Two Sides of the Border Fence USA/Mexico

Special Issue

Managing Migration?

The Politics of Truth and Life Itself

Edited by Mark Maguire and Fiona Murphy

- Gavan Titley, Clement Esebamen, Robin Hanan, and Issah Huseini discuss what we mean when we say 'integration'
- Mark Maguire and Tanya Cassidy consider the politics of life itself
- Payal Banerjee looks at social networks and US-based Indian technology workers
- Michel Agier examines refugee camps, corridors and security vestibules
- Anthony Good writes about witness statements and credibility in British asylum courts
- Monika Weissensteiner on access to asylum in Ireland
- Jelena Tošić examines diversity, maps, knowledge and power in the Balkans

This issue also includes reviews of new work by Aihwa Ong, Didier Fassin and Richard Rechtman, Mika Aaltola, and Bryan Fanning, and the work of filmmakers Nicky Grogan and Paul Rowley

THE ANTHROPOLOGICAL
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The *Irish Journal of Anthropology* is the organ of the Anthropological Association of Ireland. As such, it aims to promote the discipline of anthropology on the island of Ireland, north and south. It seeks to provide coverage of Irish-related matters and of issues in general anthropology and to be of interest to anthropologists inside and outside academia, as well as to colleagues in a range of other disciplines, such as Archaeology, Cultural Studies, Development Studies, Ethnology and Folk Studies, Gaeilge, Irish Studies, and Sociology.

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Articles

Book Reviews

Film Review

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Management, Truth and Life

Mark Maguire and Fiona Murphy

The securitization of migration

The 2006 United Nations report, *The State of the World's Refugees,* outlines many of the challenges of studying migration in the contemporary moment. The first of these being the recognition that migration today is increasingly 'mixed' or blended. In contrast, the post-World War II state-based migration regimes seem to offer governmental categories that, to paraphrase Friedrich Nietzsche, grasp at the smoke of an evaporating reality. These days, student migration is also widely recognized (even by governments) to be blended with labour migration. With increasing restrictions on labour migration, applications for asylum offer one of the few routes to a better life; and, with increasingly restrictive asylum systems, unknown numbers are falling into irregular routes. All of this must be situated against a background in which the numbers of migrants in the world continues to grow.[1] Of course, many migrants are not asylum seekers, refugees or 'illegal' immigrants, but rather migrants working at different levels of the globalized world economy. This special issue of the *Irish Journal of Anthropology* on Managing Migration looks at migration from different angles, from high-tech workers to asylum seekers, and examines the migration regimes, management thinking and processes of securitization evident in today's world.

While we live in a complex world of mixed migration, it is nonetheless important to note that managing the frictions and flows of population mobility is a practical matter for governments, international organizations and policy makers. In 2006, for example, Elaine Dezenski of the US Department of Homeland Security discussed the North America and Mexico Security and Prosperity Partnership (SSP) at an EU conference and set out the aim of migration management in the following terms:

> To streamline the secure and efficient movement of legitimate and low-risk traffic across our shared borders through a … traveller security strategy that includes standards on travel and nationality documents … facilitating travel, enforcing immigration laws, and identifying the bad guys … Best of all, we are able to achieve results like this without inconveniencing legitimate travellers …
> About 100 years ago, 'Americanization,' as the policy was called, sought to promote civic literacy, English language acquisition, and cultural assimilation … Today, we believe, that, despite differences in background, all Americans are bound together by a set of enduring civic principles as relevant today as they were the day our Constitution. … We welcome immigrants who want to make the U.S. their home and join us in honouring these principles. (2006: passim)

Dezenski establishes the benefits to be gained by facilitating low-risk travel while at the same time working to ameliorate the dangers inherent in mobility. The technologies of identity management – travel documents and secure identity verification – are situated in the context of security. And security is situated alongside 'integration'. It is the latter connection many people may find surprising, but this connection is often made in the most explicit terms: in a recent interview with *Irish Times* migration correspondent Ruadhán MacCormaic one Irish government official argued, 'Integration can't happen without deportation!' This special issue begins with a recorded roundtable discussion on integration in which Clement Esebamen, former Senior Policy Advisor to the Irish Minister for State for Integration, Robin Hanan, CEO of the Irish Refugee Council, and Issah Huseini of the New Communities Partnership tease out many of these issues and connections.

But what are the major policy shifts with respect to migration management, and how might we map the future directions and the human consequences? Again, many insights are available in the United Nations report, *The State of the World's Refugees.* It is worth noting, for example, that since 2000 the number of refugees (those who meet the definition of a person needing protection under the 1951 Geneva Convention and 1967 Protocol) in the world has fallen, due in part to a decline in the number of inter-state conflicts. However, internal strife, oppression and civil war have persisted, and 'refugees' often do not cross borders today but remain encamped within their own or in neighbouring countries. The number of asylum seekers has also fallen, but again this allows no space for celebration: today illicit channels seem increasingly followed as governments tighten asylum policy and deploy restrictive measures to manage the 'problem' of asylum. Perhaps the most disturbing trend, however, is management through 'outsourcing'.

In 2003, the UK government together with the Netherlands and Denmark put forward a 'New Vision for Refugees,' which envisaged transferring asylum applicants to third country Regional Protection Areas (RPAs). RPAs were to be supplemented with Transit Centres closer to the EU border area. While this particular proposal met with considerable resistance from several Member States, NGOs and the UNHCR, the overall policy direction that undergirds it remains on the agenda. But this is no 'Fortress Europe' that can be studied via 'border studies' alone. As the US

Department of Homeland Security's representative, Elaine Dezenski outlined to the EU conference in 2006, managing migration is not just about border control; rather, it is an assemblage of systems to filter mobility, separate the good from the bad; systems that make use of new technologies that promise secure identities, and systems that couple security and migration together with visions of integration. What we are discussing is the securitization of migration. And what of the lives lived in this context – the stuff of ethnographic projects?

Human securitization

In January 2002, a group of two hundred asylum seekers went on hunger strike in the notorious Woomera Centre in Australia. They captured international media attention by stitching their lips together to protest against their muted and liminal status. Since the late 1990s, a deterrent system confronted those seeking asylum in Australia, involving the use of detention centres such as the remote ex-military base at Woomera and some off-shore islands such as the tiny Pacific nation of Nauru. By late January 2002, however, there were signs of resistance: alongside the initial two hundred asylum seekers a further thirty-five went on hunger strike in Maribyrnong. Simultaneously, a large-scale riot broke out in Curtin Detention Centre. Michael Dudley of Suicide Prevention Australia and Sarah Mares, a child psychiatrist, inspected Woomera and slammed the conditions as, 'akin to concentration camps'. They put the following question to the world's media: 'Does any other country lock children and families behind walls of razor wire in the desert?'

Australia's asylum policy is at the vanguard of the securitization of migration, a trend characterized by new configurations of state, non-state agencies and private interests and marked by increasing use of detention and segregation. But one could also add the events in Europe in May 2009 under this heading: the Italian government, contrary to international legal principles, ordered its navy to force hundreds of migrants entering Italian waters towards Libya, where the EU's 'good neighbourhood' policy aspires towards greater levels of security cooperation with North African governments. Therefore, to the question, 'Does any other country lock children and families behind walls of razor wire in the desert?' the answer is, to varying degrees, yes.

In May 2006, thirty-three Afghan asylum seekers entered St Patrick's Cathedral in Dublin and began a hunger strike. By the following day their number had swelled to forty-one persons. 'When you cannot have your rights in an office, a church is the best place to come,' said the protesters' spokesperson, nineteen year-old Samandar Khan. His choice was a poor one, however. Church authorities failed to mediate with government officials, while the UN's Dublin representative, Manuel Jordão denounced the protest as 'unacceptable' in the light of Ireland's 'just and fair'

asylum system. The neighbourhood surrounding the Cathedral quickly turned hostile. By day six there were protesters outside, many scarcely more than ten year-olds, carrying placards that read, 'Let them die.'

In an interview with Mark Maguire for the Irish multicultural newspaper *Metro Éireann,* the protest spokesperson Samandar Khan explained:

> Our main purpose is not to commit suicide. … We are victims and we are looking to have our rights. We are not trying to die. We are trying to have our cases heard. (Maguire 2006: 3)

Khan, who fled Afghanistan when his father was killed, pointed out that the group was composed of people who 'have been here for three or four years and have been ignored' (*ibid.*). The hunger strike in Dublin ended peacefully after just one week. The protesters left the sanctuary of the Cathedral amid racist calls, to return to a 'fair and transparent' asylum system.

From Australia to the EU an image is emerging of increasingly similar asylum systems in which hundreds of thousands of people live their daily lives – as Michel Agier notes herein, it involves a long insomnia. In this special issue of the *Irish Journal of Anthropology* we ask: in what ways can social-scientific knowledge contribute to understanding migration systems, from IT workers on visas in the USA to asylum seekers in Europe and beyond its borders? But we also ask: what are the conditions for the possibility of efforts to 'manage'? In this sense, this issue discusses themes that are broader than migration studies, from mapping and diversity in the Balkans to medico-legal reports for survivors of torture. Here we are interested in the politics of truth and life itself: the contemporary workings of biopower.

Recently the costs associated with the asylum system in Ireland received considerable attention. Estimates suggest that in 2008 direct provision centres/sites cost the exchequer €91.5 million, with the asylum legal system and deportation costs bringing the overall bill to approximately €300 million per annum. If we follow Michel Foucault in seeing neo-liberal biopolitics as demanding the perpetual trial of everything in the court of the economy then we must understand that an 'economic imperative' to 'tackle' asylum is recognized by governments in many parts of the world. But Foucault was careful to note that neo-liberal economic rationalities are in fact embedded in broader strategies and tactics of government and are themselves instantiations of biopower: discourses about the vital nature of humans, their 'truth' and subjectivity; strategies and tactics for actual interventions on every level, from the individual to that of the population, the health, welfare or security of which might be threatened or curtailed and thus must be defended.

Discussions of biopolitics, biopower or governmentality are not attempts to recast practical realities in the language of high theory; rather, such concepts provide useful tools with which to mine into contemporary political thought and useful ways

through which to recognize the interconnected nature of ostensibly disjoined and diverse tactics for migration management. Specific migration policies often clearly articulate the objectives, the overall approach and specific tactics to be deployed. Take for example Tony Blair's preface to the UK's policy statement *Controlling our Borders: Making Migration Work for Great Britain* (which bears more than a family resemblance to the speech by Homeland Security's Elaine Dezenski to the EU):

> We will finger print visitors who need visas … before they arrive. We will, where necessary, use our powers to demand financial bonds from migrants … to guarantee their return home … We will replace out-dated and confusing rules with a clear and modern points system so we only allow into Britain the people and skills our economy needs. (Home Office 2005: 6)

Here, labour migrants ('visitors') are perpetually tried in the court of the economy; those who are suspected of not being in a position to contribute are 'suspects' from whom truth is demanded on the level of life itself. And the contribution of those with the skills the economy needs is flexibly defined – as Payal Banerjee shows in this issue, Indian Immigrant IT Workers in the US, with skills the economy needs, must rely on informal networks of support in order to make a 'high-end' contribution.

 Controlling our Borders is clearly a policy statement that brings together the different categories and scales of mobility and models the ways in which global migration can be harnessed and controlled for the good of the UK. Gone is the ill-defined multiculturalism of the past and in its stead a nation-state conceptualized as a market-nexus in the global economy; gone is the vision of a nation-state as the pillar of international legal systems and agreements, replaced by a vision of borders that are spread out, filled in (Agier in this issue) and controlled with electronic fences. Reading statements such as *Controlling our Borders* through a lens of biopower allows one to see clearly the interconnected nature of ostensibly disjoined and diverse tactics and strategies of management.

On truth

Efforts to manage migration at the level of truth and the body are often striking in their mobilization of 'scientific' knowledge. For example, in 2009 the UK Border Agency (UKBA) established a pilot project to investigate the use of genetic tests for country of origin. Asylum seekers have been asked to volunteer mouth swabs or hair or nail samples where the credibility of their evidence of nationality is in doubt. In the light of a furious reactions from advocacy groups and from the scientific community—the latter pointing out that genes don't respect nation-state borders—the UKBA argued that such tests are only to support other investigative methods, such as the broader credibility assessments by Immigration Judges, as discussed in the

UK context by Anthony Good herein, and medico-legal reports similar to those discussed by Monika Wesseinsteriner in the Irish case herein. While this proposal appears to be floundering it is the conditions for its possibility that demand attention. For several years the US has used DNA tests to query claims of relatedness in families claiming asylum and in cases of claims for family reunification. What is at stake here is not just the specific mechanisms of asylum systems but also broader uses of 'science' to uncover the 'truth' of migrants' claims.

 Some 'scientific' tests of credibility clearly have more of a symbolic than evidentiary value and perhaps the best-known example of this is biometric tests of age for unaccompanied minors. In Germany, local Youth Welfare Offices and Foreigners' Authorities have used biometric bone-density, radiological and dental tests to supplement a system in which a 'notional' age is 'presumed' through visual inspection. While visual inspections are carried out by culturally encoded eyes (in Germany they can the estimations of age can only be refuted by means of relevant documents or medical certificates) bone-density and radiological tests are also deeply cultural in that they are based on the dubious theory that 'minors' will have universal nutritional and physical stress variables in their environments.

 Should we be surprised that 'scientific' tests of credibility themselves lack credibility? From the DNA and biometric tests mentioned above to the commissioning of private language testing companies to verify country of origin via interview transcripts, what we are witnessing is progressive and widespread efforts to problematize migration. In this sense, 'truth' is a security problem. But more needs to be said here. If Foucault's work on governmentality and biopower can provide the conceptual tools to unpick the assemblage of migration management then we must take seriously not just the challenges of producing the anthropology of this contemporary problematization but also the history of the present. As Jelena Tošić's work herein shows, governmentality may be usefully deployed to think through how diversity is managed through older technologies for gathering knowledge of populations, such as maps and demographic data.

A brief history of the present

> Such as travel carry with them a passport from the Prince, with both certifies the license that is granted for travelling, and limits the time of their return. … But if any man goes out of the city to which he belongs without leave, and is found rambling without a passport, he is severely treated, he is punished as a fugitive, and sent home disgracefully; and, if he falls again into the like fault, is condemned to slavery. … Thus you see that there are no idle persons among them, nor pretences of excusing any from labour.
> - Sir (Saint) Thomas More, *Utopia*

In the above epigraph, as Thomas More's protagonist, Raphael Hythloday surveys Utopia (from the Latin, *Nusquama*, 'Nowhere' and the Greek, *eutopia,* the

good place) he notes that occupations are fixed and movement is restricted. Life in Utopia is orderly as a consequence of powerful incentives for the inhabitants to remain in their proper places. In Utopia, roles are expected to be fulfilled in specific locations, and while those roles are transposable to other, similar locations, movement denotes disorder and must be carefully managed.

The form of discipline and order in More's *Utopia* is, as Hythloday informs us, predicated by a particular problem of population. Great numbers were once carried off by the plague – a disaster from which recovery was partial – and the health and wealth of cities is understood to depend upon forces at the level of population. The plague therefore stands as the violent foundational moment of the law and as a constant image of all that is different and disorderly.

In *Discipline and Punish,* Michel Foucault provides us with many examples of how more contemporary societies produce real and imagined visions of order and disorder, utopias and dystopias. His celebrated chapter on panopticism begins not with Jeremy Bentham's panopticon but with the plague measures for Vincennes at the end of the seventeenth century. The measures proposed strict partitioning, surveillance, procedures to maintain food security, and definitions of 'crows,' or persons 'of little substance' who could be left to die. Everyday a syndic would stop before each house to survey the living and the dead, and inhabitants had to appear at their window and upon their 'true' names being called speak that truth under pain of death. According to Foucault:

> This enclosed, segmented space, observed at every point, in which the individuals are inserted in a fixed place, … in which all events are recorded, in which an uninterrupted work of writing links the centre and periphery, in which power is exercised without division, … in which each individual is constantly located, examined and distributed among the living beings, the sick and the dead – all this constitutes a compact model of the disciplinary mechanism (1995 [1977]: 197).

The disciplinary mechanisms that greeted the plague were exceptional and violent responses not just to the dangers of pestilence but also the potential for disorder. The plague could bring with it a nightmare-like world wherein statutory identities gave way to mobile bodies and identities: a dystopia of alternative truths, idleness, crime, and the whole aspect of the carnival, wherein rules are suspended and indeed inverted.[2] By countering this dystopian world, disciplinary management allowed for the realization in exceptional, limited and temporary circumstances of its own utopia, according to Foucault, 'the utopia of the perfectly governed city' (1995 [1977]: 198).

Foucault suggests that it was the very heaviness and quarantine-like nature of the plague town that made its form of government impossible to maintain. Societies and economies required circulation (see also Elden 2003). Thus he turns to consider Jeremy Bentham's panopticon. The panoptic tower for viewing the lunatic, patient, school boy or factory worker, without the observer being seen (except by observers of a higher rank), is explained as not simply an architectural form or a specific technology. Bentham himself was quick to point this out: panopticism was 'a great and new instrument of government … its great excellence consists in the strength it is capable of giving to *any* institution' (Foucault 1995 [1977]: 206). As Bentham hinted and Foucault understood, panopticism was a mode of generalized surveillance that could run the length of society and rest upon a whole series of connections between space, power and knowledge, from fixed names and occupations, to dedicated institutions, and from specific domains of knowledge to legal instruments. Instead of the exceptional dream-like government through quarantine and discipline, panopticism allows for amplification without absolute violence; it is a more economic and efficient technique of management that exists not in the state but precisely through and beyond the state – panopticism is a way of governing that is deinstitutionalized as 'flexible methods of control' (ibid 211).

However, Jeremy Bentham's panopticon and Michel Foucault's discussion of panopticism do not stand as grand narratives of how western societies operate and cannot be simply transposed into the analysis of other cultures. As more and more Anthropologists turn their attention to issues of migration, integration and borders, the work of Foucault is being deployed to discuss new forms of security, databases such as Eurodac, encampment and identity politics. Yet, there remains a constant need to critically theorize the anthropology of migration and to use the material and problematizations in migration research to critically challenge 'theory'. This issue of the *Irish Journal of Anthropology* includes a debate on integration, articles on citizenship, labour migration, security and encampment, credibility in asylum courts, medico-legal reports, and governing diversity in the Balkans. The common thread that connects these contributions is the sense that governing mobility, diversity, truth and life itself is a biopolitical problem that may be unpicked through anthropological approaches. Each in their own way, the contributions to this issue engage with discourses about the vital nature of humans on the level of life itself, their credibility, 'truth' and subjectivity; strategies and tactics for actual interventions or management on every level, from the individual to that of the population, the health, welfare or security of which might be threatened or curtailed and thus must be defended.

Notes

[1] 'Migrant' here denotes a person residing in a country other than their place of birth for at least one year. Current data suggest that approximately three percent of the world's population are migrants. The figure has shown significant recent increase and grew from approximately 100 million in 1960 to 175 million in 2000. However, the most significant trend in the

migration from South to the North, especially from poorer countries to the 'developed' world: in 2000, 63 percent of the world's migrants were in developed countries.

[2] An interesting historical illustration occurs in the summer of 1666, the English court decamped to Oxford and laid down 'Rules and Orders' for the movement of goods and bodies, conducted a survey of persons, and posted guards, all as if preparing for a siege. However, the measures could not provide full security; and one 'lewd fellow … having a plague sore upon him' (Porter 2000: 106) stole a scholar's gown and roamed the court as if he belonged. The *Quarantine Act* was passed in England in 1721 but was restricted in its powers amid concerns over attacks on liberties and its measures to control households were repealed in 1722.

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What Do We Mean When We Say 'Integration'?[1]

Gavan Titley, Clement Esebamen, Robin Hanan, and Issah Huseini

Introduction by Gavan Titley

'What do we mean when we say integration?' It is obvious that discussing integration in the way it has been dealt with in Irish political discourse over the last number of years, without recourse to a more general discussion about what a state of integrated-ness is in social, political or economic terms, has been somewhat absurd. But the very fact that many of the cultural myths of the last decade are disintegrating around us makes this a particularly useful time to have a discussion of integration as it is seen in relation to migrants, but also in relation to more general and resurgent discussions about what makes a good society or what an integrated society might actually be.

In Irish political discourse over the last number of years integration has come to be defined as a good thing. However, it is not very often that we hear discussions about what constitutes a state of integration, that we hear discussions about what different modalities of social, economic, political and cultural life are deemed to be integrated or disintegrated, or indeed how people who migrate experience integrated-ness, and how as Ghassan Hage points out they might define it in ways that elude official discourse and official definition. One of the problems that we could get into is that talking about integration in Ireland has been heavily influenced by a very stylized narrative consistent with post-multicultural politics in Western Europe, where integration has been seen as a state that has to be restored after a failed experiment in multiculturalism. It leads to fragmentation over social cohesion, which led to cultural relativism over national and liberal values (rarely defined but often stated). A range of discourses on citizenship ranging from civic to very culturalist manifestations are currently in vogue, and discussions of European and national identity tend to snake in and out of each other. All of these discussions in various Western European countries currently cycle around measures of integration, or how integration can be recognized and how integration can be achieved. Some of these measures are very technocratic, some of them overtly racializing.

This is the point at which we enter into these discussions. And, it is a good time to take a step back and ask: 'What is it that we mean when we say integration?'

Clement Esebamen

I think it's really unfair to ask a profound question like, 'What do we mean when we say integration?' but I will try to answer personally and also talk about a social vision of where I think integration should lead. To start from that, I'm African, I'm originally from Nigeria, and I've been here for nearly ten years. I'm an Irish and a Nigerian citizen. So how do I become fully integrated in this society? My reference point is people who have migrated to Europe before me, the outcomes for them and their families, and the position they find themselves in society, whether it be remaining on the bottom of the heap of society in terms of where they live, or whether their children are achieving in different areas of endeavour. Those are the kinds of pointers to me about where the possibilities are.

In Africa we talk about the day being pregnant; pregnancy is one of the ways we visualize things in Africa, simply because we talked about all those kinds of things without the possibility of scanners and the modern technology where you can actually see what's in the body now, before the child is actually born. In Africa we think of pregnancy as the great unknown. What could come out of this? It's all a big mystery. These sayings of my people were handed down over generations, because poor people ascribe to the unknown. But integration is not the unknown. We've seen the outcome of migration to Europe since the end of the Second World War, whether in Germany or post-colonial France, or even Britain next door to ourselves. And, generally, and I know this from immigrants themselves, they don't like the state of affairs. Everybody is looking around, fretting, about what they see. I'm also worried about the outcome for children.

The first generation always has high hopes for themselves and if they have a family they think about progress from that perspective. For a refugee or for an economic migrant you are coming here to find a better life. The idea of a better life is probably something that people might debate, but for many people the better life was glimpsed in their country of origin, popularized by globalized television and popular culture, where the good things in life – higher education, good jobs, prosperity basically – is what makes a lot of people migrate. Of course danger is also a reason for migration, and danger and poverty tend to live side by side.

When I think about integration I think about possibilities. I want my children to compete on par,

even to do better. The whole idea of 'better' is what propels migration, and I think that is the crux of the matter. Integration is a question of what will you be integrated into. Politically or technically? They are just measures. The real issue is being able to stand shoulder to shoulder with my neighbour, whether they are Irish or Polish, without any feeling of inferiority, not being pitied and not being ignored by the state.

One of the things I have seen across Europe is the lack of engagement by the state in the process of integration. The lack of state engagement in the business, if you like, of immigrants becoming productive citizens of the countries in which they live. I think this is what needs to be talked about: how does the state engage more fully in this enterprise, changing its systems in ways that can guarantee a better future for the people within the state? What has come now is integration seen as an afterthought: what can we do now to remedy an already bad situation? And in Ireland we have not gone to that threshold yet, but we are getting there. In Ireland the whole situation with immigrants is beginning to feel as though we need to take urgent steps, strategic steps, to enable a systemic response to the issues that concern immigrants and also the barriers that prevent them from gaining a foothold and progressing.

I'll stop there for now …

Robin Hanan

I think when we were asked this question we all knew it's one of those questions that is very easy to answer and very difficult to understand.

At the simplest level, integration can be defined as the ability to function in a society and the opportunities to participate, to take part, in that society. What that means, of course, is far more complex. The first question, which Clement briefly raised, is what are people being asked to integrate into? The very word integration implies people coming into a society, finding their way around a society, becoming part of a society, and the question is this: what exactly is it that we are asking people coming from other cultures to integrate into?

The Ireland that we are living in now – and this has become something of a cliché – is very, very different from the Ireland that I grew up in, and it is very different in a lot of different ways. It's different, for example, in the ways in which we define a national culture. When I was growing up there was no question in people's minds that being part of Ireland meant being part of a national culture which was shared at least within the twenty-six counties and probably by a large part of the thirty-two counties and was defined as being relatively self-contained and different from other societies. The former TD Oliver J. Flannigan once remarked that there was no sex in Ireland before the TV in order to point out that we were living in a society in which influences from the outside world were relatively limited. I think that the Ireland that I grew up in was narrower culturally than the world that James Joyce described a century ago in terms of contact with other parts of Europe or contact with influences from outside Europe.

I think that people in Ireland now are connected to a whole range of different cultures and different ways of thinking, and not just sub-cultures within Ireland, rather many people in this country now work for multinationals and move from country to country; people study in different countries; colleges are far more mixed. My own children grew up as honorary Californians as they watched television in Ireland. These cultural influences have changed the very nature of the society in which we are having this discussion about integration, and yet the discussion at a political level goes on as if there can be some sort of imperative put on immigrants to integrate, to learn about Irish history, to know who Eamon de Valera was, or Michael Collins, to know a little of the Irish language, to know a little bit about who James Joyce was now that we don't ban him any more, in other words it is as if we were talking about a static society.

The other great myth about integration is that we have to choose between assimilation and inter-culturalism. That an individual coming to this country has to choose either to remain totally within the culture they come from or to become totally Irish in a stereotypical way. Again, we know from dealing with people in their everyday lives that most people have a whole range of identities. We just can't keep thinking that all the Yoruba, for example, come from the same place, have the same identity, think in the same ways and that they are now confronting a society called Ireland and that they need to adapt to it.

For many immigrants to Ireland – I live in Bray for example, where there's the Dell plant, Microsoft and a number of other multinational offices – a relatively cocooned life is possible, where French, Italian and Polish are spoken nearly as widely as English. Those immigrants often depart quiet quickly. Other people arrive in working class areas and immediately have to navigate shops, job hunting, schools, sometimes working with a more traditional Irish society. The debate in Ireland, particularly over the last year, but becoming louder since the recession started, works from the assumption that Ireland is facing into a crisis if we cannot promote this thing called integration. Integration at its best means the ability to participate in society, but we need to further define it at a whole lot of levels. It is not just about understanding the Irish political system – which most people who grew up in this country still haven't quiet got a grasp of – it is not just about learning about a particular historical context, it is about finding and contributing to the type of globalized and international society which most of us now live in.

My first thought is that the debate about integration, assimilation or interculturalism tends to deal very much in stereotypes. And when we move outside the universities, the NGOs and the government

departments the debate becomes even more simplistic. I constantly hear the term non-national. 'There are non-nationals dealing drugs here'; 'Some of the non-nationals are quiet nice'; 'Some non-nationals drink in our pub'. So, not only are we asking people to fit into a single cultural stereotype of where they come from, but in popular discourse everyone from outside the country is treated as having something in common, something more in common with each other than they have with Irish society. It's very common to have the kind of experience I had in my own town of Bray when setting up a small refugee support group to build contact between the local community and the new refugee communities. At a meeting, one of the participants put a female Nigerian speaker under enormous pressure to explain Roma culture – who were all these Roma coming here from Eastern Europe? And I had to explain several times that the Roma were Europeans like myself and the person asking the question and not 'foreigners' from the outside that a person from Nigeria should be expected to understand and empathize with.

I think that the first thing to bear in mind is that the debate itself is very artificial. It's based on the idea that people only have a single cultural identity, that someone from India only has two available cultural identities, Indian and Irish. We know that that person may have many identities and allegiances in terms of culture and interests and in terms of their work and so on.

I also think that we need to guard against the very dangerous public debate that assumes that any sign of conflict that involves non-Europeans in a European city is a result of a lack of integration. I find myself in a lot of conversations in which people say, 'We must learn from France. They're had riots there. It's all because they didn't integrate.' As I'm sure a lot of people will know France is a country that puts an enormous pressure on immigrants to assimilate into French culture, to think in French ways and to become French citizens. They type of riots which we've seen in France in recent times are much more about disadvantage, much more about exclusion, and much more about discrimination. Consider two very obvious examples: during the Thatcher years one of the iconic images of racial division in the UK were the Brixton riots, where largely African and Caribbean second and third generation citizens were fighting with the police; one of the iconic images of integration, within a year, was the poll tax riots where you had an enormous mixture of people from different races and disadvantaged places throwing things at the same police. Both of these events were described in very different ways in the media but both came from very similar contexts of exclusion.

In opening up, I have said that the question is a dangerous one and one we have to think about very carefully. In the area I work, with refugees, people are coming to this country traumatized, looking for protection and claiming the right to protection but will be put under pressure to prove that they're integrated. One sees this especially in the new *Immigration, Residency and Protection Bill* where there are clauses

that will put people under this kind of pressure. This is something Garibaldi didn't have to prove when he lived in Britain in the nineteenth century; it's something that the Fenians didn't have to prove when they lived in other countries. The right to protection is absolute and should never be dependant on very artificial tests of integration. There is also the danger that what are often put across as citizenship or integration tests – these have been on and off the public agenda here – will lead to greater divisions between people.

Issah Huseini

What do we mean by integration, or what is our understanding of integration? As someone working on the ground, at the grassroots level, I don't think there is any definition, so I just want to give some practical sense based on what I have seen over the past few years while I have been working for the New Communities Partnership. I have been thinking about this for the past year since the economic downturn began and I have been asked what is happening within the migrant communities. Well I always start by saying, 'That depends on the legal status of the migrant.' There are some migrants who are entitled to state support and there are other migrants who don't get anything, notwithstanding the number of years that they have lived in the country. There are some groups for whom the whole concept of integration looks like a luxury, because it is not a priority: it's not what they are concerned about. Again, it depends on the groups, but the first priority of many immigrants is to establish their legal status. For most people, that's the first step. It's not about integration; it's about how secure are they in their legal or residential status in the country. This requires, we all know, an efficient and transparent immigration regime; it will require people in the country not being stigmatized because of how they came into the country.

The next step for many, based on my experiences, is that after they get their legal status people want to establish their own private space within the host community, often by linking with other people from their own home country, to provide support for each other for family events, to support each other to navigate the system, or in getting a job. Because of all of this, there is a desire to link with people from their own country in order to get a space where they can get advice and this is why there are a lot of home culture associations spreading.

I'll just give you an example of what happened to me yesterday. I live in Edwardstown and my car broke down and I had to go to Dublin. I was going by train, but I still needed the car to be fixed. I come from Ghana and belong to the local Ghana Association, so I took the car to a friend from Ghana who will give me a good deal and fix it for me while I'm in Dublin. It's things like this that help to build a common space where people can protect each other and support each other. And it's after this stage has been reached that

people look to connecting into the wider community, when they are more confident and want to engage as equals within the system, and be able to make a contribution as equals.

But the biggest danger for me is how policy as a whole sees the integration process. There are those who believe you have to play Gaelic games before you can say you are integrated. I remember asking someone in Dublin once, 'How do I integrate?' and he said, 'Go to the Pub!'

Gavan Titley

Clement talked about a vision of equality, of generational possibility and of people starting on the same level playing field. Robin talked about the fact that while we may perceive a need for these debates integration is always seen through our culturalized lens, and part of that is the pressure on people to show themselves to be integrated, and perform being integrated in ways which are sometimes fantastical but are nevertheless quite powerful politically and socially. Issah spoke about the idea that integration debates represent a luxury for many people when it comes to questions of security or one's own life or one's own network, which, though necessary, are also recognized as signs of dis-integratedness – and we're all familiar with debates about ghettoization, for example. But attention must also be given to other ways in which integration is recognized in political debate.

From the floor …

I think all three speakers were uncomfortable with the question, 'What do we mean when we say integration?' On one level, everyone has said, 'This is more complicated'. But there's the other level at which integration is being talked about across Europe where it's less about what integration means and how it can be modelled and more about how it's becoming problematized, being made into a problem. Perhaps I could hear comments on that.

I also have another question. In a recent event organized by the Anthropology Department in Maynooth Gareth Fitzgerald echoed Michael McDowell when he said that really there hasn't been any issues around integration. Michael McDowell writes about this in *The Soul of Ireland*, that somehow the Irish example is different, that somehow we 'managed migration'. Here everyone is saying that this is not quiet true. So I'd like to know more about the problematization of integration – where the flashpoints are going to be in debates going forward?

Clement Esebamen

What has happened in the last ten or twelve years in Ireland? Well it's been pretty obvious that we have been riding on the back of a very famous animal, and now that Celtic Tiger is taking us in new directions.

If there were any bumps on the road the economic prosperity basically smoothed the bumps and corners. I lived for several years in a poor area of Dublin and the changes in that area in that time were just short of miraculous. People became very confident about who they were; people took two or three holidays a year – I don't know how they managed it but they did – and the early apprehension abut the Somali family moving into the neighbourhood vanished into he air: it was no problem.

The interesting thing I noticed about community cohesion was the Nigerian woman bringing her kids out to the bus stop to go to school about 7.30am and the woman across the street shouting to her kids, 'Look at the black people across the street, and you are still hear! Get out and go to school!' It was amazing, in neighbourhoods that didn't place a high value on school, attendance really shot up. It wasn't the only reason, but people said it to me: those black people are putting pressure on us, now we have to do it. That was eight or nine years ago, and now there is a full cycle of children that have gone through school.

But the flashpoints in other countries have been around a lack of cohesion. If we say the communities are divided or that there are ghettos forming, like the banlieues of France or in Bradford, then we are talking about the division between the natives and the immigrants, where they are concentrated in large numbers. In working class areas the differences in advancement or attainment might not be too different but he differences of race or ethnicity or nationality brings these divides to the fore. This is the crux of the issue: the fragmentation, the divisions and the differences are heightened when there is competition, be it housing or entitlements or social welfare. Where there might not be jobs … that is where the challenges are going to come from.

In some ways I agree with Dr Fitzgerald that we have had a society that has been receptive to large-scale migration. The numbers of people who came into Ireland, whether they stayed or left, the footfall could be around one million people in the last few years. The issues around multiculturalism and integration have been challenging to some people, but that challenge has been masked by the high level of economic activity and the economic prosperity.

Gavan Titley

And it is in this same period of high prosperity that the state has on the one hand encouraged cultural diversity and on the other hand engaged in really flagrant crisis racism, for example with the Citizenship Referendum. So we also need to bring in state-level activity …

From the floor …

Two things, really. I'm a migrant from the USA in Ireland for the past 15 years, and the American experience is often held up, imagined as a migrant country, mosaic

and melting pot, whatever. My research for the past ten years has been located in so-called disadvantaged neighbourhoods in West Dublin, so I see all of this in stereoscopic ways.

I'm not sure if fetishizing the state is a particularly good idea, especially considering that the critique of the last while is that the state is the stand-in for the economy, generally considered relative ignorant of these problems. What's troubling is the idea, the weird fetishization shared only by academics and other symbol workers – that if you get the phrasing right then the world follows suit, that we have to align integration with the state, as if the state is a rational entity that produces instructions and follows them. That's one problem.

