Not willing to pay the bribe, he wanders from office to office, eventually coming to a sluggish official who glances at him disdainfully, then returns to fixing the collar buttons of his shirt. Rahul tries to ignore him; he knows this is just another example of ordinary corruption in India and a jealous official trying to exercise his minor authority. The many minutes pass like decades, but finally the man dismisses him, flashing an oily smile with paan-reddened teeth.¹ To erase the event from his mind Rahul pictures Nandita, his fiancée he had met only a few days ago, and the thought of her softens his heart.

I let “the story” of this article² commence with the airports – the transitory “non-places,” as Marc Augé writes (see Augé 1999: 109–110). I begin on the move, and on a journey, following Clifford's appeal that we make a note of travel and the technologies which enable these journeys, and

¹ Paan is the Hindi word for betel, which is traditionally chewed in India along with other ingredients. It could be seen as a parallel to tobacco chewing or the cultural use of other psychoactive substances.

² The entire article is based on my master's thesis – *The Benefits of Loss: Life Strategies and Negotiations of Identity Amongst Indian Transmigrants in Melbourne, Australia*, (Slavkova 2011) and thus largely comprises of prevalingly unchanged sections of the original text. Some of these conclusions were also presented at the biennial CASA/SASA conference titled *Of Cosmopolitanism and Cosmologies* held in September 2011 in Telč, Czech Republic. The study is based on qualitative ethnographic research. I conducted the fieldwork while studying at the University of Melbourne, Australia, in the first half of 2009, but I had already become familiar with the research participants in the second half of 2008. The majority of the research sites were located in Melbourne, typically including my informants' households, locations of social events, university grounds and my apartment.

suggest the interconnectedness of various places around the globe (see Clifford 1992: 99–100) as I follow the stories of those who embarked to foreign lands in order to seek better lives. I attempt to trace the fragments of their fantasies and the seductive imagery of success for which they abandon the familiar for the unknown. With this vision they depart for Melbourne, a city most of them have never seen. In Melbourne, the imagery of success ripens; aspiring to the (business) elite is their dream. At first they are foreigners, and later they emerge at home. As they feel a belonging to more than one place, their minds roam, only to realize their homes now lie with their hearts. Who are these people and how did they get to this new place? Let me elaborate.

On a March Evening, Breaking News at the Lygon Street Apartment

Several days later, on March 6, 2009, Rahul, Sahil and I relax in the comfortable, worn sofas at the Lygon Street apartment in the northern suburbs of Melbourne, where Rahul lived before getting his own place. Autumn had just begun in the southern hemisphere and, as night falls, a gentle sea breeze brings a chill to the city. “I’ve never lived in such a cold place,” sighs Sahil, who grew up in the tropical climate of Bombay³ and couldn’t fully comprehend the idea of four seasons until he moved abroad. What he knew as a vague concept from schoolbooks began to materialize as he established himself on a different continent – in a city with at least three seasons, two of which Sahil experienced as generally unpleasant. Now, less than a day had passed since the end of his family visit in humid, smog-veiled Bombay. He was the last of his friends to return from the annual visits to the homelands commonly undertaken during the Australian university summer break. Sahil had reached Melbourne only that morning, and he longed for the city he had left behind. Before he would readjust to his Melbournian life again, he found himself in transition: he felt solitary, didn’t enjoy food, and worst

A small amount of the data was collected in India, mostly in Mumbai and partly in Goa, on my two-weeks long visit of my key-informant and gate-keeper Sahil and his family. Sahil enabled me to enter the social life of the group of his closest friends I came to study, and ultimately it was he who made this fieldwork possible. In order to bring the reader deeper insight of the topic, this article is intentionally written in an experimental genre of ethnographic creative non-fiction. However, the perceptive reader should be able to understand the analytical dimension that inherently stands out from the story line.

³ The geographical names are used with respect to my informants’ everyday use of the language. Generally the colonial titles were preferred over the contemporary indigenized names. Mumbai was always referred to as Bombay, but Chennai was always titled Chennai and never Madras.

of all – he hated the cold. Despite this, the reunion with his closest Melbournian friends, his first and most important social arrangement planned for that day, made him noticeably cheer up.

In contrast to the chilly, evening streets, the inside of the apartment radiates warmth and familiarity. Dhruv and Vivek, who rent the apartment, are Rahul's and Sahil's close friends, and they care for each other as family. I think of Dhruv and Vivek as the "inseparables" – they are always together, and are more like brothers than mere friends. They are both from the southern Indian state of Tamil Nadu, and knew each other from high school in Chennai. Together they implemented the idea to migrate to Australia for their university educations; they had always shared an apartment, they worked together at a call center until recently, and they spend much of their free time in each other's company as well. Their relatively spacious flat on the multicultural end of Lygon Street consists of two bedrooms and a living area with a kitchen. Apart from Dhruv and Vivek, who each have a bedroom, there are usually one or two other people who share the living and dining space dominated by the television and PlayStation. Many other friends visit daily. Upon entering, people remove their shoes and place them by the door.⁴ Appointments are rare, and people come and go at random.

The Lygon Street flat is where the ones who consider themselves a family abroad gather; they cook, chat and play Tekken.⁵ Squashed in the two sofas in front of the TV, they share food, speak of ideas and the struggles of everyday life, and imagine and dream together of a promising future. These friends constituted the core of Sahil's Melbournian community of affection – a community based on mutually shared emotional ties in terms of both kin and friendships motivated by the individual desire of belonging and participation.⁶ Including Dhruv, Vivek, Rahul, and Sahil, my key-informant,⁷ this Melbournian community of affection

⁴ A common, hygienic habit in India, also practiced in European countries such as the Czech Republic.

⁵ Tekken – literally the "Iron Fist" – a series of Japanese fighting games published and developed by Namco.

⁶ Through this concept, I attempt to expand on Appadurai's notion of neighborhoods (Appadurai 1996: 178–185). The concept of communities of affection is more closely elaborated upon in my master's thesis (Slavkova 2011: 19, 20).

⁷ By limiting the scope of research interest to Sahil's social network of closest friends I intended to stress the importance of studying actually existing social formations, and thus focus on the processes that create these formations (Gupta and Fergusson also emphasize the importance of studying "local communities" – see Gupta and Fergusson 1997: 25, 26).

contained 14 close friends, the subjects of this article. Of the 14 friends, 8 were officially regarded as Indian nationals, bearers of the ink-colored passports adorned with the Sarnath Lion Capital of Ashoka in gold. Then there was Ram, who gave up his Indian citizenship to become an Australian. He experienced little change in his loyalties as he swapped his Indian and Australian passports; the new one was also ink-colored, but portrayed an emu and a kangaroo.⁸

The rest of Sahil's friends came from elsewhere. He met most of them through a group assignment in the class of Strategic Management, with the exception of the Mauritian Yash, who was Sahil's housemate when he first moved to the city. In the class there was Kerem from Turkey, who fell in love with surfing and the soft-spoken Thai girl Chor, who came to Australia to improve her marketing skills. Penelope moved to Australia for a Master's of Applied Commerce, to fulfill her dream of working for Rip Curl, and to escape the "petit bourgeois" climate of France. Finally there was Singaporean Lili of Chinese-Indonesian origin, who tried to free herself from the shadow of her father; she was notorious for her baking and distribution of cookies, muffins and cakes. Apart from friendship, there was more that connected these friends. They were all transmigrants⁹ in their mid-twenties. The majority of them came from relatively well established, financially secure families of middle class and upper class backgrounds, where the parents encouraged and could afford to sponsor their children to obtain higher education abroad. They had come to Australia on an overseas student visa¹⁰ in order to study at good universities in Melbourne, primarily in the field of business, economics, commerce and marketing. By March 2009, the majority of them had been living in Melbourne for about three years.

⁸ If an Indian national voluntarily acquires another citizenship, his Indian citizenship is automatically terminated (see Ministry of Home Affairs – Government of India, the Citizenship Act, 1955). India has partially weakened the more than fifty-year-old regulations in order to maintain close links with the large Indian diaspora. This has led to the introduction of Overseas Citizenship of India (OCI). OCI is not the exact equivalent of dual-citizenship, but it can be perceived as a form of permanent residency for people of Indian origin (PIO – Persons of Indian Origin) who are simultaneously holders of a foreign citizenship (see Ministry of Overseas Indian Affairs (MOIA) and the Citizenship Act, 1955).

⁹ I accept Basch's, Glick-Schiller's and Szanton Blanc's proposal to perceive contemporary immigrants in terms of the concept of transmigrant (Basch, Glick Schiller, and Szanton Blanc 1999: 73–105) According to these authors: "Transmigrants are immigrants whose daily lives depend on multiple and constant interconnections across international borders and whose public identities are configured in relationship to more than one nation-state (Basch, Glick Schiller, and Szanton Blanc 1999: 73).

¹⁰ (Overseas) Student visa is an international student visa program administered by the Department of Immigration and Citizenship, Australia.

In the late afternoon when Sahil and I arrive at the Lygon Street apartment, only Rahul is there. Vivek is at the gym engaging in his regular body building routine, and Dhruv is stuck at work. Sahil and Rahul enter a passionate conversation regarding their recent airport experiences. They speak in English, the preferred language of communication. Rahul recalls the story of the airport harassment in India. “Unbelievable,” he says. “I couldn’t wait to be out of there. But Dubai airport was all right, except those women covered in a head veil – that’s just not right.” “I agree,” nods Sahil. “Anyway what’s wrong with the airport security these days? Anytime I go through the check I’m worried they will confuse me with a terrorist or at least give me extra troubles,” says Rahul, irked. “Yeah man, even I feel like that every time,” Sahil agrees, and raises his voice: “Just because we are brown, they think we must be terrorists. Come on, we are from India, we are no terrorists, we are not even from the same part of the world!” He laughs. “Ridiculous,” says Rahul. “I was flying through Dubai when I went to Bombay as well,” says Sahil. “Man, why am I always so unlucky to sit next to somebody annoying? I get to my seat and I see this other Indian next to me, you know one of those types who are taxi drivers here. I think, oh know, why do I have to sit next to him? Even worse, he’s acting all friendly and tries to talk to me. I didn’t feel like talking, why bother, so I just ignored him and looked outside the window. So he starts talking to this other guy instead and man, you wouldn’t believe,” Sahil chuckles, “He asks the guy: Are you a farmer?” With these last words both Sahil and Rahul burst into loud laughter that makes them nearly tear. I smile politely, but I feel perplexed as to why they found the anecdote so funny.

Later when the laughter quiets, Rahul says: “I have some news to tell you.” His voice grows serious. He smiles, and calmly states, “I’m getting married. It is a typical arranged marriage.” He exhibits the incarnadine “holy thread” wrapped around his right wrist. Sahil and I both congratulate him, but the unexpected announcement triggers a rash of questions. “How did it happen?” Sahil wants to know. As Rahul explains, Sahil teases him: “Show me a photo of her. She’s nice.” “Yes, I liked her at first sight,” Rahul replies. However, the more Rahul speaks, the more anxious Sahil grows. “But why?” he thinks. Instead, he asks compassionately: “How do you manage?” Deep inside, he feels shaken. The news clears the jovial atmosphere, for this is a serious matter – Rahul is now an adult, and engaged, and it becomes clear he is returning to India. That evening no one cooked; we dined on vegetarian pizza ordered over the phone. Some of us smoked cigarettes instead of having dessert (Vivek drank a protein shake), and Tekken was played.

The news of Rahul's marriage clouds Sahil's mind and escalates into a conflict on the following day. Sahil and I agreed to cook a communal dinner at the Lygon Street apartment. I am busy with *bengain bhurta*, a delicious spicy dish prepared from burned eggplant, while Sahil works on his favorite dish – chicken curry. Because Sahil keeps wandering off to speak to Dhruv, Vivek helps me chop ingredients and roll *chapattis*. Vivek and I share a passion for cooking and often we end up in a kitchen together; a proper Indian style dinner consists of more than just one dish, and there are always several mouths to feed. In the meantime, Sahil confesses to Dhruv he finds Rahul's arranged marriage shocking. Dhruv snaps: "Stop criticizing our traditions. Arranged marriages are normal. It's normal to get married that way, there's nothing wrong with that. For how long did your parents know each other before they got married?"¹¹ Sahil says nothing, and looks noticeably upset. He can't find an answer; his parents' marriage was also arranged, but he can't imagine himself in the same position as Rahul. Dhruv's reaction leaves him surprised. Most of the others can't imagine themselves in Rahul place either. I am also puzzled and try to understand why Rahul, whom I know as a cosmopolitan Melbournian, would voluntarily accept this centuries-old set of customs.

On the Rise of Sahil's Imagery of Success and the Astrologers Prediction

Sahil's mother Rupali often invited an astrologer to visit the family – the same astrologer, dressed in a bright white *kurta pajama* adorned with golden buttons, whom I met several years later during my visit to Sahil and his family in 2009. It was there in Sahil's home on Juhu Beach, sitting cross-legged on a red, ornamental mat and dining on Marathi cuisine, where I learned Sahil had travelled to Australia "due to the astrologer's prediction." When I inquire about the event, Sahil recollects: "Mhm, I think he came after my dad told me to go to Australia and I had already begun the process. So at the same time I was even applying for NBA¹² in India. This guy came. I was already applying for Australia but he didn't know all

¹¹ A smaller part of the direct speech is based on a reconstruction from field notes combined with data analysis and may not exactly correspond with the actual sentences spoken at the site – however, the meaning and context of the statements is intact. The majority of direct speech comes from the transcription of interviews, with minimal edits to aid comprehension.

¹² NBA School of Business in Delhi, considered one of the most prestigious educational departments in the country.

this. He told me that I'm gonna study abroad. Not in India. So my mom asked him: would he do NBA in India or abroad? He said, abroad. Like his, what do you call that, eh the chart, it said that I'm gonna study abroad, I'm gonna stay abroad and I'm not gonna live in India."

Unlike his friends, Sahil never considered a life outside India until his ambitious sister Aashi decided to migrate to the US, and his father Ravi strongly recommended the same for him. Ravi had travelled abroad many times himself on business trips. Some of the family's distant relatives lived abroad, and the children of one of his close colleagues were examples of successful migrants in Australia. After he consolidated these thoughts and suggestions, Ravi concluded that the US and Australia both offered a brighter future for his children than India. Ravi's decision-making strategy supports Hugo's argument that social networks (which facilitate the migration of family and friends, provide information about migration, and help new migrants establish themselves upon arrival) generate more migration (Hugo 2006: 109). Before Aashi left to the US for the first time, she received a contact of her mother's cousin's sister with whom she stayed for few days after her arrival. Sahil also received contacts of family acquaintances, but he preferred doing things his own way. When I enquired whether he sought support, he said: "No, I didn't bother. I was like fuck it, who cares?" Still, whether one seeks assistance or not, these social networks are one of the many factors that enable the perception of migration as a life strategy. It is in this sense that Brettell and Hollifield speak of the "culture of migration," a set of ideas in which migration becomes an expectation and a normal part of the life course – particularly for young men, and increasingly for young women (Brettell and Hollifield 2000 :16). Also, Appadurai points out this specific mindset while defining ethnoscares insofar as more persons and groups deal with fantasies of the desire to move or realities of having to move (Appadurai 1996: 33–34).

One day, Sahil's father gave Sahil and Aashi a lift to downtown Bombay in the taxi he takes to work. When they parted, Ravi went to his office and the siblings headed to the IDP office near Churchgate Railway Station in South Mumbai – one of the world's largest student placement and English language testing services provider. Agencies like IDP India are part of the fast growing, global migration industry that rapidly rose along with the universalization of education and constitute a crucial factor in the growth of contemporary migration and its perception in terms of a possible life strategy (see Hugo 2006: 109).

These companies not only provide information, visas, and enrolment to universities: when it comes to the realm of imagination, these entrepreneurs offer a choice of imageries to success. Here Sahil was given a choice where to start imagining his life – would he go to Australia, Canada, New Zealand, the UK or the US? These countries were the most popular on the list because English is their official language of communication. These countries were also considered the most prestigious destinations based on the rating of universities.

“It’s first the US, then the UK and then Australia,” Sahil said and continued: “Don’t know why US is first; I think because all the top universities are there and they say it’s the land of opportunities and all that.” The rest of the countries were, according to Sahil, the “screw-up options.” Sahil didn’t like the idea of going to the USA, which limited the selection to UK and Australia. Because Sahil’s father had heard the UK was more racist and because his colleague’s children enjoyed their lives in Australia, the destination choice seemed clear. Sahil cared little about where he was going, so he followed his father’s suggestion. “I didn’t know what I was doing. So I was like, who cares the UK or Australia, everything was the same,” sighed Sahil. In contrast to Sahil’s initial carelessness, for his father Ravi, the choice was indeed the matter of prestige. Success did not only entail a prestigious education, but also an image of a celebrated immigrant. Katy Gardner suggests, with an example of a different type of much less privileged migration, that those who immigrate to Western countries are often glorified (despite their potential poverty, which wouldn’t be visible for the ones living in India) based on the examples of the successful returnees (Gardner 1993: 10). As Gardner argues: “The *bideshis*¹³ are the new elite, and everybody wants to join them” (Gardner 1993: 10). In this respect, Ravi also hoped that, like his colleague’s children, his own offspring would become reputable *desis*¹⁴ whom many could only dream of following.

Not only did Sahil feel ambiguous about this life trajectory; he was also skeptical about the astrologer. He considered himself an atheist and believed in

¹³ Bidesh is a Bengali word corresponding with Hindi *videsh*, meaning the “foreign land,” as opposed to *desh*, meaning homeland, with a clear reference to India (Hindustan). In this sense, *desh* is also often a substitute of words India or Hindustan with additional affectionate-patriotic connotations.

¹⁴ In order not to essentialize identities of these persons within the framework of nation-state in this article I mostly refer to the ones of Indian origin as *desis*, drawing the inspiration from Katy Gardner (Gardner 1993: 1–15). I perceive as *desi* a person inhabiting or coming from *Desh*, which is one of the Hindi terms for state, homeland, often referring to India as a country. Unlike Gardner (1993) I use the term to refer to both my transmigrant informants of Indian origin as well as their families who remained in *Desh*.

neither magic nor astrology. Still, he wondered because some of the predictions made by the astrologer “turned out to be true.” Despite his uncertainties, he began to think of his life abroad as “maybe possible” – the prediction opened up his horizon and let him dream of a different life. The thought of being a successful immigrant thrilled him. At that point he had never been abroad and his imageries of success were the hazy and naive dreams of a child. They were the undefined groupings of his desires, stories of success heard from others as well as the plethora of images from books, magazines, newspapers, websites and TV. Because a poor economy had bothered him in the past, he dreamt of making a fortune. He would be able to travel – “or something like that...” Sahil’s parents never fully relied on the astrologer’s prediction – they had carefully weighed the decision from a more practical perspective before the astrologer was invited – but still, the prediction was a positive sign within the process of deciding their son’s “fate.” After all, it was based on the constellation of stars at the moment of Sahil’s birth; generally considered a serious matter in India. And in case “the stars were wrong” and things didn’t turn out as favorably as expected, there was always the possibility of repatriation, which made the decision process somehow easier: if one can return, there can’t be “much harm” in giving migration a chance.

There was another reason why Ravi suggested that his children move abroad, one that made Sahil’s journey quite extraordinary when compared to his friends’. Sahil’s family originated from “the Untouchables,” also known Outcasts, *Harijans*, *Dalits*, etc. “The Untouchables” are traditionally the most discriminated and poorest strata of Indian society and his parents feared caste-based discrimination of the children. The parents and even Sahil had their own experiences of caste prejudice. Thinking about his origin, a social status formed by hundreds of years of injustice, made Sahil angry, sad and shy, and he rarely spoke of it. In February 2009, Sahil and I admired the beautiful *Holy Spirit Church* in Margau, Goa, while the local school-uniformed children laughed, chatted and chased each other in the yard. I spoke unfavorably about the expansion of Christianity and Colonial rule, but Sahil disagreed. He liked the Raj and snapped back at me: “If the British hadn’t come to India, I would be cleaning toilets, and they would still be burning women alive.” Sahil was well aware that his father wanted to spare him the trouble he had experienced himself, and he also knew that the safest way of doing this was to leave for a place where castes don’t matter.

Desh-Videsh:¹⁵ Moving to “Multicultural Melbourne”

Australia was a place where castes didn't matter, at least not among Sahil's friends. Castes were rarely mentioned until I (shifting temporarily to the role of an outsider and anthropologist) made my naive inquiries. Several of Sahil's friends claimed to have no caste, and in this way expressed their lack of belief and rejection of the concept. Others had never wondered about their caste origin and simply didn't know; their caste origins remained locked away with the secrets of their ancestors. Moreover, they had realized that the idea of the caste system did not correspond with the imagery of the cultured, educated transmigrants and future business elites that they wanted to become. To speak of castes meant to discuss an outdated form of oppression. In Melbourne, a place called Australia's most multicultural city, and at a liberal, open-minded university environment that celebrates diversity, and within the busy business lifestyles, there was little reason for meditating over ancient history such as caste origin.

Earlier I suggested that these young people didn't come to Australia strictly for an education, but also the search for a better lifestyle and imaginations of success and prestige. An education at one of the world's top ranking universities surely facilitated the notion of success and prestige, but more importantly, the enrolment in an Australian university included the overseas student visa that allowed temporary residency for the length of the education program, and afterwards there was a promise of obtaining permanent residency (PR) via the General Skilled Migration.¹⁶ In this way, Australia increased its attraction. One evening after dinner at Lili's I enquire about the PR matter. Her balcony entrance opens to a breath-taking view of downtown Melbourne, and we sit and watch the flickering lights. She replies diplomatically: 'We knew it would be easy for us to get it. So if we got here, we already studied, there is no harm in getting the PR.'¹⁷

¹⁵ Videsh is a Hindi word meaning the “foreign land” as opposed to desh meaning “homeland” with a clear reference to India (Hindustan) and is also the name of the Indian grocery store in Melbourne, where Sahil used to buy his food supplies.

¹⁶ The General Skilled Migration Program is a visa category for professionals and other skilled migrants who are not sponsored by an employer and who have skills in particular occupations required in Australia.

¹⁷ General awareness of easy access to permanent residency also partly answers Hugo's call for clarification of the transition between temporary and permanent residency visas (see Hugo 2006: 113, 114). I conclude that in the cases of most of my informants, the temporary residency was indeed perceived as a bridge to permanent residency as they chose their educational programs by carefully looking at

After all, one couldn't fully consider oneself a successful transmigrant if after the completion of expensive education one was forced to leave. Thus, if an immigration official asked these student migrants why they came to Australia, the response would probably be the safe one: "for education." Instead, I suggest that the majority of these people perceived their translocation to Australia as an advantageous life strategy which brought them closer to fulfilling their (or their parents') imageries of success. In other words, most of these transmigrants didn't only come to Australia to study; they came there to live – if they could manage to establish satisfactory lifestyles. For many, like Sahil, this seemed quite probable.

Business is business; this education-driven migration was not only a good "life investment" for the young transmigrants; Australia profited as well. From a more recent historical-political perspective, these individual translocations were enabled by the significant transformation of conditions in Australia's immigration policy since the early 1990s that diverted attention from permanent settlement, developed a complex array of visa categories with a range of lengths of stay and commitment, and increased the focus on skill in the selection of migrants (see Hugo 2006: 107, 108). The overseas student visa has become one of the main temporary visa categories allowing employment through which an increasing number of temporary immigrants travel to Australia (see Hugo 2006: 111). The number of students studying abroad in tertiary education doubled within the last decade of twentieth century, and increased by a third between 2000 and 2003 (Hugo 2006: 111). In June 2006, 208,038 people resided in Australia on student visas – Sahil and his friends among the "lucky ones" who fit these ongoing trends (Hugo 2006: 111). The overall support of foreign student migration should be understood as a strategic move that levels the country's demographics and brings significant amounts of foreign exchange to the country. Thus, the focus of these immigration policies seems not only a matter of knowledge or skill, but also a matter of finance. Attaining a student visa requires proof of adequate finances, and there are high tuition fees for international students. As a result, the greatest possibility to immigrate is reserved for financially well-established elites. This creates an advantageous "business" for Australia, whose international education produced export earnings as high as 10.8 billion AUD in 2006 (Hugo 2006: 111). It is also precisely in this sense

the prestige of the university and whether their professional specialization would be eligible for the General Skilled Migration program.

that these young transmigrants aspired to become the global-business elite for whom the host country kept its door open.

Similarly, what these friends learned at school was that it was not necessary to impress with breath-taking analytical skills and high distinction. It was more important to adapt to the appearance of a flexible, sophisticated business-elite in vogue. Thus, for Sahil and others, school was not only an institution that provided education; it was a site of establishing friendships and the site of his initial integration into a cosmopolitan Melbournian lifestyle. The image of the cosmopolitan, future business elite was certainly not to be taken for granted or learned overnight; the initial, blurry imagery of success that had started them on their journeys came into focus when it was learned and appropriated in the multicultural environment of Melbourne's universities. When Sahil first arrived in Melbourne, the city felt foreign; there was no clamor of honking horns, squealing brakes, shouting, chanting. The air was not heavy with dust, fumes and heat. The city was strikingly clean, and although he had already learned of this in India it still took him by surprise. "That's what everyone said, all these countries are so clean and all that," explained Sahil and continued: "The air was very fresh as well, like not so much of pollution as it is in Bombay. Yeah, so it was good." Although he enjoyed the glamour of Melbourne, at that time he often found himself lost; the city struck him as *terra incognita*, foreign and strange.

Soon after his arrival, and based on his interactions with others, Sahil realized he needed adjustment, and that the most suitable place for doing this was the university. Thus, along with business and finance skills, Sahil learned, recreated and internalized the many images of what a successful, transmigrant elite seemed for him to be. Sahil liked to take one of his former Australian lecturers as his own example. He admired how confidently and captivantly the lecturer spoke in his lectures, how smartly he dressed, how successful his career was, and how, despite his busy lifestyle, he could still manage to escape work to spend vacation at Saint Martin in the Caribbean, with its sand, palm trees, and translucent, azure waters. By the time Sahil graduated in Business and Economics at the University of Melbourne, where he now worked as a tutor of BPA (Business Process Analysis), he had improved his social skills and learned how to converse smoothly with strangers.

The city changed for him as well – now he was a person with a Melbournian history as the cityscape became imbued with his own memories, and he knew the streets, buildings, parks, and nearby shops. He was familiar with the local infrastructure and how "things worked." He had his friends who became his

family abroad and with whom he spent most of his free time: dining on egg curry, rice, puff pastry *rotis* and playing Tekken with Dhruv and Vivek in their flat, seeing Friday the 13th with Kerem and Penelope (devoted horror film fans), chatting with Chor while munching on extra hot chicken at Nando's, eating Asian fusion dinner with Lili and Raj, or sculling Jägerbombs under the pink fluorescent lights with Dhruv, his Australian girlfriend Katie and Vivek at multicultural vibe of The Balcony club. He dreamed of obtaining a graduate position as a business analyst for PwC (PricewaterhouseCoopers) in the company's onyx-like high-rise on Melbourne's Southbank and, of course, he fantasized about visiting that beach at Saint Martin someday.

On a sunny day, more than two years after Sahil first arrived in Australia, I meet him at the university campus ground. I hold my regular dose of caffeine in a paper cup; Sahil, who dislikes the taste of coffee, slowly sips hot chocolate. With his long hair fluttering in the wind, sporting dark jeans and red Converse, none of the locals would consider him a new immigrant at first sight. "When we first met he was different," sighed Penelope, recalling Sahil's metamorphosis with her distinct French accent. "And then you know, step by step. Like it took a while but then I was like ah, it's quite nice now...we share more things..." Also Raj shared this impression: "He was very different from what he is. Now he integrates with people from different cultures...first two semesters Sahil was the guy who came from Bombay, now even his accent has changed." Not only do his friends consider him different – Sahil's ideas of himself have also changed. He now imagines himself as a Melbournian.

Transmigrants' Travelling Homes and Other Imageries of Connectedness

Like Sahil, in Australia, Rahul is a Melbournian. He now embodies the transnational paradigm, a person who flexibly moves across multiple nation-state territories and leaves his mind open to new ventures. Two months after his departure from Chennai, he smoothly slips into his familiar routine. He gets up before seven in the morning, brushes his teeth with Colgate Triple Action, irons his clothes and takes a shower. He skips breakfast, watches the news, and by 7:30 he leaves the house. He travels 17 minutes on a Metlink train from the western suburbs, where he lives after moving from the Lygon street apartment to the inner city. He spends most of the day working for NAB (National Australia Bank). He generally eats at the various bistros near the office during his brief lunch break. Rahul's week

resembles the routine of many young professionals of the city: Monday to Friday he is busy working, and on the weekends he goes partying in clubs.

Rahul, Sahil and I sit at Starbucks outside the DFO (Direct Factory Outlet) South Wharf. Rahul is sipping a tall Starbucks latte and smoking a cigarette. An impersonal female voice announces that another train is about to depart from Melbourne's Southern Cross Station. Passengers' voices melt into the singular buzz of a post-industrial human hive. Rahul is in his mid-twenties, a casual business type. He has just finished his daily errands for NAB. His clothes are a palette of grays and blacks that fade into his sandalwood complexion and short, charcoal hair: the derby shoes, trousers with nearly invisible stripes and his woolen RDX double-breasted jacket. Similar to other Melbournians, Rahul wears only a shirt underneath his jacket, no cardigans, pullovers or turtlenecks. Such fashion is symptomatic in a city where the weather is moody and literally changes out of the blue. In his business outfit, Rahul effortlessly blends in with the many multicultural inhabitants of the city, and like Sahil he considers Melbourne home. Rahul also feels a strong sense of belonging with Chennai, where he's planning on returning in half a year to get married. I can't help wondering how Rahul makes sense of himself in among these various homes. How does one imagine having multiple homes when the physical body can inhabit only one at a time?

The imagery of more than one home was shared among all of the young transmigrants. "Looks like I have two homes now. One in India and one in Australia," concluded Sahil's former classmate Ram. Lili best explains the imagery when she states: "Home is where your heart is. Oh, you know, home is Singapore. I mean, not because I was born there but more because my family's there. And I'm very close to my family so, you know, that's where my attachment is, so home is where my heart is, which is Singapore. But then, you know, I came to Melbourne, I started studying here and I made a life for myself and made good friends and you know, I formed attachments here and I realized that, yeah, you reach a state where, you know, Melbourne is home as well. Because it's where you have your life, you have your friends here, like people who might not be a biological family but...The really good friends you make here, they are your family unit." The importance of Lili's depiction lies in the idea that home is not necessarily tied to physical locality but instead is imagined more in terms of an attachment. For these transmigrants, the imaginations of belonging arise around their loved ones – their communities of affection, whether the ones in the country of origin or the ones in the country of dwelling. Since

these transmigrants imagine their sense of belonging in terms of emotional attachments, they can make their homes travel.

However, I suggest this is easier for the mobile transmigrant elite who can comfortably sustain physical contacts with countries of origin and flexibly adapt to various conditions. Even though Lili's "heart" was in Singapore, she imagined her home to be of a "nomadic nature." "It's kind of confusing but people live in so many places," sighed Lili and continued: "How do you really say which is home? It's kind of hard. Because everywhere you go, you kind of make a home there and then you kind of move on but I guess like, yeah, home can travel around depending on what attachments you have to that place... You can move halfway across the world for love. You can leave because you got a really great job across the world and you know there is so much cross-cultural assimilation. I think like eventually everyone is going to be a citizen of the world." Lili described her buoyant vision in a high-pitched, Singaporean accent she cultivated with pride. As Lili philosophized in her cozy Melbournian high-rise apartment about the ideas of what home was, she spoke of how she couldn't quite choose between the many attachments she had to various places around the globe, which from her perspective seemed notably smaller these days. It became apparent that this must be a privilege not many of us can reach to. Lili obviously came from a wealthy family, as shown by her Salvatore Ferragamo ballerinas, Chanel Paris accessories, lilac Marc Jacobs handbag with a tingling Hello Kitty charm, and the dusky Mazda she drove, adorned with a snow-white toy polar bear hanging from the rear-view mirror.

The others were hardly as wealthy, and apart from Vivek did not own cars. To make the rent more bearable, they generally shared their apartments with twice the number of persons than would be the expected. On the other hand, they were fresh graduates of top universities in Australia, mostly in the fields of business and economics: they could afford to come here; they became cultured, educated transmigrants, and in their minds their homes indeed travelled as well. It is in this sense, I suggest, that this imagery of homes is a privilege, which seems symptomatic of a specific type of migration category – the overseas student visa, which already includes those who can afford to remain, on a certain level, flexible and mobile. "Home is not a place," announced Raj, who had the privilege of visiting most of world's continents and has lived in three large metropolitan cities in three different countries. "I find it very easy to integrate into the place but where you have a good set of people around it, that's where home is. And that might not necessarily have to be a constant thing as well. I've never formed that much of an emotional attachment with any place..."

On Stereotypes of “Punjabi Taxi Drivers” and Imageries of Disconnectedness

Previously I suggested that from the position of aspiring global, mobile elites, Raj, Sahil, Rahul as well as their other friends imagine they are connected and share alliances with dual communities of affection: Melbournian ones consisting of both *desi* friends and internationals of similar background and experience, and the ones in their countries of origin (family and friends). In other words, social cohesiveness centers on lifestyle and education, rather than national boundaries – “imagined community” in Anderson’s words (Anderson 1983) or “community of sentiment” in Appadurai’s (Appadurai 1990). Raj, who grew up in Doha, Qatar, explained: “I’d say I’m Indian because I have an Indian passport, that’s pretty much it. That’s why if somebody asks me where you are from, I say India.” Nevertheless, his transmigrant experience allowed him to fit in various metropolitan places around the world, adjust accents, change languages and topics of conversation. “When I speak to somebody I can usually tell what they’d expect to see of me. So if I’m talking with an Arab, I’ll change my accent slightly to Arabic as well. I’ll throw in few Arab words. If I’m with an Indian, I’ll say stuff in Hindi, I’ll speak in Hindi. If I’m with an Australian, I’ll talk about alcohol (bursts in laughter). No, but I mean, basically, wherever – whichever part of the world the person is from, I very quickly try to mimic the way that person talks to me and I talk to them that way. Of course I’m keeping my ideas and keeping the way that I am as well, I don’t completely change into a different person,” stated Raj confidently and smiled.

Within broader imageries of belonging and success, flexibility and adaptability seemed to constitute a crucial aspect; this was one of the things these transmigrants learned at universities, when they first came to this new place of dwelling. They wanted to be perceived by others as equals – liberal, sophisticated Melbournians and aspiring global elites. This was why they expressed disapproval and disappointment when associated with the less educated Indian origin groups (who generally came through different types of immigration categories). In other words, they disliked being thought of in “national geographic” categorization (Malkki 1992), which was how they were stereotyped in daily interactions. Those whom these transmigrants desired to disconnect from were generally labeled as uneducated, “villagers,” who publicly exposed a penchant for “tradition.” The ones who physically or ideologically supported the image of “the ethnic” were criticized or made fun off in order to express

disconnectedness from the ones that could threaten the image of successful transmigrant.

