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**“Managing Migration and  
Diversity in the Asia Pacific  
Region and Europe”**

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## **Managing Migration and Diversity in the Asia Pacific Region and Europe**

DIRECTOR OF PUBLICATION: Paul de Guchteneire

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(Bamberg University, Germany)

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# Editorial

CHRISTINE INGLIS & MATTHIAS KOENIG  
*University of Sydney & University of Bamberg*

The present thematic issue of UNESCO's International Journal on Multicultural Societies (IJMS) takes up the debate on migration and multiculturalism. Whereas previous issues (Vol. 5, No 1 & 2) have highlighted the differences in patterns of cultural diversity in industrialised and post-colonial countries, the present selection of papers focuses on contemporary challenges in managing migration and incorporation. The articles highlight problems concerning the entry and settlement of migrants and their descendents which have direct relevance for policy formulation. By including cases from the Asia Pacific region and Europe in its comparative framework, the present thematic issue attempts to broaden the transatlantic perspective that prevails in social science migration research (see Favell 2001; Portes/DeWind 2004). A particularly important point emerging from the analyses is, moreover, that designing policies of migration and incorporation has to take into account international factors of population movements (Castles/Miller 2003: 284-6); policies that implement the human rights of migrants (Taran 2000) are thus of utmost international concern. Hence, in order to contribute to international policies of migration and incorporation, social science research has to go beyond the "methodological nationalism" characteristic of much of the literature on immigration and integration (see Glick-Schiller/Wimmer 2003).

Within the Asian region there is a major focus in policy debates and analyses on the economic dimensions and outcomes of migration. This focus reflects the developmental status of the region where countries are striving to catch up with the more developed, western industrialised countries. In the case of those Southeast countries such as Malaysia which have already begun to extensively restructure their economies, the need for additional labour to continue the process and achieve their economic objectives is a major priority, even if it at times comes into collision with other social and welfare objectives for the host country population. *Amarjit Kaur's* paper "Crossing Borders: Race, Migration and Borders in Southeast Asia" illustrates the changes in migration patterns and policies in Southeast Asia since the nineteenth century. The particular lens used for this analysis is Malaysia, the major labour-importing country in the region.

Consistent with the economic importance of migration there has been increasing attention given to the development of conscious policies to regulate population flows. Kaur argues that concomitant with this growing state involvement in Southeast Asia countries there has been the emergence of increasingly restrictive

entry regimes associated with stringent border controls and internal enforcement measures. Among the features of labour migration in Southeast Asia, Kaur notes the growth of a migration industry mediating between potential migrants and their states of origin and residence. Although similar intermediaries existed during the colonial period their role has grown as post-colonial states have increased controls on their borders and their internal enforcement. An important effect of these developments is that, in contrast to earlier years, temporary labour migrants find it extremely difficult to change from the status of 'sojourner' to that of settler in their new countries of residence. Kaur's analysis gives little indication that this situation is likely to change. This is in marked contrast to the Western European experience of the 1960s and 1970s which saw many 'guest workers' settle in their host countries. Just as initially occurred in Western Europe, this state focus on temporary migration helps explain the limited discussion of desirable patterns and policies to facilitate migrant incorporation in the Asia Pacific region (see also Fenton 2003).

While temporary labour migration is the dominant form of migration in Asia, political unrest has also meant the growth of local and international refugee populations seeking entry and asylum. Asian nation-states have had to consider how to respond to these flows. As the paper by *Hideki Tarumoto* shows, Japan – like many other countries in the region – has been slow to address this need which is often seen by potential countries of refuge as conflicting with their own national economic and socio-political interests. In tracing the changes which have taken place in Japan, including the development of a conscious asylum policy, Tarumoto emphasises the importance of domestic politics. Although direct international pressures, particularly from the US, were important in the 1970s in accepting small numbers of Indochinese refugees, subsequently a climate favourable to international human rights, including the existence of international conventions, has not been the major factor for the limited easing of Japanese policies for asylum seekers. In Japan, Tarumoto argues that policy making is determined by what he refers to as 'singular bureaucratic sovereignty', that is the dominant role of the Ministry of Justice. Hence, changes which have occurred reflect domestic political developments which have caused the Ministry of Justice to modify its policies towards asylum seeking.

Tarumoto's analysis suggests that states are still able to maintain their policy making powers even in the face of globalisation and increasing pressures for the development, and implementation, of an extensive international human rights regime highlighted by other authors (see e.g. Gurowitz 1999). It is true that the economically oriented pragmatism often attributed to migrant receiving countries in the Asia Pacific may be modified in the case of sending societies such as the Philippines by a concern for the welfare of their emigrants. These countries, like the small groups of human rights advocates in the receiving countries, may make use of the rhetoric of human rights with appeals to international norms and standards. However, as more normative and philosophically oriented discussions and analysis are rare in the Asia Pacific (unlike in Europe), appeals to international

human rights remain largely rhetoric. Although sending countries like the Philippines have signed the UN Convention on the Rights of all Migrants and their Families, major receiving countries such as Malaysia have not (see Iredale/Piper 2003).

While domestic political concerns play an important role in discussions of international migration these are increasingly being informed by an awareness that migration is a two-way process involving both receiving and sending countries. This has led to a trend for states to liaise with source countries on a bilateral or, increasingly, on a multilateral basis. One reason for the development of a multi-lateral approach to migration is that receiving countries are increasingly aware that major emigration pressures in countries of origin can play a significant role in spurring migration to unwilling reception countries. While a 'negative' aspect of multi-lateral approaches may be their efforts to limit international population movements, they also have the potential to play a more positive role in facilitating the flow of skills and resources back to the countries of origin, thereby contributing to their economic and social development. This has, in the long-run, the potential to reduce emigration pressures as the factors which 'push' individuals to emigrate often have an economic component.

Not all nations in the Asia Pacific region have so far been able to establish their economic viability through internal development. Many such as the Philippines, Indonesia and small Pacific Island states rely extensively for their economic, and ultimately political and social survival, on the remittances of those men and women who have gained work overseas. *Elizabeth Grieco* in her paper "Will Migrant Remittances Continue Through Time? A New Answer to an Old Question" explores what is a major issue among policy makers: how to ensure that the flow of remittances is not prematurely halted. After outlining the critical importance of remittances to the survival of some Pacific Island nations Grieco highlights that their experience does not support the received wisdom that over time the flow of remittances will decline. Instead, she argues that remittance behaviour is far more complex and that, to understand it, it is necessary to examine the patterns of social relationships and networks linking migrants and non-migrants. Not all migration flows lead to high levels of remittances. A key factor leading to the diminution of remittances is family reunification and the establishment of households overseas. In contrast, during the process of chain migration, or coinciding with temporary migration, the flow of remittances is greater.

*Jean-Pierre Cassarino's* paper "Theorising Return Migration: the Conceptual Approach to Return Migrants Revisited" examines another aspect of the movement between countries of individual skills and resources: the phenomenon of return migration. He explores the diverse conceptual approaches used to examine the process of return migration. As he highlights, often these approaches are seeking to answer somewhat different questions and may focus on different aspects of the return process. Through an extensive literature review, he illustrates the variations which characterise return migration and, in particular, the economic as well as

social benefits which may flow from it. Like Grieco, he also argues that it is necessary to develop a more sociological and individually based approach to understand the diversity of outcomes resulting from return migration. In particular, he shares with her an emphasis on the need to examine the social networks of the returnees and how this is related to the preparedness of migrants to return, and their ability to mobilise resources, including the social capital inherent in their networks, upon their return.

In contrast to the Asia Pacific region, many western European countries have increasingly become countries of permanent settlement and recognised the need to develop policies to address the long-term settlement of substantial immigrant minorities. *Dirk Jacobs* in his paper “Alive and Kicking? Multiculturalism in Flanders” focuses on a specific example of policy development and implementation which he argues represents the implementation of multicultural principles in addressing the situation of migrants, and more recently, minorities in Flanders. In Flanders, minorities policy targets five groups: allochthonous citizens (those with at least one parent or grandparent born outside Belgium and whose social disadvantage is due to their ethnic origin or poor socio-economic situation); citizens with official refugee status, non-Dutch speaking immigrants, illegal residents and, also, ‘travelling’ groups which refers to Gypsy or Romany populations. Significantly, the only major group ignored in this policy appears to be the mainstream, dominant population. The Flemish policy, which Jacobs notes is close to that of the Netherlands and many Anglo-Saxon countries, defines ‘multiculturalism’ as an overarching policy approach which is based on the recognition of ethno-cultural groups, although not in such a way as to promote segregation. It involves three basic components: ensuring full social participation, or ‘emancipation’, for citizens; facilitating the integration of newcomers; and securing the minimum health, welfare and educational needs of illegal residents. Jacobs illustrates the significant involvement of the state in Flanders in relation to migration incorporation which he suggests is becoming one of the new fault lines/cleavages around which domestic politics is being organised.

Just as in the case of the Asian countries, one of Jacob’s major themes is that state policies are rarely static. He also shows that domestic factors are extremely important influences on policy. In Flanders, these are dependent on regional and national developments and the will of political parties. Public opinion is also particularly important, as in other democratic states where the electoral process plays a key role in legitimising government policies. As Jacobs notes in his paper, there is no certainty that those conditions, which he argues have allowed for the development of a policy based on multiculturalism in Flanders, will continue. In fact, recent contributions have highlighted the return of assimilation in European integration policies (Brubaker 2001; Joppke/Morawska 2003).

The issue of policy and management moves from the immediate, political, level to the conceptual level in the paper by *Hans Siebers* “The Management of Multiculturalism: Coming to Terms with the Multiplication of Experienced

Difference". Here he explores the implications of four key philosophical approaches to policy formulation in multicultural societies. These approaches he labels as neoliberalism, egalitarian liberalism, communitarianism and deliberative democracy. An important point to note in his paper is that he is conscious of the way in which essentialist conceptualisations of 'culture', which carry with them a static and reified understanding of cultural differences, have all too often been used by those who criticise multiculturalism. Indeed he even goes so far as to suggest that supporters of multiculturalism – or perhaps more accurately one should refer to multicultural practices and actions – may be implicated in similar counter-productive essentialising. His concerns with the dangers of essentialism were realised in the reactions to the shooting in October 2004 of a Dutch film producer whose film had been openly critical of certain Islamic practices. The shooting became the focus of considerable reflection and debate in the Netherlands and other parts of Europe where it was seen as calling into question the effectiveness, and desirability, of policies providing for the toleration and maintenance of cultural differences perceived to threaten the fabric of receiving or host societies.

In acknowledging the powerful negative, as well as positive, role of cultural differences in world affairs and public opinion, Siebers' solution to the problems associated with essentialist definitions of 'culture' is to redefine multiculturalism without reference to its cultural origins, nor its philosophical, ideological or political dimensions. Instead, he identifies the problematic experience of personal, and community, uncertainty, insecurity, anxiety and identity challenges as constituting multiculturalism. He relates its emergence to trends associated with globalisation and the fragmentation of the relatively closed communities in which individual life and identity has hitherto been embedded. Despite differing in their definition of multiculturalism, there is considerable similarity in the policy objectives discussed by both Jacobs and Siebers. These include addressing major material, as well as cultural, inequalities and disadvantage. Furthermore social cohesion and the avoidance of conflict inform the key underlying policy objectives examined by both authors.

While the papers published in this volume focus on the Asia Pacific region and Europe, their wider relevance is all too evident, not least in the aftermath of the December 2004 tsunami in the Indian Ocean. Against the background of the human death toll and the devastation of the many, lesser developed countries affected, some involved in long-running civil wars, international and national government and civil agencies and planners are already discussing the implications for restructuring of issues covered in our papers. These include the displacement of people and consequent creation of environmental refugees, and the role of remittances in the reconstruction since many of the countries affected have substantial populations of labour emigrants. Given the destruction of local infrastructure and employment, twin economic needs exist to find manpower to repair the damage and, at the same time, international employment opportunities for individuals who lost their employment and livelihoods in the disaster. Although not addressed in the present papers, the large numbers of children orphaned by the

tsunami is also focussing attention on the issues associated with international adoption. The potential for social turmoil, and even terrorism, has also been flagged by some politicians and commentators concerned about the longer term consequences if the restructuring process is seen as flawed or too slow in delivering assistance. This is a particular concern where minority groups bear the burden of delay or inadequate assistance.

The Indian Ocean tsunami is only one of a series of events, many of them involving human volition such as the war on terrorism, which has focussed world attention on issues related to migration and multiculturalism. Even while domestic factors play a crucial role in the formulation and implementation of national policies, these events have highlighted the potential of international developments to have significant implications for the ways nation-states develop their responses to migration and the incorporation of minority populations. It therefore seems pertinent to further develop a substantial body of social science research going beyond “methodological nationalism”, not only to broaden the analytical perspectives of social science research but also to contribute to international policy responses to migration and cultural diversity based on human rights.

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# Crossing Frontiers: Race, Migration and Border Control in Southeast Asia

AMARJIT KAUR  
School of Economics  
University of New England, Armidale

*Transnational labour migration has been a dominant feature of Southeast Asian labour history since the 1870s, affecting those who moved, and impacting on host communities. Moreover, until about the 1940s, borders were porous and migration was largely unrestricted, consistent with colonial migration goals and the region's demographics. Since the 1970s, however, labour migration in the region has become more diversified, and consists predominantly of intra-Southeast Asian flows. Migration goals have also changed and coincide with state policies that emphasise the nationality, race, geographical origins, gender, skills and occupation of migrants. Free migration has thus given way to institutionalised and restricted migration policies that include stringent border controls and internal enforcement measures. Crucially, a sharp increase in labour mobility has coincided with the development of a migration industry and the emergence of officially-sanctioned recruitment agencies and entrepreneurs providing all sorts of services to migrant workers in exchange for fees.*

This paper investigates key issues relating to race, migration, and border control regimes in Southeast Asia in the face of global economic pressures, demographic and economic transformations, and the increasing tendency of Southeast Asian economies to function in a complementary sense. It examines migration patterns with respect to magnitudes, composition and characteristics of migrants in the context of labour shortages, and concerns about national sovereignty. It also reviews migration from the perspective of network-creating and network-dependent relationships within the wider regional arena. The focus is on Malaysia, which was, and continues to be, the major labour-importing country in the region.

## **1. Setting the Scene: Colonialism and Labour Migration to Southeast Asia, 1870 – 1940**

### *1.1. Introduction*

Prior to the sixteenth century, migratory movements within the Southeast Asian region were relatively small scale in nature and limited in geographic scope. There was significant mercantile or religious travel involving Chinese and Indians in the region, which predated the arrival of European commercial interests. Chinese and Indian traders were also prominent in Southeast Asia's leading regional entrepôts and, although trade was small in volume, it was a source for the transmission of ideas, new products and technologies, and migrants. In the seventeenth and eighteenth centuries, as Southeast Asia's trade continued to grow, Chinese had begun to settle in Southeast Asia in sizeable numbers, especially in places where there were favourable economic opportunities. For example, Chinese were active in tin mining in Banka and Belitung during the seventeenth and eighteenth centuries, and in gold mining in Kalimantan in the eighteenth century.

The Indians, like the Chinese, came from a country with a long history of manufacturing, a monetised economy, and sophisticated commerce. Gujerati and Chulia merchants had been trading with Southeast Asia, exchanging Indian-made textiles for Southeast Asian spices, in a trading network that linked the ports of the Indian subcontinent with others on the eastern shore of the Bay of Bengal, in Burma, Thailand, and the Malay states. Indian political institutions, specifically Hindu-Buddhist traditions of kingship, were introduced into Southeast Asia by the seventh century AD, and Indian culture was the dominant external influence in the region in the form of Hindu-Buddhist religious-cultural systems.

### *1.2. Political and economic change in Southeast Asia, 1870-1914*

World trade underwent major changes in both qualitative and quantitative terms over the period 1840 to 1914. The principal driving force was industrialisation in the West, coupled with western political and economic advances. This had two important consequences for Southeast Asian states. First, Europe turned to the region as a source of raw materials and as a market for its manufactured goods. Southeast Asian states were thus integrated more fully into the world economy by being obliged to open up their markets and resources to western enterprise. Economic integration also resulted in flows of capital and labour into the region. Second, the imperial drive was also driven by an agenda of competitive state-building overseas and, partly as a consequence, six major Southeast Asian states emerged: as colonies, protectorates, or as part of the informal empire of European powers.

This process, which began around 1850, climaxed between 1870 and 1914. Lower Burma was annexed in 1852 and by the 1880s, Britain had taken over all of Burma.

In the Malayan region, the East India Company's Straits Settlements were taken over by Britain, which subsequently brought the Malay States under formal protectorate status between 1874 and 1914. Though termed 'protectorates' and still nominally under their own rulers, these states were in effect governed as colonies. France took over Indochina in a piecemeal fashion. The French government established protectorates in Tonkin and Annam, made Cochin-china a colony and retained the monarchies in Cambodia and Laos. Nevertheless, as in the Malay States, colonial policy replaced local policies. The Netherlands government consolidated its rule over the Indonesian archipelago starting from about 1824. The Philippines, which had been under Spanish rule, was annexed by the United States at the beginning of the twentieth century, following the Spanish-American War at the close of the nineteenth century.

The creation of new states in Southeast Asia represented new departures within the region. These states had precisely delineated boundaries; an internal dynamic which possessed a 'permanency' that indigenous states had lacked; a new style of administration and institutional structures to oversee the various aspects of government; and an intensity in governance not hitherto experienced by them. But borders were kept open, and since populations were generally sparse, colonial administrations encouraged immigration to promote the development of their territories. Subsequently, the region's imperial-led integration into world commodity and capital markets engendered an accelerated demand for their products, particularly those associated with industrial processing and manufacturing, and this coincided with the rapid expansion of agricultural and mineral production and the growth of the labour market.

### *1.3. Demography, Labour Supply and Migration*

A useful starting point for understanding migration and economic change associated with export production in Southeast Asia is to examine the region's demographic structure and to identify some of the most important production niches that gave rise to labour migration. Southeast Asia had a markedly low population growth relative to the extent of its cultivable area. Around 1870, population was estimated at about 55 million and rose to about 69 million in 1900. Moreover, it is estimated that the region had an average annual growth rate of approximately 1.3 per cent between 1870 and 1930. With the exception of Java and Tonkin, populations were sparse, and labour, rather than land, was the principal source of value in Southeast Asian states. The population was also distributed very unevenly and population densities were relatively low (Kaur 2004:35).

From a comparative perspective therefore, the broad division of the region into 'labour-scarce' and 'labour-surplus' countries had important implications for migrant labour flows. There were two polar extremes to this division – Malaya and Java. In sparsely populated Malaya, landlessness and rural deprivation among the Malays was practically non-existent and they largely shunned wage work during the colonial period. By comparison, Java had a huge, poor population, and non-farm employment was crucial for survival strategies. Javanese workers shifted or

moved around during the colonial period to eke out a living. Thus Java has been a labour exporter since colonial times and Malaya/Malaysia a labour importer. Using this framework, the other Southeast Asian countries fit somewhere in a continuum between the two.

After 1870 the great expansion in plantation production took place in the lightly settled areas of Malaya, Sumatra and Cochin-china. Concurrently, rice expansion occurred in the frontier areas of Burma, Thailand and Cochin-china. The region's demographic structure therefore had important implications both for the location of colonial economic activity and the destination of migrant workers. Crucially, the concentration of migrant workers in specific sectors and countries, and their racial origin, must thus also be viewed through this lens.

#### *1.4. Race, Migration and Asian Contract Labour, 1870-1940*

Late nineteenth-century transnational labour migration in Asia – the movement of wage workers across frontiers and the flow of capital in the form of remittances from the sites of work to the places of origin – laid the framework for migrant labour diasporas in the region. The fact that this migration owed its origins to the labour systems under which migrants travelled, also allows it to be distinguished from other previous movements of people into the region. It involved mass migrations, long-distance movements; organisation of travel arrangements and employment opportunities in the receiving countries; and an empire-wide sourcing of labour. It also involved two other groups in the migration process apart from the migrants. These were the private labour brokers and other intermediaries who organised travel arrangements and employment, and state officials. Moreover, in the receiving countries, the process involved the establishment of labour depots, and institutions such as, for example, Labour Departments and Protectorates to manage migrant labour groups.

Asian labour migration was largely dominated by Chinese and Indians prior to 1940. The majority of migrants from both countries were impoverished and were pushed into migration by factors such as agrarian overpopulation, natural calamities; landlord exploitation; and in China, disruption arising from major rebellions in the nineteenth century. Pull factors in Southeast Asia included the growing economic opportunities in the region, the opening up of hinterlands, and the expansion of mineral and agricultural export production. Unrestricted migration policies; the absence of border controls; improvements in transportation technology and falling transport costs facilitated this migration. The bulk of the migrants were in no position to meet their travel and related costs, which were either met by labour recruiters or future employers.

The recruitment of foreign migrant workers was consistent with a rather elastic use of labour. The workers had many characteristics in common. They were young, predominantly unskilled adult males who emigrated as individuals and thus had no dependents. They also primarily comprised illiterate peasants who had spent hardly

any time away from their villages. They were involved mainly in the production of mineral and agricultural commodities or in construction and maintenance of transportation systems and public undertakings, and at the ports. After periods of employment, they usually, but not always, returned to their countries of origin.

The Chinese government did not support Chinese emigration, and this opposition made it impossible to utilise open, regulated recruitment arrangements. It was not until 1893 that the imperial Chinese government lifted its ban on Chinese emigration. Consequently, until the early twentieth century Chinese migration comprised two main networks: the kinship-based migration network and the credit-ticket system network. The kinship-based migration network involved recruiter-couriers who recruited migrants from their own villages/regions whilst the passage money and travel expenses were commonly guaranteed by relatives or friends from the migrants' hometown. The credit-ticket (steerage) system, which the bulk of the migrants relied on, involved the passage money and travel expenses being met by labour brokers, captains of junks or labour agencies. Upon arrival at their destinations, the migrants' employers paid the passage money owed by the migrants, and the migrants entered into verbal or written contracts for the repayment of their debt in the form of labour service. When they had repaid their debt, the workers were released from their obligation and were free to choose their employer and place of employment. Emigrants were commonly charged two to three times the amount paid by the recruiters.

Estimates of Chinese migration outflows to selected Southeast Asian countries for the period 1851–1925 are shown in Table 1 below.

**Table 1.** Estimated Population Outflows from China to Selected Southeast Asian Countries, 1851-1925 (thousands)

Year	Malaya	Indonesia	Philippines
1851-75	350	250	45
1876-1900	360	320	20
1901-25	125	300	n.a.

n.a. = not available.

Source: Adapted from Lynn Pan, 'Patterns of Migration' in Lynn Pan (General ed.), *The Encyclopaedia of the Chinese Overseas* (Singapore: Archipelago Press for the Chinese Heritage Centre, 2000), p. 62.

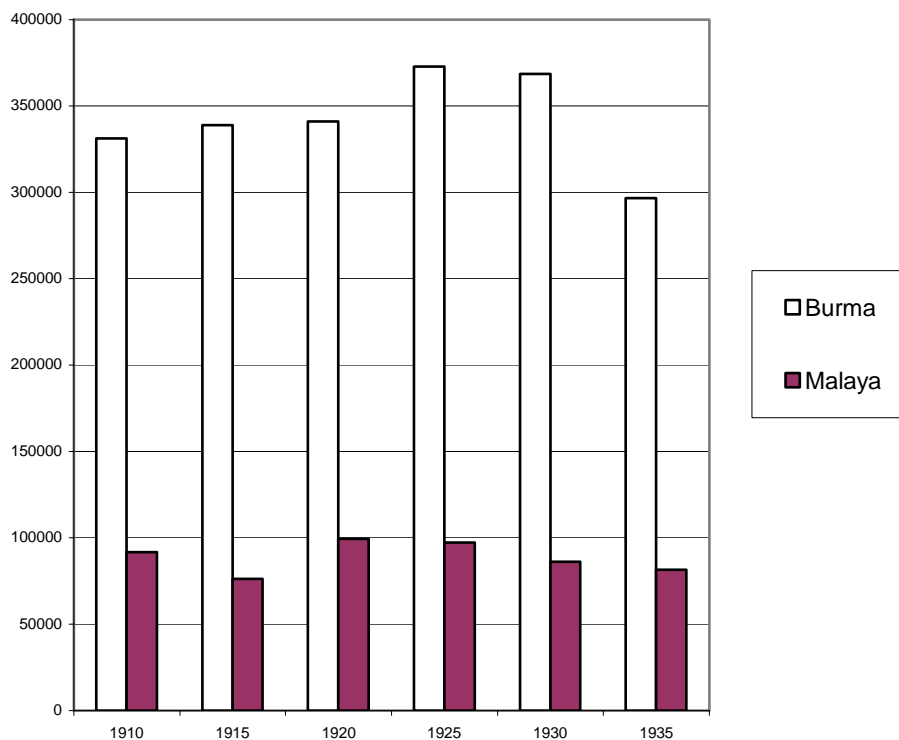
As shown above, Malaya and Indonesia recorded the largest number of Chinese migrant workers.