I'm willing to say that I think the Irish Government has behaved in ridiculous ways, but here I'm in agreement with them that the processes have been relatively unproblematic. There hasn't been a lack of people trying to capitalize on the issues. Áine Ní Chonaill (spokesperson for the Immigration Control Platform) in the late 1990s held a meeting in a school house in Cork and there were 15 people there, yet the national media carried it. She did her best to make this an issue, but never really gained any traction. So maybe the question should be turned around to ask not what is state policy on integration, but how is the problem of integration becoming a state problem? And that's where you get the question, 'Name the last four all-Ireland winners?' in the citizenship tests. Ludicrous bits of signatures – not even evidence – of integration. So the question is how does the state see integration? And this is how it will play out against the less powerful. And there's going to be two parts to that, two opportunities for the less powerful: there's ways that the less powerful can mark and cement it and ways that other less powerful people can become pissed off with their neighbour. As opposed to being annoyed with the bank they will look side-ways or down. That is where I would worry about the flashpoints, in that arc you can draw from the North Inner City, that's where you will find the foot soldiers …

There's also the point that this whole problem of integration has in fact been central to the modern nation-state, the cultural nationalism in which has involved some notion of fictive blood. One could take a lot of the contemporary discourse and take it back to the Dreyfus Affair in the late nineteenth century – recently arrived population, they don't think like us, etc. So we tend to de-historicize all of this by connecting it to the state and then naively thinking that if we somehow sorted out the state's organs in the here and now then we can have a rational technocratic solution to the question of integration. The question that's really: why integration now?

Robin Hanan

I don't think you have to go as far as the Dreyfus Affair. Take the debates in Britain over Catholic emancipation:

they usually took the tone, 'We'd like to involve them in our society, but they're priest-ridden and closed, and they wear different clothes (not quiet hijabs), but when they grow up they'll be different, more like us and maybe then they can vote.'

On the question of the state, I think it's wrong to think of state policy as one policy in Ireland. Different arms of the state talk and act in different ways. One thing that I find very frustrating as someone who works with asylum seekers is that on the one hand you have a lot of very broad, well meaning, well phrased discussion about social inclusion, an area that the state has relatively little influence on, areas where communities either solve or don't solve things for themselves, areas where the economy is dominant, or areas like planning where Ireland is so bad at so many levels that the state shows little influence. On the other hand, you also have very hard policy in areas like habitual residency permits, direct provision, things like the very harsh qualifications to become a refugee, all of the barriers that are put in the way for people who have come to work here to put down roots into the community, bringing their families in, claim benefits. All of this is hard policy, which tends to be negative.

I tend to think of it along the lines of guests – there's a new book out called *New Guests of the Irish Nation* – I think the attitude is that when people come into our house we tend to be friendly and welcoming, but we're very careful who we let in.

I think the real test for Ireland is not going to be just the competition for resources, which is going to be tough, but it's also going to be about this sense of who really belongs in the country. When you compare Ireland to other European countries, on the one hand you don't have this hard , overt racism – Aine Ní Connell is not exactly Le Pen, she's not a populist leader – but, then again, we're a couple of generations behind. What we do have, however, is a very strong sense of them and us. There's very little sense in popular culture that people who have come here recently have a right to be here. There's a very real sense in Irish society that the people who came here during the boom years will go somewhere else when things get hard, and maybe it's the job of our government to encourage people to move on to somewhere else and to make it just that bit more difficult to come here. In the area of asylum it's very overt: the Department of Justice talk very openly about push and pull factors, with their understanding that their main objective is to try to make it as hard as possible to come to Ireland. Even in the popular sense, there is a feeling that it was nice to have people here during the boom, but now things are getting harder and they should go somewhere else and let us get on with our lives. This is the real challenge: to change from a sense of guest to a sense of entitlement. I don't think we are anywhere near that in Ireland. For all the criticisms we make of the ex-colonial powers that now have three to four generations of immigration, that sense of entitlement is much deeper in London, Paris or Rome. People sometimes say that we're a country that should understand migration because we're a country of

immigrants, another way of thinking about that is that we are a country of people who didn't emigrate – the people who emigrated are in America or in Germany or the UK – and the sense that immigrants are not part of our culture runs much deeper that in many other European countries.

From the floor …

Issah Huseini argued in his presentation that integration is probably not a good concept for the social sciences, and perhaps we can think about these relations at an individual level. For example, you, the immigrant, must do better than everyone else. In France, where I live, North African immigrants, young girls are told, 'You have to change!' And, this is perhaps the symbolic violence in the society, to say 'You have to change!'

In French intellectual life there are three examples we may think about. First a film about the work of Pierre Bourdieu with a scene where he is in a social centre, and most of the people there are social workers or students of the second generation from North Africa, and he explains that he had to loose his accent of the south in order to be integrated into the academy. Then he explained to them – all in inverted commas – 'You have to loose your "bad" accent.'

Second, Derrida, our great philosopher, explained that a regional accent is no good. You cannot be a philosopher and have a regional accent. And, he had a very strong accent from his people and his birth in Algeria.

Third, a well-known intellectual from the right made comments following the events of 2005 to the effect that you cannot pretend to democracy when you speak with the accent of the suburbs. If you want to get inside politics you must have the 'television accent' – the 'no accent' of the television.

The point is that this is the way that society constructs itself violently. And, in countries like France this is also becoming police violence. We review what is 'good' integration by the accent spoken, by school results – and bad results mean exclusion. This is it exactly: integration is exclusion! In France integration is an instrument for a policy of exclusion.

Gavan Titley

I think that this intervention connects up the way in which the question has changed from 'What do we mean when we say integration?' to 'Why are we talking about integration now?' I think this is something we could profitably focus on, from the micro-biopolitics such as the right accent to the discussion opened by Rita Verdonk the former Minister for Integration in the Netherlands when she said they were the defenders of gay rights because they wanted to show photographs of gay couples kissing to prospective Muslim immigrants.

But how do we respond to the challenge set out by Arjun Appadurai when he says that under current conditions the modern nation-state is no longer capable of following through on the promise of integration and that, therefore, in many ways, while we might discuss questions of inequality, questions that are political and economic, the discourse of integration is cultural? As Appadurai argues, it's 'culture' where sovereignty can be reclaimed and where grand statements about diversity can be made, where we can have control and where in other areas of political and economic life that kind of control is no longer possible. Is that one of the reasons why the question has become, 'Why integration now?'

From the floor …

Partially, but without becoming distressed about the functionalist logic that some abstract entity called the state insists that it has control over this process while it throws up its hands over things that are massively impacting people.

The more this is performative in a weak sense the more opportunities there are for exposing the limits of the state, the more opportunities there are to think through the alternatives.

To take a more bottom up approach, we could also ask, 'In what ways do people integrate?' The amusing thing about the Dutch Party waving the photograph of a gay couple kissing is that the partner to anti-Semitism in the history of the nation-state was the homosexual – that minority that was scarcely visible, constantly eroding from the inside the pillars of the state. You couldn't tell; there was no blood test; no colour. So the despised minority from the decades past becomes a club to beat new immigrants? And the micro politics are appalling! We might start to consider this as a moment and not fetishize the elements of this moment.

Issah Huseini

We are in a situation at the moment were there is no real recognition of permanent immigrants in this culture. People think they will just pack up and go after the Tiger is dead. And over the last year we have the Minister for State for Integration saying he is not responsible for immigration, so you have immigration laws that are not consistent with integration aspirations. We cannot have one government department preaching one thing and another department or agency doing the opposite. The immigration system is making it so hard for people to even think that they belong to this nation that it's preventing integration.

Clement Esebamen

I'm very tempted to dive into this, but more important for me is the question of why is integration problematic. Let's take for example the reports of increased racist attacks on people in parts of Dublin. Stabbings, beatings, gangs of youths, these are worrying things for people. We're talking about integration, but what

about them, what if there is no resolution for their own individual traumatic experiences? This is where the state does come in: I'm asking how the police respond to a crime on the streets because the person looks different. Initially this went into the bureaucratic maze as priority one hundred and twenty. They have a drugs raid, they have a murder to solve – this is the pressure they're under, that every policeman is under. How do we respond to this? We respond to racist attacks in this country by counting them and listing the numbers. What good does that do? And it spreads. That boy can't go around without friends any more, so now there's a group of black boys together. It's also about a perception that nothing is being done, and that's why I think that the state and its organs should be well prepared to deal with this kind of thing. My idea was to use new structures at local level -- the joint committees on policing for example -- to identify areas, deal with the issues and actually have results.

The problem is that we don't think about what happens at the micro level if proper channels of engagement are not in place. And, this can only happen if they are promoted by established systems of the state.

I've spent nine months working with central government. People ask whether your perspective changes and of course it does because you are exposed to a wide variety of information from different sources. But one perspective hasn't changes one bit. I think that we have a number of serious problems being stored up in this country if we don't develop systems and responses to examples like I just gave.

We also have to look at the education system. And this is where I am in favour of the English language – no one is asking anyone to take up Irish dancing for example, but what is apparent, and what the Minister has been pushing is the whole area of language acquisition. Even in the country I came from, in Nigeria, if you don't have English you are consigned to a short, hard life. This is an area where we can make progress.

Robin Hanan

I would agree with Clement that integration should be about removing barriers and practical steps, and language I think is probably the most important of those to give people the tools to get out there and participate in society. And while it is true that no one is forced to take up Irish dancing, there is a sense in this debate that people must partake of a particular vision of Irish national culture.

But to go back to the state, the Department of Justice is one of the driving forces behind policy, and for most migrants coming into the country, your security, the documents you have your right to come into the country, to be here, settle, bring your family, to take up services and employment, these are fundamentally important. For immigrants, the Department of Justice functions as the state as gate-keeper; the people who

work for the Department of Justice very clearly see their job as defending the country as far as possible from undesirable outsiders and perhaps letting in the kind of people that the rest of society finds useful. But it doesn't see itself as a positive force. This comes across in a number of ways. Even in terms of public opinion, we come across all the time when there is any suggestion of changes to asylum policy or in the asylum system, we find ourselves up against a very strong, very hostile machine. Whenever the security wing of the state feels threatened or undermined by a more liberal approach we find this reaction. At the same time, other wings of the state are putting a lot of useful effort into issues like the education system.

For all its faults the primary education system has adapted relatively well as compared with other countries to all the challenges that come with increased immigration. So you have this division between one wing of the state saying one thing and another wing of the state saying something else. But what we saw in the Citizenship Referendum was a very strong statement by one wing of the state mobilizing the sense that while we have no problem with the Other coming to the country, the Other doesn't belong here: the fact of your birth here doesn't make you a citizen; there are a lot of other things that do make you a citizen.

I can remember some of my children's friends talking about how they welcomed immigration and the fact that the country was becoming more multicultural, but they didn't feel that people should come here just to have babies and get citizenship. My children would tell me, 'Such-and-such's parents don't want black people coming to the country, so they would be voting yes.' So we were talking one language on the surface with another one beneath. As with so much social policy there is a soft wing talking about anti-racism and multiculturalism on the other hand there is a very hard wing of the state that has the legal basis to actually do something, which the other wing doesn't tend to have, which is able to make it very difficult for people to get documentation, very difficult for people to gain status and which is trying to influence public opinion in a security conscious way.

Notes

The New Irish Question: Citizenship, Motherhood and the Politics of Life Itself

Mark Maguire and Tanya Cassidy

In 2004, voters in the Republic of Ireland supported a constitutional amendment removing the automatic right to Irish citizenship by birth in favor of granting citizenship through a combination of 'blood' and residence rights. The referendum attracted enormous public attention, especially to the perceived attempt to restrict citizenship claims arising from asylum seekers with Irish born children. Significant scholarly attention has also been paid to the role of the Irish state, and the relationship between the state and 'race'. This article critically reviews this literature and goes beyond it in several ways: first, we re-open discussion of Irish citizenship through a critical examination of its legal underpinnings; second, we trace over the public debates in finer detail; and, third, we show the ways in which Irish citizenship is being reconfigured by broader international forces.

> Somewhere there are still peoples and herds, but not with us, my brethren: here there are states. A state? What is that? Well! Open now your ears unto me, for now will I say unto you my word concerning the death of peoples. A state is called the coldest of all cold monsters. Coldly lieth it also; and this lie creepeth from its mouth: 'I, the state, am the people.' It is a lie! …
> The state, I call it, where all are poison-drinkers, the good and the bad: the state, where all lose themselves, the good and the bad: the state, where the slow suicide of all – is called 'life.'
> – Friedrich Nietzsche, *Thus Spake Zarathustra*

Introduction

In 2004 an astonishing 79.2% of voters supported a constitutional amendment removing the automatic right to citizenship by birth in Ireland, *jus soli*, in favour of granting citizenship through a combination of blood and residence rights, *jus sanguinis* and *jus domicile.* The citizenship referendum and subsequent constitutional amendment continues to attract extraordinary levels of media and scholarly attention.[1] Broadly speaking, the amendment has been framed as an effort to restrict citizenship claims by asylum seekers with Irish born children, so-called IBCs. In a recent front-page *New York Times* article, Jason DeParle (2008: 1) cast the situation thus:

> Ireland not only offered citizenship to children born upon arrival; until 2003 it also allowed their illegal-immigrant parents to stay, a shortcut many asylum seekers used to win residency. Word got out: with a visa to Britain, a pregnant woman could reach Northern Ireland, take a cab across the border, and gain residency by giving birth.

Much of the media attention has been attracted by the striking ways in which 'race' and nationality have played out against the backdrop of dramatic changes to Ireland's economy and migration patterns. Ireland, for so long portrayed as a poor emigrant nursery suffering from what Seán O'Faolain (1955: 106) termed 'racial hemophilia,' was recently recast as a wealthy destination for immigrants. And, with dramatic increases in asylum applications, the Irish were apparently becoming white, again (cf. Ignatiev 1996). Indeed, some commentators argue that a generation of 'new Irish' will grow up as strangers in their own country, forever seen as an alien contaminant within the true blood of the nation-state.

The events of 2004 have also attracted significant scholarly attention, and it is clear that a certain consensus has emerged. In the main, discussions have centred on the role of the Irish state, conceptualized as a powerful discursive and institutional formation – an 'unfettered Leviathan,' to quote one commentator (Harrington 2005: 441).[2] There is also widespread agreement that the amendment must be understood as a statement on 'race'. The move in favour of *jus sanguinis* has been read as the successful dismantling of an open and stable form of citizenship in favour of legalized notions of blood descent, a thin disguise for 'new racism'.[3] Female asylum seekers, according to Eithne Luibhéid, are specifically targeted because of the threat posed by their 'sex organs and reproductive capacities' (2004: 340). Thus, for these authors, the state, Nietzsche's 'coldest of all cold monsters' has returned and is now implicated in the government of biological life itself.

The important work of Ronit Lentin and Robbie McVeigh deals explicitly with the 2004 amendment through the lens of contemporary social theory. Jumping off from David Theo Goldberg's meditations on 'state racism,' they argue that we are witnessing the emergence of a biopolitical racial state. Biopolitics has become something of a leitmotif these days, especially following Giorgio Agamben's *Homo Sacer* and *State of Exception*. While biopolitics and biopower are notions that were originally developed in the seminal work

of Michel Foucault, it is the interpretations of recent interlocutors such as Agamben that inform much of this trend.[4] However, the perspective that emerges is certainly a provocative one, as with Lentin's discussion of the 2004 referendum:

> In the wake of the Citizenship Referendum there is no longer any doubt that the Republic of Ireland can be theorized as a racial state of exception. …
> The Citizenship Referendum represented an act of political brutality disguised as upholding the 'common good'. … In doing this, the Referendum created a bizarre new category of people who remain 'part of the Irish nation', yet have their citizenship removed. … Ireland has thus created its own version of Agamben's *homo sacer* – people reduced to 'bare life', stripped of all legal and civil rights. (Lentin 2007: 400-443 passim)

In essence, there are several assumptions in scholarly discussions that deserve attention: (1) that a stable and open form of citizenship, *jus soli,* was amended to favour racialized principles of sanguinity; (2) that the state actively provoked racist sentiments and blood-nationalism and channelled them towards female asylum seekers; (3) that the state must therefore be accorded a central role in research; and, (4) that new racism, expressed as culture and partially disguised in legal instruments, is being exposed in this approach. Herein, we argue that assumptions (1) and (2) are far more problematic than they appear. The history of Irish citizenship must, we propose, be understood beyond the crude frame that a state-based approach provides; citizenship needs to be complicated and thought about alongside processes such as securitization.[5] But what of those ostensibly targeted by the constitutional amendment? We survey the debates surrounding the 2004 referendum, showing how many important issues have been narrowly framed in public and scholarly discussions. The overall thrust of this article, however, is to argue that the state is not the most appropriate frame for the analysis of new forms of racism and that a broader approach is both necessary and possible (assumptions 3 and 4).

We are in broad agreement with Lentin and McVeigh's call for research on the relationship between 'race' and contemporary forms of biopower. However, here we argue that a closer reading of the original insights of Michel Foucault opens different research strategies and illuminates different readings of history. This is not merely a theoretical re-articulation. Foucault's position on the analytical valuation of the state is clear:

> What if the state were nothing more than a way of governing? … Then we would have to say that *the state is not that kind of cold monster in history that has continually grown and developed as a sort of threatening organism above civil society*. What we would have to show would be how … a governmentalized society organized something both fragile and obsessive that is called the state. But the state is only an episode in government, and it is not government that is an instrument of the state. (Foucault 2007: 248 [our emphasis])

Complicating citizenship

Commentators have argued that the 2004 constitutional amendment may be read as a straightforward state-driven reaction to immigration (Harrington 2005). Others have called for attention to unpicking the nexuses between national identity, citizenship and the state. As an example of the latter approach, Fanning and Mutwarasibo argue that the referendum 'emerged from economic as well as cultural formulations of Irishness' and that a 'state-oriented approach is required' (2007: 440, 446).[6] Here, however, we trace twentieth century articulations of Irish citizenship and emphasize both the domestic and international conditions for their possibility. Simply put, we suggest that Irish citizenship is far more complex and contested than it has so far been represented.

The first challenge is to understand citizenship as an emergent and context-specific legal code and as a set of practices. Citizenship is generally understood to denote the connection between the individual and the state composed of reciprocal rights and duties, which are generally confined to citizens. Here however, following Aihwa Ong (1999, 2003), we analyze contemporary citizenship as cultural processes of subjectification, involving self-making practices contingent on different power-laden and institutional settings, and as an always-emergent legal structure through which 'citizens' are made and remade. We argue that a necessary condition for any understanding of citizenship is to see it as more of a complex process than a straightforward status.

By 'complicating' citizenship we do not wish to simply look to the margins of dominant legal codes; rather, we argue that a processual approach is required for understanding both the emergent zones of graduated citizenship and sovereignty found in today's world (see Ong 2006, Agier 2008) and the legal reconfigurations (re)occurring in European and North American nation-states. Take for example the common legal pillars of citizenship, *jus soli,* the right of soil, and *jus sanguinis,* the right of blood, or variations thereof. *Jus soli,* which is rarely operated in an unmodified form, is an inherently territorial principle of citizenship, conferred by birth within a specified territory. It implies a civic form of identification with shared political and legal status, and it evokes a civic form of nationalism. *Jus sanguinis* citizenship, on the other hand, derives from birth to a citizen parent and is not constrained by territory, at least for the first generation in the case of foreign births. It implies a shared heritage and culture; it evokes the 'blood' nation. Thus, while there is no necessary connection between nationality and citizenship, it is often the case that laws (take the Irish case) make explicit connections between citizenship, nationality and belonging (see Neveu 2005: 199). Furthermore, while there are no necessary connections between 'race,' nationality and citizenship, it is often the case that laws, policies and public discourses make such connections – and it is the conditions under which

'race,' nationality and citizenship are brought together in Ireland that concerns us here.

To bring nations and nationalism into a discussion of citizenship is not to leave behind the smooth surface of legal codes and government for the rough ground of history, myth and sentiment. The last three decades of scholarship on nations and nationalism shows that while nations are thoroughly modern 'imagined communities' that successfully draw from history and pre-existing ethnicities, nations are also rooted in concrete institutional and governmental practices (see Anderson 1991: 163–185). Nations thus require a certain type of governmental and spatial activity in order to exist, and where the existence of a nation is most in question nationalism tends to emphasize the cultural production of roots – characterized by, to paraphrase Nikolai Berdyaev, aggressive parochialism in space. And, it is precisely these concrete dimensions of imagined communities that are important when considering how contemporary nations and states work to mutually constitute each other. The nation requires a mixture of governmental concreteness and mytho-history; the state requires a similar combination of the hard-to-grasp and the all too real. But beyond both one may analyze the conditions for the possibility of certain types of exercises of power, such as those with citizenship as their target.

A considerable body of scholarship focuses on typologies of 'citizenship regimes'. Such regimes are often assumed to arise from national 'philosophies' (see Brubaker 1998). For example, the civic republicanism that ostensibly undergirds the 'French model' of *jus soli*-based citizenship is often contrasted with German ethnic citizenship, understood as *jus sanguinis*-based. However, there is little empirical basis for such handy configurations and considerable potential for national clichés to be reproduced (cf. Koopmans *et al* 2005). In fact, for much of the nineteenth century France's nationality legislation was overtly *jus sanguinis* based, while over the past decade Germany has moved incrementally towards de-ethnicizing its nationality laws to accommodate multi-generational 'immigrant' populations.

If national philosophies fail to explain trends of convergence and divergence then what does? While there is a growing cognizance of how populations are imagined and governed – domestic, emigrant and immigrant – the emphasis on the nation-state has remained. For example, Stephen Castles and Alistair Davidson (2000) argue that the European nation-state remains the primary reference point for granting and defining citizenship. While this position is certainly more realistic than the view that globalization is sweeping nation-states away, herein we wish to expose the configurations of space, power and knowledge that run through and beyond the nation-state and manifest themselves in citizenship. In this regard, Ireland provides a very interesting case study.

Versions of Irish citizenship

Much may be said about Irish citizenship by first looking to the period after independence. The Irish Free State, *Saorstát na hÉireann*, was born of the 1922 Anglo-Irish Treaty. The Treaty allowed Northern Ireland to opt out of the *Saorstát,* which it did, and partition and Civil War soon followed.[7] The post-Civil War situation was characterized by fragile nation building, however the 'constructive statesmanship' of the 1920s was not the only register in which nation building found a voice (see Maguire 1998: 109–120). Take for example the short-lived and controversial journal *To-morrow.* Its first issue included an erotic poem by WB Yeats featuring two male swans, a short story about interracial sex, and Lennox Robinson's 'The Madonna of Slieve Dun,' the story of a girl who finds out she is pregnant after a sexual assault and imagines she is the Madonna – Robinson's expectant protagonist falls due on Christmas day and is gradually believed by villagers until, that is, she gives birth to a girl. This striking and controversial journal released its first and last issues in a context in which identity politics was far more nebulous than subsequent historical treatments suggest (see Harrington 2005; cf. Graham 2001); in a nation without a nationality act, in which British subject status obtained, and in which 'citizenship' was the idiom of much debate and conflict.

If one briefly moves from the 'public sphere' of *To-morrow* to the Paris-based Irish Race Conference of 1922, citizenship appears at a very different scale. The conference aimed to forge a '… Greater Ireland, the *Magna Hibernia* across the seas' (*The Republic* 12 March 1921). This attempt to think in diasporic and racial terms collapsed under the weight of political maneuverings and failed to reconcile Irishness with so-called assimilation overseas.[8] While the collapse of the conference signaled the temporary closing off a particular configuration of Irishness, the 1922 Constitution nonetheless reflects an emigrant consciousness. Article 3 refers to 'the jurisdiction of the Irish Free State;' Article 17 refers to both 'the common citizenship of Ireland' (the diasporic 'race') and allegiance to the British Crown. Thus, in the 1920s Irish citizenship was in practice local, in reality a British subject status and, in the imagination of some, the potential basis for a *Magna Hibernia.*

In the 1920s, 'orange skin' theory hypothesized that dominions could have graduated degrees of citizenship under the outer cover of British subject status.[9] Nationality was no less complicated. It took until the *British Nationality Act, 1948* for the first formal recognition of Ireland's distinct nationality, wherein overseas Irish could simultaneously be Irish nationals, British subjects and Commonwealth citizens. This was overtaken by the declaration of the Republic of Ireland in late 1948, whereupon rapid legislative moves gave Irish citizens and British and colonial subjects with reciprocal rights in both territories.

By the time of the Irish *Nationality and Citizenship Act, 1956,* Irish citizenship had grown

to encompass every person born in Ireland and was therefore a unique case in the history of modern Europe: it was an irredentist effort to regulate citizenship by the extension of *jus soli* to another jurisdiction (see Ó Caoindealbháin 2006). Little wonder then that it provoked the ire of Northern Minister, Terence O'Neill, who refused the 'attempt by a small pastoral republic to create a vast empire of citizens' (quoted in Daly 2001: 403). Moreover, public representatives worried about the consequent legal 'loopholes'. One Senator commented on the dangerous possibility of children of parents of 'Nigerian or Korean citizenship' who happened to be in Ireland 'automatically acquiring Irish nationality' (*Seanad Éireann* 1956: 96–97). The 1956 Act remained in effect until the Good Friday Agreement in 1998, which through subsequent constitutional change removed the claim on Northern Ireland and enshrined citizenship as a birthright of every person born in the island. The result was the unsettling of citizenship, and the progressive dismantling of the Irish border. Brian Ó Caoindealbháin has argued that the Agreement has resulted in the 'unbundling' of citizenship in the face of 'post-modern' reconfigurations of the border and the state (2006: 14).

Thus, what is one to make of the assumption that in 2004 a stable and open form of Irish citizenship, *jus soli,* was amended to favour racialized principles of sanguinity? Even a brief survey of Irish citizenship in the twentieth century shows no straightforward relationship between stable analytical categories of 'citizenship' and 'the state,' indeed both 'citizenship' and 'the state' are better understood as complicated processes rather than finished artifacts.

Security and citizenship

Thus far, we have outlined the ways in which Irish citizenship may be seen as unfolding as a consequence of different processes at different scales, from the nation-state-based and post-colonial to the diasporic and racial. In order to draw attention to the workings of contemporary governmentality and biopolitics and their ramifications for citizenship, it is necessary to retell the story of the 2004 citizenship referendum in Ireland from perspective of migration and security. This narrative must include discussions of the Common Travel Area, British and Irish anti-immigration legislation, and the increasing role of EU policy connected with the reconfiguration of Europe as an area of 'freedom, security and justice'. And, again, here we are arguing that approaches to citizenship, migration policy and even (national) security must take greater account of forces that run through and beyond the nation-state.

While 'orange skin' denotes an early twentieth-century theory of British subject status it could equally refer to security policy. The *Saorstát's* immigration control systems were transposed from British policy. As Bernard Ryan (2001) has shown, the Common Travel Area (CTA) was composed of rules and agreement that

came without saying and largely went without saying. From the British perspective there was a need to ensure that labour migration continued while administrative overheads remained low; from the Irish perspective the needs of a 'transnational' community were foremost; and, from both perspectives, the simple fact was that the border was impossible to police.

Aside from the period of World War II, the CTA remained intact throughout the twentieth and early twenty-first centuries and encompassed not just travel but also migration management. From the 1920s onwards the British Government provided the *Saorstát* and later the Republic with copies of the UK's suspect-codex of *persona non grata* – the so-called 'Book of Aliens'. By mid-century a single index of entry and exit for 'aliens' operated. While the CTA was predicated by state sovereignty with respect to asylum, in practice immigration was a British phenomenon, and a deeply racialized one.

Scholars have justifiably read the debates surrounding the *British Commonwealth Immigrants Act, 1962* as reflective of a powerful, racialized worldview in which reactionary voices across the political spectrum imagined 'floods' of immigrants draining the vitality of Britain, whereas moderates confined themselves to simply being patronizing. Ireland was included in the Act in theory to counter claims that the legislation targeted non-whites. However, entry to the UK from Ireland was not covered, and British citizens could freely enter Ireland, unlike Commonwealth subjects after the *Irish Aliens (Amendment) Order, 1962.* Despite Irish government claims to the contrary, the changes followed a Home Office request to ensure against 'backdoor' migration—but Ireland went further than the UK's *Immigrants Act* by effectively excluding non-white holders of British passports (see Ryan 2001: 865).

With the exception of issues arising from the transposition of European directives and programme refugee resettlement, the next major changes to Irish migration laws accompanied the rapid increase in immigration from 1994 onwards. A steady stream of legislation flowed, such as the *Refugee Act, 1996* and the *Illegal Immigrants (Trafficking) Act, 2000*, both of which are illustrative of a steady move towards a 'tightening' of policy on asylum applications. In the period of the heaviest immigration to Ireland, Irish legislation was marked by efforts to harmonize with EU policy more than simply bearing the fingerprints of the state. And, while important differences will continue to exist between Member States, moving into the future the EU and not individual Member States will be the main driver of immigration and asylum policy.

The period from 1995 to 2004 saw just under half a million persons migrate to the Republic and, with a sharp decline in emigration; this resulted in a net immigration of 222,500 persons. In that same period, approximately seventy-five percent of immigrants were returned Irish citizens or migrants from EU Member States, especially the UK. Prior to 2004, all labour migrants who were not EU citizens required either a

Working Visa/Work Authorization, which was aimed at high skilled workers, or a Work Permit, aimed at non-European Economic Area (EEA) low skilled workers—a system which has since been extended and will continue to be reconfigured. From the late 1990s onwards, the numbers of applicants for Work Permits rose rapidly to 47,551 in 2003. In 2004, Ireland, along with Britain and Sweden, did not impose restrictions on labour movements from the new EU states but did restrict access to a full citizenship, and access to benefits and welfare payments. Work Permits for non-EEA low skilled workers were simultaneously tightened. Again in step with the UK, Ireland did not open to labour migration from Romania and Bulgaria in 2007.

The available data on asylum from the same period paints an equally dramatic picture: in 1994 the number of applications to Ireland for asylum stood at 362; while in 2004 there were 4,800 applications, but this was a dramatic decrease from the high-water mark of 2000-2003 when there were approximately 1,000 applications per month. Asylum applications have fallen of worldwide as a consequence of several factors, including the 'securitization of migration' (UN 2006). One direct outcome of the 'securitization of migration' (*ibid.*) is that in most EU Member States the overwhelming majority of applications for asylum are rejected, even on appeal, and Ireland is no exception.

Unlike many EU countries, however, Ireland has no time restrictions on the length of the asylum determination phase, and individual asylum seekers may be in the system for several years. Moreover, asylum seekers in Ireland do not have the right to enter into paid employment or into most third-level education programmes. In March 2000 a system of dispersed direct provision accommodation was initiated in step, yet again, with policy shifts in the UK in order to prevent Ireland being perceived to be a handy 'backdoor' (the system also reacted to an acute housing crisis in 'Celtic Tiger' Dublin).[10] The end result of domestic and international pressures is the network of 'hidden villages,' dotted about the country, a situation rendered all the more acute because asylum seekers are regarded as being outside of integration policy until they have been granted refugee status or other subsidiary protection.

To date the dominant scholarly position has been that, following the increases in migration to Ireland over the past decades, latent racist undercurrents in Irish nationalism and in the Irish historical experience have been exploited by the state. What, however, if we take cognizance of other forces, such as the securitization of migration, that move through and beyond individual nation-states? Rather that seeing 'race' and racism as the hidden motivation behind transformations of Irish legal codes, is it possible to argue that contemporary processes of racialization are not just disinterred relics of the past, but, also, a part of new configurations of biopolitics and security? Here, at the very least, we have argued that by surveying the relationship between security and migration in Ireland one is forced to question the assumption that the Irish state is the sole author of policy changes.

Rethinking the citizenship referendum

One of the most provocative and frequently cited discussions of contemporary forms of racism in Ireland is Eithne Luibhéid's essay, 'Childbearing against the State?' wherein she argues that a state-driven (re) nationalization has targeted and excluded asylum seekers in Ireland.[11] Her elegant description of the problematization of citizenship stresses both systemic exclusion and the biopolitics of reproduction:

> With the growth of the Direct Provision system in Ireland, there remained just one 'get out of jail' card that could be played. This was to give birth to a baby. By birthing a baby, one could leave Direct Provision and instead move into private rented accommodation and receive regular welfare … [and] become a legal resident of Ireland based on parentage of the child. It was as if a reversal happened: the child gave birth to the parents … (2004: 338)[12]

It is certainly the case, as Luibhéid notes, that in 2004 many issues related to asylum in Ireland turned on the image of the childbearing asylum seeker. So much so, in fact, that in June 2004 an EU-wide advertising campaign to encourage voting in the European elections was banned in the UK and Ireland. The clever advertisement featured a woman breastfeeding under the caption, 'You've been voting since you were born.' It was banned in the UK because of its 'sexual' imagery and in Ireland because of fears that it could be construed as referring to immigration. While such controversies do serve to illustrate the bio-politicization of motherhood, how much has been explained by the hypothesis that 'asylum seeker women [*were*] reduced to their childbearing bodies, their vaginas'? (Luibhéid 2004: 343) The underlying equation set out by Luibhéid appears, at first glance, to balance: by birthing and Irish-born child asylum seeking women could 'get out of jail' and gain residency rights; by closing this 'loophole' the state could protect its sovereignty and gain national symbolic currency by playing to racist sentiments rooted in sanguinity. However, this equation provides a restricted view that takes the world as it finds it: nationalism and the state are always already there and are uncritically assumed to provide a reservoir of exclusionary sentiment and the driving force for new racism. And what of critical social theory? Its role appears diminished to the point of being unable to offer more than symbolically 'unmasking' migration policy as state racism.

If one revisits the media debates and public statements that surrounded the 2004 referendum one undoubtedly sees an attempt on the part of certain government spokespersons to vilify asylum seeking women as exploiters of Irish citizenship law – it would be disingenuous to describe this as anything other than deliberate racialization (for numerous examples see Deveraux, Haynes and Breen 2006; Brandi 2007;

Lentin and McVeigh 2006a, 2006b). However, as Bryan Fanning has recently pointed out, the 'state' cannot be attributed sole authorship, and state-driven racism cannot account for the astonishing 79.2% of voters who supported the constitutional amendment. Fanning calls for attention to 'culture' (though he generally discusses state policy), but in a way that analytically separates a triad of forces: 'state,' 'culture' and 'policy' (Fanning 2009: 129–137 passim). Here our argument is that by re-engaging with Foucault's work on biopolitics and governmentality it becomes possible to see such forces as in fact sharing a common grammar.

