The Abnormalization of the Normal.

An Integrated Approach

Towards Structural

Violence and the

Suffering of the

Immigrant

in Paris.

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Nous, tous frères, de carapace et de vision différentes, habitons la même terre qui nous nourrit par la grâce de Dieu, terre mère que nous avons le devoir de défendre contre nous-mêmes, solidairement.

Nous ne pouvons qu'ensemble aller ou nous noyer.

Djégui Daouda Baradji

Index.

Introduction.

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Any distinguishing characteristic,

whether social or biological,

can serve as pretext for discrimination,

and thus as a cause of suffering

Paul Farmer[1]

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Today, it is estimated that 120 million people worldwide are living in countries other that those where they were born. The twentieth century has been called *The Age of Migration*,[2] however, the phenomenon is increasingly perceived as a crisis, evoking a sense of security and threat. Western European societies have seen the influx of immigrants significantly increasing towards the end of the twentieth century, resulting in a range of political and ethical dilemmas. In the economic field, debate centers around questions of 'costs' and 'benefits'; in the legal field, discussion focuses on citizenship, so-called 'legal black holes' and the notion of (universal) human rights; while in the political arena, the question of immigration is increasingly employed as a mechanism to win votes. Political entrepeneurs have chosen a hard stance against the presence of immigrants, pointing at the high costs involved in the provision of asylum and other measures involved, while simultaneously hinting at widespread problems with criminality and failed integration, or bluntly promoting the own 'pure' nation.

In a climate of xenophobia and increasing hostility versus non-western foreigners, the abstract, legal label of 'illegality' is often accompanied with the visible, overt label of 'immigrant', making the undocumented person not only excluded by administrative institutions providing for regulations and an extent of social safety, but making him or her also – more easily and frequently – excluded by the 'man on the street'. The appearance of those without papers, undocumented immigrants and asylum seekers, is perceived as foreign and therefore unwelcome, or even as dangerous or inferior.

Two distinct forms of state population governance combine in the management of immigrants: the control of foreigners and the penal repression of crimes. When these things are combined, they can be placed in a framework increasingly denoted as the 'penal -', or 'panoptic state'. A development is noted wherein the social treatment of foreigners and its correlates (in line of values of justice and solidarity) is increasingly replaced by a penal treatment of foreigners (Wacquant 2003b:198). Today we see not only an almost total rejection of asylum seekers, we

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[1] 1996:278.

[2] To the eponymous 1993 book of Castles and Miller.

also see the social disqualification of this group as a people. A type of 'cultural mutation' has occurred among the elite and public authorities in western Europe, whereby the exiled is constructed as a 'problem', a risk, or a menace; a trend denoted as *xénophobie de gouvernement* (Valluy 2008).

However, in the present academic and political debate on migration policy, national identity and legal issues, the immigrant as an individual tends to get lost. What does it do to a person to live in a society were you feel unwelcome, how does it feel to live in constant insecurity over the future and how do unwanted immigrants generally *cope*? Is there a means to describe, explain and make sense of their suffering?

Academic Relevance.

The context irregular immigrants find themselves in can be pereived as being inherently 'violent', pointing at the hostile institutional, cultural and discursive environment they find themselves in. These types of indirect violence are generally placed under the banner of 'structural violence', in its original conception understood as a *cause* of direct, instrumental violence and as a *result* of 'less perceptible global processes' – defined as 'exploitation' (Jacoby 2008:40). For Galtung, who coined the concept in 1969, structural violence was accompanied by 'cultural violence', which was said to make structures of exploitation "look, even feel, right – or at least not wrong", preventing subjects from "developing an awareness of the conflictive situation in which they are embedded and from accurately perceiving their interests" (Galtung 1990:291 in Jacoby 2008:41). Ever since, Galtung's theory of structural violence has been expanded and elaborated by a whole range of other theorists, sometimes using the same concepts, sometimes coining new terms, such as 'systemic violence' or 'symbolic violence'.

In the web of publications devoted to structural violence, it is sometimes difficult to grasp the subtle differences in focus, terminology or general meaning expressed by different scholars. To a certain extent, the term 'structural violence' and related concepts such as 'suffering' remain much of a black box, in need to be elaborated, complicated, and diversified, or perhaps merely simplified? What relations does structural violence have with other forms of violence and power, like discursive power? And how can the concept best be employed in a research seeking to grasp individual experiences of irregular immigrants in an increasingly hostile host society?

Research Question.

In this thesis, structural violence will function as the starting point for research on individual experiences of immigrants. It will function as a powerful metaphor, leading us to look for the brutality in the system around us with its "taken-for-granted arrangements" (Farmer 204:321). *The aim of this thesis is therefore to construct a solid, integrated operationalization framework to research processes of structural violence.* Framed as a research question: *How can we understand and explain processes of structural violence?* Due to its content, this question cannot yet be subdivided into smaller subquestions, because what I look for in that sense, are the indicators to research structural violence, and they will be 'discovered' throughout the first chapter, in the theoretical framework. To test the framework and demonstrate its workings, a case study will be taken, of which the subjects are *sans-papiers* and *demandeurs d'asile* in Paris.

Case Study.

In Paris and the broader region Île de France of which the city is a part, foreigners are overrepresented: more than one third of the foreign immigrants in France live in this region. The attraction of immigrants to this region peaked in the 1960s-1970s, when entries exceeded twenty thousand a year. Migrants from this period, who remained in the region, still make out the core of immigrants today (Body-Gendrot 1996:595-596), while the city also functions as a powerful magnet for newly arriving immigrants up until today.

The *banlieue* riots in the summer of 2005, starting in Parisian suburbs and spreading throughout the rest of France, introduced French immigration issues to a larger, international public. Although the interpretation of the riots' underlying causes and the role of immigrants therein differed, the events put the multicultural dilemma once more on the agenda. A leading country of immigration for decades, France has increasingly been associated with repressive measures against foreigners and its government has been accused of xenophobic discourse and infringements on human rights.[3]

As of January 2011, 200.687 refugees are registered to live in France, 48.576 asylum seekers and 1.131 stateless persons, although the last category is a rough estimate, the number is probably much higher.[4] Compared to the other European countries in the Schengen area, France receives the highest number of asylum applications. Considering this, taken together with the shortly sketched French context above, *sans-papiers* and *demandeurs d'asile* provide an interesting case for a research on structural violence and suffering.

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[3] An example of this in the recent past, is the debate spurred around President Sarkozy's decision to expell large groups of Roma from French territory, denounced by other European leaders as an infringement on international obligations and human rights. http://www.spiegel.de/international/europe/0,1518,717324,00.html .

[4] UNHCR. 'France. 2011 Regional Operations Profile' .

Method.

As said, the aim of this thesis is to provide an integrated framework to research processes of structural violence, whereby a case study will be used to implement this framework on. This signifies that the thesis can be divided into two parts, the first being an in-depth theoretical discussion and the second part being the case study.

In the first part of the thesis, I have used literature research to construct a theoretical framework. The aim beforehand was to create an integrated approach of structure- and agency-based theories, as well as to overcome other classical dichotomical relationships such as the perceived contradiction between materialist and symbolic approaches. The framework needed to provide a solid theoretical basis, designating different indicators and allowing for operationalization to sketch the full context in which eventually narratives of immigrants were to be placed.

In the second part of the thesis, both literature and interviews were used as sources for the case study. As 'institutions' and 'discourse' became the two main indicators of 'the structure' in the theoretical framework, these were mapped on a European and French level, using literature, reports and policy documents, as well as interviews to illustrate my fiendings. Since I have chosen to cover the whole theoretical framework in my case study, a possible shortcoming is the 'depth' of the operationalization in this regard. For example, a discourse analysis of French policy would have provided for a complete operationalization, but time constraints as well as mere 'space' in this thesis was not enough to fully complete this task. Therefore, I have sufficed with mainly secondary sources in this regard, hoping the interviews provide the depth required in a research of this kind.

The final chapter of this thesis then, puts the agent in central focus. Because the subject of this research is the (suffering) immigrant, I have chosen to use narratives as a means to capture their voices. The question with narratives however is how representative they are, which makes them immediately problematic. Next to this, while certain types of suffering are readily observable, suffering in a context of structural violence (in itself difficult to map) is often hard to 'defeat' for those trying to describe it. Most important reason for this is that "the dynamics and distribution of suffering are still poorly understood" (Farmer 1996:272). Although case studies in the form of personal narratives reveal suffering, they don't explain it. Therefore, in order to explain suffering and structural violence, I agree with Paul Farmer that these individual biographies need to be embedded in the larger-scale matrix of which the fieldwork site is just a part (1996:272). With this construction, I hope to have overcome the problematic character of narratives as a mean of explaining complex processes. Furthermore, Sayad has stated that the 'migratory itinery' of an individual indeed represents the individual and the collective in a sense (2004:63). Because already so much suffering is muted, the incorporation of personal narratives, no matter how problemaric they might be, serves a cause of awareness raising, because more than 'dry', theoretical language, it makes reality tangible.

I have done fieldwork in the city of Paris between April and July 2011. Within this time period, I have spoken to a range of immigrants of different legal status and different nationalities. Next to this, I have visited some organizations working with immigrants, sometimes for the purpose of an interview, sometimes in a role of participant observer,[5] as well as organizations set up and run by *sans-papiers*.[6]

Almost all interviews were done in French. One was done in English and four interviews were done in Arabic, translated at the spot by an Algerian friend. I have not used a recorder, because I felt it might make people uncomfortable to tell personal things regarding their status. All the interviews (fourteen in total) have been typed out and large fragments of some of them form a central part of the final chapter.

Research Objective.

This research has two objectives, one of academic nature and one of personal kind. The first objective of this thesis is theory building. Lost in the countless publications on structural violence, power, discourse, suffering and all sorts of other concepts related, I discovered a certain joy in the attempt to integrate and clarify this large bulk of literature. This pleasure was only increased when I found out some very obvious linkages and similarities, disguised by differences in either idiom or small nuances easily overcome.

The second objective of this research is to give voice. Concerned by the current discourse surrounding immigrants in western Europe and the weakened commitment to human rights in general and humane asylum policies specifically, deem it necessary to interrupt and contest these prevailing norms. As will be further clarified in the first chapter, awareness raising is the first step towards emancipation and a possible 'change in the structure'. Instead of either focusing on the larger institutional or (geo)political picture (as is often done in the media), or on the immigrant as a victim (as is also often done in the media), these focuses need to be combined, whereby the immigrant must be perceived as an agent, not a powerless victim – even when we talk about 'suffering'.

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[5] For example, I have spent a day at Dom'Asile, a non-governmental organization providing asylum seekers with a postal address. Once a week, people come by to pick up their mail and to seek (legal) advice. Since this organization was almost exclusively running on part-time volunteers, I was more than welcome to help them for a day.

[6] I have spent some time with the *Collectif Sans-Papiers* of the 17th *arrondissement*, at meetings (as participant observer) and for the purpose of individual interviews.

Chapter Outline.

As said, the first chapter is solely concerned with theory building. Through a discussion of the classic structure/agency dichotomy and important scholars theorizing in this field, a framework for operationalization will be presented, which will serve as the basis for the second part of this thesis.

In the second chapter, 'institutions' (or: 'objective structures) with regards to immigration policy will be described. This analysis will be introduced by a dissertation on neoliberalism and the new 'punative surge' detected in western European countries, of which immigrants fall victim. Subsequently, a short history of immigration in Europe will be given, after which the European political and legal framework is described. Thereafter, the same will be done in the context of France, together with an exploration on whether the rationality underlying the current French political system can be considered 'neoliberal'. To conclude, the differences between law and practice with regards to *sans-papiers* and *demandeurs d'asile* will touched upon.

Because 'discourse' proves to be the second researchable indicator to identify 'the structure' (and therefore processes of structural violence), the third chapter is devoted to this aspect. It will be posed that the state security discourse on migration has indeed become hegemonic in western European countries, and that it has let to a situation in which immigrants are being criminalized, leading eventually to what I will call *the abnormalization of the normal*, because for this group of people, other norms seem to count; norms that are increasingly becoming institutionalized in law or in the implementation of law.

To conclude this research, insight will be given in the personal experience of the subjects of this research. In order to refrain from depicting immigrants as sole 'victims', a paragraph is devoted to strategies and mechanisms applied to 'cope' with their situation and strategically manage their stay in the host country. With regards to this little side step, recommendations for further research will be made.

Terminology.

This introduction is not complete with a short section on terminology. In the realm of migration, terms and concepts are often used in an uncoordinated manner, especially by politicians and in the media. Therefore, some core concepts of this thesis will be given here together with the definition used in this paper.

The word 'illegal' has served to place all irregular immigrants in one box, not taking into account the varying (legal) situations migrants find themselves in. This needs clarification. To start with a *sans-papier* (literally: a person without papers); this is someone with a very different status and potentially very different prospect for the future than a *demandeur d'asile* (asylum seeker). These different concepts will be explained in more detail below, but first the three routes to becoming an undocumented migrant will be explained, because they "demonstrate the flexibility

of immigration status and how migrants can arbitrarily slip between 'regular' and 'irregular' status."[7]

The term *'illegal (im)migrant'* is seen and heard regularly in public debate on immigration. However, this term will not be used in this thesis. Reason for this is that in fact it does not correctly denote the person it is describing, and, connected to this, it can be criticized for three, interrelated, reasons. Firstly, overall, the word 'illegal' is a synonym for the word 'unlawful' or 'illicit', therefore implicitly linking irregular immigrants to criminality, whereas in reality they are no criminals in a strict, legal sense: in most countries it is no criminal offence but an administrative infringement to be in a country without the required papers.[8] Using the word(s) 'illegal (immigrant, alien, etc.)' crosses the line by criminalizing the person, instead of the action they are purported to have committed.[9]

A second criticism on the use of the word 'illegal' when referring to undocumented migrants, is that by defining a group of people as such, this can be regarded as denying them their humanity. It "risks violating their innate right to recognition as a person before the law".[10] And finally, when asylum seekers are being labelled 'illegal', while they are by definition in the middle of the process of making their claim for citizenship (they are not yet *sans-papiers*), this connotation jeopardizes their asylum claims in general, because it encourages an intolerant political climate towards persons seeking asylum.

The International Organization for Migration (IOM) uses the term 'irregular (im)migration' or 'irregular (im)migrant' to denote people residing in a country without the required papers. They use this term also for people who are smuggled into the country, because the act of smuggling is illegal, but this cannot be confused with the person itself, who is otherwised criminalized as an individual human being. Therefore they do use the words 'illegal entry'; referring to an act, not to a person.[11] Another commonly used connotation is 'undocumented (im)migrant', which, in the context of this research, can be regarded as similar to the concept used by the IOM. Therefore, in this paper, both *'irregular'* or *'undocumented'* will be used as the adjectives for (im)migrants without legal papers. More specifically, irregular or undocumented migrants are persons 'in an irregular situation', residing either in a transit or host country due to illegal entry, or due to the expiration of his or her visa. The term also denoted persons applying for asylum without due cause, or any other person not authorized to stay in the respective country.[12]

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[7] www.picum.org .

[8] We see however, in more and more countries, like the Netherlands, a trend in which policy makers want to make 'illegality' (in the sense of 'irregularity') a criminal offence.

[9] NAHJ. 'NAHJ Urges News Media to Stop Using Dehumanizing Terms When Covering Immigration'.

[10] www.picum.org .

[11] IOM. 'Commonly used migration terms'.

[12] "Clandestine (im)migrant", "illegal (im)migrant" or "illegal alien" are other terms often encountered to describe this group of people. As said, these terms will not be used in this thesis. Source: IOM. 'Commonly used migration terms'.

Chapter One.

Theoretical framework.

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The pain in your shoulders comes
You say, from the damp; and this is also the reason
For the stain on the wall of our flat.
So tell us:
Where does the damp come from?
Berthold Brecht[13]

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Every day suffering occurs, in all parts of the world, by all people, in all societies. The question is how to define 'suffering', and moreover, how to understand, explain and research it. Farmer asks, very legitimately: "Given that each person's pain has a degree of reality for him or her that the pain of others can surely never approach, is widespread agreement on the subject possible?" (1996:261).

Anthropologists looking at 'suffering' (in the broadest meaning of the word) study both individual experiences and the larger social matrix in which it is embedded, to lay bare how different large-scale social forces come to be translated and reflected into individual distress and disease. Since statistics, describing aspects of the context, can never accurately capture the personal experience of suffering, the 'texture' of (desperate) affliction is best felt in individual narratives (idem:262-263). However, in scientific research, a lot can be said about sketching a clear context in which these personal dramas unfold, in order to better understand them; how people move in their environments, why they act as they do, how they ended up there... and whether there is hope for a change in their situation.

When coming up with a framework to research suffering, the concept of 'structural violence' comes to the fore. Defined generally, structural violence is the violence inherent in the social system of the world around us. Structural violence stands opposed to what Johan Galtung designated as 'personal' or 'direct' violence; it is indirect violence, in the sense that "there may not be any person who directly harms another person in the structure [but] the violence is *built into* the structure and shows up as unequal power and consequently as unequal life changes" (Galtung 1969:171, emphasis added).

This said, we arrive at the structure-agency-debate: how do structures (for now generally define as 'the context') shape the lives of agents, and to what extent do either structure or agency determine human behaviour? Questions arise about the relationship between context and actors and as we will see, while touching upon the theoretical debate surrounding this issue,

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[13] In Farmer 1996:271.

automatically matters of domination and social suffering come to the fore and pave the way to come up with a framework to look at the suffering of the immigrant; *sans-papiers* in Paris especially.

Giving insight into the structure is also useful, even crucial, because it serves as a context in which to place narratives of the individual, with the ultimate aim to understand and explain processes of structural violence, because when we know the structure, we can start with the process of changing it. "We need to understand how the system builds and rebuilds itself, neutralizing and absorbing opposition and reform" (Kirmayer in Farmer 2004:321). We also need to know how agents move in it and how they perceive the world around them. We need to get a full picture of reality, with the ultimate aim of giving voice to those who suffer.

During the course of this chapter, an integrated theoretical framework will be presented, which will be used as a starting point to organize the findings of this research. By touching on a range of scholars theorizing on the structure/agency dichotomy and matters of structural violence, it will be shown that, while different concepts and prepositions are used, in fact seemingly opposed scholars are quite easy to integrate into the same theoretical framework, because in fact their findings bear many similarities or otherwise serve to complement each other in a dialectical way.

1.1
STRUCTURE / AGENCY.

The Debate

The structure/agency debate is concerned with the question which of these two matters, in terms of (explaining) human action. The issue basically boils down to the question whether social structures or human agency determine an individual's behaviour. Vivienne Jabri quotes Alexander Wendt, by stating that the debate emerges

> in two truisms about social life which underlie most social scientific inquiry: 1) human beings and their organizations are purposeful actors whose actions help reproduce or transform the society in which they live; 2) society is made up of social relationships, which structure the interaction between these purposeful actors (Wendt 1987:337-338).

'Structure' as a concept usually refers to material, political, cultural and ideological conditions (on macro and micro level), defining the range of actions available to actors. Structures are rules and resources that tell people 'how to do social life' (Demmers forthcoming: chapter 3). A general critique on structuralist approaches is that they consistently downplay (or rule out altogether) the possibility of agents taking action independent of the structures, since they assign agents the sole

role of 'barriers' of the structures. In this line of thought, agents will never be able to change the course of history. Structuralists leave out a theory of individual action, which is in turn what agency theories constitute of.

In the agency approach, human behaviour is primarily explained by the intention of the individual. A stream of this approach adds to this the tendency of the individual to act to promote their own self-interest and personal gain; this is rational choice theory, often associated with quantitative research methods. The underlying ontology of this stance perceives human beings as utility maximizers. The implicit result of this stance is that human behaviour becomes predictable and quantifiable. Because context is not taken into account, human beings in different settings would react according to a predictable (almost mathematic) stance.

An obvious critique on the agency approach is that it overlooks or downplays the importance of social, economic, political and symbolic structures in the shaping of people's desires and beliefs, leading to certain actions and events. The assumptions on the self-interested motivations of actors are thin and "[this] narrow view of motivation ignores the ways in which people may act according to habit, imitation, external compulsion and impulse" (McAnulla 1995:277). To see human action as caused by a combination of universal principles or laws, as determined and predictable, is problematic and too narrow.

But then, "does the 'structure of the social system' determine the behaviour of individuals, or vice versa? And do these positions stand in a radical, and insoluble 'chicken-or-egg' conflict to one another, or can they perhaps be complementary?" (Demmers forthcoming: chapter 4). Ultimately, the debate has a strong tendency to boil down to the conclusion that both structure and agency matter: people are constrained by the context they live in, while at the same time they do enjoy a certain (unconstrained) freedom to shape their own actions. So-called 'dialectical approaches' theorize in this direction. The model of Anthony Giddens, named 'the duality of structure', is one of these dialectic approaches. It is centrally concerned with "the reproduction of institutional practices or social continuities ordered across time and space" (Jabri 1996:54). A key point in his arguing is that particular actions can lead to the *reconstitution* of the structure, which will, in turn, affect future action. Social structures are both the medium and the outcome of social action. With Giddens, agency and structure are two sides of the same coin: 'we are the structure' in a way.