Indian labour migration to Burma and Malaya in the late nineteenth century was an important dimension of British colonialism in Southeast Asia. Compared to the

Chinese, Indians formed an important minority only in these two states where they filled a critical need in the urban manufacturing sector (Burma) and the plantation sector (Malaya). Their importance declined after World War Two, both in absolute and comparative terms. There were fewer millionaires and traders among them and their emigration to these territories was largely regulated by law. Moreover, the specific political and economic relationship between the Colonial Office in London, the Indian Government and these territories determined recruitment patterns and influenced employment relations and working conditions (Kaur, in press).

The comparative flows of Indian immigrants to Burma and Malaya for the period 1910-35 are shown in Figure 1 below.

**Figure 1:** Burma and Malaya: Comparative Flows of Indian Immigrants, 1910-35 (selected years)



Source: After K.S. Sandhu, *Indians in Malaya* (Cambridge: Cambridge University Press, 1969), p. 157, cited in Amarjit Kaur, 'Indian Labour, Labour Standards, and Workers' Health in Burma and Malaya, 1900-1940', *Modern Asian Studies* (in press).

The main mechanism for recruiting Chinese and Indian migrant labour was the indenture contract, whereby employers used sanctions to enforce wage labour agreements. The workers were contracted to a single employer for between one and

three years. The contract was usually a written one but verbal agreements were also common. Wage workers were thus not employees at will, but were often bound to their employment by enforceable labour agreements, which employers used where available to manage their labour costs and supply. Breaches of written contracts were regarded as criminal, not civil offences. At the end of the contract, the worker had to repay the travel and associated costs (or these were paid through deductions) before he was released from his contract. Since most workers were too poor (they earned very low wages), they were reindentured for a further period. Indenture was abolished in 1910 (Indians) and 1914 (Chinese) in Malaya. In both Chinese and Indian migration streams, there was a substantial minority of migrants who paid their own passage or relied on friends and relatives, and the Chinese clearly outnumbered the Indians in this regard. By the 1930s Chinese and Indian migrant workers represented the largest migrant communities in Southeast Asia. Their impact on the host societies varied, depending on their numerical strength and economic roles.

In contrast to labour migration from outside the region, labour migration within the Southeast Asian countries during the colonial period was of relatively lesser significance. This was principally because the majority of the Southeast Asian countries were fairly lightly populated, as noted previously. Migration within Southeast Asia was basically of four kinds: migration into empty land; migration from rural areas to town and industry; migration to government-sponsored agricultural settlement projects outside densely populated areas; and migration from the poorer, and overpopulated regions to 'richer' countries.

For migrants of the first kind, Lower Burma before 1900 offers the best example. The opening of the Burma delta led to migration southwards from Central and Upper Burma. Subsequently, other migrants came as seasonal labour, often receiving payment in kind. The second type of migration, from rural areas to towns, was an integral part of colonial development, and was found in most countries. The best example of the third type is the migration from densely populated Java to agricultural settlement projects in the Outer Islands in the first decade of the twentieth century. Migration from Java to regions/countries offering wages/better wages became typical in the early twentieth century, to the extent that geographical proximity, and the laws of the source and receiving countries permitted. This migration was of indentured labour, recruited through intermediaries, and bound by sanctions. Thus indentured Javanese labour went to Sumatra, Malaya and Sabah, while indentured migrants from northern Indochina went to Cochin-china. These migrants, who were unskilled labourers, formed most of the migrant labour force in Sumatra and Cochin-china, compared to the Chinese and Indians in other countries.

## **2. Sojourning and Settlement: The Malayan Experience**

Malaya stands out both in the overall magnitude of migrants and the creation of a plural society, and its demographic foundations were laid in the first three decades

of the 20th century. There were three main explanations for this demographic transformation: The first was the policy of unrestricted immigration; the necessity to ensure a planned and regulated migrant labour supply; and the need to avoid over-dependence on any one group (Kaur 2004, ch 4). A pattern of differential treatment for migrants based on ethnicity was also established, which was to have major implications for labour migration into Malaya after independence in 1957.

A liberal immigration policy underpinned the colonial government's migration goals and immigration remained largely unrestricted until the 1930s, when some quotas were introduced on alien immigration. Nevertheless, these restrictions never attained the importance they did until after Malaya achieved independence. Three considerations shaped the Malayan administration's migrant labour policy: the acquisition of a plentiful, diversified, and cheap labour supply for colonial undertakings and capitalist enterprise; the (limited) assurance of the labourer's freedom of movement; and the provision of a limited amount of protection for workers. This protection was provided either through the aegis of Labour departments (for Indians and Indonesians) or Protectorates for the Chinese. The diversified recruitment policy meant that migrant labour could be manipulated easily and ensured that workers were not easily assimilated or readily accepted by the local inhabitants.

The three main racial groups – Malay, Chinese and Indian – were divided along lines of religion, occupation, and geographical distribution. Few of the Chinese and Indian migrants came with the intention of settling permanently in Malaya. Indeed, the emigrant flow was often as large as the immigrant flow, and mortality rates among the migrants were high (Kaur 2004:chs.3 and 4). Moreover, most migrant workers migrated as young adult males. The Chinese government also took 'precautions' to prevent women from being taken overseas. This prohibition was later abolished in stages for the different dialect groups (Purcell 1965: 254).

The colonial administration viewed migrant workers as sojourners, to be repatriated when the demand for their services no longer existed. Nor did they confront the issue of granting full rights to the more settled migrant category, which would have been at odds with the stated policy of 'ruling' Malaya for the Malays. This policy was also consistent with the policy of placing restrictions on Chinese and Indian agricultural settlement. Interestingly, the British both viewed and treated Javanese migrants differently, since they were regarded as originating from the same racial stock as the Malays. Unrestricted migration and the policy of favouring Indonesians meant that the Indonesians migrants (who also came as agriculturalists), invariably settled in Malaya.

In the case of the Indians, settlement was facilitated by the paternalistic policy of the Indian Government towards Indian emigration. As noted previously, Indian migrant workers were mainly single adult males. Married men were discouraged from emigrating because they could not bring their families since wages were low; the norm of payment was a single person wage; working conditions were harsh;



and accommodation was available for single men only. After 1922, the Indian government gave greater prominence to the issue of gender imbalance among emigrants and its concerns were embodied in subsequent legislation. Furthermore, amendments to the Labour Code in Malaya stipulated the provision of rooms for married couples as well as childcare and educational facilities. Thus legislation and the provision of childcare centres of some sort, which facilitated Indian women's participation in the paid workforce, was consistent with increased female immigration and greater permanent Indian settlement in Malaya (Ramachandran 1994:32).

In the case of the Chinese, the transition from sojourning to settlement occurred when the immigration of Chinese women to Malaya increased markedly in the early twentieth century, thus altering the demographic profile of the Chinese community. In the 1930s too, a quota was imposed on male Chinese migrants but Chinese women were allowed entry into the country, consistent with government policy of encouraging settlement and improving the gender ratio in the Chinese community

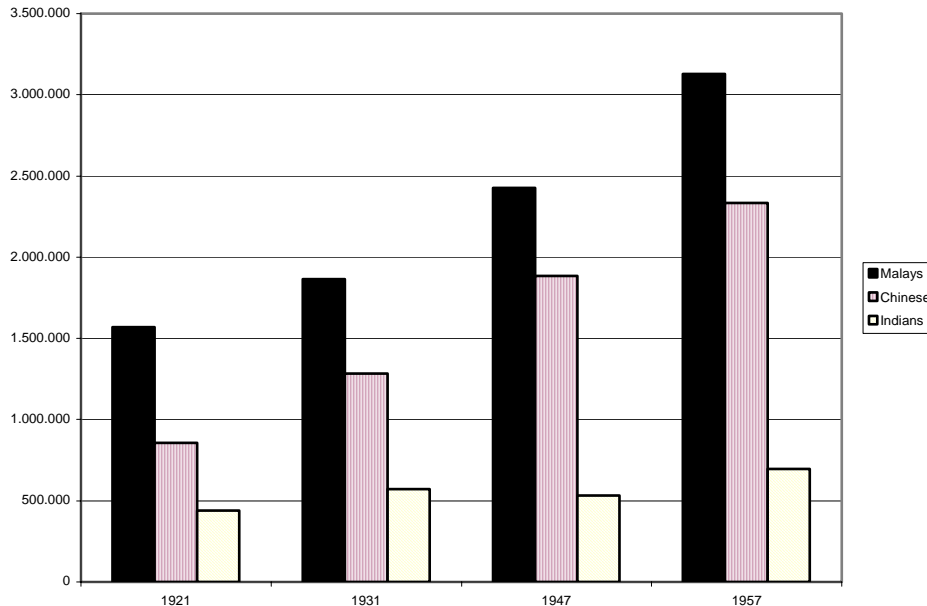
This demographic change was reflected in the Malayan census figures. The population of Malaya increased from approximately 2.6 million in 1911 to 7.7 million in 1957 (Sandhu 1969:175) The growth and racial composition of the population of Malaya (excluding Singapore) from 1921-57 is shown in Figure 2.

Indeed, by 1957 the immigrants exceeded the number of Malays (despite settlement by Indonesians) and this had widespread consequences for future migration goals and policies.

### *2.1. Border Controls and Immigration Policy until 1957*

Turning to colonial migration goals, despite an earlier commitment to unrestricted immigration, new legislation introduced in the 1930s placed restrictions on the entry of Chinese. The new legislation represented the first attempts by the colonial state to use 'borders' as a means of keeping out a specific racial group. The rationale to exclude entry was based both on economic and security/political motives, as discussed below.

Briefly, three phases may be distinguished in colonial immigration policy and goals. These goals were consistent with patterns in world trade and the demand for Malaya's export commodities; economic conditions in the country; and labour activism among migrant workers. During the first phase, 1900-1927, the country witnessed the expansion of the tin and rubber industries and the entry of thousands of migrant workers to labour in these industries. For all three groups: Chinese, Indian and Indonesian, entry was completely free and unrestricted. There was, nevertheless, repatriation of some groups of unemployed workers during depressed economic conditions in the 1920s.

**Figure 2:** Peninsular Malaysia: Population Growth By Race, 1921-57

Source: Saw Swee Hock, *The Population of Peninsular Malaysia* (Singapore: Singapore University Press, 1989), p. 54.

During the second phase, 1928–1938, the British enacted the first piece of restrictive legislation in the Straits Settlements (SS), the *Immigration Restriction Ordinance* (IRO), in 1928, empowering the Governor of the SS to regulate or prohibit immigration ‘for the purposes of performing domestic or manual labour whenever the influx of immigrants threatened unemployment, caused economic distress or was not in the public interest’ (Parmer 1960:92). This legislation, though applicable to all immigrants, was directed at the Chinese, particularly those of a ‘criminal type’. It was viewed as an important instrument to deal with the Chinese since the state lacked legislation to manage Chinese migrants following the abolition of Chinese indentured labour in 1914. This legislation had two major ramifications. It enabled the colonial government to establish a basic framework for border controls and empowered it with the means to control the entry of labour deemed surplus to the requirements of the country.

Although initially no immediate measures were taken to restrict immigration, from 1930 the state adopted a restrictive immigration policy. This policy was consistent with worsening world trade as a consequence of the Great Depression, rising unemployment and depressed economic conditions in the country. The closure of some tin mines and rubber estates prompted the government to impose a monthly quota on adult Chinese male immigration from August 1930 (Saw 1988:15). For

the Indians, the British implemented a policy of repatriation of the unemployed and the destitute. (Unemployed Chinese were also repatriated).

Notwithstanding this, it soon became apparent that there were several loopholes in the IRO legislation. The IRO could only be resorted to during emergency situations, and it did not include provision for internal enforcement measures over immigrants once they had landed in the country. By this time too there were growing calls among Malay nationalists for increased restrictions on the immigration of 'alien' Asians. These calls not surprisingly coincided with competition for jobs, especially in the public sector.

In January 1933 the IRO was replaced by the *Aliens Ordinance* (AO) in the Straits Settlement (SS). This legislation was essentially designed to 'regulate the admission of aliens in accordance with the political, social, and economic needs for the moment of the various administrations in Malaya' and 'to provide a means of registering and controlling aliens resident in Malaya' (Parmer 1960:93). This legislation too was directed at the Chinese since Indians were classified as British subjects.

The AO subsequently led to the creation of an Immigration Department in the SS. Complementary legislation enacted in the Federated Malay States (FMS) and the Unfederated Malay States (UMS) saw the establishment of similar departments in these administrative units. All matters pertaining to Chinese immigration were transferred from the Chinese Protectorate to the Immigration Departments. Critically, the AO provided the necessary mechanism for the registration of aliens resident in Malaya and was the first step in the development of internal enforcement measures over immigrants in Malaya. Although registration was not made compulsory, aliens who left the country with the intention of returning were required to obtain a certificate prior to departure in order to qualify for subsequent readmittance without being subject to quotas.

Malayan-born Chinese were not affected by the AO ruling. Non-Malayan born Indonesians were exempted from the AO's ruling since the Governor-in-Council was empowered to set aside this legislation for specific groups of aliens originating from a particular place or country. Initially all Indonesians and women and children were exempted from this ruling. Thus Chinese women were exempted, consistent with the policy of improving the gender ratio in the Chinese community. Nevertheless, continuing unemployment led to the cancellation of this exemption for Chinese women in 1938. This change also coincided with labour unrest in the country and a continuation of the policy of deportation of 'undesirables'. The AO thus defined the status of Chinese as aliens in Malaya and interestingly, the term encompassed a large number of Chinese who had settled in Malaya but still retained their Chinese citizenship. Chinese immigration to Malaya came to an end following the outbreak of World War Two (Saw 1988:16). Indonesian labour migration, however, continued to be encouraged by the British.

There were some interesting developments for Indians as well. Although Indians did not fall under the purview of the AO, the British deported a number of 'undesirable' Indian labour activists in the latter half of the 1930s. In 1938 too the Indian Government banned all assisted Indian emigration to Malaya in response to the demands of Indian nationalists lobbying for improvements in the working conditions and political privileges of Indian labour (Kaur 2004: ch. 4).

During the third phase, 1947-57, the AO was replaced by the *Immigration Ordinance* (IO) of 1953. This Ordinance resulted in even more stringent border controls and laid down for the first time the specific composition of migrants allowed entry into Malaya. Unlike the earlier restrictions based on 'alien' identity and gender, the IO also specified nationality and occupation and thus placed greater emphasis on the skills of the migrants. Permanent entry was restricted to, first, persons who could 'contribute to the expansion of commerce and industry'; second, to persons who could provide 'specialised services not available locally'; third to 'families of local residents; and fourth to other persons on 'special compassionate grounds' (Saw 1988:17). Clearly, this legislation was in tune with nationalist sentiment in the country. New stipulations required potential immigrants to have job contracts of at least two years with Malayan firms and earn a salary of not less than M\$400 a month.

The ending of colonial rule in Malaya was noteworthy for two major reasons. First, in the area of immigration policy, more restrictive legislation was implemented to halt unskilled Chinese and Indian immigration into Malaya and this was largely dictated by economic and socio-political considerations. Second, border controls and internal enforcement measures assumed greater importance, coinciding with the prevailing political conditions in the country after the Second World War. The Malayan Emergency (1948-60) in particular resulted in the introduction of the Internal Security Act, and a compulsory system of identification cards for all residents aged twelve years and over. The identity cards categorised people on the basis of their nationality and residential/occupational status and, in effect, created the outsider. Both these internal enforcement measures are an enduring legacy of colonial rule, and have been adapted/modified to suit the needs of the national state in the face of global pressures and the 'new' migrant labour market in Southeast Asia.

### **3. Race, Borders and International Labour Migration in Southeast Asia since the 1970s**

#### *3.1. Introduction: Economic and Social Change in Southeast Asia since the 1970s*

By the 1970s, following the various problems of decolonisation and post-war readjustment in Southeast Asia, there had emerged two broad groups of countries in the region. There were those that, under Communist or Socialist regimes,

withdrew from the international economy to a large extent. These included Vietnam, Cambodia, and Laos, whose trading relations were concentrated on Eastern-Bloc countries, and Burma, which remained politically neutral and became economically isolated. This group of countries experienced economic stagnation and continued to have per capita incomes among the lowest in the world. The other countries, Thailand, Malaysia, Singapore and the Philippines (and later Indonesia) maintained open economies under various regimes. These experienced significant, though uneven, economic development. Most impressive was Singapore, which was the first Southeast Asian country to become a newly-industrialising country (NIC), alongside Taiwan, South Korea, and Hong Kong.

Malaysia, Indonesia, Thailand and the Philippines embraced trade liberalisation in the 1970s and 1980s; turned towards policies that involved more open trade regimes, and gave export trade and foreign investment a central place in their development strategy. Associated with this was the *making* of comparative advantage through specific trade policy initiatives. These policies were not dependent on natural resource endowment, but rather on the *creation* of low-cost manufacturing advantage. They were consistent also with the establishment of manufacturing enclaves for global production in the form of export-processing zones, particularly in Singapore, Malaysia, the Philippines, and later Thailand. These global production enclaves facilitated cross-country relocation of manufacturing, assisted by continuing technical progress in transport and communications.

These countries' economic record was remarkable prior to the Asian financial crisis. In 1995, for example, Singapore's GDP per capita was US\$22 600 and it made the transition to developed country status. The GDP per capita of the other countries was as follows: Malaysia, US\$10 400; Thailand, US\$8000; Indonesia, US\$3800; and the Philippines US\$2800, all at 1995 purchasing power parity equivalents (Kaur 2004:ch.8). Thus not all benefited at the same rate.

At the same time there were striking demographic differences between these countries. Singapore and Malaysia had undergone demographic transition (followed by Thailand later) and experienced significant tightening of their labour markets. In 1995, for example, the population of the five countries was as follows: Singapore, 3.3 million; Malaysia, 20.1 million; Thailand, 58.2 million; Indonesia, 166.5 million and the Philippines 67.8 million.

The demographic differences between the five countries were critical to changing labour circumstances in the region. Indonesia and the Philippines not only had larger populations compared with Singapore, Malaysia and Thailand but also had higher levels of landlessness, rural poverty and unemployment. Indonesia, moreover, also had low levels of development in terms of specific social indicators such as education. Moreover, in Singapore, Malaysia and Thailand the increase in labour market participation by women was a source of workforce expansion in the short and medium term only. The problems of a high proportion of employment in

low-productivity agriculture, rural poverty and land scarcity in both Indonesia and the Philippines led to varying labour market conditions in the region, and labour thus had an incentive to move from Indonesia and the Philippines (and, to a lesser extent, Thailand), to Singapore, Malaysia and elsewhere.

The question then arises: Have these labour processes become more and more part of a chain of interconnecting links in Southeast Asia's development experience? Is the Asia-Pacific region the 'newest migratory pole' (OECD 1992; Salt 1992)? The record is a clear indication of this trend. According to the International Labour Office, of the approximately 81 million migrants worldwide, 22 million work in Asia (ILO 2004: 7). Moreover, 'migrant worker remittances represent the second biggest international monetary trade flow, exceeded only by petroleum exports' (Director-General ILO 2000). In Southeast Asia, for example, Filipino migrant workers remitted US\$6 billion in 2000 and overseas contract workers were one of the country's biggest sources of foreign exchange (*Economist*, 22 December 2001).

### 3.2. Race, Gender and Migration Patterns

Prior to 1998, migrant workers (principally from Indonesia, the Philippines and Thailand) comprised between 20-25 per cent of the labour force in Malaya and Singapore and were predominantly unskilled or semi-skilled workers (Kaur 2004: ch.9). More significantly, certain occupations or types of economic activity rely on foreign workers for their continued operation. Domestic work, for example, is typical of the labour market segmentation associated with growing prosperity in Malaysia and Singapore. Jobs at the lower rungs of the skill and wage distribution categories are shunned by locals and are filled by foreign migrant workers. Consequently, this reliance on foreign workers is due to structural factors rather than being cyclical in nature (Athukorala and Manning 1999:2; Manning 2002).

Indeed, Southeast Asian economies appear to function in a complementary sense, arising from inter-country demographic contrasts; the incidence of labour surplus or shortage; disparities in demand and wages; and worker education and skills, all of which have created strong incentives for intra-Southeast Asian migration. An important feature of this labour migration is the institutionalisation of that movement by the countries involved and the growth of a migration industry (Hugo 1993a, 1993b; Ball 1997). Moreover, Singapore and Malaysia admit skilled and unskilled workers as a regular policy, and in the case of the latter category, impose levies on companies hiring unskilled foreign workers to discourage excessive reliance on them.

Crucially, labour migration needs to be understood in the context of transnational economic developments. These are essential to any analysis of the relationship of globalisation to migration, since much of the labour migration does not operate spontaneously, but takes place within networks, both within the source and receiving countries. Chain migration, for example, within family, extended kinship, or close-knit village-based groups, plays a key role in disseminating information

about opportunities available in Malaysia and Singapore. Moreover, it minimises both financial and removal disruption costs that migrants face.

This cost minimising factor is critical for two reasons. First, unlike the colonial period, ethnicity and social class have become even more pronounced in migration patterns, and there is both overt and covert hostility to migrants by governments and certain segments of the populations in receiving countries. Additionally, the migrants are forced into segmented labour markets that are characterised by wage discrimination, and this has led to social tensions. Second, and more importantly, migrants, their families and prospective employers have to bear the bulk of the financial and social costs associated with migration.

Seven main factors have shaped (and continue to shape) the new migration patterns. First, both the Philippines and Indonesia view labour emigration as a means of addressing domestic unemployment, generating foreign exchange and promoting economic growth. The Indonesian government thus included targets for the number of workers it hoped to send overseas in its five-year economic development plans. These targets have risen over time. For example, in the economic development plan for 1979-84, the target was 100 000 workers; for 1994-99, the target was 1.25 million workers, and for 1999-2003, the target increased to 2.8 million workers (Hugo 2002:160-61; Kaur 2004: ch.9).

Second, although poverty is not the principal determinant of migration, many migrants from Indonesia and the Philippines bound for Malaya and elsewhere come from very poor areas such as Lombok in Indonesia. But they are not from the 'poorest' category, as they have to put up substantial amounts of money to get to their destinations. The three main source or sending countries in Southeast Asia are Indonesia, the Philippines, and Thailand, all of which recorded strong economic growth in the last three decades of the twentieth century up to 1997. Migrants from these labour-surplus countries and elsewhere acquired the means to move to countries like Malaysia and Singapore, which experienced sustained and robust economic growth and where there were labour-shortages and substantial differences in wage rates for both skilled and unskilled workers.

Third, faced with labour shortages, Singapore and Malaysia formulated policies and introduced mechanisms for labour intake targets in consultation with large national employer associations, and in co-operation with governments of sending countries. Their policies are aimed at managing foreign labour flows and at the same time facilitating growth by targeting an appropriate skills mix. Nevertheless, owing to the administrative costs involved, and the insertion of quotas especially for unskilled contract labour intakes, illegal migration constitutes an important part of the migration streams. Policing people-smugglers and illegal migrants thus represents an important element in the complex and multicentred migration processes in these countries.