Moreover, the media and public statements during the referendum do not simply contain a hysterical reaction to the fecundity of asylum seeking women.[13] Take for example an illustrative statement by Michael McDowell, former Minister for Justice, Equality and Law Reform, published in the *Irish Times* on 24 April 2004 and titled, 'We Must be Able to Manage Migration in a Sensible Fashion'. The statement suggests that late-term pregnant women were deliberately travelling – 'legally and illegally' – to Ireland to give birth in order to secure the entitlement of Irish citizenship. The phrase 'legally and illegally' points to the fact that asylum-seeking women were not the only concern; rather, Irish migration policy aimed to manage the potential citizenship entitlements of a substantial population of non-EEA immigrant work permit holders (see also Mancini and Finlay 2008: 582). This arose from the fact that by 2004 Ireland was in the position of being the only EU Member State to recognize unrestricted *jus soli,* which following the Good Friday Agreement meant that residence rights in the UK as well as other Member States was, potentially at least, up for grabs. One does not need to cite every public statement that openly points to this issue, but it was hardly hidden from view (see, for an illustrative sample, McDowell 2004: 16; Mansergh 2004: 16; Lenihan 2004: 18; O'Halloran 2004: 6).[14] Moreover, the need to close off the so-called 'loophole' of *jus soli* was flagged in a International Organization for Migration report on migration legislation and practice in 2002 and was the substance of two of the most important legal cases for Irish migration policy, the 'Chen case' and the 'Lobe case', both of which pointed to the diverse claims to residency based on Irish-born children arising from non-EEA nationals and the fact that more people achieved residency in this way that did so via the asylum determinations process.[15] Speaking of the Chen case to *Seanad Éireann* in the run up to the Referendum then Minister for Justice, Equality and Law Reform, Michael McDowell, TD, characteristically argued that the nub of the issue was the perceived advantages to be gained from birthing a child in Ireland:

> Those advantages do not simply flow from an immigration-free status in the State. They flow from an immigration-free status for Irish citizens in the United Kingdom because of the common travel area. In addition, they flow from the extensive right of Irish

citizens to move freely throughout the European Union and the full extent of the implications are illustrated by the Chen case … (*Seanad Éireann* 2004: 1612–1614 passim)

It is important to take statements such as this seriously. While the focus on 'race' and the Irish state in contemporary scholarship does provide insights into the racialisation of asylum seekers it has done so at the expense of in-depth analysis of the conditions which subsist behind international migration management strategies, the lock-step policies of the UK and Ireland, and the growing importance of EU-wide systems and processes.

It is also possible to add to discussions of the 2004 citizenship referendum by briefly considering an example of forthcoming legislative moves. At the time of writing the *Immigration, Residence and Protection Bill, 2008* remains to be transposed into law, and has been subject to a great many amendments. Nonetheless, the Bill provides a clear window onto governmental thinking on migration management. In essence, it provides for the restatement, modification and shoring up of the government's capacity to regulate the presence, movement and deportation of foreign nationals (again, not just asylum seekers). One of the impetuses for the legislation is the forthcoming (though stalled) end of the Common Travel Area between Britain and Ireland, originally scheduled for 2010. The UK government is moving in the direction of e-borders, as set out in the *UK Border, Citizenship and Immigration Bill, 2009,* and will be dispensing with older travel agreements that rely on the security of national identity in favour of the securitization of identity itself. Biometric technologies are the central pillar of the UK's approach to migration management, from proposals to reduce friction for high-end travellers to increasing individualized security for persons perceived to be a risk. According to the position paper *Controlling our Borders: Making Migration work for Britain,* the border of the future will be 'smart,' spread out through advanced passenger information systems, and, according to David Lyon (2009), driven by social sorting through categorical suspicion.

The Irish *Immigration, Residence and Protection Bill* and British migration management policy, not for the first time, appear to be isomorphic. The proposed Irish legislation empowers the Minister for Justice to prescribe the form in which visa applications are made and biometric data harvested. The Bill makes a clear distinction between authorizations for the retention, storage and/or comparison of bio-data for Irish citizens and similar processes for foreign nationals. In the case of asylum seekers, biometric data will be entered into the Eurodac database and shared with agencies throughout the EU and with other jurisdictions. What will this world of securitized and spread out borders look like, and what are the human consequences? Susan Bibler Coutin's important work on 'illegal' migration to the USA shows how clandestine routes are being followed with tragic consequences. Because their presence

is prohibited, according to Coutin, 'unauthorized migrants do not fully arrive even when they reach their destinations' (2005: 165). Because they use the body as a passport to spaces and privileges biometrics hold out not just the promise of enhanced security, but also the possibility of letting certain things happen, of allowing for the mobility necessary for participation in the global economy while managing that same mobility. In his 1978 lectures in the College de France, recently published as *Security, Territory, Population,* Foucault argues that the challenge for security is to allow

> … circulations to take place [*but*] controlling them, sifting the good from the bad, ensuring that things are always in movement, constantly moving around, continually going from one point to another, but in such a way that the inherent dangers of this circulation are cancelled out. No longer the safety (*Sûreté*) of the Prince and his territory, but the security (*sécurité*) of the population and, consequently, of those who govern it. (2007: 65)

Foucault's prescient work on security, which still resonates so strongly, moved from considerations of the state to an attempt to map out a grid of spatial, power and knowledge-based relations of which the state is an outcome. The challenge of researching governmentality, he argues, is to understand the political mentalities implicated, such as those that construct the immigrant or asylum seeker and the truth of their being; to understand problematizations such as citizenship or integration, to understand actual interventions such as the 2004 amendment, and to understand the technologies deployed – those Jonathan Xavier Inda (2006) has termed anti-citizen technologies; those Didier Bigo and Elspeth Guild consider, following Foucault, as central to the *Ban*-opticon (2002). Our argument herein has been that, instead of investigations along these lines, contemporary scholarship on migration in Ireland is transfixed by the state – why, one might ask? Why the problematic assumption that the state must be accorded a central role in research?

Conclusions: Notes on the difficulty of statism

Back in 1977, the sociologist Philip Abrams, in his famous 'Notes on the Difficulty of Studying the State,' remarked: 'The state is not the reality which stands behind the mask of political practice. It is itself the mask which prevents our seeing political practice as it is' (1988: 54). Indeed, such a problematization of 'the state' may be detected in the foundational scholarship of political science, especially so in Hobbes. A similar problematization may also be located in modern anthropology with Radcliffe-Brown's exasperated demand that we abandon discussions of the state in favour of the more analytically useful 'government' (1940: xxii). This makes the less nuanced vision of political power in 'race' and state theories all the more curious, especially so considering that it is accompanied

by a focus on biopolitics. In this concluding section we suggest that the 'state' provides a simple mask that prevents a full engagement with biopolitics today.

Foucault's notion of biopolitics is something of an unfinished project. In essence, he uses it to draw attention to the anatamo-politics of the human body, on the one side, and the biopolitics of the population, on the other. Discourses that deploy the vital-ness of the human thus become discursively important, such as 'race' (see Foucault 2003: 239-265). But Foucault was careful to think in terms of how governmentality worked on the individual and on the conduct of conduct in ways that did not involve the state – take for example that which exists alongside the nation-state: the social, where a whole series of sub- and non-state institutions and discourses, from insurance to welfare and from medicine to notions of 'race' operate. A good example of the need to broaden analysis beyond the state is offered by the challenge of dealing with the contemporary use of biometric technologies to regulate migration (as above). Biometric security emerged in the nineteenth century in places as far away from each other as Argentina, India and France, linked with eugenics and generally operating in civil applications (Maguire 2009). In thinking about that example, the question becomes less about new forms of state surveillance of others and more about how fairly old technology couples the anatamo-politics of the human body (your prints), on the one side, and the biopolitics of the population (who's suspicious), on the other in ways that require and instantiate 'race' discursively.

Foucault also discusses the emergence of the biopolitics of population in ways that would have been 'absolutely foreign' (2007: 42) in earlier centuries, and suggests that modern biopolitics is accompanied by a new way of thinking about security. Today as nation-states around the world are attempting to manage the tension between promoting the mobility necessary for participation in the global economy while, at the same time, controlling that same mobility, the question revolves less around the power of the state and more around the ways in which biopolitics is connected to new articulations of 'state' power, racialization and citizenship. Such articulations often depend upon the figuration of motherhood to determine the legitimation of 'state' power and identity as well as threats to the same. Ireland, like many other nation-states, has enlisted matriarchal images to support its own sense of imagined community, and now enlists proximate and overlapping images to illustrate how that community may be unimagined, or to dramatize the unimaginable afflicting the community. The notion that motherhood can offer positive and negative political messages at one and the same time is no paradox or coincidence. Rather it offers something approximating the Freudian concept of *unheimlich* applied to the level of statist legitimation: the greatest supposed threat to a nation's identity and security must be immanent with that most profound physical symbol of unconditional love and intimacy. Biometric technologies that seek to facilitate the movement of bodies through states in ways that

streamline economic and political interests will not solve the 'problem' of how native and foreign bodies remain or become knowable, but rather shift its terms and terrain. As Georg Simmel has argued, the category of 'stranger' exists, not to be resolved or erased, but rather to be 'managed' in ways that continually reinforces and reinvents a network of institutional categories.

What, then, of the assumption that by according a central role to the state in research on migration in Ireland new racism, especially directed towards asylum-seeking mothers is being exposed? In this article we have not denied that overt racism was directed towards asylum-seeking mothers, but we do argue that social-scientific research that pits 'the state' against particular and vulnerable mother-victims erases too much and highlights too little. If anything, the state is a mother that is constantly giving birth to itself; a mother whose role and status shifts according to the needs not of her children but the needs of forces that deploy 'mother-child' dyads with powerful political charges. The ur-text of Irish statehood, the 1916 Independence Proclamation famously describes the aim of 'cherishing all the children of the nation equally'. Yet sustaining the unstable fiction of 'the nation' has proved largely a matter of unequal cherishing.

Notes

[1] The 2004 Amendment was accompanied by the *Irish Nationality and Citizenship Act, 2004,* which restricted access to citizenship to those children whose parents had resided legally in the state for three of the four years previous to the birth. For reviews of the enormous media coverage of the referendum and amendment see Deveraux, Haynes and Breen 2006; Conway 2006; Brandi 2007).

[2] An illustrative sample of the literature ranges from political geography (e.g. MacÉinrí 2007; Crowley, Gilmartin and Kitchin 2006), and from political science and political sociology (e.g. Mancini and Finlay 2008; Fanning and Mutwarasibo 2007; Garner 2007) to legal scholarship (e.g. Bacik et al 2004; IOM 2006). However, there has also been considerable comment from anthropology (see Lele 2008; Shandy 2008 and forthcoming; Tormey 2007), applied social studies (e.g. Christie 2006) and feminist thought (e.g. Luibhéid 2004). However, the most widely cited contributions are from Lentin and McVeigh (e.g. Lentin and McVeigh 2006a, 2006b; Lentin 2007).

[3] Scholars tracking 'new racism' have identified the following notable features: (1) 'new racism' seems less directed by or towards specific groups than in the past; (2) it tends to be expressed through notions of cultural and social incompatibility; (3) perceived ability to assimilate and to perform in the economy – associated with language use – is as much a marker as skin colour; finally (4) institutional avoidance, ineptitude and poor policy.

[4] Biopolitics may be taken to denote discourses about the vital nature of humans, their 'truth' and subjectivity;

strategies and tactics for actual interventions on every level, from the individual to that of the population, the health, welfare or security of which might be threatened or curtailed and thus must be defended.

[5] Herein 'securitization' refers to the trend towards on the one hand, fortifying borders against poor, 'illegal' immigrants while, on the other hand, making use of security technologies to simultaneously speed up the flows of 'high-value' migrants. This trend is documented in the 2006 United Nations report on *The State of the World's Refugees*. However, we also take 'securitization' to be a useful term that denotes exercises of power that are neither recent nor confined to frontiers. Michel Foucault (2007), Didier Bigo and Elspeth Guild (2002), and Mark Neocleous (2008) have all argued for security to be considered as a discursive formation that links together a whole variety of social domains and is located at a variety of scales.

[6] In arguing that a 'state-oriented' approach is required, Fanning and Mutwarasibo are following a line of thinking put forward earlier by Patrick Weil. In Weil's analysis, individual states' adaptation of immigration policies arising from, *inter alia,* UN Conventions, post-colonial restrictions/obligations, or EU harmonization cannot be understood without knowledge of individual states' priorities. While this argument has the virtue of refuting the fetishization of what Fredrick Jameson termed 'NATO high culture,' it simply fetishizes the state in instead.

[7] The *Saorstát Éireann* Constitution Act was passed on 5 December 1922 and took effect from the 6 December onwards. Northern Ireland opted out of the *Saorstát* on 7 December. However, the so-called 'twenty-four-hour gap' meant that every ordinarily resident person in Northern Ireland on 6 December 1922 was automatically an Irish citizen.

[8] Indeed, Eamonn de Valera had to reassure *Dáil Éireann* that no attempt would be made 'to dictate to those of the race who are citizens of other lands' (*Irish Independent* 28 January 1922).

[9] Irish independence was modelled on the Canadian 'example' of graduated (local) citizenship. However, Canada was not the only imperial laboratory: the *British Nationality Act, 1914* acknowledged the rights of dominions to impose 'local citizenship,' which manifested itself in restrictions on immigration and political participation of colonial subjects. This, in effect, meant restrictions on migrants from colonies such as India in dominions such as South Africa.

[10] Indeed, by the late 1990s this crisis was considered so acute that a policy of housing asylum seekers in floating hotels—so-called 'flotels'—in Dublin Bay was given serious consideration.

[11] Eithne Luibhéid's essay 'Childbearing against the State?' is frequently cited in discussions of the 2004 referendum (see for example Lentin 2006, 2007; Garner 2007, Tormey 2007). Her work follows an important strand of feminist scholarship that argues that women occupy distinct roles in ethnic and national communities as the reproducers of the collectives' members, as reproducers of boundaries through procreative choices

and as reproducers of culture through childrearing (see Anthias and Yuval-Davis 1989). Such work takes the position that 'there are no necessary 'natural' social effects of sexual differences or biological reproduction (see Yuval-Davis 2000: 9); however, rather that see gender and sexuality as free-floating and socially constructed they call attention to power structures that 'play a central role' in providing the conditions for the possibility of particular configurations of sex, gender and community – structures like the nation and the state. This feminist perspective is book-ended by problematic issues. Firstly, the proposition that women are reproducers of the collective's members is based on a narrow-gauge biological reading of culturally mediated phenomena (take for example the ethnographic discussions of reproduction in the Amazon by Mader (1999)). Secondly, the unusual *a priori* presence of the state in, for example, Yuval-Davis's discussion of power structures is justified through a zero sum game in which one either focuses on the state or 'dispenses' with it (a position crudely ascribed to Foucault), with no alternative perspective presented.

[12] It is worth noting that data suggests that women in direct provision were presenting in maternity hospitals cognizant of the legal ramifications of giving birth in Ireland, as were much smaller numbers who migrated while pregnant (see Shandy 2008: 811-813). However, the available data indicates that the numbers were much lower than government statements suggested. Moreover, one must be mindful of the long periods in direct provision, and higher fertility rates in prior countries of residency: much of what was imagined to be 'citizenship tourism' instead evidenced women presenting at Dublin maternity hospitals having travelled from dispersed direct provision centres. Indeed, one must also ask serious questions about policies that present few opportunities for people in the majority world to migrate to wealthy countries, except through claiming refugee status, and then the same countries that canalize migration engage in efforts to 'unmask' claims for asylum. Finally, an in a related way, there is the important issue of representation: why, we might ask, is discovering active agency so jarring to representations of the 'genuine' refugee?

[13] It is also worth pointing out that a semiotic reading of public statements on the citizenship referendum does not reveal fears over African fecundity or sexuality; rather, the overwhelming impression one gets from public statements that vilify asylum seekers is that those statements are castigating African women for strategic motherhood – a racialized accusation that surely cuts deep, because it imagines an Other that values the lives of children only to the extent of their instrumental value.

[14] Speaking in the run-up to the Referendum, *Taoiseach* Bertie Ahern claimed that it didn't matter if the issue was 'a few, a few hundred or few thousand', and that he '… did not visualize in 1998 that Russians, Moldovans and Ukrainians would be coming to this country for two or three weeks simply for the benefit of Irish citizenship' (See O'Halloran 2004: 6; see also

Dáil Éireann 2004: 1482 passim; for a rebuttal see also Rafferty 2004: 16).

[15] In the first instance, *ECJ, case C-200/02, Chen & or. v. United Kingdom* pitted Man Lavette Chen and Kunqian Catherine Zhu against the Secretary of State for the UK Home Department. Chen, a married overseas Chinese national, had been refused long-term residence in the UK. She became pregnant with her second child and could not return to China because of the one child rule. On legal advice, she gave birth in Belfast and thereby (following the ECJ overturning the British Supreme Court's decision to deport her) gaining UK residence rights. (All) Ireland's citizenship laws were used, it was argued, to gain access to the UK and to the EU. In the latter case, in January 2003, a majority of the Supreme Court ruled, in *Lobe v. Minister for Justice* that being the parent of an Irish-born child was no longer entitled automatic residency. Like Man Lavette Chen, David Lobe, a Czech Roma, did not conform to the image of the female African asylum seeker so thoroughly captured in media and public discourse.

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Subsidizing Flexible Accumulation: Indian IT Workers in the US and Corporate Reliance on Immigrant Networks

Payal Banerjee

Literature on immigration emphasizes social networks in immigrants' economic and social survival in the US, however insufficiently attention is being paid to how social relationships subsidize the state and corporate sectors. Based on in-depth interviews with Indian immigrant IT workers on specialty work-visas, this article examines the significance of social relationships and demonstrates how these relations are relied upon as critical substitutes. This article, thus, examines how the larger institutional apparatus of the state and the corporate sector has 'privatized' and downsized its accountability for ensuring access to essential services by relegating this task to the private domain of immigrants' individual personal networks.

Introduction

Immigration scholars use the concept of social networks to explain many immigration-related processes, from 'chain-migration,' employment, ethnic enclaves and entrepreneurship to housing and settlement patterns, and assimilation, to name a few (see Massey et. al 1993; Arango 2000). From this perspective, immigrant networks are typically seen as facilitating initial migration and shaping the subsequent aspects of the immigrant experience. This approach, however, does not necessarily question how the state and capital – two vital and imbricated contexts impacting migration – intersect with and rely upon immigrants' immediate social collective in ways that allow the state and capital to accrue certain benefits. Based on qualitative data from on a multi-year study on Indian immigrant IT professionals in the US with visas such as H-1B, this paper develops an analysis of how corporate clients in the US are able to relinquish their accountabilities towards labour by shifting the tasks of responding to workers' embodied needs to individual immigrants and their social networks/relationships. In sync with the core of neoliberal labour policies, this privatization and individualization of a range of tasks, from bearing the costs associated with relocating immigrant workers to ensuring their overall well being, have enabled the abrogation of corporate responsibility.

This article is based on research that included: (1) in-depth semi-structured interviews with Indian immigrants in the IT field in the US, as well as managers and Human Resources personnel at labour intermediary firms responsible for coordinating the recruitment of IT workers from India for clients in the US; (2) field visits and interviews with project managers and IT professionals at one of India's largest IT services consulting company's regional office in the eastern city of Kolkata; (3) analysis of US immigration and visa policies, and review of Congressional debates on visas for specialty occupations; and (4) examination of India's IT and technology-based development strategies and practices over the decades following independence in 1947. Situated within this wider research context, insights presented in this article draws upon approximately forty in-depth, semi-structured interviews conducted with immigrant IT professionals in the US between 2002 and 2005 at various locations across several states on the east coast. These interviews, based on a snowball sample and typically between one to three hours in duration, were conducted at venues most convenient for participants, e.g. cafes, public libraries, meeting rooms in offices, and participants' homes. These professionals' career trajectories and reflections on their personal experiences as immigrant IT workers in the US on work-visas constituted the central theme of these interviews. Each interview was tape-recorded with written permission following informed consent requirements and transcribed verbatim for coding. The majority among the participants were males in their 20s and 30s. Despite significant efforts, no more than three women could be included in this research – a result of the fact that men tend to compose the majority of this immigrant workforce. Interview narratives serve as the basis for understanding the demands made by both capital and by the state on immigrants' labour and the ways in which immigrants must rely on their social and personal resources to address this demand.

Neoliberal globalization, labour, and the question of flexibility

A growing body of critical literature continues to reveal the impact of neoliberal globalization on workers and the terms and conditions of exploitative work

encountered by people due to economic restructuring, development strategies, such as the establishment of export-processing zones; foreign investments, privatization, and their consequent displacement and migration. During the 1970s, corporations in the global North, specifically the US, faced a profit-impasse resulting from stagnating growth rates, saturated markets, over-production, increasing unemployment, high cost of oil, and an overall crisis in the welfare state model, among other factors. This crisis necessitated a massive re-organization of both the logic and methods of global trade and a search for new open markets for capital investment, resources, production, sales, and labour (see Ong 1991; Sassen 1998). Neoliberal economic mandates, institutionalized through the Structural Adjustment Policies (SAPs) of the IMF and the World Bank on numerous developing countries, re-invigorated the expansion and integration of the global market beyond national borders. Previous Fordist-era strategies of large-scale production and employment, which no longer delivered desired rates of profit, got abandoned in favour of corporate practices that started to be labelled as the 'just-in-time' business model.[1] Fragmentation of production processes, facilitated by the SAP-enabled creation of innumerable export-processing manufacturing zones across the world, combined with contract-based short-term employment arrangements both in the global North and South, ushered in a new phase in the relationship between capital and labour.

A review of the vast literature on this relationship between labour and capital in neoliberal globalization, especially in the so-called non-professional and unskilled sectors, suggests that neoliberal economic policies have been accompanied by increasing labour flexibilization and casualization. Scholars like Aihwa Ong (1991), Guy Standing (1989) and Saskia Sassen-Koob (1984), among others, offered some of the earliest analyses of flexible employment patterns' impact on labour. Their assessment – of the terms and conditions of work in export-oriented factories and other spaces incorporated within the folds of global capitalism in Asia, the Caribbean, and Latin America – reveal various forms of exploitation and disembodiment of labour in general, and that of women workers in particular (see also Sassen 1998; Marchand and Runyan 2000; Oxfam 2004). These conditions have included varying degrees of low wages, long hours, unpaid or underpaid overtime, lack of access to healthcare or life- and family-supporting services, erosion of bargaining capacity for better work conditions, acute surveillance and monitoring of workers' activities, dehumanization (e.g. expressed in terms of limited bathroom breaks, lack of sensitivity toward heath and safety), as well as rampant sexualization and sexual exploitation (Sassen-Koob 1984; Ong 1991; Fernandez-Kelly, Patricia and Sassen 1995; Bonacich and Appelbaum 2000).

This pattern of disembodiment of labour suggests significant intersections between flexibilization of production and employment, where inequalities within global social hierarchies, such as those defined by gender, race, class, and third world status are deeply implicated. Marchand and Runyan (2000: 16-17) have conceptualized labour flexibilization in global restructuring as being linked with feminization of labour in the following terms:

> … [W]hat feminists call the 'feminization of labour' in the context of global restructuring refers not only to the unprecedented increase in the numbers of women workers in the formal (and informal) labour force to service the global economy, but also to the 'flexibilization' and 'casualization' of (especially women's) labour to keep labour costs down and productivity up in the name of free trade, global competitiveness, and economic efficiency.

Feminization of labour thus refers not only to the rapid increase in the number of women in global capitalism but also to the deteriorating terms of employment, which include labour flexibility and the steady degradation of work conditions for third world and immigrant labour, such that their labour remains inexpensive, disciplined, and low status (Chang and Ling 2000). Immigrants, particularly women, tend to be placed into the restructured and increasingly volatile low-wage sectors in first world countries (Fernandez-Kelly, Patricia and Sassen 1995; Sassen, 1998, 2002; Bonacich and Appelbaum 2000; Chang 2000; Parrenas 2001; Zentgraf 2001; Carty 2003). In the majority of the cases, labour migrants are subjected to exploitative work contracts and conditions that deny access to citizenship, family unification, or fair labour laws. Unfortunately, despite extensive resistance and organized efforts to combat these conditions, women workers continue to be exploited given the increasing demands for flexible and inexpensive labour in the global economy in both manufacturing and service sectors. Oxfam's (2004) report on women workers from farms and factories across the world brings into view, with chilling clarity, scores of examples of precisely how the logic of flexible production and subcontracting translate into immense economic and social costs, whose burden is shifted by brand-owners, retailers, and mid-chain suppliers down the supply chain to be borne primarily by workers and small scale producers. The demand for high profits and rates of return on investors' contributions, quick product cycles, and the quest for cheapest labour intensify cost-squeeze, creating acute competition among producers and subcontractors at the lowest level of the global supply chain. To remain competitive and to ensure a steady flow of consecutive job orders from mid-chain suppliers, subcontractors and producers experience immense pressure to economize on wages, labour conditions, overtime pay, worker benefits, and other overheads. To cope with these demands, employers put their workers through some of the most stringent labour strategies. Subcontracting not only allows multinational retailers and global brand-owners to keep themselves distant and insulated from these processes, it also enables these companies to subsidize or entirely eliminate a vast range of costs/risks of their own making. The volatility

and hidden costs of flexibility, on the other hand, get displaced down the global supply chain such that they are increasingly borne by women, people in the third world, immigrants and minorities of colour, and the economically disadvantaged in both advanced and developing economies (see also Mitter 1994; Sassen 1998; Chang and Ling 2000).

This literature raises a set of critical questions: how do workers bear the social, economic, and psychic costs associated with the vagaries of production and labour flexibility in this economy? What personal, social, and institutional resources are they made to rely upon, and what relationships of dependence or co-adaptation are thus created? In other words, what sorts of social relations does the contemporary global economy benefit from as workers subsidize the social and human costs associated with labour flexibility? In the analysis presented below, I engage with these questions on the basis of my research on Indian IT workers in the US and discuss how high-skilled immigrants, positioned as temporary contract workers in a neoliberal labour regime, deal with flexibility and disembodiment.

Many observers are likely to perceive this educated and skilled immigrant workforce as part of a relatively privileged group in a globalized economy, with access to white-collar salaries, overseas travel, workplace benefits, career paths, ability to navigate on their own terms high-status positions in a field that is considered to be at the top-end of the skilled and high-paid services sector. Indeed, this workforce does enjoy certain privileges: they have university degrees, skills that are valued in the global economy, and their salaries are, at least in part, reflective of high-skilled white-collar employment.

In the recent past, given the importance of information technology in the global economy, companies from across the corporate spectrum in the US (and several European countries as well) reached out to India to access IT professionals. Although the debates about the existence of skilled worker shortages in these economies are yet to be resolved, there is no doubt that access to Indian IT workers as immigrant labour did offer extensive benefits to the end-user clients across industries (Banerjee 2008). Starting in the late-1990s, the US government legislated and amended the country's employment-based skilled worker visa policies, such as the H-1B program, in response to corporate demands for this immigrant workforce. The proportion of Indian IT workers on the H-1B visa relative to the entire workforce in IT occupations alters from year to year based on several factors (number of visas capped per year and general employment figures). Overall trends, however, continue to be as follows: Indian nationals represent an overwhelming majority among those who are in the US on the H-1B to work in the IT field (Lowell 2000). In 1999, sixty percent of all H-1B visas went to immigrants hired for the IT field of which about seventy-five percent of all immigrant IT workers on H-1B visas were from India (US GAO 2000, 2003). Roughly half of all H-1B workers were from India in 2001 (US DHS 2003). These overall trends have remained stable over several years. As a result, Indian immigrants have figured as a dominant majority among foreign workers in IT occupations in the US.

The immense drive to recruit Indian IT professionals, that too as documented workers with some measure of labour protections (entitlement to fair market wages, etc.), however, does not reflect certain characteristics that one is likely to expect from high-skilled professional employment in the global economy. The experiences of this immigrant workforce constitute high inequality related to, on the one hand, the hierarchical politics of race and immigration status and, on the other, this group's employment as temporary contract workers in IT jobs (Banerjee 2006; 2008).[2] As a result of the corporate sector's increasing preference for flexible hiring, the majority of Indian IT workers in the US have been hired by labour vendors or subcontractors and not by the 'clients,' i.e. companies that require the services of these workers. Typically one or more intermediaries operate between individual immigrants and their clients. Each one of the intermediaries, including the consulting firm managing the project on the clients' behalf and the immigrants' direct employer, deduct portions of the IT workers' hourly wages (billing rate) as commission. Although immigrants on the H-1B visa are supposed to be paid on the basis of 'prevailing market wages,' the fiscal logic of levying commissions embedded in subcontracting render the subject of ensuring prevailing wage elusive. Moreover, the rate of commissions taken out of these immigrants' salaries as well as their billing rate from clients frequently vary from one project to the next, which can cause fluctuations in their take-home pay (Banerjee 2008). Data from the U.S. Department of Labour also indicate that IT workers on this visa earn about $13,000 less per year on average than their US counterparts in similar occupational categories and geographical areas.

Moreover, the terms of the H-1B further complicate this immigrant group's status and bargaining power in the context of flexible employment. By definition, the H-1B is an employment and employer-based visa. It predicates immigrants' legal status and employability in the country on being employed with the company authorized with their visa. The prospects of uninterrupted long-term work in a labour market dominated by short-term contract-based projects are, at best, vague and often untenable. These immigrants often find themselves in vulnerable positions: legal status, work authorization, and livelihood simultaneously overlap and depend on being employed, which means that not having a project threatens immigration status if one is fired by one's labour vendor employers. The workers interviewed in this research described their 'bench' periods – recurrent phases of *de facto* unemployment in the absence of client projects – as one of the most demoralizing and anxiety-ridden aspects of their experience. Many concluded that the terms of the H-1B 'tied' or 'bound' them to their visa-holding companies, i.e., placed them in a relationship

of dependence and subordination to their employers and denied them the eligibility to enter the labour market as autonomous workers. Despite their skilled and documented status in one of the high-end service sectors, Indian immigrant IT workers are thus subject to a range of marginalization and exploitative practices.

Labour-ready: the transnational coordination of flexible work in IT

Companies in the US use specific strategies to carry out projects requiring an IT component in a way that would maximize flexibility and minimize or entirely eliminate their responsibilities of, say, recruiting, keeping a large workforce on their payroll, monitoring the work of IT professionals, managing the details of the project, etc. Moving away from erstwhile Fordist business models, these companies have followed a flexible project-based and short-term approach in meeting their IT needs by delegating all or portions of the work to external consulting companies. Through a bidding process, a handful of preferred consulting firms are invited to provide competitive blue-prints illustrating how the project might be executed with complete details of costs, composition of the IT team, its management and planning structure, as well as the resumes of individual IT professionals to be placed on the project. In theory, the most efficient and viable proposal wins the project.[3] During the course of fieldwork, I interviewed Nabil, an Indian immigrant IT professional and a senior manager at one of the largest consulting firms in the US. Having acted as a supervisor for projects and project-managers for many clients, Nabil had intimate knowledge about the bidding process and was able to provide details that help analyze the character of flexibility and its impact on labour subcontractors' recruitment approaches and immigrant workers' experiences. Nabil explained:

> We are a large consulting company and we are into managing all kinds of IT projects for our clients. And we have to compete with other consulting companies and bid for the clients' projects. We have to show a plan and we need resumes of our guys [IT professionals] we will place on the project when we bid. Now, of course, these IT guys are not our employees and we are not looking into hiring them either. So to prepare a bid what I will do is I will call up my preferred vendors and tell them that I am going to bid on this project. And if we win, I am going to look for resources [IT workers to be place d on temporary contracts] from you. I will ask them: 'Do you have resources in these skill areas? If you have resources, give me their resumes. And, if we win and these are guys are accepted, we will put them on our project.' These vendors, of course, want to work with us. Sometimes they approach us and say: 'Can you put the resumes of our candidates in your proposal, so that if you win, you can hire our guys.' But if we don't win the bid, then we will not hire the vendors' guys.[4] Then everything is over. If we win, our vendors get excited. And they will do everything for the IT guys to come from India or if they are in the US already, then to get them together to be there on time for the project. If we lose the bid, then we tell them, we lost the proposal.

So they say, okay, no problem, next one. So we do get the resumes for the bid, but we don't hire any one of them if we don't win the bid. And the vendors do the same thing to their vendors! Now, it is possible that our vendors actually access the IT professionals through another layer of labour-vendors, that is another layer of companies that they contract from. Our vendors will approach their vendors and ask for IT professionals they may have on their roster that reflect the needs of the project we are bidding for. Our vendors might say to them: 'Hey, do you have any resumes? We are going to be bidding with one of our big companies over here and if they win the project then they will be looking for resources from us. So if you have resources you give it to me.' So you see, before or during the bidding, nobody has done the actual hiring. And this guy [IT worker] may not even get placed, have this job! But his resume is up on the tender with us. Right? This guy could be sitting in India somewhere! Let us say, BizTech in India interviewed an IT professional and gave the resume to Atlas in the US. Atlas is our vendor and Atlas gives the resume to us. And we put it up on our tender to our client. But nobody has hired the guy yet. Again, it is possible that some Bodyshop or vendor already hired him, thinking that some project will come along from one of the preferred vendors. But the guy [Indian IT worker] is in Timbuktu, sitting! In actuality, he doesn't have a project even though his name is being floated around. So you see, this is the arrangement.

This corporate 'arrangement' has relied upon the creation and viability of one of the most complex systems of transnational subcontracting and immigrant labour deployment in the name of flexible accumulation. This integrated system – brought to life by the end-user clients on one end of the spectrum, followed by consulting companies serving clients' project needs, followed by numerous labour vendors and subcontractors, and ultimately the Indian IT workers – operate within a field of social relations where the costs and burdens of flexibility are shared inequitably. The mandate of flexibility motivates both clients and large consulting companies to keep their respective (directly employed) workforce lean, which makes it incumbent upon competing consulting companies to look towards their labour-vendors for the actual IT labour pool. They also tide through the demands of the bidding process, which requires consulting companies to identify appropriate workers and furnish competitive price tags to lure projects from clients, by supplying the skill-profiles of 'resources' or IT professionals they wish to acquire through vendors. As in the case of export-processing factories within the global supply chain for manufactured goods, labour cost competitiveness and flexibility are critical for winning projects (Oxfam 2004).

Given that the outcome of the bid is always uncertain, consulting companies and the layers of labour vendors involved in coordinating access to IT workers must be prepared for two possible scenarios. If the bid is successful, they have to place the IT workers on time and in the manner promised to the client. If the bid is unsuccessful, decidedly there is no contract or need for workers. The strategy of appointing labour

vendors provides a buffer against loss and costs. It also allows consulting firms to withstand either possibility to their best advantage while remaining competitive. By minimizing direct in-house recruitment and not finalizing contracts with labour vendors until they win a project, these companies insulate themselves from the negative consequences of losing a bid. On the other hand, they rely on their labour vendors to quickly assemble the 'resources' or IT professionals if they bag a project. In either case, consulting companies relieve themselves of the burdens associated with the uncertainties of this process by passing them on to the subsequent layers of labour subcontractors.

The price competitiveness and labour flexibility enjoyed by clients and consulting firms are based on the ready availability of immigrant and overseas labour managed by IT services consulting firms in India as well as the numerous labour vendors of varying sizes in the US. Indian immigrant entrepreneurs run the majority of these companies. Whether a project is won or lost by consulting firms, labour vendors must remain on the stand-by with immediate access to workers even in the absence of any confirmed projects for their employees. Subcontractors have to position themselves as labour *vendors* or *Bodyshops* with a roster of workers, without any guarantees that their employees will actually be picked up by consulting companies for client placements. These labour vendors have also been relegated tasks that large companies in the US have abdicated systematically. For example, labour vendors organize job interviews with candidates in India, process their visa applications, and coordinate a range of human resources-related tasks to ensure that these workers are readily accessible and prepared to join a project quickly. Furthermore, these vendors also bear, to some extent, the responsibility of providing for the embodied needs of new immigrants, such as initial housing, as they are brought to the US to respond to clients' demands for instantaneous access to temporary contract workers. These costs, however, are ultimately shifted on to individual immigrants.