A possible critique on Gidden's solution to the classic dichotomy is that by stating that agents are the structure in a way, he actually eliminates the two categories and turns them into one. However, this critique can be countered by the notion of a 'counter-hegemony' or 'counter-discourse', referring to a situation where actors actively and strategically make use of their insights in structures to change it through actions.[14] They do this by making strategic use of discourse, the concept making 'structures' less abstract, and observable, as will be seen below.

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[14] More on this in paragraph 1.4.

The term 'structuration' describes how agents interact with the structure, in a system of norms. They are in a way flexible in their behaviour: agents have the ability to consciously alter their place in the social structure. The term 'consciously' is important in this regard, because it signifies that one should *know* the structure, be aware of its workings, in order to change it. The social sciences are of relevance in this regard, because they have the ability to lay bare the structure. This social knowledge then also becomes self-knowledge, and works emancipatory: it enables actors to strategically make use of their insights in structures to change them through their own actions.

The questions thus become: 1) "how can we *know* (unravel) the structure?", and 2) "how can we *change* the structure?" This thesis is concerned with the first question, because when we know the structure, we can start with the process of changing it – leaving this to further research. In the process of unravelling the structure, it is crucial to know how agents move in their context and how they perceive the world around them, because they can, in a sense, be regarded *as* the structure, which opens the door to emancipation and change.

Marxian and Durkheimian Approaches to Structure

Overall it can be posed that structuralist approaches to the study of conflict emphasize the influence of objective conditions in the generation of conflict. Johan Galtung for example, is a true structuralist. His concept of structural violence, on which will be elaborated in dept further below, "points to the material conditions of social life which constrain the development of human potentiality" (Jabri 1996:59); these conditions are said to be the cause of conflict. 'Violence' used in this sense does not have to be regarded as direct, visible violence. The notion of structural violence, as an umbrella above other related concepts, generally looks at violence in the form of exploitation, injustice or inequality (Jabri 1996:59), or: 'violence in the normality of things'. Because below more will be said on structural violence, it is important here to theorize a bit further on what can be considered as *structure*. Roughly two approaches can be distinguished within structure-based approaches theorizing on the relationship between the organization of society and (violent) conflict. Exploring them in depth provides an important basis for the theoretical framework introduced at the end of this chapter.

The first approach to structure can be named 'Marxian'.[15] This tradition places an emphasis on *material conditions* shaping social relations. In this line of thought, social change is also rooted in economic, material conditions. Therefore, in order to unravel the structure, the main social classes and interests deriving from the organisation of production need to be distinguished,

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[15] A scholar working in this 'Marxian' tradition, or the 'Durkheimian' tradition mentioned in the next indention, does not have to be a 'Marxist' or 'Durkheimist'. Scholars writing on structures will be placed in one of these streams, because their line of thought can be said to follow a more Marxian or Durkheimian logic in this sense.

together with the resulting conflicts of interest and the capacity (and readiness) of each class to act on these interests (Demmers forthcoming: chapter 6).

The second structure-based approach is denoted as 'Durkheimian'. Scholars arguing in this line of thought, focus on *what holds societies together*; on the structure of so-called 'social rules', functioning to bring a society back to its equilibrium, meaning: social order. Durkheim speaks of an equilibrium, because he contends that societies are entangled in a constant struggle between forces of integration and forces of disintegration. Shared beliefs and people need to be 'kept in place', which is considered problematic in times of rapid social change – such as in times of industrialisation or in times of a sudden increase in the number of arriving immigrants. In these periods, it is even more crucial that individuals keep participating in a shared consciousness, or 'collective -' or 'common consciousness'. Durkheim describes this consciousness as such: "The totality of beliefs and sentiments common to average citizens of the same society forms a determinate system which has its own life; one may call it the collective or common conscience" (Durkheim 1933:79 in Demmers 2011:2). Since rapid social change weakens the shared -, collective - or common conscience, it is said to weaken the system holding people in place; to move further away from a state of equilibrium. However, according to Durkheim societies can move back to a stable situation and a new commitment to shared believes, by means of collective action.

Durkheim distinguished three modes of collective action. The first is *routine action*, taking place in a state of equilibrium, when society is characterized by high levels of shared beliefs, which are then sustained routinely. The second type of collective action is denoted as *anomic action* by Durkheim. This type of action takes place in times of insecurity, caused by rapid social change. Shared beliefs are shaken at this point, "[translated] in a set of undesirable results: individual orientation, destructive social life, and conflict (anomie)" (Demmers forthcoming: chapter 3). The system is weakened and therefore people are not residing stable 'in their place'. The third type of consecutive action is *restorative action*: in this phase, societies move back into the direction of equilibrium, acquiring a new commitment to – also new – shared beliefs. The word 'new' is important here: it denotes that we can speak of a new structure, and therefore that this *new structure* apparently comes into place by the allocation of *agency*.


Figure 1.1

17
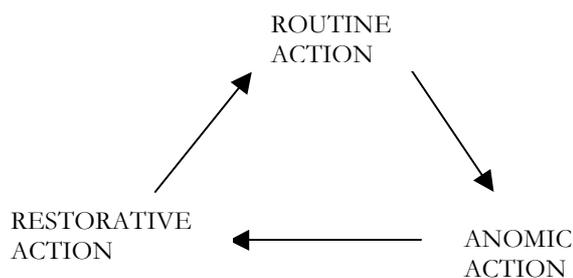
But the above figure leaves us with the same dilemma mentioned before: where lie the 'seeds of change'? The figure denotes agency, so much is clear. But how does this agency relate to the structure it takes place in? And where does it start; what is the link between the structure (in different make-up, in different moments) and the specific action sketched above (each of them belonging to a different structure make-up)? This has gotten us back at the structure/agency dichotomy.

In the following, the writings of Bourdieu (considered as 'Durkheimian'), Gramsci and Cox ('Marxian'), Galtung ('Marxian') and Giddens (integrating both 'Durkheimian' and 'Marxian' elements) will be explored. As we will see, although seemingly different in approach, elements from these scholars are quite easily integrated in one theoretical framework. Although processes are explained and named differently, I will take in the position that in fact, they more or less say the same.

Structure and Agency in Marxian thought: Gramsci and Cox

In line of Marxist thought, it is difficult to neglect Antonio Gramsci when it comes to writings on the relationship between structure and agency. His concept of *hegemony* has proven to be very influential in further writings in all sorts of disciplines and will serve as an important concept in the construction of a framework to research structural violence.

Gramsci was Secretary of the Italian Communist Party and elected to the Italian Parliament, before he was imprisoned by Mussolini between 1926 and 1937. During his long stay in prison he wrote an enormous series of essays, posthumously assembled as the famous and influential *Prison Notebooks*. In these essays, Gramsci developed the notion of hegemony,[16] describing a condition in which the supremacy of a social group is not only achieved by physical force ('domination' or 'command', in Gramsci's words), but also through 'consensual submission' to the dominator by the dominated people themselves ('leadership', 'direction' or 'hegemony'). These are the two axes of domination; "[T]he supremacy of a social group manifests itself in two ways, as 'domination' and as 'intellectual and moral leadership' " (Gramsci 1971:57 in Litowitz 2000:518).

These two axes can be seen as being two opposites, in a sense. Long-lasting control over a society requires power of the two axes, described by Gramsci as 'force and consent', 'authority and hegemony' or 'violence and civilization'. The first axe, 'domination', is mostly associated with coercive state power: the courts, the police, the army or national guard. Hence, the state's institutional framework. The second axe, 'hegemony' proper, "involves subduing and co-opting

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[16] The word 'hegemony' is not invented by Gramsci. It is a Greek term, originally designating the supremacy of one state over other states in the ancient Greek confederacy. This meaning was passed on to later eras, when Marx and Engels used it ("on those rare occasions", according to Litowitz 2000:519), describing for example the power of Prussia over the other German states at the time. This original meaning still remains the common meaning of the term, for example when in the international arena people talk of the 'hegemony of western culture'.

dissenting voices through subtle dissemination of the dominant group's perspective as universal and natural, to the point where the dominant beliefs and practices become an intractable component of common sense" (Litowitz 2000:519).

But while seemingly opposite, Gramsci shows that at the same time the two axes are complementary. Explained by Litowitz:

> (…) every instance of hegemony in the private sphere is backed by physical force on some level, and every act of physical force is also symbolic performance and a hegemonic statement about the legitimacy of the state. (…) An arrest is an act of physical force as well as a symbolic performance demonstrating the bounds of acceptable behaviour in the eyes of the state (2000:527).

The use of Gramsci for the research question, is his notion of 'cultural hegemony', which will be described more in depth in the section on structural violence below. However, the concept has a multi-dimensional character and since the printing of the *Prison Notebooks*, it has been used by many scholars of different schools. In Political Science, for example, the concept has been used by Nicole Pratt in the context of the hegemony of an authoritarian regime.[17] In her analysis, she states that the essence of hegemony is principally a non-coercive form of leadership. The relationship between the dominator and the dominated is a reciprocal one, materially *and* ideologically based (Pratt 2007:11).

In realism, a paradigm in the study of International Relations, the notion of hegemony is still used in its most classical meaning: to describe the predominance of a single state (or a group of states) over other states. In 1986, Robert Cox, an important scholar of International Relations (IR) and International Political Economy (IPE), criticized this realist notion in his famous article "Social Forces, States and World Orders: Beyond International Relations Theory", in which he lifted Gramsci's notion of hegemony to an international level. This article would later be regarded as the start of the school of neo-Gramscianism: a critical theory approach to the study of IR and IPE. This article is worth to touch on shortly, because it provides a deeper insight in the (neo-)Gramscian view on structure and agency.

According to Cox, critical theory constitutes the awareness "that action is never absolutely free but takes place within a framework for action which constitutes its problematic" (Cox 1986:217). This can be translated into a realization that actors are never free in their employment of agency; agents are constrained by the context, the "framework for action" they live in – in other words, they are constrained by the structure.

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[17] In *Democracy and Authoritarianism in the Arab World*, Pratt shows that hegemony of the state in certain authoritarian countries in the Arab region, is not only based upon material power (military, political and economic power), but also on immaterial power (values). The key to Pratt's arguing is that an authoritarian regime (a hegemony) can never solely exist by means of coercion. There has to be a certain type of consent among the people that makes the regime to some extent legitimate.

Cox designed this action framework as

> a historical structure, *a particular combination of thought patterns, material conditions and human institutions* which has a certain coherence among its elements. These structures do not determine people's actions in any mechanical sense but *constitute the context* of habits, pressures, expectations and constraints within which action takes place (1986:221; emphasis added).

A change in this structure cannot be seen as an elite-driven process, but is a mere process set in motion by a wide arrange of 'forces' (sketched below), that impose pressures and constraints upon agency.[18] This change can be understood as a certain 'conflict', linking to the perception of Durkheim that change equalizes conflict and vice versa, as well as to Galtung's vision, seeing conflict as a destroyer and a creator (Galtung 1996:70). An evolving *and* a solving of a conflict changes the structure: when a conflict arises in society, structures will eventually change – by means of restorative collective action, in Durkheim's thought.

(Neo-)Gramscians perceive 'hegemony' in terms of class relations. The hegemonic class is in power, because it has legitimized its dominance through institutions and concessions. A hegemonic class holds the two axes of domination: it takes part in the formal political structure of a state (the institutions) and its power is legitimized by means of ideology. When this is the case, this class constitutes a *historic bloc*: a dominant configuration of material capabilities, ideas and institutions.
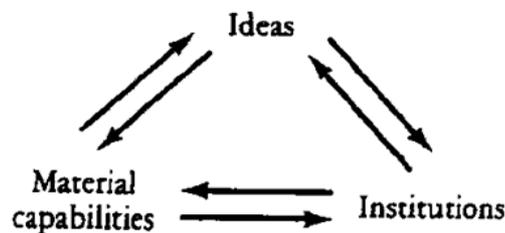
Figure 1.2

Material capabilities can be understood as "productive and destructive potentials" (Cox 1986:218), or, more concrete: technological and organizational capabilities existing in a structure, as well as natural resources, stocks of equipment[19] and the wealth commanding these.

Cox conceives of *ideas* in two ways. Within the first conception, ideas are perceived as historically conditioned inter-subjective meanings, "shared notions of the nature of social relations which tend to perpetuate habits and expectations of behaviour" (idem). These notions

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[18] In the words of Cox: "The framework or structure within which action takes place is to be viewed, not from the top in terms of the requisites for its equilibrium or reproduction (…), but rather *from the bottom or from outside* in terms of the conflicts which arise within it and open the possibility of its transformation" (Cox 1986:217; emphasis added).
[19] For example, industries and armaments – on state level.

constitute the common ground for social discourse.[20] The second kind of ideas refers to "collective images of social order held by different groups of people" (idem), who can be several and opposing of each other.

At last, *institutions* stand for mechanisms, which stabilize and perpetuate a particular order. They too, like the other two segments of the triangle, are historically conditioned, reflecting the power relations prevailing at their point of origin, while tending to encourage collective images consistent with these power relations (idem:219).

With Cox, the individual or the group is provided with agency; it can either go along with the structure, or resist and oppose it. When a "prevailing historical structure" (idem:218) is successfully resisted, "[the actors] buttress their actions with an alternative, emerging configuration of forces, *a rival structure*" (idem; emphasis added). Within the historic bloc – the determining frames for human action, or simply 'the structure' – agents can *change* the structure.

With the notion of change we arrive at the notion of 'emancipation'. When the structures around us are perceived as harming, when they produce inequality or domination of the powerful class, in line of Marxian thought,[21] Bourdieu enters, because his work can be understood as a framework for emancipation. Next to his important notion of 'symbolic violence' (on which we will come to speak further below), he offers a sound framework for operationalisation, in which he combines empirical research with theoretical research. Bourdieu constructed a (non-dogmatic) theory in which influences of both external social structures and the subjective experience of the individual are combined. This, in combination with Giddens' duality of structure and a range of theorists of structural violence, will provide an important theoretical basis on which to build this research. The theoretical framework will serve as the lenses through which the narratives of *sans-papiers* can be read.

Structure and Agency in Durkheimian thought: Bourdieu

In his sociological theory, Bourdieu has given his own view of the perceived dichotomical relationship between structure and agency. In his work, he has always rejected dogmatic forms of academic thinking, leading to 'intellectual orthodoxies'. His so-called 'reflexive sociology' has the ambition to "forge the weapons for defence against symbolic domination" (Bourdieu 1980:13 in Bourdieu and Wacquant 1992). Before introducing how he perceives this 'symbolic domination',

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[20] An example of an inter-subjective meaning is the fact that in contemporary world politics a notion exists that "people are organized and commanded by states which have authority over defined territories" (Cox 1986:218).

[21] In the original version of Marxism the structures of capitalism are identified and they are seen as being inherently contradicting, because those who control the means of production, stand directly opposed to those who only have 'their labour time' as property; the first being the upper class, the industrialist, or simply: the capitalists; the second being the working class, the 'proletariat'. This is the fundamental inequality lying in the capitalist system, awaiting to be lifted by an awakening of the proletariat.

I start by shortly elaborating in what manner Bourdieu integrated both ends of the classical structure/agency dichotomy.

Characteristic about Bourdieu is his deep contempt for disciplinary borders, as well as the apparent insurmountable antagonisms between objectivist and subjectivist forms of knowledge or between materialist and symbolic conceptions – to name a few. In line of this, he distanced himself from the chasm between structure and agency-related theories. According to Bourdieu, the field of sociology is crippled by its reduction to on the one hand research on objective material structures and on the other hand constructive phenomenology of cognitive forms (Bourdieu and Wacquant 1992:12). Therefore, he introduced a 'constructivist structuralism' or 'structuralist constructivism', which merges and assimilates both approaches:

> By structuralism or structuralist, I mean that there exist, within the social world itself and not only within symbolic systems (language, myths, etc.), *objective structures* independent of the consciousness and will of agents, which are capable of guiding and constraining their practices or their representations. By constructivism, I mean that there is a twofold social genesis, on the one hand of the *schemes of perception*, thought and action which are constitutive of what I call habitus, and on the other hand of *social structures*, and particularly of what I call fields and of groups, notably those we ordinarily call social classes (Bourdieu 1989:14, emphasis added).

The aim for sociology, according to Bourdieu, is to shed light on the structures of the different social worlds in our society and to distinguish the mechanisms that reproduce or transform our universe. These structures however, lead a 'double life', they exist in two stages. The first stage is denoted as 'the first order objectivity', in which the allocation of material capabilities and the mechanisms appropriating social scarce goods and values are located. The first order looks at society in terms of a 'social physics', as an objective structure, which can be measured and described by means of statistics and ethnography, for example. However, the problem when using only this method in research is that it ignores a part of reality, because visions and interpretations of actors are being ignored, whereas they too form a part of reality. Society has an objective structure which can be measured, but it also shelters "wille and vorstellung" – in the words of Schopenhauer. Individuals have practical knowledge of the world and they invest this knowledge in their individual, daily life. Therefore, a second 'layer' of reality needs to be taken into account.

Next to the first order, structures exist in 'the second order objectivity', which is – confusingly – also known as the 'subjectivist' or 'constructivist' stance in social sciences. Here, structures take the shape of mental and physical schemes, functioning as the 'symbolic matrix' of all practices, behaviour, thoughts, feelings and judgments of social actors. Social reality is a contingent and continuous realization of competent social actors, constructing their social world while reproducing the structure, or, as Giddens says, while *being* the structure in a way. In the second order objectivity, society is seen as the sum of decisions, operations and knowledge deeds

of conscious actors. Daily knowledge and practice *produce* society. Therefore, the second order objectivity puts the actor in central focus (Bourdieu and Wacquant 1992:14-15).

Bourdieu created these two orders of objectivity to overcome classical dichotomies of objectivism/subjectivism, mechanism/finalism and structure/agency (etcetera), which are empty oppositions, only helping to cover the truth. Important to note is that, in order to overcome these dualities, he changed the two (perceived) antagonistic *world hypotheses* of the two paradigms into *moments of analysis*, integrating structuralism and constructivism. In the first order objectivity, objective structures are mapped: *positions*, in his terminology. In the second order objectivity, the experience of actors is researched, in order to explicate their observation- and appreciation categories (*dispositions*), which structure their actions and their representations (*prises de position*) from within. Bourdieu doesn't value the two orders the same however: because actors' positions vary systematically according to their position in the objective societal space, the first order objectivity has to be analyzed first, then followed by the second order objectivity (idem:16).

Social agents in these structures act according to their 'feel of the game'; for which Bourdieu came up with the concepts *habitus* (the 'feel') and *field* (the 'game'). This means that agents partly act intuitively and unconsciously; not always rational or in a calculating modus. With these two concepts, Bourdieu frees social theory from the dichotomies 'spontaneity versus social pressure'; 'freedom versus necessity'; and 'choice versus plight'. Actors do have a choice, but they are partly (unconsciously) constrained in their handlings. According to Bourdieu, the habitus is creative and innovative, but always within the boundaries of its own structures.

Towards an Integrative Approach

Considering the above, it would not be correct to equate the first order objectivity to 'structure', and the second order objectivity to 'agency', because both the orders look at structures in society (and the second order looks at agents, but agents *in relation to* structures) and they cannot exist without each other, but are complementary – contrary to structure- and agency-related theories, who often 'work alone'.

But just as this chapter has the aim to overcome structure/agency dichotomies, is also aims to integrate these Marxian and Durkheimian streams of thought, by showing that they too should be conceived of as being complementary, partly because in retrospect they actually do not differ that much from each other.

When we look at Gramsci and Cox (to be placed in the Marxian line of thought), and distil from their workings their approach to 'structure', it is hard to miss the similarities with Bourdieu's approach to structure (to be placed in the realm of the Durkheimian tradition). Gramsci and Cox can actually be perceived as partly arguing in line of Durkheimian thought, by expanding Marxist ideas on domination and power with an a-materialistic element: that of hegemony proper, the

second axe of domination. These two axes of domination are made into a triangle, a historic bloc, by Cox, consisting of material capabilities, ideas and institutions. The 'ideas' in this triangle are describes as historically conditioned inter-subjective meanings on the nature of social relations, and as "collective images of social order held by different groups of people" (Cox 1986:218). These views regard, for example, the nature and legitimacy of existing power relations and the meanings of justice in a society. They clearly belong to Gramsci's second axe of domination, but they also strongly remind one of the notion of 'shared beliefs' in Durkheimian thought, as well as they bare great similarity with Bourdieu's second order objectivity, in which the actor is put in central focus, because its perception of the world is to be found in mental and physical schemes, forming also a part of reality. This reminds one of what Giddens concluded on the relationship between structures and actors: actors are constantly reproducing the structure, by which they *are* the structure in a way. And the importance of mental schemes of actors is clearly argued by Gramsci, when he poses that complete power or domination is only possible when coercive state action (measurable by statistics; quantifiable) is supplemented by 'hegemony proper' (not to be grasped in statistics): controlling the shared beliefs of agents in a society, to make them fit the interests of the powerful class. Therefore, in the second order objectivity, both agency and structure are valued.