Fourth, unlike the labour migration of the colonial period, when migrants were directed largely towards the plantation and mining sectors, the new unskilled migrant workers are concentrated predominantly in the tertiary sector in manual and service employment, with little direct foreign capital involvement. They are employed in four main sectors: agriculture and forestry; construction; services, especially entertainment and domestic work; and manufacturing. This pattern is consistent with the expansion of tourism and the service industries and is associated with rising levels of prosperity and consumerism among the middle classes in Southeast Asia. Skilled migrants (for example, professionals and technicians) interact differently with the labour market. They also receive preferential treatment in the host countries (in Singapore they are able to obtain permanent residence after a period of two years).

A fifth significant feature is the growing interconnections between traditional cross-border flows and the more recent forms of migration in areas where there are shared land borders. The phenomenon of daily commuting workers has existed on the Singapore-Johor and Malaysia-Thailand borders since the 1950s at least. In recent years, the Malaysian government has sought to restrict movement along the Thai-Malaysian border and also the movement of undocumented Indonesian workers by sea. Notwithstanding this, the dynamics of demography and development between Sarawak and Kalimantan have resulted in the two governments co-operating in the establishment of a number of large projects at the Entikong-Tebedu Border post area (Agustiar 2000:235). This development is part of the growth triangle and sub-regional economic zone arrangements involving Indonesia, Malaysia and Southern Philippines (Mindanao).

Sixth, unlike the earlier globalisation era, when migrant workers were predominantly young, adult males who migrated without dependants, a large percentage of the new migrant workers are predominantly women. This feminisation of the new migrant labour may be attributed to two main factors. The first is linked to general changes in the labour markets in Southeast Asia and the production niches (mass-customisation products – electronics, textiles, garments) of Southeast Asian states. The New International Division of Labour, which facilitated the increased labour force participation of women in the labour-intensive manufacturing sector, was consistent with modernisation of the agricultural sector and rural-urban migration, principally of women. There was also a trend towards migration abroad since women's employment in the urban labour market was often impermanent, irregular, and insecure. The second factor is related to the maturing of the labour markets in Singapore and Malaysia, coinciding with relatively high labour force participation rates of women, and general labour shortages in these countries. This in turn has created an increased demand for domestic work and childcare services, which has been met by migrant women workers from the lower-income Southeast Asian countries. Thus the specific labour needs in the receiving countries for domestic workers largely shaped and continue to shape women's migration in Southeast Asia.



Finally, a significant characteristic of the new labour migration is that this migration (particularly of unskilled workers) is short term and contract-bound, not unlike the labour migration of the colonial period. However, the main difference is that this migration is the migration of free persons, whether dependent on networks or organised through intermediaries. All documented workers have to pay hefty fees – agency fees (including a one way air ticket); insurance fees, a bank guarantee – in both countries, but they cannot stay in the receiving countries on completion of their contracts. They are therefore precluded from making the transition from sojourning to settlement under the complex guest worker recruitment system. Employers pay their return tickets and face heavy fines if workers are not sent back. In Singapore and Malaysia, unskilled workers who overstay are often physically punished. As noted above, skilled migrants face fewer problems, given their qualifications and bargaining power.

#### **4. The Malaysian State, Migration and Border Controls**

##### *4.1. Introduction*

The migration goals of the newly independent Malayan state mirrored the colonial administration's goals of the 1950s. The Immigration Act of 1959, which came into force on 1 May 1959, replaced the earlier 1953 Ordinance. The new legislation was designed to tighten entry under the third clause (reunification of families) outlined earlier by prohibiting the entry of wives and children of local residents who had been living separately from their husbands for a continuous period of five years after December 1954 and children of citizens who were six years or more of age. Migration goals also served to restrict both the quantity and influence the quality of migrants. Essentially, the principal objectives were to safeguard the employment and livelihood of Malayan residents and to bring about further assimilation in the country.

Following the formation of Malaysia in 1963, the Employment Restriction Act was implemented by the state in 1968 and made access to the labour market for non-citizens contingent upon possession of a work permit. The work permit was also designed to ensure that only skilled non-citizen migrants were permitted entry into the country. Thus the nation state essentially became a closed labour market and citizenship conferred both the right to reside and to work in the country. Aliens who had not taken out citizenship had to leave or were repatriated. Nevertheless, although unskilled immigration was ended, a shared ethnicity, language and cultural base with Indonesia meant that unskilled Indonesians workers continued to make their way to Malaysia since they were not classified as outsiders (Indonesian migration briefly ceased during the period of *Konfrontasi* with Indonesia).

Subsequently, the implementation of the New Economic Policy (NEP) in 1970, following the May 1969 race riots in the country (see Kaur 2001:165, 220-1) had major repercussions for the labour market. The two principal objectives of the NEP

were the reduction and eventual eradication of poverty, irrespective of race; and the elimination of the identification of race with economic function. The second objective primarily implied reducing the concentration of Malays in subsistence agriculture and increasing their employment in the modern agricultural and urban sectors of the economy. Thus the state enlarged the bureaucracy, creating white-collar jobs for Malays; increased state participation in the economy and created a whole range of occupations for Malays. The NEP coincided with an expansion in educational facilities, and the tightening of the labour market. The prospect of better-paid urban jobs also led to a change in attitude among the Malays towards remaining in rural areas. Total employment in the primary sector rose from 1.7 million in 1970 to 2 million in 1982, but then fell to 1.8 million by 1990 (Drabble 2000:248).

For the Chinese and Indians, these discriminatory policies had two main consequences. First, there was a growing trend towards smaller family size in these communities partly as a reaction to a perceived cut in their slice of the cake. Second, those who had the means chose to migrate overseas, to countries like Japan, Singapore, or Taiwan, where there were better employment opportunities. Others went to countries like Canada and Australia as permanent migrants. At the end of the 1980s too, the main labour constraints facing Malaysia lay in shortages in the professional and technical fields. Nevertheless, in conjunction with changes in the international division of labour, and the making of comparative advantage in low-cost export manufactures, labour shortages emerged in several sectors in Malaysia. This coincided with the implementation of large-scale development and infrastructure projects and heralded a new phase in Malaysia's migration goals.

Subsequently, the Malaysian state formulated new policies and introduced mechanisms for labour intake targets in consultation with large national employer associations, and in co-operation with the Indonesian and other governments. Moreover, government policies are aimed at managing foreign labour flows and at the same time facilitating growth by targeting an appropriate skills mix. Nevertheless, owing to the administrative costs involved, and the insertion of quotas especially for unskilled contract labour intakes, illegal migration constituted (and continues to constitute) an integral feature of the migration streams.

#### *4.2. Migration, Borders and Race: Lessons from the colonial past?*

As noted previously, migrant workers comprise about 25 per cent of the labour force in Malaysia and it is estimated that approximately 83 per cent of these workers are Indonesian (Human Rights Watch 2004:10). This development is a consequence of state migration goals and labour recruitment policies since the 1970s. Nevertheless, although Malaysia's labour requirements and preference for Indonesians underpinned its migration goals, other issues have now surfaced and a diversified recruitment policy is once again becoming influential in shaping migration policy.

Generally, the Malaysian state has alternated between tightening immigration controls and loosening them through bilateral agreements and amnesties since the 1970s. Four distinct phases may be distinguished in the Malaysian state's migration policy. During the first phase, 1970-1980, government followed a liberal policy towards foreign worker recruitment. Employers either hired Indonesian labour domiciled in the country in squatter settlements or from Indonesia through private labour brokers for the plantation and construction sectors. During the second phase, 1981-88, foreign labour recruitment was legalised; an official channel was created for labour recruitment; and bilateral agreements signed with governments of sending countries. Thus in 1982 a Committee for the Recruitment of Foreign Workers was established and in 1984 the Malaysian government signed a bilateral agreement (the Medan Agreement) with the Indonesian government for the government-to government regulated supply of Indonesian workers for the plantation sector and for domestic work (Kassim 1998). Nevertheless, migrant workers continued to enter the country as irregular chain migrants using network-dependent and network –creating relationships.

During the third phase, 1989-96, a legalisation programme was commenced to halt illegal immigration. Growing public disquiet against the more pronounced visibility of Indonesian migrant workers prompted this programme, which had its origins in the economic recession of 1985-6. Thus public sentiment and 'societal borders' led to a change of policy and in 1989 the further importation of foreign labour was frozen. Concurrently, a programme to legalise/regularise the status of Indonesian migrants was implemented. Employers of undocumented workers were encouraged to legalise/regularise their workers. However, this programme had limited success since not many employers were willing to change the status of their undocumented workers.

Additionally, the Malaysian government implemented an amnesty programme during this period that was targeted initially at domestic workers and then extended to workers in the plantation and construction sectors. Under this programme all undocumented ('illegal') workers were required to register themselves at specific registration centres in order to remain in the country as legal workers. Moreover, the state deployed the Police Field Force to prevent illegal landings on Malaysia's coastlines. This third phase was also marked by the elimination of on-site illegal recruitment of labour and the implementation of an official migrant labour recruitment system based solely on offshore recruitment. During this period too the Indonesian government established a single company (PT. Bijak) to oversee the labour recruitment business and to provide a measure of control over recruitment arrangements (Hugo 1995).

The fourth phase, since 1997, is distinguished by two important developments. First, the financial and economic crisis of 1997-8 marked a turning point in state policy towards foreign labour recruitment. Further efforts to control undocumented migration were implemented; an amnesty programme was introduced that permitted illegal migrants to depart without penalty and a work-permit system

based solely on offshore recruitment was enforced. Moreover, workers have been categorised more rigidly than before, employment permits are both location- and employment- specific, and legislative and police measures to combat irregular migration have been strengthened. Detention camps were also established to hold undocumented workers. Furthermore, an amendment was made to the 2002 Immigration Act that resulted in harsh punishments for immigration violations. It is now a criminal offence for foreign workers to work without a work permit or visa, and punitive measures, including caning of workers has been implemented. Moreover, errant employers are also subject to fines, imprisonment and strokes of the cane (or whipping) (*New Straits Times* 12 October 2003).

But the major change has been in the origin of migrant workers. The Malaysian government's recent legislation is designed to reduce dependence on any one racial group through a diversified recruitment policy and employers are required to provide segregated housing and transport facilities. Health too has become a major issue and migrant workers are tested for pregnancy, human immuno-deficiency virus (HIV), and other infections, including malaria and tuberculosis, prior to departure for Malaysia. The emergence of Southeast Asia and Malaysia as the epicenter of new infectious diseases has also resulted in increased epidemiological surveillance, which has been incorporated legally and bureaucratically into the sphere of migration regulation.

In summary, the rising expectations of Southeast Asians; and their ability to move to labour shortage countries, has impacted, and is impacting on the region's labour market. Migration has taken on a new urgency in the face of intensified global economic pressures and problems associated with demographic and social transformations. The growing presence of foreign workers has also sparked debates about the social and economic consequences of foreign labour inflows. It appears that the management of foreign workers is premised on the policy that settlement is to be denied to them. At the same time, the desire to keep labour costs down and the slowness of some sectors to restructure continue to present a dilemma to Malaysia.

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### About the Author:

Amarjit Kaur is Professor of Economic History at the University of New England in Armidale, Australia. Her main research contributions have been in the study of Malaysian and Southeast Asian economic development and social change, with a focus on labour issues (women, child and migrant workers) and the environmental

impacts of development. She is currently working on a project on Border Controls and Labour Migration in Southeast Asia. Kaur's most recent publications include *Wage Labour in Southeast Asia since 1840: Globalisation, the International Division of Labour and Labour Transformations* (Palgrave/Macmillan: 2004), and an edited book, *Women Workers in Industrialising Asia: Costed, not valued* (Palgrave/Macmillan: 2004). Email: akaur@pobox.une.edu.au

# Is State Sovereignty Declining? An Exploration of Asylum Policy in Japan

HIDEKI TARUMOTO\*  
*Hokkaido University*

*The case of asylum seekers is a good test of whether or not, and if so why, state sovereignty is declining in advanced countries owing to the rise of the international human rights regime. Some researchers argue that the international asylum regime based on the 1951 Refugee Convention, its 1967 Protocol and the United Nations High Commissioner for Refugees, has had an impact on the state in asylum policy. Others insist that the state restricts its sovereignty because of domestic factors: pro-asylum constitutions or powerful parliaments. In comparison, Japan retains tight asylum policy through its “singular bureaucratic sovereignty” led by the Ministry of Justice. Since the late 1990s the numbers of refugee status grantees have increased. This has resulted from changes in the domestic political system after the collapse of one-party dominance, rather than by the effect of the international regime. In addition, inter-state relations with China and the Democratic People’s Republic of Korea involving Japan’s international reputation, triggered by the Shenyang incident in 2002, entailed the setting up of a special committee on refugee issues within the ministry, which is leading Japan towards a slightly laxer asylum policy.*

**I**s state sovereignty declining? Is the state losing its capacity to control the flow of migrants because of globalisation? State sovereignty is involved with the “assertion of final authority within a given territory” and “efforts to control the transborder movements of people, goods, capital, and culture” (Krasner 1988, 86). Declining efficacy of immigration control is one of the main hypotheses in migration studies (Cornelius et al. 1994; Freeman 1992, 1994, 1998; Joppke 1998a, 1998b). All advanced countries “unwillingly” accept “unwanted immigrants” such as family members of already settled migrants, illegal immigrants and asylum seekers of varying degrees. In researching the “challenge to the nation-state”, a good test of whether the sovereignty of advanced countries is declining is the case of asylum seekers, whose numbers have dramatically increased since the early 1980s. Asylum seekers, by definition, are excluded from the protection of their own nation-states and are forced to seek asylum from potential receiving countries (Castles 2003). A key to this discussion is the international human rights regime, which may prevent the state from implementing an exclusionary policy towards

asylum seekers. We need to ask whether the human rights regime, in resisting state sovereignty, forces or induces potential receiving countries to create and/or implement generous asylum policies.

The protection of human rights, including accepting asylum seekers, may not be an external imposition but a constitutive principle of liberal nation-states (Joppke 1998a, 110). An exploration into a non-Western “liberal” nation-state, Japan, can bring about a new perspective on the thesis of sovereignty decline. In this paper, first of all, the ideas of the international asylum regime and of self-limited sovereignty are investigated. Secondly, it is explained that Japan had been resisting the international regime through its “singular bureaucratic sovereignty”, but reached a small turning point in asylum policy around the late 1990s. Finally, it is pointed out that a recently appointed Special Committee on Refugee Issues will nudge Japanese asylum policy towards a slightly more generous approach.

## 1. The International Asylum Regime and Its Effects

### 1.1 *The International Human Rights Regime*

Following Krasner (1982, 185), international regimes are defined as “principles, norms, rules, and decision-making procedures around which actor expectations converge” in a given international issue. Some academics argue that state sovereignty is declining because of norms established by the international human rights regime. Jacobson (1996, 2) argues that “the basis of state legitimacy [in North America and Western Europe] is shifting from principles of sovereignty and national self-determination to international human rights”. In a more moderate way, Soysal (1994, 136–62) claims that the “global system” is structured by the “institutional duality” of national sovereignty and universal human rights.

It is not self-evident that human rights norms originating from the international regime have constructed the basis of state legitimacy or “institutional duality”. Although several common-law rules on treatment of foreigners had developed in international law before the Second World War, it has been since the war that the international human rights regime has significantly developed. The first step of this development was the Universal Declaration of Human Rights in 1948. The Declaration was not legally binding for the countries of the United Nations, reflecting the lack of consensus on the concept of human rights among the participating countries of the day. Through a secondary development, the international human rights regime emerged to take on the new characteristic of being legally binding among ratifying states. This new international Covenant on Civil and Political Rights was adopted in 1966 and came into effect in 1976.

Indeed, the international human rights regime may impose restrictions on state sovereignty because the state has a duty to protect human rights of non-nationals (Iwasawa 1998). But the core of state sovereignty has been preserved because the covenants do not make reference to the entry and exit of migrants as being an



individual right, leaving that to the discretion of the state. In addition, even if the ratifying countries assume legal obligations, the international human rights regime lacks an executive agency to embody human rights norms. Such points cast doubt on the change to state legitimacy and institutional duality that human rights internationalists mention as points in their debate.

### *1.2 Establishment of the Asylum Regime during the Cold War*

The international asylum regime works in partnership with, and shares ideas with, the international human rights regime, but it is a particular sub-regime directly based on the 1951 Convention relating to the Status of Refugees and the 1967 Protocol to the Convention. In contrast to the human rights regime, the asylum regime has an executive agency, the United Nations High Commissioner for Refugees (UNHCR), which was set up by the United Nations in 1951 and is in charge of refugee issues around the world. Although the UNHCR is an agency with limited purposes and weak enforcement capacity, it is an example of inter-state cooperation seeking a truly international regime whose realisation the human rights internationalists had hoped for.

In addition to the executive agency, another significant difference between the two regimes is that the asylum regime necessarily infringes on the core of state sovereignty, i.e. on the entry and exit of non-national migrants. The most notable basis for restricting state discretion over entry and exit is the principle of non-refoulement, codified in the 1951 Refugee Convention, which prohibits states from sending refugees back to their countries of origin if they risk torture or death (see Goodwin-Gill 1978).

Although state sovereignty is involved in a wide range of refugee issues such as length of asylum, work permits, strict detention, dispersion within national boundaries, and in-kind rather than money provisions, the principle of non-refoulement is in sharp conflict with state sovereignty. Without even mentioning any right of entry, the 1951 Refugee Convention places an obligation on the state to permit entry of asylum seekers under certain conditions, regardless of its will. Before the end of the 1980s, the contradiction between the principle of non-refoulement and state sovereignty was not so clearly visible due to, for example, the implacable ideological conflict between capitalism and socialism (see Joly 1996). During the Cold War, the thesis on sovereignty decline did not surface.

### *1.3 The Post-Cold War Era*

In the mid-1970s, the international asylum regime began to face new situations with asylum seekers. The oil crisis of 1973 put an end to the entry of economic migrants into major advanced countries, and since then migrants have been diversified into various categories such as family migrants, highly skilled workers, asylum seekers, illegal immigrants and people from various parts of the world including the crisis zones of post-colonial Africa and Asia (Castles and Miller

[1993] 1998). In addition, the issue of “bogus” refugees, who hide their economic motives or criminal intent under the guise of refugee, became increasingly prevalent. Asylum remained the only significant legal venue for new entrants in most advanced countries (Freeman 1992, 1155). Along with “jet-age asylum seeking” (Martin 1988), the diversification and increasing number of migrants have imposed on the state the burden of distinguishing involuntary “genuine” asylum seekers from voluntary, economic migrants and illegal immigrants. State sovereignty seems to be challenged by mass asylum seeking and “asylum shopping”.<sup>1</sup>

Moreover, since the end of the 1980s, a clear-cut recognition of “genuine” refugees has disappeared. The collapse of the Berlin Wall in 1989 ended the ideological presumption that refugees from Eastern bloc countries must be “genuine” and acceptable to Western bloc countries, or vice versa. The state, under the situation prevailing through internal wars and regional conflicts in Kosovo, the former Yugoslavia and African countries, etc., has had to bear much of the burden of deciphering “genuine” refugees without resort to clear ideological distinction between East and West.

Facing such difficulties, the international asylum regime has put much effort into handling complicated mass asylum seeking. Concerning the principle of non-refoulement and state sovereignty, in particular, the European Union has contributed to the development of a regional regime for asylum seekers: harmonisation of asylum applications; the first state rule; the nearest safe area rule; and temporary protection (TP) (Joly 2002; Koslowski 1998).

In such post-Cold War circumstances, does the international asylum regime bring about a change in state legitimacy or an emergence of institutional duality?

## **2. The State and Its Domestic Limitations**

### *2.1 Weakness of the Asylum Regime*

Some weaknesses of the international asylum regime affecting state sovereignty can be pointed out. First, in the post-Cold War asylum regime, there has been some convergence in states’ restrictionist and deterrence policies against new asylum seekers. This trend seems to go against the change in state legitimacy and institutional duality. Second, the asylum regime system is not at the stage of implementing strong surveillance and enforcing decision-making. Rather, the regime has only the “progressive” characteristics to promote domestic implementation of international human rights norms without full surveillance procedures (Abe 1998, 20).

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<sup>1</sup> “Asylum shopping” is defined as abuse of asylum application processes through multiple applications (Koslowski 1998, 169).

Third, the right of asylum is not the right of the individual to invoke, but only within the rights of states to grant.<sup>2</sup> This originates from the process which created Article 14(1) of the Universal Declaration of Human Rights: “everyone has the right to seek and to enjoy in other countries asylum from persecution”. The alternative term to “enjoy”, “be granted”, was denied by some participating states (Honma 2001, 19).

Notwithstanding the alluring belief that the international asylum regime changes state legitimacy or creates institutional duality, the mechanism of the regime working on the state remains ambiguous (Tarumoto 2002). If asylum policies in advanced countries could be fully explained by an alternative without referring to the asylum regime, the regime would be a residual explanatory concept.

Joppke (1998a, 11–12) sets the term “self-limited sovereignty” against the term “globally limited sovereignty”. While the latter includes the idea of the dominance of external forces over state sovereignty that the human rights internationalists emphasise, the former reinforces the idea that human rights limiting state sovereignty have domestic origins. Further, self-limited sovereignty can be separated into two types: the legal and the political (see Tarumoto 2002).

## 2.2 *Legal Self-Limitation*

Legally self-limited sovereignty is typically based on a constitution that contains some provisions for the generous treatment of asylum seekers. For example, the United States Constitution makes no clear distinction between citizens and aliens and tends to protect the substantive rights of immigrants, including refugees, not just of citizens. Another example of this type of sovereignty is Germany, where a unique constitutional right of asylum has long survived, based on Article 16 of the Basic Law which led to its liberal asylum law. Asylum seekers would be granted asylum relatively easily, despite an illiberal asylum practice. This type of state sovereignty may be labelled “constitutional sovereignty”.

It is argued that, independently of the international regimes, such pro-asylum constitutions are not only a dominant factor but also have a dominant origin (Joppke 1998b). In the United States, driven by the civil rights movements of the 1960s and by liberal judicial decisions, the asylum policy has moved from foreign policy considerations towards the practice of universal treatment regardless of source countries, although it still results in differential treatment of refugees, for example, from Cuba and Nicaragua and from Haiti, El Salvador and Guatemala (McBride 1999). In contrast, the German constitutional right of asylum is a self-imposed atonement for the Nazi crimes against humanity, which recognised that Germany had been the origin of an asylum crisis in Western European countries.

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<sup>2</sup> One important exception is that the Organization of African Unity adopted the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, which includes the right to entry (Sassen 1998, 75).

Undoubtedly, the pro-asylum constitutions do not necessarily continue to show generosity towards asylum seekers. Facing the outburst of mass asylum seeking and the abuse of asylum seeking as a rational option to enter and stay legally, the United States has tended to move to close the gate, coming closer to the Western European approach. Through a European “harmonisation” of asylum policy, popular anti-asylum sentiment, and requests for asylum payment cuts by rightist parties, the 1993 change to the Basic Law deprived Germany of its uniqueness in asylum policy and witnessed accelerated deportations and a dramatic decline in asylum claims (Feldblum 1998, 244).

With regard to legally self-limited sovereignty, even if the international asylum regime has little influence, some favourable domestic resources may bring about a generous asylum policy.

### 2.3 *Political Self-Limitation*

Besides legally self-limited sovereignty, there is another domestic method of imposing limitation on state sovereignty: politically self-limited sovereignty. If the state has a constitution without pro-asylum provisions, or if it lacks a constitution, political agencies will exercise initiative in creating and implementing asylum policy.

For example, the United Kingdom has no written constitution, no human rights conventions incorporated in domestic municipal law, and a relatively undeveloped principle of judicial review. Instead, the parliament possesses the right of initiative in various policy areas including that of refugees. Such “parliamentary sovereignty” works with the executive, the Home Office, as the uncontested authority in asylum policy. The principle of parliamentary sovereignty without legal-constitutional constraints on the executive has allowed for its zero-sum immigration policy on the asylum front and has prevented asylum flows from becoming “more than a trickle” (Joppke 1998*a*, 1998*b*).

Parliamentary sovereignty casts doubt on the effectiveness of the international asylum regime, which seeks to interfere with it. Far from state legitimacy being challenged and an institutional duality emerging through external forces, domestic history and institutions such as parliamentary sovereignty and common law remain the strengths of certain countries. In the case of the United Kingdom, the European asylum regime put pressure on parliamentary sovereignty through the European Court. But under parliamentary sovereignty, such external pressure can be considered as an intolerable intrusion on parliamentary democracy. In addition, members of parliament as representatives of national electorates must be sensitive to those of their constituents who hold unfavourable attitudes towards refugees, thus forging a public-compliant asylum policy. As a result, parliamentary sovereignty can resist changes in state legitimacy and the emergence of institutional duality originating from the international asylum regime.