Nabil's explanation of the process of bidding for projects reveals how the process of deploying labour for IT work in the U.S. is not just about what we identify as flexible hiring, but that the process also has embedded within it an element of speculation which has direct consequences for immigrant IT workers. His choice of the idiom, 'sitting in Timbuktu,' in reference to the state in which newly-recruited IT professionals find themselves, reflects the absence of immediate job prospects and the overall uncertainties deflected towards workers who might get hired by labour vendors and brought to the US in anticipation of the project, but who cannot be immediately placed. Under the circumstances, what social relations and institutions must be created so that this flexible system can be sustained along with its attendant constellation of uncertain terms, volatility, speculations, and disappointments concentrated for the immigrant-run labour vendors and their immigrant employees? The following sections elaborate on the establishment of

certain institutions, infrastructure, and social relations that have enabled this transnational subcontracting system to function.

Supporting cast: the role of guesthouses, employers, friends, and colleagues in subsidizing flexible accumulation

Let us take a closer look at the lived experiences and embodied aspects of a flexible employment regime that insists on having access to a ready labour pool but refuses to account for the human/social costs associated with having this privilege. Indranil and his five colleagues were recruited from India and brought to the US by a labour vendor, Roy Consulting, which operated out of a suburb on the east coast. When Indranil arrived, Roy Consulting had no confirmed projects for this group. It was still in the midst of a bid involving other vendors and a consulting firm. Indranil, like several other interviewees, indicated that upon arrival he was put on 'the bench' – a period of time when these workers are without projects – and stayed at the company-run accommodation until there was a project for him. Recounting his experience of waiting on the bench, Indranil said:

> No! No, no, no, no. We did not have any projects when we arrived. They were looking for projects. I wish they had, so that we could jump on to projects immediately … They had a guesthouse where we stayed. The guesthouse was good, there were a lot of people and very spacious. They also gave a car to be used by those of us who could drive, they had a guesthouse car. So we could use that car if we knew how to drive.

Sourya, an IT professional in his mid-thirties who was recruited from India by a labour vendor and had many years of experience in the field, also described his housing arrangement during bench as follows:

> A few other engineers and I were living in this guesthouse. They used to deduct guesthouse charges, you know, from our salary. When I first came it was $20 per night, and when I came back again to the bench after the Atlanta project got over it was $25 a night. So you can do a monthly calculation from that. So it was $750 for a month to share a room in that guesthouse.

Uncertainties embedded within the bidding process, including the demand for a readily accessible workforce by clients and consulting firms, create the need for vendors to have Indian IT professionals present in the US before their placements are finalized. The need for housing these immigrants temporarily is fulfilled by the efforts of labour vendors and is ultimately paid for, as we shall see from interview data, by the immigrants. The establishment of the so-called 'guesthouses' thus represents one of those subsidizing practices, which allows labour flexibility to materialize. Set up with the explicit purpose of temporarily housing immigrants placed on the bench before their deployment to clients' sites, these guesthouses stand for the certainty of

uncertainties written into the terms of transnational labour subcontracting in IT between India and the US. Clients and consulting companies are virtually absolved from sharing this cost or responsibility arising out of the embodied needs of labour they eventually access.

Interviewees' descriptions of company-run accommodations suggest that guesthouses vary greatly in terms of their cost, comfort-level, size, and convenience. A far cry from what the term 'guesthouse' conjures; these living arrangements typically represent an assortment of sparsely furnished rental units in apartment buildings or houses with several bedrooms. These guesthouses are meant to provide immigrants short-term accommodation with the assumption that they would be placed on projects shortly after reaching the US. Immigrants are required to vacate the guesthouses or to start paying rent if they cannot be placed on projects within a few weeks of their arrival and if their bench period stretches over several weeks or months. Some interviewees reported sub-standard living conditions. When Vinay, an IT professional in his mid-twenties, reached the US as an employee of a labour vendor, he had no immediate client placement and was sent to his company's guesthouse. His employer was already dealing with a large number of employees waiting to be placed on projects. The guesthouse had become over-crowded as a consequence. Vinay described his initial experience upon reaching the guesthouse as follows:

> They give an address to you, a bungalow type of house or something. They had a guesthouse with some 17 guys in the house. It was not a big house even. In a small room like this, there would be six guys. They used to share that room. And even in some of the other guesthouses I have seen, there were families sharing space. Like three families sharing a small space with two other bachelors.

Uttam, also an employee of a labour vendor in the US, had a similar housing experience to share:

> And just in the first floor was a group of people, they were with a consulting firm, and there were five or six H-1B guys who were living there. And they had like a family and then six bachelors all staying together, you know. Like a Mess,[5] all living in the company guesthouse, all in the same place. I think that there were two married people with their wives and kids, and the rest were all bachelors. It is hard; it is not easy to live like that. So that's what happens.

While some interviewees found their accommodations to be uncomfortable, others reported unfair housing policies, e.g. arbitrary rates or deductions from paychecks without the immigrants' prior knowledge or consent. Of course, not all vendors provide accommodation, in which case immigrants are expected to make their own arrangements. A few interviewees, who had no friends or family in the US to seek help from, stayed at local YMCA hostels or hotels until suitable alternatives were found.

Arun, who came to the US as an employee of a labour vendor in the mid-1990s, recollected his time in company housing as one of the 'benchers' without a project with a blend of sarcasm and dark humour:

> And what would *occupy* my time in the guesthouse during that time? Yes, every morning we used to come to NIC Consulting, our company. They provided us lunch. The office was medium-sized, not very many people there. We kind of comprised the whole crowd of the company, because we were the benchers. The number of benchers varied, seven, eight, nine.

There was considerable cynicism in Arun's voice as he recounted his earliest experiences. His narrative underscored how the benchers' time would be spent without any professional purpose, which took a toll on their morale. These immigrants could seldom forecast the duration of their bench period, which added to their anxieties about being unemployed despite being associated with an employer. Arun continued:

> Initially, it was okay. I didn't get a project immediately. That's what I am saying. After a month and a half, it was no more fun, it got serious.

During this time, Arun's survival depended on rent-free guesthouse accommodation, a 'petty nominal allowance' provided by his company, and the option of emergency loans from his employer for unexpected financial needs. He elaborated as follows:

> Because they were not paying us anything, even though we were on H-1B. Well, it was actually illegal, but we didn't care. So for this first month and a half, they paid us some kind of petty allowances…. And during this month and a half on bench, they paid us something very basic, a very petty nominal stipend. I don't remember, maybe something like $100 or $120 a month, something like that. If we had to spend on something and you needed money, you could take a loan … And they gave us our lodging free. They put us up in a nice guesthouse. I cannot complain about that and they didn't charge us. As long as you are not on a project, you could stay there. From the moment you get a project you could stay there for a couple of weeks, until you find your own accommodation.

These narratives suggest that some employers recognized new immigrants' financial strain and attempted to ease part of their hardship by offering free or low-rent housing, emergency loans, or basic allowances to cover everyday expenses. In the long run, however, employers expected to recover these expenses from salary deductions. Rajen, an employee of a labour subcontractor, reported that his company provided monetary assistance in the form of an advance to cover basic expenses, which was later deducted from his paycheck once he started on a project. He explained:

> Once you get to the US then they pay you something. It was $1,200 for me at that time before I had a project. They gave that as an advance loan. Once you have a project and you start working they would deduct some

amount from the paycheck. But this depends on the company. Some companies will not give you any money, they will put you up in a guesthouse and will subtract from your paycheck directly.

This reveals how it is the immigrants who ultimately shoulder the financial obligations associated with orchestrating this transnational labour chain. Furthermore, immigrants' reference to this source of initial income in terms such as 'emergency loans,' 'advance,' 'small stipend,' or 'petty allowance' underscores the extent of economic marginalization and downward status mobility this labour system imposes upon documented and skilled workers. Once placed on projects, these immigrants begin to earn salaries that reflect white-collar professional incomes. However, this research indicates that these immigrant IT workers overall earning is frequently compromised due to various reasons. First, every intermediary including the employer deducts a commission as revenue out of these contact workers' billing wage paid by the client. These immigrants are more likely to be employed by labour vendors in the lower tiers of the subcontracting hierarchy. As a result, their wages are subjected to greater deductions given that the number of intermediaries between immigrants and clients are two or more. Second, these immigrants endure varying degrees of pay-cuts during their bench periods, which drastically reduces their annual income. As the number and duration of these benches increase, immigrants experience substantial dents in their earning. Third, it is not uncommon for these workers' salaries to fluctuate when they change clients given that each project might come with different billing terms and rates.

Indranil's experience, excerpted below, speaks to the extent of underpayment and exploitation these immigrants might encounter:

> And we were paid $10 a day at that time as daily allowance. And it was said that if you get a project then we would get you paid $1,800 per month. And you have to look out for your own accommodation because if you kept on staying in the guesthouse after you get your project, then they would deduct almost $400 as rent.

Grossly underpaid or not paid at all, these immigrants absorb the impact of economic uncertainties structured within the subcontracting system due to the terms of project speculations set up by clients and consulting firms. The emergence of labour vendor-run guesthouses, the arbitrariness of their rent and tenancy policies, the various payment methods and arrangements through which immigrants tide through the initial phase of unemployment represent a range of minute transactions, interactions, and practices that enable the subcontracting system to function. They sustain the viability of flexible labour needs of clients and consulting firms while absolving them of any responsibilities.

During the course of my research, I was struck by the frequency with which interviewees commented that at various moments of difficulties in the US, they had been fortunate enough to have unexpectedly received indispensable help from colleagues, friends, or mere acquaintances. Interview narratives were interspersed with incidences that captured how a friend or colleague offered assistance to solve problems, which ranged from not being able to open a bank account, apply for a social security number, not having transportation or housing, needing an emergency loan, to more grave situations, like averting a crisis that may have led to a nervous breakdown. On the surface, the issue of being 'helped out' by friends during times of duress may not seem to be a topic worthy of academic contemplation. However, a closer look at these ostensibly individual problems and their resolution with help from acquaintances reveal how the costs of disembodying labour regimes, requiring for example individual flexibility and hyper-mobility, are absorbed and subsidized by immigrants and their networks. What is interesting is the systematic nature of this kind of informal cooperation among immigrants constituting flexible corporate labour. The section above analyzed how a set of transactions, surrounding the organization of life's necessities, is carried out between individual immigrants and their employers who are themselves immigrants running labour sub-contracting companies. What follows are excerpts from interview data which reveal the nature of social relationships that allow Indian IT workers to bear the costs of flexibility.

Several interviewees indicated that it was the support of family, friends, and even casual acquaintances in the US that allowed them to endure the unpredictability associated with being contract workers. Vinay was hired by a New Jersey-based subcontracting company and, upon his arrival, he discovered that it might take his employer anywhere between several weeks to a few months to place him at the client-site. This also meant that he could be made to wait to be formally placed into the company's payroll or to get his social security number. Vinay was grateful for brother's support in the US at that critical moment when his professional life was filled with uncertainties:

> They were still looking for a client. A few others who had come around the same time as I did also did not get a job. Some had to wait for around six months! Fortunately for me, my brother was here. I don't know what I would have done otherwise. So for the first month or so as I waited, I stayed with him. Once I got a client, I moved there.

Vikram's story offers one of the most striking illustrations of how friends and acquaintances are called upon to share the pressures these immigrants face as a consequence of minimal social support from employers or the consulting firms, clients, and the state. The following excerpt captures Vikram's second day in the US. Unlike many others, however, he was fortunate to have a client to report to upon arrival, meaning his employer had a project for him.

I had just landed from India and here I was, in Texas. I had to stay at a hotel before I could figure out housing. The rate of the hotel was like $89 per day. And I had very little cash with me. And imagine, this is my second day in the US. I don't have any credit cards, I don't have anything. I just have some cash, which was somewhere around $300 to $400. So I took a cab, which took some $24 from me [laughs], so my cash reserve was already getting depleted. I digested the risk, the uncertainty, and the frustration and everything of the first day, to join the client. And I had to join the very next day, the project was starting. I was like furious. But, I joined the client with my big smile [laughs]. The client was very good in fact. The main guy's name was Dave. A very good guy. I was so happy, you know, the first day the first American I meet turned out to be so good. So he came and met me at the office and he asked me general things: where I was coming from, and all that. So I told him the truth, that this is how I came, just two days back I was in India and in two days I was in the US and I am now at the client's place! So he said, you know, why don't you settle down first, and later after lunch we will tell you about the project and details and everything. He was so considerate; he said if I needed to make a call to my employer, I could use the desk and their phone. I called my employer in New York. They were willing to start my pay, but first I had to get a social security number before any payroll or finances or anything could be done. But that might take a few weeks! Meanwhile, I have no idea how to apply for a social security number or where I need to go for that. I don't have a car, I don't have anything! And life in Texas is totally different, they don't have buses, they did not have any public transportation and god knows where the social security office was! And if you call a cab the minimum was like $20, which I could not afford. So again I went back to Dave [laughs] and said I have to go to this social security place. He was good to have taken me out to lunch. I told him about what I needed to take care of, like social security, driver's license, and he told me where these offices were. He gave me directions and all, but that was all that I could expect from him. And of course after that he did not help me. I was stuck. Now I was praying to God. Now, from somewhere, out of the blue, from nowhere an old friend of mine appears, in Texas! On the pavement! [laughs very hard]. I said, Venky, how come you are here?! So this guy worked with me back in India in ISL in the late 1990s. He was equally surprised to see me. He had a car. And I said, okay, that settles it! He took me to his home in the evening and I stayed with him for a few days until I found a place of my own. I said, okay, I am checking out from my hotel. I went to his apartment. I was so fortunate to run into this old friend. I said to myself, you are saved!

The above narrative reveals that immigrants have to rely on people's help at a very private and individual level. Needless to say, assistance in such cases is negotiated arbitrarily and is contingent upon chance, luck, and the utter unpredictability of people's disposition and inclination to help. The kindness that Vikram found in Dave and the serendipity with which he ran into the safety net provided by his old friend Venky were randomly disbursed resources completely delinked from any institutional obligations or support systems that immigrants might depend upon. Consequently, dozens

of other interviewees listed, in less dramatic terms than Vikram's, similar experiences of having to reach out to friends, former colleagues, or old acquaintances from college for their various problems associated with the demands made on them as flexible and dispensable contract workers.

During the early 2000s, Samir was working at an IT firm in Mumbai but was looking for an opportunity, like many in his generation, to come to the US. A US-based labour vendor recruited Samir and he arrived in the New York metropolitan area given that most of the consulting firms and their clients his employer dealt with were located around New York City. Upon arrival, Samir became part of the 'labour-ready' immigrant workforce that consulting firms would draw from depending on project needs. Samir was placed on a project that lasted for a few weeks after which he was back on the bench. This bench stretched over several weeks and Samir started to get anxious about his job and livelihood. By then, his employer had already indicated that he needed to be proactive and involved in looking for a project. Samir thus started to contact his friends, alumnae networks, and former colleagues about possible openings for contract workers at clients' projects. Samir said:

> I tried everything. All my friends, contacts, batch-mates from college. And it is very common, as we cannot rely just on the employer to find projects. We are constantly in touch with people we know for new projects, even before one project ends, because we have to find another one when the current project ends.

In addition to helping with finding new projects, immigrants' network of friends also offered benched workers economic and moral support. Speaking about a similar experience and his demoralized state while on the bench for several months, Ravi shared the following anecdote:

> When I came, I was on the bench, my employer was looking for a project. They thought they had one for sure, but they lost it I think. I waited. Nothing came up. Meanwhile, they were not paying me a full salary, so I began to get really worried. I had left a good job in India and was hoping to start a new professional life here. No projects came up for a couple of months. Then it seemed I just lost everything. I couldn't even tell my parents. When we talked on the phone and they asked me, how is your client, how is your project, I didn't have the heart to tell them the truth. Plus there were financial commitments at home. I was getting desperate from worrying. I was in bad shape. So one of my friends called me one day and I just lost it. So he talked to his wife and they said, don't worry, you come over here right away and live with us. Don't think about anything, he said. They took care of me, helped me get through that situation. That gave me the strength. They said I have to work it out and soon there will be a project, and I will be fine. I don't know what I would have done without that one phone call.

As discreetly as he could, Ravi disclosed the extent of

social isolation and lack of moral and material support that immigrants can be exposed to in general, and how project bidding and speculations for contracts exacerbate that experience for contract workers. Mutual support and a degree of communal resource sharing evolved as a form of social security, albeit in informal and transitory terms, for these immigrants. Many interviewees, for example, reported having experienced a precipitous fall in their incomes during bench periods when employers temporarily reduced their pay due to the absence of projects. When possible, immigrants pooled resources to economize on living expenses and got some degree of social support from one another to deal with their recurring bench periods. These social units, however, cannot last long as these immigrants need to relocate frequently, often from one state to another as clients and projects change. Given the predominance of men in this workforce, individual immigrant's social networks also tended to be composed of other males. Female immigrants thus felt further disadvantaged as contract workers. A very small minority, women IT workers often found themselves to be the only female on a given project and typically unable to participate in some of the more intimate communal exchanges, such as sharing apartments or rooms with male co-workers (Banerjee 2006).[6]

Conclusion

One might wonder, whether there are any positive attributes to these immigrants' experiences. At the individual level like most immigrants, Indian IT professionals seek work abroad to earn and save money for buying homes, children's higher education, remittances for family back home, and overall prosperity. Indeed, employment in the US does offer these immigrants the possibility of achieving these goals. In terms of their quality and standard of living in the US, one observes a wide variation. Only about one-third of the interviewees in this research were able to rent or own good quality housing and did enjoy a fairly comfortable middle-class life. However, what is startling here is that not all of these skilled immigrants, employed in one of the most celebrated professions in the global economy, were able to either live in one place consistently or even come close to being able to afford an upwardly mobile middle-class lifestyle that tends be to associate with employment in the IT field. Short-term contracts, frequent relocations, episodic unemployment, fluctuating incomes, financial instability, anxieties about maintaining employment and visa status result in considerable stress for these immigrants (Banerjee 2006; 2008). It becomes imperative to contextualize even the positive outcomes experienced at the personal level, such as savings for remittances or home ownership, within the larger institutional context of the ways in which immigrants absorb the social costs of flexible accumulation. It is important to bear in mind that the achievement of immigrants' financial goals takes place within marginalized employment and

immigration status. Moreover, immigrants save out of already compromised salaries with the help of a frugal lifestyle requiring many sacrifices (Banerjee 2006).

An institutional analysis of immigrants' personal problems serves as a point of entry to broaden our scope of investigation and raise questions about how immigrants' reliance on personal resources during moments of crisis for everyday sustenance subsidizes the cost of labour for clients and consulting firms that benefit from having access to immigrant workers in flexible and temporary terms. Companies' ability to gain access to immigrant IT workers as a labour-ready workforce and to insulate themselves from the responsibilities towards workers depends upon immigrants' social relationships, institutions, and practices, such as the ones set in motion between immigrants and their labour vendor employers (another immigrant group), as well as those within the immigrants' social circle. This social milieu alleviates the rough edges of issues including some that are ostensibly less complicated, such as looking for projects, emergency housing needs, access to loans or cheques for rental apartment security deposits, negotiating bank account or driver's license applications as immigrants wait for other formal paperwork to come through, as well as other issues that are patently more complex, such as emotional breakdowns or possible suicide attempts as a consequence of immigrants' financial and other struggles. This process of privatization and individualization of both corporate needs (access to workers via immigrant-run labour vendors) and workers' embodied needs through immigrant networks allows clients and consulting companies to greatly offset the social, economic, and human costs of labour flexibility. Placed within the larger context of the neoliberal economy and the state, immigrants' networks cannot just be seen as a collective whose role it is to assist newcomers' acclimation, to secure employment in enclave economies, or to facilitate chain migration patterns. Instead, the social sphere of immigrants represents a mutable and highly complex domain that is fully integrated with and indispensable for the global economy.

Notes

[1] Japanese companies are typically given credit for initializing this model.
[2] These conclusions are based on extensive interview data. Due to limitations of space, interview excerpts are not being presented here. Extensive discussion and primary materials regarding these trends appear in Banerjee (2006) and (2008).
[3] Interviews in this research suggest that multiple variations in this format are possible. For example: a multi-national pharmaceutical firm may already have its own IT wing and yet decide to outsource a specific project with some degree of supervision or collaboration from its own IT department.
[4] The word 'hired' used in the narrative above does not

reflect full-time direct employment, but refers to the temporary placement of IT workers on contracts at client sites via layers of vendors and consulting firms.
[5] A hostel or dormitory-type shared accommodation.
[6] See Banerjee (2006) for an analysis of female IT workers' experiences.

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The Camps of the Twenty-First Century: Corridors, Security Vestibules and Borders of Internal Exile

Michel Agier

This article discusses spaces on the outskirts of the ordinary social world, remodelled border areas, spaces that are used for transit, detention, or as 'security vestibules'. This article is interested in the deployment of different types of camps in troubled areas of the world and in role of the 'international community' in the management of undesirable populations – refugees, the internally displaced, undocumented foreigners.

> Exile is a sort of long insomnia.
> – Victor Hugo

The world today is confronted with the sustained existence of precarious lives, of temporary materialities that can be assembled and taken apart, of urban or global mobility without any permanent base, of unstable situations from which the past and future seem to be absent. Social, material, economic and political certainties are 'unravelling' one after another: we hear that the 'city is falling apart,' that the nation-state is obsolete, or that cultural differences are disappearing. The 'cores' of institutions, structures and the great cosmological narratives also seem to be affected by this overturning of beliefs. However, we are also seeing the opposite situation in which, surreptitiously, in micro-political forms, national states or communities are coming back into existence, are 'remaking,' 'inventing' or 'fabricating' themselves *in situ*.

The way the world is perceived is also changing, and intellectual as well as epistemological uncertainties quite logically accompany these developments in the increasing precariousness of the perceptible world. Resulting from stricter sociological interpretations of structural analyses in linguistics and anthropology, structural-functionalist representations themselves produced 'interstices,' 'informal economies' and 'margins' as unconsidered *residue*. And criticism, even minority currents, was full of them back in the 1950s and 1960s.[1] However, the historical realities relegated to the scrap heap of this unconsidered 'residue' have grown, and call for new paradigms and concepts which are thoroughly *decentered*.[2] In this respect, several writings that examine things in a global context, point to the precariousness of social and biological lives, and to the increasing 'liquidity' of all social and material forms (see Butler 2004; Bauman 2004, 2007). Others raise questions – and question their respective disciplines, history and anthropology – about the blinding presence of the absolute present and the gradual disappearance of any sense of past or future in the way the present is

experienced today (Hartog 2008; Augé 2008). As for Paul Virilio, he invites us to explore the consequences of dissociating historical time and the present moment, a loss of time perception that he calls 'uchronia.' This presentist sensation is all the more vertiginous in that it is *contemporaneous,* so to speak, with the empire of speed and movement, with Virilio's *télescopages* ('collisions'), telecommunications and other ways of reducing space-time, in other words, with everything that constitutes the 'sphere of acceleration of reality' (the 'dromosphere'). Being aware of this double speeding, both 'historical' and 'geographical,' makes it possible to see *what is coming*:[3] the big bang created by the equally explosive compression of time and space (Virilio 2005, 2007). Quick destruction, as well as throwing out or clearing away things that were made for a specific one-time use (a camp, a checkpoint), require flexible, ready-to-go logistics and management. The entire spectacle of contemporary biopolitics is based on these emergency-situation imperatives whose backdrop is the spectre of bombs exploding among crowds of civilians, stock-market crashes or panic-stricken throngs and the disasters that cause them.

While I fully share these preoccupations and the questions they raise, I would like to focus on one aspect that specifically mobilizes the skills of the ethnologist: more than the analysis of the content, extent or depth of current social and cultural changes, it is the *prospect of how long* that now seems to determine the reality of these facts – which are *a priori* nothing more than simple facts: what I am seeing with my own eyes, what is happening *here and now*. Will it exist, persist, or even be reproduced? Will it acquire a little patina of age so that we can make a description of it, and come up with two or three logical sequences that might serve as possible social rules? What persists as a positive construction, not just as repetition, inside precarious spaces that might at first be seen as just a form of waiting? This question is aimed in particular at those emerging forms whose primary feature is space, and which therefore impose their reality as an *obvious*

fact, albeit on the outskirts of the ordinary social world and for no specified length of time: the remodelling of border areas by installing walls and more or less closed spaces that are used for transit, detention, or basically as 'security vestibules;' the deployment of different types of camps in more or less sensitive or troubled areas of the world; the preponderant role of organizations from the 'international community' in the local management of undesirable populations (refugees, the internally displaced, undocumented foreigners) who are isolated from the rest (Agier 2008b).

The political and technical function of these policies seems clear in light of current trends. It is a bio-political function that combines the management of populations with the management of spaces. This involves controlling the movement of human beings as well as redefining North/South relations: extending police, economic and health screenings for selective immigration policies while making border areas ever more impermeable and more complex in order to better filter out and reject. What is less explicit is the historical significance of these trends involving the production and management of 'flows:' the significance of putting people into camps – of encampment – as part of not a political, but an administrative solution to controlling the movement of human beings, North/South relations, etc. On the same wavelength as the very topical debates about the explosive convergence of accelerating time and liquefying space – including the question: 'does that exist?' to which they lead – Alain Brossat talks about the *proliferation of 'furtive exceptions'* with regard to the increasing use of camps in Europe as pre-deportation security vestibules for all sorts of undesirable foreigners (2008: 5-22). As we shall see, beyond the diversity and the 'growth potential'[4] of the different forms of encampment that exist today, there are two contradictions that shed light on the meaning of these situations. The first is the contradiction of time: while these spaces are based on the fiction of a police or humanitarian emergency situation, they are in fact spreading, proliferating and becoming long-term. The second contradiction concerns the status of the space: even though it is given a fictive extraterritorial status, the undesirables, even when they are relegated to the outskirts or the borders, always remain *under control.* They are 'locked up outside,' but are also isolated on the inside. The exceptional emergency and extraterritorial circumstances to which they are subject become the ordinary fare of their existence.

Corridors, walls, security vestibules: camps as new borders

Let us start with an initial observation. All over Europe and the rest of the world, borders are becoming filled-in spaces. To begin with, some of them – those that separate Mexico from the United States, the Spanish enclave Ceuta from Morocco, or the 'barrier' between Israel and the West Bank[5] – are outfitted with complex systems that include ditches, trenches, barbed wire, electric wiring, electronic fences, concrete walls, around-the-clock security agents and surveillance vehicles that patrol the area between the walls.

Secondly, the spaces around borders are also being outfitted as holding and confinement areas. Transit centres, holding zones, reception or detention centres – all of these spaces have the same function in today's camp structures, which is basically that of a *screening office.* They are directly overseen by national governments (Interior Ministries or other departments in charge of migration policies), police institutions, UN agencies and/or humanitarian aid organizations. In all of these places, people are registered on information cards or sheets or in files, subjected to medical exams – or 'screenings,' as they are called in humanitarian jargon – as well as to standardized biographical screenings. On the way in and on the way out, these selection and distribution processes assign them different categories of identification. In Europe, accommodation, reception and detention centres exist for asylum seekers, for foreigners arrested at the border or 'illegal' foreigners arrested inside the country, and for people held while awaiting a deportation decision or a response to their application for refugee status, which is only granted to a very small minority of asylum seekers nowadays. According to Claire Rodier and Emmanuel Blanchard, the ultimate purpose of these camps for foreigners on the outer edges of Europe is not so much to isolate or to confine, but to serve as 'security vestibules.' In other words, they serve to check or redirect the migratory flows, not to stop them completely, but to keep a tight control over them:

> Comparing them to security vestibules ... gives us a relatively clear picture of the role of these camps. They are places that organize the transition between two countries; during this latency period, the desires, expectations and attitudes of those applying for entry will be remodelled. It is also a good time to socialize them to the police and administrative practices around which the lives of the migrants will be organized (Rodier and Blanchard 2003).

An ephemeral social world is formed at the same time as its temporary occupants – who may end up staying in spite of themselves – are becoming acquainted with it. According to a study made by the European Union in 2007, the duration of detention in closed centres 'is sometimes not limited by law and in practice in some countries it can be extended by several years' (European Parliament 2007: 25). Most (open) accommodation centres and (closed) detention centres in Europe have been set up in 'recycled' facilities: in former military barracks, in Austria and Poland, for example; in warehouses, such as at the Sangatte Centre from 1999 to 2002 or, since 2001, at the Roissy-Charles-de-Gaulle airport. More or less open or closed, these places are in general hard to gain access to either because they are under the control of private or public security services, or because they are in out-of-the-way or remote areas. Let us examine one of the countries in the European Parliamentary report.

In 2007, Poland had 17 'reception centres' for asylum seekers and 13 detention centres for foreigners without residence permits. Its reception centres are officially reserved for asylum seekers, 90% of whom come from Chechnya or the North Caucasus (Dagestan, Ingushetia). The detention centres house illegal foreign nationals (illegal entry or illegal presence after entering with a temporary visa). Asylum seekers may also be found in detention centres if they are considered to have infringed regulations. Detained foreigners come from various countries, but mainly from Vietnam, China, Armenia, and Georgia, as well as from Chechnya, Moldavia, Mongolia, Iraq, and Sri Lanka. Asylum seekers and undocumented migrants who are not authorized to be in the country and/or are awaiting regularization, 'removal' or admission are simply there because no one knows what to do with them or where to put them.

Their status and their future being relatively vague, it is this 'out-of-the-way' place where they end up that becomes the most obvious and stable basis for their identity. In a common reversal of cause and effect, their isolation seems to empirically create an attitude of xenophobia against them ('if they're isolated, it must be for a good reason') that, in turn, tends to morally 'criminalize' them, thus making it easier to accept their confinement. Through a reversal that is even more fundamental to the whole system, the concept of the border itself is redefined via the legal function of isolation. Chowra Makaremi, who has conducted studies for the ANAFÉ[6] in holding zones for persons awaiting processing of their legal status (ZAPI, 'Zones d'attente pour personnes en instance') at the Roissy-Charles-de-Gaulle airport, has found that it is the exceptional legal status of the 'person awaiting processing' that determines the legal quality of the space: a foreigner 'who has not yet entered the territory' must be kept in an appropriate area – extraterritorial – even if it means inventing a simulacrum for this special area. As an example, 'ZAPI 2' was located up on the first floor of the airport's Ibis hotel for several years. It was decreed a non-national border area, while the ground floor and the second floor of the same hotel remained under national jurisdiction (Makaremi 2007).

In order to implement this strategy of isolating undesirable foreigners for special treatment and categorization, it is thus necessary to establish border areas and even *temporary extraterritorial residence* areas. These areas are no longer attached – or no longer only attached – to the geographical boundaries of nation-states. The border is wherever an identified undesirable has to be isolated, 'held' and then 'removed.' Camps are thus defined first and foremost as 'parking areas' on the border or on any *boundary*. The contradiction inherent in an area that is both inside (physically) and outside (legally and politically) leads to 'a sort of obsession with borders which, while making them ever more invisible and non-localizable, also spreads them out everywhere, wherever there is any movement of persons who are not free to cross them; this creates infinite forms of confinement that end up coinciding with these persons'

(Sossi 2008: 132-151).

The 'spreading out' of borders until they become personalized is part of a larger process in which camps are also becoming smaller and easier to dismantle and move, even the 'heavy' camps that, as we shall see, are used to house large numbers of *prima facie* refugees in Africa.

Most of the transit, holding or screening areas in Europe are run by the police or border patrols, or by regional or municipal administrations, but some are operated by private security agencies or NGOs, such as the Red Cross at Sangatte. This formally links them to the transit zones administered by the UNHCR, or certain national or international NGOs in Africa that basically function as security vestibules for the camps themselves. While their aims may *a priori* seem different (isolate in order to 'detain' and 'remove' on the one hand; isolate for survival, healthcare and management purposes on the other[7]), similarities exist in terms of how these spaces are set up and managed.

In Africa, the transit centres at the entrance to all UNHCR sites receive, register, do medical check-ups for, and channel all arriving refugees. They are provided with emergency aid for a period ranging from one week to approximately one month. Once everything has been checked, the new arrivals are given a place in one of the existing tents or shelters in the refugee camp. Transit facilities are also found near borders for refugees who are then transported out to the camps. Other centres called 'way stations' are set up along the routes from the border to the camps.

The refugees are housed in tents, warehouses, or huts made of planks or tarpaulin. They are supposed to receive one hot meal a day, but there are often problems, especially in the more remote transit zones. Later, once they are settled in the camps, they receive basic food supplies (rice, bulgur, etc.), which they cook themselves. A contrasting set-up, somewhere between an official camp and a self-organized refuge, consists of collective tents rudimentarily installed at 'cross-border points' between two borders (for example, between Liberia and Guinea during the Mano River war), which the humanitarian agents who periodically visit them call 'grey zones.'

The situation on some UNHCR sites is halfway between a 'transit center' and a 'refugee camp.' This was the case for the Ivorian refugees accommodated in the Nonah 'transit camp' in the Guinea Forest Region. Although the UNHCR considered this camp to be a transit center, by the end of 2003 the residents had been there for over a year, or, to be precise, since the second half of 2002, during the period of violent conflict in Côte d'Ivoire. They received food supplies from the World Food Programme and medical care from Médecins Sans Frontières (Doctors Without Borders), but they were required to stay inside the large collective tents that housed from 50 to 100 people. They were not allowed to build family cabins and did not benefit from any 'social programs,' etc. As the months went by, the refugees divided the tents up into separate apartments using blankets, plastic sheets, cloth from sacks, etc. And

they never stopped protesting once they found out that they would not be able to settle in the camp like 'real' refugees.

As in the case of these protests, it is the intolerable and paradoxical situation of being kept in holding zones without being able to leave through – or even choose – one of the two exits (not even the one into the refugee camp!) that exacerbates the tension in these spaces and differentiates them from other types of camps, such as the self-installed camps or the UNHCR camps.[8] In general, these tensions are explained by the length of time spent waiting and the incomprehensible screenings that are carried out. Of course, waiting is common to any type of camp where people in transit are held and often end up residing. But it is probably the most intolerable in these situations of transit and screening because no infrastructures are provided to 'kill time;' it is almost impossible to leave, and the end result – along with the reasoning behind it – remains largely incomprehensible to the detainees.

Social tension is also high in detention and accommodation centres for foreigners in Europe. Acts of revolt have brought attention to the existence of this category of 'detainees' and, at least in part, to their living conditions: riots and arson were used to protest detention conditions, for example, in Luxemburg in January 2006, in the United Kingdom in November 2006, and in France between December 2007 and June 2008 (Special Report 2008: 80-85). In almost every European country, hunger strikes are a regular occurrence. In addition, the European Parliamentary report mentioned above speaks of 'acts of despair:' incidents of suicide and attempted suicide in open as well as closed centres in most of the countries visited, which are becoming more and more frequent.[9] Finally, there are acts of violence committed against detainees by those who oversee them (physical violence, sexual abuse, beatings, verbal abuse), as well as internal acts of violence of the same type committed between the residents themselves.