Another striking similarity between the two structure-based approaches lies in the first order objectivity. In this moment of analysis, Bourdieu deems the allocation of material capabilities and the mechanisms appropriating social scarce goods and values in the structures around us very important. This immediately reminds us of 'material capabilities' and 'institutions' in Cox's triangle; those, in turn, stand the basis of Gramsci's first axe of domination.

Without a lot of effort, the two approaches can be roughly illustrated in the following scheme, designating the two moments of analysis obtained by Bourdieu.

FIRST ORDER
<u>OBJECTIVITY</u>

positions
|
MARXIAN
THOUGHT
|
<u>STRUCTURE</u>

SECOND ORDER
<u>OBJECTIVITY</u>

dispositions
|
DURKHEIMIAN
THOUGHT
|
STRUCTURE
&
<u>AGENCY</u>

INSTITUTIONS

MATERIAL
CAPABILITIES ⟷ IDEAS

ROUTINE

RESTORATION ⟷ ANOMIE

FIRST AXE OF
DOMINATION

SECOND AXE OF
DOMINATION

INSTITUTIONS

DISCOURSE
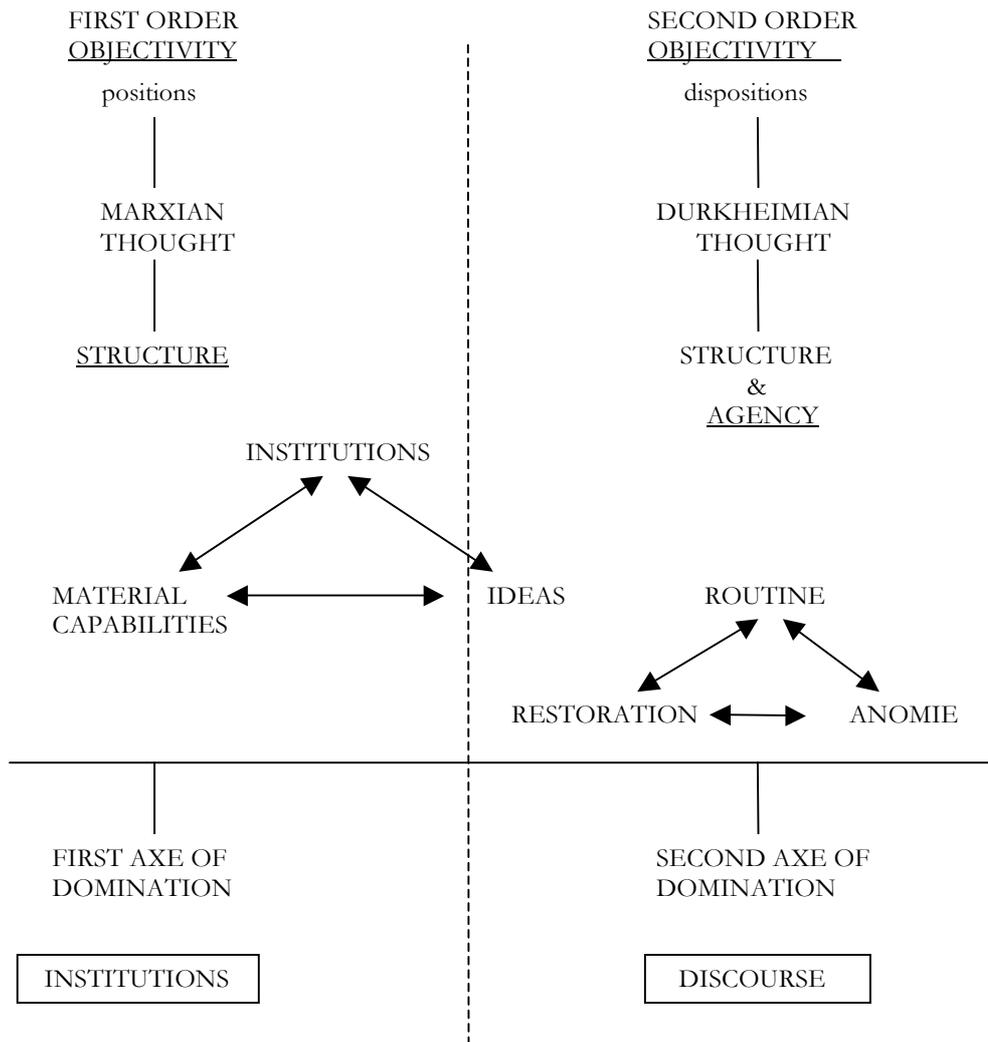
Figure 1.3

The above has showed that the two approaches in fact have a lot in common; in the way the operationalize, or with regards to the indicators they use to lay bare what is the structure in their view. It is their starting point of analysis and specific point of focus that is different, but we need both approaches in order to come up with a sound framework to explain and understand structural violence.

Incorporated in figure 1.3 are Gramsci's first and second axe of domination. This serves as a stepping stone to the next part of the theoretical framework, which deals with the broad concept of 'structural violence'. In this part, forms of domination in different outlook will be described and final steps towards operationalisation will be given. As said, one of the aims of this thesis is to provide actors with an emancipatory framework; 'grips' to battle structural violence. But in order to do this, we need an answer on the question where the 'seeds of change' lie. Since we still don't have an answer to this question, it is best to first go back to the agents and their

dispositions, and then we will see how automatically discourse comes into play, which proves to be the link between agency and structure.

How to analyse the dispositions of actors? Where do they come from and what is their relationship with external societal structures (in first *and* second order objectivity)? According to Durkheim, a link exists between social and mental structures: concepts used in collective representations are related to the social structure of a group (or: society). This is Durkheim's thesis of *sociocentrism*. Bourdieu has expanded this thesis with the following points. Firstly, the functioning of the educational system is an important indicator for modern societies, in order to judge the extent to which cognitive and social structures in a society link to each other. Secondly, dispositions of actors are the *incorporation* of the 'objective necessities' of their social universe, which leads to 'transindividual' and unconscious schemes of thought, used by actors in their daily life (Bourdieu and Wacquant 1992:17). This in fact makes it possible to transcend the individual level and say something about a larger part of society.

The third expansion to Durkheim's thesis of sociocentrism is of great importance for this research, because it states that the link between social and mental functions has a *political function*. Symbolic systems are not only a means of knowledge; they are also *means of domination* – 'ideologies' by Marx, 'theodicies' by Weber and 'hegemony' by Gramsci. Changes in the structures of first order objectivity take place on the edges of the social world, reflecting the interests of those in power. All actors structured in this system take part in those changes, since they impose themselves with a pretence of necessity. According to Bourdieu, the socially formed classification categories we use to actively construct our society, have a tendency to depict the structures they come from as being naturally and necessarily given, instead of being a product of the power structures in a society at that time (between classes, ethnic categories or gender, for example) – which they are, in fact (idem:18).

So when we accept that symbolic systems are in fact social products, *producing and being produced* by the world, with other words, they are not only a reflection of social power structures of that time, but they also contribute to their constitution; when we accept that, then a logical consequence would be that, within certain boundaries, the world can be changed by changing our perception of the world. And with this we get to Bourdieu's fourth expansion on Durkheim's thesis: classification systems are at stake in what seems to be an eternal, dialectical struggle. This struggle is done by actors, in random encounters in daily life with one another, but also in the political arena, or in other spaces in the public sphere. The correspondence between social and cognitive structures offers one of the greatest foundations for domination. Therefore, social classes, ethnic groups, or other antagonistic collectivities are involved in a constant struggle for

classifications of the world around them; classifications that match most with their particular interests (idem:18).

Bourdieu's expansion on Durkheim has in fact a lot in common with Giddens' writings on the relationship between agents and structures. Gidden's theory of structuration is centrally concerned with the "reproduction of institutional practices or social continuities ordered across time and space" (Jabri 1996:54, 77). The underlying assumption of this framework is that discursive and institutional continuities exist in the structure, and agents draw upon these and reproduce them in *strategic interaction* (Jabri 1996:54). This means that also with Giddens, actors are moving around classification systems ('discourse', sometimes manifest in institutions).

With Giddens, a purposeful agent determines its acts according to rationality, *but* at the same time this rationality is bounded by norms (discourse) and institutions (in a way a reflection of discourse) – in Bourdieu's words, the habitus is creative and innovative, but always within the boundaries of its own structures. Classification systems 'inside' actors ('dispositions'), thus flow from the structure. How this works, is best explained by means of the concept of *framing*. This concept was originally coined by Goffman, who defined it as the following:

> "I assume that definitions of a situation are built up in accordance with principles of organization which govern events – at least social ones – and our subjective involvement in them; frame is the word I use to refer to such of these basic elements as I am able to identify. That is my definition of framing" (1986:10-11).

In other words, an individual acts from its specific social and institutional position, which has in fact certain normative expectations associated with them (Jabri 1996:66). A set of pre-existing perceptual formats and prejudices are making up an individual's frame, best understood as a lens through which one perceives the world around him or her. Perceptions of other people are heavily influenced by these frames and therefore strong power lies within them.

Benford and Snow pose that framing "denotes an active, processual phenomenon that implies agency and contention at the level of reality construction" (2000:614). This 'contention over reality construction' often takes place in times of 'crisis' (in the economic, cultural or political field), or 'rapid social change' (Durkheim), sometimes exacerbated by 'trigger events'. When a crisis occurs, standard classifications become inadequate.[22] In the wake of this crisis, agents struggle over the meaning of the event, making "appropriate classification (...) the stake of politics" (Hajer and Uitermark 2008:2). This struggle over meaning is also one to cast and divert blame, by politicians on politicians; by politicians on certain 'groups' in society; by society on politicians; or by groups in society on other groups in society. In this struggle, the discursive link between structure and agency is again clearly visible: agents frequently embed their interpretations of the event (the crisis, or the 'trigger' emanating from this crisis) in a broader discourse; "[an event] can instantly [become] an example of a broader 'problem' of the society as a whole" (Brass 1996:15).

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[22] For example, the deed of killing: unacceptable in peace time, but suddenly acceptable in times of war.

A latent conflict in need to be 'named' in a larger frame of meaning, has to resonate within a population's cultural predispositions, otherwise it doesn't 'catch on'. A new frame cannot be constructed 'out of whole cloth'; representations of reality need to be grounded in pre-existing systems of signification (Demmers forthcoming: chapter 6). In other words: a counter-discourse (on which we will come back in the last paragraph of this chapter), although it needs to rival the existing discourse, does originate within the existing structure, because agents dispositions are conditioned by the existing schemes of signification.

Typical of framing processes, or simply 'framing', is the notion of contestation: interpretative frames are actively constructed, often not only differing from existing frames, but also possibly challenging them. Crucial in this process is the role of the media and the appealing to strong symbols. In times of polarization, an appeal to unifying symbols can provide compensation for the loss of a sense of belonging, which is said to occur now in parts of western Europe and has been linked to the rise of xenophobia (Demmers and Mehendale 2010).

1.2
DISCOURSE.

A frame is a cognitive structure, orienting and guiding the interpretation of individual and collective experiences; a scheme of interpretation, enabling individuals "to locate, perceive, identify, and label occurrences within their life space and the world at large" (Goffman 1974:21). The difference between a frame and a discourse, is that frames are more consciously applied by social actors to accomplish certain goals: they *guide* interpretation. A frame is part of a discourse, and in researching it, attention is mainly focused on the intention of messenger (his role, interests, etcetera), while in discourse analysis, attention is merely focused on the meaning of a set of words in the context of power relations it is expressed.

In the context of the theoretical framework, another outlook on framing and discourse is of importance here, in addition to the abovementioned outlook, focusing on the politics of naming and coding of violence (Hajer and Uitermark 2008; Brass 1996). Another outlook on the role of discourse focuses on how texts and discourses work in a setting of ideological interests with potential powerful consequences, best summarized by Foucault's famous statement: 'Knowledge is power'. This realm belongs to the school of critical discourse analysis.

For Fairclough, belonging to this school, discourses include "representations of how things might or could or should be" (Fairclough 2003:207 in Demmers forthcoming: chapter 6). Critical discourse analysis works from the proposition that social realities and social relations are discursively produced and strategically mediated by particular interests.

According to Fairclough, imaginaries, when getting foothold in the shared consciousness, become *enacted* as actual practices, real activities, subjects and social relations (Demmers

forthcoming: chapter 6). This includes the *materialization of discourse*: discourses are "dialectically materialized in the 'hardware' and 'software' of organizations" (Fairclough 2002:164),[23] in other words: they get institutionalized. Next to this, discourse can get *inculcated*, in which they become a way of being, an identity (idem).

In the case of overt conflict, Schröder and Schmidt have posed this simple rule: violence needs to be imagined in order to be carried out (2001:9). With the word 'imagined', they refer to the discoursive representation of reality, which functions to create in- and outgroups of any kind, ultimately leading to (different classifications of) violence. They state that violence is more than instrumental (rational) behaviour; violence is a historically situated practice, "informed by *material constraints and incentives* as well as by *historical structures* and by the *cultural representation* of these two sets of conditions" (2001:3, emphasis added), linking to Cox's traingle and its relation to the second order objectivity. When discourse is hostile towards a certain 'group' in any sense, Schröder and Schmidt use the term 'violent imaginaries', represented through narratives, performances and inscriptions.

I propose that we can speak of structural violence when this hostile discourse becomes normalized, meaning: when there is a sense of normalization, when certain imaginaries become more broadly accepted, and when the people who are by any means stigmatized ('tackled') in this discourse, suffer from it directly or indirectly. Next to the fact that people can suffer from structural violence alone, even more danger lies in the fact that this latent violence may actually pass into overt violence. This can happen in two ways, being consecutive steps: the first way, and possible step to the second way, is a process of normalization of discourse, which creates a situation in which groups can fall victim to mobs, or other attacks by their fellow citizens. The second way in which structural violence can pass into direct, overt violence, is by means of actual violence exerted by the state: the institutionalization of certain narratives. For example, when a French politician would talk of 'deportation plans' for muslims (as a consequence of, for example, committed crimes by this 'group'), this is exclusivist talk, 'racist' if you will, and can be considered as a form of structural violence, considering the broad audience a politician has and the possible effects his speech has. His message implicitly carries the message that muslims are 'the other', because other rules apply for them – compared with the 'French' population. He doesn't 'just' say this; there is most probably a broader context, in which this politician is perhaps looking for a scapegoat in harsh economic conditions for the country (*material constraints and incentives*), or he tries to prove that islam is a violent religion or ideology, which can apparently be traced in history (*historical structures*). When this discourse gets normalized, a racist climate can be the result, in which muslims can become victims of harassment, discrimination or even direct violence (this is the first step, as described above). Whereas people probably at first reacted shocked and negative

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[23] The hardware being, for example, the machinery, car park or cantina of an organization; the software being a management system (Demmers forthcoming: chapter 6).

to this new exclusionist discourse, in the process they tend to get more used to it (habituation sets in) and perhaps even start to believe that muslims are by any means inferior. This is the power of words in discourse: people get used to it, discourse falls and stands by the practice of repetition. All of this is just a precondition for the final step in the process: the institutionalization of narratives. In the example of the French politician this would account for a situation in which, for example, Muslims do in fact get deported when they commit a crime of any kind. When this is the case, structural violence has evolved into actual, overt violence, and the structure has changed.

Three conclusions can be drawn from the above: first of all, the link between structure and agency is taken care for by discourse. Discourse is applied by agents – people trying to pursue a certain agenda – with the possibility to become normalized and in the end become part of a changed, thus new, structure. Secondly, an analysis of discourse gives insight into the structures of a society, because it reflects schemes of perception and appreciation. According to Bourdieu: "especially those [schemes, FB] inscribed in language itself, express the state of relations of symbolic power" (Bourdieu 1989:20). And thirdly: because change in structures starts in fact with the appliance of certain discourse (reflecting a 'crisis' – in the broadest sense of meaning), this change only really occurs when discourse gets normalized and then institutionalized. From this, the conclusion flows that institutions, being part of the objective structure, are the objectification of a certain discourse, applied by the most powerful groups in a society. These last two conclusions are of crucial importance in operationalization and are summarized by Giddens as follow: structures become manifest in *discourse* and *institutions* (Demmers forthcoming: chapter 6).

Therefore, in order to research structural violence, institutions and discourse are the two main objects of analysis. Now let us take a more in-depth look at the concept of 'structural violence'.

1.3
STRUCTURAL VIOLENCE.

An increasing number of anthropologists devote their attention to structural violence, "standing on the shoulders of those who have studied slavery, racism and other forms of institutionalized violence" (Farmer 2004:307). There is no fixed definition of the concept of 'structural violence'; different authors coined different terms, which in turn are being used in different ways. In light of the structure/agency dichotomy, structural violence can be regarded as the umbrella, under which concepts such as symbolic violence (Bourdieu), systemic violence (Zizek) and cultural violence or cultural hegemony (Gramsci) are being placed.

The idea of structural violence dates back to at least 1969, when Johan Galtung – considered one of the founders of the discipline of peace and conflict studies – established a framework to describe social structures characterized by poverty and steep grades of social inequality, like racism or gender inequality. In the field of conflict studies, structuralist thinkers such as Galtung see conflict as something deriving from violence *inherent* in political, economic, cultural and geopolitical context (Demmers forthcoming: chapter 3). They divided violence in two categories: 'subjective' and 'objective'. Subjective violence consists of visible acts of hurt, underlain by objective violence, which is more subtle; these are the invisible forms of coercion lying in the structure of the social system.

Galtung himself speaks of 'manifest' and 'latent' violence in this regard. He designed a theory of violence, visible in this triangle:
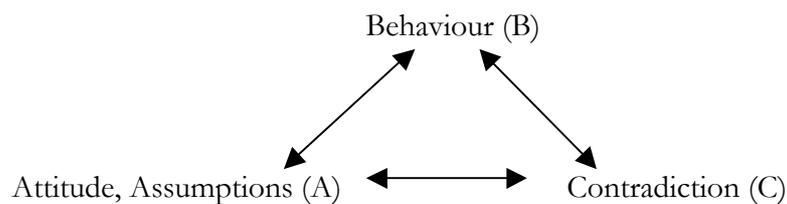
Figure 1.4

The triangle captures all the components of a conflict: conflict = A + B + C. The component of *behaviour* (B) is manifest, whereas the *attitude* (A) and *contradiction* (C) lay on the latent level (Galtung 1996:71-72). According to Galtung, *the contradiction lies in the system tying them together*, which makes him a structuralist. A and C are often assumed to be in the subconscious of people, and it is only through inner and outer dialogue that people can increase their awareness of A and C. A and C can be 'lifted' from the subconscious through a process of *conscientization*, with a small note that the new consciousness always needs to be regarded as a hypothesis, since there is a thing such as false conscience (Galtung 1996:74).

For Galtung, violence is an "avoidable impairment of fundamental human needs or, to put it in more general terms, the impairment of human life, which lowers the actual degree to which someone is able to meet their needs below that which would otherwise be possible" (Galtung in Ho 2007:3). The crux is found in the word 'avoidable', because (in an example of Galtung himself) when a person died from tuberculosis in the eighteenth century, this cannot be considered violence, because it might have been quite unavoidable. However, if a person dies of

tuberculosis today, this can be considered as violence, because medical knowledge and resources to stop it are available: theoretically speaking, this person's death could have been avoided.

To make matters more complicated, Galtung coined a range of concepts denoting certain types of violence. The three most important ones in the realm of this research are the following:

> *Actor* or *direct violence* is defined in person, social, and world spaces and is intended, by individuals acting singly or inside collectivities;
> *Structural* or *indirect violence* is defined as built into the person, social and world spaces and is unintended;
> *Cultural violence* serves to legitimize direct and structural violence, motivating actors to commit direct violence or to omit counteracting structural violence: can be intended or unintended (Galtung 1996:31).

Antonio Gramsci: cultural hegemony

"The essence of hegemony is principally a non-coercive form of leadership", says Pratt in her study on authoritarian regimes (2007:11). This exactly is the notion of 'cultural violence' ascribed to Gramsci: for him, culture represents one of the non-coercive measures by which rulers win popular consent for their rule (Gramsci 1971 in Pratt 2007:9), a crucial element in the acquirement of hegemony. After his arrest and trial (noteworthy for the demand of the prosecutor "We must stop this brain working for twenty years!"[24]), Gramsci's view on Italian society became quite dark,[25] recognizing that "the very people who were exploited by capitalism and Italian fascism were often the strongest supporters of capitalism and fascism and (…) they willingly consented to their own exploitation" (Litowitz 2000:522).

The establishment of a ruling worldview (a shared consciousness or second axe of domination, if you will), requires three mechanisms. Firstly, *universalism*: here, the dominant group (the hegemon) manages to portray its interest as the common interest of society. Secondly, *naturalism*: here, the dominant way of life becomes reified up to the point where 'culture' is confused with 'nature'. Point of this is the silencing of the dominated, because 'there is no point at fighting nature'. The third mechanism is a strategy of *rationalization*, in which the ruling group seeks and gives rise to a group of 'intellectuals',[26] who have the task of perpetuating the hegemonic way of life at the level of theory (Litowitz 2000:526).