### **3. Anti-Asylum Attitude of Japan**

The cases of self-limited sovereignty in the Western world demonstrate that the international asylum regime may be a residual factor or at most a secondary factor in determining asylum policy. However, to explore the mechanism of the regime's influence on the state, a new perspective beyond Western frameworks is required. As a developed Asian country, Japan is a good example of the penetration of international human rights norms into the domestic sphere from the outside (Gurowitz 1999; Mukae 2001). Japan has had three main periods of policy concerning asylum seekers.

#### *3.1 Long Flat Calm*

Historically, Japanese state sovereignty was not contravened by the influx of asylum seekers and the international asylum regime for a relatively long time. Just after the First World War, refugees from Russia came to the Far East. But, as of the end of 1937, according to the Bureau of Police and Public Security of the Home Ministry, only 1,310 Russian refugees had stayed in Japan. Also, a small number of Jewish refugees who had fled the Nazis reached Japanese territory. Proponents of asylum protection, such as human rights advocates, sought to apply the principle of non-extradition of political offenders (NEPO) to asylum seekers who reached Japanese territory (Honma 2001, 11–14). In addition, Koreans who fled during the Chedju uprising of 1948 and the Korean War from 1950 to 1953 were not considered as refugees but as *Mikkosha* (stowaways). A large number of them were from Chedju island and did not seek asylum but rather sought to reunite with their families (Koh 1998, 175–218). Before the end of the 1970s there was no refugee protection policy in Japan. The Immigration Control Order in 1952, which had no provision for asylum seekers, remained in effect until its replacement with the Immigration Control and Refugee Recognition Act in 1982.

#### *3.2 International Political Pressures*

The second characteristic is that Japan was thrown into the international asylum regime by an external force, that of international political pressure. The antecedent of the pressure on Japan was another external factor, the influx of “boat people” from Viet Nam, Laos and Cambodia. From the fall of Saigon at the end of March 1975, the exodus of refugees to neighbouring countries had rapidly increased. One month after the fall, the first Indochinese refugees arrived in Chiba Port. Facing international political pressure, the Japanese Government, in a cabinet meeting of April 1978, decided upon a policy to permit the resettlement of a certain number of Indochinese refugees. But international pressure continued to increase. For example, the United States called on Japan to accept resettlement of those who were staying at refugee camps in neighbouring South-East Asian countries. Having been strained by the influx of Indochinese refugees during the Cold War, the US Government was concerned about countries that might become a breeding ground for communism. Japan could not resist such pressures. Through the Japan-US

Summit meeting and the Tokyo Summit meeting in June 1979 and the UN Geneva Conference on Indochinese refugees in July 1979, Japan finally acceded to the 1951 Refugee Convention and its 1967 Protocol in October 1981 and January 1982 respectively. Although most Indochinese refugees were not supposed to fall within the UN Convention definition of refugee, the Japanese ratification of the Refugee Convention was expected to become a moral testing ground for refugee protection in Japan. It was not the regime itself but international pressures that induced the Japanese state to accept the regime and refugees.<sup>3</sup>

### 3.3 *Singular Bureaucratic Sovereignty*

Third, and most importantly, Japan has a type of politically self-limited sovereignty, because the Japanese Constitution has neither provisions to protect asylum seekers like those of Germany, nor provisions to extend citizens' rights to aliens like those of the United States. In contrast to the strong British Parliament, the Japanese Parliament (Diet) lacks effective power in immigration policy. Instead, a single bureaucratic executive decides and implements immigration policies, including refugee policy. State sovereignty with respect to asylum seekers and the asylum regime has been embodied solely in the Ministry of Justice. The Immigration Bureau of the Ministry of Justice is not only in charge of refugee recognition but also of the system of appeal against rejection. Other ministries, such as the Ministry of Foreign Affairs and the Ministry of Health, Labour and Welfare, have an interest in various aspects of immigration, but the vertical bureaucratic system in Japan prevents them from influencing policy-making in immigration.

This allows Japanese asylum policy to be based on “perfectionism”, preventing “bogus” asylum seekers from being accepted through screening. Compared with other countries, the number of asylum seekers that Japan has accepted is remarkably small (Table 1). “Perfectionism” is symbolised by the “60-day rule” in which asylum applications must be made within 60 days after arrival in Japan.

If an application is delayed beyond 60 days, it will not be considered for the recognition procedure. Although there is much criticism that the “60-day rule” goes against the UN Refugee Convention and its principle of non-refoulement, the rule remains for at least two reasons: after a long-term stay in Japan asylum applicants are unable to supply the information from their countries of origin needed for appropriate and fair recognition; and applications made after 60 days are not considered to be from genuine refugees (Abe 2003, 169–94).

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<sup>3</sup> The ratification of the regime induced Japan to ensure not only the social rights of refugees but also of foreign residents generally, including eligibility for participation in national pension and national health insurance, and entitlement to child allowance, under Article 24 of the Refugee Convention (Tarumoto 2002).

**Table 1.** Inflows of Asylum Seekers into Selected OECD Countries (thousands)

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Australia	16.0	13.4	4.9	8.1	7.8	8.1	11.1	8.1	8.4	11.9
Austria	27.3	16.2	4.7	5.1	5.9	7.0	6.7	13.8	20.1	18.3
Belgium	15.4	17.6	26.5	14.7	11.7	12.4	11.8	22.1	35.8	42.7
Bulgaria	..	..	..	..	..	..	..	..	1.3	1.8
Canada	32.3	37.7	20.3	22.0	26.1	26.1	22.6	23.8	29.4	34.3
Czech Republic	2.0	0.9	2.2	1.2	1.4	2.2	2.1	4.1	7.2	8.8
Denmark	4.6	13.9	14.3	6.7	5.1	5.9	5.1	5.7	6.5	10.1
Finland	2.1	3.6	2.0	0.8	0.8	0.7	1.0	1.3	3.1	3.2
France	47.4	28.9	27.6	26.0	20.4	17.4	21.4	22.4	30.9	38.6
Germany	256.1	438.2	322.6	127.2	127.9	116.4	104.4	98.6	95.1	78.6
Greece	2.7	2.0	0.8	1.3	1.4	1.6	4.4	2.6	1.5	3.1
Hungary	..	..	..	..	..	..	1.1	7.4	11.5	7.8
Ireland	-	-	0.1	0.4	0.4	1.2	3.9	4.6	7.7	10.9
Italy	26.5	6.0	1.6	1.8	1.7	0.7	1.9	11.1	33.4	18.0
Japan <sup>1</sup>	0.8	0.8	0.6	0.5	0.2	0.2	0.2	0.1	0.2	0.2
Luxembourg	0.2	0.1	0.2	0.2	0.2	0.3	0.4	1.6	2.9	0.6
Netherlands	21.6	20.3	35.4	52.6	29.3	22.9	34.4	45.2	42.7	43.9
New Zealand	1.2	0.3	0.4	0.5	0.7	1.3	1.6	2.9	2.1	2.2
Norway	4.6	5.2	12.9	3.4	1.5	1.8	2.3	8.5	10.2	10.8
Poland	..	..	..	0.6	0.8	3.2	3.5	3.4	3.0	4.4
Portugal	0.2	0.5	1.7	0.6	0.3	0.2	0.3	0.3	0.3	0.2
Romania	..	..	..	..	..	..	..	..	1.7	1.4
Slovak Republic	..	..	..	..	..	..	..	..	0.9	1.5
Spain	8.1	11.7	12.6	12.0	5.7	4.7	5.0	6.8	8.4	7.2
Sweden	27.4	84.0	37.6	18.6	9.0	5.8	9.6	12.5	11.2	16.3
Switzerland	41.6	18.0	24.7	16.1	17.0	18.0	24.0	41.3	46.1	17.6
United Kingdom	73.4	32.3	28.0	42.2	55.0	37.0	41.5	58.0	91.2	97.9
United States	56.3	104.0	144.2	146.5	154.5	128.2	85.9	55.0	42.5	52.4

1. Including UN Convention refugees as well as Indochinese refugees.

Sources: OECD SOPEMI (2001, 280); Ministry of Justice (2004a); Refugee Assistance Headquarters, (2004).

It is clear from the above that Japan has retained a singular bureaucratic sovereignty on refugee issues.

## 4. A Turning Point in the Anti-Asylum Policy?

### 4.1 *Three Periods in Asylum Granting*

The above exploration of asylum policy in Japan does not seem to leave much room for the impact of the international asylum regime, which, according to human rights internationalists, must bring about a change in state legitimacy or the creation of institutional duality.

But, notwithstanding its singular bureaucratic sovereignty, Japanese refugee policy has undergone a certain transformation, however small. Based on the number of refugee status grantees, three periods can be distinguished (Table 2): from 1978 to 1988; from 1989 to 1997; from 1998 onwards (see also Ishikawa 2002, 230–32).

In the first period, the number of grantees ranged from three to sixty-seven, which was not small compared with the earlier Japanese experience. Most of these were presumed to be Indochinese refugees, who sought to acquire the status of UN Convention refugees even if they had been granted a resettlement permit as Indochinese refugees by the Japanese Government.<sup>4</sup> It is said that about 80 per cent of all the grantees in this period were Indochinese refugees (Honma 1990, 151–52). Note that Japanese acceptance of Indochinese refugees was the result of international political pressure during the Cold War. The international asylum regime exerted little influence on the country's singular bureaucratic sovereignty in this period.

In the second period from 1989 to 1997, after the Cold War, the number of grantees decreased significantly. One major reason was that the system of accepting Indochinese refugees began to reduce the need for them to apply for UN Convention refugee status. Around the beginning of this second period, the issue surfaced of illegal immigrants, referred to as “visa overstayers”, who were attracted by the “bubble economy”. Only one year before the bubble economy collapsed, the 1990 revision of the Immigration Control and Refugee Recognition Act was enforced, citing control of illegal immigrants as one of its three main purposes.

The appeal system for asylum rejectees came into operation for the first time in 1995 and one rejected applicant was granted refugee status after appealing. Since 1991, some asylum applicants have been granted special residence permits for humanitarian reasons. But no profound change in the singular bureaucratic sovereignty of the Ministry of Justice arose from the effects of the international asylum regime.

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<sup>4</sup> In Japan, refugees are categorised into three types: Indochinese refugees, UN Convention refugees, and mandate refugees defined by the UNHCR.



**Table 2.** Applications for Refugee Status as of 31 December 2003

	Filed	Granted <sup>1</sup>	Rejected	Withdrawn	Residence permit for humanitarian reasons <sup>2</sup>	Resettlement of Indochinese refugees
1978	-	(-)	-	-	-	3
1979	-	(-)	-	-	-	94
1980	-	(-)	-	-	-	396
1981	-	(-)	-	-	-	1,203
1982	530	67 (-)	40	59	-	456
1983	44	63 (-)	177	23	-	675
1984	62	31 (-)	114	18	-	979
1985	29	10 (-)	28	7	-	730
1986	54	3 (-)	5	5	-	306
1987	48	6 (-)	35	11	-	579
1988	47	12 (-)	62	7	-	500
1989	50	2 (-)	23	7	-	461
1990	32	2 (-)	31	4	-	734
1991	42	1 (-)	13	5	7	780
1992	68	3 (-)	40	2	2	792
1993	50	6 (-)	33	16	3	558
1994	73	1 (-)	41	9	9	456
1995	52	2 (1)	32	24	3	231
1996	147	1 (-)	43	6	3	151
1997	242	1 (-)	80	27	3	157
1998	133	16 (1)	293	41	42	132
1999	260	16 (3)	177	16	44	158
2000	216	22 (-)	138	25	36	135
2001	353	26 (2)	316	28	67	131
2002	250	14 (-)	211	39	40	144
2003	336	10 (4)	298	23	16	208 <sup>3</sup>
	3,118	315 (11)	2,230	402	275	(11149) <sup>3</sup>

1. The parentheses show the number of applications granted through the appeal system for asylum rejectees.

2. Rejectees who received resident status, including change of resident status and renewal of residential period.

3. As of 31 March 2004.

Sources: Ministry of Justice (2004a); Refugee Assistance Headquarters (2004); Refugee Assistance Headquarters, personal communication (March 2004).

The third period began in 1998 when sixteen applicants were granted refugee status, including one applicant who appealed after initial rejection. Since then, the Ministry of Justice has granted refugee status to ten or more refugees every year. In addition, granting of special residence permits for humanitarian reasons increased in this period. These data on UN Convention refugees may suggest that Japan has been affected by the international asylum regime.

#### 4.2 *The Effect of the Human Rights Regime*

Is the Japanese singular bureaucratic sovereignty yielding to the international asylum regime? Indeed, around 1998 Japan may have been integrated into the international human rights regime much more deeply than before through its ratification of a number of conventions concerning human rights, such as the Convention on the Elimination of All Forms of Discrimination against Women in 1985, the Convention on the Rights of the Child in 1994, the International Convention on the Elimination of All Forms of Racial Discrimination in 1995, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1999.

One possibility is that the international asylum regime, with the penetration of human rights norms and supported by the influence of the Japanese United Nations High Commissioner for Refugees of the day, Sadako Ogata, may have had an impact on the Ministry of Justice's singular bureaucratic sovereignty. However, such explanations of the regime fail to consider how it had an impact on Japan's asylum policy. Concerning the progress of immigrant rights following international human rights norms, there are two main paths to consider (Tarumoto 2002): the political path through NGOs and/or social movements, and the legal path through the domestic courts.

The most notable event on the political path was the campaign carried out from March to November 1997 by Amnesty International to improve the asylum recognition system. But, as Toki (2001, 66–68) argues, it is not clear whether or not the campaign was effective in improving refugee protection, although it may have opened the eyes of bureaucrats at the Ministry of Justice towards international pressures concerning refugees. Likewise, no effect arising from the activities of other NGOs and civic groups can be confirmed.

The second possible path is through the domestic courts. Around the second period of asylum granting, there were a considerable number of court cases concerning refugee recognition. When Tokyo District Court ordered the suspension of an execution of detention warrant for an asylum applicant on 6 November 2001, the court made a statement that the Refugee Convention could be considered as a "superordinate norm" to domestic law, in this case the Immigration Control and Refugee Recognition Act, and argued that the implementation of the Act against the Convention "would contravene international order and bring about some

critical effect on public welfare” (Abe 2003, 175). But this type of judgment has not been common in the Japanese legal sphere (Iwasawa 1998).

### *4.3 Domestic Political Change and “Transparency”*

Through political and legal means, the international human rights regime may prompt the singular bureaucratic sovereignty of the Ministry of Justice towards generosity on asylum. But it is unclear whether the regime has any decisive power. To further explore the mechanism, consider the factor of domestic bureaucracy.

First of all, it should be noted that the number of asylum applications has increased since 1996. On the one hand, the increase has partly depended on the worsening situation in countries of origin. In this period, asylum applicants included thirty Chinese democracy activists in 1996 after the Tiananmen incident, 150 Kurds in 1996 and 1997, and others from Pakistan, Burma, Afghanistan and the Islamic Republic of Iran in 1999. On the other hand, an internal factor was also responsible for the increase in asylum applicants. It is said that from around 1997 the Regional Immigration Bureaus received asylum applications addressing the “60-day rule” (Ishikawa 2002, 229). The increase of asylum applicants through external and internal factors may have induced the Ministry of Justice to seek improvements in the recognition process. These included an induction course for investigators, increased staff, extended terms of office, and speedier procedures, constituting a “logic of bureaucracy” whereby bureaucrats wish to avoid being considered as incompetent. Hence a considerable number of untreated cases prompted such improvements.

The logic of bureaucracy would not work well without a mechanism for highlighting refugee issues. One such mechanism is provided by the mass media, which reported the low number of asylum grantees and the slow process of asylum recognition in Japan (Ishikawa 2002, 231–32). But the media as such could not effect much change on policy, because the Japanese public, to whom the mass media appealed, were not necessarily interested in refugee issues.

Another mechanism was the domestic political setting. At some committees in the House of Representatives around 1997 and 1998, a member of parliament from the then governing party, Norito Hosaka, repeatedly questioned why the number of refugee status grantees was very small, despite the increase in untreated applications. At the Committee of Judicial Affairs on 28 April 1998, the Minister of Justice of the day, Kokichi Simoinaba, suggested the introduction of a quick recognition process and an increase in grantees (Japanese Parliament 2004). But, as mentioned earlier, the parliament had had little influence on refugee policy before, so a mechanism to make the ministry sensitive to criticism was required.

At the time, the Japanese political system as a whole was dramatically changing. In 1993 the one-party dominance of the Liberal Democratic Party collapsed, which resulted in profound changes in various political institutions after 1995, as typically

demonstrated in financial institutions and policy (Toya 2003). Various political actors, such as politicians, bureaucrats and employers' organisations, began to take domestic and international public opinion into consideration. They could not avoid "transparency" in various policy processes. The Ministry of Justice, already sensitive to these issues, was no exception and was forced to change its vested interests and its way of dealing with refugees. This trend may be further accelerated by the new generation of younger bureaucrats who are more liberal in their world view.<sup>5</sup>

#### 4.4 *Status Quo, Pro-Asylum, or Asylum Backlash?*

Will the mechanisms working on the bureaucracy push Japanese refugee policy in a more generous direction in future? A focal point was created in 2002. On 8 May, five asylum-seeking defectors from the DPR Korea, including a young child, supported by an NGO, rushed into the compound of the Japanese Consulate General in Shenyang, China. Chinese police guards ran into the compound and removed the Koreans, in defiance of the inviolability of foreign consulates and embassies agreed in the 1961 Vienna Convention on Diplomatic Relations (*The Japan Times*, 16 May 2002).

This Shenyang incident was captured on video and repeatedly broadcast on television, sparking a diplomatic row between the Japanese and Chinese governments against the backdrop of lingering Cold War realities on the Korean peninsula. The then Justice Minister, Mayumi Moriyama, set up a Special Committee on Refugee Issues under her Private Advisory Group on Immigration Control Policy (*The Japan Times*, 25 May 2002). Obviously, avoiding an international conflict with China, the DPR Korea and the Republic of Korea, and making gains in Japan's international reputation in refugee acceptance, were crucial motives for her setting up the committee.<sup>6</sup> Since its establishment on 11 June 2002, the committee has held meetings and carried out inspections of the Bureaus at a time when the DPR Korea's abduction of Japanese nationals was absorbing public attention. It then submitted an interim report in October 2002, and a final report in December 2003 to which comments on illegal immigrants, etc., were added by the Advisory Group (Ministry of Justice 2004b).

These two reports presented three main proposals: revising the "60-day rule"; securing the legal status of asylum applicants; and improving the appeal system for rejectees (Ministry of Justice 2002, 2003). First, partly because the "60-day rule" has become a major issue in legal cases of refugee non-recognition (Namba 2003), the reports suggest a change from 60 days to six months or one year. Second, the applicant in the process should have a legal guarantee against deportation, even if there is a reason for deportation, and should be given material provisions. Third, at

<sup>5</sup> Interview with Prof. Yoriko Meguro, a member of the Special Committee on Refugee Issues under the Private Advisory Group on Immigration Control Policy, 9 April 2004.

<sup>6</sup> Interview with Prof. Yoriko Meguro, who sees international reputation as an important motive, 9 April 2004.

present the General Affairs Division in the Immigration Bureau of the Ministry of Justice is in charge of refugee recognition, whereas the Adjudication Division in the same Bureau is responsible for the appeal procedure. The reports suggest that an advisory group for the minister, composed of third persons with legal experience, knowledge of law or international affairs, should be created to judge appeals.

On 4 March 2003, between publication of the two reports, the new Justice Minister, Daizo Nozawa, submitted to parliament a bill to revise the Immigration Control and Refugee Recognition Act. When the bill was dropped in October 2003 along with the winding-up of the House of Representatives (House of Representatives 2003), another bill was resubmitted and debated in the House of Councillors as of April 2004 (House of Councillors 2004). Although there is some uncertainty, for example in legal judgments,<sup>7</sup> in the situation of the DPR Korea,<sup>8</sup> in the harsh practice of immigration officers,<sup>9</sup> and a campaign by the Ministry of Justice to crack down on illegal immigrants,<sup>10</sup> passing the bill would lead to improvements in Japanese asylum policy even if it went against singular bureaucratic sovereignty.

## 5. Conclusion

Lacking a domestic source for human rights, Japan is a good example from which to explore the impact of the international human rights regime on domestic policies concerning human rights. Although both countries were defeated in the Second World War, Germany included asylum provisions in its constitution as a kind of war apology, whereas Japan missed an opportunity to incorporate domestic provisions for asylum. Without a pro-asylum constitution like those of the United States and Germany, and given the lack of a strong parliament like that of the United Kingdom, Japan has acquired under its Ministry of Justice a singular bureaucratic sovereignty with regard to asylum policy.

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<sup>7</sup> A democracy activist from Myanmar who had lived in Japan for more than a decade with his family had been ordered to leave after his asylum application was refused, but finally he was granted a special residence permit for humanitarian reasons (*The Japan Times*, 17 January 2004). The Nagoya District Court also granted refugee status to a Kurdish man with Turkish citizenship. This was the second time that a court had reversed a government decision to reject an application for refugee status (*The Japan Times*, 16 April 2004).

<sup>8</sup> If an influx of refugees from the DPR Korea took place, anti-asylum sentiment would rise to prevent improvements in the asylum policy.

<sup>9</sup> When an Afghan asylum seeker suffering depression and post-traumatic stress disorder tried to kill himself while being moved from hospital to a detention facility, officers took him to hospital for treatment of a knife wound. After a three-hour operation, however, they immediately transferred him to the detention facility (*The Japan Times*, 27 March 2004).

<sup>10</sup> Since 16 February 2004, the Immigration Bureau of the Ministry of Justice has collected information on illegal overstayers through its website, which has given rise to criticism by NGOs. In addition, the Bureau ran a special campaign to crack down on illegal immigrant workers in June 2004, eliciting cooperation from other ministries, local councils, employers' organisations and other concerned bodies, and distributing leaflets on illegal workers among those concerned and foreigners in Japan and abroad (Ministry of Justice 2004c).

Like changes in citizenship policy for immigrants and aliens (Tarumoto 2003), the case of Indochinese refugees and Japan's ratification of the Refugee Convention and its Protocol demonstrate that international political pressures based on inter-state relations have been strongly effective on asylum policy in Japan.

It may be argued that the increase in refugee status grantees around 1998 makes a case for the effectiveness of the international asylum regime. However that effect, if any, is far from being a change in state legitimacy or the establishment of institutional duality arising from human rights norms. It certainly appears that the Japanese singular bureaucratic sovereignty is yielding to, and fitting in with, the asylum regime. But it is not easy to confirm that such change has been due to the regime. Rather, it is clear that the domestic political process, undergoing changes stemming from the political system and requests for "transparency" in policy processes, has opened the way to changing the asylum policy and handling inter-state relations with neighbouring countries.

This suggests that the domestic consequences of the impact of international regimes constitute a useful basis for exploring sovereignty decline in other countries.