There are several factors that promote tension and violence in these transit areas. As a matter of interest, let us list them: excessive differences in status; the moral stain that exiles who have just come from violent or troubled situations seem to carry with them; the moral criminalization of their identity by people who see them quarantined in this way; the rejection felt by those who are explicitly treated as if they were superfluous; the contrast between the distress of the transitory residents and the absolute power that representatives from the managing institutions have over their lives (a power that, in the refugee-camp transit centres, might be expressed in terms of the amount of soap, blankets or food distributed); and finally, the low visibility of receiving and holding areas. All of these factors explain why acts of violence are so easily committed, remain unpunished, and maintain an atmosphere of *ordinary exception* that theoretically prohibits protest. When protest does break out, however, it does so with a fury that is just as exceptional and as excessive, before being swiftly and violently suppressed.

Locked up outside: refugee encampments

Of all of the camp types, the official refugee camp is the most standard and most controlled form. It is the opposite of the self-organized shelter (cross-border points, makeshift or jungle camps, ghettos, grey zones, squats, etc.), and different from the detention centres and the holding and transit zones described above. Occasionally visited by representatives of UN agencies or journalists, and often photographed for their dramatic aesthetics, refugee camps are not, however, all that visible in terms of their day-to-day operations because of their generally isolated location and their guarded access. Moreover, nothing important seems to happen there.

The sites established by the United Nations High Commissioner for Refugees (UNHCR) vary in size. Some house less than 2,000 people in installations that are like villages, such as the camps for Mauritanians in Senegal. Others may accommodate up to 200,000 residents, as was the case in the Goma region of the Democratic Republic of Congo from 1994 to 1996.[10] Certain configurations, such as those in the Great Lakes region or the Dadaab area in North-Eastern Kenya, group together several camps that are erected side by side around a single humanitarian base. Such colossal, if precarious, human and material complexes may house tens or even hundreds of thousands of refugees.

Refugee camps are hybrid realities that do not reproduce any pre-existing socio-spatial form. They represent new ways of experiencing place, if only through the eternal paradox they embody between an indefinite temporality and a space that is necessarily transformed by those who must appropriate it if they are going to live there. Originally conceived for emergency survival purposes or as temporary shelters for displaced and controlled populations, refugee camps evolve over time as a result of the different ways in which occupants use the resources offered by humanitarian aid, the camp area and the relationships that are formed. The creation of camp-cities or large urban neighbourhoods, of which the Palestinian camps represent the most developed form in existence today, is the logical outcome of this evolution.

In most cases, the camps are erected in vacant areas, an incursion that is more or less violent, and more or less removed from the local environment. Once they are settled in the large tents, the refugees use materials generally supplied by NGOs to build wooden or dirt cabins and huts with thatch or tarpaulin roofs. Individual or family houses with one or two rooms are put up around the tent, which is removed once all of the cabins have been built. In addition, dirt roads, water supply systems (wells, tanks, pipes and fountains), latrines, septic tanks as well as a few collective structures (clinics, schools, camp offices) are set up. This is a gradual process that takes a few months or sometimes up to a year.

During this phase of physical construction,

the social organization of the camp is also established. American corn or bulgur, oil and salt are distributed once a month by NGOs contracted by the UN World Food Programme. Out of the initial group of tent leaders, 'section leaders' arise, churches and video-shops are built of mud and covered with NGO or UNHCR tarps, and simple marketplaces and rudimentary football pitches are set up, etc. Even though no one knows how long the camp will last, they all work to create a living space that is precarious, but relatively livable.

Control and management techniques are perfected. In the last few years, the UNHCR and the governments in host countries have been trying to set up smaller camps in order to maintain better control over residents. For example, the most recent camps in Africa (opened since 2000) accommodate from 5,000 to 10,000 people. Even when there are groups of camps – as in Sierra Leone where, until 2005, eight camps were spread out over a distance of 60 kilometres between the towns of Bô and Kenema – each camp is managed separately. In general, the UNHCR subcontracts NGOs to 'govern' these camps, and the whole thing is overseen by a single UNHCR regional administration. This type of arrangement is used in order to avoid potentially explosive or uncontrollable situations.

Indeed, as the refugee camps develop physically and, in part, economically, they also become social and political entities. Often this development is only perceived *a posteriori,* when the camp has become a sort of city project that has been abandoned; a place of conflict over issues of camp management and refugee representation. In the end, the most common theme that pervades all refugee camps, once they have passed the initial emergency phase and settled into a process of relative continuity, is the question of their transformation: how they become places of identification, of human interaction and even of memory for the people who live there, the men and women who are hoping, eventually, to go 'back home,' but who have been living there for years or decades, who were born there, married there and who have buried their dead there.

The fourth solution: the future of encampment

What is it that allows us to compare refugee camps – humanitarian spaces for keeping 'vulnerable persons' alive – to the different types of holding or transit centres, zones and camps that are being used as elements in an administrative and police strategy for managing the detention, selection and deportation of undesirable foreigners? The contradictions of time – an emergency that lingers on – and of territoriality – in which 'locked up outside' equals 'kept isolated inside' – permit this comparison, and even more so, the connection between these forms as part of a vast modern-day apparatus for managing undesirables.[11]

Segregating refugees in camps in fact prevents the UNHCR from applying the three solutions that officially guide its efforts to get these refugees out of their precarious situation: (1) local integration, (2) resettlement in a third country and (3) repatriation. The UNHCR's point of view is that repatriation is usually the 'preferable' solution, even when it goes against the desires of the refugees. This sometimes leads to 'collective repatriation,' which is often experienced as 'forced repatriation' by the refugees. However, when this process is not possible for political, economic or organizational reasons, the UNHCR keeps the refugees in camps, putting them 'on hold' for a period of time that may drag on. In fact, isolation in camps is all the UNHCR-recognized refugees in Africa have ever known. Encampment is neither repatriation, nor integration, nor resettlement. According to Harrell-Bond and Verdirame, encampment policies are actually the UNHCR's fourth solution, an undeclared solution that is in fact systematically preferred to the other three (2005: 335).

Should the predominance of encampment in the humanitarian apparatus around the world – and thus the very real connections between the treatment of 'vulnerable populations' and the treatment of 'undesirable populations,' and between humanitarian operations and police operations – be seen as signs of the failure, the subversion or the perversion of humanitarian work (taken as a whole, the work of national and international NGOs, UN agencies, as well as, nowadays, by national governments and armies)? Or does it have to do, instead, with the gradual implementation and proliferation of an *ordinary exception* as the empirical basis for a special type of government, a humanitarian type of government? It is this second point of view that we defend. For, within its own domain, the humanitarian apparatus already *is* that ambiguous power. Its intervention seems to be justified by a supranational, universalist, and quasi-divine 'authorization,' and it intervenes wherever the terrain is made favourable by unexpected, exceptional circumstances (see Pandolfi 2000: 97–105). These exceptional circumstances may be produced by an emergency, a disaster, a state of war, the massive arrival of a population in distress, as well as by the deportation of undesirable persons, the need for police forces to 'track down' illegals, and the confinement and detention of asylum seekers, etc. An entire network of 'spaces of exception' is set up and consolidated over months, years or decades: endowed with their own form of government, they are gradually creating the 'grey zones' of an extraterritoriality that is fabricated and maintained *inside* the global society of control and that, so far, remains within the domain of national governments or groups of nations.

If we were to follow it to its logical conclusion, this reflection on the diversity and proliferation of these new century camps for the counting, containing and managing of undesirables would lead us to the concept of *internal exile*, or 'a sort of long insomnia' of the holding zone.

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Notes

[1] Situational anthropology comes to mind (particularly, the situational analyses developed by Max Gluckman, Clyde Mitchell, Frederick Barth and, in France, by Georges Balandier and Gérard Althabe with regard to studies on cities, ethnicities and the colonial situation). We might also mention the different versions of situationism – philosophical, urbanistic and political. All of these approaches to investigation and to action emerged in the early 1950s and 1960s.

[2] I have written about the necessity of decentering the anthropological gaze and refocusing it on the 'margins' or the precarious spaces in which new ways of living are being invented (Agier 2008a).

[3] NdT: *Ce qui arrive*, the title of Paul Virilio's 2002 exhibition at the Foundation Cartier pour l'art contemporain, entitled in English *Unknown Quantity*, and of his book, published in English as *Ground Zero*.

[4] 'Growth,' as in the 'grow home' concept: a basic, standardized unit which can be added to and individualized over time as the family grows.

[5] Construction on the 'barrier' began in June 2002, and by May 2007 the Israeli government had completed 408 km, or 56.5% of the total planned wall (see UN 2007: 8).

[6] Association Nationale d'Assistance aux Frontières pour les Étrangers (National Border Assistance Association for Foreigners). Founded in 1989, it includes 22 member organizations and works in border holding areas to ensure that the domestic and international rights of foreigners are respected.

[7] 'Care, cure and control' is how a UNHCR official whom I met in Kenya summed up the objectives of their camps.

[8] For more information see the description of the four main types of camps: (1) self-organized shelters; (2) border screening centres; (3) refugee camps; (4) internal displacement camps (see Agier 2008b).

[9] For example, in Denmark, 'according to the most recent report by the Danish Refugee Council, the percentage of suicide attempts has tripled since 2001, from 0.6% of the population residing in centres in 2001 to 1.7% in 2006. This observation is related to the duration of residence in the centres and the resulting deterioration in these persons' psychological state' (European Parliament 2007: 254).

[10] See Godding (1997) for case studies on the political causes and effects of the creation of migrants, refugees and displaced persons in the Great Lakes region, and on categorization, encampment and forced repatriation policies (see Guichaoua 2004).

[11] The connection between and the contemporaneousness of these camps as part of a system that combines humanitarian, police and administrative operations for the purposes of controlling, isolating and rejecting individuals differentiates them from the camps that fed the 'spectre of genocide' and were part of 'the horizon of death,' as Alain Brossat notes (2008: 17-19). While the multifarious camps of today are being given 'new life' and becoming quite 'common,' we naturally hesitate to speak of 'a return' to camps.

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Witness Statements and Credibility Assessments in the British Asylum Courts

Anthony Good

This paper looks at the contexts in which asylum applicants in the UK are required to narrate their stories of persecution, and the constraints which may lead to those narratives being deemed to lack credibility. It calls into question the 'common sense' Home Office assumptions that in order to be credible accounts should be emotionally expressive; fully disclosed immediately on arrival; and wholly consistent over successive tellings. It discusses how lawyers seek to elicit comprehensive and coherent witness statements and concludes by examining the limited evidence on how judges – the ultimate arbiters of credibility – go about reaching their conclusions.

This paper looks at the contexts in which asylum applicants in the UK are required to narrate their stories of persecution, and the constraints which may lead to those narratives being deemed to lack credibility. It calls into question the 'common sense' Home Office assumptions that in order to be credible accounts should be emotionally expressive; fully disclosed immediately on arrival; and wholly consistent over successive tellings. It discusses how lawyers seek to elicit comprehensive and coherent witness statements and concludes by examining the limited evidence on how judges – the ultimate arbiters of credibility – go about reaching their conclusions.

In British asylum appeals strict rules of evidence do not apply, because asylum applicants cannot generally be expected to produce corroboration of their ill-treatment to the standard required in other courts. One important consequence is that decisions as to the credibility of the applicant's story become crucial. Immigration Judges must first decide 'do I find this person and their story wholly or partly credible?', and only then can they go on to determine whether, on the basis of what *has* been deemed credible, that person falls within the scope of the 1951 Refugee Convention.

     The stories being judged in this way are initially presented to the court in at least two forms: as transcripts of the asylum interviews conducted by officials of the UK Border Agency, and as witness statements prepared with the help of the applicants' lawyers. There may also be versions of the story provided in medico-legal reports or reports by 'country experts' such as myself. These multiple versions will be critically assessed, first in cross-examination and then by the Immigration Judge, for their consistency, plausibility and credibility.

     This article – based on ethnographic research in British asylum hearings and at meetings between lawyers and clients; interviews with lawyers, caseworkers and judges; and archival research – looks at these contexts in which asylum applicants are required to narrate their stories of persecution, and at some of the constraints which may prevent those narratives from being effectively given or properly understood. This article focuses on administrative and legal processes in the United Kingdom, but raises more general questions about the assessment of credibility by officials and judges.

The legal process of claiming asylum in the UK

When someone applies for asylum in the UK, the initial decision whether or not to grant them refugee status is taken by the United Kingdom Border Agency (UKBA), a branch of the Home Office. Most applicants undergo an initial screening interview to establish their identity and collect basic personal information, but the decision on their claim is based largely on an asylum interview conducted by an UKBA caseworker.

     Here it is important to distinguish between so-called 'legacy cases' which have been in the system for some years, and the New Asylum Model (NAM), one key feature of which is that, in theory, the entire process from asylum interview to possible appeal before the Tribunal is dealt far more speedily and by the same caseworker throughout. There is yet a third process, the 'detained fast track', under which applicants are detained on arrival and decisions may be taken within a very few days.

Table: UK Asylum Applications 2005-2008

Outcome of Asylum Claims	2005	2006	2007	2008
Asylum Application	25,710	23,610	23,430	25,930
Granted Asylum	1,940 7.5%	2,670 11.3%	3,660 15.6%	3,565 13.7%
Humanitarian protection	2,780 10.8%	2,340 9.9%	2,125 9.1%	2,145 8.3%
Refused	19,345 75.2%	16,475 69.8%	14,370 61.3%	12,115 46.7%
Withdrawn/ Decision unknown	1,645 6.4%	2,125 9.0%	3,275 14.0%	8,110 31.3%
Appeals to AIT	**13,845**	**11,140**	**8,905**	**7,895**
Appeals allowed	2,800 20.2%	2,340 21.0%	1,690 19.0%	1,625 20.6%
Appeals dismissed	10,185 73.6%	8,060 72.3%	6,345 71.2%	5,010 63.5%
Withdrawn/ Decision unknown	865 6.2%	740 6.6%	870 9.8%	1,265 16.0%

Source: Table 2.8; *Control of Immigration Statistics 2008*, Home Office (www.homeoffice.gov.uk/rds/pdfs09/hosb1409.pdf; accessed 16/09/2009)

Figure adapted from Thomas (2005: 468).

UKBA refuses the great majority of asylum applications, as the Table indicates. In that case, a Reasons for Refusal Letter (RFRL) is sent to the appellant, explaining the decision. Most refusals entail rights of appeal at public hearings, heard by Immigration Judges (henceforth IJs) from the Asylum & Immigration Tribunal (AIT). It is also possible for applicants to seek judicial review of Tribunal decisions by the High Court (or the Court of Session in Scotland), and each year a few cases reach the Court of Appeal or House of Lords. Since 2004, the pathways which appeals may follow through the courts have become quite complex (see diagram).

At asylum appeals appellants are usually represented by barristers in England and solicitors in Scotland, while the Home Office representative is a Presenting Officer (HOPO), a civil servant who is generally not legally qualified. Hearings begin with the appellant's examination-in-chief. This is normally very short; their counsel merely 'establishes' the asylum interview transcript and witness statement, confirming that the contents are true and that the appellant wishes to submit them as evidence. Any necessary
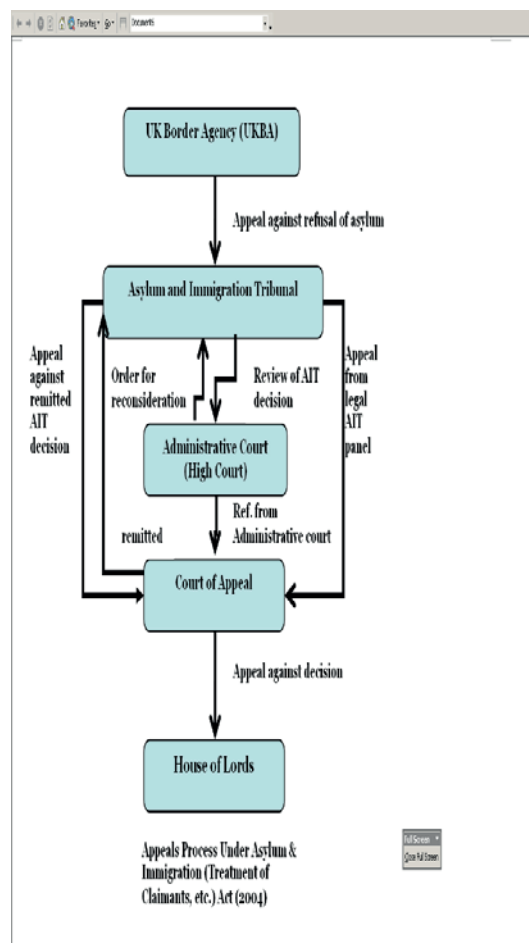
amplifications or corrections are briefly explored. The appellant is then cross-examined by the HOPO. This is the longest part of the hearing, because HOPOs ask detailed questions about events in the transcript and statement, often deliberately returning to the same issues several times in the hope of receiving inconsistent replies, which they can then use to cast doubt on the appellant's credibility. There is then an opportunity for counsel to re-examine their client should they so wish. Very occasionally, other witnesses may be called, either to corroborate parts of the story or to give oral expert evidence.

Finally, the representatives address the court with their final submissions. HOPOs' submissions generally involve attacks on the appellant's credibility. They also cite 'objective evidence' about the situation in the appellant's country of origin, which is said to support UKBA's position. On the Home Office side, such evidence consists almost entirely of the country reports produced by its Country of Origin Information Service (COIS). Appellants' representatives begin by answering the credibility points, then offer rival interpretations of the objective evidence. They too may cite COIS reports, but will usually also have submitted other documents such as news items, or reports by human rights bodies, doctors, or country experts. The IJ must then produce a written determination announcing the decision, which must be justified on

the basis of a credibility finding, findings of fact on the appellant's story, and an indication of the weight given to each piece of evidence.

The importance of credibility

There have been several analyses of credibility in asylum contexts by lawyers, both academics and practitioners: Weston (1998), Jarvis (2000), and Sweeney (2009) for the UK; Coffey (2003) for Australia; Pfeiffer (1988), Ruppel (1991), Anker (1992), Kagan (2003), Pepper & Mateen (2006), and Anker *et al* (2008) for the USA; and Byrne (2005, 2007) and Thomas (2006) on international contexts. Like most such writing, these studies almost always focus on written judicial decisions, especially in higher courts.[1] The approach taken here, however, is ethnographic rather than jurisprudential; that is, although it cannot avoid discussing legal statutes, administrative rules, and judicial determinations, it views credibility assessment above all as praxis and process.

The importance of credibility was set out by the UK's Immigration and Asylum Tribunal (forerunner of the AIT), in a 2005 decision written by its President:

> Findings of credibility are one of the primary functions of the Adjudicator, since they lead to the establishment of much of the factual matrix for the determination of the Appellant's case. In some cases, but by no means all, the issue of credibility may be the fulcrum of the decision as to whether the Appellant's claim succeeds or fails (*SW* v. *SSHD*).

The importance of credibility is similarly stressed by the Canadian Immigration and Refugee Board, which states that judges almost always have to 'decide if they believe the claimant's evidence and how much weight to give to that evidence. In determining this, they must assess the credibility of the claimant, other witnesses and documentary evidence' (IRB 1998: Foreword). So credibility assessment is the key initial step in the overall assessment process. What, then, is meant by credibility? According to the UNHCR *Handbook*, the basic requirement is that an asylum seeker's account should be 'coherent and plausible' and 'not run counter to generally known facts' (UNHCR 1992: §204). For their part, the *Asylum Policy Instructions* (*APIs*) – the manual used by UKBA case workers – sets out detailed procedures avowedly designed to minimize the role of subjectivity and 'unfounded assumptions' in caseworkers' decision-making. They suggest that caseworkers should first assess the internal and external credibility of the applicant's story, and then decide whether to give them the benefit of any doubt (www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/credibility.pdf?view=Binary; accessed 11/03/2008).

Internal credibility means that the applicant's evidence is 'internally coherent and consistent with past written and verbal statements, and consistent with claims made by witnesses and/or dependants and with

any documentary evidence submitted in support of the claim' (*ibid*.). In assessing this, case workers are told to take into account the level of detail provided by the applicant, and the degree of consistency in their account. Two explicit assumptions made here are as follows:[2]

> It is reasonable to assume … that an applicant relating an experience that occurred to them will be more expressive and include [more] sensory details such as what they saw, heard, felt or thought about an event, than someone who has not had this experience …

> It is reasonable to assume that an applicant who has experienced an event will be able to recount the central elements in a broadly consistent manner. An applicant's inability to remain consistent throughout his written and oral accounts of past and current events may lead the decision maker not to believe the applicant's claim (*ibid*.).

External credibility refers to whether the applicant's account is 'consistent with generally known facts and country of origin information'. If a caseworker discovers 'objective country information that clearly contradicts the material claimed fact(s), this is likely to result in a negative credibility finding' (*ibid*.).

If the available country of origin information does not directly corroborate an applicant's story, but does not contradict it either, that applicant may be given the *benefit of the doubt* in accordance with Paragraph 339L of the *Immigration Rules*. This can, however, only be granted in cases where 'the general credibility of the applicant' has been established (*ibid*.),[3] and in practice UKBA doubts the credibility of at least part of almost every applicant's story. Indeed, in the opinion of many asylum lawyers, UKBA's presumption is that all applications are 'bogus'.

Even this brief account illustrates that ideas of 'objectivity' are central to the legal analysis of credibility. It is important to note, however, that 'objectivity', like 'fact' and 'truth', is here defined according to legal convention. For scientists 'objective' and 'subjective' mean external and internal to the observer, respectively, whereas in legal usage 'objective' refers to the subjectivity of a Reasonable Man (Kandel 1992: 3). Likewise, 'truth' and 'fact' are defined pragmatically rather than meta-physically by lawyers: a 'fact' is a matter which has been proved to the required standard, whereas 'truth' is a statement made by a credible witness.

Principles of credibility assessment

Because corroborative evidence is so often lacking, credibility assessments based on the internal coherence of the account, and its external consistency with 'objective evidence' are used throughout the decision-making process to filter out supposedly 'bogus' claimants (Weston 1998: 88). The danger, however, is that such decisions may display prejudice or misunderstanding when the person whose credibility is being assessed

comes from a cultural background very different from that of the assessor (Bingham 1985: 14; Ruppel 1991: 5).

In its general survey of the issues involved in assessing whether evidence is indeed 'credible or trustworthy', the Immigration and Refugee Board of Canada (IRB 1998: ¶1.2) states that testimony must be evaluated in the light of

> conditions and laws in the claimant's country of origin, as well as the experiences of similarly situated persons in that country. The Federal Court has cautioned, however, that '[t]here can be no consistency on findings of credibility.' Credibility cannot be prejudged, and is an issue to be determined … in each case based on the circumstances of the individual claimant and the evidence.

The guidelines note that credibility findings must be properly founded on the evidence and reasonable inferences therefrom (1998: ¶1.6). They should consider the evidence altogether, not bit by bit; even if particular pieces of evidence are found to lack credibility – in which case 'clear reasons must be given' – the claim must still be assessed on the basis of whatever evidence *has* been found credible (1998: ¶2.1).

If there were equivalent guidance for British decision makers it would be unlikely to differ greatly.[4] The crucial questions, however, are whether, how, or to what extent such principles are put into practice by the Home Office and judiciary. Because credibility findings 'go to the heart of the identity' of asylum applicants, one senior IJ has written, 'to get it wrong is to add insult to injury … to inflict yet further damage upon a human being who has already undergone experiences incomprehensible to most of us' (Jarvis 2000: 6).

Telling their stories

For most asylum applicants the principal evidence of the persecution they have experienced is provided by their personal stories of suffering. On numerous occasions during the course of their asylum appeal, they are required to tell those stories. In a purely structural sense these occasions are all alike: fairly rigidly structured dialogues involving, paradoxically, three participants – questioner, asylum applicant, and interpreter. But although structurally similar, these contexts are of course fundamentally different in terms of the purposes and motives of the questioners, and the interviewing strategies followed.

The first is generally the screening interview, held soon after arrival in order to establish the applicant's identity, nationality, and mode of travel. This does not explore the detailed substance of their claim, but they *are* asked in general terms why they have come to the UK; they may well be tired and frightened, but if they make any slight errors – over dates, perhaps – these will be held against them later.

Their substantive asylum interview with a UKBA caseworker, a few weeks or months later, goes into their claim in far more detail, though the mode of questioning often restricts their ability to fully explain their claim as they themselves see it. It is not the case, of course, that applicants know better than caseworkers what information is relevant; in general, their knowledge of refugee law is slight. Even so, if given the opportunity to explain things fully in their own terms, they would almost certainly provide further details which would clarify the significance of particular events. However, as is true to some degree of every stage in the asylum process, their ability to do so is constrained by a number of factors (Rycroft 2005), including time pressures on the interviewer, the need to work through an interpreter, and underlying both of these, the limitations intrinsic to the artificially rigid question-and answer format employed in legal processes (Atkinson and Drew 1979).

In parallel with this process the appellant will be preparing a witness statement with the help of their legal representative.[5] Here the above constraints, though still present, are less intense, because the questions are more open ended and the questioner equally probing but more sympathetic. Ideally, taking a statement involves several sittings, because the experience is emotive and tiring; details have to be checked; and the final product has to be read back in their own language. This procedure may be truncated by the increasingly niggardly provisions of legal aid, however, and nowadays may even be forestalled by the speed of the process; under NAM, and especially under the Detained Fast Track, there may be barely time to produce even a rudimentary witness statement.

Many applicants also narrate their stories to doctors who are preparing medico-legal reports; this creates yet another risk of minor discrepancies seeming to arise. Their representative may sometimes take a supplementary witness statement after the refusal letter has been received, in which the applicant rebuts any points based on errors or misunderstandings. Finally, there is the appeal hearing itself, when appellants are subjected to detailed cross-examination.

Many legal representatives see taking the statement as a useful 'dress rehearsal' for the asylum interview, but that does not necessarily mean that they will actually *submit* the statement to the Home Office prior to that interview; they may see that as a hostage to fortune, giving UKBA case-workers extra opportunities to search for discrepancies. However much their opinions and strategies differed on such tactical matters, however, all the legal practitioners interviewed stressed the key importance of the witness statement in building a case:

> *Solicitor A*: Absolutely one hundred per cent crucial, in the British system. You might have seen in court, it so much centres on credibility, and therefore, you know, asylum seekers often won't be documented so it really is down to them giving an account of their experiences. Unfortunately, when you take a case where there hasn't been a good statement, you're already on the back foot.

Several legal representatives explicitly contrasted their own techniques for eliciting information with those of UKBA case-workers in asylum interviews:

> *AG*: How do you actually start to elicit the story, and discover what the issues are?
> *Solicitor B*: Well, I normally go back much further than the Home Office would, because it certainly was always a Home Office tradition that the first question they ask is, 'So what made you come here?' So you end up with the last question first, and it's very, very confusing for clients, because then they think they're not required to go back any further in an interview. But my technique is exactly the opposite, which is to delve right back into ancient history and say, okay, did you or your family suffer any persecution in the 1980s? And that opens it up, you know, that sort of question.

The processes whereby asylum lawyers structure their clients' statements to maximize their impact as evidence have received little attention up to now,6 but in most cases it seems reasonable to expect that such accounts will need to be converted from what Conley and O'Barr (1990) call 'relational mode' into 'rule-oriented mode'.

Their research, in small claims courts in the US where claimants generally present their own cases, shows that the ways in which lay persons present evidence in court lie along a continuum. At one extreme, litigants who display a *relational orientation* tend to define rights and responsibilities in terms of 'a broad notion of social interdependence rather than … the application of rules' (1990: 61). For example, if the case involves a dispute with a neighbour, they will focus less on the particular event which led to them being in court and more on their generalized moral outrage that someone who has lived beside them for years should violate the social norms of good-neighbourliness. This is unlikely to be a successful strategy, because it conforms to a logic very different from that of the law. Consequently the courts 'often fail to understand their cases, regardless of their legal merits' (1990: 61).

At the other extreme, those litigants who adopt a *rule-oriented* approach 'evaluate their problems in terms of neutral principles whose application transcends differences in personal and social status' (1990: ix). Because such a perspective resembles that of legal professionals themselves, there is a better chance that people who present their problems in this way will be fully understood. Consequently, in two cases of equal merit, it is the rule-oriented litigant who is more likely to be successful.

Because they are usually unfamiliar with legal proceedings of any kind, let alone the particularities of law in the country where they are claiming asylum, it is very likely that asylum applicants will display a relational orientation in their responses during interviews and cross-examination. Not only that, in the great majority of cases they are unaware of the provisions of the Refugee Convention, and hence of the basis upon which their asylum claim will be decided:

> *Solicitor B*: But on the other hand, they still don't know what is relevant and what isn't, and this is one of the major, major problems with, for instance, on-arrival asylum interviews or people who get a NAM interview within three or four days, when there's barely time to even see a solicitor.

When asylum applicants' cases are put on their behalf by their lawyers, their submissions will inevitably be converted into rule-oriented format. Perhaps because of this, many applicants are baffled by the whole process of taking the statement, and their lawyers must repeatedly remind them what it is for. This exchange came after six hours of interviewing spread over two sessions:

> *Interpreter*: He doesn't understand the whole purpose of having a statement.
> *Solicitor C*: We have to explain to the Home Office why you don't want to go back to Somalia, so they need to understand what problems you had before and why you believe there would be problems on return. And the thing is, you didn't come as soon as the civil war started, so they will want to know what prompted you to leave. So this statement explains your difficulties. ... They are going to think, is this man from Somalia, first of all; then, does he really belong to a minority clan; then, would he be at risk on return? So with all the details we have taken, they will understand what your life was like. And also why you didn't leave before, because so many persons have left.

It seems quite common for representatives to address this incomprehension using cinematic analogies:

> *Solicitor D*: It's like this, in simple terms. If it's an uneducated client, I tell my client, 'this is like creating a good movie'. You can have a real, genuine story, but you have to produce it, and direct it, and present it in a different way, so all those skills have to be employed without which, even the best story on the planet can't attract people to watch that particular movie. So that's why it's very important to present it in a very simple, chronologically-ordered, understandable way.

With these provisos, the asylum interview, the witness statement, and the appeal hearing itself, all provide opportunities for asylum applicants to tell their stories of persecution. For some applicants, though, the incidents most helpful to their claims have to be coaxed out of them by sympathetic, trusted questioners. Moreover, these stories often come out differently on different occasions, giving rise to the 'discrepancies' which Home Office staff are always seeking to identify.

Hiding their stories

No doubt many applicants do want to tell their stories to a wide audience – as a therapeutic catharsis; to 'bear witness' to atrocities inflicted on their community; or to obtain official recognition of their persecution. Whether it is reasonable to expect applicants to reveal intimate personal details, straight after arrival, to strangers in a strange country, is doubtful; but one 'common sense'

UKBA assumption is that genuine applicants will mention all serious incidents of persecution at the earliest possible opportunity. When they later reveal the truth to their doctor or lawyer, UKBA always attacks their credibility. The following refusal letter to a Sri Lankan Tamil woman is typical:

> when the immigration officer asked you whether you had any other reasons or events that caused you to seek asylum, you did not add anything further. Even bearing in mind, your apprehension as expressed in your additional statement, he considered that your failure to mention anything about the alleged rape … undermined your credibility in raising it later.

Yet that interview was conducted by a male Immigration Officer in the presence of a male, Tamil lawyer. This was bound to inhibit disclosure. Shame before men generally, and a fear that information may leak out to local members of their community, greatly inhibit the willingness of many Tamil women to disclose sexual assault. Many have not even told their own family what happened.

IJs usually pay more attention than UKBA case workers to the cultural reasons why women may not divulge sexual assaults on such occasions, but they to do not always accept this as a sufficient explanation. In the tribunal appeal of '*S*', a Turkish Kurd women, the Tribunal concluded:

> her excuse ... that she was ashamed and embarrassed to reveal that matter to male Immigration Officers ... does not stand up when it is considered that she had been in constant touch with her solicitors, some of whom must have been female, when she could have brought such matters to light, but had failed to do so.

It is well-known that many rape victims in western societies, too, fail to report rape attacks – the so-called 'silent reaction to rape syndrome' (Burgess and Holmstrom 1974). Because of the extra pressures they face, one might expect this to be at least as true for refugees, even at the cost of weakening their legal cases. It takes skill, empathy, and time to build up the degree of trust needed for disclosure to take place:

> *AG*: So how do you make them comfortable enough, in order to disclose the information?
> *Solicitor B*: Well, I think when they realize how well-disposed I am and that I am actually interested in the amount of detail that I am, you know, they regard that as a major compliment. It's just like any human relationship ... somebody's really, really interested in you, that's a very touching thing, you know, and ... when they realize that that is actually going to benefit them, then they sort of open up like a flower, and start disclosing information voluntarily.

Such reticence is displayed by men too. Doctors from the Medical Foundation for the Care of Victims of Torture reported that male asylum applicants from Sri Lanka who suffer sexual abuse during detention are even more likely to remain silent until a relationship of trust has been established than are female rape victims

(Peel *et al* 2000; Peel 2002) and this led solicitors to uncover many more cases that would have been missed previously:

> *Solicitor B*: I was doing Tamil cases for years and I just … I might have asked it in a female case, but in the male cases I just assumed, you know, that nobody male would get raped. And then that Medical Foundation booklet came out, and I was very, very skeptical. So then I thought, well I'd better start asking, and gradually learned the delicate art of eliciting that ... and was absolutely astonished to find what percentage of them had been raped. And of course none of them had told me before, because I'd never asked it; and it's an extremely sensitive matter which they weren't going to volunteer, unless they were put on the spot about it.

This can be stressful for the lawyer too. In the following passage the solicitor relives his embarrassment as he explains how he goes about broaching the topic:

> *Solicitor B*: The first thing is not to sort of plunge straight in ... get them really talking first, and probably talking about torture ... and then get the relative or friend out of the room, quite unceremoniously, you know... So even if it's an implication, you know, that I'm going to ask that, at least it gives the person some privacy. And then you've got to say, 'The … this … you know, has, has this happened to you, have you suffered any, erm, rape or sexual abuse. I mean, I know it's a very, very awkward and sensitive matter, but it's actually extremely important for your claim that you tell the truth about this, and if it's any consolation to you, erm, you know, actually the great majority of my male Tamil clients have been raped. So if you have been, you know, it's – if that makes you feel any better about it – and, and that's the case'.

What is more, it often turns out that in initially suppressing this shameful element of their experience, the asylum applicant has been forced to omit or downplay other incidents too, which might otherwise have given their account greater credibility and thereby helped their case:

> *Solicitor B*: If that is later disclosed, and perhaps supported by psychiatric evidence, then that's a legitimate reason for reopening a case and ... you know, that can actually sort of throw a whole new perspective on everything, because it may reveal why other things have not been disclosed. I mean quite often there may be torture that's not been revealed, and then it turns out that the reason for that was, because it was all intermeshed with the rape, and the person didn't feel that they could start talking about the torture, in case that led on to questions about the rape, so, you know, whole chunks have been left out.

Clearly, therefore, it would be quite wrong to base a negative credibility finding on initial silence alone; explanations for late disclosure should be taken very seriously. That does not of course mean that every applicant who finally claims to have been raped is telling the truth. IJs must decide on *overall* credibility, and in the Turkish case cited above there was no medical or

psychiatric report supporting *S*'s claim to have been raped; such a report would have greatly strengthened her case.

Remembering traumatic experiences

Another 'common sense' supposition in the *Asylum Policy Instructions*, quoted earlier, is that traumatic experiences will be remembered with clarity and vividness. This goes hand in hand with a general assumption that variations and inconsistencies between different tellings of an event, even months or years apart, are damaging to credibility – hence the significance attached by the UKBA, and sometimes the courts, to apparent inconsistencies in applicants' stories. On both counts, however, anthropological and medical evidence point in the opposite direction.