Disseminating its values in schools, churches and popular culture, the hegemon successfully employs the second axe of domination, which, according to Gramsci, *always entails some form of voluntariness*. In his model, the actors are not necessarily aware of the content of the structure they are living in; of the hegemony directing their behaviour. This links to Galtung,

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[24] Gramsci 1971:*supra* note 10, at xviii, in Litowitz 2000:522).
[25] Before, his work had focused "on the optimistic struggle to replace the existing hegemony with a proletarian hegemony" (Litowitz 2000:522).
[26] In the broadest sense of the word, including professors, journalists, lawyers, politicians and scientists.

speaking of the "real C" (the contradiction) lying in the structure of the social system. It also links to Bourdieu, as we will see in the next section.

<u>*Pierre Bourdieu: Symbolic Violence*</u>

Bourdieu uses the concept of 'symbolic violence', in which the power element stands central. Shortly defined, "[s]ymbolic violence(…) is the violence which is exercised upon a social agent with his or her complicity" (Bourdieu and Wacquant 2004:272). As said above, Bourdieu elaborated further on Durkheim's thesis of sociocentrism, by stating, among other things, that the link between social and mental structures serves a political function. As an indicator for this process, he pointed to the education system, stating it shows until what extent cognitive and social structures in a society link to each other. His use of the term 'education system' is, in his account on symbolic violence, quite broad however, encompassing *all pedagogic actions*,[27] all attempts at instruction, because: "Every power to exert symbolic violence, i.e., every power which manages to impose meanings (…) as legitimate by concealing the power relations which are at the basis of its force, adds its own specifically symbolic force to those power relations" (Bourdieu and Passeron 1977:4 in Lakomski 1984:154). In this view, schools are thus seen as conserving rather than liberating institutions, because they effectively perpetuate the existing social structure.[28]

Pedagogic action (of the symbolically violent type) involves a process of inculcation, with a socializing effect on the habitus. The habitus, "a durable set of habits based on the internalized principles of the dominant culture" (Lakomski 1984:154), always operates beneath the surface of consciousness of people; it consists of the implicit shared understandings of social actors. In this way, social actors in fact themselves successfully and smoothly contribute to the reproduction of their own misrecognition of domination (Lakomski 1984:154-155).

The notion of symbolic violence is relevant here, because it focuses attention on the ideological function of culture, as a means to structure and legitimize the status-quo in a system of social relations. Symbolic systems (language, myths, etcetera) are thus a means of domination, reflecting the power structures in a society at that time, while also contributing to their constitution.

Bourdieu's important observation on the habitus operating under the surface of the conscious (earlier in this chapter described as the *feel* for the game), bears remarkable similarities with Galtung's unconscious C and Gramsci's notion of cultural hegemony, functioning to smoothly normalize the hegemon. The difference lies in where the different scholars put their emphasis on: Bourdieu focuses on 'all pedagogic acts', or education, as a mechanism to perpetuate the social order, while Galtung seems to focus merely on the inherent Contradiction

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[27] All attempts at instruction, "be they carried out in the family, school, or elsewhere" (Lakomski 1984:154).
[28] According to Bourdieu, schools help to conceal the true nature of power inequalities in French society (Lakomski 1984:153).

of the system causing inequality. Gramsci's arguing comes very close to Bourdieu, by also focusing on the role of culture in processes of domination.

An Intergrated Approach Towards Structural Violence

In this thesis, the goal is to theorize more broadly the way everyday life is shaped by violent structures, flowing from historical processes and contemporary politics – global political (economic) trends as well as local discourse and culture. In order to research structural violence, one has to locate the conditions facilitating a context of oppression, inequality or discrimination. As the theoretical framework dictates, these conditions lie in the material capabilities of a society, its institutions and its ideas. In order to uncover 'ideas', we have to look at the hegemonic discourse in a society, residing in the consciousness of actors, but also visible in institutions.

But then, isn't it possible to come up with a sound definition or conceptualization of structural violence? Is it perhaps possible to combine the abovementioned notions of structural violence and related concepts, and fit them into the theoretical framework, in order to operationalize it?

As has been argued in the previous, next to the fact that different concepts have been coined under the umbrella of structural violence, the meaning given to these concepts is also different per scholar – depending on the disciplinary field one comes from, on the case that one deals with, etcetera. A short overview of these nuances to the concept will clarify this even further:

- According to Kathleen Ho, structural violence is defined as "the avoidable disparity between the potential ability to fulfil basic needs and their actual fulfilment" (2007:1);
- For Paul Farmer, social inequalities are at the heart of structural violence. Theories of structural violence are intended "to inform the study of the social machinery of oppression" (2004:307). And: "structural violence is the natural expression of a political and economic order that seems as old as slavery. This social web of exploitation, in its many differing historical forms, has long been global, or almost so, in its reach" (2004:317).
- According to Alisse Waterston, the manufacturing of difference can be regarded as a key aspect in structural violence, "at the center of the 'machinery' of political economy" (2005:54).
- Slavoj Žižek divided structural violence (or 'objective violence', in his words, "the violence inherent to [the] 'normal' state of things"; 2009:2) in two types of violence. Firstly, there is 'symbolic violence', which is embedded in language, at work in cases of incitement or in relations of social domination. Secondly, there is 'systemic violence', "or the often catastrophic consequences of the smooth functioning of our economic and political systems" (idem:1).

Broadly, taking into account all the abovementioned conceptions of structural violence, the following synthesis can be constructed. Here I will pose that *structural violence* will be perceived as lying in the objective structures of a society: as Galtung stated, it is unintended, unconscious and built into the person, social structures and world spaces. This is what Gramsci denoted as the first axe of domination, what Žižek perceives as systemic violence, and it is researchable in Bourdieu's first order objectivity. Cultural violence then, is where the agents come in, carrying with them the possibility for awareness, action and change. Cultural violence is the ideological framework, serving to legitimize direct and structural violence. This is Gramsci's second axe of domination (hegemony proper) and Bourdieu's notion of symbolic violence. It is built into persons *and* social spaces, it can be intended *and* unintended; therefore, this is where both structure and agency come together. Because it has a motivating and legitimizing role, discourse is the most important indicator to lay bare this type of violence, because discourse reflects a certain culture, a shared consciousness in a society, which ultimately can translate itself into institutions. Structural violence is the expression of a political, economic and discursive (or ideational) order.

Flowing from the above paragraphs, the following figure can be constructed. This is the theoretical framework on which this research is built.

FIRST ORDER
OBJECTIVITY

positions
field
|
MARXIAN
THOUGHT
|
STRUCTURE

SECOND ORDER
OBJECTIVITY

dispositions
habitus
|
DURKHEIMIAN
THOUGHT
|
STRUCTURE
&
AGENCY

INSTITUTIONS

MATERIAL
CAPABILITIES   IDEAS   ROUTINE

RESTORATION   ANOMIE

FIRST AXE OF
DOMINATION

SECOND AXE OF
DOMINATION

NATURALISM

INSTITUTIONS   DISCOURSE

MATERIALIZATION

RATIONALIZATION

ENACTMENT
INCULCATION

UNIVERSALISM

STRUCTURAL VIOLENCE   CULTURAL VIOLENCE

SYSTEMIC VIOLENCE   SYMBOLIC VIOLENCE

Figure 1.5

1.4

FRAMEWORK FOR ACTION.

In structuralist approaches, to counter a situation of conflict (in its broadest meaning), "incremental structural change" is necessary (Demmers forthcoming: chapter 4). In the framework of Gramsci, this means that the violence inherent to political, economic, cultural and geopolitical structures underlying a hegemony needs to be tackled. Nicola Pratt has spoken of a 'war of position' in this context: in countering a hegemonic system, not only the 'outer edifices' of the system of rule (its institutions, policies, material power base, etcetera) need to be tackled, but also the ideological complex underpinning it; the range of "established ideas and practices" (the culture in its widest sense, shared consciousness and discourse; 'hegemony proper'), which structures the social relations underpinning this system. The contestation of dominant ideas and practices in the structure "paves the way for the formulation of an alternative or 'counter' hegemony" (Pratt 2007:14).[29] By means of language and symbols, a successful counter-discourse has to be put in place.

With the formulation of this counter-discourse, the notion of agency has entered again. For a successful counter-hegemony to take root, an actor or group of actors need to create a new consensus challenging the whole complex of socioeconomic, ideological and institutional structures. Here agents play a role in changing the structure, instead of reproducing it. These are the two roles they are assigned in Giddens' duality of structure.

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[29] It is crucial that the project of a counter-hegemony attacks both the visible and ideological complex underpinning the structure that needs to be countered. When taking authoritarianism as a case, Pratt states the following: "The establishments of democratic rules and institutions, without attempts to articulate a counter-hegemonic project, may simply lead to a transition away from authoritarian rule toward a 'grey zone' that is not authoritarianism but is not democracy either." And: "By creating new opportunities for the debate and discussion of alternative visions of the polity, contentious politics may develop into the formulation of counter-hegemonic projects that challenge authoritarianism (…) Culture plays a significant part in this process – not as a static resource upon which regimes may draw to legitimize their actions but rather because culture is continually being (re)constructed with political effects" (Pratt 2007:19 and 191).

Chapter two.

Institutions.

<div align="right">

La France est un pays important en Europe.

Les autres pays suivent son exemple.

Elle devrait montrer la voie.

Thomas Hammarberg[30]

</div>

2.1

NEOLIBERALISM AND THE PENAL STATE.

Neoliberalism

How to describe, or 'grasp' the institutions (the objective structures) necessary to sketch the context in which structural violence with regards to immigrants can breed? In order to understand how they work, it is best to characterize them, when possible. The prevailing constellation of institutionalized ideas (about trade, development and governance, for example) internalized in many western European societies today, can roughly be characterized as neoliberalism. Neoliberalism is understood as the approach to government "that supplants regulation by law with market forces, and government functions (especially in the service sector) by private enterprise" (Greenhouse 2010:1). In a sense, neoliberalism brings economics and politics together: "During the second half of the twentieth century, economics established its claim to be the true political science" (Mitchell 2002:272 in: idem).

The neoliberalist doctrine has been criticized by a broad stream of scholars and politicians alike, for many reasons.[31] In the context of this paper, the main criticism of importance is the argument that neoliberalism has increased the alleged risks of exclusion and marginalization, causing insecurity and fear in society. To exemplify: Carol Greenhouse speaks of

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[30] *Commissaire aux droits de l'Homme du Conseil de l'Europe.* Article published on 20 November 2008 on www.lemonde.fr .

[31] Greenhouse gives a thorough summary of these criticisms: "(…) along with structural adjustment and soaring capital accumulation among the newly wealthy come permanent impoverishment and divided communities; privatization is accompanied by social fragmentation and democracy deficit; market values do not consistently sustain public services; outsourcing contributes to the destructuring of local economies and displacement of workers; liberty may take the form of abandonment; deregulation permits loss of accountability; unemployment and routinization of work allow the development of novel forms of empowerment and social reconstruction; national investments in global capitalism facilitate new regionalisms and – for citizens – new subalterities and risks of marginalization and insecurity" (2010:1).

a 'provocation' *in* neoliberalism, arising out of its inherent contradictions: "Neoliberalism 'arrives' through state institutions yet as a commitment to dismantling the state in some respects" (2010:5). On the state level of analysis, the credo of 'less state' on the economic and social front has left a large group of people unprotected – only reinforced by unpredicted economic forces. On the international level of analysis, neoliberalism has been accused of the deepening of the schism between 'core' and 'periphery', widening the distance between the 'North' and the 'South'. This in turn has culminated in mass migration towards western societies, explained by Frances Webber:

> (...) for the states of western Europe, [immigrants] are a visible and unwelcome reminder of the precarious balance of the new world order and of the human consequences of IMF structural adjustment programmes, of arms sales to repressive regimes, of corrupt aid deals, and there are too many of them [immigrants, FB], and the voters won't like it because they threaten living standards in the poor areas by competing for resources (1995:2).

In this picture, the arrival of migrants has entered into a symbiosis with the already present fear and insecurity; mutually reinforcing each other and leading to the deployment of 'more state' in the realm of police and prisons – another feature of neoliberalism – supposedly a remedy against objective and subjective insecurity, who are in fact *itself caused* by the neoliberal state. This makes neoliberalism a "disordering order [dividing] humanity against itself" (Greenhouse 2010).

In reference to Fairclough's thought mentioned in the former chapter, neoliberal discourses such as the discourse of 'new public management' are now being materialized, enacted and inculcated globally (2002:164). This makes it worth to touch upon in depth, because part of this new neoliberalist logic has to a large extent influenced states' interaction and reaction with immigration. The neoliberal logic has been severely criticized by Pierre Bourdieu, who even went as far as to see neoliberalism creating the conditions for structural violence to breed: "The ultimate foundation of this entire economic order placed under the sign of freedom is in effect the *structural violence* of unemployment, of the insecurity of job tenure and the menace of layoff that it implies".[32]

We live in a time where people increasingly speak of 'a crisis of the state', in terms of decreasing trust of voters in the traditional political parties, exemplified by the rise of populist political parties at both ends of the spectrum – in the context of immigration, especially extreme right wing parties give rise to concern, considering their anti-immigrant platforms. According to Bourdieu, neoliberalist policies are not the solution to this 'crisis'; they might actually be considered the cause of it: "What is described as a crisis of politics, anti-parliamentarism, is in reality despair at the failure of the state as the guardian of the public interest" (1998:2).[33]

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[32] Bourdieu, 'The Essence of Neoliberalism'.
[33] The neoliberal state doesn't ask its citizens for commitment or enthusiasm, but solely for obligatory material contributions, which has the effect of the citizen rejecting the state, to treat it as "an alien power to be used so far as they can to serve their own interests" (Bourdieu 1998:3).

Bourdieu has explained the despair and revolt of certain people as follows: "I think that the left hand of the state has the sense that the right hand no longer knows, or worse, no longer really wants to know what the left hand does. In any case, it does not want to pay for it" (Bourdieu 1998:2). The so-called right hand, or 'iron fist', is said to be increasingly obsessed with problems of security and financial equilibrium, compensating the effects of the release of the 'invisible hand' of the deregulated market (Wacquant 2009:112).

Within (neo)liberalism, the state retreats and individualism becomes a core concept, according to Bourdieu, "a kind of self-fulfilling prophecy which tends to destroy the philosophical foundations of the welfare state and in particular the notion of collective resposibility (towards industrial accidents, sickness or poverty) which has been a fundamental achievement of social (and sociological) thought. The return of the individual is also what makes it possible to 'blame the victim', who is entirely responsible for his or her own misfortune (...)" (1998:7). This victim can be found in the embodiment of the poor, the marginal or the immigrant; denoted as 'surplus humans' (Pallida 2009:13), and they are increasingly subjected to a growing penal apparatus.

When the control of foreigners and the penal repression of crimes (two distinct forms of state population governance) are combined, they can be placed in a framework of what is increasingly denoted as the 'penal' or 'panoptic' state. A development is noted wherein the 'social treatment' of foreigners and its correlates (in line of values of justice and solidarity) is increasingly replaced by a penal treatment of foreigners (Wacquant 2003b:198).

The Penal State

Discussion circles around the question whether the sudden growth of the penal state in the United States after the mid-1970s and in western Europe two decades later, can be perceived as a response to the evolution of crime, or whether it is rather a response to the social insecurity produced by the fragmentation of wage labour and other perceived destabilizing factors, such as incoming migrants. Since the question on the evolution or increase of crime is by no means answered in an unequivocal way, what we see is a "constant confusion between insecurity and the 'feeling of insecurity' " (Wacquant 2008:10).

These feelings of insecurity are said to be caused by a set of interrelated social changes, many of them (partly) a result of the institutionalisation of neoliberalist policies.[34] Boosted by the blurring of immigration, crime and poverty (in the media as well as in the discourse of some politicians), this sense of insecurity and fear has spurred politicians to implement policies apparent of decisiveness, leaving the impression they are tackling the problems and take concerns

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[34] Examples of these social changes given by Wacquant: "the dislocations of wage work, the crisis in the patriarchal family and the erosion of traditional relations of authority among sex and age categories, the decomposition of established working-class territories and the intensification of school competition as requirement for access to employment" (2008:10).

of the voters seriously. This has culminated in what Wacquant (2008) denotes as the *new government of social insecurity.*

Heavily relying on the work of Foucault, in this government of social insecurity, Wacquant sees the prison returning "to the frontline of institutions entrusted with maintaining the social order" (2000). Europe is on its path towards the penal state: already existing in the US and now being copied overseas. However, the European penal state has a different make-up: "it entails the joint intensification of both social and penal treatment of poverty. (…) The policing functions of the welfare services are then leading to a form of 'social panoply'", in Wacquant's words (2003a:9).

And indeed, as will be demonstrated in paragraph …, the penal system in advanced societies is increasingly used as an instrument for managing social insecurity. In the wake of this process, immigrants are being 'criminalized' or 'securitized', as I will argue in the next chapter. In the penal system, we see a reflection of Gramsci's two axes of domination: penal institutions both act to enforce hierarchy and control, while they also, at another level, "communicate norms and shape collective representations and subjectivities" (Wacquant 2008:13).

2.2
THE EUROPEAN UNION.

Historical Overview: Wanted but not Welcome

Irregular immigrants have become a permanent phenomenon in the developed world. The International Organization for Migration (IOM) estimated that illegal immigrants may account for one third to one half of new entrants into developed countries; an increase of twenty percent over the past ten years. The European Union alone is estimated to receive around half a million irregular entrants annually (Garcés-Mascareñas 2010:77).

Historically, the majority of people entering or residing in Europe as undocumented immigrants have come here either as work seekers or as refugees – sometimes a combination of both. This distinction is important to make, since the reason for their journey to Europe is crucial: refugees can apply for asylum, whereas worker migrants have a much weaker position in times when they are 'not needed'. Historically, the latter category has comprised the bulk of immigrants in Europe and due to processes of globalization, this process continues up until today.

Through the past centuries, as an intrinsic feature of the formation of urban labour markets, European cities saw the forming of minorities. Countries suffering great fluctuations in their demand for labour have always needed to maintain 'reserves' to park workers when they are not needed. This led to a 'dispensable', next to a 'permanent' category of workers – often of course

comprising of, respectively, non-natives and native citizens. Body-Gendrot and Martiniello call this process *differential incorporation*, preceding the formation of minorities (2000:xv-xvi).[35]

Shortly, a differential incorporation process signifies the selection of workers on rational economic criteria, premised on their willingness to work for very low wages and under harsh or dangerous circumstances. These are 'the disposable workers', often imported from less developed countries. "Why do you think Parisian restaurants are [compared to other prices in Paris] quite cheap?", an Algerian immigrant asked me.[36] He was aiming at the fact that Parisian restaurants often shelter cheap (illegal) workers in the back of the kitchen, doing dishes or other little jobs. The pay is low, compared to what a naturalized or native citizen would get, because when you are a *sans-papier* (not allowed to reside in France) or a *demandeur d'asile* (not allowed to work during the asylum procedure), your legal and thus negotiation position is weak. Plus, these types of migrants are often more than happy to at least *have* a job and therefore they take the low pay for granted. This way, in an expensive city such as Paris, going out to diner is quite affordable.

After the Second World war, the latest large wave of 'disposable workers' was recruited. Also, multinationals started to look increasingly to the Third World, in particular to the newly industrialized countries, where high unemployment could keep wages low, with weak or non-existent workers unions present and governments not interfering in this sector (Body-Gendrot and Martiniello 2000:xvi-xvii). However, this process further exacerbated deindustrialization, introducing a large group of unemployed natives, who could now share their misery with the unemployed immigrants, resulting – as we see today – often in blaming and xenophobia ("they take our jobs!").

Since mass armies have ceased to exist in Europe, next to a shrinking blue collar sector and processes of deindustrialization, the urban educational sector and the service sector have emerged as the main arena of job contention. Low-skilled immigrants, especially those of tenuous legal status, tend to be recruited into secondary labour markets, as a result of which they display isolated patterns of settlement, with little or no contact with the host society (idem:xvii). This links to the situation sketched by Manuel Castells, describing our time as 'the Information Age', characterized by processes of structural change producing inequality and social exclusion. The marginalized – the homeless, the illiterate, the sick or the undocumented – are the first victims of this 'exclusionary logic' (1998:166-167); for them, there is no place, they are not needed. They are 'surplus humans', the 'wreckage of failed humanity' (idem:72).

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[35] According to Body-Gendrot and Martiniello, "the procurement of workers from a source external to the society, and their exclusion from the host community after they are brought in, is a recurrent pattern of social organization in the history of western societies, in Europe and overseas. The dynamics at work can be summarized by way of a blunt phrase: 'Wanted but not Welcome'. The combination of a positive desire to recruit workers from particular groups and of a negative desire to keep them out makes for a classic 'dialectic', giving rise to social patterns that constitute 'solutions' to 'contradictions' (...) The perennial use of 'stranger workers' arises not simply from the fact that they usually draw lower wages, but is grounded in the structure of the international economic system" (2000:xv).