“I don’t like the fact that a lot of Indians who come here are stereotyped. There are people who come from the villages. I hate the fact if someone from Australia looks at me and puts me into the same category as them!” said Raj and explained: “I’m talking about the ones who never step out of India and never learn how things work outside India and they have no acceptance of it at all. They just pretty much live in their own nutshell and, you know, they don’t wanna integrate with people who are outside. You know and that’s pretty much it. In particular people from the villages who have no idea and, you know, they don’t work towards being accepted at all. They just be the way that they are. All they think about is okay, are we earning enough money, we could send money home, they gotta buy a house back home and maybe the fact that they’ve come to Australia is probably to get a better dowry.”

This imagination of connectedness with educated business elites and disconnectedness with uneducated “villagers” reveals why Sahil and Rahul laughed so hard about the story from the plane in which they expressed disdain towards “Punjabi taxi drivers and farmers.” “Punjabi taxi drivers” happened to be the group generally stereotypically associated with village background and inclination to “tradition.” From the perspective of the flexible, mobile and adaptable transmigrants, the “Punjabi taxi-drivers” lacked a willingness to integrate. On March 13, 2009, Sahil attended a Hazard Perception Test in order to get his Australian driver’s license. When I met him later that day outside Safeway grocery store on Lygon Street, he sarcastically noted that when he walked inside the building the room carried a “typical Punjabi smell” due to the taxi drivers. Then he joked that, if he couldn’t get decent employment, maybe he could become a taxi driver.

Even though the “villagers” were criticized and laughed at, neither Raj nor the others dismissed them entirely – these transmigrants were like them in the past. “You can do similar things like people in the country. You can understand how they think, you don’t have to change yourself but you have to be able to socialize,” reconciled Raj and explained: “The local type of thinking can prevent conflict; it’s about realizing the differences. See, I mean, a lot of things happen based on the perception that people have about other people. Like I mean if they wear *kurta pajama* and have a big beard and wear, you know, something on their head. In south India, they put coconut oil (in their hair) and it’s acceptable but here you don’t wanna go out for your first interview smelling of coconut. You

actively change the other person's perception about yourself," concluded Raj. The main reason behind the imagination of disconnectedness wasn't really the matter of the link to the "ethnic" heritage; it was the matter of mimesis. These aspiring young global elites were proud of their backgrounds,¹⁸ and adored their closest kin and friends who remained in the countries of origin, and they enjoyed returning to them. However, it was a matter of the right time, place and "the audience" – one needed to expose just the right amount of "ethnic" behavior while living abroad.

The reason why they tried so hard to disconnect from "the villagers and taxi drivers" was that they often found themselves grouped together with these less-privileged countrymen by the other Melbournians (they became subjects of "indigenization" (see Appadurai 1997: 32). The young transmigrants experienced this as a form of a social stigma. They blamed the less-educated *desi* for giving a bad name to the entire community and occasionally firing up unnecessary social conflicts, e.g., regarding female harassment in the clubs. More than once, Sahil, Vivek, Dhruv and others experienced uncomfortable looks and were refused entrance to nightclubs, which they believed was clearly due to their Indian origin, but racial discrimination was never openly suggested in a way that could be an act punishable by the law. Thus, while discrimination was never blatantly practiced, many believed this made it harder, for example, to find employment with a foreign name, or to date an Australian girl. It was this social stigma, this subtle discrimination generally expressed by disconnectedness and distance, which disturbed their self imagination of the global elite. For Sahil there was another aspect to it. He perceived the villages as the hubs of "tradition" and perseverance of "conservative attitudes" and he had his reasons: his parents came from a small village in Maharashtra, the name of which Sahil carried, and because of the past "tradition" he hated and wanted to rid himself of the name. This "tradition" of the past was to blame for his ancestral oppression as well as his own. This was why connections with the "villages" and public expressions of inclination to "tradition" were better to disconnect from: moustaches, oiled hair, lack of deodorant, turbans, *burqas*, *salwar kameezes*, taxi drivers, and for some, arranged marriages – and for others

¹⁸ The imagery of Indian national identity was experienced with pride if one managed to present oneself as a "modern, cosmopolitan Indian" who had negotiated a background in terms of a western lifestyle. However, this problematic understanding of "Indianness" in terms of tradition occasionally clashed with their experiences of *desi* patriotism, which doesn't mean that their patriotic feelings would necessarily diminish.

like Rahul, not. All of these individuals continued to renegotiate their own slightly differing positions and decide for themselves which of these imageries of the self were better to be connected to or to avoid.

Conclusion

In this article I attempted to bring closer insight into the everyday lives and imageries of the self of a group of young transmigrants, prevaillingly of Indian origin, who migrated to Melbourne in Australia. Using the example of Sahil's individual journey, I revealed that what takes these young people on a journey to unknown lands is often the glamorous imagery of success associated with a possibility of the life abroad. The particular imagery of success seems to stem from a broader ideological mindset, which others referred to as "culture of migration" (Brettell and Hollifield 2000) or ethnoscares in terms of desires to move (Appadurai 1997) and in which the examples of successful migrants inspire others to translocate as well (see Gardner 1993 and Hugo 2006). Individual translocations are often a matter of collective decision in which family plays a crucial role, and the imagery of success is imagined differently by the various parties. In Sahil's case, these dreams took the blurry and largely naive form of dreaming of the wealth of the "Western countries," success and celebrity-like status of an elite migrant.

The translocations are generally provided by migration agencies such as IDP India that spread the information, support the idea of privilege and success in relation to education and provide the practicalities of the translocation. Enrolment into the local educational institutions constitutes a crucial necessity of a successful migrant to Australia. Not only will the person obtain a prestigious education; work and residency permissions are also guaranteed. However, this possibility lies beyond the reach of the majority of the world's population. The high cost of tuition for international students, necessary financial resources of translocation, as well as other expenses all limit accessibility mostly to the well-established, financially-secure social strata. Among other things, this shows that what has been described by some as a "South-North movement" (see e.g. Sowell 1996, Hugo 2006) does not necessarily mean the migration of poor people from (using Cold War terminology) "undeveloped" to "developed" countries, but often entails the movement of already well-established, highly educated/skilled elites. This is clearly shown in the Australian immigration policy regulations that prioritize financially advantageous, skilled migration

over the allowances of other visa categories (see Hugo 2006). On the other hand, it is always necessary to look at the individual histories for, as in Sahil's case, the previously oppressed poor can also rise.

From this perspective, the universities are not exclusively attended for the quality of their education but more importantly for the fulfillment of imagery of success and promise of residency permissions. The imagery of success grows clearer as the previously imagined destinations are reached and thus become real on an experiential level. The universities' liberal, multicultural mindset inspires the imagery of success to arise in a form of aspiring mobile, flexible transmigrant (business) elite in vogue. This image, of course, had to be learned as these young transmigrants, were initially more accustomed to the idea of the social norms and acceptable behavior in their places of origin. It was through the teasing remarks of close friends that the future elite image was negotiated and shaped. In this more matured state, the imagery of success incorporates the images of the self as of a transmigrant with many attachments to different places around the world and multiple homes. The imageries of multiplicity of homes reflect the plurality of experienced emotional attachments. As the imagery of belonging and home within the framework of the broader imagery of success becomes less experienced in terms of a place and perceived stronger as an emotional attachment to others, the imageries of belonging arise as those of "travelling homes" that one can build in different places around the globe. This is, however, closely linked to the overseas student visa these privileged migrants arrived on and as a result of their financially stable position, which enables them to remain flexible and mobile.

The more connectedness and affiliation one expresses with the self-image of a cosmopolitan, educated, transmigrant with multiple homes, the greater the disconnectedness and disconcertment grows among matters of what is comprehended as "the tradition" and verbally stereotyped as "villagers" and "Punjabi taxi drivers." The reason why the young transmigrants, especially those of *desi* origin, want to detach from these other less educated and less privileged migrants is that they are often put into the same national origin-based category by the other Melbournians, generally the ones who don't share the migrant experience. Because of this stereotypization, these transmigrants are subject to milder forms of discrimination that undermine their imageries of reputable, aspiring (business) elites. In this sense, they accuse the less privileged of "giving a bad a name to the entire community." The problematic perception of some of their less-privileged fellow countrymen is comprehended as a lack

of open-mindedness and willingness to integrate. Sahil also imagined these less privileged individuals to embody the perseverance of the Hindu tradition, which he blamed for the caste discrimination of his relatives.

These feelings were mostly verbalized in the form of jokes, which explains why the anecdote about a “taxi driver” aboard a plane asking the passenger whether he was a farmer was considered so funny. For the same reasons, Rahul’s arranged marriage was considered a disquieting matter as it questioned the imaginations of the self these friends had established in Melbourne and conformed to “traditional attitudes.” In Australia it seemed easy to disassociate from certain “traditional attitudes,” but when they were back in India and negotiated their imageries of self with their families, who often didn’t have as liberal mindsets as their offspring learned abroad, many matters became unclear. As the primary feelings of belonging and imagery of the self of these transmigrants develops around communities of affection, which are both in Melbourne and in the countries of origin, it also incorporates contradicting ideas. In the matters like Rahul’s arranged marriage, they felt as though they had to take sides, but they didn’t know which ones were theirs.

The argument concerning Rahul’s marriage stemmed from different stances. Whereas Sahil emphasized his Melbournian imageries of the self, Dhruv thought of respect and a sense of belonging with his own biological community of affection. Dhruv’s position appeared curious to Sahil since Dhruv was “putting on thick layers of Australian make-up these days,” and he was happy with his *gori* (white) Australian girlfriend. Unlike Dhruv and Sahil, Rahul stayed calm. Even though he also didn’t favor traditionally arranged marriages, Rahul wanted to give this one a chance: for the sake of his parents, the respect he felt for them, and for the honor and reputation of his family name. The idea of getting married in his mid-twenties was, in a way, a product of haggling or, more precisely, considering his parents desire. If it were up to his parents, he would have already been married for two years, while if decided independently, he would have waited another two. He decided to compromise, and his answer to the marriage was: “Yes.” What he also learned in Australia was a certain amount of open-mindedness to new ventures and flexibility. He knew that this was his position, his compromise, and his ultimate decision to honor his parents, please them and let them choose his wife whom they would enjoy growing old with. For his biological community of affection Rahul decided to return to India, where he settled down with his wife and family and took over the family business.

The majority of Rahul's other friends including Sahil decided to remain in Australia, where they continued to renegotiate their imageries of the successful self and their ideas of multiple belonging and to challenge the stereotypization of their identities within the imageries of others. However, until the symbolic violence that stereotypes often include is shed, these transmigrants are left to wrestle with the ambiguous and contradictory imageries of the self. Until then, perhaps only laughter can help allay the confusion of the transmigrant. In the second half of 2008, at Dhruv's party in the Lygon Street apartment, I witnessed a conversation that played so strongly with stereotypes that, apart from feeling bewilderment or at a loss for words, there was nothing left to do but to laugh:

An Indian guy tries to make a conversation with two pretty Colombian girls saying: "In Colombia, you have some great coke there."

An Iranian guy jumps into the conversation: "Don't be so stereotypical man. When I tell someone I am from Iran, they ask me if I know how to make a bomb."

"Man, that's nothing," announces another Indian guy, who continues: "When I tell people that I'm from India, they ask me how to get a taxi."

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WHO CARES? (AGEING, CARE AND MIGRATION)*

Petra Ezzeddine

Abstract: *The Czech Republic is in the process of transforming its social system which is not capable of managing adequate care of its old citizens. In the last years we have witnessed an increase in the number of mediating agencies that import mainly Ukrainian migrants for the purpose of engaging them in care work focusing on elderly people. The paper presents results of pilot ethnographic research and focuses on commodification of care work for elderly people and the vulnerable character of domestic care work provided by Ukrainian female migrants in the Czech Republic. I argue that this specific “product” – the Ukrainian female caregiver – is based on the intersections of gender, ethnicity and migration.*

Keywords: *Migration; gender; domestic work; care*

“Then we decided to hire Yelena.

We started to search on the Internet.

Who, what and for what price.” (Blanka, employer)

Hired domestic and care workers, a form of employment which seemed to be on the verge of disappearance in modern society, today provide a private solution to a public problem to an increasing degree. Migrant women as providers of care work, for instance, leave their own home for work because they perceive this as the only way to sustain their family (Ezzeddine 2009). Thus contemporary social organization of care is systematically connected to structures of the global economy and social inequalities (Ehrenreich, Hochschild 2004). Changing family relations, increasing women’s participation in the labor market, and

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alternate patterns of family life style converge with demographic trends of ageing of the European population and simultaneously with institutional trends of weakening of the Western model of the welfare state and rising neo-liberal globalization (Lutz 2008).

The contemporary Czech Republic is in the process of transforming its social system, which is not capable of providing adequate care for its senior citizens. In recent years we have witnessed an increase in the number of mediating agencies that import mainly Ukrainian migrants for the purpose of engaging them in care work focusing on elderly people. The aim of the study is to examine commoditization of care work for seniors based on the intersection of gender, ethnicity and migration and to analyze the character of care work (working conditions) provided by Ukrainian female migrants in the Czech Republic.

In my pilot research of care work for seniors provided by Ukrainian migrants I will focus on the social situation of care work and the participants involved. I decided to conduct semi-structured interviews with twelve Ukrainian female migrants who work as caregivers, twelve clients – employers of caregivers (mostly the children of care-receivers) and three owners of agencies “selling” this specific care work. After a lengthy decision-making process (which was connected with the ethical aspect of research and the selected methodology), I also conducted three interviews with people receiving care from Ukrainian caregivers. I used these interviews only for the contextualization of the remaining data. For a better understanding of the researched problem I also analyzed the web sites of the agencies and their promotional material. I was allowed to study the work contracts under which the caregivers perform their work. The research was realized in the metropolitan area of Prague in 2011/2012.¹

1. Contemporary migration trends of Ukrainian migration to the Czech Republic

For a better understanding of my ethnographic data, in the following part I will focus on the analysis of gender in contemporary migration trends of Ukrainian migration on the territory of the Czech Republic. According to the studies of Ukrainian migration to the Czech Republic, we can characterize Ukrainian contemporary migration as economic migration (Drbohlav 2001, Uherek 2003).

¹ According to research ethics, I keep all the names of my research participants and the agencies anonymous.

Leontyeva (2006: 33) states that: “The prevailing poor economic situation of Ukraine, the geographical proximity and the relatively small linguistic and cultural barriers are the main reasons behind the fact that Ukrainians currently represent the largest group of economic migrants in the CR, while the temporary labor migration of Ukrainians to the Czech Republic has for several years gradually begun to have the character of permanent migration.” Here I consider it necessary to mention that the descendants of the earlier waves of migration who are associated in expatriate communities in the Czech Republic try to distance themselves from the newly arrived economic migrants (Drbohlav, Ezzeddine 2004). During the last decade, the migration zone shifted to the east of Ukraine, and currently people from the central and even eastern parts of this country also travel to the Czech Republic to earn money. The geographic closeness of Ukraine and the Czech Republic means that male and female migrants tend to choose circular migration. Leontyeva (2006: 35) explains this as follows: “The physically demanding work conditions and often disastrous residential-stay circumstances of the Ukrainian so-called ‘gastarbeiters’ can cause a feeling of alienation, and they have the desire to earn the necessary amount of money quickly and then return home, where their families, relatives and friends are waiting. But shortly after their return, economic problems often occur. This is also influenced by high unemployment and therefore repeating the ‘work trip’ is often considered to be the only possible solution.”

It turns out that the more time female and male migrants spend circulating, the more they tend to settle down and relocate their nuclear families (Ezzeddine, Kocourek 2006). Ukrainians in the Czech Republic (like other foreigners) are concentrated in Prague and other large cities. The reason for this specific concentration is work opportunities – mainly in the construction and car industries (male migrants) and the service sector and light industry (female migrants). As Uherek states (Uherek 2001), this concentration does not indicate a tendency of placing Ukrainians into ghettos or creating ethnic space enclaves. In the case of the metropolitan area of Prague, this concentration is rather conditioned by the local locations of cheaper hostels or cheaper housing subleases at specific locations on the outskirts of the capital rather than their effort to live near their compatriots (Drbohlav, Ezzeddine 2004). According to Czech official statistics, the Ukrainians in the Czech Republic are the second largest migratory group.² By December 31, 2012, about 112,549 male and female Ukrainians lived in the Czech

² <http://www.mvcr.cz/clanek/cizinci-s-povolenym-obytem.aspxhtt>

Republic. Characterizing the educational and qualification structure of Ukrainian immigrants on the basis of existing research is quite difficult. On the one hand, partial studies (Drbohlav 2008, Gabal Consulting 2007) show that Ukrainian economic migrants are characterized by having a good educational background and high qualifications in the country of origin, but by low placement on the segmented labor market in the country. On the other hand, some representative studies (Horáková and Čerňanská 2001) presented findings which show that in the environment of Ukrainian labor migration we cannot speak about a high-average education, only 12 percent of migrants having a university education. The causes of inaccurate estimation of educationally qualifying characteristics of male and female migrants from Ukraine according to Leontyeva (2006: 34) are due to: "...the subjective inaccuracies of the testimony of the respondents. Here we must take into account both the subjective valuation of their education and conversely its secrecy and deliberate underestimation due to concerns about being 'too' qualified to perform an unskilled job."

As research shows (Gabal Consulting 2007), although Czech society is linguistically and culturally close to Ukrainian migrants, they often do not understand the rules of Czech laws and institutions. The social capital which is necessary for life in migration is not, in their case, a result of their kinship ties, but migrants buy it from the intermediary agencies which have contacts to employers, hostels or officials. But, in addition to that, the agencies also offer cultural capital – the knowledge of laws and the Czech language. The agencies change this capital into a kind of commodity or goods that immigrants pay for and the agencies do business with. Given the previously described information asymmetry, the migrants agree to the agency rules.

This gender disparity in the use of intermediary agencies is due to the above-mentioned professional segmentation in the Czech labor market. At this point I must also mention the significant number of Ukrainian migrants participating in the illegal sector. This high representation, as argued by Leontyeva (2007: 35), is due to the difficulty and the bureaucratization of the process of applying for work permits and visas, and lack of comprehensible information "pushes Ukrainian workers to often prefer a 'simpler' way of earning money. The hierarchically built networks of brokers and various 'entrepreneurs' usually behave like parasites on this, and they rob even the less well-off illegally employed Ukrainians. What also contributes to this is the high demand for cheap labor in the construction field and the lack of sanctions against those who employ illegal workers in the destination country – the Czech Republic.

The studies (Drbohlav, Ezzeddine 2007, Leontyeva 2006) show that since 1989 masses of mainly men of productive age (with their own nuclear families left behind) travel from Ukraine to the Czech Republic. They mostly come alone in order to earn a living for their families or close relatives who remain at home. However, in the last five years we have started to witness a change in this pattern and now we are seeing an increase in female migration, so that the difference between numbers of men compared to women is continuously decreasing. In 2009, Ukrainian women made up 42 percent of the total number of Ukrainian migrants in the Czech Republic (Foreigners in the Czech Republic, 2009). Family studies (Ezzeddine and Kocourek 2007, Gabal Consulting 2007) show that 70 percent of male and female Ukrainians in the Czech Republic live without their children. They therefore form the largest group of transnational parents who live and work in the Czech Republic.

2. Migrant care work as a product (commoditization of care work)

According to Hooyman and Kiyak (2011: 394) caregiving “whether informal or formal, denotes supportive, nonmedical, mostly low-tech services, such as help with bathing or eating, and some medical services, such as administering medications and attending to surgical wounds.” In this way, agencies that mediate jobs sell care work to their clients – families that hire caregivers to take care of their parents and their relatives. As I found out in my research, together they form a specific “product” of care.

I will argue here that this specific product – a Ukrainian female caregiver – is based on the intersection of gender, ethnicity and migration. I will focus on each category in detail.

As my research shows, casework for the elderly in a household is primarily based on the reproduction of traditional gender relations. Although it is physically quite a demanding job, it is still expected to be carried out by a woman. Bridget Anderson (2000: 113) argues that: “Paid domestic workers reproduce people and social relations not just in what they do (polishing silver, ironing), but also in the very doing of it (a foil to the household manager). In this respect the paid domestic worker is herself, in her very essence, a means of reproduction.” Care of the sick and the elderly has an intimate character. As physical hygiene is considered a part of the care procedure; it is closely associated with the body. Based on interviews with the families and agencies I believe that this is the

strongest reason for choosing women caregivers. As Gregson and Lowe (1994: 3) say: “Employers want more than labor power. They often openly stipulate that they want a particular type of *person*, justifying this demand on the grounds that they will be working at home.” As my analysis shows, agencies construct an ideal type of *person* whose characteristics include typically female qualities: loyalty, willingness, diligence and empathy. This discourse is also supported by the visual aspects of web sites and marketing materials, on which we can find stylized slender, smiling and attractive caregivers dressed in bright medical uniforms. Clients, namely the families who order this service for their relatives, have also reflected in interviews what typical characteristics they imagine in the caregiver. These have been mainly trust, loyalty, discretion, willingness, diligence, cleanliness and empathy. The narrative of Jiřina (a Czech employer) here may be used as an example of how features of the “ideal” caregiver are characterized:

“Well, she must be a sensitive woman. Helpful and kind. She should not be scruffy, but must be careful. And I have to trust her, because my mother has valuable things at home.”

The female character of this type of work is also based on the age of Ukrainian migrants. All my informants were women with personal and actual experience with motherhood and care, and their ages ranged between 30–45 years. Maternity seemed to add to their quality for this type of work.

“They are simply experienced women, mothers of families. They know how to take care of the household, and they are strong women who know how to work hard.” (Agency 2)

But the flip side of the value of motherhood in this case is its form. As Sotelo argues (Sotelo 2001: 16): “Transnational mothers bring a new dimension to the quality of motherhood; new inequality and a new meaning of the family.” In addition, transnational mothers are responsible for the maintenance of their nuclear home in Ukraine. During interviews Ukrainian mothers reflected feelings of guilt that they “failed” in fulfilling the socially expected intensive motherhood. Irina reflected on this:

“This life here is not easy, neither the work nor the fact that you are far away from your children. You feel sad, but you do the job for them. Every mother wants the best for her children.” (Irina, Ukrainian caregiver)

“The hardest thing for me is that I am far away from my family and children... It is true that they are now teenagers, but I miss them. I say to myself that I have to withstand the loneliness. Because of this they have a better life.” (Oxana, Ukrainian caregiver)

Another important category is the migration status of care workers. The Czech Republic is chosen by Ukrainian transnational mothers as a destination for their work migration mainly because it is possible, due to the geographical proximity, to conduct circular migration between the two countries. On the one hand the life “here” and “there” and the mobility of female labor migration give Ukrainian mothers the possibility of coordinating productive and reproductive work. On the other hand, they are “trapped” in the net of unqualified work, and it is hard for them to obtain a stable job (Ezzeddine 2011).

Another specific feature of gendering this type of work is generally linked with the position of Ukrainian female migrants in the Czech labor market. We can observe some professional segmentation, when male migrants are employed mainly in construction and industry, women in the service sector and light industry (Ezzeddine, Kocourek 2007). This is closely linked with another problem of female worker migrants (not only from Ukraine) – non-compliance of gender equality in the Czech labor market. Employed female migrants stated that they earned approximately a quarter less than men, which is a big difference in the case of social rank and the size of the salary of the economic migrants (Gabal Consulting 2007). This unequal situation was also reflected by caregivers whom I interviewed. They described it as the main reason for accepting a job in the field of domestic care.

The residence permit for foreigners in the Czech Republic depends on the existence of a valid employment contract. Thus, if the economic migrant suddenly loses his/her job for some reason and is unable to find another one quickly, he/she is obliged to leave the country. This can cause strong dependence on his/her employer or agency (Tollarová 2006). In this context my Ukrainian informants expressed feelings of insecurity, fear and worries about the future. If faced with problems in the course of their work (such as not respecting the working hours or a change in the job description) and it not being possible to agree with clients through the agencies, they considered other options for their stay abroad. Since most women I surveyed sent remittances to Ukraine on which their nuclear families (especially children) depended, their decision to stay in degrading working conditions was more difficult.

“It is a problem: when you lose your job, you have to find another one quickly. If you don’t find one, you lose your residence permit. You suddenly re-think about that. Now it is harder to find a job because of the crisis. The whole family in

Ukraine is waiting for my money. I am a widow and so I am responsible for them. Then of course you try to negotiate.” (Natasha, Ukrainian caregiver)

“In the first family I was responsible for a very hard case. It was a case of dementia, an aggressive grandfather, poor guy...well, I really didn’t manage that physically and psychologically. Yeah, but the agency did not have anything else to offer me. So I had to stay and wait. In this in turn they helped me, they are polite people. But normally you would have left. But I can’t do that. I am a foreigner and this is a problem.” (Yelena, Ukrainian caregiver)

The problem of employing migrants in the Czech Republic is the complicated system of legalizing the stay of migrants, which leads to a combination of legal and illegal practices. Here I find it important to remind the reader that in the Czech Republic it is very hard for a family to employ nationals of third countries to work in private households. Agencies use this fact in a clever way and offer a “suitable” solution. Legalizing the residence is one of the benefits they seduce their clients with. An illustration might be the following argumentation on the web site of Agency 1: “YY (name of the agency) can ease for you all the administrative work that is linked with the legalizing of your helper. If you are interested, we can help you and minimize the unpleasant and lengthy arranging.”

The agency type of work might not necessarily be an adequate solution for female migrants themselves. The problem of employing migrants in the Czech Republic is the complicated system of legalizing the residency status, which leads to a combination of legal and illegal practices. With regard to the situation of working migrants in the Czech Republic, Jacob Hurrle claims that “the problem of the current system is the ‘production’ of illegality: it is very easy for a migrant to turn into a person who behaves illegally, for example due to minor administrative problems. In many cases migrants are not aware of this because they are ‘administered’ by intermediaries (Hurrle 2011: 5).”

The last category involved in the process of commodification of care work for seniors provided by Ukrainian female migrants which I will analyze is their ethnicity. Ukrainian female migrants in my research talked about the limits arising from their ethnicity connected to their experiences of their situation as second class citizens. Especially with regard to situations of conflict arising during the interaction with clients and their families.

“The old man thought that he was missing some cash. So he started shouting at me that I am that Ukrainian thief. That we shouldn’t be trusted. So with his

daughter we searched the whole house and found it in the bathroom. He forgot it there. He is sick, but it is not nice that he curses me as a filthy Ukrainian woman.” (Irina, Ukrainian caregiver)

“I changed my work place. In the previous place they thought that if they hired a Ukrainian woman, she would work there like a horse. No free time, and they did not abide by the contract. After that they said to me that as a Ukrainian I have to be glad that I live in ‘civilization.’ And I am from Lvov!” (Yelena, Ukrainian caregiver)

I suggest that there are more reasons for the negative evaluation of reflection of their ethnicity. First of all, Ukrainian male and female migrants work more as employees, where they come into close contact with Czechs as subordinates. Secondly, compared for example with Vietnamese male and female migrants, they do not move in closed social networks of their communities. Thirdly, they are not considered different by the mainstream society, and, fourthly, they come from one post-socialist country to another post-socialist country. But ethnicity has become an important aspect that paradoxically favors them on the Czech care market. Owners of the agencies that employed them stressed the benefit of their ethnicity and membership in the Slavic ethnic group, as it is something that is not totally unknown and is financially affordable compared to other types of domestic care.

“Originally we wanted to apply the Israeli model and bring Filipino women here. We were surprised that there was no interest in them. People here are still xenophobic, they fear anything new. So we shifted to Ukrainian women who learn Czech fast, look the same as Czechs, and understand the life here.” (Agency 1)

“Ukrainian women are like us. No problem. They can speak the language, it is simply the same. Old people are conservative and it is hard for them to get used to someone who is not from their family. This job presents big penetration into privacy.” (Agency 2)

“Some want only Czech women, but they are simply cheaper. And this is what wins. There is hard competition even in this business!” (Agency 3)

Here it is necessary to mention that agencies in their advertisements do not directly target their potential clients (families buying care for their elderly relatives) by offering them Ukrainian caregivers (even if they mediate work for Ukrainian female migrants). Agencies use the term *foreign* female domestic worker or *foreign* female caregivers.

3. Care work as a family issue

I observed in my research the gendered nature of family care. Researchers suggest that there are specific characteristics of women as caregivers. These are based on their feelings and psychological responsibility. We cannot say that male members of the family will be totally excluded from family care. Men tend to focus more on sporadic task-house maintenance, financial management or occasional shopping (Hooyaman and Kiyak 2011: 402): “Sons are more likely to adopt an attitude of ‘you do what you have to do’ and use a ‘work’ paradigm in approaching care giving.” But in comparison to female caregivers they provide less personal care such as bathing, dressing, etc. The decision to involve another – foreign female migrant in the care process was motivated by more than one factor. The first related to the inability to link their job with coordination of care for the elderly. Although Czech social policy officially proclaims the importance of family care, the reality is more complex. Helena, who employs a Ukrainian caregiver for her father, argues similarly:

“I’d love to take care of my mother by myself if there were a possibility to work for fewer hours and get good money... but if I do not go to work, I cannot support and feed my family from social benefits only because the children are still studying. And what kind of pension will I have then? I can’t do that, certainly not in this period.”

Contemporary Czech families depend financially on the wages of both partners. This is the main reason why female caregivers try to coordinate their productive activities with caregiving. As my research shows, some women have tried to implement flexible coordination of work and care. However, they find this way to be problematic. An example of this might be the story of Jitka (who took care of her mother after a stroke):

“I managed to arrange things at work, but it was difficult. You are at work for only four hours, but then you fly back home where someone who needs care is waiting for you. You have to do the speech and walking therapy with her, taking her out for a walk. Then you have to cook, clean... then again there come the children who are waiting for you at home, and you have to take care of them, too. I was very tired. Every morning I take care of my mother till the time Oxana comes. She stays with her for four hours, takes her out, does therapy with her. She cooks for the whole family and cleans the house. I cannot manage that physically any more.”

Another reason for hiring an aide was the fatigue accruing from taking care of elderly and sick persons. Elderly people often experience not just health

problems, but also cognitive impairment and associated behavioral problems. This stress creates a sense of burden on the caregiver. It is necessary to remember that family caregivers are not professional care givers with appropriate training for this type of work (but that does not mean that they do not experience similar feelings).

“I almost collapsed. I was very angry at his (the father’s) behavior, and sometimes I did not know if I was not even worsening my care. I am not a doctor after all. In addition, I had no contact with any one, I did not have enough time for my family and friends. I was isolated. But I always wanted to take care of them. I considered that my duty. But after almost three months I said ‘Enough!’” (Věra, Czech employer)

I have to suggest here that my research shows differences between the social group of employers who employ groups of in-home and out-of-home care givers. The price of in-home care is too high compared to the average wage in the Czech Republic. While out-of-home service is used by middle-class families, families hiring in-home caregivers are those with above-average incomes from the metropolitan area of Prague. They work as managers, businessmen, doctors and bankers. During interviews with this category of employer-families their socio-economic position was clearly reflected. Rather than express feelings of guilt or personal dilemmas regarding the coordination of work and care, they spoke about their *“financial possibilities to be able to pay for the best standard”* or *“ability to provide the best that is on the care market.”*

But both social groups of employers reflected the same difficulties in the decision-making process of whether or not to involve Ukrainian migrants for their care needs. Families carefully considered various options for care. Their reasoning was based on the critique of state-managed institutions which do not have a good reputation because of the bad conditions that prevail in them. The only solution then is to hire a paid caretaker who will take care of the elderly in their own environments to which they are emotionally attached.

4. Paid domestic care work for seniors – a real job?

As research shows, employment agencies do not advertise this type of work as care work, but rather generally as domestic work. The reason for this special perception of care work is very pragmatic. It stems from the fact that the Czech Republic is protecting its own labor market and requires care work to be carried out by people with verified adequate education or professional certification.

Czech state officials accept original qualifications and education for only 30 percent of Ukrainian female migrants – mostly with university degrees (Gabal Consulting 2007). At the same time the process of verifying qualifications takes time (from six months to one year) and involves additional costs and expenses for professional translators and bureaucracy fees.

“Agency XY will procure for you experienced helpers and housekeepers from abroad who will provide you and your relatives with long-term assistance at your home.”(Agency 3)

“Since we have available experienced and proven helpers and housekeepers from abroad, we can help ensure a helper for you who will focus on all the client’s specific needs.” (Agency 2)

When care work is implemented (even by qualified caregivers) in the private environment, it is perceived as reproductive-unskilled labor (Sotelo 2001). However, during interviews with clients (potential employers of caregivers) agencies emphasized the contrary, i.e., the professionalism of their care workers, based on relevant qualifications and experience of working in medical institutions. In my previous research I found that Ukrainian female domestic workers (nannies, maids) strictly based their employment biography on “before” and “after” obtaining skilled work, where they were more able to apply their original education and personal abilities (Ezzeddine 2011). Ukrainian caregivers perceive their care work for the elderly as skilled work, even though they prefer to regard home care service as a stage on the path to a future job in health service in the Czech Republic allowing them to return to their original profession.

“I am something like a nurse, I give injections, I give treatments like in a hospital. I do everything like in a hospital, only I am at someone’s place at home. It is more like health work. Something which I studied. It is not only cleaning anymore.” (Svetlana, Ukrainian caregiver)

“It is like a nurse. Just at home. Yes, you have to clean, to cook but it is more like a nurse’s job. I am waiting for verification of my nursing education from Ukraine... So it is at least experience. It can help me when I look for a job. I want to work as a nurse in senior homes. To rent a flat, to bring the children and to work as a regular nurse.” (Nina, Ukrainian caregiver)

On the other hand agencies offer the market a comprehensive care “product.” They also include other types of service relating to the organizational and hygienic functioning of the house, for example, cleaning, cooking, shopping or ironing. Agency web sites promote vague and general specifications of work activities – “ordinary household cleaning.” This can lead to various conflicts for

both sides – clients (employers) and caregivers (Ukrainian female migrants). Employers argue that they ordered full service, and caregivers highlight the housework as an additional service.

“We have ordered whole service from the agency, including cleaning. That is why we are demanding it. There is lot to do, I admit. But we ordered and paid for it. It is like any other service.” (Jiří, Czech employer)

“Well, I just don’t consider cleaning the windows every month as regular cleaning. I clean every day, and they (the children of the person who is been taking care of) come and say that I need to clean the cellar. I don’t have that in my contract.” (Natasha, Ukrainian caregiver)

Caregiving includes performing emotional work. There are existing social expectations about appropriate feelings, based on one’s social role and the situation and the actors involved in it. Hochschild refers to “feeling rules”: “An individual is conscious of a moment of ‘pinch.’ or discrepancy between what one does feel and what one wants to feel. The individual may try to eliminate the pinch by working on feeling.” When we are trying to link a particular emotion to an appropriate situation – (in this case caregiving), we are performing “emotional work” (Hochschild 1979: 562). The expectation of the “human” aspect of caregiving, decent manners and individual attitudes are perceived as the main reason why families decide to hire a caregiver. The “human aspect” of home care was shown in contrast to inhumane conditions found in hospitals and senior medical institutions.