Elaine Scarry (1985: 4) notes that the physical pain of torture 'does not simply resist language but actively destroys it, bringing about an immediate reversion to ... the sounds and cries a human being makes before language is learned' (1985: 4), while Stuart Turner points out that torture also has the 'ability to shatter relationships [and] destroy trust' (1995: 58). Not surprisingly, torture victims may find it almost unbearably hard to discuss such experiences. Many cannot achieve this degree of 'agency in the face of disempowerment' (Hastrup 2003: 314, citing Arendt 1958 and Jackson 2002), but even if they manage to do so with the aid of a sympathetic interlocutor, their accounts are often drab, 'listless' (Daniel 1996: 143) recitations from which 'all the emotional edges have been eliminated' (Scarry 1985: 32). The judge, expecting something with far more emotional bite, may find this unconvincing.

It is also clear that stories come out differently on different occasions, even under the best of circumstances, and recent medical research involving Kosovan and Bosnian refugees illustrated that such differences are even more pronounced when trauma is involved (Herlihy, Scragg and Turner 2002; cf. Cohen 2001, Herlihy 2005). I attended a seminar in which Turner summarized these findings to an audience of IJs.

Several openly admitted that they generally based their credibility judgments on the consistency of accounts with previous versions, but Turner confirmed that discrepancies in recounting past experiences are high under any circumstances, but higher for traumatic events. His research therefore indicates that such discrepancies have no necessary connection with overall credibility. Of course, some discrepancies and confusions may indeed indicate untruthfulness, but that decision has to be based on overall credibility, not purely on the discrepancies themselves.

Scholars working on oral histories and life stories would not be at all surprised by such findings.[7] The sociolinguist Linde, for example, argues that life stories are judged more on the basis of coherence rather than factuality, coherence being both 'a social demand and an internal, psychological demand' (1993: 220). The causal chain in such narratives must be perceived by the listener as 'adequate' (Linde 1993: 221).

Ultimately, the 'most pervasive and invisible coherence system is common sense – the set of beliefs and relations between beliefs that speakers may assume are known and shared by all competent members of the culture' (Linde 1993: 222). In the case of asylum narratives, however, the cultural and experiential differences between teller and listener may be too great for common sense assumptions to be shared to anything like this degree. That is why witness statements are so crucial. They allow legal representatives to structure their clients' accounts according to the expectations of European legal cultures. Causal adequacy can thereby be assured prior to the hearing, although it may of course begin to unravel once cross-examination starts.

The full meaning of a narrative emerges only during its performance, and relates in part to 'the interaction with ... the audience and its expectations' (Finnegan 1992: 93). As Conley and O'Barr (1990: 171) put it, a story

> does not exist fully developed on its own, but only emerges through a collaboration between the teller and a particular audience ... a research interviewer asking questions, a judge presiding in an informal court, a lawyer talking with a client.

This process is, however, greatly inhibited by the procedural rules applying in law courts, most notably the highly artificial (in relation to everyday speech contexts) question-and-answer format of cross-examination. This is intended to circumvent 'practical problems posed by ordinary discourse' (Atkinson and Drew 1979: 8), but one effect is to diminish 'the rhetorical force of the account', making it less involving for the speaker, less dramatic and interesting for the listener, and – potentially – less credible for the Judge (Conley and O'Barr 1990: 40). The need to use interpreters has further dampening effects on the performative force of appellants' own utterances.

Cultural (mis)translation

For asylum claims to be fairly evaluated, applicants' narratives must be placed within their cultural, socio-economic, and historical contexts (UNCHR 1992: ¶42). Country of origin information and expert evidence help explain such contexts, and appeal hearings, too, offer opportunities for culturally-specific differences in behaviour, terminology, or understanding to be explored, especially when UKBA has cast doubts on its credibility. Yet in practice further misunderstandings often arise at the hearing itself, raising additional questions about credibility. These often result from the process of interpretation.

This is not necessarily a question of *faulty* interpretation, however; all interpreters, however skillful, face the problem that utterances in the asylum applicant's language, with particular ranges

of meaning, cannot be mapped precisely onto the language of the court. The constraints imposed by legal processes further limit the interpreter's ability to facilitate communication (Morris 1995: 26). The legal expectation is that court interpreters will give verbatim translations of whatever is said by each speaker (Berk-Seligson 2002: 65). 8 Judges tend to assume that verbatim translations are also accurate ones, but in fact strictly verbatim translations produce 'distorted communication' (Colin and Morris 1996: 17).

Some misunderstandings in court involve simple factual matters which can easily be resolved if the court has the necessary information, but if not, HOPOs will seize on any apparent inconsistencies in order to call credibility into question. To illustrate how easily a damaging confusion may arise, consider the most common inconsistencies in asylum stories – those concerning dates. Any discrepancies among dates given at interview, in their statement, to the doctor, in cross-examination, and so on, are certain to be seized upon by the HOPO as damaging to the credibility of the account as a whole. The plausibility of such arguments varies according to the nature and importance of the event, but problems may arise from cultural differences too (cf. Kalin 1986). For example, courts rarely take into account – and few lawyers are well-enough informed to ask them to do so – the fact that many countries do not follow the Gregorian calendar. Discrepancies over dates may therefore arise from inaccurate mental conversions of dates into a calendar with which appellants are unfamiliar.[9]

Cultural and calendrical difficulties both seem at play in the following exchange from the appeal hearing of a Nepali man, which illustrates that problems may arise even with something so obvious as one's date of birth:[10]

> *Adjudicator*: [W]hat is your birth date in the Nepali calendar?
> *Appellant* (in English throughout): Nepalese calendar? I cannot remember
> Nepalese calendar because I got used to using English calendar now. According to
> English calendar my date of birth is 26/9/74.
> *Adjudicator*: What is your date of birth in Nepalese?
> *Appellant*: There is no such thing as birthday in Nepalese so I need to convert it
> into Nepalese calendar.
> *Adjudicator*: Are you telling me you don't know what your Nepalese birthday is?
> *Appellant*: I cannot remember just now.
> *Adjudicator*: That's fine if that's what your answer is!
> *Appellant*: I have got used to English calendar just now.

Variations in kin relationship terminology can also create problems. Not surprisingly, I most often became aware of such misunderstandings in Tamil cases where I could follow the dialogue to some extent. Problems often arose, for example, from the fact that everyday Tamil has no word for brother, but separate and quite different, words for elder brother (*annan*) and younger brother (*tampi*). The problems this poses

for interpretation are obvious, and it was sometimes unclear in court whether, for example, appellants were discussing *all* their brothers or only their seniors or juniors. Similar ambiguities regarding different parts of the body may be crucial when comparing appellant's evidence of how they were tortured with the placing of scars on their bodies, as reported by medical examiners. For example, Tamils use the same word (*kal*) for foot and leg. There are numerous composite terms (ankle is *kanukkal*, knee is *mulankal*, and so on) but in everyday speech people often use *kal* with all these meanings. It is impossible to know, after the event, whether a particular appellant (or, for that matter, the interpreter on that occasion) had or had not used one of the precise composite terms; it is, however, easy to see the scope for apparent 'discrepancies' when this information is re-elicited on subsequent occasions, with different interpreters.

These examples all concern fairly straight forward kinds of cultural difference, which could have been fully explained had the requisite information been available. If explanations are not forthcoming, however, the damage done to an asylum applicant's credibility may be considerable. Moreover, mis-understandings over subtler and less tangible cultural matters – such as norms and values – may be far harder to redress.

Judicial assessments of credibility

Credibility decisions in asylum appeals are matters only for the IJ, though the difficulties involved are recognized. As Lord Abernethy said in the Court of Session:

> Credibility is an issue to be handled with great care and with sensitivity to cultural differences and the very difficult position in which applicants for asylum escaping from persecution often find themselves. But our system of immigration control presupposes that the credibility of an applicant's account has to be judged. Credibility is a question of fact which has been entrusted by Parliament to the adjudicator … Of course, an adjudicator must give his reasons for his assessment. A bare assertion that an applicant's account is implausible is not enough. But an adjudicator is entitled to draw an inference of implausibility if it is based on the evidence he has heard and in coming to his conclusion he is entitled to draw on his common sense and his ability, as a practical and informed person, to identify what is or is not plausible (*Esen* v. *SSHD*; citations omitted).

The first appeal is especially crucial where credibility is concerned, because unless an IJ's assessment is clearly wrong, later tribunals will not overturn the initial findings on credibility – and with good reason, because IJs at first appeals do, after all, hear appellants giving oral evidence and undergoing cross-examination. The Inner House of the Court of Session stated in *HA* that:

> This court may not interfere with the immigration judge's decision on a matter of credibility simply because

on the evidence it would, if it had been the fact-finder, have come to a different conclusion.

But on what basis do these first instance judges reach their decisions on credibility? It has been argued that members of the Canadian Immigration and Refugee Board members tend to perform credibility assessments by applying their own 'assumptions of a universal Canadian cultural 'logic'' (Rousseau *et al* 2002: 62). It must however be questionable whether, or to what extent, it is justified to assume the existence of a single frame of reference in refugee hearings, shared by decision-maker and applicant (see also Clifford 1988: 329).

This Canadian research revealed not only the effect of psychological trauma on the quality of applicants' testimony, as might be expected on the basis of the research by Herlihy *et al* (2002), but also the extent to which repeated exposure to narratives of torture and rape produced 'massive' avoidance reactions among decision makers themselves. According to the researchers, Board members displayed a high incidence of 'emotional distress', explicit prejudice, and cynicism (Rousseau *et al* 2002: 64). The report concludes that such behaviour shows 'a very strong emotional reaction, a lack of empathy, and an association of the victim with the aggressor, all symptoms of an inability to cope with the emotional stress created by the hearing' (2002: 59-60). It is common for professionals in stressful occupations to distance themselves from the traumas to which they are repeatedly exposed, through denial, avoidance, or emotive reactions such as anger, lack of empathy, or cynical humour (see, for example, Katz 1981), but this seems a particularly serious matter when so much depends upon judicial evaluations of credibility. The Canadian research team included a Professor of Psychiatry, a discipline in which I claim no expertise whatever; from my lay perspective, though, I have to say that I have never observed any such symptoms among British Judges, although some are notoriously hostile and seem to allow few if any appeals.

The most systematic research into how British IJs reach credibility decisions was carried out by Catriona Jarvis, herself now a Senior IJ. Adjudicators (as they were then termed) were asked to rank twenty-seven factors pertaining to credibility in order of importance; some were factors common to all judicial assessments, such as consistency or a failure to answer questions, while others were more specific to asylum appeals, such as delayed disclosure of rape or torture (Jarvis 2000: 10). Replies suggested that many credibility decisions rested on 'gut feelings', the application of common sense, or recourse to personal experience, but also indicated considerable variation in *stated* practice (Jarvis 2000: 16).

Some general conclusions can be drawn, however. For example, IJs acknowledge that appellants have less chance of winning if they do not attend, or attend without giving oral evidence.[11] Although it is an error of law to make a negative credibility finding

on these grounds, the fact that it happens is not surprising when one considers that there is usually no evidence (barring standard objective sources) except the appellant's own. Some IJs draw adverse conclusions on credibility when applicants choose to use interpreters even though they speak adequate English, although this too is an error of law. Adverse credibility findings are also more likely when a claim is lodged only after that of a family member has been dismissed, though as Jarvis notes this may disadvantage wives who – adhering to cultural norms of dependence – initially allowed their claim to be subsumed under their husband's (2000: 21).[12]

Numerous studies show that demeanour is an unreliable guide to credibility in any area of law (Jarvis 2000: 40, and sources therein). This is especially likely in asylum courts, given appellants' diverse cultural backgrounds and varying expectations regarding interpersonal behaviour,[13] yet by their own admission demeanour figures importantly in the assessments of many IJs (Jarvis 2000: 23, 40). Like other legal decision makers, IJs also admit that they are more inclined to believe appellants who are physically attractive, unless they seem to trade on their attractiveness in a manipulative way (2000: 40–1).

In my own interviews, IJs stressed that for them too the witness statement is crucial both before the hearing, in helping them get to grips with the huge bundles of evidence received, at best, the night before; and when writing their determinations, in initiating the reasoning process underlying their decision on credibility:

> *IJA*: When you come to write up your decision, you have to set out, what does the appellant say happened to him? [The witness statement is] the document I go to, to start my summary of his case. And then I move on to the objective material, what that says about the country concerned. And then I'm going to decide, whether to believe the person or not. And then I'm going to decide whether or not they're a refugee. How do I do that? In terms of whether I believe them, I always bear in my mind the low standard of proof ... *but*, that 'reasonable degree of likelihood' can be shattered if you have some huge implausibility or discrepancy. I take a lot of what people say at face value. I don't go looking for minor discrepancies and then say, 'oh, I don't believe a word he's said', if the general case has the ring of truth. But I would also look at the objective material.
> *AG*: Do you equate plausibility with credibility? What's the relationship between them? Are they different things?
> *IJA*: Oh gosh! They are, yes, because someone can be credible, even though something isn't plausible.
> *AG*: And when you are deciding whether you believe them or not, is that primarily on the basis of the witness statement, or is it primarily on the basis of the cross-examination?
> *IJA*: It's the two together. If on the surface the witness statement is a 'plausible account', if there's a reasonable degree of likelihood that that would have happened, then actually the examination *is* quite important because I'll be starting from the point of view that I have a plausible story here; let's see whether they come

up to proof … Or there may be one part of the story that you just think, well, depending on the answer to this question is whether I'm going to believe them or not. And maybe the whole thing unravels ...

Like Jarvis's work, such data reflect IJs' self-assessment of their practices, not those practices themselves. On them there is even less information, although we do know that more than twice as many women as men (15% as against 6.5%) are judged credible by British IJs (Harvey 1998: 191; Jarvis 2000: 8). There are no detailed statistics on the social identities and decision-making proclivities of particular IJs, of the kind so dramatically produced for the United States, where Ramji-Nogales *et al* found startling differences in asylum grant rates between different judges:

> how about a situation in which one judge is 1820% more likely to grant an application for important relief than another judge in the same courthouse? Or where one U.S. Court of Appeals is 1148% more likely to rule in favour of a petitioner than another U.S. Court of Appeals considering similar cases? Welcome to the world of asylum law (2007-08: 301; footnotes omitted).

The explanations for such discrepancies are not given in the statistical data themselves but must be hypothesized by the analysts. For example, they attribute the fact that success rates are three times higher when appellants are legally represented, to the importance of knowledge about asylum case law, court procedures, and sources of objective evidence (2007-08: 376); in part, clearly, this seems to reflect the positive impact of presenting cases in rule-oriented fashion (see above). The data also show that judges are significantly more likely to grant refugee status to appellants who brought their spouses or small children with them to the US, than if they were single or had left their families behind. This, they suggest, could well be due partly to underlying assumptions about credible behaviour: would someone with genuine cause for fear be willing to 'abandon' their family? Not surprisingly, judges' own backgrounds may significantly affect outcomes. It is perhaps unsurprising to find that asylum grant rates are lower than average for judges with prior careers in the Department of Homeland Security, but higher for those who were formerly immigration lawyers, NGO workers, or law professors (2007–08: 377). Gender is also a major factor – that is, the gender of the judge rather than of the appellant. Grant rates for female judges are 44% higher than for men (*ibid.*).[14]

As one IJ bluntly put it in responding to Jarvis's study, British asylum appeals are 'a lottery' in which the decision depends above all on which IJ happens to hear the appeal (2000: 19). This view is echoed and devastatingly documented for the United States by Ramji-Nogales *et al*, whose 'central finding' is as follows:

> Whether an asylum applicant is able to live safely in the United States or is deported to a country in which he claims to fear persecution is very seriously influenced

by a spin of the wheel of chance; that is, by a clerk's random assignment of an applicant's case to one asylum officer rather than another, or one immigration judge rather than another (2007-08: 378).

While there are no doubt many contributory causes, it seems highly likely that differing approaches to credibility assessment help account for these gross disparities.

Finally however, and to set this discussion into perspective, it is important to note that although they are crucial starting points in almost every appeal, credibility assessments are not in themselves decisive because decisions should ultimately be based upon the existence of future risk. The ultimate question is: does the applicant have a 'well-founded fear of persecution'? That is evaluated mainly on the basis of 'objective evidence' about the background in their home country, so in practice the outcomes of most appeals depend equally strongly on IJs deciding which version of the objective evidence they prefer as regards risk on return. Indeed, as the veteran IJ Mr Care pointed out, such background evidence 'is crucial to most findings of plausibility and frequently credibility as well' (*Kanagasundram*); that is, both the initial decision on 'external credibility' *and* the subsequent decision regarding 'risk on return' are based in part upon an evaluation of the objective evidence regarding the situation in the appellant's home country. Finally, strange though it may sound, asylum applicants whose accounts are not deemed at all credible may still succeed in their claims if it is accepted that they will, nonetheless, face a real risk of persecution if returned; thus, 'an applicant's story may not be credible in the light of the objective circumstances but still the case is established' (*Nimets*).[15] As the determination in *SW* v. *SSHD* went on to say, immediately after the passage quoted earlier:

> an assessment of credibility is not the ultimate focus of an Adjudicator's determination. In an asylum or human rights case, that focus is the potential breach of either Convention which will usually involve an assessment of the nature and risk to an Appellant of his removal. An Appellant who is partly or even wholly disbelieved may still be at a real risk e.g. for his ethnicity. He may have lied to bolster a true case.

Notes

[1] The work of Jarvis (2000), now a Senior Immigration Judge, is an exception.
[2] Various mitigating circumstances are recognized: 'mental or emotional trauma, inarticulateness, fear, mistrust of authorities, feelings of shame, painful memories particularly those of a sexual nature' (*ibid.*).
[3] Under para 339L, the benefit of the doubt should be given when all of the following conditions are met:
• the person has made a genuine effort to substantiate his asylum claim ...
• all material factors at the person's disposal have been submitted, and a
satisfactory explanation regarding any lack of relevant

material has been given
• the person's statements are found to be coherent and plausible, and do not run counter to available specific and general information relevant to the person's case
• the person has made an asylum claim... at the earliest possible time, unless the person can demonstrate good reason for not having done so
• the general credibility of the applicant has been established

[4] One potential source of such advice is the Appeal Court decision in *Karanakaran*; however, its starting premise – that an adjudicator, as IJs were then called, was a mere 'administrative decision-maker' whose role was not equivalent to that of 'a judge in civil litigation'— was highly unpalatable to adjudicators themselves, so it has been cited and followed less than might otherwise have been expected (Care 2004).

[5] A witness statement is 'a written statement signed by a person which contains the evidence which that person would be allowed to give orally' (Ministry of Justice 2009: sec. 32.4 [1]).

[6] McKinley (1997) describes such a restructuring for a Zimbabwean asylum applicant in the USA, fleeing from an abusive forced marriage.

[7] For a more detailed discussion see Good (2007: 193-94).

[8] Mikkelson (no date) describes this as 'a pervasive myth within the judiciary'. The issues in this section are discussed more fully in Good (2007: 153-69).

[9] Many lawyers and Judges are aware that Iranians do not use the Gregorian calendar, and that this may cause problems, but this awareness does not seem to extend to appellants from other cultural backgrounds.

[10] This appellant constantly caused problems by bypassing the interpreter and bursting out with answers in English to poorly-understood questions which had not yet been translated, despite repeated warnings from the adjudicator of the dangers of so doing.

[11] Many judges see oral evidence as key to establishing credibility, and cannot see how 'justice could be achieved by … making significant findings of credibility solely on the basis of written submissions' (Judge Bertha Wilson, in *Federation of Canadian Sikh Societies*). Others, like Sedley LJ (*Yousaf & Jamil*), think that 'it tends to be documentary material which demonstrates that the unconvincing witness has been telling the truth or the convincing one been deluded or lying'.

[12] By contrast, most UKBA reasons for disbelieving applicants, such as a lack of identity documents or failure to claim asylum in transit, cut little ice with most IJs, the one exception being when no claim is made until after deportation notices are issued (Jarvis 2000: 17).

[13] '[J]udging demeanour across cultural divides is fraught with danger' (*'B' [DRC]*)

[14] My discussion here focuses on judges because they make the crucial rulings on credibility. However, Ramji-Nogales et al found large disparities in decision making among Department of Homeland Security officials (equivalent to UKBS's caseowners) too; many officers are 'outliers' whose grant rates differ by 50% or

more from the norm in their own regional office, and who therefore 'appear to have grant rates that reflect personal outlooks rather than an office consensus' (2007-08: 372).

[15] Imagine, for example, an Iranian whose story is wholly disbelieved, but whose drug-related conviction overseas is deemed likely to bring him to the adverse attention of the authorities if returned.

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Access to Asylum in Ireland: A Case Study

Monika Weissensteiner

Through a case study on asylum procedures in Ireland, this paper discusses the intersection of medical and psychological knowledge production on 'trauma' with an increasingly restrictive management of migration in the EU. I will examine practices aimed at standardizing the criteria that underpin concepts like 'well founded fear' and the 'truthfulness' of 'genuine' asylum applicants and argue that in recent years the 'traumatized refugee' has emerged as a new knowable object. The theoretical perspective of this paper draws on a critical understanding of the international refugee regime (Malkki 1995) and on studies of governmentality (Foucault 2007) which address the intersections of knowledge, power and the control of populations.

Introduction

In this paper I will discuss Ireland's recent role as a destination for asylum seekers (applicants for refugee status or other subsidiary protection) and situate Ireland within the context of European moves towards a so-called 'harmonized system' of asylum policy following the Hague Programme, adopted by the European Council in November of 2004. I will discuss the definition of a 'refugee' arising from the Geneva Convention Relating to the Status of Refugees (1951) – which has been retained unchanged – as well as the role of NGOs, with special focus on (mental) health service providers for survivors of torture and violence.

The approach taken in this paper follows Liisa Malkki's (1995) critical understanding of the international refugee regime and Michel Foucault's notion of governmentality, which has been influential in understanding the refugee regime. I examine the practices aimed at standardizing the criteria that underpin concepts like 'well founded fear' and the 'genuine-ness' of asylum seekers (see Nyers 2006) through a 'moral economy of care' (Watters 2007). These constructs – together with the emergence of 'trauma' as nosological category and its inclusion into the classification of diseases, in particular the *Diagnostic and Statistical Manual of Mental Disorders* III (American Psychiatric Association 1980) (Young 1995; Fassin and d'Halluin 2007) – led to the reconfiguration and appearance of a new knowable object, the 'traumatized refugee'. The implications for access to asylum resulting from this category shall be a substantial element of the discussion in this article.

The term 'asylum' derives from the Greek *ásylon* and *asylos*, which means 'secure' and refers to a refuge, a sanctuary, an inviolable place of protection. 'Access', on the other hand, stands for 'a way or means of approach', an entrance, a channel or doorway. Today, in the 'national order of things' (Malkki 1992, 1995),

it is the state that acts in the role of protector through international law and through the principle of *non-refoulement*, according to which '[n]o Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'.[1] In order to understand the doorways of contemporary shelters and since not all 'asylum seekers' are granted 'refugee status', I will therefore turn to Foucault who discussed the state as a particular form of governmentality, that is
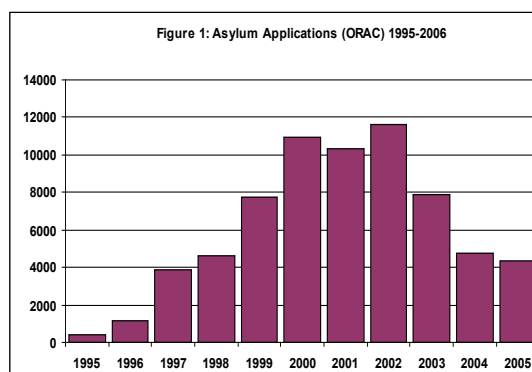
> [t]he ensemble formed by institutions, procedures, analysis and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument. (2007: 108)

Ireland and the EU

The European Union Policy towards a Common European Asylum System (CEAS) states, that '[s]ince the beginning of [the] 1990s, the *flow* of persons seeking international protection in the EU has been such that the Member States have decided to find common *solutions to this challenge*' (emphasis added). This can be seen as one of the contemporary backgrounds against which migration studies scholars such as Peter Nyers argue that 'Refugees and their movements regularly emerge as a "problem" to world order. To those whose principal concern is the maintenance and security of this order, any situation that is constructed as a problem – or worse yet, a crisis or an emergency … [that] warrants immediate action' (2006: 1). A communitarized European approach to asylum has been outlined through the Amsterdam Treaty (EC 1999) and the Hague Programme (2004)[2] which envisaged the 'construction of Europe' as a

space of 'freedom, justice and security' with the goal of securing free movement within the EU. This legitimized shifting the control towards the external borders of the EU. While the onus is on the individual asylum seeker to show evidence of his/her well-founded fear of persecution, asylum has thus emerged in recent years as particular aspect of European migration management. States are not only increasingly hostile to asylum seekers (see UNHCR 2006) but also disavow any geo-political connections to international conflicts and internal political pressures that give rise to refugee flows.

Ireland ratified the Geneva Convention (1951) in 1956 and the Protocol Relating to the Status of Refugees (1967) in 1968, but only in 1996 – after asylum applications rose from 49 in 1988 to 600 in 1996 – were they transposed into domestic legislation with the *Refugee Act, 1996*. This was subsequently amended by the *Immigration Act, 1999,* the *Illegal Immigrants (Trafficking) Act, 2000*, and *Immigration Act, 2003*. From 1996 to the actual implementation of the *Refugee Act* in November 2000 the number of asylum applications rose sharply, and it has been argued that the two amendments restricted the initial refugee act.

Figure 1: Asylum Applications (ORAC) 1995-2006

As the numbers of asylum seekers arriving in Ireland increased, the political will to safeguard the right of asylum diminished. In the tension between a rights-based refugee regime and a control-based immigration policy, the desire for security and control won out (Byrne 2000: 149). Ireland, which had previously been a destination for programme refugees (resettled following governmental agreements),[3] introduced an annual quota for resettlement refugees in 1998, for priority groups such as victims of torture, persons with medical needs, women at risk and the elderly.

The refugee as knowable object

According to the UNHCR's *2007 Global Trends* report (2008a) the majority of refugees today are hosted by their neighbouring countries, since over 80% remain within their region of origin or are 'internally displaced' within their own country. Europe participates in the international 'burden sharing' by hosting 14% of the world's refugees.[4] The UNHCR as key UN body,

but also international law and international studies, NGO publications, developmental studies and literary studies have shaped through their documentation and classifications the ways in which refugees are nowadays depicted, conceptualized and 'known' within a humanitarian and a-political framework. Malkki argues that the 'international refugee regime' 'produces the social, political and legal constructions that we now recognize as refugeeness' (1995: 505–6).

On the European level, through the development of the CEAS, the European Commission has established legal instruments[5] and provided through the European Refugee Fund (ERF) financial support to member states. The ERF has also been funding extended inter-European research projects, thus contributing to the knowledge production and construction of 'refugeeness'. Herein, I will refer in particular to one project: *Traumatized Refugees in the EU – Analysis of Institutional Developments, Identification of Protection Systems, Best Practices and Recommendations* (European Refugee Fund 2006).[6]

NGOs and mental health services for asylum seekers in the EU

One of the EU Directives in relation to 'shared minimum standards of health, welfare and reception of asylum seekers', calls upon Member States to guarantee treatment possibilities for persons who have been subjected to torture, rape or other acts of violence (Ireland, however, did not opt in to the relevant Council Directive 2003/9/EC). In practice, however, 'there is no harmonized picture and no harmonized policy regarding torture victims seeking asylum' in the EU (Sydhoff 2006). In most countries, to follow Watters (2007: 198), this deficiency is made up for by NGOs or the Red Cross.

Such organizations were mainly involved in the EU project on 'Traumatized Refugees in the EU' (European Refugee Fund 2006), which concentrated on the legal frameworks governing the treatment and care of traumatized refugees, the impact of asylum determination procedures on them and the way in which statutory and voluntary agencies provide care and social assistance to trauma sufferers in the refugee population. A conflicting issue which emerged and which was also highlighted by Elise Bittenbinder, founding member of the European Network of Rehabilitation Centres for Survivors of Torture, is the relationship between NGOs and governments in regard to medical or psychological reports. These documents, requested by solicitors in order to be included as documentation in the asylum application of their clients, are written by health professionals who assess the physical and psychological state of the applicant and then report their assessment as to whether the body and the psyche are 'consistent' with the story the person tells. Such assessments can be seen as part of, to again quote Watters (2007: 395), a 'moral economy of care', by reflecting the wider societal values regarding what counts as legitimate and

illegitimate, deserving or undeserving – the legitimate being the 'genuine', 'authentic' refugee deserving protection. The Hague Protocol suggests that the legal instruments on asylum established for the CEAS

> lay the foundations for a Common European Asylum System, on which could be built further structures to safeguard the EU as a *single asylum space* and ensure that *our citizens* could have confidence in a system that gave *protection to those who required* it and dealt fairly and *efficiently* with those without protection requirements. (http://ec.europa.eu/justice_home/fsj/asylum/fsj_asylum_intro_en.htm [emphasis added]).

The diagnosis of health is therefore undertaken in a politically charged environment. In order to understand the meaning medico-legal certificates may hold in contemporary asylum practice, the relationship between the category of 'refugee' and that of 'trauma', as well as their respective meanings, have to be discussed and the consequences of this relationship for access to asylum investigated.

The traumatized refugee, fearful subjectivity and objective control

Since it is beyond the limits of this article to discuss the genealogy of the categories of 'refugee' and of 'trauma' in Western discourse, I will begin by introducing the main arguments developed by Liisa Malkki in regard to the former and by Allan Young in regard to the latter category. By adopting their constructivist understanding of socially-produced and historically-situated categories – which therefore are no less real in social and personal lived experience – I will argue that the contemporary conceptualization of the 'traumatized refugee' constitutes another 'historical moment of reconfiguration' (Malkki 1995: 497) and appearance of 'new object', which contributes to the construction and production of a particular form of subjectivity. My focus, then, is especially on the role that medical knowledge and institutions play in the administration of asylum applications through their privileged access to this new object.

With the *Geneva Convention Relating to the Status of Refugees, 1951,* and the creation of the UNHCR in 1950, the modern post-war refugee emerges as 'knowable, nameable figure and object of social scientific knowledge' (Malkki 1995: 498). 'Refugee' is a legal classification that encloses a huge variety of different experiences and was 'normatively' established after World War II, even though both movements of people and war have much longer histories. Its representation shifted from military problem to international social and humanitarian problem, ultimately through the 1967 Protocol of the Geneva Convention (*ibid*.: 510), which widened the classification that previously included only pre-1951 displacement within Europe to international phenomena of displacement with specific characteristics. Similarly, the term 'trauma' should not be a-historically naturalized: 'trauma' has had a long migration from its meaning up to the end of the nineteenth century, when it referred exclusively to physical injuries, to its present admission into the 'universal' territory of psychiatric entities, through its introduction as 'post-traumatic-stress-disorder' (PTSD) in the *Diagnostic and Statistical Manual of Mental Disorders* (American Psychiatric Association 1980).[7]

Nyers (2006) asks: is the 1951 definition of the 'refugee' still appropriate? There, a 'refugee' is a person, who

> owing to *a well founded fear of being persecuted* for reasons of race, religion, nationality, membership of a particular social group or political opinion, is *outside* the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the *protection of that country*; or who, not having a nationality but being outside the country of his former habitual residence as a result of such events, is unable or, owing such fear, is unwilling to return to it [emphasis added].

This established the 'authentic refugee' as *fearful human subjectivity*, represented as a speechless, placeless, invisible victim, belonging, as universal identity, to the moral community of humanity because of abandoning the 'protection' of his/her country – in contrast to the 'citizen', who belongs through his/her particular identity to a political community of co-nationals. The UNHCR also drafted a *Handbook on Procedures and Criteria for Determining Refugee Status* in which one reads:

> To the element of *fear - a state of mind and a subjective condition -* is added the qualification '*well founded*'. This implies that it is not only the frame of mind of a person concerned that determines his refugee status, but that this frame of mind must be supported by an *objective situation* ([emphasis added] UNHCR 1979: Art. 38).

While psychologically an individual might react differently to 'objective' situations, following the indications by the *Handbook*, it is institutional authority that defines whether the applicant's fear of persecution is *reasonable*. As Malkki points out:

> The truth of 'suffering strangers' as a categorical subject is not doubted, it is even sacralized. In contrast, the particularity of a single person's 'stories' and 'claims' is suspect … has to be examined by experts for her story to be accepted as factually true (2007: 337).

> The Truth [hidden in the body and the psyche] tends to require the intervention of expertise to be rendered visible and legible and actionable, whether in therapy, courtroom or immigration office (2007: 339).

Didier Fassin and Estelle d'Halluin (2007) in their study on Asylum Politics and NGOs in France noted that in contemporary France – as in other countries across Europe – two historical processes converged: on the side of the 'refugee category' the decline in the legitimacy of asylum and the request for evidence to establish the reality of persecution, on the other side

the emergence of 'trauma' as nosological category.

> The result is the emergence of new protocols of bureaucratic and juridical regulation in which the test to which asylum seekers have to submit to establish that they are 'true' victims of repression must correspond to the category of trauma formalized as PTSD, a recognized category in psychiatry. (Das 2007: 331)

It is here that the figure of the 'traumatized refugee' emerges.

Although the symptoms of PTSD do not differ from those of other anxiety and depression syndromes, the unity of this disorder is 'achieved' (Young 1995) through the establishment of a particular temporal-causal relationship, whereby its hidden typical feature – the etiological (traumatic) event – accounts for the subsequent development of symptoms. In clinical practice, according to Young, the symptoms become the tokens for the event; in the context of medical assessments for legal documentation this means that the diagnosis of PTSD becomes proof of the event and explains 'inconsistencies', as well as establishing a clinical condition eventually deserving subsidiary protection.

The practical consequences of such defined subjectivity emerging from this convergence will be investigated though a concrete example.

Case study: Ireland and mental health service for asylum seekers

In Ireland refugees and asylum seekers are entitled to access to local General Health Practitioners (GPs) in common with Irish citizens, but initially GPs did not receive any extra training (Faughnan *et al.* 2002). A special service for survivors of violence and torture exists since 2001, following discussions in parliament (*Dáil Éireann*)[8] and two studies on public health and asylum seekers (Begley 1998; Begley *et al.* 1999). The author was founding member (1999) of the humanitarian NGO called SPIRASI, which among other activities houses the Centre for the Care of Survivors of Torture (CCST).[9] The Centre is a member of the International Rehabilitation Council for Torture Victims (IRCT) and besides counselling, provides various forms of therapy, psycho-social outreach support, and medico-legal reports.[10] Over the last two years SPIRASI has been working together with the Office of the Refugee Applications Commissioner (ORAC), the Refugee Appeals Tribunal (RAT)*,* and the Refugee Legal Services in the development of a *Framework Document for the Production, Interpretation and Use of Medico-legal Reports in Determining Refugee Status*, based on the Istanbul Protocol.[11]

Refugee protection falls at the intersection of international human rights and domestic law, and it has been argued that there is a lack of evidentiary principles established by international refugee law in regard to the credibility assessment of oral testimony and documentary evidence in the asylum procedure (Byrne 2007). There are two noteworthy Irish-authored reports (Almirall and Lawton 2000; Mullally 2001), written in collaboration with the Irish Refugee Council (IRC) (although prior to the establishment of the CCST and the elaboration of the *Framework Document*), that note that domestic law – the *Refugee Act, 1996* – does not make any provision for standards of proof or credibility, and that assessors 'are applying a "well-founded fear" test' with an 'unreasonably high' standard of proof (Mullally 2001: 87). Contemporary responses of the Irish NGO sector to the proposed *Immigration, Residence and Protection Bill* also express concern, since the bill does not introduce the missing guidelines for the assessment or the publication of decisions. The determinations quoted in the study of Mullally can be seen as examples that show the mistrust for the applicants' testimony. It leads, as we shall see below, to the replacement of the word of the asylum applicant with that of an expert through 'objective supportive' material. She quotes two judgments:

> This applicant has failed to establish evidence of persecution that is well-founded and is therefore manifestly unfounded under paragraphs 14 (a) and (c) of the procedures.