## Note

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### About the Author

Hideki Tarumoto is Associate Professor of Sociology at the Graduate School of Letters, Hokkaido University, Japan. His research is concerned with citizenship and ethnic stratification of immigrants in advanced countries, with special reference to Japan, the United Kingdom and the European Union. His main



publications include *Change and Continuity of Ethnic Dualism: Ethnic Stratification in 1970s Britain* (1996); *Is Post-National Citizenship a "Normal" Model?: An Exploration from the Viewpoint of "Transcendental Choice of Identity"* (2001); *A Preface on Transnational Sociology of "Race Riots"* (2002); "Multiculturalism in Japan: citizenship policy for immigrants" (2003); email: taru@let.hokudai.ac.jp

# Will Migrant Remittances Continue Through Time? A New Answer to an Old Question

ELIZABETH M. GRIECO  
*Office of Immigration Statistics*  
*U.S. Department of Homeland Security*  
*Washington, D.C.*

*This paper analyses the influence of continued migration and network participation on migrant household remittance behaviour. The “remittance decay” hypothesis suggests that the amount of remittances sent by migrants to their countries of origin declines through time. However, empirical studies have found that the passage of time does not significantly influence migrant remittance behaviour and that remittances are maintained at high levels over long periods. If remittances do not decline, as suggested by remittance theory, why do they continue through time, as suggested by empirical research? This paper uses network theory and the concepts of social capital and social ties to build an analytical framework to answer this question. Remittances are not simply sent but exchanged for resources accessible through the maintenance of relationships with other network members. Instead of asking what motivates migrants to remit, this paper focuses on those factors that influence the continued existence of migrant/non-migrant relationships in which remittances are exchanged. Family reunification is the underlying social process that determines household remittance behaviour. Increasing, continuing, or declining remittance levels simply reflect the process of household reconstitution abroad. Thus, as families reunite in the new homeland, less money is sent back to the country of origin. In addition, participation by households in migrant networks positively influences remittance behaviour.*

Since the 1970s, remittances from migrants to Australia, New Zealand and the United States have played a growing and important role in the economies of Pacific Island countries. Migrant remittances provide capital-poor countries with foreign exchange, ease balance of payments problems, encourage industrial development by facilitating the import of capital goods and raw materials, and contribute to employment (Russell 1986; Menjivar et al. 1998). In many Pacific Island countries, including Tonga, Western Samoa and the Cook Islands, remittances represent an important component of total national incomes. For example, in the early 1980s, remittances contributed between 35 per cent and 40 per cent of the total Cook Islands’ income (Connell 1980). Similarly in 1989, remittances represented approximately 60 per cent of the Tongan and 35 per cent

of the Western Samoan gross domestic product (Appleyard and Stahl 1995). Remittances can also benefit individual recipients by raising and maintaining living standards and reducing the gap between higher-income and lower-income groups (Menjivar et al. 1998; Russell 1986). There is also evidence from many Pacific Island countries that remittances form a significant part of disposable household income (Connell 1980; Appleyard and Stahl 1995). A national income and expenditure survey in Tonga, for example, showed that 90 per cent of the households received remittances and that remittances constituted an average of 28 per cent of household income (Ahlburg and Brown 1998).

Because of the importance of remittances to Pacific Island economies – and to economies of migrant-sending countries around the world – policy-makers are concerned with the long-term sustainability of these flows. Migrant remittance theory, however, predicts that the level of remittances sent by migrants will decline through time. Traditionally, researchers have relied on the “remittance decay” hypothesis as modelled by Stark (1978) to analyse remittance behaviour. Stark suggests that individual remittances will peak soon after arrival and then decline, increasing occasionally in response to specific events or needs by relatives in the home country. Initially, remittances are low but increase with time as migrants adjust to their new environment and are relieved of the initial costs associated with moving. Eventually, remittances will cease, increasing again only if the migrant decides to return home permanently. The concept of altruism is central to Stark’s theory of remittance decay. In the remittance literature, altruism is generally defined as the concern migrants have for their non-migrant family members in their countries of origin. Stark attributes the decline in remittance behaviour through time to the waning of altruism. As the migrants’ commitment and attachment to their families and home areas weaken through time, remittances decline.

Although research on remittance decay is limited, much of it fails to support Stark’s (1978) hypothesis. This is especially true when considering research on remittances in the Pacific. For example, research on the remittance behaviour of Tongans and Cook Islanders in Australia and New Zealand found that the amount of money sent by recent migrants was similar to that remitted by migrants who had arrived fifteen to twenty years earlier (Loomis 1990; Tongamoa 1987; Vete 1995). Also, research on the remittance behaviour of Fijians in Australia suggests that length of residency abroad does not substantially affect remittance flows (Stanwix and Connell 1995). While the results of these studies are troubled by small sample sizes and rudimentary statistical techniques, a study by Brown (1998) using an advanced statistical method (Tobit regression) and controls for a number of “supply” and “demand” side variables leads to much the same conclusion. Brown found that the passage of time did not have a significant effect on the remittance behaviour of Tongans and Western Samoans in Australia.

## 1. Remittance Decay – or Duration?

The lack of support exhibited by the results of empirical research for remittance theory raises an interesting question: If remittances do not decline, as suggested by the remittance decay hypothesis, why do they continue through time, as suggested by the results of research on Pacific Island migrant populations? And if it is true that altruism, as a motive for remitting, wanes through time, what causes the commitment to remit to be sustained?

In this paper, I use migrant network theory and the concepts of social capital and the strength of social ties to develop an alternative sociological framework to help to answer these questions (Grieco 2003). This approach suggests alternative explanations of what remittances are, why they occur, and why they decay – or endure – through time. Remittances in this analysis are not defined as the by-product of the altruism migrants feel for their family. Rather, they are the resources *exchanged* between members of a migrant social network. Remittances occur as the result of migrants' participation in these networks and represent the migrants' effort to build and maintain social capital. Social capital refers to the ability of individuals to obtain resources through their continued relationships with other network members (Portes 1995, 1998). Within these networks, both migrants and non-migrants act as donors and recipients of social capital, making their resources available to network members while simultaneously accessing the resources of others. Remittances are not simply "sent" by the migrant to family members back home but are exchanged for resources accessible through the maintenance of relationships with other members of a given social network.

In the remittance literature, it is generally assumed that migrants are directly motivated to remit by, for example, their feelings of altruism for family members or their own self-interest. However, viewing remittances as part of a migrant's effort to build and maintain social capital makes the link between the occurrence of remittances and the motivation to remit less direct. Remittances occur because the migrant has established and is maintaining a relationship with another member of a social network. In other words, relationships come first and the motivation to remit comes after, not the other way around. Without relationships, there would be no remittances. When viewing remittance behaviour through the lens of social capital and migrant network theory, the influence of time becomes less direct. Instead of asking what motivates the migrant to remit, the question becomes: What enables migrants to maintain the relationships in which remittances are exchanged?

## 2. Strong Kin Ties, Family Reunification Migration, and Remittance Decay

Recognising the social basis on which remittance behaviour is based is fundamental to understanding why remittances endure or decay through time.

According to remittance research, the majority of the migrant/non-migrant relationships in which remittances are exchanged are immediate kin ties, including spouses, children, parents and siblings. Because strong kin ties form the basis of remittance behaviour, remittances will continue as long as those relationships are maintained through time. Remittance decay reflects the gradual change and ending of those ties maintained by household members with immediate kin in the country of origin.

The migration process, specifically family reunification migration, is the underlying social process that determines the remittance behaviour of migrant households. Research shows a negative association between the point in time the household received its last migrant member and the probability of remitting (Grieco 2003). This suggests that households in the middle of the family reunification process are the most active remitters. The results also indicate that households with a history of family reunification are more likely to remit. Thus family reunification appears to have a positive influence on remittance behaviour. Combined with the results of qualitative research on the remittance behaviour of Pacific Island migrants, these results suggest a possible reason why remittances rise and decay through time. Remittance levels increase as the migrant household works to support dependent family members in the country of origin and to assist in their eventual emigration. As the process of family reunification is gradually completed, fewer and fewer immediate kin remain abroad and remittance levels begin to decline. When the last migrant joins the household and all the dependent family members have joined the earliest migrant, the flow of remittances sent back home ends. Thus, the time path for remittance behaviour is largely driven by the process of family reunification.

### **3. Migrant Network Theory and Remittance Duration**

The influence of the migration process not only explains why remittances decline, but why they continue through time. Households will continue remitting as long as their migrant members have dependent relatives in other countries. Migrant network theory suggests a second way in which remittance behaviour is maintained through time. The active and continued participation by household members in migrant networks helps to promote remittance behaviour by maintaining the relationships between migrants and non-migrants. Migrant networks are sets of interpersonal ties that connect migrants, former migrants and non-migrants in origin and destination countries through ties of kinship, friendship and shared national origins. Networks reduce the costs and disruptions of migration, maintain links between sending and receiving communities, serve as channels for information and resources, and influence the rate of adaptation and assimilation to the destination society (Massey et al. 1987).

Migrant networks serve many important functions for their migrant members. However, when considering the influence that migrant network participation has on

household remittance behaviour, the most important of these functions is the influence that migrant networks have on the rate of adaptation and assimilation of their members to the destination society. Migrant networks can actually retard integration by maximising links with and orientation towards the society of origin. This, in turn, should help to maintain the relationships between migrants and non-migrants. This occurs in at least three ways. First, while migrant networks provide short-term adaptive assistance to recent migrants that can facilitate integration, such as finding housing, arranging employment and providing emotional support, they can also insulate migrants from the destination society. Migrant networks strengthen the links migrants have to their sending society while effectively limiting contacts with the broader destination community (Gurak and Caces 1992). Heavy reliance on migrant networks for support means that ties with other co-ethnics dominate the immediate social networks of new migrants. This simultaneously maximises the number and strength of ties with members of the origin society while minimising the number and need for ties with members of the receiving society.

Second, kin groups tend to be the dominant social organisations present in migrant networks and often represent the link between non-migrants in the country of origin and migrants in the country of destination that encourages continued migration through time (Boyd 1989; Gurak and Caces 1992; Massey et al. 1993). By guaranteeing that the social network of new migrants will be dominated by ties with relatives, migration under the auspices of kinship promotes the continuing intense involvement in kin groups (Tilly and Brown 1967; Gurak and Caces 1992). This reinforces the strength of ties to members of the origin society and slows the establishment of ties with members of the destination society, retarding integration and assimilation.

Finally, migrant networks can encourage the interdependence of network members in the country of destination that can lead, through time, to the establishment of migrant communities and the re-establishment of behavioural norms based on the culture of the community of origin (Grieco 1998). The participation in the wider migrant community provides migrants with culturally acceptable venues where additional ties to co-ethnics outside their immediate kin networks can be established and maintained. Also, participation in activities sponsored by the migrant community, such as ethnic organisations, sports associations, festivals and ceremonies, not only provide venues for networking but also create "lacunae" in the wider host society where the migrants' cultural and behavioural norms can be both celebrated and reaffirmed. This helps to strengthen and maintain the migrants' orientation to their origin society.

In these three ways, the continued participation by migrants in migrant networks maintains the bonds between migrants and non-migrants and encourages a continued orientation to the culture and society of origin. This reduces the migrants' rate of adaptation and assimilation to the destination society and, in turn, helps to maintain remittance levels through time. Because the relationships

between migrants and non-migrants form the social basis of remittance behaviour, the fact that the continued participation in migrant network encourages migrants to renew and maintain their relationships with non-migrants suggests that it will also help to maintain remittance levels through time. The cultural orientation engendered by migrant network participation should also have a positive influence on remittance behaviour. Because migrant networks link migrants to their origin cultures, the same social sanctions that discourage renegeing on commitments back home will have been transplanted into the migrant communities abroad. This cultural “pressure” will be reinforced by the interpersonal relationships established with other co-ethnics, which will act as constant reminders to the migrants of their cultural obligations and duties to their families back home. This will encourage migrants who are active network members to maintain their relationships abroad and continue remitting.

#### **4. The Sociological Approach to Remittance Behaviour**

A sociological approach to remittance behaviour, as outlined here, focuses on the relationships that exist between migrants and non-migrants. These relationships are of paramount importance because they form the social basis of remittance behaviour. Their continued existence helps to explain what remittances are, why migrants remit, and why remittance behaviour continues through time. Remittances are the resources exchanged between the migrant and non-migrant members of migrant social networks. They occur as the result of migrants’ participation in those networks and represent their efforts to build and maintain social capital. Remittances are not simply “sent” by migrants to non-migrants. Rather, they are exchanged for resources accessible through the maintenance of relationships with other network members. Migrants will continue to remit as long as the relationships in which remittances are exchanged are maintained. By focusing on the relationships between migrants and non-migrants, the sociological approach also helps to explain why remittances decline through time. Remittance behaviour declines and eventually ends largely because the relationships between migrants and non-migrants have substantially altered or have ceased to exist. For example, the economic independence of non-migrants in the country of origin, such as the marriage of a daughter or sister, would alter the migrant/non-migrant relationship and would end the need for remittances from migrants. Also, the migration of non-migrants to join migrants abroad would end the remittance relationship and remittance behaviour. The death of non-migrants would also end this relationship.

By explaining why remittances continue through time as well as why they end, the sociological approach helps to explain remittance behaviour in general and not just a single aspect, such as remittance decay. However, because of the importance of remittances to many labour-exporting countries, it is understandable why researchers and policy-makers have been most concerned with remittance decay, especially determining those factors that positively influence aggregate remittance levels through time. This concern with aggregate remittance levels has had two

unfortunate side effects for remittance research. First, it has encouraged researchers to focus on remittances as a resource (i.e. simply as money or goods) rather than the product of the migrant/non-migrant relationship. By focusing on the outcome of remittance behaviour, researchers have placed greater emphasis on determining those factors that influence the remittance event (i.e. the exchange of remittances) rather than the social context in which the event occurs. In other words, they are trying to determine factors that influence the “effect” without first considering the “cause” of the outcome.

Second, the emphasis on explaining aggregate remittance levels has placed little pressure on researchers to clarify the causes of remittance behaviour. Stark’s view of altruism (1978; see also Lucas and Stark 1985; Stark and Lucas 1988), i.e. the concern migrants have for the well-being of their non-migrant family members, seems to be generally accepted by researchers as the root cause of remittance behaviour. Stark’s work is almost universally cited and few alternatives to the theory of altruism and remittance decay have been proposed. According to Stark, as the altruism migrants have for their kin back home weakens, both the incidence and amount of remittances will decline through time. However, Stark never clarifies why this is so. Because of the importance of aggregate remittances to many labour-exporting economies, this lack of theoretical development is understandable. The theoretical cause of remittance behaviour is far less important than ascertaining the determinants of that behaviour which, if encouraged or facilitated, could help to maintain high remittance levels through time.

By placing emphasis on remittances as a resource and failing to clarify the causal process, it is unsurprising that the research literature has generated conflicting results regarding the association between time and remittance behaviour. In comparison, the sociological approach focuses on the migrant/non-migrant relationship in which remittances are exchanged. It is the existence of these relationships that helps to explain why remittances exist, why they continue through time, and why they end. In this sense, the sociological approach “backs up the causal chain” and incorporates the cause (i.e. migrant/non-migrant relationship), the event (i.e. exchange of remittances) and the effect (i.e. amount and frequency) of remittance behaviour into a single framework.

## **5. Implications for Aggregate Remittance Flows**

If family reunification and the establishment of migrant households abroad leads to a diminishing and eventual end of remittances sent back to the country of origin, what are some of the implications of this process for *aggregate* remittance flows through time? There are three factors to consider. First, high levels of remittances are not inevitable with every migration flow established because both the level and continuity of remittances are strongly influenced by the characteristics of those flows. If a migrant population is established through the process of family migration, for example, where entire family units migrate, it is probable that this



population will exhibit low aggregate remittance levels and a short period of remittance activity. Fiji Indian migration tends to be dominated by family units, which may help to explain their reported low remittance rates (Raj 1991). In comparison, if a migrant population is established through family reunification or “chain” migration, where one or a few family members migrate and are followed by others at a later date, it is likely that this population will exhibit higher aggregate remittance levels and a longer period of remittance activity. This may help to explain why the remittance levels of Cook Island, Samoan and Tongan migrants in Australia and New Zealand – populations that have been established through chain migration – have been found to remain high over an extended period of time (Curson 1979; James 1991; Loomis 1990; MacPherson 1994; Vete 1995). Migrant populations favouring temporary or “circular” migration, where one or a few family members move for short periods back and forth between their home and destination countries, would probably also exhibit higher aggregate remittance levels and longer periods of remittance activity, as seen among the Mexican immigrants to the United States.

Second, there is no guarantee that aggregate remittance flows will remain stable and continue over the long term. Remittances will remain high as long as migrants continue to establish household extensions in the country of destination. This means that the stability and continuity of aggregate remittance flows is linked to two interrelated processes: (a) the constant inflow of migrants from sending countries into receiving countries, which would provide a steady flow of newly established households; and (b) the dominance of “chain” migration, where migrant and non-migrant family members are separated for the time it takes migrant households to reconstitute in another country. These processes can be influenced by policies enacted by both the sending and receiving countries to the detriment – or benefit – of long-term aggregate remittance flows. Aggregate remittances could be significantly altered, for example, if the receiving country enacted policies that curtailed the number of new immigrant arrivals or expelled resident immigrants. Conversely, by encouraging family reunification migration, governments may inadvertently support the continuity of remittance flows. This was clearly seen among the Cook Island, Samoan and Tongan migrant populations in Australia and New Zealand. Initially established through chain and household reconstitution migration, this process was galvanised by the pro-immigrant and family reunification policies of the New Zealand and Australian governments in the 1990s. Combined, these policies buoyed the remittance behaviour of these communities through time. However, migrants are not without agency, and their behaviour, characteristics and goals – on a collective scale – also have an effect. For example, migrants may choose to enter a country illegally, thereby maintaining a constant inflow in spite of strict immigration laws. Poor migrant households with minimal resources may be forced to remain separated, thus slowing the pace of family reunification and maintaining the need for remittances through time. For some households, the ultimate goal may not be permanent settlement but circular migration, which would probably increase the stability and continuity of aggregate remittances through time.

Finally, given the social basis on which remittance behaviour is based – that is, strong kin ties – it is highly unlikely that this behaviour will be continued by the children or grandchildren of immigrants. The reason is simple: immediate kin, including parents, spouses, children and siblings, are the most likely of all social ties to exchange financial resources, such as remittances. The second- and third-generation (and even many of the “1.5 generation” who immigrated as children) would have most or all of their strong ties in the country of destination. It is not likely that the children of immigrants would be willing to directly support distant, often unknown relatives in an ancestral origin country whose weak social ties lack a financial exchange component.

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### **About the Author**

Elizabeth M. Grieco, Ph.D., is a statistician/demographer with the Office of Immigration Statistics, Department of Homeland Security, in Washington, D.C., United States; email: Elizabeth.M.Grieco@dhs.gov.

# Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited

JEAN-PIERRE CASSARINO\*  
*European University Institute, Florence*

*The attention paid by international organisations to the link between migration and development in migrants' origin countries has highlighted the need to revisit approaches to return migration. Moreover, the growing diversity of migratory categories (ranging from economic migrants to refugees and asylum seekers) necessitates a distinction between the various types of returnee. We still need to know who returns when, and why; and why some returnees appear as actors of change, in specific social and institutional circumstances at home, whereas others do not. The first objective of this paper is to analyse how return has been dealt with by international migration theories, emphasising particularly the assumptions on which they rest. This theoretical overview is necessary to show how return has been defined and located in time and space, and how the returnee has been depicted. The second objective is to take the various approaches to return migration a step further by elaborating on the theoretical insights that have been extensively proposed. The conceptual approach to returnees is then revisited, taking into account a set of distinguishing criteria, i.e. the returnee's "preparedness" and "resource mobilisation".*

**A**s a subprocess of international migration, return migration has been subject to various approaches that offer contrasting sets of propositions stemming from neoclassical economics, the new economics of labour migration, structuralism, transnationalism and social network theory. From a qualitative point of view, numerous empirical inquiries have been carried out to better illustrate the multifarious factors that have made return migration a multifaceted and heterogeneous phenomenon. Although return migration has long been subject to various interpretations, our understanding of it remains hazy. Not so much because it has been neglected by migration scholars – analyses of return migration have in fact been legion since the 1960s – but rather because its magnitude and configuration are scarcely measurable and comparable, owing to the lack of reliable large-scale quantitative data.

Today, the attention paid by international organisations to the link between migration and development has highlighted the need to revisit approaches to return migration. Moreover, the growing diversity of migration categories (ranging from economic migrants to refugees and asylum seekers) necessitates a distinction between the various types of returnee. We still need to know who returns when, and why; and why some returnees appear as actors of change, in specific social and institutional circumstances at home, whereas others do not.

As a prerequisite to revisiting the conceptual approach to the profiles of returnees, by taking into account a set of distinguishing criteria, the first objective of this paper is to analyse how return has been dealt with by international migration theories, emphasising particularly the assumptions on which they rest. This theoretical overview is necessary to show how return has been defined and located in time and space, and how the returnee has been depicted.

The second objective is to take the various approaches to return migration a step further by using and elaborating on the theoretical insights that have been extensively proposed. The conceptual approach to returnees is then revisited through a set of distinguishing criteria, i.e. the returnee's "preparedness" and "resource mobilisation". These criteria are subject to examination in the development of this study.

## 1. Theoretical Overview of Return Migration

While scholarly approaches related to return migration can be traced back to the 1960s, there is no question that, with hindsight, it was in the 1980s that stimulating scientific debate among scholars took place on the return phenomenon and its impact on origin countries. These debates culminated in the production of several volumes and critical essays, and in the organisation of conferences (Kubat 1984; Council of Europe 1987). Moreover, they contributed intensively to the development of the literature on return migration, together with the growing concern over "co-development", the "voluntary repatriation of third-country nationals", the emergence and implementation of bilateral readmission agreements between sending and receiving countries, and the link between international migration and economic development in migrants' origin countries.

It has to be said that the increasing variety of scholarly analyses, together with the resilient politicisation of international migration movements, have been incidental to the ways in which return migration *and* returnees have been understood and analysed. Oddly enough, just as Mary Kritz noted (1987, 948), there exist conceptual problems regarding the definitions of the immigrant – such definitions having a bearing on the formulation of national immigration policies – there also exist several definitional approaches to return migration, and to returnees that are playing a crucial role in orienting, if not shaping, the perceptions, taxonomies and policies adopted by governmental and intergovernmental agencies.

As a prerequisite to exploring how return has been addressed by international migration theorists, it is important to stress that the theoretical insights discussed below have, in various degrees, included return migration as a subcomponent of their analytical approaches. Whereas some of these insights are the outcome of empirical studies, others stem from the collection of fragmented official quantitative data, based on given definitional criteria of the returnee.

This critical review focuses exclusively on theories that have attempted to propose a set of variables aimed at better understanding the magnitude and dynamics of return migration to origin countries. Whatever their views and interpretations, all the theories presented below yield valuable insights. They do so in so far as they differ in terms of level of analysis and with respect to the salience of the issue of return in their respective analytical frameworks.

### *1.1. Neoclassical Economics and the New Economics of Labour Migration*

In so far as the neoclassical approach to international migration is based on the notion of wage differentials between receiving and sending areas, as well as on the migrant's expectations for higher earnings in host countries (Todaro 1969, 140), return migration seems to be viewed as the outcome of a failed migration experience which did not yield the expected benefits. In other words, in a neoclassical stance, return migration exclusively involves labour migrants who miscalculated the costs of migration and who did not reap the benefits of higher earnings. Return occurs as a consequence of their failed experiences abroad or because their human capital was not rewarded as expected. Furthermore, unlike the new economics of labour migration (NELM, see below), the neoclassical economics of migration views migrants as individuals who maximise not only their earnings but also the duration of their stay abroad to achieve permanent settlement and family reunification. In this framework of analysis, return cannot but be motivated by a failed migration experience, in terms of expected earnings, employment and duration.

Conversely, while the neoclassical approach to return migration argues that migrants did not successfully maximise their expected earnings, NELM views return migration as the logical outcome of a "calculated strategy", defined at the level of the migrant's household, and resulting from the successful achievement of goals or target. In fact, as Oded Stark's seminal book argues, the NELM approach "shifts the focus of migration theory from individual independence ... to mutual interdependence" (Stark 1991, 26), i.e. at the level of the family or the household. Moreover, it views return as the natural outcome of a successful experience abroad during which migrants met their goals (i.e. higher incomes and accumulation of savings) while naturally remitting part of their income to the household. Remittances are part and parcel of a strategy aimed at diversifying the resources of the household with a view to better compensating for the risks, linked to the absence of an efficient insurance market in home countries. They also constitute

one explanatory factor in the return decision, together with the attachment to the home country.