[36] Author's interview with Elyes, 26 years old. Paris, 5 May 2011.

This shows that in the absence of action, these patterns might get reinforced. The task of incorporation can clearly not be left to the market alone, but requires a major commitment of politics and the public alike. The problem however is that part of the public and politicians see other mechanisms most appropriated to 'handle' the excluded of society. Here, a punitive upsurge has been the main reaction, but it is hard to deny that this rather results in an increase of exclusion, than facilitating processes of incorporation.

Means of entering

According to the Platform for International Cooperation on Undocumented Migrants (hereafter: Picum), most migrants are estimated to arrive in their country of destination via legal routes, either with a student, work or tourist visa. After their arrival however, many find out the costs of their movement are not easily recovered through the very limited work opportunities permitted under the terms of the visa, or they struggle to find work in general.[37] This often compels them to violate terms of the visa, by accepting additional hours or by staying beyond its expiration date. The lack of options for a large group of migrant workers is a contributing factor for many of them to become undocumented.

For family members of a naturalized migrant, it is mostly legally allowed to join their relatives living or working in the host country. However, they often do not require a legal status themselves. As a result of separation or marital breakdown they become undocumented, because they do not have an independent right of residence in this country.

Entering a country without passing through border controls or doing so with false papers, is understood as irregular entry. This can happen knowingly, often occurring among migrants seeking refugee status, or unknowingly, in the case of many trafficked people.[38]

Europe: fighting (illegal) immigration

Measures for refugee protection are put on the political agendas of EU countries with rises and falls, only to a certain extent related to the number of refugees arriving in any given year. Any country that signed the UN Convention Relating to the Status of Refugees (1951) is legally obliged to uphold these principles and grant asylum seekers in their countries a set of basic rights.[39] However, "between daily political life and international obligations lies the individual refugee seeking protection" (Guild 2010).

Irregular migration is fought in many ways. Although the majority of undocumented migrants in Europe arrives by means of regular entry, the focus in national and EU policy has

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[37] The most common difficulty for them is when employers promise to renew the work permit but fail to do so. Next to that, exploitation is frequently occurring, often without a practical solution at hand in this employer-led system.

[38] www.picum.org .

[39] The 1951 UN Convention Relating to the Status of Refugees is the key legal document in defining who is a refugee, the rights of refugees and the legal obligations of states towards refugees. The 1967 Protocol removed the Convention's temporal and geographical restrictions.

been on increasing border restrictions. Next to this, internal surveillance measures are taken. What is alarming, is that one of the new ways to fight immigration, is the is the blocking of access to social rights.

The rise of right wing parties in western Europe is considered a threat to European democracy (Picum.org, Ibrahim 2005, Buonfino 2004, etc). They are said to manipulate the presence of undocumented migrants to promote their own position and foster a reactive approach to migration management. This process has developed a certain logic in which not only migrants themselves but also people assisting them should be considered in infringement of the law – contrary to the foundations of democratic societies, based on the universality of human rights (Fekete 2009; Webber 2006). In fact, European policy is now in a way facilitating systemic violations of human rights for immigrants, according to Picum.[40] Next to that, the Commissioner for Human Rights of the Council of Europe, has criticized the way European countries take account of human rights when it comes to their treatment of immigrants.[41]

Rights of Immigrants – Human Rights

Undocumented migrants, although no (or not yet a) citizen to the country they reside in at the time, are still entitled access to a broad range of basic rights: human rights. These rights are safeguarded by international human rights law; a set of international rules, established by treaty or custom. These rights are universal and inalienable; they provide the basis on which individuals or groups can expect and claim certain entitlements from the government of each country. This body of law consists of agreements between states, customary international law and a number of international human rights treaties (of which the Universal Declaration of Human Rights – hereafter: UDHR – is the most important).[42] By ratifying international human rights treaties, states are obliged to put in place domestic measures and legislation compatible with the obligations and duties of the respective treaty. The UDHR confirms that human rights apply in all places and to all persons, "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth *or other status*".[43]

Especially relevant for *sans-papiers* and *demandeurs d'asile* are the so-called 'social rights', part of the body of international human rights law. Social rights are embodied in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and consist of matters such as the right to

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[40] www.picum.org .

[41] https://wcd.coe.int/wcd/ViewDoc.jsp?id=1579605 .

[42] Article 13 of the UDHR states: "(1) Everyone has the right to freedom of movement and residence within the borders of each state; (2) Everyone has the right to leave any country, including his own, and to return to his country", and Article 14 states: "(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution; (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations." Other instruments, such as declarations, guidelines and principles adopted at the international level contribute to the understanding, implementation and development of international human rights law (www.ohchr.org).

[43] Universal Decleration of Human Rights, article 2, emphasis added.

shelter, to health care, to fair labour conditions and the right to legal aid. While a state such as France is member to all human rights treaties relevant here, as we will see further in this chapter, in practice some of these fundamental rights are being limited or denied to *sans-papiers*, on the basis of their administrative status. And also *demandeurs d'asile*, officially not yet 'unwelcome' or 'illegal', being in the process of proving their case, are often lacking even a minimum of protection of their basic social rights. This can either be due to laws excluding undocumented migrants to access certain services, but it can also be a consequence of the fact that both *sans-papiers* and *demandeurs d'asile* are unable to access certain services they are legally entitled to (due to mal education, barriers thrown up by the government, in the form of very complicated procedures, etcetera).

EU immigration law and policy

Politically, immigration control has reached the top of the European agenda, fueled by public unease on the issue, wedded into a discourse that the control over immigration is 'lost'. Although it is difficult to give exact numbers, especially on the amount of *sans-papiers* present on the continent, this fear has proven to be strong enough for politicians to dedicate more resources and urgency towards the issue (Broeders 2007:72).

In 1999, the first concrete step was taken towards a common immigration and asylum policy, during a gathering in Tampere, Finland ('the Tampere Programme). In 2004, this idea was worked out further in the The Hague Programme. This aimed at further development of the EU as a space of peace, security and justice. The first phase towards a common European asylum system is now completed. This means that on European level, harmonization is achieved with a range of minimum norms in separate areas of asylum policy and law. The successor of the The Hague Programme is the Stockholm Programme, providing a roadmap for the EU in the area of justice, freedom and security for the period 2010-2014.

Next to this, the Dublin system was implemented in 2008. This system dictates that the EU country where an asylum seeker arrives first, is the country responsible for this person's asylum request. The individual needs to give his fingerprint, which is then saved in the Eurodac system, a Europe-wide fingerprinting database for unauthorized entrants to the EU.

However, because the quality of care and the chance on a permanent residence permit differ greatly between the European countries, for an asylum seeker it is of great importance in which country to arrive first (or at least: in which country to get caught first). Greece for example, is known for its bad facilities and very low chance of the granting of asylum, but enormous amounts of migrants (especially those from the Middle East and Asia) arrive here at first. On the other hand, sometimes it seems not important to have left a fingerprint in Greece. An Afghan asylum seeker I interviewed in Paris had tried to circumvent the Greek police while trying to get to Italy. However, he was captured and forced to leave his fingerprint. After release

(and a long, complicated journey), he ended up in Paris where he registered himself at the *Préfecture* and applied for asylum. His Greek fingerprint was never found – and of course, he never mentioned it to the French authorities. Later he heard this same story from other immigrants: apparently, the system is (not yet) working in Greece and fingerprints tend to get lost.[44]

For a country such as Greece, or Italy, the Dublin system is of course quite problematic. They 'welcome' by far the most immigrants of all the EU countries,[45] as a result of which they carry the heaviest burden in this sense – which is in turn an important reason why their care and facilities are significantly lacking. Other problems associated with the Dublin system are, firstly, in the field of family reunification. When different family members follow different routes of refuge, reunification can take years. Also, there are problems regarding detention. Increasingly more member states detain asylum seekers of which a Dublin transfer is pending, but the depriving of freedom (i.e. locking people up) is something that in essence should be avoided by all means, and the system does not particularly provide for these heavy measures.[46]

Surveillance Mechanisms

The external borders of the Schengen area are increasingly transforming into 'formidable boundaries', cultivating in what has frequently been dubbed 'Fortress Europe' or 'Panoptican Europe'. Guards, watchtowers, fences and high-tech technology, such as infrared scanning devices, motion detectors and video surveillance are set up at the borders. Next to that, visa requirements have been intensified and the visa themselves are modernized and therefore increasingly difficult to fake (Broeders 2007:72).

In terms of surveillance, the EU has developed a set of sophisticated databases to track and trace immigrants in the member countries (internal migration control) and at the borders of the area (border control, or external control). The Schengen Information System (SIS; SIS II is currently in development), Eurodac and the Visa Information System (VIS) are the most important surveillance mechanisms in this regard. When it comes to their function in the realm of internal immigration control, they are considered problematic by many scholars and politicians alike, because of the increasing surveillance and exclusion of irregular migrants, infringing on a certain right to privacy. Fears that the information in these databases will be used for other purposes than its initial ones, or a general resistance against the increasing role of the (supra)state in private matters are commonly expressed. According to Broeders, "[this] so-called 'function

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[44] Author's interview with Mortaza, an Afghan political refugee, Paris, on 26 June 2011.
[45] Meaning: most immigrants arrive in Italy and Greece, mostly on boats, but these people do not always apply for asylum, but (with or without consent of the government) move on to other European countries.
[46] Vluchtelingenwerk Nederland, 'Op weg naar een Internationaal Asielsysteem' and European Union, 'The Stockholm Programme'.

creep' or 'surveillance creep' is not an imaginary fear" (2007:87).[47] What can already be concluded without doubt, is that these systems will make life for irregular migrants within the borders of the EU a lot harder. Panoptican Europe might be disciplining indeed.

1.3

FRANCE.

Neoliberalism and French Republicanism

Neoliberalism, as a type of political rationalism, allows for different institutional frameworks in particular cities and countries. Literature on neoliberalism and neoliberalization mainly touches upon the Anglo-Saxon countries, but literature is also found on other countries and their specific types of neoliberalism – like France.[48]

The neoliberal tradition and its accompanying 'new penal common-sense' came to France 'with a Republican twist', according to Dikeç, shifting the emphasis from prevention to repression, "through a legitimizing discourse organized around 'the republic' under threat by allegedly incompatible cultural differences and the formation of 'communities' unacceptable under the 'one and indivisible' republic" (2006:60).

The French republican tradition conceptualizes state-society relations in a particular way, in which emphasis is placed on the duties and obligations of the state *vis-a-vis* society. Therefore, it follows a social, rather than an economic rationality. Traditional social services or public goods such as infrastructure are the means by which the republican state fulfils its obligations towards its citizens. This republican conception has prevented (to a certain extent) social reforms along neoliberal lines because these sort of modifications were difficult to legitimize in a country such as France: neoliberal political rationality is logistically difficult to reconcile with the political rationality underlying the French republican state (Dikeç 2006:65).

However, since the 1980s, Left *and* Right governments have tried to overcome this apparent contradiction between French republicanism and political neoliberalism by combining "belt-tightening economic policies" with expansive social policies and services.[49] Successive governments from both ends of the political spectrum continued on this path, by adopting

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[47] In the aftermath of the 9/11 terrorist attacks, the European Commission proposed that Eurodac, Europol and SIS could also 'substantially assist' in the identification of suspected terrorists. And more recently, the VIS database has also been added to this list (Broeders 2007:87).

[48] For example: B. Jobert and B. Théret. 1994. France: La consécration républicaine du néo-libéralisme. In B. Jobert ed. *Le tournant néo-libéral en Europe. Idées et recettes dans les pratiques gouvernementales*, 21-85. Paris: L'Harmattan; J. Levy. 2001. Partisan politics and welfare adjustment: The case of France. *Journal of European Public Policy* 8(2):265-285; J. Levy. 2002. "The state after statism: French economic and social policy in the age of globalization." Paper presented at the Thirteenth International Conference of Europeanists, Chicago, IL, 14-16 March; V.A. Schmidt. 2002. *The futures of European Capitalism*. Oxford: Oxford University Press.

[49] This process started in 1983, when the then Socialist government had to implement policies of budgetary austerity and privatization as a consequence of a monetary crisis that year (while being elected in 1980 on a program focusing on nationalization and state intervention policies); Dikeç 2006.

policies of financial market liberalization, privatization and business- and labour market deregularization (Dikeç 2006:65-66).

Therefore, can the new political orientation in France be regarded as specifically 'neoliberal'? According to Dikeç, it can, not because of the specific economic rationalism often associated with neoliberalism, but because of the political rationality underlying this orientation, *premised* on the extension of market values, of which one feature is the deployment of new and agressive strategies of surveillance and policing, aimed at certain groups (2006:63-64). This makes neoliberalism *à la Française* "not a shameful neoliberalism. Its reconciliation with the Republic granted it a degree of authority and respectability" (Jobert and Théret 1994:80 in Dikeç 2006:64).

Due to influence of the French republican tradition, contemporary restructurings of the state differ in two ways from other forms of neoliberalism, both important in the context of immigration issues. The first difference relates to the French emphasis on cultural values, linked to the political tradition of the one and indivisible republic. In contrast to, for example, American pluralism, the French are much less tolerant when it comes to diversity in public life. Exemplary for this is when Charles Pasqua, shortly before being installed as Minister of the Interior, stated that a "multi-ethnic and multi-racial society" would be tolerable, but not a "multi-cultural society". Clearly these type of statements can easily lead to the demonization of other cultures, otherwise: "the Other" (Dikeç 2006:66-67).

The second difference with the Anglo-Saxon 'typical neoliberal states' is the political discourse employed in France, stably using concepts such as 'social cohesion' and 'solidarity', of which the last one can be perceived as an implicit acceptance of persistent inequalities in society (Dikeç 2006) and "as much as a way of buying off the most affected interests [by neoliberal economic policies] as the defence of traditional values" (Schmidt 2002:277, quoted in Dikeç 2006:67).

Important to note here is that 'French republicanism' is far from static, and is constantly reinterpreted by political actors and citizens alike.[50] From the early 1990s onwards, the concept is used with renewed enthusiasm both by left and right wing political parties, emphasizing the authority of the state, but also carrying nationalistic overtones: since two decades, the state has changed its attitude towards 'strangers'. Dikeç calls this 'republican nationalism', which, he states, "has been most notably felt (...) in citizenship and immigration issues" (2006:72). An example of this can be seen in French perception and policy regarding the *banlieues* (suburban neighbourhoods).[51] Since the early 1990s, problems in the *banlieues* have increasingly been

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[50] According to Dikeç: "(...) it is best to see republicanism as a relatively established political tradition that emphasizes the social duties and obligations of the state for the well-being of its citizens, not as a 'model' unanimously followed by succeeding governments" (2006:68).

[51] French 'banlieues' are technically referring to the outskirts of the city, not to be confused with American suburbs (evoking visions of middle class stability). However, the image attached to the *banlieue* includes concentrations of poor people (often ethnic minorities), violent neighbourhoods, ghettoization and often despair. The forming of ghettos and communitarian groupings in suburban areas is seen as a threat to the

expressed in discourse using cultural and ethnic terms, often influenced by global events, such as the Intifada, the Rushdie affair, or national events such as the 'Islamic headscarf affair'.[52] But perhaps most interesting to note in this context is the (indirect) influence the Los Angeles riots of 1992 had on the debate. These mass scale riots blew a "punitive wind" across the Atlantic.[53]

<u>*A Short History of the French Immigration Debate*</u>

France has been a leading country of immigration for a long time. For example, sixty-four percent of Paris' net expansion at the second half of the nineteenth century (during the second industrial revolution) was due to immigration (Body-Gendrot and Martiniello 2000:xiii).[54] This historical opennes to foreigners was related to what Safran denotes as a well functioning 'assimilation machinery', of which the school system formed an important part: "once [functioning] effectively to turn immigrants and members of native minorities into French men and women" (1991:219).

The end of the Second World war saw a switch in terms of immigrants coming to France: the prewar migration flows of mostly Italian, Spanish and Portugese immigrants were replaced by post-colonial waves of people.[55] The relatively welcoming atmosphere for migrant workers changed from the 1970s onwards, when the labour market tightened and unemployment became a concern in France – and remained a problem throughout the next decades. Successive governments sought to address the problem, always partly by adjusting immigration policies. In 1974, the government ceased to welcome foreign workers (Mann 2003:364).

'values of the republic', therefore policy measures have been aimed at the prevention of 'communities' – contrary to English and American forms of urban policy, mobilizing the idea of 'community' with opportunities and wider responsibility, by means of a partnership with the state. In France, urban policies were implemented top-down, emphasizing the duties of the state. The early 1990s signaled this clear return of the state, with organizations and even a City Ministry being created "to tackle the urban crisis", by means of the return of the social state, but also by the first clear signals of a penal state. The article of Mustafa Dikeç (2006) is specifically focusing on urban policy in *banlieues*, in the context of this new French republican state.

[52] The headscarf was a particular symbol of resistance to French colonial rule in North Africa. This discourse was typically new, since before Islam was actually welcomed when it first 'appeared' in the *banlieues*: it was seen as a 'good thing', that might 'calm down' the young people. Dikeç 2006:73.

[53] "(...) the dystopian images of the North American city have been very influential in shaping the discourse on *banlieues* in France. The wind brought two things at once: a bad example to be avoided and a good one to be imitated. The bad example consisted of the wrong-headed approach towards 'communities' – the so-called 'Anglo-Saxon model', unacceptable under the republic – and dystopian images of the city with ghettos. The good one, on the other hand, consisted of repressive measures, marking a remarkable shift from a social to a penal logic, and making unprecedented security measures possible" (Dikeç 2006:74).

[54] During the second industrial revolution, further expansion of industrial European cities set in. This process was powered by electricity and eventually petroleum, but it was overall still due to natural increase rather than immigration – apart from Italian and French cities: they remained immigrants worlds.

[55] During the First World War, many "French Muslims" from Algeria had been 'imported', of which some had stayed. Algerians were granted the right of free movement after 1947, resulting in large migration movements to metropolitan France, only increasing after the country's independence in 1962. A short period of Portuguese immigration between 1963 and 1973 occurred, together with Moroccans and Tunisians, whose countries had a privileged relationship with their former 'tutelary' state. Turkish immigration started in the early 1970s (Simon 2003:1094). This illustrates that the geographical origin of the immigrants has changed since the 1950s, including also Southeast Asian immigrants, Chinese immigrants and people from the Indian subcontinent, as well as East Europeans (Simon 2003:1094).

Since the 1980s, it has become commonplace in France to perceive immigration as a 'threat to national identity'. The theme of national identity has been brought in by *Front National* (hereafter: FN), the extreme right-wing political party, until last year led by Jean-Marie Le Pen and now headed by his daughter, Marine Le Pen. The party became a crucial player from the early 1980s onwards (Mucchielli and Nevanen 2009:92).[56]

Overall, the main forces seeking to restrict immigration to France come from the right of the political spectrum, however, the Left has also taken over part of its rhetoric. An example of this was found in policy on the *banlieues*. This shifted in emphasis from prevention to repression, through a legitimizing discourse around the issue of 'insecurity'. When the Left came back to power in 1997, prime minister Jospin made "the right to security" in the *banlieues* a top priority (Dikeç 2006:76).

In 1980, Mitterand was elected president, on a programme combining strict immigration policy with a relatively open integration policy. This signaled the start of a period in which there was a short experimentation with a multicultural policy, under the flag *droit à la différence*. The legal position of immigrants was strengthened and for the first time it became allowed to organise themselves under the label of their ethnicity. The first generation of immigrants used this opportunity to strenghten their position in the labour unions, while the second generation, often possessing the French nationality, refused to do the same simple jobs as their parents and chose the (political) activist road. This showed itself partly in a new rebellious youth culture in the *banlieues* and in the sobriquet '*beur*' (a degeneration, 'schleng' for the word 'arab'). Another part of the second generation chose to side with already existing organisations like *SOS Racisme* and *France-plus*, forming a politically active elite, with great influence on left wing parties in this period. However, under the surface, tensions with immigrants were slowly scalding. When Front National won with an overwhelming landslide in the industrial town of Dreux in 1983, immigration and integration became heavily politicised (Broeders 2002:26-27). In 1986, a law was implemented tightening requirements for entry and residence. This was done by the then Minister of Interior, Charles Pasqua, who would return to this post in 1993, to introduce the notorious 'Pasqua Laws', laying the groundwork for the *sans-papiers* crisis (Mann 2003:364).

The *lois Pasqua* of 1993 restricted access to French nationality and limited the rights of immigrants entering or residing in France, which left tens of thousands of people "exposed to a bewildering variety of situations of 'irregularity' or administrative non-existence" (Mann 2003:364); entering the concept of the *sans-papier*. Many *sans-papiers* ended up in a cloudy situation, in which they could not get a residence permit, although they had been living in France for years. At the same time, they could not be legally deported (Mann 2003:364).