“I did not want to give her (Mum) to those collective institutions, maybe they do good health treatment but they do not perceive you as a human being. They have no time for you. I want something different, somebody who will behave with good manners toward her.” (Milena, employer)

“To be nice! To take care of her, to listen to her long stories, to speak with her, to accompany her..... That is all I want. And what I pay a lot of money for...” (Vladimír, employer)

“I know that ((he) still will be Mr. XY, not just a room number like in a senior home. Even though he is old and ill, he still feels emotions, he needs to feel human communication....!” (Josef, employer)

Concurrently Ukrainian caregivers also stressed the emotional aspect of their work. They reflected on it as an important part of their work; they spoke about “*keeping a good atmosphere at home because it helps them....*,” “*keeping them optimistic with a smile, even if you are personally not in the mood at that moment,*” or “*the good mood of a senior saves your energy.*” Caregivers

emphasized a clear link between the psychological and physical condition of elderly people, which helps them to improve social communication during care work. Another problematic aspect of this type of work concerns in-home domestic care – six of the studied Ukrainian caregivers work in in-home care – where caregivers live in the house of the person they are taking care of. The latter type of service in which the caregiver lives and works in one household is less common in the Czech Republic (for example in comparison to the situation in Germany and Austria). According to the agencies that organize this type of service, it is still perceived as problematic in the Czech Republic. People are not accustomed to sharing their intimate domestic space with a “stranger.” They see it as significant penetration into their private space.

“There was a problem here to convince people that the form of in-home service is simply more convenient. In terms of the safety of the health of an old man, but also with regard to financial issues. People here are not used to this kind of service; we have to convince them in almost every case.” (Agency 3)

When you conduct your work in the same place as you live, and that space is not your own personal space, it is difficult to maintain a boundary between work time and private time. The lack of personal space and one’s private and personal life can lead to feelings of social isolation, frustration and feelings of loneliness. This can be even truer in the situation of Ukrainian female migrants who live geographically far from their friends and loved ones, even though my informants were not new in the host society – most of them had already stayed at least six months in the Czech Republic.

“What is hard about this work is that you live there, actually in your work. And you don’t have your life. I cannot invite friends to visit me because they don’t wish that. I also don’t go out too much and sometimes I feel very sad. I think that I can stay on this job for a year... not more than that.” (Irina, Ukrainian caregiver)

“I don’t have any life. I live where I work. My only free day is Sunday. This is what we agreed upon. But I am simply locked up there with that old lady. She doesn’t talk a lot... and she sleeps. The only time I go out is when I do the shopping. I miss people.” (Yana, Ukrainian caregiver)

Since female migrants work in the same place where they live and the performance of their work is done within the closed walls inside a private flat or house, it is difficult to formalize the nature of the work. Interviews with the owners of the agencies showed that it was also difficult for them to set up their business in Ukrainian care work to form work contracts in accordance with the present – in their view inadequate – legislation. The final versions of working

contracts were formed only during real experience and practice. Even so they contained vague and general commitments that could be interpreted in different ways. An example is the following formulation of a specific contract:

“Monthly expenses for domestic workers and maids are 15,000 Czech crowns for six working days a week (plus full board and lodging in the house of the employer).” (Agency 2)

According to interviews with the families that employed Ukrainian caregivers and according to testimonies of Ukrainian caregivers, it was shown that mainly the food (specifically in reasonable quantities) and the intensity of work (especially for personal free time) were perceived as conflictual areas of the work relationship.

“It was written in the contract that she has to work six days a week, but she was always sitting there watching TV when I came home in the evening. I understand that she doesn’t have to work all the time, but when I told her that she should clean the windows, she stared weirdly. She has to know what to do for all that money...” (Karel, employer)

“I did not go shopping. That was always done by the daughter or son of that sick person. He eats mainly diet food and very small amounts...and I was always hungry. Accompanying him to the toilet and cleaning him up – this is hard work. I was shy to tell them, so I also buy my food alone. Even though it is included in the contract, yes.” (Yelena, Ukrainian caregiver)

Even though in-home care causes socio-psychological problems for in-home caregivers it also has positive impacts on the economic status of Ukrainian female migrants. It reduces living expenses (accommodation, food) during the economic migration and increases remittances sent back home. In 2011 the average wage in Ukraine was 248 EUR while in the Czech Republic it reached 1060 EUR. The monthly wage for a Ukrainian in-home caregiver is around 610 EUR and depends on the agency and professional demands of care.³ My informants cited reaching a target accumulation of remittances as their primary motivation for in-home care work. Leontyeva and Tollarova (2011) found that the average annual sum of remittances sent back by Ukrainian female migrants working in the Czech Republic is 1220 EUR. It is obvious that my informants could easily save more money than the average Ukrainian female migrant in

³ Statistical data for Czech Republic are available at http://www.czso.cz/csu/redakce.nsf/i/prace_a_mzdy_prace. Statistical data for Ukraine are available at <http://job.ukr.net/news/samyevysokie-zaprplaty-v-kyeve-a-samyenizkie-na-ternopolwne/>

the Czech Republic. Caregivers regarded a one-year work contract as a chance to “earn good money” and, owing to the nature of the work, the right time limit in a demanding job far from home and families. Female migrants spoke about the psychological aspect of having a clearly defined time frame to spend in someone else’s private home.

“It is important for me to know that I will work like this just one year. I am counting the days on my calendar. I will see the children at Christmas and during holidays. I want to stay in the Czech Republic longer, but not in this job. I can save money to send back to them. But one year is enough.” (Oxana, Ukrainian caregiver)

The second group of Ukrainian caregivers (six Ukrainian female migrants), out-of-home caregivers (who provide care service from five to eight hours daily), had lower salaries. They prefer out-of-home service because they are aware of the precarious situation of in-home care service associated with the psychological demands of this type of work. They had to find complementary wage-earning activities such as cleaning (private homes or hotels) or occasional baby-sitting in order to accumulate more remittances. As a result of this combination of jobs they work nine to thirteen hours daily. As my research shows, out-of-home care work is favored by more experienced Ukrainian female migrants (some of them with in-home care experience) who have built a strong social network which helps them to find (and sustain) complementary jobs.

Conclusion

Even though families have always been the primary caregivers of elders, family care used to be perceived by Czech policy makers as nonexistent. The first time “family caregiver” was used by policy makers was in The National Program for the Preparation of Ageing for the period 2008 to 2012 (Quality of Life in Old Age): “Care is provided for elderly people in particular by family, partner and children. It cannot be expected that the family ceases to play an important role in the coming years. The role of the family will not consist only of providing care, but also of providing necessary assistance and support. Family policy should pay systematic attention to the adoption of comprehensive measures to support families and caregivers.” But as Hooyaman and Kiyak (2011: 395) argue: “Nevertheless, the family significant contributors to elder care is still largely unrecognized by many policy makers, creating a ‘shadow workforce’ in geriatric health care.”

As my research shows, even those female family caregivers who had expected to enjoy caring and the opportunity to experience emotional closeness to the elderly family member expressed tension over the obligation of returning the care to their parents. This tension arises from feelings of guilt for not taking care of them when they need them most versus the obligation towards their own families (both emotional and financial). The isolation and the lack of time for personal interests and hobbies, as well as time for their families, were given as the main reasons that led to the decision for employing a caregiver. The decision to involve Ukrainian migrants in care was not a simple process. Families carefully considered various options for care. Since state-managed institutions do not have a good reputation because of the bad conditions that prevail in them, the only solution is then to hire a paid carer who will take care of the elderly in their own environment, to which they are emotionally attached.

On the other hand, it is precisely the endeavor to improve their children's lifestyle as well as the material and financial circumstances of the family that Ukrainian caregivers consider when preparing to migrate for work. They could assign their remittances (Carling 2005) to achieving the goal of transforming their family structure through providing basic requirements such as education and health care, etc., for their children. Their earnings also could contribute to the country of origin in the sense, for instance, of migrants investing in land purchase, agricultural implements or of setting up a family business. Tolstokorova (2009a) points out, however, that the accumulation of economic capital derived from migration is primarily spent on direct consumption, education for their children and housing. A great deal less is spent on investing in small businesses. Tolstokorova (2009b) attributes this minimal investment in long-term sustainable family businesses to Ukraine's lack of support (legislative, political, and economic) for developing this type of entrepreneurship. The consequence of this is that migration influences the growth in economic consumption of the migrants' families but possibly only at the cost of one or more family members being absent from the family for a longer term.

I believe that the process of ageing society in the Czech Republic will lead to the recruitment of a larger amount of foreign labor. It is important that migrant caregivers receive all their social rights, especially a dignified residence status, verification of qualifications and, if necessary, even an easier process of reunification of transnational families.

The problems and risks of domestic work are already reflected on the international level. In June 2011 the International Labor Organization (ILO)

adopted the *Convention on Decent Work for Domestic Workers*, where for the first time it even applies its rules to the informal economy sector. Particular attention here is paid to female migrants because of their increased vulnerability and inequality which lead to further abuse of rights. States do have obligations under international agreements, for example the *Convention on the Elimination of all Forms of Discrimination against Women*, to adopt procedures in order to ensure the same protection rights for these groups. However, in reality the question of the position of female workers in domestic work stays outside the interest of many countries, including the Czech Republic. It is necessary for the Czech Republic to adopt relevant laws which will solve the position of domestic workers (including migrant caregivers) on the legislative level.

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POLISH MEDICAL MIGRANTS IN THE UNITED KINGDOM: THE COMPLICATED NATURE OF THEIR BELONGING TO A NEW SOCIETY*

Ewa Słezak

Abstract: The paper aims at analyzing the effects induced by processes of migration of Polish medical professionals to the United Kingdom following Poland's accession to the European Union and their situation in the UK. First, a brief note on the methodology and characteristics of the sample is presented. Second, migration of Polish medical professionals is juxtaposed to existing migration theories. Third, belonging and integration are introduced, to be followed by some striking observations related to Polish medical migrants in the UK. Migrants share their opinions of the receiving society and of their lives in Poland and the UK.

Keywords: *Migration; international migration; transnationalism; diasporas; social integration; assimilation; conflict*

Introduction

In recent years the extent of the international migration of Poles has been rising. However international migration is not a new phenomenon in the history of the nation (Stola 2007). With the growth of migrations there is also a rising interest in migration among various groups of stakeholders, such as scholars, policy makers, politicians and journalists. The medical professionals stand out among the various socio-professional groups migrating out of Poland. In fact they defy all the statistics, as their mobility all across the continents is high, not only in the case of Polish medical professionals.

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In this paper the author wishes to explore medical professionals who left Poland after EU accession and the nature of their belonging and integration practices. Those migrating professionals scrutinized include mainly doctors, such as surgeons and dentists, as well as pharmacists and qualified nurses, etc., who migrated to the United Kingdom in the period between 2004 and 2011. The paper aims at analyzing the effects induced by migration of Polish medical professionals to the United Kingdom following Poland's accession to the European Union and their situation in the UK. First, a brief note on the methodology and characteristics of the sample is presented. Second, migration of Polish medical professionals is juxtaposed to existing migration theories. Third, belonging and integration are briefly introduced, to be followed by some striking observations related to Polish medical migrants in the UK. The question posed in this paper is as follows: what is the nature of belonging of Polish medical professionals in the new society? Are there any traces of transnationality among Polish medical migrants? What integration practices can be spotted?

1. A few remarks to the methodology and characteristics the group

This paper brings some empirical findings from qualitative research carried out among Polish medical professionals who had left the country after 2004 and migrated to the United Kingdom. The selected professionals (20), who had previously agreed to be interviewed (with semi-structured interviews), shared their experiences, reflections in relationship to their motives, intergenerational relations, integration practices and their plans for the future. The initial group was selected based on initial contact with medical professionals' recruiters and doctors already residing in the UK. Then the snowballing principle was used to extend the sample. The two rounds of interviews were conducted among Polish medical professionals in the UK, i.e., in Plymouth, London and Glasgow. This was complemented by additional interviews conducted with some returning migrants in Poland, in Cracow, Gliwice and Wrocław. The group consisted of doctors, mainly surgeons in various areas and anesthetists, as well as some dentists, pharmacists and qualified nurses. Furthermore, it should be emphasized that the topic related to family and the relationships within the families turned out to be a very sensitive area. Some respondents were rather reluctant to discuss the issues related to their immediate families (partners and children), while others treated the interviews as an opportunity to consider, analyze and share

their observations and reflections with an interviewer who was an outsider. Both males and females taking part in the survey presented different migration forms and stages, from emigration decision and plan through temporary labor migration to circular migration. Also some doctors already returned to Poland after some time spent as migrant health workers in the UK. Based on the analyses of interviews conducted within the study a number of commonalities and patterns can be observed. These are listed and briefly characterized below.

First, migration experiences varied. In the sample two main groups of migrants were seen: those who migrated for good with their spouses and adolescent children and those who chose temporal or circular migration with their families and children left behind in Poland.

Second, within the analyzed group there existed a clear gender gap; the majority of doctors were male, whereas the majority of women were qualified as nurses, dentists, anesthetists or pharmacists. This pattern reflects a certain professional segregation in professional specialization which is observed in Poland. Additionally, the majority of female doctors accompanied their husbands and partners, as the males were the leaders in migration decisions. On the other hand it must be noted that there were cases of female doctors being accompanied by partners or lovers, or traveling every other weekend to Poland to see their husbands and growing and adult children.

Third, almost half of the migrants had had several migration experiences before migrating to the UK in 2004. Also half of the sample were forced to return to Poland, usually due to family obligations or a wife's "demand." There was even a case I called a notorious migrant. This lady used to work in the 1980s in Tunisia, in the 1990s in Malta and for the past seven years in the UK, with short spells of work in Poland.

Fourth, the circular or temporal migrants regarded their migration as a way to maximize their utility and thus maximize their resources and human capital. Some of them presented strong organizational skills and excelled in planning their rounds so that they could even spend three to four months a year in Poland, which is much longer than a regular vacation period. Their visits were regular and frequent, even every fortnight, following some favorable employment conditions which gave them access to additional 30 days of study leave which was used in Poland.

Fifth, some of the respondents expressed solitude and nostalgia for being away from Poland. One of the doctors living in the UK on her own made it very clear that some time ago it was difficult for her, but she got used to living

abroad. Employment as a dentist in the UK gave her and her family a very stable financial situation. She also noticed that relations at work were based on partnership. She visited her family as often as possible, even twice a month, and she enjoyed time spent there. Her husband and she cherished their time together, taking into account that it was something precious so they should not argue.

Finally, whether temporal, circular or quasi-emigrants they did not plan their future too much. They appreciated the very favorable conditions that they lived in and their work for reasonable remuneration. If the favorable conditions prevailed they would wish to stay as long as possible. They said that it was unknown what would happen in the future, what it would bring. As their retirement age and pension were a very distant matter they did not plan, but still expected they would probably spend that time in Poland.

Last but not the least, as the sample may be regarded as not completely representative for the population of medical professionals, the conclusions will refer to the experiences and reflections expressed by the respondents and only those identified effects will be discussed. These conclusions could also be seen as a basis for further study.

2. Theoretical explanations for medical professionals' migration

Before we proceed to integration practices and the nature of belonging, the migration of medical professionals to the UK will be set in a theoretical context (Ślęzak 2012).

Since 2004 the UK has allowed migration of individuals from the new member states and attracted large numbers of migrants, also including medical professionals. The migrants have found attractive the possibility of earning a higher income as well as improving their standard of living and the possibility of professional development. On the other hand, particularly in the early days of EU accession, migration was an obvious reason to escape from low salaries and almost poverty, as well as pay irrelevant to their qualifications and long working hours. Thus, the neoclassical macro theory explains the migrations, showing that the existing wage differential between countries underpins our workers' decisions to move to a country with higher wages. As a result of such decisions the labor supply falls and wages increase in the capital-poor country, while the labor supply rises and wages decrease in the capital-rich country (Massey et al. 2001: 3–4, Arango 2011, Greco 2010).

The micro-perspective neoclassical theory also seems to be present in the behavior the analyzed group of Polish migrants. Rational individuals make migration decisions using a cost-benefit calculation which allows them to look for positive returns (monetary) from migration, which is surely the case of the medical professionals. A peculiar form of individual investment in human capital is observed as every potential migrant analyzes the costs and benefits in a certain time horizon. If the net returns of migration for a given destination prove to be positive, then the rational potential migrant decides to move. This is the case of many Polish doctors and nurses who migrated to the UK. In theory it is clear that individual characteristics like skills, qualifications and experience would positively impact the probability of employment and remuneration in the destination country and increase the probability of international migration levels (*ceteris paribus*). In fact these elements usually gave certainty of employment prior to arrival in the UK. On the other hand there were also elements that reduced migration costs like technologies, social conditions and individual characteristics. All the above would raise the probability of international migration, having a positive effect on net returns (Massey et al. 2001, Arango 2011, Greco 2010).

The medical professionals just like any other migrants attempted to estimate potential costs and benefits, along with assigning certain values to them. However, as interviews proved, these were not purely individual decisions made in a social vacuum outside the family and the household of potential migrants. That is why new economics of the migration theory can be seen as much more fit to the social reality of the analyzed international migration. In fact, their migration appears to be a rational decision of the household or of the family as an example of a strategy aiming at maximizing income and minimizing risks, *inter alia*, to loosen constraints related to a variety of market failures apart from those located in the labor market. Surely it may be seen as a household strategy to diversify its livelihood and decrease the risks of market failures, even in the context of absent wage differentials (Greco 2010: 12). This theory is strengthened by the fact that the Polish value their family a lot. Hence, migration decisions of doctors refer to assigning responsibilities to individuals as well as weighing the risks associated with migration to the UK, which was clearly confirmed by the undertaken research.

Interestingly enough, medical professionals who decide to move to the UK would work in high-skilled sectors where they can enjoy the same treatment as that of the local medical personnel in terms of pay, stability, advancement

possibilities and other job characteristics. The most prominent proponent of the dual labor market theory, Michael Piore (1979), argues that international migration stems from the intrinsic labor demands generated by modern societies and economies.¹ Thus immigrant labor is, in fact, inherent to the economic structure of developed countries. Immigration therefore is not caused by push factors of the sending country but rather by pull factors of the receiving country, i.e., the need for the immigrants' labor. The former demand for immigrant labor is seen as structurally built into modern advanced societies and economies, which are often characterized by the bifurcated nature of the labor markets. Furthermore, the health care sector in the UK is a sector where medical professionals from all over the world are employed. There is no social stigma of the "immigrant job" depicted in the cumulative causation theory. The only sign of the labor-market duality occurs in the place where the employment is located. This is often an area distant from London and the southeast of the country where saturation of medical professionals and interests among local doctors and other migrants is lower. In those places Polish work alongside professionals originating from various, distant places. It is worth mentioning here that in the UK, regarded as a main destination for medical migrants, there are more than one third of practicing migrant doctors who had their training outside the country (Greco 2010: 10).

Furthermore, Immanuel Wallerstein's world system theory suggests that what drives migrants to migrate is the demand for labor expressed by capitalist economies. Hence, labor migration is a source of capital accumulation, with poorer countries losing citizens to the benefit of the wealthier ones (Greco 2010: 14–15). Yet, it appears that this theory might be seen as irrelevant to international migration of Polish medical professionals. Although never a colonial state, Poland and its economy, like other new member states and their economies during the change of economic systems and the transformation, had been penetrated in a manner similar to neo-colonial economies. Migration of medical professionals is thus seen as their response to a demand for labor within the health care system, which is expressed by the UK economy.

However, the network theory addresses the important issues related to the migration of Polish medical professionals to the UK. Doctors and other medical

¹ In the original, Massey et al. (2011: 11) use the expression of modern industrial society and economy, which does seem to be slightly outdated. As the present phase of economic and social development is seen as post-industrial and/or postmodern/ risk (see Bauman, Giddens, Beck), the phrase modern societies and economies is used instead.

professionals are active members of various professional networks, where various useful information regarding migration is exchanged, discussed and benefited from. Networks may reduce risks and costs associated with migration and increase expected net returns. Migration is seen here as a self-sustaining diffusion; a quasi-perpetual process expanding over time and place aiming at building a quasi-spider-web of connections and relations, so that almost all interested can move with not much difficulty (Massey et al. 2011: 19). On top of the above, doctors do not lose contacts in Poland; they continue to be active in national professional networks as this is seen as a way to ascertain a safe return if needed. Also when abroad they create certain social networks, usually with people of the same nationality from their immediate working medical environment. Such networks serve as a replacement, sometimes stable sometimes temporary, for the community they left in Poland.

Similarly, the institutional theory to some degree serves an interesting explanation. The space is open to various institutions which sustain international migration, e.g., private employment agencies (Massey et al. 2001: 20–21, Arango 2011). Their recruitment procedures are carried out by specialized recruitment agencies of Polish and UK origin. Their services are highly specialized and they provide interesting information for international migrants, e.g., in some cases they organize migrants' lives at a destination. Finally, non-governmental organizations of a professional character like the General Medical Council, rather than fight exploitation and victimization of migrants, serve as consulting bodies in the country of destination.

Furthermore, in a process of cumulative causation, the growth of networks and the development of institutions supporting migrants' international migration sustain themselves in other progressing ways. They are cumulative as every single case of migration changes the social context where migration decisions are made, usually supporting additional mobility. As jobs and positions of doctors and nurses in the UK are not stigmatized, migration leads to a change of migrants' families' positions in the local community. It also creates shortages of highly skilled personnel and their services. On the other hand, the migration experience is associated with a witnessed change of values, beliefs, perceptions and new perspectives introduced.

Finally, the multidimensional framework adopted by G. Greco (2010: 18–19) further explains international migration as a decision starting in the household where other elements join like social and kinship bonds and other informal bonds. The bonds tie the destination and the country of origin and institutions

shaping the global context. The migration process is regarded as a system of identified and stabilized networks that link countries, a system of two or more countries that exchange migrants. These movements can be explained as an effect of interaction between microstructures and macrostructures, i.e., large scale institutions, e.g., global market forces, migration laws and regulatory policies between involved countries. Medical professionals indeed focus on social bonds and create their own web of networks. Here the networks also include mezzo institutions of a legal, formal and informal character. Surely, macrostructures comprising a regulatory framework and cultural aspects are elements that attract and foster migration of medical professionals to the UK. This framework and the case of medical professionals as migrants might be related to Pierre Bourdieu's habitus. The migrants seem to be making very good use of social capital, in the sense that they effectively manage their material and symbolic resources for their own and their families' benefit. Various forms of bonds and contacts of a formal and informal nature might be turned into obligations crucial to realize goals important to a person. In the case of medical professionals this could be migration itself or it could be a higher standard of living, access to various new opportunities or a new experience, to list a few. Surely, the migrants cannot lack elements of cultural capital, i.e., symbolic knowledge allowing them to comprehend the actions of the social system of their new country of residence. This can be further transmitted as a way of socialization of other new-coming migrants via elements of networking (Szendlak 2011: 246).

3. Polish medical professionals in the UK – belonging and integration

Migrants can expect the occurrence of a number of potential problems related to their citizenship status and belonging when they move. This is so as citizenship is used by the receiving country as a tool to sort out the newcomers, to select those wanted and unwanted, more desirable and undesirable (Baubök 2006: 1). The former might become potential full members of the receiving society, whereas the latter will be a subject of exclusion and even expulsion. Yet the array of choices is vast and it is associated with the integration paradigms and procedures existing in a given society, depending upon the given regime of the state and society. This is the reason why at first belonging and citizenship will be briefly discussed to be followed by integration practices and procedures.

However S. Castles and M. J. Miller (2009: 245–247) ask whether and how migrants and their descendants can be incorporated by the receiving societies and nations. Moreover, how should these processes be facilitated by the receiving societies and nation states? These processes are generally seen as integration in a broad sense. Some policy documents argue that “the aim of social integration is to create a society for all in which every individual, each with rights and responsibilities, has an active role to play. Such an inclusive society must be based on respect for all human rights and fundamental freedoms, cultural and religious diversity, social justice and the special needs of vulnerable and disadvantaged groups, democratic participation and the rule of law. The pluralistic nature of most societies has at times resulted in problems for the different groups to achieve and maintain harmony and cooperation and to have equal access to all resources in society. Full recognition of each individual’s rights in the context of the rule of law has not always been fully guaranteed. Since the founding of the United Nations, this quest for humane, stable, safe, tolerant and just societies has shown a mixed record at best.” (Declaration and Program of the World Summit on Social Development, chapter 4, p. 68, <http://www.unesco.org/education/pdf/COPENHAG.PDF>).

The transition processes bring considerations related to the depth and specifics of this process. The deepest and most thorough is the incorporation of migrants (in fact, immigrants) into the receiving, dominating society, with the loss of the migrants’ identity characteristics such as language and cultural and social characteristics, so that they become impossible to distinguish from the rest of the society. This assimilation process is seen as a one-sided process, where migrants have no other option and have then to adjust. Historically this was the original idea, which with time was replaced with the integration rule. The integration rule is based upon the social integration principle regarding a more gradual process, taking into account mutual adaptation, at least to a certain degree. Hence, it was seen as a process of more subtle and slower assimilation as the complete absorption of migrants into the dominating culture was seen as an ultimate goal. Finally, multiculturalism should be mentioned as a concept which recognized the fact that migrants should have equal rights to belong and participate in all spheres of social life of the receiving country, with no requirement to abandon their own characteristics like culture, religion, or language. Yet conformity to certain crucial values of the dominant culture was expected. The American model allowed for and accepted cultural diversity and the existence of ethnic communities. Yet the state was not seen as a guardian

for the ethnic group or work towards social justice. On the other hand, the Canadian model sees multiculturalism as public policy. The dominating group expresses its willingness to accept cultural differences and the state is obliged to secure equal rights for all the minorities (Castles and Miller 2009: 248–249).

3.1 Belonging – the medical professionals living and working “in between”...

Although medical professionals are in a much better situation than other migrants, their situation is more complex. In general, doctors and other medical personnel in the UK enjoy a high social status and they are appreciated in the receiving society. But there are some indications that they seem to miss out on the fact that they are migrants and some have not learned the specifics of the receiving society and its culture, expecting the same type of relations as they dominate in Poland, in their home society.

“I think that the Polish do not integrate well. But to be honest I think this has to do with the receiving society. The English are not keen on integrating, they are very kind and pleasant, but this is all you can count on. There are no contacts outside the workplace, we do not meet up, and nothing is happening... From time to time we would go to have a pint in a pub after a staff meeting, etc. However, we would not watch or play football or engage in other forms of social activity. The locals would not receive you in their homes as is common in Poland.” (anesthetist J)

On the other hand there are accounts of medical professionals who find themselves well integrated and who enjoy the benefits of life in the new country.

“Yes, I would say that we feel well integrated with the society here, not as much with the city, it is rather a big city. But surely there is some advancement here. Now that we are quite certain we know the place and people, we do not feel as lost as we felt at the very beginning... There is quite a number of international staff in the hospital so it is difficult to state whether integration refers to the local community or to the work community (international one). ...To be honest, I think this is normal. When we arrived I was really lost. At present I know the local specifics...but still feel Polish and this identity is still dominant in me in many ways...” (anesthetist A).

The Polish, however, would expect more dense relationships and interactions with the British, whereas this is not the case. Typically the neighbors would engage in some superficial conversations. Anecdotal evidence shows the following:

“In the morning when I meet them (my neighbors) they return smiles and hellos, discuss the weather... and that is it. Do not expect more. They are strange to me. Completely different from us. This is the way that they are raised. This is

their culture... another thing. They are masters of routine. There is lunch break and it must take place, no matter what..." (anesthetist B).

To sum up, those who reside along with their families, whether they lease or buy new houses in new areas complain about the distant kindness expressed by the English. Their neighbors, contrary to the situation in Poland, are kind but not interested in their situation; there is no discussion (anesthetist J). However, some enjoy and appreciate this distance in mutual contact: "*We have fantastic relations with our neighbors. They do not interfere, they are not nosy and they are willing to help when they are asked*" (laparoscopic surgeon). From the theoretical standpoint these accounts point to the fact that migrants focus on constructing various models of identity in relation to different countries, groups and places (either stakes or ties). The ties might be of social, cultural, religious, economic and political character, with less emphasis on identity but instead on relations and practices performed by individuals. If such ties of an individual are transferred to a higher level, i.e., linked with those of another person, group or community, then they are referred to as stakes (Bauböck 2006: 19 after Christiansen and Hedetoft 2004). Clearly stakes relate to communities formed by the Polish, who seem to wish to develop their own pattern of belonging. It is complicated as their belonging, because of their situation, lies in between societies, cultures, regions, cities, religions, political groups, etc., i.e., it is not rooted in a single society, culture, etc. On top of these dimensions nowadays individuals belong to so-called imaginary communities, social movements and social networks. All of these are socially constructed phenomena, with no clear borders pointing out who belongs or who does not, who is in and who is out, and who stays and who leaves (see Tourrain 1991). As a result the very nature of being a migrant forces each one of them to make multiple choices, multiple social ties, multiple economic and political stakes. On the other hand it varies from their sense of belonging, as this must be set on some factual dependency on an individual's professional and private situation, which gives medical migrants more freedom than most of the migrants.

3.2 Integration practices: workplace and external world

The vast majority of the doctors' contacts are set in the hospitals and institutions they work in. *Being a temporal or a circular migrant makes it worse as they are perceived as travelers who are keen on earning better money, not as much involved, always thinking about their family* (anesthetist – intensive therapist J).

Some doctors see migration as a process bonding people, creating ties. Those ties relate to other Polish doctors and their families in their country of origin. *“It forces people to meet, to bring families together if there are no serious problems. But you tend to seek contact with your colleagues... I work less, earn more, my standard of living is higher, I have more time for pleasures and as there are no other options we medical professional migrants stick together and spend time. We have formed some sort of community.”* (anesthetist B). Then of course the question is whether such dense relations needed by the Polish are good for integration at work and outside work within the receiving society.

Outside, Polish medical professionals in the UK try to build their own networks, inviting other doctors from the area to parties at home, where they complain about their “difficult situation.” Some even find the British as kind and willing to integrate with the Polish as the Polish medical professionals would have expected. The situation of temporal and circular migrants who had left their families, spouses and children at home in Poland, who even attempted life in the UK is even more complex, characterized by temporality.

“I left for the UK first, then my wife joined me. In fact she did not like it during the period we spent there (more than a year and a half) ... She did not work and perhaps this was one of the reasons she did not like life in the UK. We had to return to Poland for me to take my professional qualification exams (specialization)” (orthopedist P).

Some in a rather blunt way argue that it is almost impossible to integrate with the Brits due to their behavior. *“...There is a lack of integration. It is some sort of deficiency of the English. I used to have many contacts with foreigners in Bentley. It was not friendship but we used to enjoy our company. I became befriended with a Spaniard, an Indian, a German, not a single English person, though.... All of them, my friends, or acquaintances were from outside the UK, they were migrants. The Brits seem to be nice and open, but they are not open deep down, there is an illusion of openness, interest in you, kindness. They keep a distance... never invite you to their homes. Never visit other people. They might have some friendships, probably back from school days, but we as migrants are never a part of these networks...friendship is not with us...”* (anesthetist B).

But some manage to have some interaction with the English, even feel integrated. *“We do feel a part of the community. To be a part of the society is perhaps an overstatement. Not a part of the city; the city is such a big unit ... Surely we do feel better than at the very beginning when we arrived. Mind you, there is quite a big group of foreigners at work, so it is difficult to agree whether we*

are integrated with other migrants or with the locals.... On the other hand there are moments that we feel more Polish, when we analyze certain behavior, Polish customs, habits, values are closer to us than those English ones ... It is a matter of national identity.” (qualified nurse).

Based on the above one might conclude that most of the migrants analyzed here, particularly temporary or circular migrants, are trapped between societies which they live in. In this sense we might consider them as being marginalized in both societies as every society has its own characteristic social identities, values, norms, symbols, etc., which distinguish it, as well as its groups, including members, from the rest of the world (Grotowska – Leder 2002: 63). Not all migrants are willing to join these particular groups, or not all will be welcomed by these groups. Some migrants will be kept outside or will be regarded as a threat to the group and order existing within the group, or their participation will be limited by existing barriers. Numerous migrants who, in spite of the initial interests of the receiving country to ascertain integration, often suffer from being such “outsiders” trapped at the borders of the new society. Hence, they will not be able to integrate thoroughly. There is always identification with and loyalty towards the society and the group that they come from, which is very strong in the case of circular and temporal migrants. However, if they wish to integrate in the receiving society, such identification and loyalty towards this new group is required. In the case of many migrants the feeling of living between two worlds, two societies and two groups dominates, making it difficult to be a real member of the old society and a real member of the new society, leading to the emergence of frustrations.

As already mentioned the medical personnel enjoy high social status, so such migrants are not placed on the outskirts of the receiving society. But there are some accounts of marginalization of the groups of medical professionals which is visible. Out of the whole list of Tadeusz Kowalak (1998) clearly there are some deficits of participation in the spheres where it is expected, where the Brits participate. Moreover, as they possess Polish citizenship they cannot participate in national elections, hence they lack rights (power) and the possibility to make use of them. Finally, in spite of excellent language skills they experience communication problems, resulting from cultural differences, as shown above. Particularly important from the perspective of migrants, seen as “strangers” is the lack of participation in spheres of life in which is it commonly expected that they will participate in a receiving society. Participation is understood here as playing roles in their broadest sense, including both undertaking actions and

refraining from them, in producing and consuming, giving and taking, finally having duties and rights. The bases for participation are prescribed in norms typical for a given socio-cultural category, by the material status required to engage in participation, by no barriers to participate (lack of impediments), individual eagerness to participate, and educational attainment. The spheres of participation include important areas such as the labor market, consumption, culture (impossibility to perform standard social roles, viewed as essential by the dominating groups), education (access to literature and art), politics, welfare (social benefits), housing, etc.

Additionally, migrants, whether seen as individuals or as a group, even though a very diversified group, experience degradation of their position to a peripheral status in comparison to the dominating status of the core (central) groups. This might also be related to the fact that migrants do occupy a univocal social position, they are in most cases affiliated with one or more social groups, or belong to two different cultures, often of a conflicting character. Such a situation is also witnessed in a migrant's transition process from one culture to another. Surely, marginal groups lack access to power (political, economic, cultural) in comparison to people situated in the center. Groups with double affiliation or in a transition period from one group to another within a hierarchical society experience a change of norms and values, e.g., migrants from the developing countries in the developed ones. Finally, this limited participation of migrants might often be considered as an example of deviant behavior and migrants as deviants accept stigmatization and behave as social labeling expects them to do (Kowalak after Germani 1998: 23).

3.3 Transnationality and families

Finally, one of the most striking observations on migration is the new form of family. Families are often scattered between countries, societies, regions, hence they experience various problems, starting from a shortage of time spent together and devoted to socialization and upbringing of children, to the phenomenon of Euro-orphans left behind by parents busy with working abroad and earning money.

“... Family relations since we have entered the EU have changed... People leave and migrate, leaving children behind, hence the orphans or, as they call them, the Euro-orphans. Once my daughter approached me and asked:

– Dad, do you know that I am a Euro-orphan?

– I said: a half-orphan to be precise, as Euro-orphan refers to a child left alone

or with grandparents, when both parents have migrated.” (anesthetist – intensive therapist J).