With reference to remittances and the likelihood of return, Amelie Constant and Douglas Massey, by analysing data relating to the return migration of guest-workers in Germany from 1984 to 1997, observed that remitters have higher rates of employment in receiving countries and that having a spouse in the home country increases their likelihood of return (Constant and Massey 2002, 27–8). In contrast to the neoclassical model, return migration appears to Oded Stark and his followers (Taylor 1996) as being part of a well-prepared migration project which shapes not only the propensity of migrants to “exert a higher level of work effort [in receiving countries] than that exerted by native-born workers” (Stark 1991, 392) and to save more money than native-born workers (Stark and Galor 1990), but also their level of socialisation in receiving countries as well as their incentives to gain additional skills or on-the-job training. In other words, skills acquired abroad are viewed as being affected by the probability of return. In fact, according to NELM, migrants go abroad for a limited period of time, until they succeed in providing their households with the liquidity and income they expect to earn. The planning of the migration project has a bearing on the behavioural patterns of the migrant in the host society, as well as on professional advancement.

The neoclassical economics and NELM approaches differ in so far as they posit contrasting sets of interpretations regarding return migration. When neoclassical economists argue that people move permanently to raise and maximise their wages in receiving countries, return migration is viewed as a failure, if not an anomaly. When NELM contends that people move on a temporary basis to achieve their goals or targets in receiving countries, as a prerequisite to returning home, return migration is viewed as a success story, if not a logical outcome. NELM theorists are adamant about breaking away from the neoclassical image of the failed returnee. The duration of stay abroad is calculated with reference to the needs of the household, in terms of insurance, purchasing power and savings. Once such needs are fulfilled, return migration occurs. In other words, the NELM approach to return migration goes “beyond a response to negative wage differential” (Stark 1996, 11).

There is no question that, despite their contrasting interpretations of return migration, both theoretical schemes give valuable insights regarding the reasons for which people move abroad and return home. Migrants have clearly defined projects or strategies before, during and after their migration experiences. In fact, the above-mentioned “calculated strategy” is for NELM a way of stressing the fact that the migration decision can no longer be viewed “as an act of desperation or boundless optimism” (Stark 1996, 26). Whether they are faced with market failures at home or with the need to compensate for wage differentials between their countries of origin and their areas of destination, migrants plan and try to respond to market uncertainties.

Nonetheless, as far as their analytical frameworks are concerned, both theoretical approaches have several shortcomings. The first relates to the actors themselves and their motivations for return. These seem to be determined by financial or economic factors only, while providing little explanation of how remittances and skills are used in home countries. The second pertains to the fact that returnees are exclusively viewed as foreign-income bearers or “financial intermediaries”, as Edward Taylor would put it. Moreover, while neoclassical economics and NELM try to explain when and why the decision to return home takes place, there is virtually no reference to where migrants return. As no reference is made to their social, economic and political environment at home, return experiences seem isolated from each other. Not only do we not understand how the strategies are planned and reshaped when return takes place, but the interaction beyond the returnee’s family or household remains unaccounted for. Finally, as shown in the following section, several empirical studies have convincingly demonstrated that the success/failure paradigm cannot fully explain the return migration phenomenon. This paradigm tends in fact to isolate the decisions and strategies of the returnees from their social and political environment, without correlating them with contextual factors at home.

As the structural approach to return migration contends, return is not only a *personal* issue, but above all a social and contextual one, affected by situational and structural factors.

### *1.2. The Structural Approach to Return Migration*

There is no surprise in mentioning that the empirical findings and theoretical insights produced by anthropologists, sociologists and social geographers have contributed greatly to refining the structural approach to return migration.

This structural approach argues that return is not solely analysed with reference to the individual experience of the migrant, but also with reference to social and institutional factors in countries of origin. In fact, return is also a question of context.

Just like NELM, the structural approach to return migration shows how crucial to the return decision and the reintegration of the migrant are the financial and economic resources brought back to origin countries. Returnees’ success or failure is analysed by correlating the “reality” of the home economy and society with the expectations of the returnee. Francesco Cerase’s influential article on Italian returnees from the United States provides many emblematic examples of how complex the relationships between the returnee’s expectations and the social and economic context (i.e. “reality”) at home are. Cerase identifies four different types of returnee, emphasising their aspirations, expectations and needs:

- “Return of failure” pertains to those returnees who could not integrate in their host countries owing to the prejudices and stereotypes they encountered abroad.



Their difficulties in taking an active part in the receiving societies or in adapting themselves to host societies were strong enough to motivate their return.

- “Return of conservatism” includes migrants who before emigrating had planned to return home with enough money to buy land with a view to “liberating themselves from loathsome subjection to the landowners” (Cerase 1974, 254). Because of these aspirations and strategies, conservative returnees only tend to satisfy their personal needs, as well as those of their relatives. Conservative returnees do not aim at changing the social context they had left before migrating; rather, they help to preserve it.
- “Return of retirement” refers to retired migrants who decide to return to their home countries and to acquire a piece of land and a home where they will spend their old age.
- “Return of innovation” is no doubt the most dynamic category of returnees in Cerase’s typology. It refers to actors who are “prepared to make use of all the means and new skills they have acquired during their migratory experiences” (Cerase 1974, 251) with a view to achieving their goals in their origin countries, which, according to them, offer greater opportunities to satisfy their expectations. Cerase notes that these returnees view themselves as innovators, for they believe that the skills acquired abroad as well as their savings will have turned them into “carriers of change”. Nonetheless, Cerase observes that these returnees are unlikely to be actors of change in their home countries because of the resilience of strong power relations and vested interests which prevent innovators from undertaking any initiatives that could jeopardise the established situation and the traditional power structure.

Cerase’s typology of returnees clearly constitutes an attempt to show that situational or contextual factors in origin countries need to be taken into account as a prerequisite to determining whether a return experience is a success or a failure. There is no question that Cerase’s observations have been crucial to subsequent approaches to returnees and return migration issues. In fact, a few years later, a study by George Gmelch elaborated on Cerase’s typology while stressing the need to correlate the migrants’ intentions to return with their motivations for return. Intentions to return, whether real or intended, shape the returnees’ expectations in origin countries (Rogers 1984; Callea 1986; Richmond 1984). Return appears to be guided by the opportunities that migrants expect to find in their origin countries but also by the opportunities already offered in their respective host countries. As situational and structural factors have a certain bearing on the return decision, according to Gmelch, the return decision cannot be planned properly as these situational factors need to be gauged a posteriori by the migrants.

To the extent that situational factors are gauged a posteriori, migrants are viewed as being “ill prepared for their return” (Gmelch 1980, 143), owing to the fact that it is

difficult for them to gather the information needed to secure their return and to gain better awareness of the social, economic and political changes that have, in the meantime, occurred in their origin countries.

Whatever the level of expectations of returnees, the structural approach to return migration contends that these are more often than not readjusted to local realities and that, owing to the strength of traditional vested interests in origin countries, returnees have a limited innovative influence in their origin societies. It also contends that if readjustment does not take place, the returnee may contemplate re-emigration.

The structural approach to return migration is essential to show how influential contextual factors may be on the returnees' capacity to innovate and to appear as actors of change. Not only do skills and financial capital shape return experiences, but local power relations, traditions and values in home countries also have a strong bearing on the returnees' capacity to invest their migration experiences in their home countries.

In contrast to the neoclassical economics and the new economics of labour migration theoretical frameworks, the structural approach to return migration focuses on the extent to which returnees may or may not have an impact on their origin societies once return takes place. As explained above, their analytical framework refers to the consequences that return migration may generate in home countries, with reference to two variables: time and space.

Time pertains to the duration of stay abroad and to the change that occurred before and after migration, with reference to the status of returnees and to their origin societies. Social changes in origin societies, as well as professional advancement, are critical to the reintegration process of returnees. As W. Dumon put it, "the returnee can be defined as a person who, in order to be reaccepted, has to readapt to the changed cultural and behavioural patterns of his community of origin and this is resocialization" (Dumon 1986, 122). This process of readjustment takes time, depending on the duration of the migration experience. At the same time, the duration of stay abroad has to be optimised in order to allow migrants to acquire and diversify their skills in the likelihood of investing them once return takes place (Dustmann 2001). As Russell King suggests:

If [the duration of stay abroad] is very short, say less than a year or two, the migrant will have gained too little experience to be of any use in promoting modernisation back home. If the period of absence is very long, returnees may be so alienated from their origin society, or they may be so old, that again the influence exerted will be small. Somewhere in between, an optimum length of absence might be found whereby the absence is sufficiently long to have influenced the migrant and allowed him to absorb certain experiences and values, and yet sufficiently short that he still has time and energy upon return to utilise his newly acquired skills and attitudes (King 1986, 19).

As far as space is concerned, structuralists argue that the area of settlement (i.e. rural or urban) determines the reintegration process of returnees and reshapes their expectations. Nora Colton's study on Yemeni returnees from Saudi Arabia is a case in point. The survey she carried out in rural Yemen showed that, despite the fact that returnees had improved their living standards as well as those of their families, they did not "significantly change old values" (Colton 1993, 879); rather they tended to reinforce them. Colton accounts for this phenomenon with reference to the fact that the expectations of returnees are significantly shaped by the high expectations of the return environment (i.e. family and friends who remained at home).

Finally, in the view of structuralists, because returnees adapt their expectations and behaviours to local societies, with a view to becoming "reaccepted", they tend to orient their consumption patterns to unproductive investments and to conspicuous consumption (Byron and Condon 1996, 100). Furthermore, resources tend to be monopolised by the family members who invest savings in the building of big houses and in the purchase of luxury cars, instead of using savings to modernise, for example, agricultural machinery. These consumption patterns reproduce and breed the unequal relationship between the core (receiving countries) and the periphery (sending countries) – a fundamental of the structural approach to international migration, in general, and to return migration, in particular.

Thanks to the structural approach, return is no longer viewed as being exclusively affected by the migration experience of the individual in host countries. As Lewis and Williams highlighted in their article on Portuguese returnees, the "locality" (i.e. local context in migrants' origin countries) has a great "influence on the impact of return migrants" (Lewis and Williams 1986, 125). A business-friendly institutional context, as well as economic progress in origin countries, is crucial to allow productive investments to be made. Existing institutional characteristics in origin countries also affect (negatively or positively) the impact of return migration on development and social progress. These contextual factors are further examined in the second section of this study.

Structuralists have in fact focused more on how returnees' initiatives could favour economic development when faced with local power structures than on the return migration phenomenon per se. They tend to limit the experiences of migration of the returnees to the mere acquisition of skills – which more often than not are wasted owing to the structural constraints inherent in origin economies – and to the use of foreign-earned incomes. In other words, there seems to be no continuum between the returnees' migration experiences in their former receiving countries and their situation in their origin countries. Moreover, the impact of resources, whether financial or human, tangible or intangible, remains extremely limited, owing to the fact that these are embedded in a traditional family context which defines the symbolic and behavioural patterns with which the returnees will need to comply if they want to be reaccepted back home.

Returnees' initiatives are assessed pessimistically by structuralists. The latter also offer a partial vision of return migration whose impact is embedded in a top-down framework of analysis, where the state of the origin country appears as the actor who structures the local power relations and provides more opportunities and upward mobility. Even the innovative returnee depicted by Cerase offers a disillusioned picture of the human and financial potentials of return migrants:

Two things account for his [i.e. the innovative returnee] failure: The first is the economy of the village or town of repatriation; the second, the power relations among the various classes which constitute these communities (Cerase 1974, 258).

In the end, returnees fail in pursuing their interests because they have remained for too long outside the "traditional ways of thinking" in their origin societies, at the same time losing their networks of social relationships. In other words, migrants when abroad do not retain links with their countries of origin.

This core/periphery dichotomy draws the line between two separate worlds: the *modern* countries of immigration and the *traditional* countries of origin of the returnees. This structural dichotomy, strongly criticised by Rachel Murphy (2002), is based on the assumptions that little information and few exchanges exist between these two worlds and that the returnee will never be in a position to mobilise the adequate resources and skills needed to face the *real* conditions at home, with a view to facilitating reintegration (Velikonja 1984). As shown in the following sections, these assumptions are strongly questioned by transnationalists and social network theorists.

### 1.3. Transnationalism and Return Migration

This section is not so much an attempt to conceptualise transnationalism as a way of highlighting the assumptions on which it is based when dealing with return migration and returnees.

As of the late 1980s, in an attempt to highlight the dynamic and maintenance of regular migration linkages between sending and receiving countries – a fact often overlooked by the structuralists – and to interpret the back-and-forth movement of people crossing borders, migration scholars from different disciplines started to adopt the transnational terminology initially used by international relations scholars. There is no question that this terminological borrowing has been subject to various interpretations and understandings that generated a great deal of sloppiness in its usage and analytical relevance in the field of migration.

Transnationalism constitutes an attempt to formulate a theoretical and conceptual framework aimed at a better understanding of the strong social and economic links between migrants' host and origin countries. Transnational activities are implemented, according to Alejandro Portes, by "regular and sustained social contacts over time across national borders" (Portes et al. 1999, 219). It also

explains how influential such links can be on the identities of migrants. Unlike the structuralists and the advocates of NELM, return does not constitute the end of a migration cycle. In the view of transnationalists, the migration story continues. Return migration is part and parcel of a circular system of social and economic relationships and exchanges facilitating the reintegration of migrants while conveying knowledge, information and membership. One of the main contrasts between transnationalism and structuralism lies in the fact that, according to transnationalists, returnees prepare their reintegration at home through periodical and regular visits to their home countries. They retain strong links with their home countries and periodically send remittances to their households.

In the field of migration, the conceptual framework is based on two interrelated fields of investigation: transnational identities and transnational mobility.

Transnational identities result from the combination of migrants' origins with the identities they acquire in their host countries. According to transnationalists, this combination leads more to the development of "double identities" than to the emergence of conflicting identities. Migrants are viewed as having the capacity to negotiate their places in society, whether in host or origin countries, with a view to becoming part of it. Unlike the structuralists, who prefer to talk about adjustment, the transnationalists recognise the need for "adaptation" when returning home. The process of adaptation does not entail the abandonment of the identities they acquire abroad. Admittedly, returnees are faced with difficulties of reintegration, at both social and professional levels. However, as mentioned above, the regular contacts they maintain with their households in origin countries, as well as the back-and-forth movements which illustrate transnational mobility (Portes 1999), allow their return to be better prepared and organised. While migrants are viewed as being successful in weighing the costs and benefits of return, the actual impact with local realities at home – at social, economic and political levels – may lead to the emergence and consolidation of transnational identities that shape the behaviours and expectations of the returnees.

In the field of transnationalism, the volume edited by Nadjé Al-Ali and Khalid Koser presents an enlightening vision of how migrants' conception of "homeland" may rest on various allegiances. Migrants may be attached to their countries of birth, while being at the same time emotionally connected to their places of origin, and vice versa. For transnationalists, the migrants' subjective perceptions of homeland and their self-identification have a bearing on their decision to return and on their process of reintegration, because they provide a meaning which has a social and historical background. Finally, Al-Ali and Koser (2002, 10) argue that "another characteristic of transnational migrants is that they maintain economic, political and social networks that span several societies. What defines membership of these networks is a common country of origin or a shared origin". Common ethnicity, common origin and kinship linkages appear to be the main factors that lubricate transnational activities and define transnational identities. Migrants

belong to geographically dispersed groups and “feel linked to one another by their common place-of-origin and their shared religious and social ties” (Levitt 1998, 4).

Transnationalism also aims to illustrate how “the development of new identities among migrants, who are anchored (socially, culturally and physically) neither in their place of origin nor in their place of destination” (Al-Ali and Koser 2002, 4) has been conducive to the gradual deterritorialisation of citizenship. This controversial assertion has been sustained through the recurrent reference to “diasporas” which is still in vogue among the advocates of transnationalism, although some of them are now questioning its analytical relevance, while specifically limiting its use to highly institutionalised transnational communities<sup>1</sup> (Schnapper 2001, 31; Faist 1999). There is no doubt that this terminological borrowing is not so much a way of stressing migrants’ longing for return to their homeland (as the reference to diaspora would induce us to think) as an attempt to show that “governments of sending countries have moved in recent years to intensify their contacts with their diasporas and involve them in various forms of national life” (Portes 2001, 190). Moreover, when referring to diasporas, the ethnic reference cannot be denied.

Transnationalism also pertains to goal-oriented initiatives that are collectively coordinated and that have been gradually institutionalised as a result of their interaction with sending countries’ governments. There exist many emblematic cases in the world showing how governments have been responsive to the political and economic empowering of their migrant communities abroad. More often than not these institutionalised relationships have “reconstructed the ties between the emigrant and the homeland” (Brand 2002, 6; Leichtman 2002) through the creation of state institutions and para-statal bodies aimed above all at responding to the economic, security and political concerns of home countries, more than at promoting return to the homeland. True, this process is not at all new in the history of international migrations (Vertovec 1999, 145). Nonetheless, as the term diaspora has now entered the lexicon of many government officials, it is reasonable to believe that the institutionalisation of transnational activities has made them more manageable, from an economic point of view, and more permeable to political concerns (Al-Ali et al. 2001, 590–1).

In fact, transnationalism refers not only to the maintenance of strong linkages between migrants and their families or households in origin countries, but also to the multifarious ways in which migrants feel linked to one another by their common ethnic origins and in-group solidarity. Their human and financial resources seem to be embedded in an ethnically defined framework of interaction (Hsing 1998). The transnational approach to international migrations tends to view the action of migrants as the direct outcome of their belonging to their own

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<sup>1</sup> When referring to diasporas, Thomas Faist prefers to talk about “a specific type of transnational community”. He argues that “it is not useful to apply the term diaspora to settlers and labor migrants because they did not experience traumatic experiences and it cannot be said that most of the members of these groups yearn to return to their lost homeland” (Faist 1999, 10).

(dispersed) migrant community. In-group solidarity and resources are defined with reference to the transnational community in which their initiatives and expectations are embedded.

Importantly, as mentioned above, transnational practices are viewed as being porous vis-à-vis state interference, as their level of institutionalisation is gaining momentum. Furthermore, in the field of transnational identities, these are viewed as being the direct outcome of practices which evolve in a kind of dual space of identification spanning the nation-states of host and origin countries.<sup>2</sup>

While transnationalists seem to agree on the interaction between nation-states and transnational migrant communities, they also admit that further investigations are needed to understand the extent to which this interaction has shaped the magnitude and sphere of influence of both entities. Furthermore, while some of them argue that “immigrant transnationalism is not driven by ideological reasons but by the very logic of global capitalism” (Portes 2001, 187), others, on the contrary, contend that “transnational communities can wield substantial political, economic and social power” (Al-Ali and Koser 2002, 12).

Beyond these divergent interpretations, it is important to mention that, in the field of return migration, transnationalism allows cross-border linkages between the returnees and their migrant communities abroad to be highlighted. Return takes place once enough resources, whether financial or informational, have been gathered and when conditions at home are viewed as being favourable enough. In a transnational stance, return has been dealt with while referring to the ways in which returnees are successful in adapting themselves to their home environment, at all levels. They know how to take advantage of the “identity attributes” they acquired abroad, with a view to distinguishing themselves from the locals. Returnees may be faced with social pressures or feel marginalised by their own origin society, while at the same time trying to negotiate their places in society without denying their own specificities.

Finally, thanks to the transnationalist approach to international migrations, in general, and to return migration, in particular, it is possible to question the binary structuralist vision of cross-border movements, taking into account the circularity of migration movements which facilitates migrants’ mobility (Chapman and Prothero 1983–84). The reference to the term diaspora could be said to constitute a way of highlighting the multi-polar mobility of migrants.

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<sup>2</sup> Luis Eduardo Guarnizo argues that transnational practices and discourses do not necessarily undermine the nation-state as transnational relations are closely interconnected with national state structures, either in the receiving or in the sending country. He adds: “Transnational practices are to nationalism what informal economic practices are to the formal economy. By definition, they are dialectically interrelated: if one disappears, the other will disappear with it. After all, transnational practices are only possible in a global system of nation-states” (Guarnizo 1998).

Despite these valuable insights, it is difficult to understand how the maintenance of strong linkages with their migrant communities abroad allows the returnees to better cope with the traditional vested interests and social pressures that characterise their origin societies. Moreover, in so far as transnationalists focus on the double or hybrid identities of migrants and on their cross-border mobility, the transnational approach to return migration seems to encapsulate their initiatives and projects at home in a fundamental set of mutual obligations, opportunities and expectations stemming from common ethnicity (i.e. the diaspora) and kinship (i.e. the family, the household).

As explained in this study, the theoretical insights stemming from network theories allow the analytical framework of return migration to be better explored, while going beyond the embeddedness of the diaspora and kinship relationships. In fact, whereas transnationalism views returnees as actors who gather the resources needed to secure and prepare their return to the homeland by mobilising resources stemming from the commonality of attributes (e.g. religion and ethnicity), social network theory views them as actors who gather the resources needed to secure and prepare their return to the homeland by mobilising resources stemming from the commonality of interests and available at the level of social and economic cross-border networks.

#### *1.4. Social Network Theory and Return Migration*

Just like the transnational approach to return migration, social network theory views returnees as being the bearers of tangible and intangible resources. Although the respective impact of tangible and intangible resources on return migrants' initiatives is difficult to evaluate a priori, it seems essential to examine return migration with constant reference to these elements. Just like the transnational approach to return migration, social network theory views returnees as migrants who maintain strong linkages with their former places of settlement in other countries. However, such linkages are not the direct outcome of the above-mentioned commonality of attributes. They are not necessarily dependent on diasporas, as defined by transnationalists. Rather, in a network theoretical stance, linkages reflect an experience of migration that may provide a significant adjunct to the returnees' initiatives at home. Resources needed to secure return back home also stem from patterns of interpersonal relationships that may derive from the returnees' past experiences of migration.

Social structures increase the availability of resources and information, while securing the effective initiatives of return migrants. Thus, the composition of networks, which consist of a multiplicity of social structures (Eccles and Nohria 1992), as well as the configuration of linkages, is of paramount importance to examine the fundamentals that define and maintain the cross-border linkages in which return migrants are involved. When analysing cross-border linkages in terms of networks, no pre-established categorical attribute allows the fundamentals of network dynamics to be depicted.



Moreover, social network theorists do not take network membership for granted: first, because networks are selectively organised (Church et al. 2002, 23); second, because membership requires a voluntary act from the actors themselves as well as the consent of other members with a view to guaranteeing the flows of resources as well as the effectiveness and maintenance of cross-border linkages. In fact, cross-border social and economic networks correspond to “a social entity [that] exists as a collectively shared subjective awareness” (Laumann et al. 1983, 21). Furthermore, the formation and maintenance of networks require long-standing interpersonal relationships, as well as the regular exchange of mutually valuable items between actors. This pattern of exchange is maintained thanks to the circularity inherent in these networks.

However, it should be noted that other resources are also important to the success of returnees’ initiatives and projects following their return. The availability of these resources would also seem to lie in the social capital from which return migrants benefited before migrating. On the one hand, past migration experience *alone* does not fully explain the returnees’ initiatives. On the other hand, in terms of social capital, return migrants do not represent a homogeneous group. Social capital, which in the words of James Coleman, “inheres in the structure of relations between actors and among actors” (Coleman 1988, S110), has to be viewed as resources provided by the returnees’ families or households. In other words, pre-existing social and financial resources, which are provided by the family, may shape the performance of return migrants. Social capital pertains to the resources from which the returnees may benefit. It is reasonable to think that social capital and the potential involvement of return migrants in cross-border social networks may be viewed as resources that complement and shape one another.

Fundamentally, whether they are highly skilled or not, economic migrants or refugees, returnees have to be viewed as social actors who may find ways to ensure their return to their homelands, and participate in the dynamics of cross-border networks. The social networks in which returnees are involved constitute systems of social relations that may have a communal or an associative basis. The former refers to long-term relationships between network members whose exchange relations are influenced by their relational contents. The latter refers to a selective group of actors whose relationships are defined in terms of associative membership.

Whether they have a communal or an associative basis, the organisational characteristics of cross-border social and economic networks are responsive to the economic, social and political context in receiving and sending countries. The reference to social network theory allows the gap to be bridged between the organisational structure of networks and the relational content that actors attach to their own involvement and membership in such networks. Network theory articulates two levels of study.

First, return migrants are seen as social actors who are involved in a set of relational ramifications. By analysing the practice of network membership, other

elements of analysis may highlight the multiplicity of involvements of these actors, as well as the types of organisation that are influential on their behaviours. Second, different network structures offer different opportunities in a given context, and different orientations and strategies. It may be from this perspective that actors derive their interests and that, at the same time, networks persist.