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[56] This represents a remarkable break with the past, considering the fact that, apart from a 1972 law against racial discrimination, French Parliament did not pass any legislation related to immigration in the post-war period before 1980.

The law limited the rights of immigrants considerably; not only of recent immigrants, but also of those who could have been eligible for naturalization. According to Rosello, the law imposed an increasingly restrictive and repressive policy, "turning the illegal immigrant into the enemy of the state, the national scapegoat" (1999:2).

According to Minister Charles Pasqua, this new law could stem the tide of new immigrants, who were said to threaten France's cultural, political and social institutions. His proclaimed goal, "zero immigration", lay on the basis of this new legal framework, crowning a twenty-year effort of France to halt the influx of non-western immigrants, especially those from North Africa and other former colonies. According to Scullion, "Pasqua's sweeping policy initiative (...) [placed] French society at considerable odds with its venerable post-revolutionairy tradition of welcoming foreigners in need" (Scullion 1995:13). The historical commitment to universalist principles and inalienable human rights and France's modern open-door policy (more open, compared to other European countries at the time), was being severely tested at the time (Scullion 1995:13).[57]

Constraining policy changes in the years to come took place in a context where the population increasingly held negative perceptions about (legal) immigrants, giving rise to xenophobia and racism. The Front National has been the main embodiment of this trend, exercising a profound impact on the political discourse. According to Mann, at least one key element of Le Pen's rhetoric circulates widely: "the idea that non-western immigrants consumed public resources while offering little in return" (2003:364). One of their succesful slogans in the 1980s was *Etre Français, cela se mérite*: 'to be French, you have to earn it'.

With the coming of Sarkozy, the trend has only reinforced. Around the 2007 election, the theme of security and immigration was once more at the center of the campaign, with Presidential candidate Sarkozy announcing intentions to create a Ministry of Immigration and National Identity – which in fact was created when he won the elections (Muchielli and Nevanen 2009:92). According to Cesari, currently "dramatic upheavals in both the organization of society and the construction of identity" are taking place. "These changes have caused the French to forcefully reaffirm many of their longstanding cultural values, including secularism (*laicité*), the status of the citizen as an individual, and the rejection of minority cultural and ethnic communities" (Cesari (2005 idem).

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[57] It must be noted however that this open door policy might have been a fact, but this had been so because France had never really regarded these immigration flows as definitive. In public discourse, labour migrants from southern Europe and North Africa were treated as a trend that would blow over. The credo was: as soon as industrialization in their countries of origin would commence, or as soon as the French economy would allow, the immigrants would 'just go back home'. Therefore, immigrants were either perceived as passing visitors leaving French culture undisturbed, or, when they obtained French nationality, as equal citizens leaving their former cultural identity behind (Wijers 2011:249).

France is standing out in statistics on asylum requests in the EU countries on the year 2010: both in absolute as in relative terms (as part of the total number of requests), France reveives the highest number of asylum seekers in the EU. In 2010, France registered 51.595 asylum applicants, followed by Germany (48.490) – of a total of 257.815 applications in the EU countries. With minor fluctuations in order in the period 2008-2010, the main five countries of citizenship of these applicants in France are Iraq, Russia, Somalia, Afghanistan and Serbia.

When looking at the numbers for 2010 with regards to asylum rejections and acceptions, the score of France is the following. Against an average of 75 percent of the EU countries taken together, France rejected 86 percent of the asylum applications received; and against 15 percent in the EU countries, France granted 13,6 percent of the applications positively.[58] In terms of the speed in the procedures, in one year, France decided (in 'first instance decisions') over 73 percent of its asylum applications, against a percentage of 86 percent of the EU countries taken together.[59]

When arriving in France, asylum seekers need to register at the *Préfecture*, where they can file their request and where their fingerprints are taken. If the person is coming from a country deemed 'unsafe', his or her request is send to OFPRA (*Office Français de Protection des Réfugiés et des Apatrides*), where they will file a decision on the case, on the basis of documents provided and an interview.

If the decision of OFPRA is negative, *demandeurs d'asile* can appeal this decision before the *Cour Nationale du Droit d'Asile* (CNDA), within a period of one month after the day OFPRA's decision was received. At this stage, the immigrant is entitled to a lawyer's assitance. The Court can overturn OFPRA's decision; in that case, it entitles the asylum seeker to a residence permit delivered by the *Préfecture*. When the Court confirms OFPRA's decision and dismisses the appeal, the *Préfecture* sends a letter to the immigrant, informing him or her on the end of the residence authorization they were given earlier to cover the period of their case. This letter (*Obligation à Quitter le Territoire Français*; OQTF) requires the immigrant to leave French territory within one month.[60] If by any means the immigrant does not agree with this decision, it is possible to make another appeal at CNDA within one month. However, this is only possible when there is new evidence available supporting the case.[61]

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[58] As a comparison, Germany rejected 77 percent of its applications and decided positive on 23 percent of them. Calculations made on the basis of Eurostat Report 'News Release; Asylum in the EU27'.

[59] Source: idem.

[60] Often, asylum seekers have no fixed address. French NGOs provide in this case for a mail address, while also offering legal advice. An example of such an NGO is *Dom'Asile*.

[61] http://www.ofpra.gouv.fr/ .

'Le Cimade' is a French NGO, founded by French protestant groups more than sixty years ago, to give assistance to people dispersed and dislocated by war in France. Today, they still work with uprooted people, especially with undocumented immigrants. They are known as an active, provocative organization, functioning as the watch dog over the government's treatment of asylum seekers. Until a few years ago, they were the sole organization in France having exclusive access to retention centres.[62]

According to Annette Huraux, legal advisor at Cimade, some of the main worrisome differences between law and practice in France with regards to immigrants are the following. Firstly, when *sans-papiers* file a request at the *Préfecture* for naturalization – something they are legally entitled to do – it is common that this request is not taken into account. Cimade has made an appeal at the French High Court regarding these practices, sometimes with the effect that the request was at last processed, but often the decision then came too late, after the people were already expelled or detained. The four month maximum in which the *Préfecture* is legally obliged to file a decision, is almost never met. "They consciously take illegal decisions", according to Annette Huraux.[63]

Another common infringement on the law is the unnecessary demand for certain papers during certain procedures. For example, when someone files a request for a marriage, the *Préfecture* is not entitled to ask for the immigrant's payslips, which they often do. "People [immigrants] don't know the law and they don't *have* to know the law", says Huraux; within the *Préfecture*, a culture is present in which internal notas are sent on how to 'interpret' the law in function, which then leads to confusion among irregular immigrants or *demandeurs d'asile*, sometimes with far reaching consequences for their residence in France.

Thirdly, sometimes people are arrested *while* they are at the *Préfecture* to ask questions, inform about a pending application, etcetera. It might be the case that their request was answered negatively, but often the immigrant in question is not yet acquainted on this, because he or she did not receive the letter or because the letter has not even been sent. The European Parliament decided in a "directive on the return of illegal immigrants" that EU countries are not entitled to expel a person on the basis of a decision that does not give the person concerned the right to voluntarily leave within thirty days.[64] Next to this, the European Court of Justice sentenced that it is prohibited to detain a person on the mere ground that he or she is undocumented.[65] This accounts for prisons, not for retention centres. But in France, irregular immigrants also regularly end up in prison for a few days. The actions of the *Préfecture* and other authorities are therefore

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[62] http://www.cimade.org/ .
[63] Author's interview with Annette Huraux, legal advisor at Cimade. Paris, 27 July, 2011.
[64] European Parliament, 'Parliament Adopts Directive on Return of Illegal Immigrants', Note the use of the word 'illegal': all the EU institutions and member state governments use the expression 'illegal immigrants' and 'illegal immigration' to describe this category.
[65] Radio Netherlands Wordwide. 29 April 2011. 'ECJ: No Prison Cell for Illegal Immigrants'.

illegal, with large impact for the person concerned. According to Cimade, this is routine in the France of today; "they just do it and are hoping nobody notices".[66]

Officially, only the police is authorized to ask people for their papers. However, since laws have come into effect criminalizing assistance to undocumented immigrants (the so-called *delict de solidarité*),[67] situations have occurred in which *sans-papiers* have been handed over to the police by non-state actors asking for their papers: an employee of a large electronics store asked for a residence permit when the irregular migrant in question wanted to pay by cheque (he is not allowed to do this); and employees of *Crédit Unit*, a large bank, and *Bouygues*, a telecom company, are known for having done comparable things. "People are like sheep", is Huraux's reaction.

A last issue of refers to the vagueness of the rules. For *sans-papiers*, it is very hard to obtain French papers if they are not originally from a country deemed unsafe by the French government. However, naturalization is still possible, but in order to be eligible for this, one has to live in France for a sufficient amount of time, *without* having left the country within this period. This sounds fair perhaps, but the problem is that there are no guidelines on how long this period exactly is. For *sans-papiers* it is extremely risky to declare themselves at the *Préfecture*, because when their request for naturalization is not met, they run the risk of getting arrested and deported afterwards. Therefore, the decision to break out of their anonymity, requires a lot of courage, with the result that many *sans-papiers* wait for an enormous amount of years, in which they do not dare to leave the country. This legal vagueness has been considered an enormous burden for many *sans-papiers* I spoke to. It adds more fear to their already insecure and unstable situation.

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[66] Author's interview with Annette Huraux, legal advisor at Cimade. Paris, 27 July, 2011.
[67] See, for example: FIDH, 'Délit de Solidarité'.

Chapter three.

Discourse.

> Words do not only name, qualify or describe. They found actions and
> orient policies. By calling 'clandestins' those foreigners who are on
> French soil and in an irregular situation, we place them in a category
> that conjures up certain images – for example, that of the worker who
> has illegally entered the country – and justifies policies preventing or
> repressing such acts of transgression. These images and policies are in
> some way fashioned after our process of naming.
>
> *Didier Fassin[68]*

Probably the most important role of discourse is its effect of habituation. Structural violence is exerted daily by means of radio, television and newspapers, through stereotyped images, verbal reflexes and conventional words. This results in a raise of the threshold of tolerance of racist insults and other (political) contempts to narrow the freedom of certain 'groups' in society (Bourdieu 1998:22). Indeed, analysis of political discourse from the early 1990s onwards showed that speech on the control of irregular immigration in Europe has been systematically associated with the battle against organized crime or terrorism (Darley and Fischer 2009). As stated in the first chapter, a certain discourse, when repeated enough, has a potential to become 'materialized', institutionalized. Words and images have profound effects on policy, therefore this chapter will analyze discursive practises with regards to immigrants in Europe and France especially.

Discourse and Power

In a dissertation on discourse, Foucault can not be bypassed: his writings on power, knowledge and discourse (and the relationship between these three) are still very influential in the humanities and social sciences. The concept of 'discourse' designed by Foucault interrupted the notion of a fundamental 'common sense' ('collective -' or 'common consciousness' by Durkheim) between objects and their representations. He replaced 'common sense' by the notion of 'norms': "a set of beliefs, values, and ideas which *appear* as 'common sense' through the dominance of particular social discourses" (McPherson 2010:549, emphasis added). Foucault viewed any relationship between objects/subjects and their representatives as being imagined. He developed a theory of representation, opening the door to research on the relationship between knowledge and power,

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[68] Fassin 1996:77.

now considered a central idea in his thought. *Discourse* proves to be the central concept in this theory; in his own words:

> In any society there are manifold relations of power which permeate, characterize, and constitute the social body and these relations of power cannot themselves be established, consolidated, nor implemented without the production, accumulation and functioning of a *discourse*. There can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of this association. We are subject to the production of truth through power and we cannot exercise power except through the production of truth (Foucault 1980:93 in Ibrahim 2005:163-164, emphasis added).

The production of truth or creation of knowledge by means of a discourse can thus be considered as an exercise of power. Shortly, in this power-knowledge nexus, power shapes knowledge and knowledge shapes power, which immediately diverts the attention to the dialectical nature between institutions and discourse, upon which the theoretical framework of this thesis is based. Again, illustrated in the words of Foucault:

> We are also subject to truth in the sense in which it is truth that makes the laws, that produces the true discourse which, at least partially, decides, transmits and itself extends upon the effects of power (Foucault 1980:94 in Ibrahim 2005:164).

With this understanding of the relationship between power, knowledge and discourse, at this instant, the aim is to bring together the different tools, methods and dispositions that have formed a discourse securitizing migrants, resulting in several restrictive policy measures. In the coming paragraphs, I will first explain what is exactly meant by 'securitization', and then apply this concept on immigrants and immigration. Hereafter, the relationship between discourse and law will be touched upon and I will argue that the securitization and criminaliztion of immigrants has in fact led to their 'abnormalization'.

Securitization

Migration has become perceived as a risk to the liberal world: according to Ibrahim (2005), the view that migrants are a threat is now normalized. The scholarly term used for this phenomenon is 'securitization'. Many articles hold the view that migrants or migration are now (successfully) 'securitized' (Ibrahim 2005; Buonfino 2004; Ceyhan and Tsoukala 2002; Huysmans 2000; Van Munster 2004).

When a concern is 'securitized', a process is at hand in which this concern gets framed as a security issue. Hereby, the issue moves from the political to the securitized end of the spectrum, through an act of *securitization*. This process enrols in two stages. In the first stage, an issue is perceived and consequentially acted upon as an existential threat to referent objects (something

that can be seen as existentially threatened and having a legitimate claim to survival).[69] Language, 'the speech act', is an important factor in this first stage, and the completion of the securitization process in the second stage depends on whether the securitization actor succeeds in convincing the relevant audience that the referent object is indeed existentially threatened. When this is the case and an issue is 'securitized', extraordinary measures can be imposed. According to Emmers, only a combination of the discursive (speech act and shared understanding) and non-discursive (policy implementation) dimension make a successful act of securitization (Emmers 2007:112-115). Note that here too, a combination of discursive and institutional factors is at hand and that in fact this all sounds remarkably familiar to Gramsci's successful hegemony: a presence of the two axes of domination.

Watson (2009) has made an interesting contribution to the securitization debate, by stipulating that a securitization speech act does not have to be performed *prior* to the implementation of policies. In the relationship between securitization and policy implementation, it also occurs that policies are being installed as a matter of administrative action *prior* to the securitizing speech act. Only after the respective state action becomes contested, legitimization is required and a government then seeks justification for its laws by means of a securitization act. This in fact shows the dialectical relationship between the implementation of institutions and discourse, or: between structures and agency, if you will. The change of a structure is a dynamic process, not necessarily subject to a fixed order.[70]

Examples of this are easily found in France. At the political level, concerns over foreigners have translated into political action, together with a legitimation of the struggle against migration. After the 2005 *banlieue* riots, opinion polls showed rather large consensus over the interpretation of the revolts, perceiving them largely as the result of an integration problem. Vincent Tiberj (in Palidda 2009:95) has shown that in this xenophobic climate the demand for security and 'ethno-centric reassurance' has been used as a legitimation for Sarkozy's later policies after he got elected in 2007.

The Securitization and Criminalization of Immigrants

The "isomorphism of people, territory, and legitimate sovereignty" (Appadurai 1995:215) constituting the character of the modern nation state, is now threatened by the enormous

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[69] For instance, a state can be perceived as threatened in its existence, or a collective identity. In all five categories of security, the following referent objects can be considered: the state (military security), national sovereignty or an ideology (political security), national economies (economic security), collective identities (societal security) and species or habitats (environmental security). Buzan, Wæver, de Wilde 1998; quoted in: Emmers 2007:110.

[70] Another important contribution to the debate, is the fact that 'securitization' does not need to have a negative connotation per se. In terms of migration policy, processes of securitization have been essential both to restrictive responses to refugees (highlighting the threat to the host state, resulting in restrictive asylum policies and an erosion of international humanitarian norms) *and* inclusive responses to these groups of people (recognizing security threats posed to refugees in the international refugee regime) (Watson 2011).

circulation flows of people, characteristic of our time. As the world gets increasingly demarcated between North and South, we are made to understand the globe as "pockets of liberty and justice flourishing amid tyrannical 'borderlands' (Ibrahim 2005:163). In this context, migration as a phenomenon (migration from the underdeveloped towards the developed world) has been successfully securitized. At the base of this development lies a shift in focus from the state as the main level of analysis (stemming from *realpolitik* approaches), towards a focus on the individual, illustrated by the UN concept 'human security' of the *1994 United Nations Development Report.*[71] The end of the Cold War entailed a redefinition of security, leading to a broadening of security issues. A shift from defining security in terms of military capacities and states to potential vulnerabilities and risks threatening populations, led to an encapsulation of migration within the new security discourse. However, this new discourse carries with it a paradox if we look at the results of it in practice – results that were obviously not anticipated by the abovementioned UN report. When we look at migration (especially in the context of large scale people displacements in the context of violence and war), the people at risk are the migrants themselves. However, in its effect, the people-centered human security approach has led to a situation in which migrants increasingly come to be seen as *threatening* the receiving country's population (Ibrahim 2005:167-169).

In the current international regime, two discourses can be distinguished with regards to immigration: the humanitarian discourse[72] and state security discourse, respectively denoting immigrants as 'threatened' and 'threatening'. By means of a 'discursive-theoretical approach', Buonfino (2004) has showed that the state security discourse type has become hegemonic in the countries of the European Union. At the national level, the securitization of migration is the effect of the mutually conditioning relationships between mass media, fear, identity politics and public opinion. These separate national discourses on immigration are also reflected and re-adopted by the European Union. The EU has carefully re-articulated this discourse in which immigration is presented as a security concern.

In this new hegemonic discourse, migrants are perceived as a threat in two ways. On the one had, migrants are *criminalized.* By criminalization, what is meant is "the process leading a person or group to be the object, first, of repressive action by the police forces, and then to undergo judicial proceedings" (Palidda 2009:11). These practices are embedded in a discourse in which immigrants are equated with criminals; a discourse that obviously reached its pinnacle in the wake of the September 11 terrorist attacks, which gave it new urgency and justification.

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[71] The UN Development Report of 1994 employed a 'people-centered approach', making the human subject the central focus of analysis.

[72] Watson (2009) claims that the international refugee regime has constructed humanitarian migration as a distinct form of migration, resulting in a sharp distinction between the 'normal refugee' and claims of other individuals of whom the migration motivation is openly questioned. Securitization agents have been quick to characterize these migrants as family or economic migrants, which makes it then justified to exclude them.

Immigrants are now sometimes openly designated as potential contributors to uprisings or terrorist activities.

The criminalization of immigrants has resulted in what Sayad has referred to as the notion of *double punishment*: "any trial involving a delinquent immigrant puts the very process of immigration on trial, first as a form of delinquency and second as a source of delinquency" (Sayad 2004:282). This notion of double punishment, in combination with the harsher juridical and social judgments immigrants experience, is denoted as 'the crime-immigration nexus'. Political entrepreneurs are seizing this supposed crime-immigration connection as symbol for a moral crusade against unwanted immigrants, playing on societal discomfort regarding foreigners. "The very status of being an immigrant presents a situational form of delinquency, or an 'initial sin'" (Hagan, Levi and Donitzer 2008:97). But contrary to popular views, Hagan, Levi and Donitzer underpin it is severely debated whether a link exists between crime and immigration, and they even consider this nexus in state discourse as a form of 'symbolic violence' (2008: 95-96. See also: Bourdieu and Passeron 1977).

On the other hand, on a more abstract level, immigrants are increasingly being perceived as a threat to the national order. According to Malkki, the generalization of the concept 'refugee' ("as an almost generic, ideal-type figure"; 1995:8)[73] and the problematization of the refugee, are linked to yet another process, that of "the discursive *externalization* of the refugee from the national (and, one might say, cosmological) order of things" (idem:9). Refugees confront the categorical order of nations, precisely because of their 'imagined loss of specificity', as a liminality, opposed to "culture in neat and tidy national formations" (Gilroy 1990 in Malkki 1995:12).[74] 'The refugee' is stripped off its specific culture, place and history, it is made human in the most basic, common sense. Naked.

New Racism
According to Ibrahim, the securitization of migration discourse is "built upon the concept that cultural difference leads to social breakdown" (2005:164). Underlying this thought, is what Barker (1981) designated as 'new racism'. New racism entails a shift from notions of biological superiority to exclusion based on cultural differences. Within discursive practices, new racism manifests itself in ideas that "every national or ethnic community is neither superior nor inferior, but *different*" (Ibrahim 2005:165, emphasis added). This notion of 'difference' is important: it gives

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[73] Reflected in scholarly references to "the refugee", "the refugee experience", "the refugee mentality" and "refugee psychology" – sometimes with excusing reference of the kind "… despite the diversity among refugees…"; but also reflected in, for example, photographic representations of "the refugee". Malkki 1995:8-9.