There is often a case of material compensation at the expense of emotional support and involvement. The breakdown of families living in two or more countries is also seen and there was such a case was among the respondents. Dilip Ratha et al. (2010: 9) points to the emotional costs of migrants and their families associated with the separation from the immediate family, in particular in regard to children growing up without parents or with only one parent and experiencing psychological trauma.

On the social side there were a number of social problems encountered in various configurations. The families residing with their children in the UK observed that their children attending schools there (public ones) tend to lose their national identity. Some Polish children who had left the country as adolescents could not merge with the British and did not appreciate the new country and opted to go study in Poland, e.g., in medical schools.

The migrants obviously notice a lack of regular daily contact with their families, even though they try to cover it with regular Internet or mobile communication, which creates yet another virtual community within the family.

“...It is not the same as being close to your child ... My children have their mobiles and they could call me anytime they had such a need. They were aware that I was away, but they could reach me any time with modern technologies. Of course it is not the same as regular daily contact, but as you know children now spend many hours on Facebook with these cameras on, chatting – then our relations were almost the same as relations with their teenage friends, quite modern, I do not see any traumatic impact. Also they benefited as I earned more and I had more free time I could spend with both of them...” (anesthetist – intensive therapist J).

As a result of feeling a lack of real contact migrants try to visit the family as often as possible and use benefits of their employment contracts and favorable regulations towards doctors’ work time. As a result they end up spending ca. three months at home with their families.

“My family lived in Poland during the seven years of my labor migration to the UK ... To be honest the system in the UK is rather simple and predictable. I would know my work plan for six weeks ahead. My colleagues would know the names of patients on whom I would perform anesthesia ... Hence, with proper planning and perhaps some holiday days I would very often have five days off in a row. Just after being on call on a Thursday I would board a plane and fly home on the same day. I would be home in three hours’ time. There were 30 days of holidays

plus additional days of study leave that I would spend in Poland ... I traveled home regularly every two-three weeks for a weekend” (anesthetist – intensive therapist J).

“...We (as doctors) had both holidays and study leave... Altogether it was about 64 days a year. The rounds are organized in such a way that after weekend duty you would have two days off. So by taking two additional days off the whole week was free.” (orthopedist M).

This is quality time, more entertainment and more time spent with family than prior to their migration. In a sense they are far away, but they are in charge, they know what is going on with their families and they want to know the developments in the family members' lives.

“I have two kids, one is 18 and the other is 15. When I left for the UK the younger one was not even six ... It was a very difficult decision. I am not sure what the impact of my migration will be on their lives and development, whether it would bring more benefits or more problems. As I can see it now, I see it as a way to broaden their horizons, they see the world in a different way, something that is difficult to learn living only in Poland ... The problem I had was related to my personality, my style of being and behaving. A lot of people see me as a dominating person in a sense, somebody who is decisive, this is not the best word, in fact the children were afraid of me most of the time ... Perhaps I am straightforward, I do not beat about the bush, but this is my personality – there were some problems with my older daughter – she would be distant – so I hoped that my migration would help us to solve the problem. Now she is 18 and we are finding a way to each other, slowly we are beginning to understand each other. Life is not either white or black, there are some shades and negotiations need to be conducted. She is learning to live. Migration was also related to opportunities that are here (financial) ... On the other hand what is the use of the 15 minutes chat of the parent with a child when they have nothing to share or talk about ...” (anesthetist – intensive therapist J). “Also, if there is a family problem in Poland, UK-based bosses support me and help me to go to Poland when there is a need, e.g., health problems of the family members.” (dentist B).

Once migration is a common decision of spouses some common decisions are made, like reduction of employment in the case of a wife who stays at home with the children, while her husband works in the UK. So basically there is a trade-off between costs and benefits, yet the area of family relations seems to be of utmost importance to all individuals.

Finally, there is the question of what would happen if the offspring living at present in Poland moved to the UK. As long as many doctors treat their

stay in the UK as a temporary work-related issue some do not know what they would do in such as hypothetical situation. The anesthetist argues that “*if my daughter decided to live in the UK, to have a family and kids here, I would have to reconsider whether to come back to Poland or to stay here with her. I would have nobody to return to in the home country. I do not return to my ex-husband or to Polish friends really, do you? The only person I care for is my daughter...*” (anesthetist B).

Conclusion

The growth of migration is surely positive in many ways for individuals, but not for all or in all ways. The feelings of entrapment, life between societies and groups, with multiple choices and identities, often with a suitcase ready to travel, make life and daily decisions complex. There is no doubt that this will affect the interest and will of migrants to engage in integration with the locals and the core of the society. As seen and shown by some examples they do not seem to be willing to assimilate on terms and conditions typical for the English society. They do seem to express a certain superiority, expecting the Brits to really accept the values and modes of behavior of the Poles and to follow their patterns and practices. It seems that migrants expect reverse assimilation in the receiving country, i.e., the nationals of the receiving country to adapt to the migrants' behavior. On the other hand the migrants form alternative communities, Polish-Polish and Polish with other migrants. However what is important is that they do not mix with other migrants, only medical professions and acquaintances of their spouses with higher education attainments. Finally, what stands out is the fact that that they do have strong bonds with the homeland via their immediate family. In that sense it is fair to admit that most of the interviewed medical staff have a transnational family, always having in the backs of their minds their Polish identity and a wish to return when they retire at the latest. Then of course there is the question if there is space for real and in-depth integration or assimilation. In my opinion, looking at this sample, I see no space for assimilation at all and not much space for integration either. They do present a case of extra-territorial citizenship based in Poland. In view of the above I would argue that transnationalism appears to be a dominant process stronger than integration, but its interactions require further study and analysis.

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BEYOND DUTCH BORDERS: A NATION IN TIMES OF EUROPEANIZATION

Jeroen Doomernik

Abstract: Each categorization in population statistics has a bias. Sometimes they deflate and sometimes they expand populations that merit public policy concern. This article discusses the political consequences of policy choices in that respect: notably by the example of Dutch population statistics and the representation of the “allochtoon.” The “allochtoon” (being of foreign origin) was a benevolent creation for it should facilitate monitoring the effects of integration policies. Part of these was easy naturalization. This meant the loss of “nationality” as a statistical marker. Including the migrants’ offspring furthermore rendered “immigrant” useless. However, creating the “allochtoon” also has had unexpected inflationary effects; notably in the public’s perception. First of all, this effect results from the inclusion of the second generation. Secondly: integration policies are exclusively aimed at “allochtonen” with a non-Western background, yet statistical reproduction usually includes all, i.e., also people of Western origin. This inflationary effect is exploited by populist political entrepreneurs hoping to stir concern about alienation in times of Europeanization. The threat of “the others” in the Netherlands is thus easily construed to be much larger than it would be possible if statistics were enumerated differently.

Keywords: Dutch citizenship and naturalization; allochtoon vs. autochtoon; Muslim migration; right-wing extremism

Introduction

Like many nation states, the Netherlands was not always home to a homogenous people. In modern times, the Dutch nation could only exist and survive by considerable tolerance towards religious pluralism, culminating during the twentieth century in what got to be known as a consociational democracy (Lijphart 1968). The term refers to a nation which contains parallel societies, segregated to varying extents, and with little social interaction. All denominations (religious but also political ones like the liberals and the social democrats) were self-contained – each with its own political representatives and infrastructure like schools, universities, unions, hospitals, media, and so on. Equal access to the state's scarce but relatively stable resources guaranteed peaceful co-existence and continuity. This era came to its end with the ascent of individualism in the 1970s. With few exceptions the Dutch no longer consider it relevant whether their neighbors and colleagues are Red, Roman Catholic or Protestant whereas earlier the social distances between these denominations had been virtually insurmountable and so “the others” most Dutch people were most keenly aware of in those days of limited international travel were actually part of “us” as a nation at the same time. The situation has changed dramatically.

The nation saw large numbers of international migrants arriving more or less continuously from the end of the Second World War (not suggesting there had been no significant international migration during earlier periods). This did not in all cases mean that “others” emerged, especially not if these migrants had been part of Dutch colonial elites. In other instances immigrants did bring new cultures and denominations into the country. Their socio-economic integration was less self-evident but initially this did not give rise to significant political concerns and the government's policy focus was inclusive. The past decade changed this. A growing electoral support goes to those politicians who point out imported deviation from the Dutch main stream. Islam is the most frequently invoked. This goes hand in hand with exclusionary rhetoric and policies; in van Houtum and van Naerssen (2002) terms (b)ordering and “othering” and a reshaping of what Geddes (2005) calls conceptual borders. This happens both willfully by political entrepreneurs and as a paradoxical outcome of categorization for the benefit of inclusionary government policies.

At the same time Dutch territorial borders have lost most of their significance as a consequence of European integration. Only the sea ports and

Schiphol airport are still actively guarded borders because they are gates of entry for arrivals from outside the Schengen area (the European Union's member states minus the United Kingdom, Ireland, Bulgaria, and Romania and plus Switzerland with Norway). Although mobility within this area has practically no bounds and immigration in the Netherlands has by and large become European more and more efforts are put into keeping out unwanted migrants from outside of Europe (third country nationals). The borders surrounding the Schengen area obviously have some relevance in this respect. Although legally speaking these are also Dutch, they have little political connection to Dutch sovereignty which at present is primarily exercised through admission, residence and naturalization policies. In other words, governing admission to the system has replaced admission to the territory as such (cf. Geddes 2005). Prospective immigrants who are to be excluded from admission are increasingly the same as those Dutch long-term residents and citizens who are, in turn, the subjects of conceptual borders even though for legal reasons they cannot be all singled out (i.e., the principle of non-discrimination). Dutch measures thus affect wider categories of aliens.

This article sets out to describe and analyze the processes by which this reordering and re-shifting of membership in the Dutch nation occurs; who might be eligible to belong; and who *de jure* belongs but socially speaking is on the outside regardless. The reasoning is much in line with that of Geddes (2005) who identifies close connections between European economic and political integration while access to welfare systems and labor markets to an important extent remain national, and the salience of external borders. He also argues that this in a sense means that borders within the nation – those of an organizational and conceptual nature – stay important or even gain in significance.

Central in his argument stands the distinction between those who are excluded and those who are included by immigration policies. After showing how this works out in the Dutch case, we take Geddes' reasoning a few steps further by discussing the effects of specific institutional arrangements that allow for such drawing of borders *within* the nation's population; i.e., not between nationals and non-nationals. The Dutch case has its specific characteristics but is assumed to be illustrative for virtually universal mechanisms. Indeed, it is furthermore suggested that processes of integration of diverse populations (like the European area of Freedom, Security and Justice) almost by definition demand an increased "othering" of those who are not partners in such a project.

Following Anderson's reasoning, historically economic and political integration went hand in hand with a process of nation building (2006). Whether this is also going to hold true in the European case is hard to predict. And as long as Europeans cannot be sure about who they are as "a nation" at least it is helpful to know who they are not. Here too the scope and implications of the article aim beyond the Dutch case. As a backdrop against which we can discuss these developments, a brief overview of immigration to the Netherlands of the past decades needs to be introduced.

Post-war immigration

In spite of their overall victory, the end of World War II left most European colonial powers weakened. The Dutch case was no exception. Japanese occupation had set in motion a desire among Indonesians to become independent. Initial attempts to counter such development led to an uprising and the deployment of Dutch troops. Still by 1949 Indonesian independence had become unavoidable. Not all of the new nation's inhabitants were equally happy with this outcome and sought to move to the Dutch "motherland." Often these people had been members of the Indonesian middle classes, belonging to or being associated with the Dutch ruling elite. Their arrival was seen as an anomaly, an unexpected inflow of people with a tropical background, but also as a logical consequence of the end of an era. In official discourse these immigrants were referred to as "repatriates" suggesting they all had been born in the Netherlands (Lucassen and Penninx 1997). After Indonesian independence (and that of New Guinea) only Suriname and some Caribbean Islands were left as remnants of the colonial past. From 1954 these had been full parts of the Kingdom of the Netherlands and until today this holds true for the islands of Aruba, Bonaire, Curacao, Sint Maarten, Saba, and Sint Eustacius. Suriname gained its independence in 1975, in the process of which a large section of the Surinamese population moved to the Netherlands. Their numbers further grew during the five years following independence because during that period Surinamese citizens could still opt for Dutch citizenship provided they had moved to the "motherland" before late 1980. By then about a third of all Surinamese people had resettled in the Netherlands, predominantly in the larger cities (van Amersfoort 2011).

Once the Dutch economy had recovered from the Second World War demands on the labor market became such that local employers began looking

abroad for temporary workers. Between 1960 and 1970 this demand became the subject of the bilateral agreements with a number of Mediterranean countries. Among those were Turkey and Morocco, the largest sources of foreign workers and many subsequent migrants after labor recruitment came to its end as a result of the first oil crisis in 1973 (Penninx et al. 1994: 10). Implicitly it was expected that these Mediterranean “guest workers” would return home once they were no longer needed. This did not happen to any major extent and immigration continued, this time of family members of these labor migrants. By the end of the 1970s it became clear to the government that many migrants had settled and therefore their integration should be facilitated. On the one hand this meant that they should have easy access to Dutch citizenship so they could exercise all necessary rights. It also meant that, following the Dutch “pillarization” tradition, they should be encouraged to retain their own culture.

Until the mid 1980s Dutch immigration first and foremost had its origin in these (post) colonial and “guest worker” experiences. Together with the second generation this immigration resulted in sizeable ethnic communities. From the second half of the 1980s continuing immigration from these sources came to be superseded by a rapidly diversifying immigration of refugees and asylum seekers. They arrived from many parts of the economically less developed world and also from the disintegrating and civil war-torn Yugoslav Republic. This immigration dominated during the 1990s, only to lose its significance after the introduction of a strict new immigration law in 2001.

Today, 1.7 million people who live in the Netherlands are immigrants (foreign born) (constituting 10.7% of the population). Adding their off-spring 21% of the Dutch population has foreign roots, or in the terms normally used in Dutch public discourse, this is the size of the *allochtonous* population (something we return to later on) (figures from CBS Statline, 2014). In 2012, 378,000 residents had their roots in Indonesia; 347,000 in Suriname, 393,000 in Turkey, and 363,000 in Morocco. The immigration of people seeking refuge in the 1990s added numerous ethnic communities to the Dutch social landscape.

Presently, immigration from Turkey, Morocco and former colonies has lost its numerical significance. Furthermore, immigration from countries for which restrictions can apply, i.e., non-EU nationals, decreased considerably after 2004, the year in which the Union welcomed ten new members. Since their citizens by now have all gained the freedom to settle in the Netherlands a sizeable share of all

immigration into the Netherlands is no longer subject to any government intervention. In recent years about forty percent of all immigrants were not EU-nationals and less than a third came from non-Western countries. During the past decade net-migration oscillated around zero and in 2013 stood at plus 12,000, largely made up by Polish arrivals (Jennissen 2014). The relevance of Dutch national – restrictive – migration policies thus seems to gradually disappear.

Sorting out natives and newcomers

One of the clearest windows through which to see into the heart of a nation is framed by its statistics, notably those enumerating the population. Countries in which membership traditionally has been characterized by *jus sanguinis* (the law of the blood) assuming ethnic homogeneity and the importance of descent tend to give special importance to the statistical distinction between nationals and foreigners (Fassmann 2009). By definition, citizenship based on ethnicity makes it difficult to incorporate newcomers with clearly different ethnic features. Naturalization thus tends to be difficult and conditional upon the desire to assimilate and blend in. Under those circumstances “immigrants” are the same as “foreigners” for prolonged periods of time and can thus be found in the population statistics. In some countries it is not unusual for the children of immigrants to still be categorized as foreigners because they inherit the nationality of their parents. At the same time immigrants can escape enumeration if they are nationals. The millions of *Aussiedler* (ethnic Germans who are descendants of migrants who left Germany for one of the Eastern European destinations two centuries ago) resettling in Germany are a well-known case in point (op. cit.). In contrast, nations that have nationality law based on the notion of *jus soli* (the law of the land) define membership according to place of birth. This obviously has a much more inclusive effect than *jus sanguinis*. Indeed, countries that are typical representatives of this principle do collect statistics based on immigration (foreign-born persons) and nationality but as a consequence descendants of migrants are not traceable in the population statistics. They thus form an unknown size population.

When the Dutch government in the early 1980s developed its migrant integration policies, as mentioned, these included easy naturalization. At the same time the government expressed an interest in the ability to monitor the long-term effects of its integration efforts – i.e., into the second generation. This necessitated the introduction of descent as a statistical marker. This was

done by the use of the concept of *allochtoon*. The term gained currency once it was adopted by the Scientific Council for Government Policy (WRR) in its milestone report of 1989 titled *Allochtonenbeleid* (Allochtonen Policy) (Jacobs and Rea 2012). The *allochtonous* are currently defined as those residents who are either born abroad and have at least one parent who is foreign born or, if born in the Netherlands, they have at least one foreign born parent (Ibid.). By default, those to whom this does not apply are the *autochtonous*. Because not all immigrant groups are deemed to be in need of government support a further distinction was made between Western and non-Western *allochtonous* people. Westerners are Europeans and others from industrialized countries (for historical reasons including Indonesia). Non-Western *allochtonen* are those who hail from the economically less developed parts of the world.

On the one hand this concept makes ethnicity traceable in population statistics but on the other hand it does so in an imprecise way leading to distortion. For instance, migrants and their children who arrived from Kurdistan or who fled Turkey because they belonged to the Armenian or Assyrian minorities are all labeled as “Turkish.” “Moroccan” likewise includes people with roots in the Rif Mountains and those stemming from the Arab-speaking part of the nation. “Surinamese” is a label under which a heterogeneous people with African, American, Dutch and Asian roots can be found. Needless to say ethnic groups as identified for Dutch policy purposes are also in other ways highly diverse in character and hence also have members with widely differing needs for government assistance. Compared to population counts that are based only on place of birth, the notion of *allochtoon* unavoidably inflates the category of persons in (potential) need of government concern. As mentioned, 11% of the Dutch population are immigrants. Out of those, 705,000 are of Western origin. The remaining one million migrants were born in a non-Western country. It is crucial to note that when we speak about these migrants and their children in terms of *allochtoon* the category all of a sudden doubles in size. Given the fact that one foreign born parent already fulfils the requirements of the definition it includes the children of exogamous marriages, a phenomenon usually indicating substantial social integration.

In political discourse the distinctions between Western and non-Western; migrants and Dutch-born; nationals and foreigners; settlers and temporary migrants; EU nationals and third country nationals; and other possible significant distinctions are more often than not surrendered to the catch-all term *allochtoon*. Obviously, it is not then easy to distinguish what precisely

is meant when using the word in public discourse. Yet, to this author and others (e.g., Geschiere 2009) it is abundantly clear that the term has gradually moved from being a neutral instrument of benign inclusion to one denoting a lack of integration and even to one suitable for pejorative usage. Or as Jacobs and Rea (2012: 46) note “It was gradually bestowed with a connotation of the “non-white non-European Other”. In effect, while they constitute the majority within this category, it also gradually has become a label for the Turkish and Moroccan immigrants and their children who, by and large, constitute the Dutch Muslim community (see also Geschiere 2009: 151). This is especially true for its use in the media but also in political discussion (Jacobs and Rea 2012: 45).

Populism, Islam and the *allochtoon*

Added to the above observations on the diffuse and inflationary nature of the concept *allochtoon* should be a note on the ascent of populist parties in the Netherlands. In the months before the general elections of May 2002 a new political party was founded by Pim Fortuyn; a party he named after himself (Lijst Pim Fortuyn or LPF). One of the issues he was very vocal about and which resonated strongly with a considerable part of the electorate was Islam, immigration and integration. Islam he called a backward culture. Furthermore, he promoted a total ban on further immigration (together with a general amnesty for irregular residents, especially failed asylum seekers). Nine days before the elections he was assassinated. His party nevertheless landed a landslide electoral victory. The government that was formed included a number of LPF ministers but after ninety days it disintegrated, making new elections necessary. While in the new elections the LFP party dwindled, it became clear to many mainstream politicians that substantial political gains could be achieved by following the sentiments voiced by Fortuyn. Notably Geert Wilders, a member of parliament since 1997 for the Liberal Party (VVD, Volkspartij voor Vrijheid en Democratie), adopted a number of Fortuyn’s opinions. Together with his explicit refusal to consider Turkish membership in the European Union these put him at odds with the VVD’s political line and subsequently, in 2004, he left the party while retaining his seat in parliament. In the 2006 general elections he participated with his own party, de Partij voor de Vrijheid PVV (Freedom Party). Out of the

150 parliamentary seats, his party got nine. Since then Wilders can be quoted making statements like: “Islam is not a religion but an evil ideology; Mein Kampf is outlawed – if that’s justified so should be the Quran which likewise is a fascist book”; “because they amount to pollution there should be a tax on headscarves”; “all criminal Muslims should be expelled.” Wilders and his party, furthermore, call vandalism and crime by young Moroccans “street terrorism,” mosques are “hate palaces,” and Islam is a “desert ideology.” During a March 2010 press conference in which he underlines his refusal to accept Turkish membership in the EU “because it would mean more immigration from the Islamic culture” in passing he referred to the Turkish prime minister as a “total freak.” At the same event, he informed the journalists that he preferred to have no further mosques and would applaud the abolition of Islamic schools.

The PVV stands not alone in this but tends to phrase its views more bluntly than most others who participate in the debates about the place of Islam in Western society. Frequently voiced in public debate for instance is an assumed intolerance among Muslims towards homosexuals and inequality between men and women; and their religion being in need of a reformation (similarly to Christianity that needed to become modern) (Mepschen et al. 2010). Dutch morality is more and more conceived in secular terms (Kennedy and Zwemer 2010: 266) adding to the moral superiority invoked by those who see religion in general and Islam in particular as backward. The rhetoric of the PVV intimately links Islam as an assumed threat to modern society with the *allochtoon* being a person who is prone to crime and is a subscriber to different – non-Dutch – norms and values.

Whenever doubt arises about the continued value of the *allochtoon* and *autochtoon* dualism, the PVV is among the first to campaign for its further use. In February 2008 its parliamentarians Fritsma and Wilders asked the following questions to the Minister of Justice (who proposed to abandon the term “allochtoon”):

- 1) *Is it correct you want to ban the words “allochtoon” and “autochtoon” from our language? If so:*
- 2) *Do you expect the misery caused by many allochtonen to Dutch society to go away if we simply stop using these words?*
- 3) *Why do you not want to make the distinction between autochtoon – allochtoon even though the distinction is highly relevant when it comes to crime, street terror, welfare dependency and such?*

4) *Could the Cabinet stop its politically correct driveling and move to deal with the many problems that are largely connected to immigration/integration? If not, why not?*¹

The June 2010 general elections showed that support for the PVV had grown considerably; with 23 seats it had become the third largest in parliament. Wilders' party remained outside the new government but as this was a coalition built upon a parliamentarian minority, tolerated and supported by the PVV it could exercise considerable influence on the drafting of the coalition agreement. This pressure explains, at least to a large extent, why the government pursued such goals as:

- renegotiating EU law pertaining to family migration (in order to raise the legal age for bringing in a spouse and to introduce integration requirements as a condition for a residence permit);
- a ban on burka wearing;
- discouragement of multiple nationalities;
- naturalization becoming the crown upon successful integration;
- revoking nationality acquired through naturalization in case of serious criminal conduct;
- making naturalization conditional for integration (e.g., professional experience, income level or educational attainments);
- turning illegal residence into a crime or offence;
- barring anyone who at any point irregularly resided in the country from ever receiving a residence permit; and
- cutting immigration from non-Western countries by half.

The latter point is particularly interesting because this goal is motivated by the PVV's urge to curtail mass immigration in general and that of Muslims in particular. At the same, as we saw, current immigration that might be subjected to restriction stands at a low level and it seems questionable whether it can be appropriately called "mass immigration." In other words, the construction of an "enemy" or the "problematic others" does not necessarily bear any connection to reality. At the same time it seems typical for the discourse employed

¹ Published on the PVV's website. <http://pvv.nl/index.php/home-mainmenu-1/11-kamervragen/889-voorstel-om-term-gallochtoonq-te-schrappen-kamervragen.html>, posted 25 February 2008, accessed October 20, 2011. Author's translation.

by the PVV to use language that the intended recipient will likely associate with public judgments instead of trying to be as precise as possible in defining political issues. However, it is obviously difficult to criticize Wilders' for using this argument as his party representatives may just deny such intentions in their language use as false accusation. It should be noted that in fact the PVV usually refuses to respond to any criticism and Wilders routinely ignores calls for public debate. As suggested earlier, the term *allochtoon* tends to be used in an inaccurate and generalizing manner. In addition, the PVV proposes to expand the definition of the *allochtoon* category by including the migrants' grandchildren. A PVV parliamentarian on the need for such a widened definition: "Non-Western *allochtonen* are still overrepresented in the crime figures. Next we won't see that any more because they'll be registered as autochtoon. (...) Measuring is knowing." (Volkskrant 29 June 2011). Two of the PVV parliamentarians formulated the following question to the Secretary for Health, Welfare, and Sports in response to media reports that nurses do not report violent abuse:

*Is it correct that cultural differences are often the cause of violent incidents? What will you do to protect nurses against allochtonen who could not care less about our norms and values?*²

Wilders himself usually limits his critical reflections to non-western *allochtonen* – especially the Muslims. On the basis of the present definition Statistics Netherlands already predicts that by 2050 the Netherlands is going to be home to five million *allochtonen* (thirty percent of the total population) (Garssen and van Duin 2009). Adding the third generation this percentage is bound to go up tremendously. If at the same time the meaning of the term *allochtoon* is blurred even more and remains associated with maladjustment, crime and "street terror" this would seem a path towards social disintegration on an unprecedented scale – at least for the Netherlands.

In the Spring of 2012, the PVV terminated its support of the coalition government because it did not want to be responsible for sizeable cuts in the national budget. In November a new government was installed, this time one bringing together Liberals and Social Democrats. Their stated ambition is to run a pragmatic course. Discussions on Islam and *allochtoon* people have joined the economic concerns stemming from the Euro crisis and the high price the Dutch nation is likely to pay for the survival of the Eurozone. This challenge

² Kamervraag 2011Z18965 (vergaderjaar 2011–2012).

overshadows others. Meanwhile most of the policy changes set in motion under the PVV's pressure – criminalization of foreigners without a residence permit and further limitations on family migration – remain unaltered by the new government.

The European Dimension

Until the 1990s the Netherlands was still very much rooted in its tradition of accommodating ethnic or denominational differences. Government interventions were characterized by a strong desire towards inclusion and the downplaying of the conflict potential of such differences. Even though from the mid 1970s onwards the government pursued a restrictive immigration policy there were also considerable efforts made to keep up humanitarian principles in line with international legal obligations. In effect, only few obstacles were put in the way of family migration and the influx of new refugees. This relatively welcoming position gradually changed. Throughout the 2000s, Europe became an area of justice, freedom, and security (to recall a mantra coined by the European Commission) with no internal limits to mobility. While this process developed, it also seemed to necessitate a joint European position towards the rest of the world – a position that had to be based upon shared interests.

Considering what was achieved in terms of common policies on migration and asylum in May 2004 and what is in existence at present, the conclusion is that the EU synchronization has focused on restrictions, border enforcement, and off-shoring of refugee protection. Joint positions on how to make the EU space attractive to immigrants or how to offer optimal protection to refugees remain rare (for instance the widely discussed Blue Card never really got off the ground). The only truly progressive policies are those towards third country long-term residents who have been granted uniform rights throughout the Union and uniformed rights to family migration. Most other efforts serve to cordon off the joint EU territory and define those outside as suspects of possible border transgression. These observations are generally true for all EU states with the caveat that some are (or until recently were) more open towards third-country nationals than others (Doomernik and Jandl 2008a).

The Netherlands is currently among those member states who seek to curtail immigration the most. The mood to do so has found its reflection not only on the outside borders of the EU, where the borders are increasingly “performed” rather than pragmatically managed (Green 2010), but also added

to the salience of internal borders. Some of those are a direct reflection of the hurdles imposed on prospective migrants from third countries and aim at internal migration controls at the gates of the welfare state. This aim is much in line with Geddes' (2005) observation that drawing of borders in this respect serves to differentiate between "useful migrants" and those who are unlikely to be so. Specific to the Dutch case is that this "bordering" is not limited to territorial and organizational boundaries but has also found a translation deep in the folds of Dutch society's fabric by institutionalized means of categorization and conceptualization via *de allochtoon*. The term seems to have become the tool for comprehensive "othering."

Conclusion

Allochtoon was originally devised to target policy efforts and the scientific/statistical evaluation of policy outcomes. Over the years, as integration policy elevated the significance of *being born abroad*, and especially of having a foreign born parent, in many instances it loses its original salience. Furthermore, expanding the label by including children born out of exogenous relationships (e.g., a Dutch mother and a father of non-Western origin) it is assumed that the "foreign" parent's ethnic or other traits are of greater consequence for the child's identity and societal position than those of the Dutch parent. Obviously, this is a problematic assumption. Furthermore this practice leads to an inflation of the perceived number of people in a disadvantaged position. In sum, while in policy terms and for scientific evaluation the relevance of the distinction between *autochtoon* and *allochtoon* decreases, the size of the population considered *allochtoon* increases.

The fact that the size of the *allochtonous* part of the Dutch population increases is convenient for populist political rhetoric for it offers the possibility to identify "a growing problem." It thus comes with no surprise that the Freedom Party proposes to include the third generation of immigrants in the category. The populist parties' framing has furthermore associated these growing numbers with a very specific threat – that of the alleged Islamic fifth column within the Dutch society. Geddes (2005) points to the connections between several types of borders – those that define the nation state and its institutions and those that encircle the joint European Union territory. On the basis of the Dutch experience we might ask whether there is yet another connection. Might not the loss of visible territorial borders and

visible sovereignty, and hence the connection between the political and the practical be fertile ground for the populists who stress the need to defend the nation against the threats from elsewhere. And, in addition, since the state policies largely failed to do, is there not an urge to defend the *true* Dutch people from within as well?

Van Houtum and van Naerssen (2002) show by what means “othering,” ordering, and bordering are shaped and they convincingly argue that these are dynamic processes. As far as bordering serves administrative and fiscal purposes their presence and function do not pose great riddles. This is not so easily explained when we ask why the “othering” within societies has recently gained so much momentum and has followed very particular lines. Nor is it self-evident that the outside borders of Europe should be maintained in such a visible and militant manner as is currently the case. This paper illustrated that institutional arrangements (such as the perpetuation, modification, and potential expansion of the *allochtoon* category) play an important role in the process of domestic “othering.” Furthermore, it suggests that if nations that up until now presented separate countries and state policies are now all part of the constructed European “us,” constructing the “others” entails having characteristics that make one non-European: the characteristics of third-country immigrants and – in varying ways – their descendants.

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BEYOND BORDERS: MIGRATION AND (IN)EQUALITY IN CENTRAL EUROPE IN COMPARISON

Conference Proceeds: Selected Papers

Edited by Daniela Pěničková

INTRODUCTION: MIGRATION TO THE CENTER PROJECT OPENS EUROPE *BEYOND BORDERS*

Daniela Pěničková

The presented papers are a collection of conference contributions. The conference titled Beyond Borders: Migration and (In)Equality in Central Europe in Comparison was both the major and closing event of an 18-month international project Migration to the Center funded by the EU program Europe for Citizens, the International Visegrad Fund, and the Ministry of Foreign Affairs of the Czech Republic. The project examined how the EU Community *acquis* and other instruments impact migration and integration policies, practices, and lives of migrants in Central Europe and beyond. The participatory countries were represented by the following institutions: The Center for Independent Journalism (Hungary), the Institute of Public Affairs (Poland), the Peace Institute (Slovenia), the Human Rights League (Slovakia), and People in Need and the Multicultural Center (Czech Republic), the latter serving as the project coordinator. The project aimed to create an active network of Central European partners and their counterparts from the rest of Europe focused on migration and integration while drawing the attention of policy makers, experts, and the public to the common and country-specific challenges and successes in the implementation of migration legislation across the region. Its objective was to contribute to the cultivation of the migration-related issues debate and create conditions for inclusion of

migrants into the policy-making process. The project covered the following themes considered crucial by the participating countries in the migration and integration process: (a) work and residence permit, (b) family reunification, and (c) study and training in the EU. The themes were explored by each of the project partners via two expert analysis articles, five migrant outputs related to the theme (in a variety of forms ranging from a recorded interview to photo stories, poetry, and short articles), and a national public debate in each country that was recorded and provided with English subtitles. These outcomes have been publicized on the project's web pages www.migrationtothecentre.migraceonline.cz.¹

While the three areas were the basis for the conference theme formation, the objective of the conference was to expand beyond these core topics and bring together research presenting the impact of migration, and migration policy and law application in specific geographical locations and spheres of life. The panelists who ultimately came together at FHS UK shared remarkable success in presenting a selection of case studies representative of the currently most pressing issues in the area of EU migration. These included – the complex relationship between the migrants and employment agencies, both health care related migration and health care access by migrants, defining migrants' human rights in the face of heightened state security control, and migrants' sentiment of social equality and cultural belonging not only to the host society but also to their home community. Also the themes of the right to asylum, free mobility, and the principle of non-discrimination within the EU were explored. The following section offers a comprehensive overview of the selected contributions.

Plan of the Collection

The first two contributions form an important addition to migrant labor studies. In specific ways, the authors explored the dynamic relation between work/employment agencies, migrants, and the character of the EU labor force. **Rutvica Andrijasevic and Devi Sacchetto's** article "Migrant Labor and Temporary Work Agencies: The Case of Foxconn in the Czech Republic" explores the role of the Temporary Employment Agencies (TWAs) in shaping the current work force in supranational plants, namely the electronics producer Foxconn factories situated in Pardubice, Kutná Hora, and Prague. Based on

¹ The MKC web portal's English section includes also video recordings of all conference contributions at: migrationonline.cz/en/e-library?q=Beyond+Borders.

a three-month ethnographic work among the temp workers, the study sheds light on the TWAs' growing impact on both workers' private and professional life and on the current re-formation of cross-border employment and workforce mobility in the EU that goes hand in hand with re-defining the current relationship between the EU national states, transnational firms, and workers. Today temp agency workers present 40%–60% of the entire Foxconn workforce and the authors expect the number only to grow as the market in electronics fluctuates, which contributes to a 25%–30% annual turnover of the core workers leaving job vacancies to be filled. The range of TWAs' activities encompasses all the stages of the labor migration process – from recruitment of the workers in their home countries (Slovakia, Poland, Romania, and Bulgaria) to overseeing their selection, based on penal and medical records as well as work-specific intellectual testing. TWAs are also in charge of the workers' transportation and living arrangements that entail assigning people to different quality dormitories.

By implication of exacting rules and regulations in the dorms (no children permitted, restricted visitation, lack of privacy, and isolation from the outside society) and exercising supreme power over the employment (the workers are employed by the TWA, not by Foxconn), the TWAs play an increasingly determining role both in the agency workers' life experience and in changing the EU production character. The separation of temp agency workers from the outside society is reproduced inside the plants where they are mainly distributed to assembly lines and excluded from the possibility of promotion. Unlike the core workers, they are paid only when working and 2.5 EUR per hour in comparison to 3.5 EUR earned by core workers. The TWAs' coordinators work closely with Foxconn leadership and attend to their needs by customized distribution, re-distribution or withdrawal of their workers. The authors conclude that this expansion of TWAs' responsibilities and privileges fundamentally blurs and redefines the traditional boundaries which placed the managerial responsibilities strictly within the supranational firms (who abide by national regulations) and only the legal matters within the work agencies, thus leaving an ever growing space for TWAs' radius of experience.