> On the basis of the above analysis*, in particular* the absence of any independently-sourced supporting material, I regard the applicant's stated fear of persecution as not being well-founded in all respects ([emphasis in the original] 2001: 87).

In Ireland, as with other Member States, a high percentage of applications for asylum are rejected on the basis of credibility due to inconsistencies and ostensibly lack of evidence. It is within this 'culture of disbelief' – as Mullally argued in the case of Ireland (2001: 90) – and rising suspicion towards the world of the asylum seeker that the deployment of medico-legal reports has to be contextualized: they constitute a particular form of evidence and 'proof' and provide the case with 'objective evidence'. The 'true' asylum seeker is produced as a particularly defined subjectivity and needs to conform to the criteria established for its identification and the mechanisms of identification – criteria which are not value free and indeed reflect particular cultural and historical epistemologies.

> [T]he importance of the true confession does not reside in its being a correct and certain report of process. It resides rather in the special consequences which can be drawn from a confession whose truth is guaranteed by the special criteria of *truthfulness* ([emphasis added] Wittgenstein 1997: 222e).

It is from the angle taken by Wittgenstein that the following quotations from a study titled *Asylum in Ireland: A Report on the Fairness and Sustainability of Asylum Determinations at First Instance* (Almirall and Lawton 2000) should be read. It reports a case where the applicant was judged to have failed to establish evidence of persecution that is 'well-founded', because

a) he had "*no marks or scars to show* following his *alleged beatings*" ([emphasis added] 2000: 82).

Also:

b) If the *shooting took place as alleged* then the applicant would *clearly have been traumatized, requiring medical attention.* In this situation medical confirmation evidence should be readily available ([emphasis added] *ibid.*).

c) If he was wanted so badly and in custody for almost a week, it is hard to believe that he was not identified at this stage but instead allowed out on community work. He was only arrested that one time and he stated that the police beat him but he didn't visit a medical centre afterwards (2000: 61).

d) 'The applicant's "persecution and torture" experience relates to one incident only, as described in his questionnaire and at interview. In this respect he had advanced no objective sources of information to support his case. He has no permanent injuries nor was he ever hospitalized as an outcome of his alleged torture (*ibid.*).

These judgments show that it is (a) the body and (b) the mind of the applicant that are questioned to testify and give evidence through physical or psychological scars and also that the assessment is framed by presumptions in regard to the reality of the applicant's home country (c and d). Scars are supposed to bear witness and be *true confession* to the persecution and fear of the individual, and scientific-based knowledge criteria and disciplinary apparatuses are employed for the establishment of their truthfulness. The above-quoted rejections postulate a causal relationship between traumatic event → fear → traumatized subject, and establish the 'fearful subjectivity' (Nyers 2006) of the genuinely true asylum seeker as a 'traumatized' subjectivity under medical attention. I do not mean to underestimate the effect of violence on the health of survivors, but intend to point out the following: similarly to Malkki's critique related to the a-political and a-historical approach of the 'international refugee regime', so too, by locating the evidence of persecution and fear not in the mental memory expressed through the narration of the applicant, but in his/her bodily memory (Young 1996) – accessed by medical professionals – the experience is stripped of its historical, social and political context, as well as causes. This is reflected in the contemporary understanding of 'trauma', held in the epistemological traditions of medicine and psychodynamic psychiatry respectively, as neurophysiologic or intra-psychic processes, which are both linked to a particular concept of the individual unitary self (Kirmayer 2007, Young 1995).

The quoted study examined 100 cases, in eight of which the lack of medical evidence was named – not as ground for rejection – but as significant fact to decrease credibility when 'allegedly' injuries were sustained. They also stated that, in their sample, five examined cases had supplied medical evidence; while in four there was an explicit reference to it, in one of the four the supplied medical evidence was challenged by the judge. Notably, all cases – including those three where the medical evidence was 'simply acknowledged', as the report states – got refused in the first instance. Mullally indeed reports a case where the medical report attesting to scars on the applicant's body held evidentiary weight in the positive determination outcome (2001: 205).

These findings conform with the few studies undertaken on this topic in other countries, such as Canada (Rousseau 2002, Kirmayer 2007) or the U.K. (Good 2004), which state that there is no clear picture with regard to the evidentiary weight of expert reports (medical certificates or country expert reports) although the request and production of medical certificates is rising in numbers. Their use in the administrative and legal decision-making process is not formally indicated (Rousseau 2002) and there are also conflicting versions of what constitutes 'objective evidence' and different expectations towards the style and content of medical-legal reports (Good 2004). Marked inconsistencies in approach even among the tribunal chairs were noted. An issue of sharp critique by the courts related to the situation when a physician would voice an opinion about the 'credibility' of an asylum seeker: for the courts it is only their responsibility to decide on the overall credibility of an applicant. However, physicians would argue that a judgment on credibility also emerges during their medical assessment aimed at establishing the 'consistency' between physical/mental scars and the story of a person. The divide of medical expertise on the one hand, and juridical authority on the other, emerged thus as a conflicting issue (*ibid.*). In the Irish context, the *Framework Document for the Production, Interpretation and Use of Medico-legal Reports in Determining Refugee Status* constitutes a unique although not legally binding agreement and it remains to investigate how the standardized terminology of the degree of 'consistency' carries different meanings in the medical assessment and juridical judgment.

Concluding remarks

The effort made to establish norms that would guarantee refugee status due to 'fear of persecution' through 'expert witnesses' and standardized assessments politicizes the non-governmental service providers. It might put into conflict the role of the medical staff between rehabilitation and documentation or alter the doctor-client relationship, as research in other countries has suggested (Haagensen 2007; Mandel and Worm 2007). But, above all, it does not actually challenge the 'national order of things', the a-historical and a-political 'refugee-representation' and some basic assumptions in reference to 'fear' and the 'moral economy of care'. The present model might include individuals who experienced torture (although certainly not all forms of torture do leave identifiable traces), but this criterion excludes, *a priori*, private violence experiences and does

not recognize the phenomenology of fear itself. One is dealing not only with the individual experience of a torture victim/survivor, but with its effect of fear, mistrust or insecurity spread through the broader community (see Green 1994, Daniel and Knudsen 1995, Sluka 2000). States are not 'naturally protective' as presumed by the Convention, but also agents of violence, directly or indirectly.

Focusing on physical violence/persecution and political-civic rights leaves behind a broader concern for socio-economic human rights and structural violence and becomes problematic when considering the UNHCR statement that 'displacement in the 21st Century' requests a 'new paradigm', because 'people do not just flee persecution and war but also injustice, exclusion, environmental pressures, competition for scarce resources and all the miserable human consequences of dysfunctional states' (http://www.unhcr.org/events/4860b4272.html). It is important to investigate the consequences that contemporary moves in EU 'harmonization' of asylum procedure have in regard to this. In this perspective the African (1968) and Latin American (1984) modifications of the Convention definition seem more realistic and their criteria for guaranteeing refugee status include man-made disaster, generalized violence, foreign aggression, internal conflicts, and massive violations of human rights (Nyers 2006: 143). This is reflected also in the way the concept 'trauma' is understood differently, which has been pointed out at the concluding conference of the project on 'Traumatized Refugees in the EU'[12]: while the interpretation of 'trauma' as psychiatric category or psychodynamic process locate it within the individual, many African or Latin American scholars tend to highlight the social and political context. 'Traumatization' – and its cure – are then not individual but a broader process of society. State sovereignty over a territory and the understanding of individuals as subjects of rights and as objects of discipline are central for understanding the refugee system. However, in his 1977–78 lectures on *Security, Territory, Population* Foucault individuated the 'problem of circulation' (2007: 64) and ideology of the freedom of circulation – both of people and things – as essential historical moment in the genealogy of what he refers to as governmentality: a form of power – of bio-power – which emerged in the eighteenth century and operates through regulation, management and control of individuals and populations. The apparatuses of security (concerned with the security of population) have not substituted an individual application of law and discipline, but use them in order to regulate and control reality (not to prohibit or prescribe it) (2007: 47). The production of medico-legal reports – although their actual weight in the evidentiary assessment is unclear – can be understood as a particular practice of knowledge production employed in the administration of 'individualized' population. The problem is still posed as that of 'allowing circulations to take place, of controlling them, sifting the good and the bad …' (2007: 65): of establishing and producing the

legitimate and illegitimate, the authentic and the fake. Hospitality being framed between humanitarian ideology and pragmatic politics, the inclusion/exclusion of populations is controlled through the application of specific knowledge and truth criteria in the name of *protection* and *security*, less for the refugee, than for fortress Europe.

Notes

[1] Article 33 of the Refugee Convention and Article 3 of the Convention against Torture (CAT) state that 'No state shall expel, return, or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.'

[2] The Amsterdam Treaty resulted in the amendment of the Treaty of the European Union (TEU Title I, Art. 2) as well as in the inclusion of a new title into the Treaty of the European Communities (TEC) which addresses the development of a communitarized first pillar policy related to 'visas, asylum, immigration and other policies related to free movement of persons'. Ireland, not signatory of the Schengen Agreement, has reserved its right to 'opt-in' on particular policies.

[3] The following were brought as resettlement refugees to Ireland: 350 persons from Hungary (1956), 120 from Chile (1973), 803 from Vietnam (1979–2000), 26 from Iran (1985), 1,341 from Bosnia (1992–2000), 1063 from Kosovo (1999–2000) – and recently refugees from Burma (2007) and Sudan (2008). At the institutional level, only in 1992 was the Refugee Agency established under the Department of Foreign Affairs, responsible for the admission, reception, and resettlement of convention refugees (by working with the State as well as with local communities); this was replaced in 2001 by the Reception and Integration Agency (RIA) under the Department of Justice, Equality and Law Reform.

[4] The most popular destinations for the 548,000 new asylum applications registered in 2007 worldwide are the United States (9.3%), South Africa (8.3%) and Sweden (6.6%), the former two also holding the highest number of pending cases (UNHCR 2008a). Of the 338,000 applications made in 'industrialized countries', the member states of the European Union received 222,900 (66%), the year 2007 showing for the first time a rise in numbers, after a five-year period of decline (UNHCR 2008b).

[5] The Reception Conditions Directive, the Asylum Procedures Directive, the Qualification Directive and the Dublin Regulation.

[6] Austria, France, Germany, Italy, the Netherlands, Slovenia, Spain, Sweden and the United Kingdom participated in this project. See also Watters *et al.* (2002–03) *Good Practices in Mental Health and Social Care for Asylum Seekers and Refugees.*

[7] The DSM is published by the American Psychiatric Association and provides diagnostic criteria for mental disorders. The current edition in use is the reviewed

DSM IV (DSM-IV-TR 2000).

[8] see *Dáil Éireann* – Volume 476 (25 March, 1997); *Dáil Éireann* – Volume 473 (22 January 1997); *Dáil Éireann* – Volume 486 (29 January 1998).

[9] 'SPIRASI is a humanitarian, intercultural, non-governmental organization that works with asylum seekers, refugees and other disadvantaged migrant groups, with special concern for survivors of torture' (www.spirasi.ie). In 1999 SPIRASI started as a 'Centre for the Education and the Integration of Migrants' (CÉIM), providing language, computer training and promoting public awareness. Since 2002 it has a team that provides health information to reception centres and has undertaken also various artistic projects with the clients.

[10] In 2006 the CCST had 377 new registrations and provided 113 medico-legal reports (Begley, 2007: 3–4). The new registrations are about 10% of the annual asylum applicants; in 2006 ORAC received 4,314 asylum applications and finalized 4,784 cases; among those 397 were granted refugee status.

[11] The Istanbul Protocol is a 'Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' and was drafted in 1999 by 75 experts in law, health and human rights from 40 organizations. It was adopted by the UN in 2000, but is not internationally legally binding. It states that interviews can be made for judicial or medical purposes as well as for documentation; however, 'the broad purpose of investigation is to establish the facts related to alleged incidents of torture'. The main applications of the Protocol are the identification of perpetrators, bringing them to justice; support of political asylum applications; establishment of conditions for obtainment of false confessions by the state; regional practices of torture; medical evaluation used to identify therapeutic needs of survivors and as testimony in human right investigations. The Protocol has been promoted by the IRCT: www.irct.org. (14/01/2008) and its application in the asylum procedure has been recently discussed (R. Bruin *et al.* 2006).

[12.] Trauma, according to Elise Bittenbinder in the opening presentation in Florence 2006, implies difficulties in its definition. It can be interpreted as medical concept like the nosological category PTSD in psychiatry, but also as psychodynamic process or as a socio-political process. While the difference between the first two definitions – and I refer to Young's writings – lie in the fact that for the former 'a symptom is meaningful because it is juxtaposed with other symptoms in stable formations (syndromes). In psychodynamic discourse, on the other hand, symptoms are polymorphic expressions of processes that are played out beneath the surface.' (1995: 96–97). http://www.emzberlin.de/projekte_e/pj53_pdf/final_conference.pdf. (14/01/2008).

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'Diversity' in the Balkans: Balkanism, Anthropological Approaches to the State, and the Political Realities of the Contemporary Balkans[1]

Jelena Tošić

This article presents some initial thoughts on the controversial issue of 'diversity' in the Balkans from an anthropological perspective. It begins by discussing the opposing ways of seeing and explaining 'diversity' in the Balkans, a pattern I term the 'Balkan Paradox', and herein I focus on anthropological contributions in this context. Further, I will make use of contemporary work on the anthropology of the state, Michel Foucault's notion of governmentality, and Benedict Anderson's thoughts on the census and maps as instruments of power. Finally, I will conclude the article by applying these considerations to the case of contemporary Bosnia.

'Diversity' in the Balkans, and the 'Balkan Paradox'

Over the past two decades the 'Balkans' have not only been the site of horrific conflicts, which resulted in the dissolution of the former Yugoslavia, but also the site of various interpretations and attempts to theorize those same conflicts through the analysis of local ethnic, religious and linguistic 'diversity'. Following some recent elaborations on the ambivalence of the Balkan stereotype (e.g. Muršič 2007), I would like to deal here with what I would call the 'Balkan paradox' – a notion referring to the simultaneous existence of two patterns or imaginaries regarding the issue of diversity in the Balkans (within academia, the media, politics and everyday discourses). The first imaginary builds on the vision of the so-called 'ancient hatreds,' well known from the media reports on the Yugoslav wars of 1990s. The second and opposing imaginary pictures the Balkans as a place of harmonious coexistence, inter-ethnic tolerance and 'shifting,' 'fluid,' 'hybrid,' etc. identities (e.g. Duijzings 2000, Jezernik 2004).

The first part of the paradox is a result of a historically developed way of imagining the Balkans. According to the seminal work of the historian Maria Todorova, 'Balkanism' – which according to her is the pattern of thought through which the 'West' imagined this region – is a genuine category and not just a variation of Orientalism, as elaborated by Edward Said. The

Balkans, she argues, unlike the 'Orient,' were and are being imagined as a concrete historical and geographical region, characterized as poor, backward, medieval, brutal, heroic, beset by conspiracies, masculine, as a crossroads and a bridge, as 'semi' (that is semi-civilized, semi-colonial, semi-developed), etc. First and foremost, and this is Todorova's core argument, unlike the Orient which represents the 'complete other,' the Balkans, due to its transitional, 'semi' or liminal character, are rather the 'incomplete self' of the West and of Europe (Todorova 2009: 18). As the Slovenian anthropologist Božidar Jezernik puts it:

> Western travellers crisscrossed the Balkans in every direction; a lot of them actually did not see it for itself. The land and its people merely served as a kind of mirror in which they saw themselves and noticed, first and foremost, how advanced and civilized they were. In this respect, we can argue that there can be no Europe without the Balkans. (2007: 14)

The Balkanist discourse has lent itself to a new term in academic and everyday language: 'Balkanization'. Originally coined after the WWI to describe the fragmentation following the demise of the Ottoman Empire[2] and redeployed to speak of the conflict in the former Yugoslavia, 'Balkanization' refers to, according to Todorova, 'not only … the parcelization of large and viable political units, but also had become a synonym for a reversion to the tribal, the backward, the primitive,

the barbarian' (Todorova 1994: 453).

'Balkanization', then, acts as something of a keyword (to borrow from Raymond Williams) around which a semantic cluster of other terms and ideas have formed, and also as the nexus in a web of ideas that are more or less interconnected: 'Balkanization' denotes the welling up of 'ancient hatreds' or the metaphor of the 'gunpowder barrel' (Serb. *bure baruta*, germ. *Pulverfass*) referring both to the war and the succession states of former Yugoslavia. In short, the conflict potential which caused the violence of the 1990s is imagined as an essential and potentially explosive ingredient of the Balkans, which makes further conflicts, that is 'explosions,' possible at any time.

But this is only one, although I would say dominant, side of constructing the Balkans. The other element of the 'Balkan paradox' involves imagining the Balkans as a place of self-managing 'diversity,' of 'fluid,' 'hybrid' and 'shifting' identities. This imaginary is also a part of the socialist legacy and may be found in the ideology of Yugoslavism, when the state, that is, the socialist regime, promoted itself as the space of diversity, or, in the preferred language of the time, as a space of 'brotherhood and unity' regardless of ethnicity.

The bottom line of imagining the Balkans as a space of diversity and tolerance is the argument that the violent conflicts in the Balkans (not only the most recent ones) are actually not merely the proof of 'ancient hatreds'; rather, so the argument goes: they represent the culmination of Europeanization/Westernization, that is, they result from the imposition of the western nation-state model onto a genuinely diverse, multicultural or/and 'hybrid' region. This conclusion is a core element of the well-known nationalist and essentialist argument that through the imposed processes of 'Europeanization,' 'Westernization' and 'Globalization' the Balkans are loosing their authentic 'identities'. But beyond this, variations of this argument can be found in quite a few academic texts. For example Todorova herself – while always pointing out the crucial importance of the Ottoman legacy of tolerating difference through the Millet-system – concludes a discussion of the Yugoslav wars of the 1990s thus:

> From this point of view the Balkans were becoming European by shedding the last residue of an imperial legacy, widely considered an anomaly at that time, and by assuming and emulating the homogeneous European nation state as the normative form of social organization. It may well be that what we are witnessing today, wrongly attributed to some Balkans essence, is the ultimate Europeanization of the Balkans'. (2009: 13)

In a similar way, and after having impressively described the cultural history of the Balkans during and after the Ottoman rule, the Slovenian anthropologist Božidar Jezernik concludes:

> We have seen how vigorously the people of 'the mountainous peninsula' struggled to progress and how splendid were the results of their efforts to Europeanize.

But in the process the quality that present-day Europe proudly claims as its foremost virtue was eliminated: tolerance of diversity. Travellers on our Balkan tour may in addition notice a curious fact: while the Balkans is now making every effort to be part of Europe as it once was, Europe now defines itself on the basis of its difference from the East, the Balkans included, and claims to be what the Balkans used to be for centuries. (2007: 20)

Anthropological Approaches to 'Diversity' in the Balkans

Following Jezernik, one may ask: how have anthropologists broadly engaged with the Balkans and with the specific issues I have identified as the 'Balkan paradox'? It will come as no surprise that anthropologists generally tend to 'deconstruct' or de-essentialize the way the Balkans have been constructed. There have been a number of recent anthropological contributions along these lines, such as, for example, Pamela Ballinger's (2004) work on constructing 'authentic hybrids' in Istria, Robert Hayden's (2007) controversial work on Bosnia, which recently triggered a debate in *Current Anthropology*, and Jane Cowan's (2000) work on identity and difference in Macedonia. Here, however, I draw specific attention to Ger Duijzings' work on multi-ethnicity in Kosovo (Duijzings 2000).

Through his analysis and choice of case studies, Duijzings turns against the dominant Balkanist theses of 'ancient hatreds'. He opposes the image of static collective identities composed of intrinsically antagonistic groups by stressing the complexity, ambiguity, and fluidity of identities in Kosovo, which formed the basis for common patterns of peaceful coexistence in this region. Duijzings does this by focusing not just on the two largest (ethnic) groups in Kosovo, Albanians and Serbs, but also on ethnic and religious groups that have what could be called a 'hybrid' identity, such as Roma, Goranci, Crypto Catholics or Bektashi. In order to investigate these identities in Kosovo (as well as in Albania and Macedonia), one example he uses are the so-called Goranci. Goranci are Muslims who speak a Slavic dialect (Duijzings 2000) of which some used to refer to themselves as Turks. It is precisely such groups as the Goranci who unsettled the Serbian and Albanian nationalist discourse and were forced to declare as either Serbs or Albanians. That is to say, the nation-state did not tolerate ambiguous identities.

Much can be learned about the ways in which nation-states manage identity by returning to Benedict Anderson's well-known argument that nation-state and imperial modes of government in fact share a certain grammar. Discussing the rise and fall of colonial governmentality in South East Asia, Anderson noted how the management of the colonial world necessarily involved imposing unambiguous, clearly 'territorialized' and 'historicized' identities through such instruments as the census, the map and the museum. These are understood by Anderson as specific institutions of

power that were crucial to the formation of national consciousness and, later, nation-state rule (Anderson 1991: 163-185). I will return to these arguments when discussing the case of contemporary Bosnia.

Considering 'identity' and 'diversity' in Kosovo and the Balkans in general Duijzings argues:

> People often changed their ethnic identity or converted to another religion without completely abandoning and forgetting the legacy of previous identities. Because of these historical experiences of conversion and 'mimicry' (the outward adoption of an identity for the sake of survival), and the consciousness of mixed and composite origins, there is often a high awareness of Balkan inhabitants that most identities should not be taken for granted: they are often regarded as 'guises' or 'constructs' that may be accepted or rejected (2000: 15).

In stark contrast, Hayden's controversial work on contemporary Bosnia is based on the claim that anthropologists (and other academics) as well as officials did quite the contrary: they constructed the image of Bosnia marked by a tradition of tolerance toward diversity. The crucial point of Hayden's argument is that Bosnia's citizens reject this image. Hayden concludes his text on war-torn and post-war Bosnia as follows:

> In Bosnia, I argue, well-meaning outsiders have tried to impose their own view of community on peoples who reject it. Indeed, the whole enterprise of the international community in post-war Bosnia may be seen as an attempt to create a single society in a setting in which a large portion of the natives successfully fought a war to prevent just that result.' (2007: 108)

The Anthropology of the State and the Management of Diversity

An important access route for anthropologists interested in diversity in the Balkans is that of the 'state'. In their introduction to *The Anthropology of the State* Sharma and Gupta (2006) explore the ways anthropology can approach the complex (and necessarily interdisciplinary) phenomenon of the state in the context of globalization. Rather than seeing the state as an '*a priori* conceptual and empirical object,' anthropology is interested in how the state 'comes into being' in the first place; and, moreover, how it manages to 'successfully represent itself as coherent and singular' (2006: 10) and as the supreme manager of institutions and identities.

For Sharma and Gupta, anthropological discussions of the state must take cognizance of processes and forces that transcend the (nation) state and include broader issues of how individuals and populations are governed and govern themselves. They therefore turn to the work of Michel Foucault and especially to his work on governmentality (Foucault 2007). Borrowing from Foucault they argue that the state must be seen as '… but one node (although at times a 'coordinating' node) in a horizontal network of institutions and individuals through which power is

exercised, and not the vertically highest institution in which power inheres' (Sharma and Gupta 2006: 25). In the course of framing the anthropological approach which incorporates both the state and the broader space of governmentality as elaborated by Foucault, Sharma and Gupta speak about the 'cultural constitution of the state' which evolves through two spheres: everyday practices of state agencies, and representation. In terms of everyday practices, the state constitutes itself through bureaucratic authority, which itself is constituted through mundane and repetitive administrative processes where citizens 'encounter' 'the state' on a daily basis—in registry offices, at work, in ministries, etc. Apart from constructing and enacting authority through everyday practices in this way, the state also defines the identity and hence the rights of its citizens. In terms of representation, the 'anthropological lens' can be directed towards symbolic or ritual processes, such as the flag, the hymn, commemorations, public holidays, etc. Through everyday practices and representations, the state also defines, following Veena Das and Deborah Pole (2004), its 'margins', which on the other hand are constitutive of the state that is, its politics of belonging.

Against the background of these thoughts on anthropology of the state, I will briefly deal with the realities of managing diversity in contemporary Balkans. My question in this context are: in a region in which recent violent conflicts aimed to reduce or even eliminate diversity, how do states construct diversity and belonging? How and where do people encounter those definitions? And how do those definitions influence their (everyday) lives, their understanding of identity and belonging? In order to deal with these questions I will focus in an explorative way on the case of Bosnia.[3]

As is widely known, the former Yugoslav republic of Bosnia was a site of violent conflicts from 1992 to 1995 and thereafter, through the Dayton agreement, Bosnia was founded as a tri-national state, a state of three so-called 'constituent people': the Serbs, the Croats and the Bosniaks. Before the war, Bosnia was a multi-ethnic Yugoslav republic and it was possible to have a 'Bosnian' identity, regardless of religion. Religion, which in this case corresponds with ethnicity, was and is the crucial (some would say the only) difference between the aforementioned groups, who spoke the same language/dialect, shared territory and lived with a high percentage of intermarriages, etc.

How is Bosnia composed today, after the war, and how is it being (hegemonically) represented, and by whom? Keeping in mind Benedict Anderson's work on colonial nation-building through specific instruments of government such as the census, map and museum, it is important to examine the maps of Bosnia (see below) which are displayed on the internet site of the Office of the High Represenatative.[4] The maps may be viewed as an illustration of the unity, respectively the interplay, of representing and governing diversity in the Bosnian case. On the first map we see Bosnia before the war in 1991, which quite clearly visualizes the popular metaphor of the 'Bosnian mosaic'. It is this metaphor/ imaginary of a 'mosaic' that has recently been taken up and critically examined by anthropologists working in the region (see Bougarel, Helms and Duijzings 2007). The mosaic is a metaphor of diversity *par excellence*,

which constructs the Balkans as a space of tolerance and diversity but in so doing obscures the complex and multilayered character of diversity in Bosnia. The phantom objectivity of the cartography of ethno-nationals leaves unexplored other aspects of difference such as patterns of urbanization and rurality, gender, generation, class and occupation (Bougarel, Helms

Ethnic composition before the war in BiH (1991)

1991

Croats - more than 66%
Croats - 50-65%
Croats - up to 50 %

Bosniacs - more than 66%   Serbs - more than 66%
Bosniacs - 50-65%   Serbs - 50 - 65%
Bosniacs - up to 50%   Serbs - up to 50 %

Federation of BiH

8 Number of the Canton
   IEBL

1 - Una Sana (Bosniak)
2 - Posavina (Croat)
3 - Tuzla Podrinje (Bosniak)
4 - Zenica Doboj (Bosniak)
5 - Bosna Podrinje (Bosniak)
6 - Central Bosnia (Mixed)
7 - Herzegovina Neretva (Mixed)
8 - West Herzegovina (Croat)
9 - Sarajevo (Bosniak)
10 - Herceg Bosna (Croat)

Bosniak Canton
Croat Canton   } Federation
Bosniak-Croat Canton
Republika Srpska

Sources:

http://www.ohr.int/ohr-info/maps/images/ethnic-composition-before-the-ware-1991.gif

http://www.ohr.int/ohrinfo/maps/images/federation-of-bih.gif

and Duijzings 2007: 2). At the risk of eliding the multifaceted complexities of recent history, it is possible to argue that thinking about Bosnia is overshadowed by processes which marked Bosnia through and after the war wherein various estimates suggest that between 90,000 and 200,000 persons lost their lives or remain missing – a 'territorialization of ethnicity,' as the political scientist Florian Bieber has it (2006: 3).
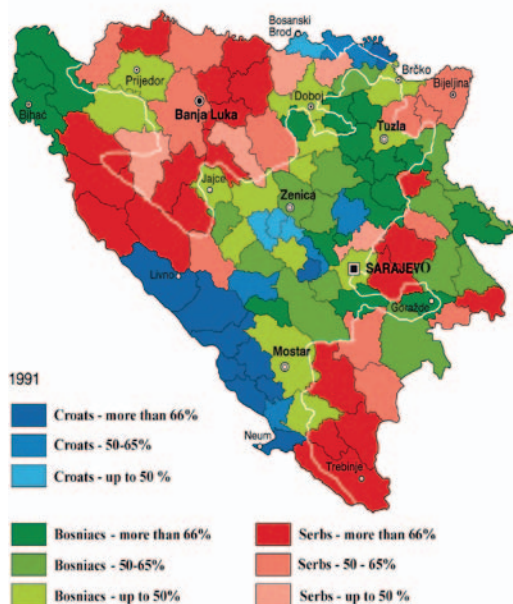
Thus, when we examine the second map, which shows Bosnia today, the contrast speaks for itself: the 'mosaic' is gone. Its complexity and 'colourfulness' is replaced with an image marked by four clear un-graded colours and sharp-cut territorial boundaries. It describes Bosnia today as composed of two entities: Republika Srpska, where most of the Serbs live, and the Federation of Bosnia and Herzegovina, mostly inhabited by Bosniaks and Croats living in separated cantons.[5] Thus, through the process of 'territorialization of ethnicity,' post-Dayton Bosnia seems to represent quite the opposite process to deterritorialization (Gupta and Ferguson 1992: 9) or the progressive detachment of territory and identity that appears to be one of the most pronounced features of the present moment of globalization.

Beyond the maps-as-images, the crucial aspect of this territorialization of ethnicity is that we are in fact studying maps-as-instruments by which diversity is managed. The process is one of controlling diversity by and 'arranging' it territorially, 'fixing' diversity and rendering it as a concrete lived experience by transposing the imaginary into the institutional processes and governance structures of Bosnia. As Florian Bieber explains, significant power was given to ethnically homogenous regions (such as municipalities, cantons or entities), but at the same time 'light' power-sharing arrangements were established to promote minimalist joint institutions (2006: 4). Without going into the details of this complex case of multi-ethnic and multilevel governance, I will just mention that it has seven levels, fourteen constitutions and more than one hundred ministries.
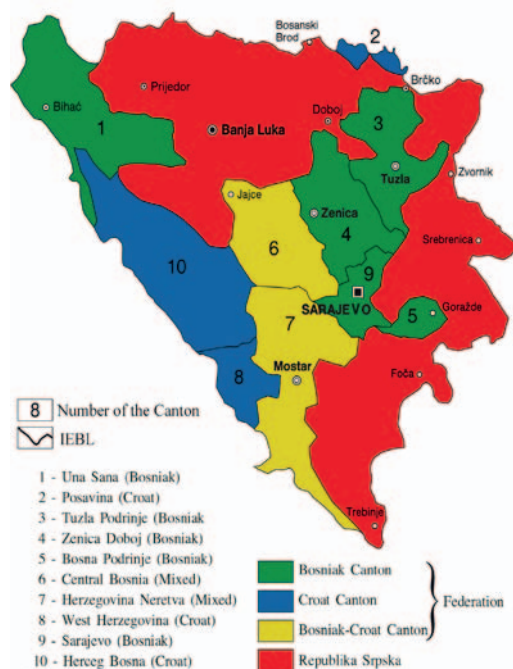
These governance structures were installed by the 'democratic West,' which leads us automatically to the well-known liberal critical conclusion and, in a way, the second paradox I mention in this article. In order to stop the conflict and prevent future conflicts in Bosnia the International Community created a state based on the very same principles that marked the war – the 'ethno- territorial' principle.

How might we approach this complex and contradictory case of managing diversity from an anthropological perspective? Let us recall the levels of inquiry proposed by contemporary anthropological approaches to the state: the call for attention to everyday practices, representations and margins. At least one aspect of the always-emergent, and state-constituting, 'everyday practices' of Bosnian governance is the requirement to 'declare' one's identity. This has very 'real' consequences in Bosnia. Unless one can declare oneself to belong to one of the three constitutive peoples, one cannot for example realize all of the rights guaranteed

in democratic states. In this context, it is important to keep in mind that the 'constitution' defines Bosnia and Herzegovina as the state of Serbs, Croats, Bosniaks, 'Others' (with capital 'O') and 'citizens'. The category 'Bosnian,' for example, where someone could identify as a citizen of a multi-ethnic state, a historical region or express his or her Yugo-nostalgia, simply does not exist.

One right which is confined to constituent peoples only is candidacy in political institutions such as the office of President. In the famous 'Finci case', before the European Court for Human Rights, Jacob Finci, the Chair of the Bosnian Jewish Community, brought a case against Bosnia because he was not allowed to run as a candidate for President due to the fact that his declared Jewish identity does not conform to the governmental imaginary of the three constituent peoples.[6]

Apart from this case, which could have far reaching consequences for the state of Bosnia and its constitution, another example 'drawn from everyday life' is the issue of public holidays. While it does not immediately suggest itself, the practice of regulating holidays can justifiably be seen as an aspect of governmentality because it involves a process of managing the 'conduct of people's conduct,' what may be considered to be 'public' or 'private', 'work' or 'leisure', even to the level of regulating space and time (Foucault 2007: 245). As Nataša Bošković concludes in her discussion of socio-economic and cultural rights in Bosnia, discrimination begins at the point where someone has to declare their religious identity – taking for granted that they have one in first place – in order to have the right to a holiday and the consequent two-days of absence from work (Bošković 2009: 11). A crucial inconsistency in this context is that religious holidays in one part of a tri-national state (the Federation) are not designated as public holidays at all. So what statement does 'the state' make to its citizens? It is not simply a statement on a divided society, where one has to belong to certain categories in order to be able to realize one's rights; rather, it turns on the ethnic/religious principle and yet the institutionalization of this principle is inconsistent. If *all* religious holidays would be public holidays for *all* citizens regardless of religious affiliation, recognition of diversity would be at least partly given. Nataša Bošković concludes in this regard:

> The absence of a formal recognition of religious holidays as public implies a series of problems that ultimately lead to the breach of economic, social and cultural rights. The way in which religious holidays are regulated by the law produces inequalities and discrimination.' (Bošković 2009: 13)

It is especially significant that in Bosnia the 'democratic West' built a 'state' in which, to follow Veena Das and Deborah Pole (2004), rights are constrained at the 'margins' and there we encounter not just 'Other' collective identities but also the citizen. Little wonder

that the local slang in Sarajevo makes use of the inherent ambiguity, a recognition of oppression and a refusal of governance through reification of ethnic/religious group as the material of language: namely what one can be in Bosnia today is best described as being a 'shitizen'. Although one will automatically laugh upon hearing this expression it actually has a very serious content: it expresses the self-irony of a people who survived the war, chose a non-collective identity in a democratic state designed by the West and are ironically marginalized for being 'just' citizens.