It now appears clear that cross-border social and economic networks differ from transnational relationships, in terms of organisational patterns, goals and configuration. Networks pertain to “a specific type of relation linking a defined set of persons, objects, or events. ... The set of persons, objects, or events on which a network is defined ... possess some attribute(s) that identify them as members of the same equivalence class for purposes of determining the network of relations among them” (Knoke and Kuklinski 1982, 12; Thompson et al. 1991). The definition of David Knoke and James Kuklinski emphasises the need to consider the relational content of network ties that underpins the network structure to which returnees may belong.

Furthermore, returnees are viewed as actors who confer a subjective meaning to their embedded actions, in a given context. In fact, network relationships can be based on the principle of “complementarity” (Laumann et al. 1978, 462) which may occur in a situation where actors, who differ in terms of access to resources, personal characteristics and ascribed attributes, decide to enter into a partnership which will be beneficial to both parties. Furthermore, the returnees' awareness of their network involvement must also be taken into account. This can also be defined with reference to the fact that their own vision of the world generates a form of intellectual ambience; a form of distinctiveness that the returnees like cultivating.

This contention echoes the statements made by Phillips and Potter (2003), as well as by Elizabeth Thomas-Hope (1999), when they respectively interviewed returnees to Barbados and Jamaica. Distinctiveness is far from being irrelevant, for it certainly shapes the returnees' feelings of belonging to an “entity” (Weber 1994, 16), which not only generates mutual understanding and conveys referents, but also delimits the boundaries of the social networks in which actors are involved. Moreover, distinctiveness is part and parcel of a process of identification. Distinctiveness not only illustrates the subjective awareness of the actors involved in cross-border social and economic networks, but also shows this desire to be part of communal social relationships that both delimit the boundaries of the network (between those who are in and those who are out) and may generate mutual understanding.

Clearly, when analysing the configuration of cross-border social networks, attention has to be paid to the meaningfulness for actors of being involved in network structures. In the same vein, their perceived position in the patterns of partnerships seems to have a certain bearing on the extent to which these actors subjectively identify themselves with their networks of social relationships. In

other words, there exist as many degrees of network embeddedness as there are various types of relational contents.

The five theoretical approaches that have been critically reviewed in this study and epitomised in Table 1 all contribute to better understanding the return migration phenomenon. Whether these approaches focus primarily on the economic aspects of return migration, at the individual or household levels (i.e. neoclassical economics, NELM) or the micro and macro dimensions of return migration (e.g. structuralism, transnationalism, social network theory), the various ways in which return has been analysed and returnees depicted differ in terms of levels of analysis and research framework.

Despite such differences, they are all illustrative of the various stages of development and maturation that characterise international migration streams (Martin and Widgren 2002). In fact, the foregoing comparative analysis of the theories of return migration sheds light on the economic and non-economic motivations for return, and on the need to contextualise return, in an ad hoc manner. Just as there exist several demand-pull and supply-push factors that account for the dynamics of international migration, there also exist various micro and macro factors that motivate return and shape its configuration, under specific circumstances. It is the observer's task to identify the predominant factors.

## **2. The Need to Revisit the Conceptual Approach to the Returnee**

Thanks to the insights of transnationalism and social network theory, return is no longer viewed as the end of the migration cycle; rather, it constitutes one stage in the migration process. In fact, while recognising the influence of structural micro and macro factors in origin countries, both theoretical frameworks argue that the maintenance of linkages between receiving and origin countries fosters the ability of migrants to prepare and secure their own return, as opposed to what structuralists contend. Nonetheless, analyses of such linkages differ.

While transnational linkages emerge spontaneously at a cross-border level, on the basis of the commonality of such attributes as ethnicity and kinship, social network theory contends that the emergence of cross-border networks between receiving and sending countries is *responsive* to contextual and institutional factors. Cross-border social and economic networks are conducive to complementary exchange relations among actors which may go beyond this commonality of attributes. In fact, these exchange relations are viewed as being based on the commonality of interests, and not on attributes. Social network theory constitutes a broader framework of analysis which allows the complexity of return migration issues to be highlighted.

Having explained the analytical fruitfulness of social network theory, four basic reasons for which a revisited conceptual approach to returnees is needed may be identified.

Table 1: Theories of Return Migration

	Neoclassical economics	New economics of labour migration	Structuralism	Transnationalism	Cross-border social network theory
<b>Return migration</b>	Those who stay in receiving countries are those who have succeeded. Return is an anomaly, if not failure of a migration experience.	Return is part and parcel of migration project (seen as a "calculated strategy"). It occurs once migrant's objectives are met in destination countries.	Core/periphery dichotomy. Return to home countries occurs without changing or compensating for structural constraints inherent in peripheral origin countries. Return is also based on incomplete information about origin country.	Return is not necessarily permanent. It occurs once enough financial resources and benefits are gathered to sustain household and when "conditions" in home country are favourable. It is prepared. Return has a social and historical background.	Return is secured and sustained by cross-border networks of social and economic relationships that convey information. Return only constitutes a first step towards completion of migration project.
<b>The returnee</b>	Embodies the unsuccessful migrant who could not maximise the experience abroad.	Embodies the successful migrant whose goals were met in destination countries. The returnee is a financial intermediary and a target earner.	Neither a successful nor a failed migrant. Brings back savings to home country. Return expectations are readjusted and adapted to structural context at home. "Behavioural divergence" occurs on return. Only the ill, old, retired and untalented return, i.e. cost of return is limited.	Belongs to a globally dispersed <i>ethnic group</i> (i.e. a diaspora consciousness). Succeeded migration experience before returning. The returnee defines strategies aimed at maintaining cross-border mobility and linkages embedded in global systems of ethnic and kin relationships.	A social actor who has values, projects, and own perception of return environment. Gathers information about context and opportunities in origin countries. Resources are mobilised before return. Belongs to cross-border networks involving migrants and non-migrants.
<b>The returnee's motivations</b>	Migration experience failed. Need to return home.	Attachment to home and household. Goals are met.	Attachment to home and household, nostalgia. Motivations are readjusted to realities of home market and power relations.	Attachment to home and household. Family ties are crucial. Social and economic conditions of return are perceived sufficiently favourable to motivate return.	Embedded and shaped by social, economic and institutional opportunities at home as well as by relevance of own resources.
<b>Financial capital</b>	No income or savings from abroad are repatriated.	Remittances constitute an insurance against misfortune. Assist household members.	Savings and remittances have no real impact on development in origin countries. Household members monopolise financial resources. No multiplier effect.	Pensions and social benefits are part of remittances. Financial resources are used according to institutional conditions at home. Transform economic and political structure of sending areas.	Remittances and savings constitute just one type of resources. May be invested in productive projects aimed at securing return.
<b>Human capital</b>	Skills acquired abroad can hardly be transferred to origin countries because they do not match local needs. Human capital is wasted.	Acquisition of skills varies with probability of return.	Skills acquired abroad are wasted owing to structural constraints inherent in origin countries. Social status does not change.	Improved skills and educational background gained abroad allow upward mobility.	Skills acquired abroad, as well as knowledge, experiences, acquaintances and values, are contributory factors to securing successful return.

- First, the growing diversity inherent in international migration flows (Stalker 2003, 169) suggests that the analytical and interpretative framework of return migration needs to be broadened. This should not only refer to labour migrants, whether skilled or unskilled, but also to migrant students, asylum seekers and refugees.
- Second, the emergence and consolidation of regional trading blocks, at a global level, has favoured the liberalisation of markets, as well as the development of the private sector, in many developing economies. Despite the potential resilience of state interference in most developing economies, liberal reforms in many migrant-sending countries have created the basis for increased business activities, not only for non-migrants, but also for migrants in general, and returnees in particular.
- Third, cross-border mobility has been sustained by cheaper transport costs. These have made return a multiple-stage process.
- Fourth, technological means of communication have favoured the development of flows of information, as well as the strengthening of cross-border linkages, between origin and host countries, while allowing migrants to better prepare their return.

These four reasons account for the need to revisit our analytical variables while recognising that, in terms of migration experiences, length of stay abroad, patterns of resource mobilisation, legal status, motivations and projects, returnees constitute today an extremely heterogeneous group of actors. Similarly, their impact on sending countries and potential for development vary accordingly.

Admittedly, as Rosemarie Rogers (1984) stressed, returnees differ substantially in terms of return motivations. Her seminal paper has in fact demonstrated that not only are reasons to return highly variegated but that they also tend to overlap. Today, return motivations have become diversified as new categories of returnees have been taken into consideration. In fact, scholarly approaches to return motivations do not only concern labour migrants (Kubat, 1984; King 1986), migrant-students (Glaser and Habers 1974), highly skilled migrants (Lowell 2001; McLaughan and Salt 2002, Iredale and Guo 2001; Vertovec 2002; Cervantes and Guellec 2002), entrepreneur-returnees (Cassarino 2000), but also refugees and asylum seekers (Al-Ali et al. 2001; Ammassari and Black 2001; Ghosh 2000). Moreover, the gradual broadening of the return migration spectrum has not only entailed the growing diversity of return motivations, but also the variety of resource mobilisation patterns. These patterns are certainly reflective of the returnees' migration experiences abroad, but not only that. They are also responsive to specific institutional, political and economic conditions at home that need to be considered in order to understand why some returnees may appear as actors of change at home while others do not.

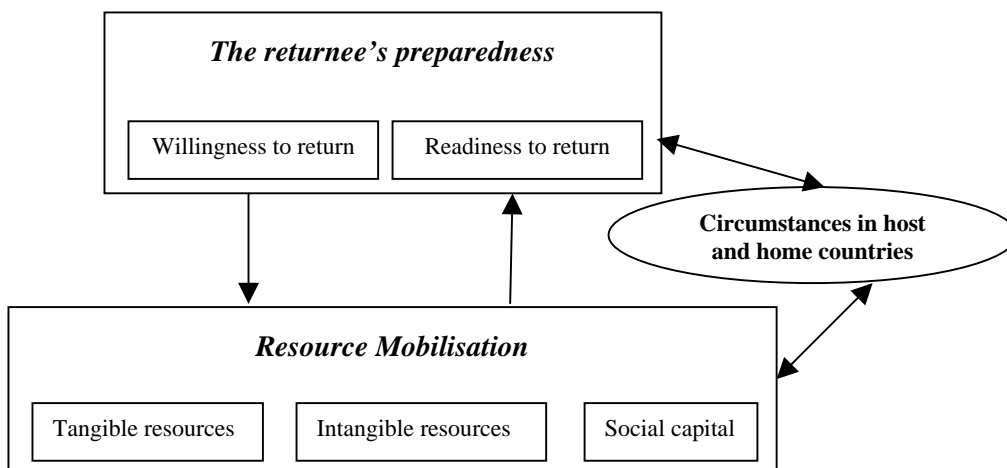
### 2.1. Resource Mobilisation and the Returnee's Preparedness

In the context of this study, it is argued that the propensity of migrants to become actors of change and development at home depends on the extent to which they have provided for the preparation of their return. To be successfully achieved, return preparation requires time, resources and willingness on the part of the migrant. In other words, there exist various degrees of return preparation that differ in terms of *resource mobilisation* and *preparedness*. As a prerequisite to introducing the conceptual framework, these criteria need to be further explained and defined.

*Resource mobilisation* draws on the above-mentioned insights of social network theory and pertains to tangible (i.e. financial capital) and intangible (i.e. contacts, relationships, skills, acquaintances) resources that have been mobilised during the migration experience abroad. Resource mobilisation also includes resources that the migrants had brought with them prior to leaving their origin country (i.e. social capital). In fact, these two subgroups of resources are part and parcel of resource mobilisation. It hardly needs to be stressed that resource mobilisation patterns vary with the experiences of migration of the returnees as well as with their social backgrounds.

*Preparedness* pertains not only to the willingness of migrants to return home, but also to their *readiness* to return. In other words, the returnee's preparedness refers to a voluntary act that must be supported by the gathering of sufficient resources and information about post-return conditions at home. Clearly, the returnee's preparedness goes beyond the free-choice basis that has been introduced by the Council of Europe (1987). To strengthen the link between return migration and development at home, return should not simply be viewed as a voluntary act on the part of the migrant but, above all, as a proof of readiness. Figure 1 clarifies the ways in which these concepts interact with each other, while being at the same time reflective of circumstances in host and home countries.

**Figure 1.** Return Preparation



The emphasis on the willingness and readiness of the migrant to return (i.e. the returnee's preparedness) yields various analytical benefits:

1. It argues that return is not only a voluntary act. Return also pertains to a process of resource mobilisation that requires time. Moreover, migrants may manifest their wish to return without necessarily being ready to return.
2. With regard to the link between return migration and development, it shows that, irrespective of their legal status in host countries, returnees differ in terms of levels of preparedness and patterns of resource mobilisation. For example, a labour migrant whose experience of migration was optimal (King 1986, 19; Dustmann 2001) (i.e. neither too short nor too long to invest the human and financial capital acquired abroad) will have a higher level of preparedness than the labour migrant whose experience of migration was too short to provide for return readiness. Similarly, a migrant who qualified for refuge or asylum in a host country, and whose length of stay was optimal, will have greater opportunities to mobilise enough resources, whether tangible or intangible, to become prepared for return, than a migrant who did not qualify for asylum or refuge.
3. It regards various types of migrant ranging from economic, skilled and unskilled to refugees. In other words, returnees differ not only in terms of motivations, but also in terms of levels of preparedness and patterns of resource mobilisation.
4. It shows that the returnee's preparedness is not only dependent on the migrant's experience abroad, but also on the perception that significant institutional, economic and political changes have occurred at home. These circumstances have a bearing on how resources are mobilised and used after return.
5. It highlights the fact that the returnee's preparedness is shaped by circumstances in host and home countries, i.e. by pre- and post-return conditions.
6. It takes into account migrants' preparedness to return while arguing that the returnees' impact on development at home is dependent on their levels of preparedness.

Having defined resource mobilisation and the returnee's preparedness, Table 2 has to be viewed as a framework of analysis which is useful in assessing and understanding the extent to which the levels of preparedness, the patterns of resource mobilisation adopted by returnees, as well as pre- and post-return

conditions, and their average length of stay abroad, impact on their reintegration processes and on their potential for development at home.

**Table 2:** Returnees' Level of Preparedness

	(a) Pre-return conditions				(b) Post-return conditions		
	Status	Motivation	Resource mobilisation	Length of stay	Reintegration process		
High level of preparedness	<ul style="list-style-type: none"> <li>• Labour migrants</li> <li>• Refugees</li> <li>• Highly skilled migrants</li> <li>• Students</li> <li>• Asylum seekers</li> </ul>	<p>May obtain residence status in host country.</p> <p>May own property in host country.</p>	<p>Migration objectives are reached.</p> <p>Perceived positive changes in job market or in government at home.</p> <p>Perceived political and/or economic improvements at home generate new opportunities.</p> <p>Strong incentives in origin country induce return.</p>	<p>Savings.</p> <p>Acquaintances (address book).</p> <p>Contacts.</p> <p>Knowledge, skills, expertise.</p> <p>Higher education.</p>	<p>On average, from 4 to 15 years.</p>	<p>Rediscovery of real characteristics of origin country. Adaptation and negotiation. Distinctiveness.</p>	
Low level of preparedness	<ul style="list-style-type: none"> <li>• Labour migrants</li> <li>• Short-term refugees</li> <li>• Highly skilled migrants</li> <li>• Students</li> </ul>	<p>None</p>	<p>Migration objectives could not be reached as planned: disappointment.</p> <p>Unexpected family events in home country interrupted stay abroad.</p>	<p>Few savings</p>	<p>On average, from 6 months to 3 years.</p>	<p>Household and relatives provide moral and financial support.</p> <p>Limited resources can be invested as a result of migration experience.</p>	
No preparedness	<ul style="list-style-type: none"> <li>• Rejected asylum seekers</li> <li>• Irregular migrants</li> </ul>	<p>None</p>	<p>Deportation, expulsion.</p> <p>Rejected visa extension.</p>	<p>Non-existent</p>	<p>On average, less than 6 months.</p>	<p>Difficult conditions at home.</p> <p>Re-emigration may be envisaged.</p>	



This caveat is exclusively concerned with people who have returned from their host countries. It includes three levels of preparedness which are consequential on how resources, if at all, may be mobilised before and also after return. As mentioned, the positive impact of return migration at home is not only a question of willingness on the part of returnees, but also (if not above all) a question of preparation and resource mobilisation patterns shaped by pre- and post-return conditions. This statement goes beyond the success/failure dichotomy and suggests delving into the micro and macro factors that substantially configure return patterns and turn returnees into potential actors of development.

The first category refers to returnees whose high level of preparedness allows them to organise their own return autonomously while mobilising the resources needed to secure their return. This category pertains to migrants who feel they have gathered enough tangible and intangible resources to carry out their projects in their home countries. They have also developed valuable contacts and acquired skills and knowledge that can constitute a significant adjunct to their initiatives.

They have had time to evaluate the costs and benefits of return, while considering the changes that have occurred in their countries of origin, at institutional, economic and political levels. Some of them may maintain their residential status in their former places of settlement with a view to securing their cross-border mobility. Their high level of preparedness influences their participation in cross-border social and economic networks; these convey informational and financial resources that can foster resource mobilisation not only before return but also afterwards. Some migrants' projects at home may be shaped by public programmes, promoted by origin countries' governments, and aimed at repatriating skilled and business returnees. Although the impact of such return-friendly state-sponsored programmes has still to be better estimated, their implementation may be viewed as a positive change by returnees.<sup>3</sup> Often, these programmes are accompanied by the creation of off-shore industrial zones and technological parks in origin countries, aimed at attracting foreign direct investments (FDIs) and business returnees (Cassarino 2000).

The second category includes returnees having a low level of preparedness. This category pertains to migrants whose length of stay abroad was too short to allow tangible and intangible resources to be mobilised, owing to major events which abruptly interrupted their migration experiences, e.g. unexpected family events, ostracism, no real opportunities for social and professional advancement in host countries. These migrants consider that the costs of remaining are higher than those of returning home, even if few resources were mobilised before their return. Hence,

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<sup>3</sup> This is what Robin Iredale and Fei Guo (2001, 14) observed during a survey related to Chinese returnees from Australia. The authors argue, "although the Chinese government's incentive programs don't appear to have had a direct impact on people's decision-making processes in Australia, they have provided a positive signal from the government that the social environment and policies in China are improving."

resource mobilisation in receiving countries remains extremely limited and the returnee will tend to rely on resources available at home in order to reintegrate.

The third category pertains to returnees whose level of preparedness is non-existent. These returnees neither contemplated return nor did they provide for the preparation of return. Circumstances in host countries prompted them to leave, for example as a result of a rejected application for asylum or following forced repatriation.

### 3. Conclusion

This conceptual caveat suggests that, owing to the growing diversity of returnees, we need to approach the return migration phenomenon while taking into account new variables explaining how, and under which circumstances, migrants return. Clearly, as Bimal Ghosh points out, return “is largely influenced by the initial motivations for migration as well as by the duration of the stay abroad and particularly by the conditions under which the return takes place” (Ghosh 2000, 185). The findings presented in Table 2 confirm his argument. At the same time, the reference to the returnee’s preparedness (see Figure 1) and patterns of resource mobilisation complements Ghosh’s argument. This dual reference takes our understanding of how and why returnees may contribute to development a step further.

This revisited conceptual framework induces us to think that the point is not so much to focus exclusively on the voluntary dimension of return as to apprehend the level of preparedness of the returnee, i.e. willingness *and* readiness to return. Preparedness is far from being a vague notion; it puts emphasis on the returnees’ ability to gather tangible and intangible resources when return takes place autonomously. The higher the level of preparedness, the greater the ability of returnees to mobilise resources autonomously and the stronger their contribution to development. Moreover, the theoretical insights stemming from social network theory are crucial in understanding the ways in which returnees mobilise their resources while at the same time being involved in the dynamic and maintenance of cross-border social and economic networks. These networks do not emerge spontaneously; rather, they are responsive to specific pre- and post-return conditions. They also generate a continuum between the migrants’ experiences lived in host countries and their situations in origin countries. This continuum regards exclusively those returnees who benefit from a high level of preparedness. Conversely, it is non-existent for returnees having a low or no level of preparedness.

These remarks are of paramount importance in understanding that the length and type of migration experiences lived abroad have a certain bearing on the various levels of preparedness of returnees and on their potential capacity to contribute to development. Again, the notions pertaining to resource mobilisation and to the returnee’s preparedness must be taken into consideration in order to explain why

some returnees turn out to be actors of development whereas others do not. Return refers to a *preparation process* that can be optimally invested in development if it takes place autonomously and if the migration experience is long enough to foster resource mobilisation. How does the above caveat posit itself with regard to these observations? First it recognises that international migration streams have reached a degree of maturation that allows return to be autonomously prepared, if conditions in receiving and sending countries are favourable enough to allow resources to be mobilised. Then it shows that resource mobilisation, which inheres in the preparation process of return and depends on the dynamics of cross-border social and economic networks, is a prerequisite to securing return. Finally it argues that a continuum is needed to allow resources to be mobilised not only before but also after return.

## Notes

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### **About the Author:**

Jean-Pierre Cassarino earned his Ph.D. in political and social sciences at the European University Institute (EUI). Formerly with the International Organization for Migration in Rabat (Morocco), he is currently doing research on migration management and policy-making in the Euro-Mediterranean region at the Robert Schuman Centre for Advanced Studies (Florence, Italy). His publications include, among others, *Tunisian New Entrepreneurs and their Past Experiences of Migration in Europe: Resource Mobilization, Networks, and Hidden Disaffection* (Ashgate 2000) and *The Theories of Ethnic Entrepreneurship and the Alternative Arguments of Social Action and Network Analysis* (EUI Working Paper No. 97/1 1997); email: JPCassarino@iue.it

# Alive and Kicking? Multiculturalism in Flanders\*

DIRK JACOBS

*Université Libre de Bruxelles  
Katholieke Universiteit Brussel*

*Flanders, the Flemish part of Belgium, is in mid-2004 still embracing the idea of multiculturalism – the recognition and protection of immigrants as distinct ethnic groups – while this idea is in crisis in the neighbouring country of the Netherlands from where it was imported. Two reasons can be cited to explain the survival of multiculturalism in the region. First of all, the transformation of the Flemish political landscape, in which issues pertaining to immigrant incorporation are of central importance, accounts for the resilience of the idea and practice of multiculturalism in Flemish policy-making. In addition, the multicultural model has been able to survive due to the intertwining of issues linked to immigrant incorporation on the one hand, and multinational politics on the other, in the context of the Brussels-Capital Region.*

Flanders is a small subnational entity of the federal state of Belgium, which is itself a tiny state. Flanders has only 6 million inhabitants – a little more than Denmark – and thus merely constitutes one of the smaller pieces of the European puzzle. No wonder it is often forgotten or put aside in academic reflections and empirical comparative studies on immigrant integration in European societies. Flanders and its particular link to the Belgian capital Brussels, nevertheless, might be a relevant – or at least curious – case for international scholars to look into at times. In this paper I briefly discuss Flanders as a deviant case in the assertion that there is a European-wide trend towards assimilation in integration policy and we are witnessing “the end of multiculturalism” in liberal nation-states. While it is argued by influential authors that multicultural ideology and multicultural policies are in crisis in Europe (Joppke and Morawska 2003), the importance of ethnic identity and multiculturalism seems to have been strengthened in Flemish policy. Although “citizenship trajectories” for newcomers (stressing language acquisition) have been installed, self-organisation of ethnic minorities is actively endorsed and the importance of the notion of “diversity” in immigrant incorporation policy has increased over the last few years. There is reason to claim that this goes beyond “the inevitable trend towards de facto multiculturalism in liberal states” (Joppke

and Morawska 2003, 10). Why is Flanders still embracing the idea of multiculturalism – the recognition and protection of immigrants as distinct ethnic groups – while it is in crisis in the neighbouring Netherlands, which had served as an example?