Petra Ezzeddine's ethnography “Who Cares? (Ageing, Care, and Migration)”² examines commoditization of carework for Czech senior citizens in the context of gender, migration, and ethnicity while also focusing on the mediating role of employment agencies that sell foreign female labor (carework) to Czech

² Ezzeddine's text is included in the “Articles” section of this volume.

families (employers). She opens up with a brief history of the social context of hiring foreign labor for carework asserting that the Czech society is in the process of social system transformation and is largely perceived as incapable of providing quality institutional care for its senior citizens. Ezzeddine's data analysis first focuses on the exploration of the gendered nature of family care in general. While the post-revolution migration wave from Ukraine was dominated by men, today women make up 42% of the Ukrainian migrants becoming (together with males) the largest group of transnational parents in the Czech Republic, often leaving their own children behind. The fact that it is females in the Czech families who are primarily burdened with the full responsibility of managing care for children and elderly motivates the hiring of female workers when caretaking comes to be beyond the Czechs' physical, emotional, and professional capability. While Czech caretakers may be preferred, Ukrainian workers are more affordable.

The Czech female employers are divided along the economic line in terms of the type of care they buy (the out-of-home care being typically afforded by middle class and the less common in-home care by upper class families) and in terms of the sentiments they display (guilt and dilemma being expressed by the middle-class women as opposed to pride for providing the best standard of care for family expressed by the upper-class women). The Ukrainian ethnicity is preferred over non-European careworkers (i.e., Filipino) as seniors tend to be conservative in having to deal with physical and linguistic otherness. Despite the ethnic familiarity, some of the Czech clients abuse the perceived inferiority of Ukrainians by placing blame on them for mishaps in the domestic environment (i.e., accusation of stealing money, etc.). The last section of Ezzeddine's paper problematizes the migrant and economic status of carework in the Czech Republic. The agencies advertise Ukrainian female services as domestic rather than professional work due to the existing protection of the Czech labor market by requiring locally verified/nostrified professional certification. This creates a social paradox where professionalism and specialized qualifications of the workers (who often possess specialized, but foreign and hard to nostrif degrees) is the foundation of the agencies' success in selling the female labor to Czech employers while the work is compensated only as domestic, unskilled labor. At the same time, the author observes, this de-qualification is in some cases turned by the careworkers into empowerment by perceiving it as a stepping stone to a future medical career despite the fact that the current position involves domestic chores. The second area in which the author views the carework status

problematic is the fluidity and volatility of work and private life boundaries. While giving the careworkers the advantage of reducing living expenses, living with the client may lead to abuse of (often vaguely) defined expectation of work hours and extension of personal emotions to the elderly on the spur of employer's need. Ezzeddine stresses that, despite the hegemonic power relations, the Ukrainian migrants tend to “stick out” the work conditions as their legal residency is preconditioned by a valid employment contract exacerbating their economic and social dependence on both the employment agency and the employer's family fondness.

The theme of health care connects the second set of contributions by Ślęzak and Pěničková depicting migrant experience on the two sides of health – on one hand Polish medical personnel migrating to give health care under more favorable circumstances and on the other non-EU nationals struggling to receive it as migrants in the Czech Republic.

Ewa Ślęzak's study “The Polish Medical Migrants in the United Kingdom”³ explores the nature and socio-psychological effects induced by Polish doctors' and nurses' temp, circular, and permanent (e)migration to British cities such as Plymouth, London, and Glasgow in the period of 2004–2011. The study is divided into three sections. The first part describes the interviewing process and offers a characterization of the participants. Ślęzak suggests that, while the medical personnel vary in type of migration, they display a certain set of strategic planning patterns and socio-cultural commonalities. These include gendered professional segregation (males being doctors and females working typically as nurses and anesthetists; males being the leaders in migration-related decisions, etc.), yearning to maximize professional resources and human capital and being highly skilled in mapping and organizing their work around regular and prolonged visits of families. As the common goal tends to be a complete exhaustion of favorable work conditions, any long-term planning is rare.

In the second section Ślęzak offers a comprehensive overview of existing social theories and their applicability to the process of medical migration. While the classical Wallerstein's world system theory cannot apply, both the neoclassical macro and micro-theories are deemed (partly) relevant. As the medical profession requires active participation in (inter)national professional networks, which greatly enhance successful job, housing, and schooling search, the author illuminates the value of the network and institutional theories (Massey, Arango,

³ Ślęzak's text is included in the “Articles” section of this volume.

etc.), as well as the theory of multidimensional framework (Greco), in which the migration process is regarded as a system of stabilized networks linking two or more countries by the exchange of migrants. The exchange is then explained as an effect of interaction between these countries' macrostructures (i.e., EU migration laws), mezzo-structures (i.e., medical staff networking), and microstructures (i.e., kinship patterns, community ties, etc., affecting the decision-making process).

The third part of the study analyzes the socio-cultural and psychological factors that impact a sense of belonging and integration into both the domestic and hosting society. Ślęzak points out that, while medical migrants enjoy a relatively high economic status, they experience social and cultural marginalization on multiple levels (inability to vote, failure to create a cohort of doctors including the Brits that would interact outside work, etc.). The inability to integrate in the out-of-work social world emerges from the collected testimonies as a particularly strong theme. While some of the migrant doctors identify migration as a source of bonding, they admit this bonding to be primarily with other Polish medical personnel. In addition the temp and circular migrants who often live in the UK without their families seem to experience a double-edged marginalization when both their life in the UK and in Poland is marked by temporality and limited social powers due to continuous transition from one society to the other. The other phenomenon explored under the theme of belonging and integration is the transnational character of the migrants' families. As family members are scattered across multiple countries, the time needed for socialization and upbringing of children by (both) parents becomes severely limited (children being turned into so called Euro-orphans). The absenting emotional support often resulting in parent-child alienation is compensated by material goods and/or by intensive virtual communication. At the same time some of the interviewed migrant parents expressed anxiety about their children's loss of national and cultural identity when the children came to live with them in the UK. Ślęzak concludes that this resistance to assimilation in conjunction with the attempts to integrate into the receiving society on predominantly Polish terms, while utilizing the advantages of transnational employment, in fact, characterizes the overall adaptation processes among the Polish medical personnel.

Daniela Pěničková's contribution "Political Economy of Migrant Health Care in the Czech Republic" explores the historical development of and resistance to change the current legal access to the Czech public health care system by non-EU nationals with long-term residency in the Czech Republic. She opens

her article by stressing that the last two decades have witnessed fundamental changes in health insurance systems worldwide. While nations of Western Europe have come to face unprecedented challenges to their historic traditions of social insurances combined with the private sector, the Central and Eastern European nations have largely followed the suit of adopting private-sector reforms to their formerly socialist health-care systems while retaining the principle of national health care. However, Pěničková claims that the overall trend of change can be characterized by an increasing push for conversion of health into a privately purchased commodity. In the Czech Republic this effort is most vividly demonstrated in the state policies towards migrants from non-EU countries. While general public health insurance is available to all EU citizens and migrants with permanent residency, other migrants from non-EU countries who do not have an “employee status” and who typically work in low-paid, high-risk jobs, or who are students not covered by international agreements, are excluded from participation in the Czech national public-health care (the total estimated number is about 100,000 migrants). They are obliged to purchase commercial health insurance that is often beyond their financial means and due to inability to pay for “extras” it severely limits the extent of their health-care coverage creating an ever-growing pool of uninsurable and underinsured migrants. Drawing on ethnographic testimonies carried out among Russian-speaking migrant families living in the Czech Republic, this paper opens a crucial debate on the role of ethnographic/qualitative research in revealing how the notion of individual responsibility for health has become enmeshed with privatization and commodification of health care. Paying special attention to the life experiences of migrant mothers whose families are burdened with high-cost low-effect commercial health insurance of their children, Pěničková’s contribution highlights the efficiency of anthropological analysis as a tool in paying critical attention to how the notion of health as a fundamental right is asserted, contested, and co-opted and how states and various interest groups within them have coded the notion of restricted health care as a “personal choice” rather than a means of political and racial repression and exclusion.

The following two analyses by Doornik and Gabrielli share the pressing issue of increasing internal division and external separation of EU society by newly defined social and physical borders. While the first account lays out the intriguing history of Dutch formation of the national categorization system through which the society came to be divided along the autochtoon/allochtoon lines, the second contribution focuses on externalization of the EU borders

through the processes of securitization and militarization of the European-African borderland.

In “Beyond Dutch Borders: A Nation in Times of Europeanization,” **Jeroen Doomernik**⁴ points out that the Dutch nation could survive the significant religious, political, and ethnic pluralism of the 20th century only thanks to the consociational democracy. One of the prerequisites for the peaceful coexistence of self-contained denominations, parties, and ethnic communities (formed by post-colonial Indonesian and Surinamese “repatriates” and Mediterranean “guest workers”) was the relatively equal access to state resources. While the perceived significance of belonging to a certain social pillar came to an end with the ascent of individualism in the 1970s, the past decade brought a new wave of “othering” and rhetoric of “imported social deviation” especially in relation to the second and third generation of Muslim migrants. Doomernik analyzes this process in relation to the conscious action by Dutch neoliberal political entrepreneurs abusing the historical system of categorization adopted by past governments to mark migrants eligible for governmental assistance programs. Central in Doomernik’s arguments is the socio-political distinction between those who are included and those who are excluded by immigration policies – a social phenomenon reflected in the *allochtoon v. autochtoon* concept.

The 1980s’ generous funding by the state brought along governmental interest in monitoring the long-term effect of the funded programs. Descent thus became a statistical marker dividing the population into the *allochtoon v. autochtoon* groups. The *allochthonous* people are currently defined as residents who are born abroad and have at least one foreign-born parent or born in the Netherlands and have at least one foreign-born parent. By default, those who are not in this category are *autochthonous*. Doomernik stresses that the category *allochthonous* is largely imprecise, inflated, and consequentially negated. For instance under the “Surinamese” label, the government lists all heterogeneous people with a variety of African, American, Dutch, and Asian roots. Non-Western (third-country) *allochtoons* (as opposed to Western EU *allochtoons*) are often regarded as a category also including their children (despite the fact they were born in the Netherlands), which doubles the official figure to 2 million people. Citing Jacobs and Rea, the author brings forward evidence that the term *allochtoon* has been gradually bestowed with a connotation

4 Doomernik’s text is included in the “Articles” section of this volume.

of the non-White, non-European, and Other. In addition, the term has been increasingly used as an exclusive label for the Turkish and Moroccan immigrants and their children.

This public discourse has been largely perpetuated by the recently emerged populist parties, such as the former party of Pim Fortuyn (LPF) and their current followers (VVD, PVV) who have built their success on the fact that their anti-Islam agenda strongly resonates with a considerable part of the current electorate. The politicians intimately link Islam as an assumed threat to modern society to the term *allochtoon*, which they further associate with a sort of primordial proclivity to crime, backwardness, and “street terrorism.” The author asserts that the pressure parties like PVV exert on the government has contributed to the recently set goals in immigration policies, such as the complete ban on burka wearing, turning illegal residence into a crime or offense, or cutting third-country nationals’ migration by half. In his conclusion, Doomernik contextualizes the situation in the Netherlands within the larger state of European immigration policies. While the European Commission proclaims Europe an area of justice, freedom, and security, with free mobility inside, the unification necessitates a synchronized position toward the rest of the world. In reality progressive integration policies are rare, and the main EU joint effort focuses on restrictions, external border enforcement, and defining those outside the EU area as potential suspects and trespassers. Doomernik offers a view that the reason why the process of “othering” is currently gaining so much momentum might be paradoxically the disappearance of visible internal territorial borders (and hence national sovereignty) in conjunction with economic insecurity and the weakening of the welfare state.

The external border enforcement, its historical development and impact are explored in **Lorenzo Gabrielli’s** contribution “Securization of Migration and Human Rights: Frictions at the Southern EU Borders and Beyond.” His article that exemplifies Doomernik’s theoretical points made in the previous text’s conclusion, examines the recent securitization of migration in the context of the Euro-African border. Gabrielli investigates the interactions between migration flows and the development of external European migration policies in Northern Africa and the barriers they present for application of human rights, specifically the right of political asylum. He states that, while the view of immigration as a trans-border security issue was reinforced with the 9/11 events, the genesis of this phenomena has deeper roots going all the way to the 1970s and 1980s when the EU Western member states’ officials began to

engage in transnational discourse linking immigration to state security, paralleling migration to transnational criminality and terrorism. The discourse became formalized and incorporated first in the regulations of the Schengen Area (1990) and then into the EU *acquis* via documents such as the Amsterdam Treaty of 1999. The author divides the process of migration securitization into two areas. The first involves production and militarization of the new common “external border” that protects and separates the EU member states from the third country nationals. While the control of the external border used to be an exclusive competence of the individual states it is now turned into a common EU policy and large funds (i.e., External Borders Funds) are allocated for its military control (via programs such as the European Border Surveillance System building). Gabrielli emphasizes that, despite major negative consequences of the military reinforcement of border control (e.g., increasing rates of human trafficking and fatalities, etc.), securitization of migration remains the only official approach. This, he claims, is due to the self-reinforcing rhetorical dynamic that sustains the high level of perceived security risk caused by third-country nationals. As a consequence, the external border is becoming a theatrical spot where the EU governments focus the representation of the state control.

The second area of securitization of migration plays out in the form of delegation of migration control into the so-called transit spaces and countries on the African continent, creating a variety of buffer zones displacing the southern European border further south (i.e., police assistance and technical support to reinforce the borders of Northern African countries and creation of agreements controlling migrant mobility by, for example, seasonal migration quotas). In the last part the author sums up the three main areas of impact of securitization of migration on human rights. They include an intensified push for illegal border crossing, shift of migratory paths to areas marked by harsh topographical and climatic conditions, and the inability of applying for political asylum because the exile seekers have a hard time leaving the African continent and cannot apply for refugee status unless on European soil.

The last two pieces of the paper selection offer an important insight into the ambivalence and inconsistency in applying migrant rights. In fact, Hrnčárová’s account of failure to grant asylum seekers free mobility and security, exemplifies the impact of expending social security and militarization of the EU borders explored by Gabrielli. Scheu’s paper then explores the specific case of the non-discrimination principle in migration law and the ambivalent implications of its changing bases.

Nataša Hrnčárová's contribution "Violating the Right to Liberty and Security in the Assessment of Claims for Asylum" examines the contemporary politics surrounding detention of undocumented asylum seekers from countries outside the European Union. It first offers an overview of legally recognized conditions that make a claim for protection under the EU's Asylum Acquis plausible. The author gives detailed definitions of such conditions which center around two situations – "fear of prosecution" and "the risk of suffering serious harm" in the country the seeker is fleeing. The stipulations for asylum seekers' protection are defined by two primary legal documents: The 1951 Geneva Convention and the 1950 Convention for the Protection of Human Rights. The thesis that the paper builds on asserts that the times when the conventions were drafted and came into effect were radically different from the present situation in terms of the level of difficulty to obtain refugee status. While the legal validity and instrumentality of the documents has not changed, the EU member states are increasingly reluctant to grant asylum to people coming from the so-called third countries. Hrnčárová's text makes a comprehensive summary of the most controversial practices debated and contested in regard to the process of assessing applications for asylum.

She underlines that in principle no refugee who has entered an EU state without a valid permit or even under potentially suspicious circumstances should suffer any administrative sanctions and restrictions of freedom of movement should be applied only under exceptional circumstances. However, the legal cases she lists show that it is not infrequent that applicants are detained and deprived of basic human rights, specifically their right to liberty and security, while waiting for their situation to be resolved. By these giving specific examples, her paper points out the variability in interpretation of the purpose for detention across the EU states and courts, as well as the challenge of synchronizing the convention's stipulations of protection with the states' domestic law. The court cases reveal the frequent failure to inform the detainees of their rights, including their right to access the judge and to obtain information about their situation's development. Often it is not seen to it that the principle of keeping the time of detention to the shortest period possible is observed. A special section of Hrnčárová's contribution is dedicated to children who are either threatened to become victims of detention or suffer from separation upon the detention of their immediate relatives. The examination of the efficacy in applying the non-arbitrary character in detention and the necessity to distinguish between an asylum seeker and an irregular migrant bring the list of the most pressing issues

in the recent processes of asylum-granting to a close. Hrnčárová concludes that, if the current tendency to tighten the EU external borders continues, the number of unlawful, questionable, and unnecessarily prolonged detentions of undocumented migrants can be only expected to escalate.

Harald Scheu's paper "The Status of Citizens and Migrants in Light of the Non-Discrimination Principle" illustrates on the example of the *non-discrimination principle* that migration presents one of the most complex human rights issues in our time. The non-discrimination principle then directly impacts the standards of European migration law. In 2009, the United Nations' Committee on Economic, Social and Cultural Rights confirmed non-discrimination and equality to be two fundamental components of the international human rights law applying to everyone including refugees, asylum seekers, stateless persons, migrant workers, victims of trafficking, and other non-nationals regardless of their legal status. However, the author points out that the application of the principle in the legal framework of the EU is even more complex than in the arena of traditional international human rights law. He asserts that this is due to the two generations of anti-discrimination standards. While the first generation was based on economic considerations (fundamental market freedoms) and pragmatic considerations of reciprocity among the EU member states, the second generation of non-discrimination rules is rooted in human rights law. The intergenerational dividing lines are the Maastricht Treaty of 1993 and the Amsterdam Treaty of 1997.

Scheu's account offers a depiction of the shift between the two generations and its impact on the rights of migrants in the EU. For one, the EU law has changed the dichotomy of citizens and foreigners in favor of Union citizens and since 1993 it expanded the privilege of free movement from economically active citizens (workers, businessmen) to students, retirees, and unemployed EU members. Furthermore, while national citizenship still yields some privileges (i.e., certain job positions, voting rights in national elections) the legal status of Union citizens has been approximated to it. He points out that the Amsterdam Treaty widened the prohibition of discrimination on grounds of nationality to all human beings, including third-country nationals. At the same time problems with applying the principle remain. While the Committee on the Elimination of Racial Discrimination's General Comment No. 30 calls for avoiding the expulsion of non-citizens and granting equal rights to citizens and non-citizens in the areas of education, housing, work, and health (based on the Directive 2000/43/EC), it admits that EU states may refuse to offer jobs to non-citizens

without a work permit, which, however, presents a precondition to the migrants' right to residency in the EU. Concluding with a case study in which the Belgian Center for Equal Opportunities and Opposition to Racism brought proceedings against the Feryn Company due to their refusal to employ Moroccan workers, the author points that conceptual consideration of the second generation of the human rights based on non-discrimination principle leaves out a large space for privileging Union citizens in practice.

The presented paper selection addresses the key areas of migration in Central Europe and the larger EU region. It reflects the most pressing issues generated by the process of economic and political migration while disclosing the roles and responsibilities of the most influential agents – the extending powers of employments agencies, discriminatory private employers (Foxconn, Czech families, Belgium Feryn Company, etc.), divisive state policies (the Dutch *allochtoon v. autochtoon*), and EU member states' laws excluding migrants from national health care or violating international human rights to free mobility and security. Transcending the territorial boundaries of states these issues instill a deeper understanding of how global, national, and supranational factors converge on the lives of migrants in particular local contexts. In this sense the papers contribute to the body of political economy and global studies research and literature and call upon the expansion of cross-national human solidarity.

BEYOND BORDERS

Migration and (In)Equality in Central Europe in Comparison

Migration to the Centre Conference

Organized by Multicultural Center Prague (MKC Praha) and
Charles University – Faculty of Humanities (FHS UK Praha)

January 23–24, 2014

Where: FHS UK Building (Room # 1034), U Kříže 8,
158 00 Prague 5 (Metro B: Jinonice stop)

For Whom: Scholars, NGO specialists,
political activists, state officials, migrants
and their representatives, and the public

Partners: People in Need (CZ) and the Visegrad
Group represented by the following institutions:
Center for Independent Journalism (HU),
The Institute of Public Affairs (PL), The Peace
Institute (SLO), and The Human Rights League (SK).

Language of Communication: English (official),
Czech (via interpretation)

Conference Info & Registration: Dr. Daniela Pěničková at:
daniela.penicikova@mkc.cz

Workshop Registration: Bc. Veronika Střechová at:
verca.strechova@seznam.cz

Sponsors: The EU's Program – Europe for Citizens,
Visegrad Fund, and Ministry of Foreign Affairs, Czech Republic



More Information about the Migration to the Centre Project at:
<http://migrationtothecentre.migraceonline.cz>



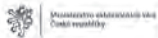
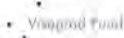
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MIGRANT LABOR AND TEMPORARY WORK AGENCIES IN THE CASE OF FOXCONN IN THE CZECH REPUBLIC

Rutvica Andrijasevic and Devi Sacchetto

Introduction

The role of TWAs, whether formal or informal, has been commonly seen as connected to the demand for temporary and flexible labor determined especially by seasonal aspects of production. While this is certainly true and we could observe the fluctuation of migrant workers depending on production needs, what we would like to suggest is that the role of the agencies cannot be reduced to that of supplying workers based on just-in-time production. In the case of Foxconn the role of the TWA is not only a help to meet shortages or a form of probation, after which agency workers should be hired with direct contracts. Agency workers are a steady and fundamental part of the Foxconn workforce, with a strong labor turnover.

The literature that explores the intersection between a TWA and migrant labor in Europe is rather scarce and tends to focus on the role of the TWA in recruiting migrants already in the country of destination rather than on the migration process in its entirety (see McDowell et al. 2008, and McKay and Markova 2010). The TWA facilitates cross-border migration and employment with a variety of roles, services and activities to a much broader and varied chain of recruitment and management of migrant workers than initially proposed by Coe, Jones and Ward (2010). These diversified activities performed by the work agencies are explored in the context of Foxconn manufacturing plants in the Czech Republic due to the electronics industry's heavy reliance on temporary agency workers and Foxconn's familiarity with large-scale deployment of internal migrants at its Chinese factories (Chan et al. 2013).

TWAs move groups of workers from their homeland directly to the factory depending on the demand for labor, matching the need of Foxconn on a just-in-time basis. In this way TWAs channel groups of migrant workers to plants,

playing a role of a decrease of autonomy of migration on one hand and helping migrants to find a job without loss of time and money. International temporary work agencies in Europe move labor across different territories, facilitating movement of migrants across national borders. (McDowell et al. 2009). TWAs broaden national labor markets by creating new differentiated niches which can be mobilized on demand, like a prosthesis.

Some authors suggest that temporary workers are the most vulnerable to extreme forms of exploitation (McDowell et al. 2009; Barrientos et al. 2011). We think that this view is not able to represent the experience of migrants fully. Through TWAs migrant workers can in fact broaden their labor market chances, flowing in new areas. From this point of view, TWAs construct a market, but migrant workers also contribute to this construction. Obviously, as Tyner (1998) notes, TWAs contribute to the racialized and gendered patterns of labor migration. But TWAs also permit workers “to move quickly to ‘better’ jobs, thus demonstrating individual worker agency” (Enright 2013: 296). The reshaping of the spatialities of worker mobility provoked by TWAs is counter-balanced by the chance for migrant workers to use different networks, informal and formal, or different TWAs to look for a job. As Rogaly (2009: 1975) notes, “Capital sought its own ‘spatial fix,’ but so did labor.” For the laborer, in any case, moving is not an easy choice because he/she is embedded in a social context and has a specific language. Spatial mobility for workers is linked not only to better wages, but also to other elements, as for example the desire to run away from patriarchal pressure. So the mobility of labor is not only managed from multinationals or a TWA, but is a field of struggle because a migrant worker is not a docile pawn but an individual who tries to construct his/her life.

Research Context, Method and Data

This paper draws from the ethnographic study of the Foxconn assembly plants in the Czech Republic, which is the hub of the export-oriented electronics industry and Foxconn’s most important European site. Radosevic (2004) notes that, among emerging markets, Central and Eastern Europe (CEE) has developed into the second tier global location in the electronics industry just after East Asia due to regional competitive advantage factors such as low labor costs, skilled labor and proximity to the EU market.

Foxconn entered the electronics market in the Czech Republic in 2000 when it acquired in Pardubice, about 100 km. (about 62 miles) from Prague,

a pre-existing socialist conglomerate's infrastructure belonging to the Tesla Group, and then, seven years later, built a new factory close by in Kutná Hora. One of the incentives was a ten-year tax holiday that Foxconn received from the Czech government (Bormann and Plank 2010: 41). Both plants assemble desktops, laptops, servers and printer cartridges for major brands such as HP, Sony, Samsung, Chimei, Innolux, Cisco and also, until a couple of years ago, Apple. Combined, the two factories employ either directly or indirectly about 8,000–9,000 workers and rely heavily on agency workers for the assembly-line operations.

The fieldwork on which this article is based took place in February, June and September 2012 and the authors conducted interviews with workers and key informants predominantly in the city of Pardubice where Foxconn's main plant is located and to a lesser extent in Kutná Hora and Prague. The main body of data consists of 48 interviews with Foxconn's workers aged 25–65 and employed directly (23) as well as via a TWA (25).

The authors relied on the translation provided by the two research assistants as the majority of interviews were conducted in languages other than English, so field notes became a crucial tool both for recording key aspects of the interviews at the end of each day and, as the fieldwork progressed, for noting down more reflexive observations and discussions.¹

Managing the Migrant Labor: recruitment and organization of mobility

Foxconn started to make use of agency workers in late 2004 when the Czech government passed a new employment act (Hála 2007). At the Pardubice plant, 2000–2500 out of 5000–6000 are agency workers; at Kutná Hora, the number is 1000–1500 out of a total of 2500–3000 workers. The percentage of agency workers is steady at about 40 per cent but at times it may reach a high of 60 per cent as it happened in 2009 (Bormann and Plank 2010: 41). Foxconn's reliance on agency work takes place in a context of the market uncertainty and fast turnover of core workers. With a labor turnover of about 25–30 per cent per year and high levels of seasonal fluctuating production, the importance of temporary agency workers becomes evident.

Foxconn relies mainly on three TWAs: Xawax, Express People and VVV Tour. Xawax supplies most of the workers for the Padubice plant while Express

¹ We would like to thank Marek Čaněk and Tereza Virtová for their assistance in the field.

People provides workers predominantly for the factory in Kutná Hora. Each agency specializes in the recruitment of a particular nationality of workers, although sometimes they might also recruit workers of others nationalities: Xawax works mostly with Romanians, Express People with Slovaks and Poles, and VVV Tour with Bulgarians. The divisions are steady and Foxconn does not seem to change agencies frequently: the only change since 2004 has been that Xawax has replaced VVV Tour as the largest supplier of a temporary workforce. Whether the workers are Slovaks, Romanians, Poles or Bulgarians, all three agencies operate in a similar manner.

TWAs achieve the availability of a temporary work-force, as we can see, by keeping short the supply of “labor-chains,” relying heavily on cross-border strategies, and operating a selection and training of workers. Agencies recruit and select workers directly in their countries of origin via on-line and newspaper advertisements. There, the TWA provides potential workers with initial job information and selects workers based on a medical certificate and his/her penal record as well as through basic math and logic tests. Recruitment modalities happen rather quickly: some workers say they were recruited just a few days before starting to work at Foxconn. Apart from responding to an advertisement placed in the local newspaper or on the Internet, migrants also contacted work agencies as they had a friend or a family member who was working at Foxconn, and whose migration was also facilitated by the TWA.

Transport to the Czech Republic is organized by the agencies, too. By using coaches or mini-vans and stopping at several points to collect other workers, agencies move workers from their countries of origin directly to the Foxconn plants in the Czech Republic. There workers are divided into local coaches and distributed into dormitories, all of which are off-site and about 20–30 minutes drive from the factory. These operations typically take place on the weekend: buses arrive at Foxconn on a Sunday afternoon and, on a Monday, workers begin their work at the plants. Apart from bringing workers to the Czech Republic, TWAs also organize workers group transportation back to their country of origin (and then back to the factories again). Such group-organized movement permits agencies to secure workers presence and avoid late returns as it might happen when travel is undertaken on individual basis. TWAs’ organization of workers’ movement is related to Foxconn’s production needs. In the periods when there is no sufficient work, agencies transport the workers back to their countries of origin where they wait for the production to resume again.

The ability to move workers across national borders needs to be considered in relation to the EU enlargement process. Frequently criticized for creating stratification and hierarchies of citizenship due to temporary exclusion of Eastern European nationals from the common EU labor market (see Rigo, 2005), the EU enlargement has also enabled EU-wide labor mobility of nationals from the new member states. It is this newly acquired right by the new EU nationals to move and work across the EU that TWAs rely on and, at the same time, attempt to capture, channel and put to work.

The role of the state and a supranational institution then, even when the firm, workforce and recruitment are transnational, remains a crucial one and suggests the importance of examining what Peng (2011: 727) has called the “interaction between ‘production politics’ and ‘state politics’” for the labor process. As the right of new EU nationals from Eastern Europe to move and work in the enlarged EU enabled agencies to recruit workers in Slovakia, Poland, Romania and Bulgaria, it also limited the access agencies previously had to workers from non-EU countries. Since 2012 agencies are not permitted to lease non-EU workers to client firms and those non-EU nationals who are already employed need to renew their work permits every six months instead of every one or two years as before. This creates a bigger administrative burden and risk for employers and it has changed the composition of the migrant workforce at Foxconn so that the numbers of workers from Mongolia, Ukraine and Vietnam employed through direct contracts have decreased, and those of agency workers from neighboring EU countries have increased. Foxconn vitalized the basin of recruitment based on a “communist language.” The old institutional and migrant relationships among ex-, or still-, communist countries remain fundamental to improving the flow of workers to recruit.

Management of the workforce inside the factories

Scholars have pointed out that the triangular employment relationship fragments the workforce as the core and agency workers share the same production space, but do not share the same employer and have different wages, rights and benefits (Davidov 2004). This separation is visible at Foxconn’s plants where migrant agency workers are employed mainly on the assembly line and core workers who are predominantly Czech nationals, in positions such as foremen, group leaders, and supervisors. State regulations in relation to TWAs play an important role in sustaining this fragmentation. One of the

main important differences is linked to wages because Foxconn employees are paid around 3.5 Euros per hour and earn 550–650 Euros per month, but temporary workers are paid only when they actually work and have to make do with 2.5 Euros per hour and a monthly pay packet of 400-500 Euros. The low wages are a key incentive for maintaining high productivity levels. Workers can increase their wages through additional bonuses when they reach their production targets and through overtime. At the same time temporary workers work only in 12-hour shifts, day and night. Foxconn employees work with different working shifts such as 8- or 12-hour shifts depending on the tasks performed.

The links between Foxconn and TWAs are rather close, which is best noted by the fact that Xawax, the TWA that supplies most of the workers to Foxconn in Pardubice, has its offices within the factory complex. Inside the factories, agencies play an active part and are responsible for the quality, quantity and timing of the work performed by agency workers. The key figure in the agency is the so-called coordinator of production or line-leader. The role of the coordinator is to distribute on a weekly or daily basis the agency workforce based on factories needs: he or she attends meetings with Foxconn so as to have a clear idea of how many workers are needed on what shift, in what positions, for how many hours and who the workers are that Foxconn managers would like to have again or whom they do not want. Additionally, the agency coordinator is in charge of agency workers' performance on the assembly line.

Given the fact that the coordinator needs to interact with the agency workers and that most of these are non-Czech speakers, the coordinators are usually of the same nationality as the workers and also speak (some) Czech so that they can interpret when needed. The coordinator is hence responsible for agency workers' performance and provides workers with their uniforms, which are color-coded in order to distinguish core workers from agency workers; this becomes key in situations of low production when agency and core workers might end up working next to each other on the same line. We have to note that agency workers are paid only when they are working, so Foxconn prefers to use core workers when the production slows down.

The roles performed by the coordinator certainly confirm the idea of the duality of control in that both the client firm and the agency exercise control over workers. However, the involvement and responsibilities of the coordinator also cast a new light on the role of the TWA in relation to the production. Commonly, in a triangular employment relationship that regulates the interaction between

the client firm, the TWA and workers, managerial responsibilities for the production are with the firm and legal with the agency (Purcell et al., 2004). However in the case of agency workers at Foxconn, the boundaries between responsibilities that lie with the agency and with the client firm become blurred as TWAs are in direct charge of organizing, controlling and managing of agency workers' performance on the assembly line.

Management of the workforce outside the factories

The segmentation of the workforce inside the factories is replicated even outside thanks to dormitories that play a key role in relation to TWAs' management of the workforce. Czech workers are residents and they live in houses and apartments in villages and cities close to the factories, while migrant workers are housed in dormitories and separated on the basis of their nationality. This means that Czech and migrant workers live in spaces that are becoming more and more segmented and racialized. The role of TWAs in managing space and time is crucial because they build forms of pigeonholing from which workers struggle to emancipate themselves. We suggest therefore that the organization of production and reproduction takes place through Foxconn and the TWAs and that both produce a compression of space in order to respond to the temporalities of the just-in-time production. Just-in-time production is managed through the control of the workers' time and space inside and outside the shop floor. To fulfill an order, Foxconn can compel workers to change shifts or to do overtime. The low wages and the accommodations without any kind of family responsibility – because in the dormitory it is not possible to host children – push the workers to accept overtime.

In Pardubice, dormitories are located off the factory site and across town. In the past these dormitories used to be hotels, army barracks or ex-factory accommodations. The dormitories vary in size and can host from a couple of hundred to a thousand people and each dormitory is mostly rented out to one agency. The dormitories can host workers employed in different enterprises. The dormitories vary when it comes to level of comfort and cleanliness. While it is standard to find four workers per room in several dormitories, it is the availability of a connecting bathroom and kitchenette that radically differs from dormitory to dormitory.

The allocation of workers in each dormitory as well as their distribution in rooms is also managed by the agencies. The agency employee in charge of this

distribution is known as the “coordinator” for dormitories: he or she allocates workers to the rooms on the basis of their nationality, keeps the discipline and cuts down on any excessive behavior such as drinking, partying or bringing external guests into the room. Additionally, the TWA staff organizes agency workers’ transport to the factory by using smaller or larger vans or by driving them personally when extra workers are needed on a shift.

In the context of Foxconn’s production in the Czech Republic, dormitories play a key role with respect to a TWA’s management of migrant labor. This questions the uniqueness of the Chinese dormitory labor regime, identified by Pun Nagi and Chris Smith (2007), and suggests that in the Czech Republic as much as in China, large-scale factory production that relies on migrant labor is organized in such a way as to combine the space of work with that of residence.

The Overlap of Production and Reproduction Spheres

As discussed in the previous sections, the activities of the TWA extend to encompass all of the stages of the labor migration process: recruitment, selection, cross-border transportation, work and living arrangement, and returns of workers. This wide reach of TWA activities and roles has a significant impact on the triangular employment relationship as well as for the theorization of this relationship.