[74] "One of the generalized, global aspects of the nation is its social life as a powerful regime of classification, an apparently commonsensical system of ordering and sorting people into national kinds and types. (…) Making national order implies aesthetics and ritual, certainly, but it is also a continual, taken-for-granted exercise of power – or, as one might say, adapting Foucault, a naturalizing physics of power that is at once micro-political and monumental in scale" (Malkki 1995:6).

the appearance of a non-normative statement, but in fact, 'difference' immediately leads us to the notion of Othering. *People don't like difference*, fear of the Other is not only central in new racism, it lies at the base of 'old racism' and countless (ethnic) conflicts and wars throughout human history. "(…) the presence of the Other, the immigrant, the clandestine and the suffering with which his uncertain condition is narrated, inevitably awaken our uneasiness and the need to feel that we belong to 'something', that we are recognized by this 'something'", says Beneduce (2008:522).

New racism is in fact 'pseudo-biological' culturalism, because it hints at *natural and unavoidable* facts of cultural difference. We live in a time in which western-European governments openly declare the bankruptcy of multi-culturalism and in which extreme-right political parties have seem to let go of the idea of integration but speak in irrefutable, almost apocalyptic discourse, where the only 'solution' to the 'problems in society' is to 'kick them out'. These are dangerous conceptions, because they derive away from solution-aimed political thought, and only serve to strengthen these (supposed) 'fears' in society.[75]

Wæver, one of the main architects of the Copenhagen School in International Relations, with its most prominent concept 'securitization', makes a distinction between state security (military, environmental, political and economic threats to sovereignty) and societal security (threats to a cultural identity). When migrants are perceived as a threat to a receiving society, it is in reference to fears of how they will change, *transform* the identity of the host country. The fear of 'ethnic stocks' not interacting well with the 'absorptive and adaptive capacities' of the host society, is considered a foundation of new racism (Ibrahim 2005:170-171).

In new racist thought, cultural pluralism will lead to inter-ethnic conflict, dissolving the unity of the state. As a means for limiting access of asylum seekers and other types of migrants, this logic has been used by extremist right wing parties for decades. What bares more worries, is that this discourse (preserving the state by rejecting others) is now actually upheld by liberal governments as well. According to Gilroy (in Ibrahim 2005:166-167), the move away from a focus on biological superiority towards 'problematic cultural differences', has given new racist thought a sense of moral credibility and political authority, perhaps a sense of 'innocence', in times when the concept of 'race' is (at least for now) not acceptable in public discourse.

Refugees represent such a potential subversion of the national order. There are an 'abomination', in Douglas' words. Or *Unheimlich*, in Freud's sense of the word. 'Refugees' as a category of people are only made meaningful by the categorical order they find themselves in, "even as they are excluded from it" (Malkki 1995:6). As transnational beings they are

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[75] As a side note, it is actually said that historically, this fear of cultural difference has served the continuity of culture and nationhood. In the words of Barker: "(…) if it were not for feelings of belonging, of sharing traditions, customs, beliefs, languages – in a word, culture – there would be no society. We could not live together and cooperate. Therefore the existence of fears about damage to the unity of the nation is proof that the unity is threatened. *The fears are self validating.* For the feelings, the customs make up the nation for all it is worth. The nation is a 'way of life'" (1981:17 in Ibrahim 2005:166, emphasis added).

> particularly polluting, since they are neither one thing nor another; or may be
> both; or neither here not there; or may even be nowhere (in terms of any
> recognized cultural topography), and are at the very least 'betwixt and between'
> all the recognized fixed points in the space-time of cultural classification (Turner
> 1976 in Malkki 1995:7).

It is the danger (or pollution) of 'statelessness' and 'refugeeness', causing insecurity and fear in the categorical order of states around the world, with the result that immigrants are 'symbolically eliminated' in official representations of political life (Krause 2008:331). According to Sayad, it is in fact the very category of 'immigrant', which reflects how the state distinguishes and discriminates between different categories of its citizens. The presence of immigrants "disturbs the mythical purity or perfection of [the national] order" (2004:280).

In line of this, I pose that the securitization of immigration and the consecutive criminalization of immigrants has in fact resulted in the *abnormalization* of this group of people and its individuals. Especially with regards to undocumented immigrants, an informal consensus seems to have arisen in which they are unequally treated before the law, as if they are no real people, or at least, no people 'such as Us'. Deprived of some of their most basic rights and subject to a large degree of arbitration as well as confronted with instances of racism, the non-western foreigner is seen as 'less' than 'us', as something abnormal that we rather do not see.

Discourse and Law in the French Context

The quote of Didier Fassin at the heading of this chapter exposes the dangerous tautology between two allegedly separate realms: that of representation and policy making. In the words of Rosello:

> Because of the label chosen to represent the group of individuals known as *clandestins*,
> who they are becomes the equivalent of what we should do (to them). In other
> words, the act of naming someone *un clandestine* imposes a narrative of illegality,
> which masks the arbitrariness of the selection operated between all the human bodies
> likely to be constructed as such (1998:137-138).

In another article by Rosello, she examines to what extent two types of discourse (legal discourse and popular discourse) are related to each other, specifically whether the second type of discourse ("those popular images that are so often devalued as a language") might constitute a second type of law, "a law that is sometimes more rigid than the official one" (1999:4).

She wonders, is law on immigration part of everyday life, does it turn into everyday life or does it reflects what already exists in every day life and culture? By analyzing public discourse before, during and after the drafting of a particular immigration bill, she suggests the latter is true. Although legal texts are not written in a style of public discourse, and although they *supposedly* are immune from the effects of metaphors, their content *and* application (whereby always a process of interpretation is at hand) still in a sense are influenced by public discourse.

> (…) precisely because the link between laws and metaphors is never articulated,
> I worry that the images I have just listed may have two immediate and

complementary effects: first, they insidiously impose the discursive building blocks with which the immigrants' identity is culturally constructed. And then, as soon as this identity becomes recognizable, it implicitly recommends certain actions, a certain type of behavior (Rosello 1999:15).

The images Rosello refers to are, for example, the employment of the metaphor of closed or open doors to denote national borders, which then implies imagining the immigrant as a guest, "and such constructions have serious and unexamined consequences of the way in which they are treated by the 'host'" (1999:15). Another example is the commonly used metaphor comparing immigrants to water: a *flux migratoire*, a tide, flood or 'tsunami' of immigrants. Territorializing metaphors of identity (roots, soils, trees, seeds) "are washed away in human floodtides, waves, flows, streams, and rivers" (Malkki 1995:15-16). Liquid names for those uprooted in this sense reflect a 'sedentarist bias' in dominant modes of imagining "homes, homelands, identities and nationalities" (idem:16).

In the context of France, examples were mentioned in chapter one, of civil servants interpreting French immigration law in random ways, signifying a mentality in which the law is apparently not considered sacred and universal with regards to certain types of people. With regards to the French police, "excessive zealousness if not abuses, harassment or even arbitrary persecutions" are known (Palidda 2009:11). Different researches have shown how a sizeable portion of police forces have acted in accordance to negative stereotypes with regards to immigrants; prejudices partly corresponding with views held by parts of the population, or "brandished by opinion leaders and political entrepeneurs [influencing] the input handed down by the hierarchy of these [police] forces" (idem:12). Palidda (idem) states that police action can be configured as a sort of self-fulfilling or self-nourishing prophecy, since the most controlled people in the streets are those having characteristics deemed typical of 'deviant subjects'. A French association, *Que fait la Police?*, and Amnesty International have pointed out that in these last few years violent acts and abuses by police forces have increasingly been marked by racism.[76] These instances affirm that government laws and policies, as well as its implementation, can be considered as an outcome of discourse, while at the same time reaffirming this discourse.

This points to the dialectical relationship between discourse (or: symbolix systems) and law (or: institutions), something reaffirmed by Gramsci who spoke of the 'dual status of the law', corresponding to the two axes of domination: physical force and hegemony. The state has a monopoly on the use of force, but apart from that is also has the power to authorize and legitimate; to produce a set of practices and social institutions. "(…) the law is at the same time both repressive and constitutive [and] (…) the bulk of law is not devoted to matters of physical force by the state and its instrumentalities but rather concerns itself with the types of voluntary enterprises and institutions that will be recognized" (Litowitz 2000:530).

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[76] http://quefaitlapolice.samizdat.net/ and Amnesty International, 'Police Abuse goes Unchecked in France'.

Chapter four.

The Suffering Agent.

Neither citizen nor foreigner, neither on the side of the Same nor on that of the Other, he exists only by default in the sending community and by excess in the receiving society, and he generates recurrent recrimination and resentment in both.

Bourdieu and Wacquant[77]

This final chapter sheds light on the violence(s) of everyday life. "While individual narratives of migration form the subject of many fictional texts, there has been comparatively little attention within postcolonial studies of the experiences of migration within the practices of everyday life," says Ticktin (2005:346). How do migrants survive? What hidden histories and narratives are behind their travel? What kind of liminal life do they live on the borders of legality and illegality? How do they negotiate and evade the laws being laid down to control them? How do they themselves conceive of their agency and acts of self-empowerment?

The migrant as a person, a unique individual with his or her own story, will be the focus of this final chapter. Since the main theme of this thesis is structural violence, danger lures to portray the immigrant as 'the victim', ignoring his or her agency. Therefore, some comments will be made on immigrants strategies, 'coping mechanisms' and ways of resistance. However, as said in the introduction, this is not the main theme of this thesis. It will however provide a reference to further research.

By giving this chapter the title 'The Suffering Agent' (i.e. including 'agency' prominently), I underscore the agency these people have; although constrained to a large extent, agents are capable of countering elements of the structure they live in. Furthermore, I am not aiming to portray *sans-papiers* and *demandeurs d'asile* as mere victims; encounters in Paris have proven they are powerful, resilient individuals.

4.1

SURVIVAL MECHANISMS.

Zygmunt Bauman states that in western countries the concept of 'survival' has been replaced by the concept 'quality of life', as a standard on which one can judge the development of

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[77] 2000:178.

postmodern society (Bauman 1995 in Burgers and Engbersen 1999:219-220). This seems logical, since civilians are assured of a minimum set of aid from the government, due to the welfare state in place (Burgers and Engbersen 1999:219-220).[78] For asylum seekers and, especially, illegal immigrants however, a lack of social rights in theory or in practice makes the concept of 'survival' still relevant to a certain extent. It is hardly unprobably they will die, since even non-citizens have a minimum of aid to their disposal to keep them alive, but 'survival' is indeed what they try to do, in a less literal sense of the concept. Roughly, two types of 'survival' can be distinguished: firstly, strategies to remain in the host countries, termed 'resident strategies' by Burgers and Engbersen (1999:220). And secondly, survival in the sense of *how people survive* in their sometimes highly stressful and hopeless situations: how they *cope*. How do people mentally cope with their illegal lives, how do they *live* in a broader sense than a biological one? How do they wake up and go to 'bed'; keep on having faith within this framework of structural violence?

The first survival strategy, residence strategies, will be elaborated on in the next paragraph. The second survival strategy will be illustrated by means of narratives of *sans-papiers* and *demandeurs d'asile* I spoke with in Paris. However, instead of 'strategies' I rather speak of 'mechanisms', since strategies imply a conscious act. Especially in terms of *coping*, I am of the opinion that actions of immigrants are not always conscious or planned, and also when it comes to resident strategies, like looking for help in an informal network of family and friends, these actions can be more considered to be 'natural' or at least not (consciously) strategic.

Residence Strategies

Typical for circles in which especially undocumented immigrants and to a certain extent asylum seekers move, are the following characteristics: protection and trust, the art of silence, and a specific dealing with written communication, according to Burgers and Engbersen (1999:238). In a sense, these types of 'societies' can be perceived as the 'secret societies' of Simmel (1906 in Burgers and Engbersen 1999:238), describing reciprocal relations among its members governed by the protective function of secrecy. In the case of *sans-papiers* this connotation is more valid than in the case of *demandeurs d'asile*; the latter category often stated they were quite open about their situation when people were interested. However, overall both categories of immigrants indicated that when the issue did not come to the table, they refrained from spontaneously bringing it up.

Burgers and Engbersen (1999) speak of two survival strategies (survival mechanisms, in my interpretation) undocumented immigrants in rich countries can apply; I will suggest that part of these strategies also account for asylum seekers. The difference between these two groups particularly relevant here is the fact that, in the context of France, *demandeurs d'asile*, after applying

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[78] But can they? In these times of economic crisis, even nationals of certain western countries seem to feel threatened in their survival, due to severe cutting down on welfare provisions.

for asylum at the *Préfecture*, are given a paper which states they are allowed to remain in France for the time of their asylum procedure. This accounts for the fact that they are more comfortable on the streets and especially around police. *Sans-papiers* on the other hand are better off avoiding police, because they have no legal papers to show and risk getting detained and perhaps even evicted.

The first type of residence strategies are so-called 'ancient survival strategies', like the mobilization of informal networks – applied by human kind since the beginning of time. In interviews it came forward that these informal networks mostly consist of (distant) relatives and people of the same nationality. In the Afghan community for example, *demandeurs d'asile* and *sans-papiers* knew each other well and close friendships among them were common. An Afghan student, who had lived in Paris for three years on a student visum and was about to return to Afghanistan in a few weeks (and was out of money at the time, because his funding had stopped), stayed at his friend's place (an Afghan in his asylum procedure) and had a large network of other fellow nationals he could ask for shelter.

Senegali and Malawi *sans-papiers* I spoke to were especially remarkable for their organizational networks. In different *arrondissements*, they were running so-called *Collectifs des Sans-Papiers* with weekly meetings in which they, for example, once discussed a procedure of what to do and how to proceed when a fellow member of the *Collectif* were to be arrested by the police. These *Collectifs* work in close collaboration with the Nouveau Parti Anticapitaliste (NPA), a small left-wing activist party so far only represented in regional councils, and French associations such as *SOS Racisme* and *Droits Devant*. Interesting to note was that during their meetings, members of the *Collectif* address each other with the heading 'comrade', in a way copying the discourse of the NPA.

However, success on this front is not always guaranteed. A Tunesian *sans-papier*, for example, said:

> We have nothing and nobody here. Our relatives here also have no money. There is no real network, even though we trusted in them [the Tunesians they know from home that live in Paris now]. The people we know don't want to help. They ignore us and when we speak to them [in Arabic], they reply in French. Very bizarre.[79]

The second set of residence strategies are the 'new survival strategies', employed in an age of surveillance. Examples of these are the manipulation or camouflation of their true identity, or to 'strategically make use of the public space'. Immigrants have indicated they feel they are permanently under surveillance, they are the eternal suspect, disturbing the national order. (Sayad 2004:206).

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[79] Author's interview with Emir, 25 years old, before coming to France, he worked in the Tunesian tourist industry. Originally from South Tunesia. Paris, 14 May 2011.

In addition to this, three types of 'institutions' can be distinguished (with reference to Burgers and Engbersen 1992), used by irregular migrants and asylum seekers in order to 'survive' in the broadest meaning of the word. Here, I use the concept 'institution' in the broadest sense, different than in the theoretical framework. The first type of institution is 'family and friends', also denoted as 'personal networks'. The second type of institutions are the formal institutions, consisting of state institutions and formal private institutions, such as non-governmental organizations and other charitative institutions, such as the church or the mosque. The third type of institutions are the so-called 'bastard institutions'. By this, the informal housing- and job market and the criminal sphere are meant.

4.2

NARRATIVES – VIOLENCES OF EVERYDAY LIFE.

The Home Country – Emigrant/Immigrant

"I came to France because the people who had immigrated to France, that came back to Tunisia for holidays, had a lot of money.

The people that come back [to Tunisia], they lie. They stayed for two until five years [in France]. When they go back, they show off, but they don't have anything. They want to show that it is good here in France. They act theatrical. Play loud music, ride around in their cars [in their hometowns]. They bring some euros to show, pretend they don't need them.

But they ["those people"] are frustrated to be here. Restaurants are very expensive.

We saw some of those people here and discovered it is not at all like that.

We don't bother to confront them with this situation, they have their own problems now, to keep good relationships with the police. (...)

They are doing this [theatrical behaviour, etcetera] because of honour, this is very important in the south [of Tunisia]."[80]

The story above reflects what I will call the immigrant-emigrant nexus, with special reference to Abdelmalek Sayad, who made this problematic a central theme in his capturing book *The Suffering of the Immigrant* (2004). Himself originally from Algeria, Sayad convincingly pledged for a shift in focus in research on immigrants. According to Sayad, we have to look at the 'genesis of the immigrant', in other words: an *immigrant* is also at the same time an *emigrant*. In scholarship, the

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[80] Author's interview with Jamal (27 years old), from the south of Tunisia. Profession back home: "little jobs, many things". Paris, 14 May 2011.

media and politics alike, the subject of the discussion is the immigrant, whereby the other part of them, the emigrant, with its origin and emotional bagage, is completely neglected (2004:177).

Sayad takes us back to the countries of origin, where emigration has left its scars on the people who stayed and on traditional society in general. Villages have emptied and ancient social boundaries are increasingly blurred. The homeland speaks disapprovingly of their emigrants, while calling them (offensively) 'immigrants'. And the other way around, the immigrants disapprove of the country they chose to leave, leading to a situation in which both sides put the blame on each other. The disruptive effect of immigration-emigration in the countries of origin is something part of the 'bagage' of the immigrant, but this is overlooked in practically all research focusing on the immigrant (2004:111-117).

Sayad states it as follows: "Emigration-immigration completes the break with the [formerly communitarian] group" (2004:68), meaning that for the emigrants-immigrants, their decision to leave needs to be legitimized and justified versus they who stay. The situation Jamal described, is therefore far from rare. This 'cultivation of illusions' is typical of all immigration, states Sayad, who mentions comparable situations of Jamal's, in the context of Algerians.

In the context of the emigrant/immigrant nexus, Sayad speaks of 'a gentle, masked violence' with regards to naturalization. This would come as a surprise for many, expecting naturalization is the ultimate aim of every immigrant coming to the western world. However, labour migration does not equal settler migration. Although the two often flow over into each other, this is not always the initial aim of the migrant. When he or she is naturalized, this signifies the completion of the rupture with the home country. It is often considered as betrayal, making it all (mentally) more complex for the emigrant-immigrant (idem:233). As a relief perhaps, this situation is said to be decreasing within the newer generation of immigrants (idem:241), but it still is a striking illustration on the complexity of the migrant's identity, about which too often preconceptions are made. It affects migrants in their dealings with institutions in the host country, where health and social workers are not sensitive to the origin migrants come from and the political, social and mental context they find themselves in now (Beneduce 2008:507).

The journey _____

"I arrived in Paris three years ago. At six in the morning, I went to the *Préfecture*. There was already a line of people, but they help only twenty people a day. Some people were already sleeping there for a whole week. (...)

In Afghanistan, it had become very dangerous for me. I was in great danger of getting caught or killed. So I left. First I went to Iran and from there I went to Turkey. On the border, there is a lot of Kurdish mafia. It is very dangerous, if you get caught, they will call your parents and ask for money to let you through. Otherwise they will cut off your ear. The border between Afghanistan and Iran is also dangerous, because of drugs [mafia].

I payed a *passeur*[81] to help me over the border to Iran, it was no problem because he got me a bus passport. Then I paid 1500 dollar to get me smuggled from Iran to Istanbul. They had promised me a false passport. From the border of Turkey it was easy, we went by bus. Hundred people in one truck, fifty hours to Istanbul. There was no food, no toilet. I just had a bottle of water. One night, we slept in the mountains, because the driver was affraid and he left us. (...)

In Istanbul, we were sleeping somewhere and at four in the morning, the police had surrounded the house. I had already paid the *passeur*, some didn't because he had promised to take them to Greece. I was really desperate. The police said they wanted fifty people and would let the rest go. Three people escaped, I escaped with them through a window. I thought it was God's will. We ran away, I left my bag there with all my documents [this functions as the proof for his asylum case]. I only took my money and my phone and a USB disc with my documents on it. Then I called my family, if they knew somebody in Turkey. I called a friend who is now in Italy and he gave me the number of a *passeur*. We called him and took a taxi. We had to say no to one Afghan who was with us. I am still sad about that.

We had to pay the *passeur* 1700 euro and 800 more if we arrived. But I only had 1500 euro left. He accepted that.

At four in the morning we inflated a little boat at the sea. There was another family with us with two children and an Iranian friend of mine. We waited until seven to leave, because there was police. But then the sun had already come up. But the *passeur* said we had to leave. He stayed in Turkey.

We sailed to a little Greek island. It was only fourty-five minutes. When we arrived, we had to cut it up [the boat], but a Greek family wanted it, so we gave it.

My Iranian friend told me we should not give our fingerprints here, because they don't accept you in Greece. You can only work illegally here. (...)

We walked twenty-four hours, to the port. There were trees with fruit and water. The family stayed and we were walking. On the way, we got stopped by police but we ran away into the mountains, we knew they wouldn't shoot at us. When we were walking, we saw police five more times. (...)

My shoes were broken, I had blisters everywhere. Other people had not want to give their socks. (...) We arrived at ten in the evening at the port. The last boat to Athens went in half an hour. They didn't want to give us a ticket, because we didn't have a passport. We found a young Afghan guy who wanted to sell his tickets for two hundred euros, but the tickets were thirty euros. I said to him "you are no Afghan", because Afghans help each other. In the end he sold us the tickets, for fifty euro. (...)