Conclusion

From the Bosnian constitution to the practices surrounding public holidays, much may be gained from exploring governmentality beyond a restrictive frame of 'the state'. Of central concern in this article is the ways through which diversity is institutionalized as the basic principle of the state, but, at the same time, one may also witness the selective recognition of difference and thus manage diversity through the exclusion of 'Others', both ethnic or religious groups and those citizens who do not want to declare themselves within a collective identity. This is not simply a 'tension between ethnic belonging and being a citizen', rather this kind of paradoxical diversity management has a direct impact on all aspects of life: employment, leisure, political activity, the historical image of diversity which is being transmitted to future generations in schools, dealing with war crimes committed in the recent past and hence reconciliation, etc. In a way this bears a suspicious resemblance to Tito's diversity policies of tabooing and sanctioning ethnicity and nationalism in favour of a new Yugoslav identity and at the same actually glorifying, ritualizing and institutionalizing diversity. One may only think of the 'torch relay' where a torch symbolizing the unity of Yugoslav peoples was carried through every republic until it finally was handed over to Tito. However since the present and the future of Bosnia (and the Balkans) is marked by the transnational process of 'European Integration' – another model of unity in diversity – it remains to explore the 'ritual,' ideological, governmental and everyday aspects of diversity in the Balkans on this different scale.

Notes

[1] This paper is based on a talk given at the Erasmus Intensive Programme "Movement 2: World Culture and Nation States" within the joint master CREOLE (Vienna, 12-23.7 2009). I would like to thank Thomas Fillitz and Anna Streissler for inviting me to present a talk and in particular I would like to thank Mark Maguire for his comments and suggestions.
[2] Balkanization, 2009. In *Encyclopedia Britannica*. Retrieved November 20, 2009, from Encyclopedia Britannica Online: http://www.britannica.com/EBchecked/topic/50323/Balkanization

[3] My exploratory discussion of the Bosnian case in this paper owes a lot to my friend and colleague Nataša Bošković who is dealing with the issue of managing cultural diversity in Bosnia from a political science and human rights perspective.

[4] The Office of the High Representative (who simultaneously is the EU Special Representative) is an *ad hoc* international Institution created through the Dayton Peace Agreement (1995) which is responsible for overseeing implementation of civilian aspects of the accord ending the war in Bosnia and Herzegovina (http://www.ohr.int/ohr-info/gen-info/default.asp?content_id=38519).

[5] There is also the special case of the so-called Brčko district, which is multiethnic and has an autonomous local government.

[6] Finci brought the case against Bosnia together with representative of the Bosnian Roma, Dervo Sejdić (http://www.danas.org/content/finci_sejdic/1746150.html?spec=1

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Book Reviews

This volume is a continuation of Aihwa Ong's long-term preoccupation with the shifting cartographies of power, contingency and resistance that accompany the era of globalization. With neoliberalism as its terms of reference and point of entry, this book presents a welcome and timely addition to the contemporary discussions of neoliberalism. As a contested term, neoliberalism entails different readings by different people. Some see neoliberalism as a more aggressive form of capitalist imperialism spearheaded by the United States; others view it as an umbrella term for market-based policies. Nevertheless, neoliberalism is popularly understood as an economic doctrine that celebrates the primacy of the market and denounces government interventions. Running counter to this predominant view, Ong sets out to offer an alternative perspective by conceptualizing neoliberalism as a highly pliable 'technology of government' (p. 3) that can be utilized in different ways by different regimes to meet specifically calculated goals of optimization.

Drawing greatly on the governmentality school led by Michel Foucault and Nikolas Rose, Ong seeks to capture how 'relationships between governing and the governed, power and knowledge, and sovereignty and territoriality' are reconfigured (p. 3). In contrast to the predominant focus on the North American experience of neoliberalism, Ong directs her empirical attention to the East and South-East Asian region, an area which has long been neglected in scholarship on neoliberalism.

As a collection of ten essays most of which have been published over the past decade, this book covers a spectrum of issues ranging from pro-capitalist Islam and women's rights in Malaysia to the mobilization of Chinese ethnicity on the Internet, and from China's creation of special market and administrative zones to the plight of Filipina and Indonesian domestic workers in Singapore, Malaysia and Hong Kong, and Singapore's project of becoming a hub of scientific expertise and the indentured high-tech servitude in Silicon Valley.

Ong's conceptual endeavour is thought-provoking because she theorizes neoliberalism together with the concept of 'exception' chiefly informed both by Carl Schmitt and Giorgio Agamben and formulates two analytic domains: 'neoliberalism as exceptions' and 'exceptions to neoliberalism,' where sovereign power and regimes of citizenship are articulated and disarticulated. According to Ong, 'neoliberalism as exception' is applied in 'sites of transformation' (p. 3) where the market figures as the main principle dictating the management and administration of resources, spaces and populations. A telling example of this is presented in Chapter Four titled 'Zoning Technologies in East Asia' where Ong discusses how state strategies are informed by neoliberal logic to actively produce conditions of possibility to facilitate cross-border networks and enhance global competitiveness (p. 99). The state deployment of zoning technologies, Ong argues, creates, accommodates and negotiates a spectrum of varied governing regimes within the broader context of normalized rule. According to Ong, the political outcome of zoning strategies is 'an archipelago of enclaves, the sum of which is a form of variegated sovereignty' (p. 103) whereby differentiated forms of social entitlements and economic regulation are applied to different segments of the population. In the case of China, Ong goes further to contend that the creation of special economic and administrative zones works as a detour on the road to political integration of disarticulated political entities such as Taiwan and Hong Kong.

In addition to 'neoliberalism as exception,' Ong notes that 'exceptions to neoliberalism' are also invoked, especially politically, as a mechanism to 'exclude populations and places from neoliberal calculations and choices' (p. 4) and thus deny an equal distribution of the fruits of neoliberalism. This is described in the chapter called 'A Biocartography: Maids, Neoslavery, and NGOs' where Ong tells the unfortunate stories of Filipina and Indonesian female domestic workers in affluent neighbouring countries such as Singapore, Malaysia and Hong Kong. The lives of these migrant workers bear witness to how neoliberalism can be malleably instrumentalized as a double-edged sword of individual freedom and mobility articulated and disarticulated by and within varied regimes of governing.

The yoking of neoliberalism and exception is innovative and more significantly, it unsettles the rigid state-population-territory framework commonly seen in studies of sovereignty and citizenship. By focusing on the interplay of exceptions in some developmental states in East and Southeast Asia where 'neoliberalism itself is not the general characteristic of technologies of governing' (p. 3), Ong persuasively maps out an anthropological problem-space constituted by specific alignments of market rationality, sovereignty and citizenship that shape contemporary 'regimes of living' (Collier and Lakoff in Ong and Collier 2005: 22–39). More importantly, Ong's linking of neoliberalism with the concept of 'exception' presents a convincing critique of Agamben's rigid bifurcation of the population into two halves: zones of citizens enjoying political rights, and zones of 'bare life' deprived of citizenship protections. Drawing on her empirical studies, Ong proposes that 'the space for problematizing the human

is a milieu constituted by a nexus of multiple ethical regimes' (p. 197).

This said, there are several reasons to be critical of Ong's text. First, the idea of 'exception' implies the existence of a normative order which precedes it and, indeed, constitutes it by disguising the exception within the norm. Ong mentions this point only in passing in the introductory chapter (p. 3) but fails to clearly address what the normative order is in each specific milieu of her investigation. Furthermore, despite the novelty of linking neoliberalism with the notion of 'exception,' the fruitfulness of this approach is questioned when acknowledging that modern capitalism is essentially a volatile system characterized by unevenness, a tension described by Karl Polanyi's as 'double movement' (Polanyi 1944 cited in Ong 2006: 10). Ong intends to employ the logic of exception to articulate a political space or 'latitudinal space' (see Chapter Five) where a mix of disciplinary, regulatory and pastoral technologies interacts to instill self-discipline and promote self-enterprising ethos (p. 79). With this, Ong makes a strong argument against the common assumption of capitalist systems as transitioning from 'disciplinary to regulatory modes of control' (p. 121). And yet, there are significant parallels between Fordist and post-Fordist eras as illustrated, for example, in Ong's description of the 'return of the post-Fordist sweatshops to North America' (p. 121). Thus, the 'exceptions' that Ong portrays are not so much 'exceptional' as 'normal.' Second, despite Ong's claim that this book sets out to conduct an 'ethnographic inquiry into contemporary mutations in citizenship and sovereignty' (p. 10), Ong's analysis is not so much ethnographic as descriptive, which not only attenuates the weight of her analysis but also runs the risk of giving more discursive power to the advantaged such as the states, technocrats and NGOs. Third, there is a lack of an account of methodology in this book. The emerging problem-space that Ong has tried to sketch throughout the book appears incredibly complex and diverse, so it will be of great interest and help for other anthropologists as well as anthropological students to learn about her methods of analysis.

These comments aside, Ong's book is a stimulating text that challenges common wisdom of neoliberalism and provides sophisticated ideas and observations of contemporary 'regimes of living.' More significantly, this volume offers important directions for future anthropological research in the studies of governance, citizenship, transnationalism and migration.

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Bryan Fanning, 2009. *New Guests of the Irish Nation.* Irish Academic Press, pp. 228.

In a time when Irish citizens are once again asked to vote for the Lisbon Treaty Referendum, and posters soften voters anxieties with mellow slogans like 'We Belong', Bryan Fanning's *New Guests of the Irish Nation* is useful and is quite possibly necessary reading as it informs debate, sheds light on some historical grey areas and may even provide answers to the many questions that are put to the Irish people in a time of economic and political turmoil. The book is a compilation of essays written between 2001 and 2008 concerning Irish Travellers and asylum seekers, citizenship and rights, integration and discrimination, exploitation of migrant workers, state and power. The book is structured so it can be read in short chapters or as a whole; and, in essence, it confronts political correctness and lifts the veil on the rules of belonging to the Irish *polis*. In this regard, the straightforwardness of Fanning is refreshing.

The first few chapters of the book set a comprehensive and focused historical framework where the links between the production of knowledge and the exercise of power become apparent and to a certain extent give shape to how all the other chapters are to be framed. Giving particular emphasis to mechanisms of exclusion, addressing especially cases of discrimination towards Travellers, Bryan Fanning shines a powerful light on the role of the mass media in conveying political messages and constructing spaces where social cohesion or discrimination can flourish. Equally relevant here are the personal accounts of spatial exclusion, and the fears of a threat to the social order arising the dominant community. The personal comments and accounts of exclusion and discrimination related in some chapters, especially chapter three 'The Remaindered People' where the issue of spatial conflict in rural, urban and sub-urban areas is given a special place through the voices of Travellers and local communities, and chapter eight 'The Citizenship Referendum' where discourses of political and public culture are articulated, add a sense of tangibility to the issues addressed and make informative reading for a wider audience.

In the subsequent chapters Fanning answers some questions regarding cultural recognition and raises other compelling and philosophical ones, theoretically framed in an interdisciplinary manner, citing anthropologists, sociologists, philosophers, policy makers and the media, that aim to conceptualize racism and nationalism in the current Irish context together with the politics of nation-building. In a slightly moralizing approach, the author calls for cultural recognition and integration, and stresses the

role of the state and political discourse while at the same time he also calls for solidarity and human bonds to develop in a climate of social cohesion.

Fanning explores issues of governance, funding, law and accountability which play important roles in the formulation of social and integration policies in a modern society. Perhaps more importantly is the author's call for articulate ideas and leadership for political parties in line with public responsibilities. The idea that integration cannot be bought and that rights and integration go hand-in-hand, is one that breathes throughout the last chapters. The author calls for integration policies to be directed at society as whole and not just immigrants and, how 'the primary goal of any viable integration project should be to close gaps between 'nationals' and 'non-nationals' for the sake of future social cohesion' (p.3). On this specific point, of forms of solidarity and the 'possibility of praxis', I must agree with Gavan Titley, in his review of this same book for *Translocations*, where the issue of 'Self-integration' is more compellingly raised as a 'critical gap to the practice of solidarity'.

Perhaps due to the fact that the book brings together a series of essays, I cannot help feeling that at times it feels a little unfocused and repetitive; however, ultimately it succeeds in making an enormous contribution to the understanding of Irish society and, to making sense of immigration policies and the responses to asylum seekers and immigrants. It is my opinion however that whist Fanning portrays cases of invisibility and marginalization for Travellers, asylum seekers and non-EU immigrants, he is silent to the cultural recognition and integration of EU citizens and the problems and issues they too can encounter when moving to a new country. *New Guest of the Irish Nation* is a comprehensive contextualization of how institutional barriers and mechanisms of exclusion come to form a shell of discrimination and disjointed political policies, whilst state funding agencies struggle on, juggling and balancing funding, ideas and ideals.

Seventy eight years after the publication of Frank O'Connor's short-story 'Guests of the Nation,' which inspires the title of this book, the problems and worries that cast a shadow over Irish nationalism and human relationships in 1931 still seem to obtain. Notions of 'who we are' and 'where we belong' define the criteria for inclusion or exclusion. The people that the Irish nation and state welcomed 10 years ago are now deemed unwanted, the partnership that lasted for a 'decade when the business case for mass immigration found ready acceptance' (p.1) no longer sits so snugly. In the last few chapters, Fanning explores issues of rights in a globalized world and how 'rights and recognition have become wedded to citizenship but that more and more people are outside citizenship in the place where they live' (p90). Moreover, the author makes an argument for the challenges that social cohesion faces when confronted with ethnic nepotism. The concept of ethnic nepotism is central in the development of the author's analysis of the outcome of the 2004 Referendum on Citizenship and the inadequate responses to immigration issues. Equally important, as also pointed out in Titley's review, is the little consideration given to 'racial state' thinking in the book. Whether to agree or disagree in naming the Republic of Ireland a racial State, a close and critical examination of further work, would have, in my opinion, made for a stronger argument.

In the Ireland of today, a book like *New Guests of the Irish Nation* is not only a thought-provoking read based on academic bodies of work, policy reports and the media, it also adds invaluable and insightful contributions to understanding the specific mechanisms of exclusion in contemporary Ireland and the institutional barriers that set the responses to marginalized groups.

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Didier Fassin and Richard Rechtman, 2009. *The Empire of Trauma: An Inquiry into the Condition of Victimhood.* Princeton University Press, pp. 305. [Orig. 2007. L'empire du traumatisme. Enquête sur la condition de victime. Paris: Flammarion]

The Empire of Trauma critically examines the ambivalent uses of trauma as a social category that marks the politics of victimology and calls into question morality, as well as the political and judicial implications attached to the concept. Throughout the book, this theme provides the framework within which to unpick collective and individual experiences, the role of witnesses, judges and aid workers.

The foreword to the English translation sets out the book's goals and content: to move beyond medical discourses on how to face trauma and, rather, seek a re-politicization and historicization of the concept as it has evolved during the last century. It thereby opens up a discussion on how violence might be explored in that particular way. Throughout the book, Fassin and Rechtman, by drawing on various case examples from their (field)work, discuss the social, political, and cultural respectablityrespectability of traumatized 'victims' and draw attention to them not as passive

casualties embodying suffering but rather as active agents shaped by and in turn shaping power relations within our contemporary globalized society.

Fassin and Rechtman suggest that 'trauma is a new name to address the relationship between time and memory, mourning and obligations, misfortune and the misfortunate,' which enables the anthropologist to connect past and present, the powerful and the subaltern, the global and the local. By so doing, they look at trauma not so much in terms of its psychological implications but rather as embedded in a moral economy. In this sense, the authors stake out a critical position on the actual conditions and flows of capital, people, and values that together produce current social realities.

The book is organized into four parts and is composed ofcomprising two *foci*: a historical overview of trauma is followed by a discussion of three case studies that draw on their own empirical data. The first part of *The Empire of Trauma* provides the reader with a rich, chronologically structured and ilyaccessible guide to the evolution and conceptual construction of the term 'trauma,' wherein the authors provide an overview of concepts ranging from hysteria, trauma-neurosis, sinistrosis and survivor syndrome to trauma and PTSD, at each stage discussing the evolution, usage, social reception, and political implications of each one within its cultural and historical setting. Yet, due to the straightforward and neutral manner in which the information is presented, new insights will be few and far between for those well acquainted with the topic. However, the interested reader will enjoy the historical embeddedness and socio-political contextualizing of the developments presented.

Style and content change in the second part of the book: perhaps the most worthwhile elements of the text are to be found when the authors train their analyses on their own empirical data. The Politics of Reparation, The Politics of Testimony and The Politics of Truth are the provide the structural headers for the second section, wherein the authors discuss the fields of psychiatric victimology, humanitarian psychiatry, and the psychotraumatology of exile, thereby allowing for reflections on trauma format the scale of thefrom national, international and transnational, as well as from political and socio-cultural perspectives.

In the first case study on the explosion at the AZF factory in Toulouse in 2001 the authors address topics of societal recognition, moral communities, and reparation. They elaborate on psychiatric victimology and the use of the terms 'trauma' and 'suffering' for the building of solidarity and the call for action and compensation. In their discussion (also in chapter four) of the imputability of PTSD as a formally recognized illness, along with its economic, social, and political effects, this part of the book also contributes to current anthropological debates on the economic instrumentalization of trauma. While Fassin and Rechtman do not directly address possible exaggerated uses of 'trauma', their writing is broadly suspicious of its instrumentalization, adding, thereby, to the body of

scholarship that seeks to critically evaluate this trend.

The Politics of Testimony explores humanitarian interventions in Palestine, Armenia and other places of turmoil. Fassin and Rechtman draw the reader's attention to the various roles aid workers and humanitarian volunteers incorporate, and they critically examine western policies of neutrality and ethical standards. They expand their arguments by looking at psychological care giving for victims, perpetrators, and bystanders, whereby ethical boundaries get blurred and empathy, personal interests, and anthropological categories such as Othering become central. Ultimately, so the authors' argument goes, humanitarian aid workers bear witness to events mediated by 'trauma'.

Truth and representation, trauma and its bodily evidence, and juridical, ethical and medical intersections are discussed in the chapter on asylum, titled The Politics of Truth. According to Fassin and Rechtman, discourses of power and representation are at the center of the increasing demand placed on those claiming refugee status to provide evidence of their trauma through 'expert certificates', as legal decisions on asylum become evermore weighted in favor of the provision of medical proof, often including bodily evidence of torture. The delicate issues of asylum policies, human rights and representations of the refugee ask challenging questions of western hegemony and draw attention to political as well as socio-economic power relations in such settings. As asylum claims are often cast into doubt, the authors show how the reemerging phenomenon of suspicion, directed at victims' narrations, shifts the power to judge the authenticity of claims to western enlightened medical experts.

All the case studies examined by Fassin and Rechtman greatly profit from the wide range of empirical data collected separately by the two anthropologists throughout their professional careers. Didier Fassin, who has long worked as a senior medical professional in France and in various French humanitarian organizations (e.g. Vice President of *Médecins sans Frontières*), was recently appointed as the first James D. Wolfensohn Professor in the School of Social Science in (WherePrinceton). He has been connecting anthropology, medicine, and psychology throughout his professional career, becoming thereby a political and moral anthropologist with unique interdisciplinary training and experience. Richard Rechtman, in turn, is a well known French anthropologist, psychiatrist, and editor-in-chief of the French magazine *l'Évolution Psychiatrique.* He has been working as a researcher in the *Institut de Recherche Interdisciplinaire sur les Enjeux Sociaux* and *Ecole des Hautes Études en Sciences Sociales* as well as with the Cambodian Diaspora in France.

The authors' personal background as French professionals and their experiences within French humanitarian organizations clearly positions the book within a francophone setting, adding interesting insights on French history and policies, and should be read from that perspective; nonetheless, the book isn't limited to the French context but allows for general

usage of its theoretical suggestions.

It is worth noting that the final section of the book includes a sophisticated bibliography with a full index of the subjects and names mentioned in the book, making it very easy to go back to certain points of interest and to use the book as a reference text. Furthermore, the work is filled with rich commented footnotes that provide the reader with more than just the usual side-notes to the main text and help illuminate further readings and sources that allow for the deepening of the reader's specific interests.

While the book's stated objective is to write from an anthropological viewpoint, at times there seem to be insufficient connections made with the contemporary scholarly literature on, for example, collective trauma and its consequences for societies. Moments of dialogue with other anthropologists working in the area of state violence and political anthropology – such as Marcelo Suárez-Orozco, Linda Green, or Antonius Robben (who provides a different viewpoint on social trauma and questions of moral universes entailed for victims and perpetrators of state violence) – are infrequent. This could provide a moment of disappointment to the reader looking for comparison or wider discussions on current debates.

All in all, *The Empire of Trauma*, engages with anthropological topics such as representation, narration, and the concept of Othering on a very high level. It provides deep insights into the moral economy of contemporary societies (especially when it comes to the topics of migration and asylum), as well as political and juridical processes at stake in our contemporary globalized society. Finally, it manages to connect these urgent questions with a constant focus on power relations and morality.

With *The Empire of Trauma,* Fassin and Rechtman provide a new and highly valuable perspective on the topic of trauma that contextualizes and critical examines trauma in its own socio-cultural, political, and economized settings. This excellent book makes a profound contribution to the anthropological scholarship and will soon become a standard text to this important area of research.

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Mika Aaltola, 2009. *Western Spectacle of Governance and the Emergence of Humanitarian World Politics.* Palgrave Macmillan, pp. 212.

Anthropologists anxious for new thinking on problems of global governance today may find interest, and perhaps puzzlement, in this volume. Visiting many of the topics that grab today's headlines – the so-called 'global war on terror,' the movements and management of people across international borders, military humanitarianism, the powers of political emergencies – Aaltola invents a fresh, and idiosyncratic, interpretive language for discussing international affairs. If the substantive themes are ones social scientists everywhere are addressing, the figures in Aaltola's analysis are surprising visitors on a stage crowded by contemporary clichés. You won't find Agamben's bios (the way of life proper to an individual or group in a polity) and zoë ('bare life') under the proscenium of this spectacle (and you won't find Agamben or Foucault in the bibliography, let alone Max Weber or Karl Marx). The resulting readings are, then, fresh – if also sometimes fanciful.

Chapters ostensibly touch on specific topoi where emergent and shifting global hierarchies can be sensed. While one chapter contrasts border politics in an expanding EU, a politics of balanced diversity, to the surveillance of US borders, a surveillance signifying the cementing of a secure American identity that demands defending, another chapter finds the fate of empires evoked in the smells of airport lounges. (A substandard departure lounge apparently signifies imperial decline, making this reader wonder what in the world Aaltola would make of Dublin Airport.) The hub-and-spoke world of international air travel comprises for Aaltola an 'aviopolis' and he sees the airline network as an organic skein of relations exhibiting at a global level many of the anxieties shown at national border crossings – and of course, today many of those crossings are at airports. Building on the language of bodies and subtexts of immune function, Aaltola moves from the airport concourse to the medical clinic in a chapter on 'pandemic spectacle': reflexes of both fear and preparedness characterize response to SARS, mad cow disease, HIV/AIDS, and other epidemics. Like an international tourist tarrying for a while in the shopping area of Heathrow's Terminal 5, Aaltola freely samples events and images in compiling his story. He cites televisual broadcasts, paintings by Raphael, classical histories, rumors about George W. Bush, famous speeches about Finnish fortitude ... and the official statistics of the International Air Travel Association. Scanning along, Aaltola never ceases to risk surprising interpretations and juxtapositions. In a chapter ostensibly about border policy, several pages segue into intricate discussion of the image of a man falling from the burning World Trade Center.

All of this interpretative gusto is framed by an early engagement with Thucydides and the Hippocratic medico-political theories that influenced his historiography. Intending to yield a 'neoclassical' theory of political history, Aaltola finds in Thucydides ways for understanding the entanglements of global macro-politics with local micro-politics, as when a conflict in South Ossetia in 2008 melds into larger narratives of imperial (either Russian or US) 'submergence' (regression, decline). Justifications for contemporary wars and conflicts (like the 2008 Georgian/Russian conflict) frequently invoke a humanitarian rationale

and evoke sympathy for the suffering citizen or casualty. Aaltola therefore sees in global politics the swirling 'vortices' (his word) of affect – especially compassion. The book frequently refers to sentiments or 'political emotions', and sees these sentiments incited and sited in the figures that obsess political discourse today: the immigrant, the terrorist, the bureaucrat. Moreover, Aaltola suggests that contemporary war is a symptom of diseased political bodies. Community harmony or balance (Greek: *enkratia*) is threatened by unbalanced and dangerous sentiment (self-interest, greed, anger, temptation) called here, again after Thucydides and Hippocrates, *akrasia*. Akrasia may harden, may doxify so to speak, into a pathological stasis. Communities plagued by this condition, in Aaltola's neoclassical reading, act out – and act outward. Lack of internal harmony, balance, and prudence produces a state or political body which scowls and claws at others, in diversionary wars for example.

What kind of political theory moves from the father of political history to CNN Headline news? I was gladdened by Aaltola's ability to skip past the contemporary analytics of sovereignty currently filling-up thousands of pages in journals and books devoted to critical theory and its cousins, including anthropology as cultural critique. But the very ease with which Aaltola diagnoses political-emotional disorder at the root of contemporary conflagrations causes concern. Writing of the mass media imagery of a would-be migrant lost at sea, Aaltola tells us that "the body in pain is not that of the man himself (the migrant); it is actually felt to be that of Europe or of its individual member states." Here as elsewhere, Aaltola tells us what is 'actually felt', but by whom – and how does he know anyway? This book is comprised principally of readings of mass media images mixed with reference to his neoclassical model of degenerating political bodies that imploded (he refers to 'black holes' of international affairs) and that suck others into the resulting 'vortex.' Spectacle indeed. Aaltola's interpretive style is all image, affect, and zeitgeist (whose voice he assumes). The problem is that global politics seems to be for Aaltola only image and sensory response. While dissecting the visual rhetoric that obscures the victims of collateral damage in the war in Iraq, Aaltola never refers to the political economy of energy supplies. In discussing the hierarchical map of global air travel hubs, Aaltola does not refer to the actual business of air travel, nor to the technological facts (such as the relative ranges of an MD-11 versus a 777) that condition where hubs can be situated. And in criticizing what people putatively 'feel' when witnessing the suffering of a migrant lost at sea, Aaltola himself rushes right past the experience of the figure at the center of his anecdote: a nameless and voiceless man.

Aaltola nevertheless puts on an imaginative and captivating show. Ethnographers, thrilled by the pyrotechnics on display, will be eager to rush to the stage door to talk to the actors and stage-hands who made it all happen.

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Directors Nicky Gogan and Paul Rowley, 2008. *Seaview*. Dublin: Still Films.

The film *Seaview* is an essay in 'killing time', that is, time that is deadening, but that must also be deadened. A portrait of the remaindered lives of asylum-seekers 'warehoused' in a holiday camp, deadening time is visually realized in the sustained attention to mundane institutional space and discarded objects. It is also witnessed, continuously, in the narratives of inhabitants, from those that 'talk alone, in the walking way' to the reflective obsolescence of parents, forced to watch children watching parents do nothing. Being watched doing nothing is pregnant with future cost, and this is the additional toll of deadening dead time. Seeking asylum, in one resident's words, is 'waiting for the zero point', but this waiting is haunted; what if deadened time is not the antechamber to a new life? Hope, as Ghassan Hage writes in *Against Paranoid Nationalism* is '… the future that one can detect in the unfolding of the present' (2003: 10). On direct provision, however, it can't be assumed that the present unfolds.

Filmmakers Nicky Gogan and Paul Rowley spent three years, on and off, in the 're-purposed' Mosney Holiday Centre, getting to know, among others, the Congolese, Kurdish, Nigerian, Somali and Sri Lankan asylum-seekers enduring a post-Butlins experience. Their initial aim, according to one press release, was to do background research for a fictional exploration of the Irish government's plans in 2000-2001 to intern asylum-seekers in *flotels*. 'Our true intent is all for your delight'; who needs fiction when Mosney offers you the same pathological spatial fixation as a flotel, with a free upgrade to more allusive levels of leisured incarceration? What results from embracing this dark Celtic Tiger riff on the all-inclusive resort is an unsettling, lyrical documentary that develops a distinct aesthetic counterpoint to the violence of waiting – 'we lack words to express how we feel.'
In *Ship of Fools: How Stupidity and Corruption Sank the Celtic Tiger* (2009), Fintan O'Toole notes how corporate representations of social space in Ireland in the 2000s were invariably set under blue, cloudless skies. This odd, pathetic fallacy from a pathetic, fallacious era captures a political tendency to airbrush out evidence – and particularly, troubling human evidence – that the 'best of times' did not effect a magical dissolution of relations of power and inequality. Instead, as both Michael Cronin and Peadar Kirby argue in their respective contributions to the edited volume *Transforming*

Ireland (2009), the Irish 'economic miracle', and its dominant cultural forms, were profoundly shaped by new forms of socio-political regulation, control and concealment. Like the clouds prevented from sullying the graphic promise of new lifestyles experiences, 'asylum-seekers' vanished from the social imaginaries of boom-time Ireland. As the decade progressed, public debate in Ireland shifted from the concerted emphasis on the threat of asylum-seeking – generated in the late 1990s – to a wider discussion of migration, and a differentiation of distinct national (and racial) populations and occupational groups according to newer criteria of economic contribution, cultural compatibility, and legitimacy of presence.

State-sponsored frameworks of interculturalism, diversity and integration promised blue skies of mutual enrichment and celebration, but only for those 'here legally' – a refrain that reveals not only implacable assumptions about asylum-seeking, but that excluded asylum-seekers from the new governmentality of culture (at every 'consultation on best practice' organized by the Office of the Minister for Integration between 2006–8, the brainstorming on 'going forward' was interrupted by questions about the treatment of asylum-seekers. The response was always solemn, and always the same – we can't discuss them here, that's a matter for Justice). Over to Mosney, where asylum-seekers wait for the status that, among other things, allows them to become threats to *integratedness,* but where in the meantime they are systematically immiserated and immobilized in a society of unprecedented wealth and valorized mobility. It is to *Seaview*'s credit that it can resist the excess of these dichotomies better than this review.

The film is well aware of the transposed pop cultural eeriness of resorts out of season, but it opens with a softer evocation of Irish nostalgia, a stylized sigh for a past era of mass leisure (that in fact only ended in 2000, the final holiday season, and first year as a 'location for resettlement'). Long-serving staff guide the camera through the back stage, reminiscing about the epic industrial production of fried breakfasts, but this narrative tails off after an abrupt cut to the current residents' first appearance, on CCTV. This device is no less effective for being somewhat clichéd, as it instigates key themes of isolation and disjuncture – emphasized through the recurrent filming of daily life through curtains, blinds and veils, and by long tracking shots that retreat from empty, faded spaces and move sporadically through stockpiles of pillows, duvets and mattresses. It is also a structuring narrative theme that evokes the fragmented isolation of residents; the film dwells on Mosney as a space of internal seclusions, as well as on its more obvious status as a space of social segregation. Children and teenagers aside, residents are almost exclusively represented, interviewed or voiced alone, or in national clusters, rarely interacting. This provides a cumulative set of vignettes of geopolitical chaos, with sharply focused treatments of the Congo's neglected wars, the alienated victims of the Afghanistan war for inalienable rights, and the resigned, imaginative geography of Kurdistan.

When common social moments are represented, they are scenes of music and dance that hover between realist document of cultural life and a silent mocking of multicultural clichés, 'celebrating their vibrancy'. Even when the Community Games make their annual appearance, there is the insistent visual suggestion that these are the parallel community games, conducted oblivious to the residents who use the annual event as a way of marking time. And all the while, rhythmical montage emphasizes the enormity of inner space, its regimented barracks and its redolent material degradation. The ambivalence of enclosure, and the daily interaction between residents and Mosney staff, and also between residents and government agencies, are perhaps underplayed in this totalizing drive. There are obvious limits to representing such interaction, but the insistence on isolation neglects the other key dimension of the governmentality expressed through spatial segregation; the micro-administration of their lives.

For all that, the spectral presence of administration is superbly rendered through reflections on the instability of monotony. Every day is the same, until it isn't – 'I came home from school and he was gone'. It is perhaps only through this multivalent production of isolation that the film can recount individual stories in ways that avoid the conventional, depoliticizing properties of individual portraits. Fragments of experience are told to camera, or voiced over installation-style images of accumulated domestic and institutional materials. There are no complete stories, racked over narrative arcs of triumph in adversity, but rather the patient exposition of enforced wastage, infantilization, depression and anxiety. The careful editorial approach weaves testimonies seared by distinctive voices and the poetry of sparse subtitling, and no where more so than in the sequence that could be called 'inside the sea'; inside the chlorine-tinted water of Mosney's water park, and inside a story – for that is where the narrator still lives – of rational(ized) murder on the Suez canal.

Mosney's residents do not, in the end, 'lack the words to express how they feel'. I live, says one, dryly, between 'Ahmadinejad and Justice' – another, equally wry, that 'I came out (being born) and found myself in Nigeria'. Should they want to be less figurative, a spelling test shows the camp-school children being asked to spell 'penalize' (the connotation of a well-known joke about spelling 'racial discrimination' can hardly be unintended). The brilliance of *Seaview* is that it shapes it probing and disconcerting approach around these insights.

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NOTES FOR CONTRIBUTORS

Submission of Material

Authors are encouraged to submit items for the *IJA*. Articles, which may be in English or Irish, should be original and should not be under consideration elsewhere. *IJA* is a refereed journal and articles submitted will be assessed by readers for their suitability.

Articles for consideration should be sent to the Editor or Associate Editor as follows:
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Fiona Magowan, Associate Editor, School of History and Anthropology, The Queen's University Belfast, Belfast BT7 1NN, N. Ireland. f.magowan@qub.ac.uk

Books for review and completed reviews should be sent to the Reviews Editors:
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Other material (conference and research reports, news, advertisements, letters etc.) should be sent to:
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Articles should be in the region of 4000 words and should include a title, a short abstract of no more than 100 words, and a list of key words. Included also should be the author's name, academic affiliation, and a short biographical note. Contributions should be submitted in electronic form, in PC format readable in Word. Receipt of a submission will be acknowledged.

The following points should be observed:

Notes should be endnotes and should be kept to a minimum.

Bibliographical references in the body of the text should be given in parentheses in standard author-date form: (Lee and Devore 1968: 236). A complete list of references cited, arranged alphabetically by author's surname, should be typed at the end of the article and adhere to the following style:

Kelleher, William F., 2003. *The Troubles in Ballybogoin: Memory and Identity in Northern Ireland*. Ann Arbor: The University of Michigan Press.
Benavides, O. Hugo, 2004. 'Anthropology's Native "Conundrum": Uneven Histories and Developments', *Critique of Anthropology*, 24(2), 159–78.
Curtis Jr., L.P., 1987, 'Stopping the Hunt, 1881–1882: An Aspect of the Irish Land War', in C.H.E. Philpin (ed.), *Nationalism and Popular Protest in Ireland*. Cambridge: Cambridge University Press. 349–402.

Subheadings should be typed flush left.

Quotations. Single inverted commas should be used except for quotations within quotations, which should have double inverted commas. Quotations of more than about 60 words should be indented and typed without inverted commas.

Spellings. British English (not American English) spelling should be used in English articles except in quoted material, which should follow the original. Use -ize not -ise word endings.