Dormitories are fundamental to a TWA’s management of migrant labor as well as to the TWA’s ability to meet Foxconn’s demand for a flexible and temporary workforce. Dormitories facilitate cross-border labor mobility and provide a place of socialization and exchange of information between workers. This is especially important at the moment of arrival when workers are struggling to orient themselves in a new environment. At the same time, however, dormitories also make it possible for agencies (and Foxconn) to keep the workers under permanent and discreet control and to extract additional labor from workers.

In order to escape such forms of pressure, some workers move to private flats where they feel more independent and less controlled. When workers move into flats, agencies contribute 3000 Czech crowns (CZK) or approximately € 115 (US \$154) towards the rent and the workers put in the rest, namely another € 150–250 (US \$201–\$269). In order to qualify for the contribution, workers need to work a minimum of 150 hours per month.

It is not uncommon for workers to have to wait for a week in the dormitory without work. In light of fluctuating production needs, it is dormitories in fact that make it possible for the agencies and Foxconn not to put workers to work for several days without the risk of having to deal with a shortage of workers. Dormitories and flats are therefore keys in constructing and maintaining a pool of a stationary workforce marked by the feeling of what Gregg (2011) has called “work’s intimacy,” namely the anxiety that results from the anticipation and always potentially being ready to work. Moreover, as no children are permitted in the dormitories and hence no disruptions are caused by the needs of schooling or parenting, the dormitories place workers outside the regular cycles of the reproductive sphere and orientate all activity towards meeting the production needs of the client firm. The only kind of reproduction that agency workers are allowed is, in fact, manufacturing. Migrant agency workers are both removed from home life that might act as consolation in between periods of paid work as well as detached from a possible form of a generative community as their non-work sphere is completely controlled by the employer. The dormitories therefore make visible the interdependence of the production and the reproduction spheres when it comes to interaction between TWA, Foxconn and migrant workers and hence the significance of extending theorizations of the triangular employment relationship beyond production proper.

Managing migrant labor through a TWA permits Foxconn to compress time-space elements to produce just-in-time, but also to prevent organizing workers. In fact, the space-time compression slows down the rise of collective protest because workers have little time to organize themselves and are disoriented.

Conclusion

Migrant agency workers at Foxconn plants in the Czech Republic are hired on a succession of temporary contracts that do not lead to a permanent contract; they work extremely irregular shifts and are always on call, and are fired quickly without rights of appeal for reasons such as illness or seeking advice from an NGO. They are not able to join the trade union at Foxconn because legally their employer is the TWA and not the client firm and, if they are fired, they lose their right to stay in the dormitory and need to vacate within 1–2 days time, which results in their having no income and no place to live either.

When orders from Foxconn’s customers decrease in number and there is not much work, TWAs transport migrant agency workers back to their countries

of origin without a guarantee that they will be called back when a new order comes in. While it is important to acknowledge that being transported back home might also favor workers as they can look for work elsewhere and with a new employer, what this paper wanted to bring to the fore is that the ability of TWAs to intervene along all of the migration and employment process, meaning to recruit, hire, transport, lodge, control at work, fire and repatriate the workforce creates a labor regime where migrant agency workers, despite their large numbers, “disappear” from a client firm’s official workforce or, as a Foxconn manager put it, “They do not work for Foxconn.”²

This “disappearance” is enabled by that fact that, in the triangular employment relationship, a worker’s employment contract is contingent on and derives from the business contract between the firm and the TWA, a situation which shifts the balance towards the commercial rather than the employment realm. The most tangible aspect of this “disappearance” is that agencies transport workers away from the Czech Republic and back to their countries of origin when the production is low or when they fire workers and hence literally make them disappear from the site and process of production. This in turn keeps the migrant agency workers out of the reach of the trade unions and pre-empts potential acts of disobedience and/or of workers’ collective actions. Equally important is the TWAs’ intervention into the sphere of reproduction via the system of dormitories and intrusions into workers’ life outside the factories. TWAs therefore certainly play, as Coe et al. put it (2010: 1063) “a key role in the construction and making of the markets,” but agencies are equally pivotal in the construction of the mode of life/existence that fully subordinates reproduction needs to those of production. This implies that a scholarly analysis of the triangular employment relationship and the role of a TWA herein needs to encompass both the linkages between the production and the reproduction spheres as well as an outlook on the living and working conditions of a migrant labor force that is not confined to the national territory of the destination state. To say this differently, in order to account for the changes brought about by a client firm’s use of a TWA and of temporary migrant labor, investigation and theorization of the triangular employment relationship require scholars to look beyond the factory doors and the nation-state borders.

² <http://www.heise.de/ct/artikel/Shenzhen-an-der-Elbe-1960336.html?artikelseite=7>

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POLITICAL ECONOMY OF MIGRANT HEALTH CARE IN THE CZECH REPUBLIC

Daniela Pěničková

The present time is marked by flux in the conceptualization of social relations and the organization of health care. The last couple of decades have witnessed fundamental changes in health insurance systems worldwide. Despite the fact that Western European countries have experienced an unexpected number of problems with their systems of social insurance combined with the private sector, the post-communist countries have largely followed the suit of adopting private-sector reforms to their formerly socialist health care systems while keeping the concept of national health care. However, the private health care policies adopted by some of the post-socialist governments directly breach basic human rights and are in conflict with the current EU non-discriminatory principle of foreign law. They are, in fact, conceptualized as primary boosters not for private but for national economies. In the Czech Republic this tendency is played out by state policies towards migrants from non-EU countries. While general health insurance is available to all EU citizens and migrants with permanent residency, migrants from non-EU countries who do not have the status of an employee or who are students not covered by international agreements are excluded from participation in the Czech national health care system. Drawing on the author's ethnography carried out among Russian-speaking migrant parents living in the Czech Republic and on case studies and information gathered by the Consortium of Migrants Assisting Organizations in the Czech Republic (of whom the author is a member), this contribution opens a crucial debate on the process of individual responsibility for health becoming enmeshed with privatization and commodification of health care based on ethnicity and migrant status.

The phenomenon of migration in the Czech Republic has gained a new significance since the change of the political regime in 1989. In 2012 the Czech Statistical Office registered close to 438,000 foreigners in the country. Only

about 160,000 migrants come from EU member states.¹ This means that approximately 64% of all migrants come from countries outside the EU – the so-called third nations. About half of these people are migrants with permanent residency and their number has remained relatively stable over the past several years. The rest are foreigners with a long-term residency visa – a population that is growing annually. Therefore, the socio-economic and cultural integration of this pool of migrants has been one of the major focuses of immigration policies. The integration policy in the Czech Republic has gone through three stages that have some bearing on the development of the migrant health care policies. According to Baršová and Barša's analysis (2005: 231–237), the first stage (1990–1998) spurred out of socio-political changes in Europe when the Czech Republic repatriated some 1,800 Volynian Czechs in the years 1991–1993 from the Ukrainian and Belorussian areas, especially those affected by the Chernobyl nuclear power plant explosion of 1986 on the Ukrainian side. The second stage also included the period of the Bosnian War (1992–1995) when close to 11,000 people found temporary refuge in the Czech Republic. Consequently this stage was marked by providing immediate medical assistance to the Bosnian and Herzegovinian refugees and victims of war as well as temporary housing, courses in the Czech language and orienteering in the Czech Republic. This period was formative for the later creation of bilateral agreements including state-covered health care for citizens of selected countries. For example, people from the former Yugoslavia who currently reside in the Czech Republic can participate in the national health care system even though the country is not part of the EU.

It was not until the second stage (1999–2003) that a more holistic integration strategy on the governmental level was formed, including more specific roles of individual ministries and state departments. For the first time in the post-communist era state funds were allocated to the building of the non-profit, non-governmental sector and the first NNOs were founded. The government approved a seminal document defining the principles of the integration policy for the Czech Republic.² These principles were further developed in the official *Conception for Migrant Integration in the Czech Republic* that was passed in 2002. The Conception defines the specific measures in all the areas of integration

¹ Czech Statistical Office. 2013. *Foreigners in the Czech Republic* 26–63.

² The document is titled *Zásady koncepce integrace cizinců na území České republiky/ Principles of the Conception for Migrant Integration in the Czech Republic*.

(i.e., residency status, citizenship eligibility, migrant political participation, employment and entrepreneurship, social welfare and health care insurance, education, minority rights, and preservation of distinct traditions).

The third stage (2004–present) saw the incorporation of an additional factor into the integration policy – the European Union guidelines that were approved in 2006 as part of an amendment of the 1999 Immigration Law. This process encouraged a more systematic approach to immigration issues and several strategic documents were passed by the government targeting the most pressing issues identified recently as well as during the previous stages (Dorůžková 2007: 31–32). For instance a large-scale study titled *Analysis of the socio-economic status of long-term residency foreigners* was initiated, as well as updating of the 2002 *Conception for Migrant Integration in the Czech Republic*. The updated version of the Conception version included a section calling for improvement in areas of failing integration practices (Jelínková 2006). One of the major areas listed in Czech governmental Resolution #126 of the year 2005 was the inability of third-country nationals to participate in the Czech public health care system, including migrants' family members and children. In August 2008, the Czech Ministry of Interior assumed back the responsibility for coordination of realization of the updated Conception overtaking the role of the Ministry of Labor and Social Affairs (note: the Ministry of Interior originally handled immigration policies but the Ministry of Labor and Social Affairs was appointed to take over the responsibility in the 1990s) and synchronize the process of integration policies among NNOs and all appropriate departments within the Ministry of Education, Youth, and Sports, Ministry of Regional Development, Ministry of Culture, Ministry of Commerce and Industry, and Ministry of Health. All departments are to abide by the principle of so-called *integration mainstreaming*, which is a policy approved in the third integration stage requiring that each department's policies, regulations, and measures need to be evaluated in terms of their potential impact on the integration of foreigners. This goal, however, remains highly underachieved and so far is mere lip service paid in order to satisfy the EU's standards in migrant integration policy. The case of migrant exclusion from the state policy of public health care access stands out as a striking example of integration mainstreaming failure.

The integration mainstreaming has been adopted to prop up the harmonization of EU priorities with domestic socio-economic needs. In relation to the domestic interests, one of the roles that migration was assigned by long-term governmental planning is to balance out the Czech demographic structure in

terms of its ageing population, due to which the state will inevitably struggle with ensuring a large enough number of working people actively contributing to the national social security system in the near future (Horáková 2005). Additionally, since 2000 the Czech government has announced its intention to increase the numbers of migrants with higher and/or specialized education. In order to achieve this goal, the process of making amendments to the current immigration policy especially needs to focus on migrants in active age with an interest in staying in the Czech Republic. This involves people applying for citizenship and having or applying for permanent residency and a long-term residence permit (for 12 months and longer). As migrants from the other EU states have basically the same rights to employment and residency as Czech citizens, they are not typically included in integration policies, like asylum applicants, whose situation is regulated by the State Integration Program, which complies with the EU provisions and unlike the regular integration programs it includes state funding for housing. While the state recognizes that the targeted group are long-term residency non-EU migrants and has come up with the Four Prioritized Areas of Integration for them – including (a) Czech language proficiency, (b) economic self-sufficiency, (c) socio-cultural self-sufficiency, and (d) integration into the mainstream society – it is not making adequate pragmatic steps to achieve them. The following text that analyzes the impact of excluding people that belong to the most vulnerable population groups in the state from the national public health care highlights the prominent gaps between theory and practice in Czech migration integration policy that characterizes the status quo in this area.

Having valid health insurance is one of the preconditions of being eligible for a long-term or permanent-residency permit. Upon request by the foreign police and associated law enforcement officials, every foreigner in the Czech Republic is required to present his/her current health care coverage at any time during the stay in the country. This requirement is fulfilled either by obtaining national health insurance or commercial health care coverage. In addition, the (emergency) commercial health care coverage must be purchased from one of the Czech-Republic-based private companies.³ Which one of the two types of

³ This law amendment was passed by the Czech government in 2009 and clearly reflects Czech commercial insurance companies' self-interest in gaining a monopoly in the sector of selling commercial emergency health care coverage equaling travel health care coverage. The argument given for passing the amendment was that foreigners often buy travel insurance abroad from unreliable or fake companies and in case of accident and need to use the insurance no or limited expenses are covered for Czech hospitals.

health care is accessible to a migrant solely depends on his/her residential and employment status. One can participate in public health care only if he/she is a resident of another EU country, or if he/she has already obtained permanent residency. The other criterion of eligibility for national insurance is being employed by a Czech employer. In all other cases migrants have to purchase commercial coverage. This means that equal rights to access public health care are applied only to Czech and EU residents and their family members. Third-country nationals who are not employed by a Czech company or institution can stay in the country legally only if they become clients of one of the private health insurance companies, which are currently represented by six main players who monopolize the Czech field of private health insurance – PVZP a.s., Uniqa a.s., ERGO a.s., Slavia a.s., Axa Assistance a.s., and Maxima a.s. In practice those who are left with only this choice are all third-country nationals who are self-employed, entrepreneurs, or study in Czech or attend Czech-based schools. Most importantly, this group includes all family members who often come to the country under the “Family Reunification Act” and are dependent on one bread winner in the family. Typically these are wives and children of current or former guest workers, teachers, artists, scientists, or small business owners. The majority of them come from Vietnam (as the Vietnamese have the largest network of self-employed foreigners in the country), Ukraine, Russia, Moldavia, Mongolia, China, Kazakhstan, Belorussia, and the United States.⁴ A selection of foreign countries benefit from bilateral agreements thanks to which residents from these countries fall under a special governmental program covering their health care. These include quite numerous migrants from Bosnia and Herzegovina, Serbia, Croatia, and other former Yugoslavian countries whose residents form rather miniscule groups in the Czech Republic, also Japan, Israel, or Turkey. While statistical data on the number of migrants depending on commercial health insurance coverage are scarce and inconsistent, the figures provided by VZP ČR (the largest national and commercial health insurance company in the country) in 2007 and by the Czech Statistical Office in 2008 were 100,000 – 130,000 people. The most recent figure stated by Hnilicová and collective in the Analysis of Commercial Health Insurance for Foreigners written for the Committee for Migrants’ Rights is 100,000 people (Hnilicová et al. 2012: 6).

⁴ Czech Statistical Office. 2010. *Foreigners in the Czech Republic* 32–35.

While the requirement of mandatory commercial health insurance can be met by the purchase of two sorts of coverage neither of them is conducive to the larger governmental goal of creating viable living conditions for migrants interested in permanent residency and/or migrants with higher and/or specialized education nor are they meeting any of the Four Prioritized Areas of Integration. Instead of promoting socio-economic self-sufficiency they turn dependent family members into an economic burden on those family members who are legally employed or discourage them from participating in the benefits of the Family Reunification Act altogether, especially if a family is presented with no choice but to shell out dozens of thousands of Czech crowns to buy basic health insurance for two or more children. Instead of creating a deeper sentiment of belonging, the current immigrant health care provision divides Czech society into segments where Czech and EU citizens enjoy first class citizenship, employed third-country migrants are second class and their unemployed family members are third class citizens. The first type of commercial insurance is so-called *complex health coverage* that is currently provided only by the PVZP company (a commercial wing of the main national health insurance company VZP ČR). This insurance is costly and can be afforded by a small percentage of migrants. For example, a 36-year old Russian mother interviewed for this study who came to Prague with her husband six years ago from Kazakhstan and who was pays 38,000 CZK every two years for her six-year-old son to ensure he has complex health care coverage. From her first marriage she has a 19-year-old son for whom the family can afford to pay only *emergency health care coverage* that is about 25,000 CZK for two years: “When my older son came down with a viral infection the other month,” the young mother shared, “the doctor told him that there was nothing he could do for him (unless he paid for the visit out of pocket). Luckily I came down with the virus first and have better health coverage, so I gave him my antibiotics and finished treating my strep throat during our summer vacation back in Kazakhstan where one can buy antibiotics over the counter.” She smiles: “It is very easy to buy antibiotics in the former Soviet Union. People bring dozens of boxes with drugs with them here.”

Not everyone can afford to buy complex health coverage for all members of their family. Rather than making a personal choice, people are often left with no other option but to buy just emergency health care coverage and when they are hospitalized with cases of chronic disease complications they are forced to leave large debts with the hospitals. In recent years the total annual debt

made by the inability to cover the costs of health care as well as by commercial insurance companies' refusal to compensate hospitals for their health service despite initial approval to go ahead with the treatment,⁵ amounts to 8% (about 44 million CZK) of all cost of migrant health care on average (e.g., 10.4% in 2007, 7.9% in 2008, 8.5 in 2009, and 6.9% in 2010).⁶ A part of this amount is legally mandated treatment of patients with serious infectious diseases, such as TB and STDs.⁷ The commercial insurance companies have the right to decline any client and typically they do not insure (or only partly) a person with a severe chronic disease or somebody suffering from a condition that is likely to progress. Thus a refusal on the basis of pre-existing conditions is a common practice and a source of producing a pool of so-called "uninsurable migrants," who are often children, single parents, or persons who suddenly lost their job. Once migrant parents cannot afford to purchase health insurance for one or more of their children or they are denied by the commercial company, they are faced with the complicated decision either to stay and risk the illegal status of their child/children or leave the country – whether to relocate the entire family or split its family members. Another precarious type of situation in which migrant parents can find themselves is when they have a prematurely born child or the child is born with defect. The social and economic impact of such a discriminatory policy is illustrated by the narrative recorded by Ukrainian parents:

“Our son was born prematurely by several weeks. He had to be placed in an incubator in one of the Prague hospitals. We wanted to sign a contract with the PVZP health insurance company to cover his health care. The company refused and told us they were not in a position to pick up the cost of his probably demanding health care. The hospital bill grew by each day our son was in the Prague hospital amounting to a total of 1,386,000 Czech crowns. We paid all we could but are in no position to cover this expense. I turned for help to several non-governmental and humanitarian organizations. Some of them had no advice for us, but one lady eventually told us to apply for long-term residency for our son for humanitarian reasons. After long months of stress and fear of having to move out of the country and being persecuted we obtained it. The hospital, however, has just sued our son for the unpaid expenses “

⁵ Hnilicová, Helena and Karolína Dobiášová. 2009. “Zpráva o stavu zdraví a zdravotní péči pro migranty v ČR“, p. 14-16, www.zdravotnipojistenimigrantu.cz.

⁶ Czech Statistical Office. 2008-2001. *Foreigners in the Czech Republic* (Chapter 6).

⁷ *The Act about Public Health Protection #205 and #258/2000.*

Besides the threat of being refused coverage because of pre-existing conditions, commercial coverage – including the complex type – does not cover relatively frequent health conditions with which patients can lead an active life provided that they have access to quality health care. These include diabetes with insulin treatment or hemodialysis to name the more frequent ones, but also HIV and AIDS treatment (unless contracted or discovered in the country – then the treatment is mandated and covered by the state). The standard list of covered procedures typically excluded therapies in any kind of specialized medical institute or sanatorium, which means that institutional therapeutic programs for people with depression or substance abuse problems are exclusively marked off for Czech and EU citizens only. The commercial complex health care packages include some psychotherapeutic treatment but only when provided by regular hospitals. The burden of complying with the requirement of commercial health care is further deepened by the fact that most agreements between the company and a client are signed at least for one but more frequently for two years, which means paying at least 26,000 crowns for one family member for only emergency health care coverage (for the duration of two years). The insurance companies require the payment of the entire premium at once upon signing the contract. The network of doctors contracting with the six commercial insurance companies is very small and migrants are thus limited in their choices and forced to seek out and contact a suitable doctor ahead of time, in fact, as a kind of preventive measure in case of possible accident or illness. This creates an environment open to corruption on behalf of the relatively few doctors who “take foreigners.” A Russian-speaking entrepreneur from Kazakhstan shared her personal experience on this theme:

“When I was pregnant and needed to enroll with a doctor for prenatal care, the man who was recommended to me by friends, because he was Russian, worked in Motol hospital. He smiled and said that he could take me on for 1,000 CZK paid in cash to him for each visit on top of my health coverage. He said that I needed to know that he had a large clientele and did not take everybody!”

When asked whether she agreed to pay the Motol obstetrician the regular extra “fee,” she replied:

“Yes, at the beginning I paid this money. A couple of visits. Then I needed to travel back to Kazakhstan and I needed a medical certificate that I was all right to travel.

I was seven months pregnant and wanted to make sure I was okay to do it. I called him to make an appointment. He told me that I did not need to come in at all, that his nurse would give me the certificate upon payment ... of the 1,000 CZK. Then I decided to change doctors. I found a Czech doctor who spoke Russian. He had his clinic outside of Prague but that was OK. He did not ask for any extra “fees” but our agreement was that he was the one to deliver the baby and his private clinic was going to be paid \$1,000 for the birth. It was part of the contract we made (Note: The interviewed mother had relatively luxurious PVZP health coverage where her husband paid \$2,000 for a special pregnancy program on top of the regular PVZP fees). When I was close to my due date he needed to travel abroad for a holiday. To speed up the due date he painted this black scenario of what all can happen during vaginal birth and I got so scared that I agreed to have a what do you call it? ... C-section.”

Two of her friends had a similar experience with paying their gynecologists this “personal bonus.” In one case a Czech female doctor in Prague 5 charged 500 CZK that went directly to her pocket and similarly a Czech female gynecologist in Prague 1 asked for 600 CZK each visit without providing her Russian client from Kazakhstan with any receipt. The growing numbers of similar narratives illustrate the social and economic negative consequences of excluding a group of people from the public health care system. While the profit of commercial insurance companies grows by astronomic figures (for instance, in 2010 PVZP collected 56 million CZK more in insurance premiums than in the previous year⁸; the total sum collected from selling commercial insurance grew between the years 2008 and 2011 from approximately 200 billion CZK to 450 billion CZK), the growth of the extent of the coverage reflects a disproportionately miniscule change (the costs that the PVZP insurance company had to pay annually grew only from 6% to 10% of the collected sum between the years 2008 and 2011) (Hnilicová et al. 2012: 29–37). More importantly, the policy clearly produces a social and economic hierarchy of higher and lower class foreigners, rendering EU migrants as worthy of stress-free participation in national health care while using non-EU migrants as a source of income and support for the national health care system while barring them from its benefits. This is carried out in a publicly open way when the 2010 Annual Report of the PVZP company cites the Head of the Board of Directors stating that the 2010

⁸ Annual Report of PVZP a.s. 2010. *Commercial Activities*, p. 8.

“historically most successful” monetary gain is thanks to “insuring foreigners”.⁹ A portion of the PVZP income is periodically allocated back to public insurance pool of the VZP ČR’s capital. The discriminatory policy of the requirement to purchase commercial health insurance is in direct conflict with the previously mentioned principle of integration mainstreaming approved by the Czech government during the third integration stage. It was no later than in 2005 that the updated *Conception for Migrant Integration in the Czech Republic* identified the inability to participate in the national public health care system as one of the principle obstacles in the process of socio-economic integration of third-country nationals.¹⁰ The governmental resolution in which this identification was made also appointed the Czech Ministry of Health to formulate recommendations for a legislative change that would allow children and youth under 18 and self-employed migrants who are holders of a long-term residency visa to participate in the public health care system. The data for the recommendation were to be gathered in collaboration with the Institute of Health Policy and Economy founded during the second integration stage in 2000. However, the Institute was closed down by the decision of the Ministry of Health’s leadership (lead by David Rath at the time) and up to this date the criteria of migrant eligibility to enroll in the Czech national health system remain the same.

In June 2014 a group of deputies of the Czech Republic lead by Jaroslav Krákora submitted a proposal for a new amendment to the existing law of mandatory commercial insurance (Krákora et al. 2014) that is highly controversial and adamantly resisted by the Consortium of Migrants Assisting Organizations in the Czech Republic and other institutions. While it calls for commercial insurance companies’ acceptance of migrant clients to be obligatory, the opponents state that this obligation can be easily avoided by asking for high premiums that migrants will simply not be able to pay. The opponents are further concerned about the proposal to extend the ability of insurance companies to define exceptional cases in which they have the right to refuse to compensate health-related costs and to establish a minimum annual insurance premium paid by migrants to be 25,000 CZK per person (Čižinský 2014). This, they rightfully claim, may yield existential catastrophes for migrant families with multiple children and lower income. At the time of publishing this article, the jury is out on whether or not the bill will pass. The development can be followed at

⁹ Annual Report of PVZP a.s. 2010. *Commercial Activities*, p. 8.

¹⁰ Resolution of the Government of the Czech Republic # 126/2006.

the web page of the Consortium of Migrants Assisting Organizations in the Czech Republic specially made for the campaign for equality in migrant health care: www.zdravotnipojistenimigrantu.cz. All in all, the history of the medical health care system for migrants coming to the Czech Republic from non-EU countries serves as a point in the social science call for the need to deconstruct market-based medicine by dissecting assumptions about international health care, risks, choices, and responsibilities that undergird the insurance industry. Only through such a process can we determine how the inefficiencies and inequalities of market economy-based medical care are created and reproduced. With the increasing numbers of migrants worldwide and within the EU region every year, the need to evaluate how old and new social and political disparities in quality health care access are enacted becomes essential.

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SECURITIZATION OF MIGRATION AND HUMAN RIGHTS: FRICTIONS AT THE SOUTHERN EU BORDERS AND BEYOND

Lorenzo Gabrielli

The migratory question in Europe is increasingly viewed from a security-based approach. After analyzing the genesis of this process of securitization of the migration issue, this paper will examine how this securitization of the migration issue shapes the political debate as well as the political answer to immigration. The increasingly strong link between security and migration produces relevant consequences on the Euro-African border: a progressive militarization of the external border as well as a displacement of the latter towards the African continent. At the southern borders of the EU, the external dimension of European immigration policies focuses on the delegation of migration control towards transit spaces in the African continent, creating a number of “buffer-zones” in the continent and displacing the Euro-African border farther south. Using an approach inspired by “migration system analysis,” this paper carries out an analysis of the interactions between migration flows and the external dimension of European immigration policies in the African transit area in order to understand the threats to an effective application of human rights and of the right of asylum. The Euro-African collaboration in migration control, developed during the last decade through different initiatives, underlines the structurally ephemeral character of the short-term securitarian approach of immigration policies. Regardless of the incapability of such policies to stop the departures from the African continent, this reactive process of inter-regional migratory governance building generates significant “side-effects” vis-à-vis human security of migrants and asylum seekers as well as the respect of their rights.

1. The genesis of the securitization of the migration issue in Europe: from the Trevi group to the Schengen space and to national political arenas

The migratory question in Europe is increasingly approached by a securitarian point of view. In Europe, immigration is growingly viewed as a security matter as well underlined by Didier Bigo (2005 and 2000) and Jeff Huysmans (2006), among other authors. Actually, security seems to be the only lens through which it is possible to focus on immigration phenomena.

In the general discourse, the rise of securitization is linked with September 11's facts.¹ Nevertheless, if we want to trace the genesis of this process regarding migration, we have to start before, looking at some informal intergovernmental *fora* and meetings, as the "Trevi group," dedicated to trans-border issues like criminality and terrorism (Bunyan 1993). In those intergovernmental more or less informal gatherings, from the end of the '70s and during the '80s Interior and Justice national officers started considering immigration phenomena as a security risk, as they used to do with transnational criminality and terrorism, among other threats.

Those informal meetings were the breeding ground for the complex body of legal regulations of the Schengen convention of 1990 that was afterward incorporated into the EU *acquis* through the Amsterdam treaty of 1999. In the framework of the Schengen space, the link between migration and security is clearly formalized: here, migration is treated for the first time as a security matter, similarly to terrorism and crime (Brochmann 1999: 310).

The Schengen agreement also produces a new common "external border" separating the territories of the signatory countries from the outside and the "insiders" from the "outsiders." The control of this common border *vis-à-vis* informal migration flows was initially the exclusive competence of the member states of the Schengen space. In the last two decades, we can observe a progressive Europeanization of this matter (Guiraudon 2001, Lavenex 2006), testified by different changes: the shift of immigration policy in the first pillar of the EU after the Amsterdam treaty, the common visa policy,² the exponential growth

¹ Concerning the effects of S11 on the securitization process, see Didier Bigo and Anastassia Tsoukala (2008) as well as Thomas Faist (2002).

² The common lists of third countries' citizens needing, or not, a visa to enter into the EU territory are set out in Regulation No 539/2001 and the following amendments; available online at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001R0539:20110111:EN:PDF>.

of the activities of the Frontex agency,³ the establishment of European funds dedicated to external borders control,⁴ and finally the growing inter-connection of national control systems and databases on migration and asylum, planned by the new “Eurosur” system.⁵

This orientation towards the securitization of migration flows was reinforced after September 11 equally in terms of external and internal control of foreigners. As underlined by Thomas Feist (2002: 7–8) “dramatizing a publicly convenient link between international migration and security governments all over Western Europe and North America has strengthened not only borders and external controls but also internal controls of non-citizens.”

2. How securitization of the migration issue shapes the political debate and the political answer to immigration

On the one hand, this link between security and migration is reflected in the political discourses about those issues as well as in the specific measures adopted to manage immigration, particularly in the growing external dimension of European immigration policies (Boswell 2003, Gabrielli 2007, Guiraudon 2008 and 2001).

On the other hand, the migration-security nexus appears at the level of the state practices at the border as well. The management of an EU external border in the Mediterranean is orientated towards a growing militarization of the devices installed and also of the officers in charge of the control tasks (Lutterbeck 2006). This securitization of the mechanisms applied to border control runs side by side with the discursive and rhetoric construction of the “security risk” represented by the informal flows of migrants. Both processes retroact reciprocally to sustain the securitization dynamic: the rhetoric level

³ Namely, the *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, established by the Council Regulation n° 2007/2004 of the 26th of October 2004.

⁴ The “External Borders Fund” enjoyed an allocation of 1,820 million over the period 2007–13; from 2014, the funding of member states’ border control activities are included in the general Asylum, Migration and Integration Fund (2014–2020).

⁵ “Eurosur,” the European Border Surveillance System, is a project of an information-exchange system supposedly enabling the real-time sharing of border-related data between EU member states. The project was outlined by the EU Commission communication of 13 February 2008 “Examining the creation of a European border surveillance system (EUROSUR),” COM(2008) 68 final, and finally approved by Regulation n° 1052/2013 of the European Parliament and of the Council of 22 October 2013.

justifies the implementation of more security equipment at the border, and the material deployment of control technologies at the border sustains the legitimacy of securitarian discourses on immigration.

Without taking into account the complex process of “problematization” of immigration and the genesis in the political discourses of rhetorical expressions like “migratory invasion,” “migration flood,” etc., it is important to underline that two principal narratives justify today the repressive and securitarian character of immigration policies:

- On one hand, utilitarian discourses underline the risk represented by “illegal” flows of migrants for the security of the states, and sometimes for welfare systems and “national society and identity.”
- On the other hand, “humanitarian” discourses reclaim the idea of protecting migrants from criminal organization trafficking and smuggling at the border as well from risk linked with the border-crossing process (Cuttitta 2012).

However, the instrumentality of this rhetorical link between migration, security, and repressive immigration policies seems simply to demonstrate, considering different evidences, the following:

- The growth of informal, or irregular flows can be considered as a principal result of restrictive European immigration policies and of the lack of formal channels of entry for foreign workers after the suspension of formal recruitment, in 1973–74, in the main European immigrant destinations.
- The growth of trafficking and smuggling activities as well as the multiplication of the revenues produced by those actions can be equally considered as a product of the reinforcement of borders control in Europe in conjunction with the externalization of migration control, as underlined by different authors (Boutrouche 2003, Savona 1996, Castells 2000).
- The growth of risks for migrants and the dramatic increase of fatality at the borders of Europe are strictly linked with the reinforcement of the control at national borders and with the externalization of control towards transit spaces outside Europe, as clearly underlined in their cartographic work by Olivier Clochard and Philippe Rekacewicz (2010; and also Rekacewicz 2013).

Despite these considerations, the process of securitization seems to continue its relentless path and appears increasingly as the only possible approach towards immigration at the Southern European border. This trend is explained by

the fact that a political self-reinforcing dynamic is shielding the existing link between migration and security. Where applied, the security measures oriented to control migration determine a growth of trafficking and smuggling activities as well as an increase in the profit of those activities. This happens in the same manner at the borders and in the transit spaces of the African continent, where the external dimension of European immigration policies is creating a buffer zone towards migrants (Gabrielli 2011b). This fact gives to the partisans of securitization, and particularly to the “professionals of security” who play a central role, the possibility to present the application of more security-oriented measures as the only political choice (Bigo 2005, Huysmans 2006). The same rhetoric is also used when migrants perish while they are crossing the borders.

Even if this tendency to securitize the migration issue starts at the European level, as we have previously seen, national officers prove their capabilities to adapt the discourse and practices to the national scene, searching for various political benefits, such as electoral legitimacy or gaining power and influence inside state institutions. This tendency emerged clearly in the case of Spain where, after the political elections of 2000, immigration became for the first time a main issue in the political campaign, pushing José-Maria Aznar’s Popular Party towards an absolute majority (Gabrielli 2011a: 157–ff). However, similar dynamics of national re-appropriation of security-oriented narratives in order to approach immigration can also be found in Italy and Greece in different recent periods.

3. Security and migration at the border and beyond: militarizing and displacing the Euro-African border

A first phase of the securitization of immigration management in Southern European countries focuses directly towards the reinforcement of control infrastructure at national borders. The relations between securitization and borders also serves a symbolical function: the border, or a specific part of it, often becomes a theatrical spot where European governments develop their representation of state control over immigration phenomena, as clearly underlined in the case of the Italian island of Lampedusa by Paolo Cuttitta (2012). A very similar dynamic also appears in the Spanish case, specifically when in 2006 a number of pirogues transporting sub-Saharan migrants arrived at the Canary Islands (Gabrielli 2011a), as well as in the Greek case, where the land border of the Evros river separating Greece and Turkey has been blocked off (Kasimis 2012).

Concerning the control of the south-western EU border, two main axes can be underlined. Firstly, we can highlight the process of the *Berlinization* of the two Spanish enclaves in the African continent, Ceuta and Melilla, similarly to what happened along the border between Mexico and the US (Nagengast 1998). At the land border separating the two enclaves within the Moroccan territory, various phases of significant reinforcement of physical and electronic barriers have taken place in order to close those spaces from the arrival of migrants from the surrounding Moroccan territory. A similar tendency of *Berlinization* can be underlined in the case of the Greek-Turkish terrestrial border at the Evros region, where the Greek government built a long wall of contention of migrants (Amnesty International 2014). Secondly, in control tasks a war-like technology is growingly applied that produces “militarization” of the border concerning the control tools used there,⁶ as well as the status of the officers controlling the border (Lutterbeck 2006). As clearly underlined by Nagengast (1998) in the US-Mexican case, this strategy seems to be appropriate for a “low intensity conflict” using violence as a dissuasion instrument towards, in this case, informal immigration.

A second phase of the securitization of immigration management in Southern Europe is characterized by the externalization of migration control mechanisms outside the national territory, increasingly blurring the distinction between *internal* and *external security threats* (Bigo 2000). At the southern borders of the EU, the external dimension of European immigration policies focuses on the delegation of migration control towards transit spaces in the African continent, creating a number of *buffer zones* in the continent and displacing the Euro-African border farther south.⁷

Considering that the southern neighborhoods may not be persuaded to apply strong control of migratory flows by the conditionality of the access to EU, as was the case for Eastern European countries, distinct tools and forms of conditionality are used by European governments to enforce the externalization towards the African continent:

⁶ One of the clearest example of this dynamic is the Spanish SIVE (Integrated system of electronic surveillance), an “electronic wall” initially installed between the cities of Huelva and Almeria, in the Mediterranean coast of Spain, thanks to an important financial contribution of the EU (MIGRATION NEWS, 2000, vol.11, n° 3, September, <http://migration.ucdavis.edu>). In a second stage, this system was installed all along the Mediterranean Spanish coast, as well at the enclaves of Ceuta and Melilla and in the Canary Islands.