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[81] "*passeurs* – the new entrepeneurs of bodies and dreams", in the words of Beneduce (2008:507).

In Athens, I called my brother in Germany, because it was 2500 euros for a false passport and ticket to Italy and the *passeurs* join you to the airport. I was caught and spent five days in prison on the airport. I had to give my fingerprint. Then I went back to Athens and I was told to leave Greece in one month. (...)

I went to Patras with a Romanian identity card to take the boat to Italy. Before I got to the port, an officer came to me on the streets and I was caught again and spent two days in prison. I missed the boat. They only gave me one piece of bread.

Then I went to Corinthe, with five other friends. And we spent two days there, because the boat was only going on Tuesday and Wednesday. We wanted to go together. We tried to go into the boxes of the trucks that go on the boat. The first time they saw us, but we ran away. Then a *passeur* said we had to go one by one, under the cover of the truck. It was like a sauna. I got captured again. But I could even go back to get my phone [which he left when he had ran away].

The third time was succesful. I arrived in Venice. I spent fourty hours in the truck before I dared to get out. When I got out, the police saw me. I ran away and the police car chased me. I ran between the containers, I climbed on them and between them. When they left I had to cry.

At one in the morning I left the harbour. I took on a clean shirt I had in my bag. I ran into two Arab men and asked them how to get to Paris. They told me to go by train. I slept outside, it was very cold, it was September.

Five in the morning, the train left to Milan. A ticket was thirty euros. I bought the ticket and I had two euros left. For one euro, I bought a razor. And then I wanted to shave me and they made me pay for the toilet! (...)

From the boarder, I walked along the rails, with Kurdish people I met. We walked for ten kilometres. At a gas station, I saw a man with a beard, a muslim. It was ramadan. He didn't want to help me, he had children. But he gave me ten euros.

Then I walked on the *autoroute*. I didn't know that was not allowed. The police caught me. (...)

I took several trains. I didn't have a ticket, the last train ride I spent in the toilet! I arrived in Gare de Lyon [Paris], I didn't know anybody, I didn't have a phone, no money. Then I ran into somebody I met on my journey! He brought me to Gare de l'Est. There is a park where there are a lot of Afghans."[82]

Mortaza, who became a very good friend, told me this story on a sunny late afternoon, while sitting in the grass at Invalides. Overlooking Napoleon's grave, his story was almost surreal. We could not help laughing from time to time, joking about how 'James Bondish' his adventures

[82] Author's interview with Mortaza, 28 years old, 26 June 2011.

were – for him, perhaps to make it all a bit more bareable; for me, because it was just unbelievable.

Mortaza was part of a group of twelve men, who were well known in Kabul, but fell out of grace with the Taliban and therefore with the government, as he told me.[83] Lucky to be from a rich family, of which the largest part already lived abroad, he could get the funds together to undertake his journey. Under the predominantly ethnic Pashtun Taliban, Mortaza (belonging to the Hazara people) had lived in Iran for most part of his live, returning to Kabul after the American invasion.

Via organizations in Paris he came to meet an influential Parisian professor, in a high position at SciencePo. They introduced him to a well known Parisian lawyer, who had founded the Pierre Claver Institute, an organization giving free French lessons to asylum seekers. He became a good friend of the family and is now living, with four other Afghans, in an appartment in St. Germain. During his asylum procedure, he had followed classes at SciencePo for one year, but dropped out, because it was too much of a burden ("I didn't even know who Napoleon was!")[84]. Now he is a teacher at the Pierre Claver Institute – voluntarily, because *demandeurs d'asile* are not allowed to work.

From his group of twelve people, all with the same case, he is the only one still waiting for his papers, already for more than three years. The others fled to other countries (Denmark, Germany and the Netherlands) and all of them received their papers within one year. Although Mortaza considers himself very lucky with the great people he met in Paris that put him in a relatively fortunate position, the insecurity of his request puts a heavy burden on him. Every night he suffers from nightmares, but at day he is fine, "because I have many things to do".[85]

The Destination

In Parc La Villette, at the outer edge of the nineteenth *arrondissement*, 'the Tunisians' live. After the 2010 revolution in their country, it became easier to leave the country on little boats and make the passage to Lampedusa, Italy, due to a lack of coastguards before the Tunisian shore. Most of those who went to Paris stay in and around the nineteenth *arrondissement*, where a lucky few are staying in *foyers* provided by the municipality, some others find shelter in squatted houses, while a large group of unlucky immigrants sleeps outside. They say the police is eager to keep them in the neighbourhood, to avoid them spreading all over the city. At day, groups of (almost exclusively) men wonder on the streets, giving an impression to just simply... wait. "We heard that 300.000 euros was given [to the (district) mayor] to build temporary homes. But we haven't seen them; nothing happens," said Emir, a twenty-five year old men, who had been working in tourism

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[83] What he was doing exactly, that put him into danger, Mortaza rather did not tell me. He said it was quite complicated, he postponed to tell me the whole story and in the end, I refrained from asking it.
[84] Author's interview with Mortaza, 28 years old, Paris, 26 June, 2011.
[85] Idem.

before the revolution broke out and the hotel he was working for was shut down.[86] Especially in February and March 2011, the police severely 'harassed' them, to discourage their establishment. I was told that many of them are now detained in a retention centre, to get sent back to Italy.[87]

I had the opportunity to talk to five men, in the age between 21 and 35. Their stories bore many similarities. All were unmarried and came to Paris to look for a better life. They had become unemployed in Tunisia or generally did not see a bright future there in the coming time. All of them had made the passage to Europe on little boats, arriving on the island of Lampedusa, where they said they were received well by the authorities. Because the Italian government could not handle all the migrants coming from mostly Libya and Tunisia, they were given train tickets to the French boarder, which was then relatively easy to pass.

"There are several associations who pretend they help. There was a French association who came to say we had to come to a great building in Belleville. They did not say they were not the owner. It was squatted. So we went there, but then the police came. We didn't want problems with the police! We didn't think we were doing something illegal. Ten to twenty persons were arrested. They are already in jail now for two weeks.

The police kicked people, with sticks. My cousin is in jail, it was judged, for three weeks.

The association, I don't know the name, was French ["European, 'white'"] people, they told us they were against Sarkozy.

The police took our papers [the ones they got from the Italian authorities], some even ripped them apart. We were given a photocopy. When we need them [to leave to somewhere else], we have to come back to get them, they said.

We are treated like dogs. (...)

I regret I came, I don't want to stay. The situation in Tunisia is better than here.

[I don't want to go back to Italy] because the economic situation here is better. It is more close to Tunisia. I have relatives here. In Italy I have no one to help me. Off course they were gentle [in Italy], but [I realize] that was because they knew we were not interested to stay. When I go to Italy, I know I will have to sell drugs, get involved with the mafia, and so on. I don't want that. I want to have good relations with the police.

We are already here for weeks [in Parc la Villete], it is important to have good relations with the police. I want to stay, find a place and a job.

I live from day to day.

I want to go to the UK. I already tried the ferry, for two times, but I got arrested. You have to find illegal ways. (...)

I am tired and disappointed. I feel frustrated about these last four months.

We will hate Europeans, especially the French.

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[86] Author's interview with Emir, Paris, 17 May 2011.
[87] Author's interview with Annette Huraux, legal advisor at Le Cimade, Paris, 27 July 2011.

If the French authorities will decide I have to go back, I will to that. I am tired."[88]

For the people undergoing it, (structural) violence often lies in the small, almost unnoticeable humiliations. Examples of this are the consequent use of *tu* (instead of *vous*) by police doing identity checks, or body searching of foreign looking people in public (Bourdieu 1998a), or the ripping of their papers by police men, which is not only a humiliating act, but also illegal. The irregular labour immigrants I spoke to gave a demoralized impression; coming to France with great expectations and finding themselves in a very unwelcoming environment, in which they felt they even could not trust non-gouvernmental organizations.[89] *Regret* was overly present as an emotion, having spend all their savings on *passeurs*, which made the need to find a job to earn this back even more pressing. On top of that, their chance to get papers is most probably nil. In Paris, the near future awaiting them is far from consoling.

For Afghans, the chances on getting papers are much higher; most of them start their stay in France as *demandeurs d'asile*. However, the wait for the procedure is long and sometimes people struggle to get together the evidence to proof their case. At Canal St. Martin, there is a little park, Jardin Villemin; this is where 'the Afghans' live. Right next to this popular hang-out spot for young Parisians, dozens of homeless people spend their days, weeks and sometimes even years. It offers the perfect miniature illustration of the greater area of Paris and the extreme differences between those who can afford to live in one of Europe's most expensive cities and those who barely survived the journey to get there.

"I wanted to live, I didn't want to kill or get killed.

I walked from Afghanistan to Iran (...) From Turkey, I took a small boat to Greece. Then, from Patras [Greece] I managed to get to Ancona [Italy], hiding under a truck [on the ferry from Greece to Italy]. I got caught once, the second time I succeeded. (...)

When I arrived in Paris, I went to the *Préfecture*, they gave me a *carte verre*, which I could take to OFPRA. After one year, my request was answered with a *non*. The Court then also said no.

Now, I am nothing. (...)

I slept in this park for one and a half year. It is not possible to go back to Afghanistan, really not possible. If I think about it, I go crazy. People think I have killed my uncle, for this, I cannot go back.[90] (...)

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[88] Author's interview with Emir, Paris, 17 May 2011.
[89] I have tried to find out which organization it was that had squatted the house for them, but no one seemed to know the name of it.
[90] Habib told me a story about a robbery at night, in the village of his uncle, where he was staying at the time. Three men with Kalasjnikovs entered the house and after getting severly beaten by the robberers (or criminals with another motive, this was not clear to me), he was told to leave, so he fled into the mountains. He ended up in a hospital in the nearest city, from where he called his parents, who live in Iran. They told

I have the option to try it again [the court]. It is easier for Afghans to get the papers.[91] (...)

In this park, the Afghans live. Yes, there are also children living here, and at Gare de l'Est. Some children are put into a foster home. But sometimes they give them pig to eat. So some children came back here.

There are too many refugees here [in France, or Paris]. In other countries, they give you a hotel when you arrive. Here you have to wait. And in other countries you get your papers much faster. Here, the chances are only fifty procent. And they are not precise here. In England, they ask you all sorts of questions, here they don't. And you have to wait, wait, wait... A friend of mine, he waited one year for his answer of OFPRA. And then three years and eight months he waited for the court. And then he got refused. And I know somebody else who waited for nine years and then finally got his papers. By the time I have my papers, I have grey hairs. (...)

Sometimes I work, in construction and I paint houses. I work at least, I don't steal.

But if you are *demandeur d'asile* and you work and they catch you, they throw your [asylum] application in the bin. (...)

Some Afghans here, they are *mal à tête*. The other week, a young guy hanged himself, just here, in the park. Sometimes I am sick of life. Then I drink. I have nightmairs too, every night. Do you see the smile of Afghans? It is a smile of despair.

Six months ago, I went to a doctor, I thought I was really going mad. He gave me pills. I'm not taking them anymore (...) Today? Today I feel good.

There is no hope in Afghanistan. You can be dead tomorrow.

You know what it is? The Afghans, they have everything [in terms of commodities, raw materials, etc], but they have nothing in their heads [they are not smart]. Europeans, you have nothing, but you are smart. Afghans, they fight with weapons. You fight with words. (...)

Will I feel better when I have papers? I don't know. Some people I know, they ripped their papers when they got them. *Les papiers sont pas une vivre.*"[92]

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him he could not go back to the village. For unclear reasons (he had 'also problems' in Iran – something more Afghan people I spoke to seem to have), going to Iran was no option.

[91] In order to do a second appeal at the court, one needs extra evidence supporting his or her case; evidence that has not been presented the first time. Therefore, for many people this is no option, lacking more evidence on top of what they presented in their apply at OFPRA and at the first appeal.

[92] Author's interview with Habib, a twenty-six year old Afghan man. History of jobs or profession unknown; illiterate. Paris, 26 July 2011.

Conclusion.

> And now what shall become of us without any barbarians?
> Those people were some kind of solution.
> *Konstantinos Petrou Kavafis*

The objective of this research was twofold. Firstly, the aim was theory building, resulting from the observation that the literature on structural violence and related concepts consists of very interesting observations, all described slightly different and all unique in their own way, but at the same time crippled by one-sided approaches and lacking a clear framework for operationalization in which indicators are provided. Furthermore, the focus in this body of research mainly focuses its attention on structures, whereby the agent and its individual experience is almost completely neglected. This in turn linked to the second objective of this research, namely, to give voice to the suffering; in the specific context of this paper, the suffering of *sans-papiers* and *demandeurs d'asile*. I have proposed that there is a specific value in the combining of these two objectives, because a solid framework for research gives insight in reality, whereby it raises awareness – promotes Galtung's *conscientization* – and hopefully leads to facilitating conditions for emancipation.

These two objectives taken together lead to the research question of this thesis, or mere research challenge: to *construct a solid, integrated operationalization framework to research processes of structural violence*. Throughout the first chapter this was undertaken, resulting in an integrated approach to structural violence (and its related concepts). In this last part of the thesis, I will elaborate on the findings of this thesis, after which recommendations for further research will be given.

As a starting point, the classic debate on the relationship between structure and agency was introduced. Although discussions on these two seemingly opposite ontological positions have a tendency to end in the conclusion that 'both structure and agency matter' – something which indeed cannot be denied – it was worth looking deeper into the literature on the subject, because automatically the analysis led to further observations useful for this theory building.

A first step in the process was to integrate materialist and symbolic approaches to structure, respectively 'Marxian' and 'Durkheimian' outlooks. An influential scholar in the

Marxian tradition, Antonio Gramsci, had developed the concept of hegemony, to denote a situation in which domination is imposed by means of a deeply materialist, or institutionalist strategy, *supported* by a mere symbolic axe of domination, in which 'culture' is central. In other words, in order to exert complete domination over a society, physical or administrative force is not sufficient; it needs to be complemented and underpinned by an ideological complex, integrating the 'hearts and minds' of the people. In an ideal situation, a hegemon would not need a police force or other mechanisms to force compliance, because the consent of the people is in the end what keeps the system in place. The crux here is to make people believe in the imposed norm system, to make them perceive it as a natural situation and not an outcome of accidental power relations.

Taken together with Bourdieu and Galtung, and their notions of domination – respectively seen as a symbolic domination through eduction and as a contradiction inherent in the system holding things together –, the different approaches were quite easily integrated in a framework illustrating the dialectical relations between structure and agency; the first and second axe of domination; and institutions and discourse.

The question of agency was solved by integrating 'discourse' into the framework. Because classification systems inside actors (dispositions) are manifest in their discourse, and because agents' classification systems contribute in the maintenance *and* the changing of the structure, discourse proves to be the factor in which the so-called 'seeds of change' lie. Agents are involved in a constant struggle at the level of reality construction, and by means of this, they are capable of altering existing structures with their own, rival structure. However, the dispositions of the agent lie in the subconscious, they are not fully aware of their own systems of signification. Therefore, only by means of *conscientization*, by becoming aware of the 'real Contradiction', an actor can break out of a dominant structure and counter it succesfully, by employing a *counter-discourse*.

From the above it can be logically deduced that if a discourse has the ability to change the subjective and objective part of the structure, that on the level of a society, this happens through processes of enactment and materialization: the discourse must in one way or another become institutionalized in order to make up for a new objective structure. And this is where we arrive at the notion of structural violence, because structural violence allows for a system of inequalities, in which one group dominates over the other. This configuration of power relations is manifest in the discourse, and, by means of enactment and materialization of discourse, it is also manifest in the institutional make-up of the objective structure, in, for example, certain policy measures, or laws. Using Giddens, Jabri stated that processes of change occur "within discursive and institutional continuities which are drawn upon by actors in the reproduction of social systems" (Jabri 1996:90) Therefore, *institutions* and *discourse* have been the two main indicators in this research to detect processes of structural violence with regards to immigrants, specifically: *sans-papiers* and *demandeurs d'asile*.

Back to the case study, 'structural violence' was chosen as the core concept of this research, because it offers a crucial metaphor in efforts at understanding individual narratives of suffering, while it also provides for the larger context in which this suffering occurs. By means of literature research and interviews, an attempt was made to show how the current contextual make-up harms irregular immigrants in Paris. Neoliberalism and its "taken-for-granted reality" (Green in Farmer 2004:319) of exclusion of the lower strata in society, was used as a starting point to characterize the current institutional make-up of European countries, including France. Its accompanying penal logic was easily detected in migration policies aiming at increasing surveillance of unwanted strangers, who are succesfully being criminalized.

Chapter two and three taken together show the dialectic relationship between discourse and institutions. In the paragraph dealing with criminalization, it showed that the 'order' of change is not fixed. Sometimes it is the discourse wich, due to repetition, becomes institutionalized; but other times new policy measures are being implemented and only afterwards legitimized by the widescale employment of a (securitizing or criminalizing) discourse. In the realm of immigration measures in France, these mechanisms have even worsened in their outcome for immigrants, because police officers and civil servants show increasing independence in their implementation of the law. Human rights associations have issued alarming reports on the abuses of authority and illegal practices employed by state agents, often motivated in racist stereotypes. Almost three decades ago, this mechanism was already expressed by Foucault, when he stated that "[t]he relationship between rationalization and excesses of political power is evident" (1982:779).

Philip Bourgois has contended that "the normalization of structural violence means cruelty and injustice can pass for common sense and be understood by the general public as just the way things are naturally – whether it be homelessness in the United States, apartheid (...), the prison industrial complex or merely poverty under neoliberal terms of trade" (2002 in Waterston 2005:57). The case study on immigration policies and the micro-scale treatment of irregular immigrants in France supports this assertion. I have posed that the hegemony of the state security discourse with regards to immigrants, in which they are perceived as a threat to the national order, embedded in processes of Othering, has led to the abnormalization of the normal, leading to a situation with legal black holes, in which state actors of a democratic country are consciously involved in illegal practices, motivated by xenophobic stereotypes.

For the *sans-papier* and the *demandeur d'asile*, this environment causes stress, insecurity and suffering. The insecurity over their future weights as a heavy burden, often expressed in interviews. "I wanted to go to France, because it is the country of *les droits de l'homme*", said the Afghan asylum seeker Mortaza. After living more than three years in insecurity, he regrets his choice of coming to France.

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It was in the narratives, personal tales and life stories, that processes of structural violence and social suffering became tangible to us, the bystander. Explaining and understanding social suffering is about the examination between the individual and the larger context, and although personal stories can be difficult to 'get out', this grappling with the suffering of individuals will help the researcher to confront structural violence and 'be mindful'; be aware of what is happening, "an essential step in preventing genocides, ethnocides and die-outs", according to Waterston (2005:46).

It is once suggested that "the anthropological consciousness grew from a sense of alienation from the direction in which modern society was going" (Stanley Diamond 1974:333 in Farmer 2004:320). Now I am no anthropologist, but as a social researcher I do feel addressed by this comment. Therefore, this thesis is concerned with *giving voice*, and consequently *raising awareness*. The challenge lies in making clear that these things are not normal and not 'all right', that they are not 'natural'. And, the other way around, it has to be demonstrated that the criminalized, or *abnormalized* people *are* in fact normal. An example of how this is to be done, was found in the organization *Reseau Éducatif Sans Frontières*. This organization is active in cases where young children without papers are being arrested with their family in order to get deported. By including native French parents in these actions, awareness is raised on immigration policies. An interviewee told me that this organization has been very succesful in integrating French people into the struggle against these often unlawful practices. Reason for this, is that the irregular migrants are now suddenly seen as *humans*, as parents of the child with whom your own child is befriended. This is what is meant by the 'seeds of change': the world can be changed by changing our perception of it.

Recommendations for Further Research.

In chapter four, I shortly touched upon immigrants' survival strategies and coping mechanisms. This is a subject that has not been addressed a lot in the present literature, especially not in relation to structural violence. Because this research has focused mainly on the context surrounding immigrants, except for the attention devoted to their narratives, this provides for a very interesting new research topic. Derived from interviews, together with the abovementioned strategies distinguished by Burgers and Engbersen (1999), I propose the following seven 'surviving mechanisms' (some of them also more ore less 'strategies) for irregular immigrants and asylum seekers in their host country.

1. The use of social capital (*coping, residence mechanism*)
2. Judicial strategies (*residence strategy*)

3. 'Fake' / practical marriages (*residence strategy*)

4. camouflage / manipulation of identity (*residence strategy*)

5. strategic operation in public space (*'survival', residence strategy*)

6. Psychological mechanisms (*coping*)

7. Organizational strategies, empowerment (*residence strategies*)

It was not in the scope of this thesis to further elaborate on these mechanisms, apart from the occasional references made to it in interviews. However, in the realm of notions of counter-hegemony, this outlook cannot be excluded. Only when we fully integrate the scope of immigrant's agency, we can start by asking *and* answering the second question asked in chapter one 'how can we *change* the structure?'', with regards to irregular immigrants in Paris, France.

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