⁷ Concerning the case of Spain’s externalization of migration control towards Morocco and West African countries, see Gabrielli (2007, 2008, and 2011), as well as El Qadim (2007, and 2010); concerning the case of migration control’s externalization from Italy towards Libya, see Bialasiewicz (2012).

- Specific support instruments by the EU, as for example the AENEAS program,⁸ created in 2003 and working between 2004 and 2006, were oriented towards financial and technical support to reinforce third countries' capabilities to control their borders and the transit of migrants, supposedly directed to the EU.
- Police assistance and capacity building project strengthening third countries' capabilities in border control activities.
- Readmission agreements, at bilateral (between an EU member state and a third country) or multilateral level (between the EU and a third country).
- More extended agreements of cooperation in migration matters at formal or informal levels (Cassarino 2007). Looking at the national level, the clearest example of this trend is that of Spain, whose agreements with sub-Saharan countries include seasonal migration quotas, development aid, investment engagements, readmission agreements, and cooperation in migration flows control (Gabrielli 2010 and 2008). Similar cases are those of France, including the issue of development aid in its migratory cooperation agreements with sub-Saharan countries, and Italy, including different issues in its bilateral agreements on migration control cooperation with Tunisia and Libya (Bialasiewicz, 2012: 852–ff). At the EU level, it is the case of the new Global Approach to Migration and Mobility (GAMM)⁹ presented by the EU Commission in November 2011 and of different mechanisms created for improving cooperation in migration control of the Mediterranean neighboring countries.

At the same time, the delegation of migration flows control towards African third countries also pushes an externalization of the expulsions and repatriation between transit and origin countries.

It is interesting to underline that these strategies to delegate or externalize the control of migration flows started during the '90s in the East European countries candidates to EU accession. The externalization and the creation of buffer zones were, in this case, just temporary, in the sense that, once those countries entered the EU, the control stops being "external" (Lavenex 2006, Lavenex and Uçarer 2004). However, the measures and the framework of the

⁸ This program was legally based on the EU cooperation and development policy and was coordinated jointly by two DG of the Commission: Home Affairs and External Relations.

⁹ See the EU Commission Communication "The Global Approach to Migration and Mobility," COM (2011) 743 final of 18 November 2011, accessible online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0743:FIN:EN:PDF>.

delegation were very similar to those applied a decade after towards the African neighbors. Regardless of the incapability of such externalization policies to stop the departures from the African continent, this reactive process of inter-regional migratory governance's building generates significant "side effects."

4. Security versus human rights at the Southern European border

The external dimension of European migration policies towards the African continent is producing a progressive displacement southward of the Euro-African border vis-à-vis the "transit migrants." This "moving border" transforms the transit countries that collaborate with Europe in buffer zones, filtering migrants potentially heading for the EU territory. Meanwhile, to understand the results of the external dimension of European policies it is necessary to apply an approach inspired by a "migration system analysis" (Mabogunje 1970, Kritz and Zlotnik 1992). Carrying out an analysis of the interactions between those externalized policies and migration flows in African transit spaces, it is possible to be aware of the threats posed to an effective application of human rights and, particularly, of the right of asylum (Gabrielli 2011b).

Firstly, it is necessary to consider that the externalities generated by this inter-regional migratory governance of migration flows between Africa and Europe enlarge the border-crossing market and at the same time push the migratory flows toward a greater informality in African spaces. In other words, this policy produces more vulnerable individuals, considering both the risks they are exposed to in transit countries as well as the full respect of their rights (Spijkerboer 2007).

Secondly, it has to be underlined that the increased external borders control, as well as the externalized mechanisms of migration control, combined with the difficulties to distinguish between economic migrants and asylum seekers, produces a *de facto* restriction of the right of asylum, since it has become increasingly difficult to access to European territory and to apply for this right (Amnesty International 2014). It has to be reminded that in the transit spaces in North Africa, the asylum systems are non-existent or, in the best option, with very few effectives.

Thirdly, maybe a less evident result of this delegation to third countries of immigration control is the shift of migratory paths and patterns in transit spaces towards more dangerous routes, with a parallel increase of risk for migrants' life, as well and the enlargement of the border-crossing market. If the "easier" and then principal routes are under growing control, the flows use

“new” routes, longer and more dangerous and thus less controlled. This is also related to the process of optimization of natural obstacles, a concept developed by Alonso Meneses (2002) in the case of the US-Mexican border. The fact of reinforcing the control in more transited zones pushes the informal migration flows to other roads where the control pressure is lower, but where geographical and climatic conditions supposedly play as obstacles and dissuasion elements. Far from reducing the flows, the main result of this political choice is the growing of violence in the migration process. The growing number of deaths in the Mediterranean, in the Atlantic Ocean and in the desert testifies the magnitude of these risks and compels one to take into consideration the issue of human security at the design stage of immigration policies. An exceptional threat, whether it is real, perceived or manufactured, leads to exceptional answers that, in some cases, can be analyzed as a *state of exception*. This concept, theorized by the philosopher Giorgio Agamben (2005), enlightens the blurred area where the state will not apply the existing legal principles and rules to its own action. Then, the *state of exception* constitutes a key feature in order to consider and analyze state practices in the field of immigration control, and their effective respect of human rights at the Southern European border.

A final question is related to the similarities and dissimilarities between Central and Eastern Europe, on one hand, and Southern Europe, on the other hand. Is there something to glean from the case of Southern Europe? It is certain that in the case of Central and Eastern European countries there are several differences and specificities: the geographical position, the historical relations with neighboring countries, the size and origin of migration dynamics, the labor market necessities of foreign workers, etc. Nevertheless, I suggest that a joint analysis of immigration policy in the South of Europe, in the cases of Spain, Italy, and Greece, can be useful not only to reflect on the evolution of the external dimension of the European policies towards third countries' immigration, but also on the external role of the EU in the world. Another relevant aspect to be considered is that the management of the physical border constitutes a key symbolic element in order to strengthen the frontier between the “insiders” and the “outsiders” and to increasingly represent the latter as a threat. The political obsession to control the border vis-à-vis the African migrants will then help some European governments to justify, or to hide, state practices that do not seem fully compatible with human and fundamental rights, settled not only in international treaties, but also in national constitutions and in different sentences of the European Court of Justice.

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VIOLATION OF RIGHT TO LIBERTY AND SECURITY IN THE ASSESSMENT OF CLAIMS FOR ASYLUM¹

Nataša Hrnčárová

Introduction

The European Union's asylum *acquis* has been built on the common understanding that some of those third country nationals who seek to enter the territory of the European Union have a well-founded fear of persecution² or, due to the real risk of suffering serious harm³ they cannot return to their country of origin. Their background distinguishes them clearly from other migrants and has made it necessary to provide them with a special protective status. It can be assumed that, within the European Union, there exist different but overlapping legal institutions for those third country nationals seeking international protection in the European Union and are in need of international protection for the above-mentioned reasons. The most important ones are the 1951 Geneva Convention

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² For the purpose of the EU's asylum *acquis*, the following situations that amount to severe violations of basic human rights are deemed to constitute "persecution" when they are based on considerations of race, religion, nationality, membership of a particular social group or political opinion: physical or mental violence, including acts of sexual violence; legal, administrative, police or judicial measures that are discriminatory; prosecution or punishment applied in a disproportionate or discriminatory manner or for refusal to perform military service that would include extremely serious crimes, such as war crimes and crimes against humanity; denial of judicial redress resulting in disproportionate or discriminatory punishment; acts of gender-specific or child-specific nature. It is immaterial whether the applicant actually possesses the characteristics on which the discrimination is based; it is sufficient that such characteristics are attributed to him/her by the persecuting parties. Equally, it is immaterial whether the applicant comes from a country in which many or all face the risk of generalized oppression.

³ For the purpose of the EU's asylum *acquis* a real risk of suffering "serious harm," means: torture or inhuman or degrading treatment or punishment; death penalty or execution; serious and individual threat to the life of a military person or a civilian as a result of indiscriminate violence arising in situations of international or internal armed conflict.

relating to the Status of Refugees (the Convention), the Law of the European Union (the Convention's Protocol of 1967), and the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR") and its protocols.

In the times when the Convention was drafted and agreed upon, and in its first years of application, the recognition of a foreigner as a refugee in Europe was not a large problem.⁴ However, in the recent decades European Union states have been increasingly reluctant to recognize people in need of protection as "refugees" in accordance with the Convention. While the Convention remains an effective instrument which provides essential benefits⁵ to people who are recognized as falling within its ambit by governments of European Union member states, the number eligible for its protection is steadily decreasing. In addition, it is upon each state's consideration whether asylum is granted. Even if not actually expelled, those who are refused recognition as refugees and are not otherwise provided with the appropriate subsidiary international protection are often left in situations of legal uncertainty. While there is no doubt that the right of every state to admit or exclude foreigners from its territory is a key attribute of national sovereignty,⁶ states have to admit third-country nationals onto their territory in situations when exclusion from the state territory would constitute a breach of different provision(s) of international law. The concept of asylum is the most important example of such provision. The Convention considers those who are recognized as falling within the scope of its protection as a privileged group of non-EU nationals. Consequently, it provides them with a comprehensive bundle of rights.

I. The Convention's Provisions for the Detention of Asylum Seekers

Some of the recent administrative actions taken to inhibit migrants from entering the European Union territory have made it considerably difficult for refugees to apply for asylum. In principle, refugees who have entered a state

⁴ For example, the United Nations High Commissioner for Refugees (UNHCR) saw no need to produce any handbook to guide the process of asylum determination procedures until 1979.

⁵ Article 18 of the Charter of Fundamental Rights of the European Union guarantees the right to asylum.

⁶ See, for example, *Salah Sheekh v. the Netherlands*, application no. 1948/04, ECtHR judgment of January 11, 2007, § 135.

without a valid permit should not suffer administrative sanctions due to their illegal stay in the European Union. Similarly, restrictions of freedom of movement may take place only under exceptional circumstances. The Convention prescribes clearly in Article 31 that: “*Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who (...) enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.*” This position was further clearly acquiesced by the Council of Europe’s Committee of Ministers in 2003 when it adopted Recommendation *Rec (2003) 5* to the member states on measures of *detention* of asylum seekers. In 2005 the European Union also expressly accepted this principle in Article 18 of the Council Directive 2005/85/EC on minimum standards on procedures for granting and withdrawing refugee status (Procedural Directive) which states that European Union member states shall not hold a person in detention for the sole reason that he/she is an applicant for asylum. Despite these adopted principles, European Union member states are often reluctant to permit individuals who cannot be immediately expelled to move freely in their territory. This is for a variety of reasons, including the intention to prevent these people from traveling further.

The European Court of Human Rights (“ECtHR”) has repeatedly emphasized that Article 5 of the ECHR regulates the right to liberty and security of the person and embodies a key element in the protection of an individual’s human rights. In this regard, the right to liberty is one of the fundamental principles of a democratic society that states must strictly observe. The underlying aim of Article 5 is to ensure that no one is deprived of his/her liberty in an arbitrary fashion. Another relevant provision of the ECHR is Article 2 of Protocol 4, which is the right to freedom of movement. It stipulates that everyone lawfully within the territory of a state shall have the right to liberty of movement and that every person shall be free to leave any country. This is a “qualified right” under the ECHR, which means that states are allowed to interfere with this right only under certain specific circumstances. All of these rights, enumerated in Article 5 and Article 2 of ECHR as appropriate, apply to asylum seekers. The Committee of Ministers of the Council of Europe in 2003 issued recommendations to the governments of the member states to be applied in their legislation and administrative practice. This recommendation emphasizes that penalties shall not be imposed on persons seeking international protection coming directly from a country of persecution on account of their illegal entry or presence, provided

they present themselves to the authorities without delay and show good cause for their illegal entry or presence. Additionally, the Council of Europe political organs have made it clear that detention should be imposed only following a careful, specific examination of the facts and the necessity of detaining in each individual case. Asylum seekers must be afforded legal and procedural safeguards (such as judicial review and remedies) through which detention can be effectively challenged and standards of detention which respect their rights, welfare and dignity. Still, many of those seeking asylum in Europe now routinely face detention. Such detention is often lengthy, in appalling conditions, or under severe restrictions on the freedom of movement. This occurs either while asylum claims are being processed or before expulsion from the destination country if the asylum claim is rejected.

Many European Union member states are faced with the arrival of mixed flows comprising both asylum seekers and irregular migrants with no claim to international protection. ECtHR has acknowledged difficulties in regard to the reception of asylum seekers at large European airports, ports and borders, and for interception and rescue at sea. ECtHR has recognized that states have a sovereign right to control aliens' entry into and residence in their territory and that detention is an adjunct of that right. However, in doing so, ECtHR has reminded states that the provisions of the ECHR, including Article 5, must be respected. In *Amuur v. France*⁷ the Court stated: "*Holding aliens in the international zone does indeed involve a restriction upon liberty [of movement], but one which is not in every respect comparable to that which obtains in centers for the detention of aliens pending deportation. Such confinement, accompanied by suitable safeguards for the persons concerned, is acceptable only in order to enable states to prevent unlawful immigration while complying with their international obligations, particularly under the 1951 Geneva Convention Relating to the Status of Refugees and the European Convention on Human Rights. States' legitimate concern to foil the increasingly frequent attempts to get round immigration restrictions must not deprive asylum seekers of the protection afforded by these Conventions.*" ECtHR has emphasized that a clear distinction should be made between asylum seekers and other migrants. Thus, asylum seekers should be afforded a wide range of safeguards in line with their status, going beyond those applicable to irregular migrants.

⁷ *Amuur v. France*, application no. 19776/92, judgment of June 25, 1996.

II. The Variability in Interpretation of the Purpose of Detention

The Council of Europe recommendations with regard to the administrative practice of detention of asylum seekers outline that the aim of detention is not to penalize asylum seekers. It may be used only in situations when the identity of asylum seekers needs to be verified, when elements on which the asylum claim is based have to be determined, when a decision needs to be taken on their right to enter the territory of the state concerned, or when the protection of national security and public order requires so. Further, measures of detention of asylum seekers should be applied only after a careful examination of their necessity in each individual case. These measures should be specific, temporary and non-arbitrary and should be applied for the shortest possible time. Such measures are to be implemented as prescribed by law and in conformity with standards established by the relevant international instruments and by the case-law of the ECtHR. As the following legal cases demonstrate, the interpretation of these measures is highly complex and contextual.

The one migration juncture mentioned in Article 5 is in Article 5 §1 (f), which expressly covers most common third-country nationals' migration situation. This includes the arrest or detention of a person to prevent his/her unauthorized entry into the country or an entry of a person against whom action is being taken with a view to deportation or extradition. This provision applies in situations of detention to prevent a person from entering a country unlawfully. This also covers detention while a person is awaiting the execution of a decision to deport or extradite him/her. The ECtHR held that detention under (f) is not subject to a necessity test. Still, if a necessity test is required under the national law, a failure to meet the necessity test will render the detention unlawful.⁸ It held in the case of *Chahal v. the United Kingdom*⁹ that detention under the second limb of Article 5 §1 (f) does not have to meet the test of necessity as long as the detention is linked to an imminent expulsion. Detention under the second limb is permitted where deportation or extradition is in reality practically enforceable and is "imminent." Hence, there must be a feasible and realistic prospect of expulsion of the third-country national. (Nevertheless, while detained and while the prospect of expulsion was realistic, upon the ECtHR's decision, the

⁸ *Rusu v. Austria*, application no. 34082/02, ECtHR judgment of October 2, 2008.

⁹ *Chahal v. the United Kingdom*, application no. 22414/93, ECtHR report of June 27, 1995.

Sikh separatist was not deported to India because of the risk of violations of Article 3, in the form of torture or inhuman or degrading treatment). In *Singh v. the Czech Republic*¹⁰ the detention was held to violate Article 5 §1(f) because the Czech authorities had failed to exercise due diligence in pursuing the necessary documentation from the Indian authorities to effect the return of the Indian migrant to that country. In *Ali v. Switzerland*¹¹ the Swiss similarly wanted to extradite the applicant to Somalia, but could not as he had no travel documents. Since the extradition was thus impossible, the detention could no longer be related to extradition. In *A. and others v. the United Kingdom*¹² foreign nationals were suspected of offences related to terrorism but they could not be removed to their countries of origin because it was established that they would be at risk of prohibited treatment. Hence, they were detained. The government argued that the possibility of removing them was being kept “under active review” in case the circumstances changed in their home country so their removal would be legal. The Court found that this could not be considered sufficient or determinative to amount to “*action ... being taken with a view to deportation*” and the UK lost the case. The applicants were released in March 2005 but the remaining suspects were the subject of control orders.

*Saadi v. the United Kingdom*¹³ was the first case in which the ECtHR had to deal with detention to prevent unauthorized entry and it held that the first limb under Article 5 §1 (f) was to be interpreted widely. Hence, entry is “unauthorized” until it is authorized and detention may be applied to prevent unauthorized entry.¹⁴ The applicant is a 29-year-old Iraqi national living in London. He fled Iraq and arrived at London Heathrow Airport on December 30, 2000, where he immediately claimed asylum and was granted “temporary admission” to entry. On the January 2, 2001, when reporting to the immigration authorities, he was detained and transferred to Oakington Reception Centre, a center which was used for those who were not likely to escape and who could be dealt with by a “fast track” procedure. On January 5, 2001, the applicant’s representative telephoned the Chief Immigration Officer and was told that the reason for the

¹⁰ *Singh v. the Czech Republic*, application no. 60538/00, ECtHR judgment of January 25, 2005.

¹¹ *Ali v. Switzerland*, application no. 24881/94, ECtHR judgment of August 5, 1998.

¹² *A and others v. the United Kingdom*, application no. 3455/05, ECtHR judgment of February 19, 2009.

¹³ *Saadi v. the United Kingdom*, application no. 13229/03, ECtHR judgment of January 29, 2008.

¹⁴ The Court considered its approach to be consistent with Conclusion No. 44 of the Executive Committee of the UNHCR Program, the UNHCR’s Guidelines on detention and the Council of Europe’s Committee of Ministers’ Recommendation on detention.

detention was that the applicant was an Iraqi who met the criteria to be detained at Oakington. The applicant's asylum claim was initially refused on January 8, 2001, and he was formally refused entry into the UK. He was released the next day. He appealed against this decision and was subsequently granted asylum. The applicant, together with three other Kurdish Iraqi detainees who had been held at Oakington, applied for permission for judicial review of their detention claiming that it was unlawful under domestic law and under Article 5 of the ECHR. Both the Court of Appeal and the House of Lords held that the detention was lawful in domestic law. In connection with Article 5 they both held that the detention was for the purpose of deciding whether to authorize entry and that the detention did not have to be "necessarily" compatible with that provision. They further maintained that the detention was "to prevent unauthorized entry" and that the measure was not disproportionate. The ECtHR firstly examined whether the applicant was detained in order to prevent his unauthorized entry into the United Kingdom. It came to the conclusion that, although the applicant had applied for asylum and had been granted temporary admission to the country on December 30, 2000, his detention from January 2 was nevertheless to prevent his effecting an unlawful entry because, lacking formal admission clearance, he had not "lawfully" entered the country. The ECtHR also noted that the only requirement under Article 5 § 1(f) for the detention of an individual under such circumstances was that the detention should be imposed as a genuine part of the process to determine whether the individual should be granted immigration clearance and/or asylum, and that it should not otherwise be arbitrary. The ECtHR accepted that the applicant's detention at Oakington was a *bona fide* application of the policy on "fast-track" immigration decisions. As to the question of arbitrariness, it noted that the applicant was released once his asylum claim had been refused. The detention lasted a total of seven days, which the ECtHR found not to be excessive in the circumstances. It followed that the applicant's detention from January 2–9, 2001, was not incompatible with Article 5 § 1 (f) of the ECHR. There had therefore been no violation of that provision.

III. The Necessity of Domestic Law to meet the Convention

The first sentence of Article 5 of ECHR stipulates that any *deprivation of liberty* must not be only for a purpose authorized by Article 5 §1 (a) to (f) but it also must be in accordance with a procedure prescribed by law. As ECtHR

stated in the case of *Amuur v. France*, this primarily requires any arrest or detention to have a legal basis in domestic law. However, the domestic law must meet ECHR standards: “*However, these words do not merely refer back to domestic law; like the expressions ‘in accordance with the law’ and ‘prescribed by law’ in the second paragraphs of Articles 8 to 11, they also relate to the quality of the law, requiring it to be compatible with the rule of law, a concept inherent in all the Articles of the Convention. Quality of law, in this context, means that a law which authorizes deprivation of liberty must be sufficiently precise and accessible to avoid all risk of arbitrariness.*”¹⁵ ECtHR especially emphasized the need for reconciliation of the protection of fundamental rights with the requirements of states’ policies on immigration and border control.

A quite systematized approach can be found in *Al-Agha v. Romania*¹⁶ where the applicant was a Bucharest-born refugee from the Gaza strip, who later became a businessman in Romania and was unable to obtain an extension to his passport from several embassies to which he applied. The Romanian authorities declared him “undesirable” and ordered that he be detained pending removal as he was a national security risk. The details of the order and the alleged security risk were never disclosed, yet he was under arrest on this basis in the detention center of the Bucharest airport for three years and five months. The applicant was born in 1945 in Bucharest, later relocating to the Gaza Strip. In 1962 he left the Gaza Strip with an Egyptian travel document to study in Cairo. Following the 1973 Yom Kippur War, his travel documents were not renewed by the Egyptian authorities, but he obtained an Iraqi passport for Palestinian refugees, issued by the Iraqi Embassy in Tripoli. In 1993 he arrived in Romania with this passport, together with a Romanian visa, and settled there as a businessman. On July 31, 1998, the Ministry of the Interior revoked Mr. Al-Agha’s right to reside in Romania and declared him “undesirable” by Order no. 779, on the basis of the law on the rules governing aliens in the former Socialist Republic of Romania. The order, however, was not immediately reinforced. On August 3, 1998, he was asked to leave the country. As he did not have a passport, Mr. Al-Agha was unable to leave Romanian territory within the prescribed time-limit.

¹⁵ *Amuur v. France*, application no. 19776/92, ECtHR judgment of June 25, 1996.

¹⁶ *Al-Agha v. Romania*, application no. 40933/02, ECtHR judgment of January 12, 2010.

On February 15, 2000, he was arrested and detained in the reception center at Bucharest Otopeni Airport for failure to comply with Order no. 779. In June 2001 the Bucharest Court of Appeal upheld an application by Mr. Al-Agha for his release, the annulment of Order No. 779 and an award of damages for unlawful detention. It noted that the applicant had not been informed that he had been declared “undesirable,” but only that his obligation to leave the country was due to the expiry of his residence permit. In a final judgment of September 25, 2003, the Supreme Court held that, although Order no. 779 had not been served on the applicant since it was a secret document, he had been officially notified of its effects. It observed that he had been informed of the order’s existence while in the reception center, where he had been placed in accordance with the law. Mr. Al-Agha claimed that in the center he had endured precarious conditions in terms of hygiene and that there had been a lack of healthy food and physical exercise. He had been examined twice by way of routine medical assistance after going on hunger strikes, but on several occasions he refused the treatment recommended. In February 2003 he was admitted to a hospital and underwent specialist consultations and general tests. In July 2003 Mr. Al-Agha was released as the five-year period during which he had been declared undesirable had expired. Having been granted a refugee permit, he is now living in Romania in a center managed by the National Refugee Office.

Let us now examine the case from the legal standpoint. The ECtHR assessed the situation of the applicant’s detention under the first paragraph of Article 5 of ECHR. Afterwards, ECtHR considered the “lawfulness” of detention according to national law (in substantive, procedural terms and in terms of whether or not the period of detention is consistent with the purpose of Article 5 of ECHR). It states that, to be “prescribed by law,” not only must detention have some basis in domestic law but it must possess the necessary “quality” in order to be compatible with the rule of law. The ECtHR ruled that Mr. Al-Agha’s stay in the center for three years and five months, without any possibility of leaving except with the authorities’ consent, had amounted to deprivation of liberty. Detention in a center with a view to deportation had a basis in Romanian law, and the relevant instrument satisfied the criteria of accessibility, having been published in the Official Gazette. However, although the Government had justified keeping the applicant in detention by citing a risk to national security, no proceedings had been brought against him on that account and the Romanian authorities

had not referred to any specific accusations against him. The ECtHR further noted that in any event, even where matters affecting national security were concerned, individuals could not be deprived of safeguards against risks of arbitrary conduct by public authorities. Since Mr. Al-Agha had not been afforded the minimum level of protection against such risks, his prolonged deprivation of liberty had had no legal basis satisfying the requirements of the ECHR.

IV. The Convention's Guarantees of Procedural Justice

The ECHR stipulates in its Article 5 §2 that everyone who is arrested shall be *informed promptly* in a language which he/she understands about the reasons for his/her arrest and of any charge against him/her. The ECtHR interprets this provision to mean that any arrested person must be told, in simple, non-technical language that he/she can understand, the essential legal and factual grounds for his/her arrest so he/she can apply to a court to challenge its lawfulness. However, in the 2009 case of *Eminbeyli v. Russia*, the ECtHR made it clear that, because expulsion or extradition proceedings do not fall within the ambit of Article 6, the information which a detainee under Article 5 §1(f) has to be given does not need to be as detailed as that which must be provided to those who are subject to criminal charges in the country of detention. In the *Saadi v. the United Kingdom* case (see section II above), although the ECtHR found no violation of Article 5 §1(f), it did find a violation of Article 5 §2 on the ground that the reason for detention was not given sufficiently promptly. The reason for the applicant's detention was administrative convenience for the processing of fast-track claims, but he was given no reasons at all for 76 hours after he was detained. The ECtHR agreed that general statements could not replace the need for the individual to be informed of the reasons for his arrest or detention.

In regard to access to a court and periodic reviews, Article 5 §4 states that everyone who is deprived of his/her liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his/her detention shall be *decided speedily* by a court and his/her release ordered if the detention is not lawful. Article 5 §4 not only requires *access to a judge* to have the initial lawfulness of the detention decided but also requires *access to regular periodic court reviews* of the need for a continued detention. In the 2007 case of *Garabayev v. Russia* the applicant's detention pending extradition had never been reviewed

by a court, despite his complaints. The review which eventually occurred after the extradition had taken place could not be considered effective because the question of the lawfulness of the detention had been resolved only in the context of the review of the extradition procedure. He had thus been unable to obtain judicial review of his detention prior to extradition, in violation of Article 5 §4 of ECtHR, which states that the purpose of Article 5 §4 is to assure the persons who are arrested and detained the right to a judicial supervision of the lawfulness of the measure to which they are thereby subjected. The remedies must be made available during a person's detention with a view to that person's obtaining speedy judicial review of the lawfulness of the detention capable of leading, where appropriate, to his or her release. The accessibility of a remedy implies, inter alia, that the circumstances voluntarily created by the authorities must be such as to afford applicants a realistic possibility of using the remedy.

It is important to note, that Recommendation (2003) 5 clearly states that measures of detention of asylum seekers should be reviewed regularly by a court and should be applied only under the *conditions* and *maximum duration* provided for by law. If a maximum duration has not been provided for by law, the duration of the detention should form part of the review by the court. With regard to access to the asylum procedure detention should not constitute an obstacle to asylum seekers in being able to submit and pursue their application for asylum. It further states that asylum applications from persons in detention should be prioritized for the purposes of processing. Asylum seekers should be screened at the outset of their detention to identify torture victims and traumatized persons among them so that appropriate treatment and conditions can be provided for them. With regard to the place of detention, this should be appropriate and, wherever possible, be provided for the specific purpose of detaining asylum seekers. In principle, asylum seekers should not be detained in prison. If special detention facilities are not available, asylum seekers should at least be separated from convicted criminals and prisoners on remand. Detained asylum seekers should also have the right to contact a legal counsel or a lawyer and to benefit from their assistance.

V. Additional Conditions for Children

Refugee and migrant children are among the world's most vulnerable population and face particular risk when separated from their parents and carers. The

phenomenon of separated or “unaccompanied” children seeking international protection exists in all European Union member states. Some are victims of trafficking for economic or sexual exploitation, minors fleeing from persecutors and war zones, or even from other family members or associates.

As a rule, minors should not be detained unless as a measure of last resort and for the shortest time possible. Minors should not be separated from their parents against their will or from other adults responsible for them whether by law or custom. If minors are detained, they must not be held under prison-like conditions. Every effort must be made to release them from detention as quickly as possible and place them in other accommodations. If this proves impossible, special arrangements must be made which are suitable for children and their families. For unaccompanied minor asylum seekers, alternative and non-custodial care arrangements, such as residential homes or foster placements, should be arranged and, where provided for by national legislation, legal guardians should be appointed, within the shortest possible time.

In the case of *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*¹⁷ the applicants, Ms. Pulchérie Mubilanzila Mayeka and her daughter Tabitha Kaniki Mitunga, were Congolese nationals, born in 1970 and 1997 respectively. They now live in Montreal, Canada. The application related to Tabitha’s detention for a period of nearly two months and her subsequent removal to her country of origin. Ms. Mubilanzila Mayeka arrived in Canada in September 2000, where she was granted refugee status in July 2001 and obtained indefinite permission to remain in March 2003. After being granted asylum, she asked her brother, a Dutch national living in the Netherlands, to collect Tabitha, who was then five years old, from the Democratic Republic of the Congo and to look after her until she was able to join her in Canada. On August 18, 2002, shortly after arriving at Brussels airport, Tabitha was detained in Transit Center No. 127 because she did not have the necessary documents to enter Belgium. The uncle who had accompanied her to Belgium returned to the Netherlands. On the same day a lawyer was appointed by the Belgian authorities to assist Tabitha. On August 27, 2002, an application for asylum was lodged on behalf of Tabitha but was declared inadmissible by the Belgian Aliens Office. Its decision was upheld by the Commissioner General for Refugees and Stateless Persons on September 25, 2002. On September 26, 2002, Tabitha’s lawyer asked the

¹⁷ *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, application no. 13178/03, judgment of October 12, 2006.

Aliens Office to place Tabitha in the care of foster parents, but did not receive a reply. On October 26, 2002, the *chambre de conseil* of the Brussels Court of First Instance held that Tabitha's detention was incompatible with the New York Convention on the Rights of the Child and ordered her immediate release. On the same day the Office of the High Commissioner for Refugees sought permission from the Aliens Office for Tabitha to remain in Belgium while her application for a Canadian visa was being processed and explained that her mother had obtained refugee status in Canada. The following day, October 17, 2002, Tabitha was removed to the Democratic Republic of the Congo. She was accompanied by a social worker from Transit Center No. 127 who placed her in the care of the police at the airport. On board the aircraft she was looked after by an air hostess who had been specifically assigned to that task by the chief executive of the airline. She traveled with three Congolese adults who were also being deported. No members of her family were waiting for her when she arrived in the Democratic Republic of the Congo. On the same day, Ms. Mubilanzila Mayeka rang Transit Center No. 127 and asked to speak to her daughter, but was informed that she had been deported. Finally, at the end of October 2002 Tabitha joined her mother in Canada following the intervention of the Belgian and Canadian Prime Ministers.

VI. Distinguishing between Asylum Seekers and Irregular Migrants

Asylum seekers and irregular migrants must be distinguished as separate categories of persons. Asylum seekers and refugees have been forced to leave their country due to persecution. Irregular migrants have crossed international borders, inevitably in very risky conditions, but for other (economic, social, political, cultural, environmental) reasons. Asylum seekers, unlike other migrants, may not be in a position to comply with the legal formalities for entry (they cannot wait at embassies to get passports issued when they are fleeing for their lives) and they are often traumatized by their experience. Ultimately, their backgrounds and personal histories are fundamentally different from irregular migrants and this must be taken into account by decision makers when considering the need to detain an individual. As mentioned above, asylum seekers cannot be detained solely on the basis of their lodging a claim for international protection. Article 31 of the 1951 UN Refugee Convention (the so-called “non-penalization clause”) provides that states shall not impose

penalties on refugees on account of their illegal entry or presence in the country without authorization. Irregular migrants do not fall within this scope. However, human rights law is applicable to *everyone* without distinction and the exceptional nature of detention means that individuals should not be detained purely on the basis of their illegal status in national law. Human rights law also requires an individual and specific assessment of the necessity to detain any person. Such an assessment would necessarily entail taking the distinct situation of asylum seekers and irregular migrants and their respective needs into account.

VII. The Principle of Non-Arbitrariness in Detention

Despite some overlap, several ingredients make up the broad notion that detention is *not arbitrary* where it is fair, just, non-capricious, exceptional and legal safeguards are in place. It is not arbitrary if it is applied following an individual, specific assessment of the case, and if it is necessary, proportionate and appropriate, applied in good faith, and the duration is reasonable in the given circumstances (meaning for the shortest possible time). Clearly, the prohibition of arbitrariness is interpreted to mean something more than mere conformity with the law. More specifically, detention will be considered arbitrary unless it is: (a) authorized by a court/a judge (or an official with judicial power), or pursuant to a procedure set in law; (b) clearly prescribed by national law and sufficiently accessible, precise and foreseeable in its application, and in order to avoid all risk of arbitrariness; (c) necessary in all the circumstances of the case, for example to prevent flight or interference with evidence; (d) imposed only as a measure of last resort, other less severe measures having been considered and found to be insufficient to safeguard the individual or public interest which might require that the person concerned be detained; (e) proportionate to the objective to be achieved; (f) carried out in good faith with no element of deception; (g) appropriate or just.

Furthermore, the Committee of Ministers has agreed that measures of detention of asylum seekers should be applied only after careful examination of their “necessity” in each individual case. This is because article 31 of the 1951 UN Refugee Convention stipulates that any restriction on free movement of asylum seekers must be necessary. So there appears to be general agreement that in exceptional circumstances it is necessary to detain an asylum seeker or irregular migrant in order to verify his/her identity, determine the elements

on which the claim to refugee status or asylum is based, and deal with cases where asylum seekers and irregular migrants have destroyed their travel and/or identity documents or have used fraudulent documents to mislead the authorities of the country of refuge or to protect national security or public order. The latter case means that, for example, the asylum seeker or irregular migrant has criminal antecedents or affiliations that are likely to pose a risk to public order or national security or he/she is under criminal investigation or is likely to abscond with a view to take up illegal residence in the territory of the state (or of another state).

Conclusion

The legal framework governing detention is frequently misunderstood. Furthermore, the automatic use of detention gives rise to a long list of serious problems including that, too frequently, detention is used as the option of first resort and not last resort. Alternatives to detention are used too infrequently. It is also the case that conditions and safeguards afforded to immigration detainees who have committed no crime are often worse than those of prisoners in criminal custody. The Committee of Ministers of the Council of Europe clarified 10 guiding principles on the legality of detention of asylum seekers and irregular migrants. The detention of asylum seekers and irregular migrants in Council of Europe member states has increased substantially in recent years. While the cause of this increase is in part due to the growing number of arrivals of irregular migrants and asylum seekers in certain parts of Europe, it is also to a large extent due to policy and political decisions resulting from a hardening attitude towards third-country nationals.

While it is universally accepted that detention must be used only as a last resort, it is increasingly used as a first response and also as a deterrent. This results in mass and needless frequency of often prolonged detention. This excessive use of detention and the long list of serious problems which arise as a result are regularly highlighted by Council of Europe human rights monitoring bodies such as the European Court of Human Rights, the European Committee for the Prevention of Torture and the Human Rights Commissioner and the Assembly's Committee on Migration. Detention has a high cost in financial terms for the states which resort to detention and which detain persons for lengthy periods of time. The European Union's Return Directive, which has a fixed duration for detaining an irregular migrant for a maximum of 18 months, can be criticized

for adopting the lowest common standard in regard to detention length and consequently allowing European Union member states to practice overall long-term detention, and for increasing the possibility that states increase their minimum duration of detention. Of particular concern is the detention of asylum seekers who should be systematically distinguished from irregular migrants. Under the 1951 UN Refugee Convention there are only specific and narrow exceptions to the right to freedom of movement.

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THE STATUS OF CITIZENS AND MIGRANTS IN LIGHT OF THE NON-DISCRIMINATION PRINCIPLE

Harald Christian Scheu

Introduction

Migration is connected to a large number of civil and political rights like, e.g., the non-refoulement principle, the respect for private and family life, a fair trial and personal liberty, human dignity and freedom of opinion, as well as social rights like, e.g., the right to just conditions of work, the right to fair remuneration, the right to social security and the right to health care. In the international human rights doctrine there is little doubt about the close link between international protection of human rights and the regulation of migration. Also the jurisprudence of international and national courts has clearly demonstrated that migration is one of the most complex human rights issues of our time.

The purpose of my contribution is to show how the non-discrimination principle substantially affects the standards of European migration law. Already in 1989, the UN Human Rights Committee in its General Comment No. 18 on non-discrimination found that non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights. However, the Human Rights Committee at the same time observed that not every differentiation of treatment will constitute discrimination if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.

Such interpretation can be seen as a cornerstone for the concept of migrants' rights because any differentiation of treatment which is based on national origin or nationality has to be justified by rational arguments. Under the influence of international human rights law, citizens' rights have, gradually, become everybody's rights, which apply to migrants.

This development has been thoroughly considered by the UN Committee on Economic, Social and Cultural Rights in its General Comment No. 20 from May 20, 2009. Twenty years after the Human Rights Committee had pointed out the outstanding importance of the non-discrimination principle, the Committee on Economic, Social and Cultural Rights stated that social and economic rights under the First International Covenant of 1966 shall apply to everyone including non-nationals, such as refugees, asylum seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation.

EU anti-discrimination law and international human rights law are to a certain degree complementary. However, we have to recall that with respect to EU law it is necessary to distinguish between two generations of anti-discrimination norms. The first generation is built upon the concept of fundamental market freedoms. In the light of internal market rules, free movement of economically active citizens of EU Member States was, from the very beginning, connected to the principle of non-discrimination on grounds of nationality. This generation of EU anti-discrimination law was inspired by the economic goals of European integration and, even more pragmatically, by the principle of reciprocity among Member States.

The second generation of EU antidiscrimination law was closely related to the Amsterdam Treaty of 1997 which introduced, as one of its major achievements, a new provision empowering the EU Council to deal with discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The following legal acts adopted by the Council were much less influenced by the idea of mutual economic benefit than by the principle of European and international human rights law. Below, we want to show how both generations of EU anti-discrimination rules affect the legal regulation of migration.

EU Citizenship and Migration

EU law has, fundamentally, changed the notion of discrimination on grounds of nationality. For centuries, traditional international law had been categorically differentiating between citizens and non-citizens. The term citizenship described a specific bond of loyalty between a sovereign state and its nationals. In a leading case of 1892¹ the US Supreme Court found that it was an accepted

¹ Nishimura Ekiu v. United States – 142 US 651 (1892).

maxim of international law that every sovereign nation has the power, as inherent in sovereignty and essential to self-preservation, to forbid the entrance of foreigners within its dominions or to admit them only in such cases and upon such conditions as it may see fit to prescribe. In this light it is understandable that international law, in general, left it to the sovereign state to determine who shall be a citizen and which specific rights and duties are attributed to citizens.

EU law has changed the fundamental dichotomy of citizens and non-citizens in favor of Union citizens. Citizens of EU Member States were granted a privileged status, the so-called free movement of persons. This key market freedom had been, originally, reserved to economically active citizens, i.e., workers and entrepreneurs. Since the entry into force of the Maastricht Treaty in 1993, the concept of Union citizenship also grants free movement within the Member States to students, unemployed and retired persons.

The combination of free movement of EU citizens and the principle of non-discrimination has reached an unexpected dynamics. In a number of crucial decisions the EU Court of Justice has defined the scope for the application of this new concept. For example, in the landmark decision of *Ian William Cowan v. Trésor public*² the question was raised whether a certain right to compensation under French law shall be granted to all citizens of EU Members States. According to French law compensation was reserved to French nationals or foreign nationals whose home country had concluded a reciprocal agreement with France or who were holders of a residence permit. Mr. Cowan, a British citizen, who had become the victim of a criminal assault in Paris, could not gain profit from such reciprocal agreement, nor was he the holder of a residence permit in France. In the proceedings before the Court, the French Government defended the differentiation between citizens and non-citizens by pointing out the principle of national solidarity. According to this principle, a sovereign state may presuppose a closer bond with the State and the beneficiaries of social benefits.

The EU Court of Justice, however, did not accept the argument of the French government and found that the prohibition of discrimination on grounds of nationality, as part of primary EU law, excludes any differentiation between nationals of a Member State and EU citizens as far as the right to maintain financial compensation for injury resulting from a criminal assault was concerned.

² Case 186/87 (judgment of February 2, 1989).

In the *Grzelczyk* decision,³ the EU Court of Justice for the first time explained that “Union citizenship is destined to be the fundamental status of nationals of the Member States. In their textbook on European Union Law Damian Chalmers, Gareth Davies and Giorgio Monti (2010: 446) state that national communities are no longer free to exclude others. They reach at the conclusion that “national citizenship may still exist, but it confers very few special rights,” e.g., as far as national elections or some sensitive occupations are concerned. In other words, the legal status of Union citizens has been approximated to the status of Member State nationals.

The prohibition of discrimination on grounds of nationality also applies in the politically sensitive area of social assistance. The rule of equal treatment was already contained in Regulation (EEC) No. 1408/71 of the Council of June 14, 1971, on the application of social security schemes to employed persons and their families moving within the Community. In the spirit of reciprocity the Regulation mainly applied only to employed citizens of Member States and their family members. The personal scope of the Regulation was gradually extended to bring other categories within its scope. According to the modernized Regulation No. 883/2004 of the European Parliament and of the Council of April 29, 2004, on the coordination of social security systems the personal scope relates to all nationals of a Member State who are or have been subject to the legislation of a Member State.

EU law, so far, appeared to allow for the possibility of treating home state nationals and migrating EU citizens differently with regard to access to social assistance. However, the EU Court of Justice in its ruling in the *Brey* case⁴ has clarified that economically non-active EU citizens, like, e.g., pensioners from other Member States, must not be excluded from social assistance in the receiving Member State. The Court has, in principle, recognized a certain degree of financial solidarity between of a host Member State and nationals of other Member States.

Third-Country Nationals and Migration

The second generation of EU anti-discrimination norms which have been adopted after the Amsterdam Treaty does refer not only to state nationals and privileged citizens of EU Member States (EU citizens) but to all human beings. Therefore,

³ Case C-184/99.

⁴ Case C-140/12 (judgment of September 19, 2013).

in such respect, the principle of reciprocity does not apply. Fundamental human rights have to be granted to all individuals, regardless of the specific relations between the receiving state and the home country of the individual.

In this context we may recall, e.g., Article 1 of the European Convention on Human Rights according to which the High Contracting Parties (i.e., among others all EU Member States) shall secure the rights and freedoms to “everyone within their jurisdiction.” It is no coincidence that the first EU anti-discrimination directive adopted after Amsterdam, i.e., Directive 2000/43/EC of June 29, 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, explicitly refers to general human rights standards. According to Recital 3 of the Directive the right to equality before law and protection against discrimination for all persons constitutes a universal right recognized by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms. Further, Article 3 para. 1 of the Directive states that the Directive shall apply to all persons, e.g., in relation to the conditions for access to employment, employment and working conditions, social protection, education and access to goods and services.

Undoubtedly, such legal regulation may bring the status of third-country national very close to the status of EU citizens. As Directive 2000/43/EC combats, in general, discrimination on the ground of racial or ethnic origin, those anti-discrimination rules may very well apply in favor of third-country nationals. Article 1 of the International Convention on the Elimination of all forms of Racial Discrimination, to which the preamble of the Directive directly refers, clarifies that racial discrimination shall mean distinction, exclusion, restriction or preference based not only on race and ethnic origin, but also on national origin.

The current jurisprudence of international human rights bodies, therefore, shows that differentiation based on nationality is, to a very large degree, understood as something suspicious. In its General Comment No. 30 on discrimination against non-citizens⁵ the competent Committee on the Elimination of Racial Discrimination confirmed that differential treatment based on citizenship or immigration status will constitute discrimination if the criteria

⁵ CERD/C/64/Misc.11/rev.3 (2004).

for such differentiation, judged in the light of the objectives and purposes of the Convention, are not applied pursuant to a legitimate aim and are not proportional to the achievement of this aim. In this context the Committee calls upon States Parties to avoid the expulsion of non-citizens, especially long-term residents, that would result in disproportionate interference with the right to family life, and to grant equal rights to citizens and non-citizens in the areas of education, housing, employment and health. On the other hand, the Committee concedes that States Parties may refuse to offer jobs to non-citizens without a work permit. Moreover, it seems clear that the right to residence may be linked to a valid work permit.

This idea is also well expressed in Article 3 para. 2 of Directive 2000/43/EC, according to which the Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals. But what does this mean?

So far, the case-law of the EU Court of Justice has contributed very little to the clarification of the question of how the prohibition of racial discrimination may refer to the migration of third-country nationals to EU countries and their access to the labor market. In the *Feryn* case which was decided on July 10, 2008,⁶ the Court did not deal with the concrete case of a person who had been discriminated on grounds of ethnic origin and nationality but with a public statement of an employer. Mr Feryn, the director of an enterprise specializing in the sale and installation of security doors, had declared in public that his firm would not recruit Moroccans. He explained that, when he sends door installers to private homes and villas, the customers do not want Moroccans coming into their homes. The same day when the statement of Mr Feryn was published by a Belgian newspaper, Mr Feryn participated in an interview on Belgian national television in which he stated that he had to comply with the customers' requirements and suggested that if he sent Moroccan employees the customers would reject the service. The Belgian Center for equal opportunities and opposition to racism, a national anti-discrimination organization, initiated proceedings against the Feryn company before the competent Belgian courts. The national court of second instance made a reference to the Court of Justice for a preliminary ruling.

In my view, it is a pity that the ECJ has not used the opportunity to explain the applicability of EU anti-discrimination law with respect to third-country nationals in cases concerning access to the labor market and, indirectly, to long-term

⁶ Case C-54/07.

residence status. Neither the Court in its judgment nor the Advocate General in his Opinion analyzed the possible impact of different migration status on the scope of Directive 2000/43/EC. Therefore, we do not learn from the legal arguments whether it makes a difference whether Mr Feryn was referring to Moroccan citizens, Union citizens of Moroccan origin or Belgian citizens of Moroccan origin.

The ECJ judgment suggests that different migrant status is, simply, irrelevant to a case in which Directive 2000/43/EC shall be applied. It seems that access to the Belgian labor market has to be granted, in the same way, to Belgian, French or Moroccan nationals. I wonder whether such interpretation is in line with the above-mentioned Article 3 para. 2 of Directive 2000/43/EC.

Conclusions

Two generations of EU anti-discrimination law have approximated the status of state nationals, Union citizens and third-country nationals. The principle of reciprocity between Member States and the idea of basic human rights have inspired a set of EU anti-discrimination rules which extend the scope of the non-discrimination principle. The jurisprudence of international human rights bodies and the EU Court of Justice shows that a clear line between the different categories is hard to draw and will be subject to further debate. The Feryn case may be seen as an example for problematic and unclear application of non-discrimination rule in a migration situation. I believe that the approximation of the legal status of all individuals irrespective of their nationality may be welcomed as one of the major achievements of international human rights law. However, the concept of equality should not be overused in order to, completely, replace the traditional concept of reciprocity between sovereign states and the basic value of citizenship expressing a special bond of loyalty between an individual and a State. Eventually, a State not being supported by citizens' loyalty and democratic legitimacy will not be able to protect human rights, nor the rights of citizens nor migrants' rights.

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CZECH ASSOCIATION FOR SOCIAL ANTHROPOLOGY

The Czech Association for Social Anthropology (CASA) is a civic association of professional academics in social anthropology, graduates in social anthropology (MA level) and supporters from related disciplines. It is part of the academic community of the Czech Republic. CASA has been a member of Council of Scientific Societies of Czech Republic since 2010 and a member of World Council of Anthropological Associations since 2012.

The aims of CASA are

- to support the development of scientific research and education in social anthropology;
- to represent Czech social anthropology in relation to the government, public and non-governmental organizations and on international anthropological forums;
- to popularise the achievements of social anthropology among wider public;
- to create and cultivate relations among social anthropologists and specialists of related disciplines in the Czech Republic and internationally;
- to maintain contacts and establish cooperation with similar professional organizations in the Czech Republic and abroad.

To attain its aims, the association organizes specialized conferences, lectures and seminars, prepares and publishes publications, elaborates and presents suggestions concerning the improvement of education and research in social anthropology, and offers the findings of social anthropology for practical implementation. It strives for the improvement of quality of social anthropology and for respecting the rules and norms of science and teaching, and observes the ethics of scientific work. The association assists its members in research and other investigative activities. The association actively cooperates with similar organizations abroad and participates in the global development of social anthropology.

Anyone with a Master's degree in social anthropology or related discipline who is interested in the development of social anthropology and honours the norms and rules of CASA is welcome to become a full member of CASA. CASA is also open to students of social anthropology and related subjects who may attain limited membership.

Ondřej Daniel: *Bigbít nebo turbofolk. Představy migrantů z bývalé Jugoslávie* [Big beat or Turbofolk. Imaginations of Migrants from the Former Yugoslavia]

AntropoEdice, sv. 3.

Praha: AnthroWeb 2013, 155 pp.

Ondřej Daniel's book "Big beat or Turbofolk" seeks to explore the topic of imagination among migrant communities from the former Yugoslavia across several countries, namely, Austria, the Czech Republic and France. In order to capture these imaginations along with a complicated "web" of connections among several spaces of different nation-states, the author fittingly chose a strategy of multiple-site research (see pp. 15–23). This places Daniel's work in the area of transnational migration studies and (postmodern) social theory, which is also reflected in the chosen theoretical framework and bibliography (e.g., Anderson, Appadurai, Bhaba, Said and others). The author also seeks inspiration in cultural studies, namely, the Birmingham school as well as authors influenced by Marxism, including Gramsci, Harvey, Wallerstein and Žižek (p. 153). Moreover, not only does such research ask for specific theoretical and methodological anchoring but, as Daniel claims, also a specific style of writing – the author himself strives for an "experiment." He suggests that the best way of representing research that puts an emphasis on human imagination, memories and dreams can be found in Deleuze's and Guattari's rhizomatic style of writing (see p. 11). In this manner,

Daniel's book opens up the truly fascinating topic of migrants' imagination, which certainly deserves the attention of the social sciences.

The question of what impels so many persons to be on the move is indeed a relevant question to the increasing world's population – in an era that has been referred to as the "age of migration" (e.g., Brettel and Hollifield 2001). "Big beat and Turbofolk" is a contribution to the growing area of migration studies that reflect on these trends. Understanding migration indeed matters. People have migrated for thousands of years, but the "modern" form of migration is of a different character and it is the one Daniel elaborates on. In his book he locates and focuses on various economic, political and demographic aspects enabling and determining migration. However, despite the title and the overall goal to follow migrants' imagination, what the book misses is that the moving force behind many of the journeys can be traced precisely to the realm of imagination. Daniel's book sets out on an ambitious path, but, unfortunately, not all the goals that the author sets are successfully tackled. So what are the "benefits and drawbacks" of "Big beat or Turbofolk"?

Formally, "Big beat or Turbofolk" fulfils all of the standards of an academic text – when it comes to the methodological premises, the interpretation line and the textual representation of the data. Daniel's research entails both synchronic and diachronic dimensions. Thus, he explains the phenomenon in its historical context while including other social forces present. The major drawback of Daniel's book is that it does not exhaust

the full potential of the topic. Despite the author's call for anthropological research – the “bottom to top approach” which he himself seems to implement – the final textual representation as well as the interpretation line fail to bring a deeper understanding of the world of the insider. Unfortunately, the reader rarely gets a better picture of the *emic* view and migrants' understanding of both their old and their new homes. This is more than surprising as the author applies the research methods of social anthropology – participant observation in particular (p. 153). This restricts reader's understanding to one of an outsider's eye – informed indeed, yet blind to certain movements of the “soul” and “heart.”

Certainly, an *etic* account is as relevant as an *emic* one; different research suits various strategies. Yet when it comes to the endeavor of comprehending migrants' imagination, it becomes limiting if not counter-productive. The insider's view generally appears in the form of interview and blog quotes that rarely offer the reader deeper insight into the individual perceptions of complicated Balkan identities. Daniel follows an approach similar to Appadurai's, in which macrostructural focus – an *etic* perspective – prevails, which inevitably leads to shifts in meaning and generalizations, while the *emic* dimension is, so to say, “lost in translation.” For instance, in the chapter devoted to Turbofolk, Narodna muzika (national music) and Novo komponovana narodna muzika (newly composed folk music) genres Daniel quotes an interview with “one informant from Paris” from January 2007: “...I don't like folklore very much. I like traditional music but the real one. The

new one [folk music] is kitsch, it's terrible, I fear it! It's for the villagers. It's the game of money...” (p. 109).

Even though Daniel puts this quote into the context of a so-to-say fitting analysis of the Turbofolk genre, it does not become explicitly clear in the text why this informant would dislike it. We can only wonder whether she is a Serb from Bosnia, Croatia or Serbia or some other nationality, what her socio-political views are, her social status, etc. Thus, the reader, especially one who is not familiar with the *ehntoscapes* of the former Yugoslavia, cannot understand the meaning. Moreover, the author does not attempt to explain why she would fear the music genre and fails to highlight the tight relation between Turbofolk, extreme nationalism and direct linkages to people like Željko and Ceca Ražnatović and some of the worst atrocities that took place in the latest war (see Slavkova 2011). Overall, the author tends to treat the former Yugoslavian diaspora as a relatively unproblematic unit of social cohesion as if the identities drawn on national and religious bases didn't matter.

Further problems develop around the structure of the text and the final style of writing. As previously mentioned the author attempts to provide the reader with more of an experimental form of “rhizomatic writing” (p. 11). He claims that: “*the reader can start reading this work at any point and continue to another arbitrary point*” (ibid.). Clearly, this goal is daring and unfortunately it doesn't quite meet the practice. The book is overall structured as a classical academic manuscript conforming to general conventions and is, thus, far from an organic, tree-like structure of rhizome. It starts with an

introduction, has a clearly defined body of the text and ends, “instead of a conclusion,” with a closing chapter titled “Big beat or Turbofolk” (for the rhizome has neither a beginning nor an end). However, it is true that in order to read individual chapters one doesn’t need to follow their order. Each of them represents a separate chapter reflecting on a related yet independent topic. The result is a cross between a classic academic text and an encyclopedia – partly an examination of social theory relevant to the studied problematids, partly a handbook of emigration from the Balkans to chosen destinations and partly an overview of studies of lifestyle and popular culture.

The synopsis of “Big beat or Turbofolk” on the back cover begins: “*Tell me what music you listen to and I will tell you what kind of a person you are. And also the films you like, how you describe your journey from work and which interpretation of history you believe...*” Alas, Daniel’s book manages only partly to answer these questions. On the other hand, Daniel’s work needs to be appreciated as a valuable contribution to larger research endeavors concerning Balkan and migration studies. “Big beat or Turbofolk” explores the intriguing topic of migration, identity, lifestyle and nationalism and serves as a valuable overview and source of information of the phenomena. Furthermore, it can be recommended as an interesting read to every expert on the former Yugoslavia.

Markéta Slavková

Zuzana Jurková (ed.): *Pražské hudební světy / Prague Soundscapes*¹

Praha: Karolinum, 2014, 304 pp.

The book *Prague Soundscapes* is the successful result of at least two years’ work of a team of music anthropology seminar students at the Faculty of Humanities of Charles University in Prague under the leadership of Zuzana Jurková. The title of the publication reveals its authors’ aim to introduce our capital as perceived by *ethnomusicological ears*. Ethnomusicology (music anthropology) conceives music in a complex way: not only as a sound phenomenon, but also as a social one. Music is, first of all, the people who play it and those who listen to it – it’s the world around sound, the *music world*, the *soundscape* (p. 8)! And that was exactly one of the authors’ goals: to introduce ethnomusicology as a discipline that seeks to understand people through music and music through people (p. 293) – to further link anthropological theoretical concepts with a particular musical world, or *soundscape*.

The 304 pages of the book contain a symbiotic combination of two genres: impressive “snapshots” on one hand and a theoretical part on the other. A total of twenty-four snapshots – original inside views of music events – very well portray the authors’ experience of musical events, including a detailed description of the music, place, musicians, listeners, and

¹ The book was published in two language versions, Czech – *Pražské hudební světy* – and English – *Prague Soundscapes*. The page numbers refer to the Czech version.

context, and illustrative photos. At the same time, the authors present information that is potentially relevant to the specific soundscape. All snapshots are interpreted by Zuzana Jurková through appropriately chosen theoretical concepts professed by ethnomusicologists and anthropologists such as Timothy Rice, Arjun Appadurai, Kay Kaufman Shelemay, Alan Lomax and Alan Merriam. Individual parts of the book are also distinguished graphically: beige pages indicate the theoretical part, while the snapshots are represented by white pages. In addition, the text is supplemented by information on the artists or musical genres. This information is also graphically differentiated. The purpose of this differentiation is explained in the introduction, where the authors instruct “how to read the book.” This book can be read from different points of view. Those who “do not want to waste time with theory” can just follow interesting snapshots which show what is happening in Prague or skip arbitrarily to the parts that interest them. The book also satisfies even the most demanding reader (“who does not fear theory” p. 9) who does not ask just “how?” but also “why?” in terms of understanding ethnomusicology.

“*Soundscapes*” are an important concept in this publication: a term coined by the American ethnomusicologist Kay Kaufmann Shelemay (first used by the acousticologist R. Murray Schafer as acoustic characteristics of a given environment – a sound parallel to “landscape”). Shelemay’s (2001) concept of the term combines theoretical inspiration of socio-cultural anthropologist Arjun Appadurai (1996) and the ethnomusicologist Alan P. Merriam (2000). The term *soundscape*

refers to the world of music (-scape is a morpheme we can find in the word “landscape,” for instance) in its dynamic variability (characteristic for seascape). Being inspired by Appadurai’s theories of global cultural flows (ethnoscapes, technoscapes, financescapes, mediascapes, ideoscapes), she adopts the terms and so do the authors of *Prague Soundscapes* when they refer to specific examples of these -scapes. And so, for example the chapter Music and Identity reflects ethnoscapes when talking about migration; technoscapes appear in the chapter Electronic Music, etc. The content is inspired by Merriam’s model of exploring music from an anthropological point of view, in which music is regarded as a product of human activity (*music is the result of human behavior, whose roots are in human values and ideas* [p. 10]). The reviewed book certainly shows Merriam’s model too, for instance in the categorization of soundscapes, in which the values and significance of individual *music worlds/communities* stand out clearly. *Prague Soundscapes* fall in urban ethnomusicology. In this research discipline, similar studies in other world capitals were carried out (the above-mentioned Shelemay 2001 – research in the USA, or Philip Bohlman, Sebastian Klotz, Lars-Christian Koch 2007).

The book is divided into seven chapters. Except for the initial one, each of the following addresses one soundscape. Although it would be possible to find in Prague more soundscapes (soundscapes such as music therapy, music and children, music and politics might come to mind), the publication still covers a very wide range of topics: Music and Identity, Music and Social Stratification, Music

and Rebellion, Music as a Commodity, Electronic Dance Music, Music and Spirituality. The authors state that it is not the only possible and certainly not an exhaustive division. They have set these criteria for selecting the topics: (a) the music event had to take place in Prague and (b) musical language and the events had to be well explained through the values of the community in the perspective of anthropology. The authors were looking for a variety of genres in relation to the multidimensionality of the capital.

Each chapter would deserve its own publication, as the majority of the authors spent a large part of their studies on their given topics (the themes were pivotal to their bachelor's, master's and doctoral theses) and hence show extensive understanding of their domains. Especially admirable is the work of Zuzana Jurková, who led the student team and who managed to skilfully organize all the information into a compact image. Compactness is also evident in the sequence of the individual themes and sub-sections (snapshots, theoretical concepts), in which, despite their seeming contradiction (stratification, commodification, rebellion or electronic music, spirituality), they are connected. For example, the chapter Rebel Music ends with a snapshot of Tom Stoppard's performance Rock'n'Roll (a play about, apart from other things, the Czech band The Plastic People of the Universe) at the New Scene of the National Theater (a *very non-rebel place*) and this apt question: "How rebellious is music if it keeps features of a rebellious musical style, but fills stadiums with listeners – members of that very system against which the music protests (p. 294)?" Similarly, the interpretation of

Judith Beckett's unconventional text which deals with the relationship of music, emotion and trance and which is placed here within the context of electronic dance music directly precedes the chapter Music and Spirituality.

The introductory soundscape explores the relationship of music and identity. It focuses on "the others" through the studies of Romani/Gypsy music and music of today's migrants. The chapter outlines the term "identity" – the question whether music can express who we are.

In the next chapter, the authors Zuzana Jurková and Pavla Jónssonová deal with music in relation to social stratification. The authors illustrate stratified music with the example of Dvořák's *Rusalka*, applying Lomax's cantometrics and, when analyzing the performance *The Makropulos Affair*, they look at music through the lens of semiotics. They use Thomas Turino's adaptation of Charles S. Peirce's theory in an attempt to answer the question of how music actually affects people (p. 110).

In the 1970s, the British cultural anthropologist Victor Turner comes along with the concept of *communitas* – a mode of social existence complementary to normal stratified society (p. 21). The authors used this theoretical concept in the chapter Music and Rebellion when they applied it to modern punk concerts in the *Modrá Vopice* club and to the original Czech soundscape around the band *The Plastic People of the Universe* (Czech underground).

The previous two chapters are thematically linked with the soundscape of commodified music described in the chapter Music as a Commodity. Commodification is a process by which (in this case) music

becomes a commodity with the clear intention of making money. How money influences the form of music is illustrated with the movie *Mňaga: Happy End*, as well as in the KLF group's manual "How to Win the Hit Parade."

Electronic dance music directly refers to one of the mentioned –scapes: technoscapes. The authors focus on the relationship between music and technology that changes the very nature of music in many ways. When analyzing the two forms of electronic dance music, freetekno and psytrance, there appear values in a completely opposite pole from that in the chapter on commodification; the participants of this soundscape long to escape from that commercial and anonymous sector into the world created through the nearest symbiosis with technology (p. 34).

It is possible to view the relationship between music and spirituality from many angles. The author Veronika Seidlová chose to illustrate it in a demonstration of faith in the form of *harinam* – the procession of Hare Krishna movement members through the city, which catches the eyes and ears of urban dwellers. Another example, in fact an opposite one, was the Saint Wenceslas Christian Celebrations, which nicely showed the dichotomy between specialization and secularism. The snapshot of the gospel workshop then shows

another dichotomous model which distinguishes between the participants' level and the presentational level associated with the performance of music (Thomas Turino).

The book is definitely an interesting contribution to the field of (dare I say not only Czech) urban anthropology and ethnomusicology. Cultural Prague is viewed here from an entirely new perspective; not only from a historical point of view, as it used to be until now, but also from the perspective of its variable soundscapes. Although the authors did not want to embark upon a search for a systematic theoretical model with which they would analyze the musical worlds of Prague, they managed to find a few basic features that characterize *Prague soundscapes*. For urban space, it is the typical ambiguity and overlapping borders of musical genres and musical sound. In all the field studies we clearly see what the authors anticipate in the introduction, i.e., that music is not just sound itself. In each case, aesthetics and modus of behavior correspond with the musical language. Another feature is the desire to become different from others, which continually gives rise to constantly new worlds (as we read in the chapters on rebellion, electronic music and spirituality).

Alena Libánská

A Reflection on Summer School on the Topic “Women in Europe: an Unfinished Revolution?”

EUROPAEUM, 29th June – 4th July 2014, Universidad Complutense, Madrid

This short essay is a reflection on one particular student summer school focused on gender topics. The target is not to evaluate summer schools on gender topics in general or to give an objective perspective to this specific summer school but to describe and reconsider the way of presenting the gender phenomenon at this specific school from an anthropology student’s point of view.

The summer school titled “Women in Europe: an Unfinished Revolution?” took place at Universidad Complutense in Madrid from June 29 to July 4, 2014. The participants were mostly M.A. and Ph.D. students in the role of discussants and experts from law and justice, think tanks, politics, NGOs and universities presenting various gender issues. The panels and working groups were supposed to debate questions of gender policies, prostitution, gender and religion, gender equality, gender violence, same-sex marriages, schools and gender and many more. The main program was drafted as lectures of professionals followed by questions and discussions of students. M.A. and Ph.D. students also had an opportunity to present their projects, research or thesis and therefore to get feedback from scholars, NGO representatives, prosecutors and other students. The topics were not viewed primarily from the anthropological

perspective but were interdisciplinary. Besides the scientific approach the topics were discussed from the points of view of media, politics, religion, an activist approach and mainly from the perspective of feminism.

From to the title “*Gender* summer school” I expected an equal gender approach to the latest gender issues. The key words in the title “Unfinished Revolution” naturally bring up many expectations and biases, so my question was whether to expect a scientific analysis of gender relations transformation or activist perception of women gaining power at the beginning of the century. One of the first discussion topics was called “All Women, Not all Men?” which tends to anticipate equal inclusion of both genders to the debate on the divisions of social roles. Most of the lecturers were women who focused their attention primarily on women’s issues describing the topics exclusively as the problems which bring inequality between genders to the detriment of women. Every topic was presented with the prejudice of oppressed woman in most of the presented fields. Women’s rights in the perspective of public policy were described as primarily uneven through the evaluation of the number of mentions of the word “woman” in law books. The panel about women’s identity and heritage was composed of topics that did not fit into other panels like women and mass media, poetry, lesbians and women migrant house workers. The panel on women in education and society presented statistics of female professors in schools and some examples of female literature authors focused on lesbian poetry and prose. Summarizing the content of

the panels question “All Women, Not all Men?” seems unanswered to me.

First, I miss the issue of men in discussing gender roles and relationships. Furthermore I also miss objectivity in presenting “oppressed” women, which is the fact that only strengthened the invisible role of man in the debate topics. To support the conclusions of the roles of women in Western society the lecturers often used statistics. Those were mainly figures of women working in various sectors, their participation in politics, numbers of women scholars, numbers of women artists presented in art galleries, etc. But the statistics were carefully selected concerning mainly the sectors where the women seemed to be disadvantaged from some point of view. Very often I missed the interpretation of the whole context that would contain other related factors of described social reality. For instance the women presenting their pieces of art in galleries were analyzed as “unrepresented” and later even “ignored” based on the statistics of a few museums obviously not well known. The historical context of the cultural era in which the various artists were active was omitted.

Another interesting issue concerned the LGBT community and their rights. Surprisingly, almost exclusively, only lesbians were discussed in terms of adoption, same-sex marriage, lesbian poetry and lesbian literature authors. Again, where are the men in this gender topic? The next topic was naturally the earnings of women and men. These were compared in a table, but without regard to the type of occupation. Maternity leaves were also presented as disadvantageous for working women but nothing was said about men’s paternity

leave and its practices in European countries. One of the most interesting and important topics for me was domestic workers. A movie about Philippine women migrants working in Chinese households in Hong Kong was screened. But because of the lack of time only parts of the movie were presented, so the most serious issues of this phenomenon were skipped. Not much time was assigned for the topic of remittances, care chains, transgenerational and gender relationships and roles that are being transformed after women’s migration.

The summer school was not drafted as exclusively anthropological; the topics were presented from the perspective of more scientific disciplines and there were not only scientific points of view presented but also other non-scientific fields. Therefore I am not in a position to evaluate the program only from the anthropological perspective. But still it is interesting to consider what attitude anthropology as a scientific discipline would hold in those issues compared with the feministic and activist position of this summer school. The lack of social context in the statistics and gender relations including men has already been mentioned. There were more obvious issues where anthropology would emphasize cultural relativism rather than activism. One example is the question of female circumcision in some regions of Africa. There was a movie screened on the topic of female genital mutilation in a few tribes in Kenya, Ethiopia, Congo and Egypt. Afterwards a discussion was held which led to the consent of almost all the participants that this is an unforgivable act that should be stopped immediately. Their main argument was that most of

the male actors in the documentary were also against the act of genital mutilation. The fact that the perspective of the camera can be very selective and the informants who performed the mutilation in the movie were mainly from the educated social class did not play any role for the discussants of the summer school. The perspective of cultural relativism was completely left out and the gender roles and the gender system of Western society (there is the question if there is any common system) was applied to the system of different cultures in an effort to stop female mutilation. The argument that female mutilation is only one pattern in a whole complex of social and cultural practices so to stop only the act of mutilation would strongly disrupt the social system was unacceptable. Other phenomena concerning equal rights, gender roles or gender identity also

lacked the emic perspective and immersion in the social problem. The solution was always the activist attitude held by Western female academics.

On the other hand this summer school was a great opportunity for M.A. and Ph.D. students to present their projects concerning gender topics. There was a ground for discussions and feedback on their research or final thesis. About thirty students attended but only two presentations were anthropological. One of them was on the topic of transgenerational relationships between two generations of Vietnamese women in the Czech Republic and the second one was on female songs about relationships in the northern part of Afghanistan. Neither of the presentations held any activist perspective; both tended to the “objective,” non-judgmental interpretation of social reality.

Tereza Vrbková

**Call for papers
for issue No. 2/2015
of Urban People**

**ETHNOMUSICOLOGICAL
STUDIES
ON JOURNEYS,
MIGRATION
AND DIASPORA**

**This topic will contain the studies dealing
with synchronic dimension, i.e., human interactions
across geopolitical, cultural and social boundaries,
and their impacts on music and musical life.**

Submission Details:

Authors are welcome to submit their articles in English.
The deadline for the final article is March 31, 2015.

All submissions should be sent to the editor
of the monothematic issue
doc. PhDr. Zuzana Jurková, Ph.D.
(zuzana.jurkova@post.cz).

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