I argue that an important reason is the transformation of the Flemish political landscape, where issues pertaining to immigrant incorporation are of central importance, which accounts for the resilience of the idea and practice of multiculturalism in Flemish policy-making. This is partly to be understood in the light of a party landscape and a proportional electoral system which only allow for multiparty governments of a limited number of possible coalitions – as long as the extreme-right remains ostracised. In addition, the multicultural model has been able to survive due to the intertwining of issues linked to immigrant incorporation on the one hand, and multinational politics on the other, in the context of the Brussels-Capital Region. Before we can look into all this, a crash course in the institutional architecture of Belgium is probably inevitable.

### **1. Multinational Institutional Arrangements in Belgium**

Canadian political philosopher Will Kymlicka has correctly stressed that the issue of multicultural citizenship, or the recognition of ethno-cultural pluralism in modern states, should best be looked at by distinguishing “multinational” diversity on the one hand and “polyethnic” diversity on the other (Kymlicka 1995). Indeed, multiculturalism can be related to the topic of incorporation of founding autochthonous or native cultures – sometimes called “national minorities” – into a larger state, but it can just as well refer to the incorporation of cultural diversity brought by immigrant newcomers. In order to avoid confusion, Kymlicka proposes to use distinct terms to designate both situations.

The framework of Kymlicka has been criticised as being too North American, anecdotal and inapt for unmodified European use (Favell and Modood 2002), but its terminology is nevertheless very useful to describe the current Belgian situation, particularly in the Brussels-Capital Region (Jacobs 2000). Indeed, in the capital of the European Union, management of cultural diversity has to take into account the differential sources of the multicultural situation. On the one hand, Brussels is the Belgian capital that has over time evolved from a Flemish city into a metropolis in which French has become the *lingua franca*. To date, the capital is officially bilingual (French and Dutch) and there are a set of institutional measures to ensure political participation and power of both language groups. Brussels is thus heavily marked by what could be called “multinational” politics (Gagnon and Tully 2001). On the other hand, Brussels hosts a considerable number of foreign residents (over 25 per cent) and estimates are that 38–42 per cent of its inhabitants are of non-Belgian origin (taking into account only one generation as a point of reference). There are, of course, also foreigners and foreign-origin citizens in the regions of Flanders and Wallonia, but their numerical weight is less impressive. If we only look at non-nationals, in Wallonia 10 per cent of the inhabitants are foreign



residents, of which the overall majority are nationals from other EU states. In Flanders, immigrants without Belgian citizenship amount to nearly 5 per cent of the population (with a larger proportion of non-EU citizens). Part of these immigrants reject assimilation, want to maintain some of their ethnic particularity and strive for partial public recognition of the new cultural diversity brought through immigration. Issues dealing with this can be referred to by using Kymlicka's term of "polyethnic politics". It is useful to make this distinction in the Belgian context. In the remainder of this article I use the term "multiculturalism" to refer to what Kymlicka has labelled "polyethnic politics". In this section, however, I first further discuss the institutional translation of the "multinational" component of Belgian "multiculturalism".

The federal system in Belgium is quite remarkable from a comparative perspective. While in most federal states, the federated entities are territorial (*Länder* in Germany, states in the United States), Belgium also has groups, called "communities", which are seen to be constitutive of the national federal state. As a result, in principle only these "national" groups are officially recognised as separate cultural entities and entitled to group differentiated rights. Nevertheless, the Flemish have tended to grant special rights to immigrant-origin ethnic minorities. The francophones have been reluctant to do so and even reject the notion of ethnic minorities.

Belgium was formally a pure unitary state until 1970. The constitutional reforms of 1970, 1980 and 1988, however, gradually gave rise to a more diversified political system, containing several subnational institutional levels (i.e. regions and communities). The most important recent phase of this development was constituted by the 1993 constitutional reform in which Belgium was officially transformed into a federal state. The process of state reform has brought recognition of cultural-linguistic diversity to the foreground as the guiding principle for Belgian political life. The new constitution, indeed, clearly departs from the postulate of a multination state (Kymlicka 1995) and recognises the rights of (partial) self-determination of those groups that are seen to be the constitutive elements of the Belgian nation (Martiniello 1997, 71). The constitution states that the Flemish community and the French- and German-speaking groups are the fundamental cultural communities of Belgium. This postulate then serves as the basis for organisation of the entire Belgian political field. The Flemish/francophone divide, however, clearly constitutes the central political axis.

Belgium is, however, not only officially built out of three communities (Dutch-speaking (i.e. Flemish community), French-speaking and German-speaking communities), it is also officially the sum of three territorial entities, the so-called regions (Flanders, Wallonia and the Brussels-Capital Region). The regions and communities have specific political competencies. The regions have jurisdiction over so-called "space-bounded" matters (such as infrastructure, economy, etc.), while the communities have jurisdiction over so-called "person-related matters"

(such as culture, language-use, education, etc.). The federal government takes care of such matters as defence, finance, social security and justice. Although the communities are not territorial entities, it is clearly delineated where they geographically have jurisdiction. The Flemish Community exercises its powers in the Flemish provinces and in Brussels. The French Community exercises its powers in the Walloon provinces (with the exception of German-speaking communes) and in Brussels. The German Community exercises its powers in the communes of the province of Liège that form the German-language area.

Flanders, in the north of the country, is an official unilingual Dutch-speaking region and Wallonia, in the south, is an official unilingual French-speaking region, albeit that there is an officially recognised German-speaking area within the Walloon region. In 2004, there were 6,016,024 inhabitants of Flanders and 3,380,498 inhabitants of Wallonia. Flanders and Wallonia (except its German municipalities) are in principle (and respectively) unilingual Dutch and unilingual French areas. Unilingualism here means that every contact of and with the state *must* be done in the official language. Language use in non-state-related activities is, however, free from formal regulations. To be entirely precise, it should be noted that some Flemish and Walloon municipalities, so-called *communes à facilités*, have an *exceptional* semi-bilingual status; francophone persons living in some Flemish municipalities (and vice versa) are allowed to address (and have the right to be addressed by) their local government in their own language. Finally, there are special arrangements for German-speakers living in particular francophone communities and for francophones living in the German-speaking areas.

The Brussels-Capital Region, geographically an enclave within the Flemish Region, is an official bilingual (Dutch- and French-speaking) area, in which both Flemish and francophone communities have jurisdiction. In 2004 it had 999,899 inhabitants, of which well over a quarter have no Belgian citizenship. Of the Belgian inhabitants of Brussels, approximately 15 per cent have Dutch – Flemish is generally not considered to be a proper language – and 85 per cent have French as their first language. Brussels hosts a considerable number of foreign residents (29.4 per cent in 1998, 26.6 per cent in 2002). About half of the foreigners are EU citizens, the other half are nationals of non-member countries. Of the latter, 50 per cent are Moroccan. Of the three regions in Belgium, the Brussels-Capital Region in proportional terms clearly hosts the largest number of foreign residents. It is estimated that about 10 per cent of the Belgian citizens in Brussels are of foreign origin (i.e. Belgians who acquired citizenship through *jus soli*, naturalisation or the other systems for acquiring Belgian nationality).

Given the economic importance of Flanders within Belgium and a large proportion of Flemish commuters, Dutch is an important language in Brussels, even though only spoken by a minority of its inhabitants. Although the Flemish are clearly in a minority position in Brussels, Dutch is officially used next to French as a fully fledged official language. There is guaranteed political representation of the Flemish in the Brussels regional parliament and government and there are a

number of incentives for political inclusion of the Flemish at local level. The complex procedures to ensure this are the result of over three decades of difficult negotiations and complex reforms.

Due to the procedures to institutionalise bilingualism in Brussels, the Flemish are usually slightly over-represented in administrations. One can also fairly well claim that the Flemish have more political power than could be expected on the basis of their demographic importance. This advantageous situation for the Flemish in Brussels is balanced by an advantageous situation for the francophones at national level.

It will come as no surprise that this system of “parities” is vulnerable. The Flemish parties have at recurring times, and especially in pre-election periods, all been arguing for a minimal guaranteed political representation for the Flemish in Brussels, while some francophone parties (in particular the Front Démocratique des Francophones and the rightist Liberal Reformation Party) have been clearly arguing to get rid of the special protections for the Flemish in the Brussels-Capital Region (Jacobs 1999). In 2001, however, a deal was made in the so-called Lambermont and Lombard agreements in which – briefly summarising – the Flemish obtained partial guaranteed representation in exchange for additional financial means for the francophone education system (Jacobs and Swyngedouw 2003). Another long-standing issue concerns the demand of the francophone parties that French-speaking people living in the Flemish periphery of Brussels would be granted more (special) rights. The Union Francophone and the Front Démocratique des Francophones, in particular, openly strive for adhesion to the bilingual Brussels-Capital Region of those municipalities of the Flemish periphery of Brussels in which there are considerable numbers of francophones – the result of processes of peri-urbanisation. The other francophone parties are more moderate but do all suggest some kind of extension of the territory of the Brussels-Capital Region or a special bilingual status for the municipalities currently endowed with linguistic allowances (Jacobs 1999). With this in mind, francophone politicians have made several efforts to convince the Council of Europe that the francophones in the periphery of Brussels should be regarded as a national minority entitled to special protection. For many Flemish politicians these demands are a thorn in their side, as they are striving for complete unilingualism of the Flemish Region and regard the demands of the francophones to transfer municipalities to the bilingual Brussels-Capital Region as an unacceptable attack on Flemish territorial sovereignty. Indeed, the Flemish officially even strive towards integration and eventual language assimilation of all the region’s inhabitants, including the francophones. As justification, historical agreements are referred to according to which the language border was said to be fixed indefinitely.

## 2. Multiculturalism in Flanders

The first systematic Flemish policy outline with regard to immigrants was presented in 1990, shortly after the federal Royal Commissariat for Migrant Policy (RCMP) was installed in 1989 to develop a coherent federal policy with regard to immigrant incorporation. This Royal Commissariat had been created in direct response to the rise of the Flemish extreme right-wing and racist party Vlaams Blok, which had been able to score its first major successes, notably in local elections in Antwerp where it gathered 18 per cent of the votes in 1988. In addition to the blueprints developed by the RCMP, the Flemish government, dominated by Christian democrats and socialists, developed its own policy plans for a “migrant policy” (*migrantenbeleid*). While the topic of immigrant inclusion had before merely been treated as an issue of welfare, it was now presented as a policy problem for the entire Flemish government. For years to come, coordination would remain in the hands of a Christian democratic minister in coalition governments, in which socialists and Christian democrats were the main actors. The aim of the Flemish migrant policy was said to be a “multicultural society with intercultural exchange”. Distancing itself from the Vlaams Blok, the policy document acknowledges the permanent presence of immigrants in Flanders. It is stated that there is a need for a specific policy approach, with a double focus: on the one hand attention to societal arrears, on the other hand attention to emancipation through recognition of cultural identity. The policy starts from the postulate that there is not yet a de facto multicultural society, but that such a society still has to be created. In the migrant policy there is a clear preference for supporting self-organisations of migrants who are willing to cooperate in federations and are coordinated by quangos. In addition, a wide variety of local initiatives aimed at urban renewal and integration of deprived groups in disadvantaged neighbourhoods – often explicitly targeted towards particular immigrant groups – are being financed. In areas such as health and childcare, the notion of ethno-cultural diversity is being introduced. Most effort, however, is put into the education field with special subsidies for schools with a high proportion of foreign-origin pupils, the development of programmes for intercultural education, experiments with first-language education and remedial trajectories for non-Dutch-speaking children from newly arrived immigrants.

In the course of the 1990s it was felt that the spectrum of action had to be broadened to refugees and travelling communities as well as “classic” immigrant groups (De Vos 2001). This led to drafts of a so-called “strategic plan for minority policy” in 1995, which was endorsed by the Flemish parliament a year later (De Vos 2001; Verhoeven et al. 2003). The new Flemish “minorities’ policy” has three basic components. First, there is the “policy for emancipation” aimed at full participation in society of legally settled citizens of foreign origin and from travelling groups. Second, there is the policy to facilitate integration for legal newcomers. Third, there is the policy towards illegal residents in securing minimum needs with regard to health care, welfare and education. The overarching designation is changed from “migrants’ policy” to “minorities’ policy”, to mark the

inclusion of travelling communities. A wide variety of goals – and policy measures to be taken to achieve these goals – are listed in the strategic plan.

In 1998, the Flemish government further formalised the new policy line through the “minorities’ decree” (*minderhedendecreet*). In the decree the position of three types of actor is clarified: the targeted groups; the Flemish government which is responsible for the preparation, implementation and evaluation of the minorities’ policy; and the so-called “categorical sector” (*integratiesector*) – a number of quangos – which is being delegated the tasks of developing local and subregional policies for integration of the target groups and providing support for interest representation by the groups themselves. Five target groups are distinguished: allochthonous citizens (having one parent or grandparent born outside Belgium and being in a position of societal arrears due to their ethnic origin or their weak socio-economic situation), citizens with official refugee status, travelling groups, non-Dutch-speaking newcomers and illegal residents (*mensen zonder papieren*). These groups are referred to as “ethno-cultural minorities” (*etnisch culturele minderheden*).

It is clear that the overarching policy framework is based on the recognition of ethno-cultural groups, a notion copied from the situation in the Netherlands and partly in line with Anglo-Saxon ideas of group-based “multicultural” policies (Jacobs 2001; Verlot 2001). Notably, entire sections of policy documents pertaining to the new minorities policy are copied from Dutch documents. Although the Flemish government strives for a so-called “inclusive policy” according to which diversity should be automatically taken into account in whatever policy field, there is still ample room for “categorical policy” which is specially (and exclusively) oriented towards foreign-origin groups. The support for immigrant self-organisations testifies to the belief – which was equally imported from the Netherlands – that preservation and development of their own cultural identity among immigrants can stimulate emancipation within the host society. In the same line of reasoning, room has been made for first-language education within the Flemish education system. An important difference to the Netherlands system is that there is no explicit recognition of particular ethnic communities (as, for example, Moroccans or Turks) as “official” ethno-cultural minorities which should be distinguished from each other, although this is often done in practice.

With the advent of a new Flemish government of socialists, greens and right-liberals in 1999, the minorities’ policy was not subject to major changes even though, for the first time, Christian democrats no longer had a decisive say in the matter. The ecologist minister who was charged with coordinating the minorities’ policy did, however, decide in 2002 that the strategic plan of 1996 should be updated. An evaluation of the first strategic plan had shown that most of its good intentions had not materialised in actual policy changes, let alone that any major improvements had been achieved on the ground (Verhoeven et al. 2003). A new strategic plan was proposed at the end of 2003 by the Flemish government, and

was endorsed by the government in spring 2004 after it had been discussed with representatives of the target groups and quangos active in the field. The new strategic plan is as ambitious as the first one – and thus it remains to be seen whether it will run the risk of remaining equally rhetorical rather than being transformed into a variety of actual policy measures. The stress that is being laid on the notion of “diversity” in the draft document of the strategic plan is striking.

The so-called “purple-green” Flemish government did, however, not limit itself to mere bureaucratic planning and good intentions. A number of measures pertaining to multicultural policy were actually undertaken. The most striking developments were the preparations for state subsidising of mosques (payment of imams, costs of buildings) from 2005 onwards – as is also done for churches and synagogues in Belgium – and the granting of holidays on religious festivities for Jews and Muslims in the Flemish education system. Consultation with immigrant organisation representatives was furthermore intensified in several policy domains.

At the same time, however, the Flemish government has taken policy measures that are said to be aimed at the “assimilation” of newcomers. Since the end of the 1990s the Flemish have been preparing and experimenting with so-called citizenship trajectories (*inburgeringstrajecten*) in which lessons on the Dutch language and lessons of introduction to Flemish/Belgian society are to be taken by certain categories of immigrant newcomers. The aim is to actively promote a certain degree of language and cultural assimilation. This scheme, once again copied from the Netherlands, has become compulsory for (most) non-EU newcomers in Flanders from April 2004 onwards and optional in Brussels.

### **3. Flanders and the End of Multiculturalism**

*Toward Assimilation and Citizenship*, a recent study edited by sociologists Joppke and Morawska (2003), surveys a new trend in immigration studies: the turn away from multicultural and postnational perspectives towards a renewed emphasis on assimilation and citizenship. They claim that this is no coincidence as there is an overall decline of official multiculturalism in European countries and in liberal nation-states in general. Indeed, even in Sweden and the Netherlands, countries that used to be fairly ambitious in this regard, multiculturalism is in crisis.

The authors make a distinction between “de facto multiculturalism” and “official multiculturalism”. The former would be required by the logic of liberal states, the latter implies a deliberate and explicit recognition and protection of immigrants as distinct ethnic groups. Accommodation of religious differences, they consider, epitomises the inevitable trend towards de facto multiculturalism in liberal states. Official multiculturalism goes beyond de facto multiculturalism, they note, in “engaging the state in the recognition and protection of immigrants as distinct ethnic groups” (2003, 10). This distinction does not necessarily make our assessment easier of whether a country (still) has a multicultural policy or not. Indeed, recognition of distinct ethnic groups can be undertaken to different degrees

and might simultaneously take place in some fields but not in others. Furthermore, it could be argued that *de facto* multiculturalism is of far more importance than official multiculturalism if the latter is merely limited to rhetoric.

We could, of course, embark on a long debate on what precisely is to be understood by “multiculturalism”, the difference between “*de facto* multiculturalism” and “official multiculturalism” and whether “multiculturalism” is an appropriate concept altogether (see Vermeulen and Slijper 2003). I prefer not to go into this discussion in depth, but inevitably a number of decisions on terminology and definition have to be made in order to be able to judge to what extent the Flemish policy towards ethnic minorities should be regarded to (still) be “multicultural”.

Vermeulen and Slijper (2003) stress that the ideology of multiculturalism has the rejection of homogenisation and assimilation as its central tenet. They equally claim that the ideology of multiculturalism has three central characteristics: (a) the recognition of ethnic and cultural diversity; (b) the objective of social equality for ethnically differentiated groups; and (c) the objective of social cohesion which is best assured – according to multiculturalists – through recognition of ethnic and cultural differences. Some multiculturalists want to preserve cultural diversity at all costs – even if it hinders equality and cohesion – other multiculturalists applaud cultural diversity in combination with open intercultural communication and reject artificial and enforced preservation of cultural differences (Vermeulen and Slijper 2003). As far as I am concerned, I would label the former perspective as “segregationist” and only the latter as “multicultural”.

For the purposes of this paper, I wish to consider the official recognition and endorsement of ethnic and cultural diversity as the central characterising element of policy that could be designated as being “multicultural”. Formulated in a less abstract manner, this has a number of policy-making implications: (a) the notion of ethnicity and/or ethno-cultural minorities is used to start with; (b) it is seen to be acceptable and necessary that specific policy is developed for such ethnic minorities; (c) ethnic minorities are allowed to maintain and develop their cultural specificities; (d) host institutions are sensitive to this cultural diversity and – to the extent that this is feasible – modify their procedures and practices in accordance; and (e) ethnic minority groups are allowed and stimulated to organise themselves on an ethnic basis – amongst other things for interest representation. Although Flanders has (moderate) assimilationist ambitions with its citizenship trajectories, the overall picture in my opinion still fairly justifies labelling Flemish policy as oriented towards multiculturalism.

Clearly, Flanders – like the Netherlands (Entzinger 2003) – today has a hybrid policy towards immigrant incorporation, combining both more assimilationist and more multiculturalist stances. This is the result of a political struggle between defenders of a more assimilationist model and proponents of a more

multiculturalist model (and those in between). Such a struggle can lead to hybrid results, as is now the case in the Netherlands and Flanders, especially as we are dealing with coalition governments. Integration policy is indeed *not* the result of a grand national consensus with regard to immigrant integration and citizenship, which is inherently coherent, but is the result of a political struggle in which there are winners and losers, and in which compromises are being made. In most European countries the proponents of cultural diversity are, perhaps temporarily, on the losing side. It seems too early, however, to claim that multiculturalism has been replaced once and for all by assimilationism. In any event, in Flanders the more multicultural logic is still in place and has even been strengthened.

The idea of multiculturalism does not go uncontested in Flanders but it has not (yet?) been so deeply discredited and questioned as in the Netherlands. I see a number of reasons for this.

First, “progressive” left-wing forces have continuously remained in power and have kept defending the stress on recognition of diversity. They have remained in power because the party landscape and the proportional electoral system only allows for multiparty governments of a limited number of possible coalitions – at least as long as all other parties keep on boycotting the extreme-right Vlaams Blok. In addition, they have kept defending the stress on diversity in the minorities’ policy as there is fierce competition on the left of the political spectrum for the same type of voter, who is very sensitive to positive rhetoric with regard to diversity, clearly distancing themselves from the extreme-right xenophobic stance.

Second, in the context of the competition between Flemish and francophones in the Brussels-Capital Region, the recognition and promotion of ethno-cultural diversity could have an added instrumental value in safeguarding the influence of the Flemish community and the *de facto* importance of the Dutch language in the Belgian capital. This provides an additional incentive to uphold the logic of stressing diversity in the Flemish minorities’ policy. In the following section I discuss the latter explanation before looking into the transformations of the Flemish political landscape.

#### **4. Competing Flemish-Francophone Approaches towards Immigrants**

As has been suggested, there are a number of striking differences between the Flemish and francophone approaches towards immigrants in Belgium. Over the last decade, Flemish governments have had a clear preference for supporting self-organisations of migrants, as noted above. Moreover, consultation of immigrant organisation representatives has become good practice in several policy domains. This is much less the case on the francophone side. Organisations furthermore encounter huge difficulties if they seek francophone subsidies and profile themselves as being “immigrant” or “ethnic”. On the Flemish side, being an ethnic organisation can be rather advantageous in obtaining government support. Throughout the 1990s, consecutive Flemish governments have financially



supported initiatives in disadvantaged neighbourhoods. These programmes were often targeted explicitly towards immigrant groups. Such a targeted approach towards immigrants has only been adopted by the Flemish governments in Belgium, in contrast to the francophone governments that have deliberately opted not to develop any categorical policy towards immigrant groups – at least not officially. The francophone side, furthermore, has until now not been prepared to gather any “ethnic” data and is reluctant to allow modification of federal data-gathering and data-presentation procedures with regard to immigrant presence in the country. On the Flemish side, however, in a number of policy domains alternative statistics on ethnic background have been created, faced with the impossibility of distinguishing ethnic groups in federal data except on the basis of nationality. Whereas headscarves are actively discouraged or forbidden in the francophone education system, the Flemish schools have taken a much more pragmatic attitude. These are but a few examples to illustrate that Flanders is taking a completely different stance towards the presence of immigrant groups than the francophone part of Belgium.

The main differences in the Flemish and francophone policies towards immigrants and ethnic minorities are schematically represented in Table 1. Although the Flemish and francophone policies towards immigrants and ethnic minorities can be fitted into this general typology, it should be borne in mind that different dimensions can be stressed in specific policy subfields and government agencies – for example depending on the ideology of the minister responsible (given the fact that Belgium always has coalition governments).

**Table 1.** Flemish and Francophone Policy Approaches towards People of Immigrant Origin

	Policy emphasis for integration of settled immigrants	Policy for newcomers	Foreign inspiration
Flemish approach	<ul style="list-style-type: none"> <li>• recognition of the existence of ethno-cultural minority groups</li> <li>• cooperation with and support of immigrant self-organisation</li> </ul>	Citizenship trajectories (including compulsory language courses)	Anglo-Saxon and Dutch ideas of group-based “multicultural” policies
Francophone approach	<ul style="list-style-type: none"> <li>• individual approach</li> <li>• only indirect targeting of immigrant groups (e.g. in certain neighbourhoods)</li> </ul>	None	French assimilationist-republican model

The Flemish approach, with its recognition of ethnic minorities, has already been presented. Intellectually influenced by the individualist republican model of France, the francophone and Walloon governments have not been willing to recognise ethno-cultural groups as specific entities in their policies towards immigrants. Furthermore, although in practice often primarily directed towards immigrant groups, initiatives to fight societal arrears were often framed in such a way that immigrants were not specifically defined as target groups. Nor is there any special programme for newcomers on the francophone side.

Owing to the complex institutional framework of the Belgian federal political system, both the Flemish and francophone communities have jurisdiction with regard to policies concerning immigrants or ethnic minority groups in the Brussels-Capital Region. As a result, two contradicting policy approaches coexist within the same territory.

This being said, it should be pointed out that the difference between the Flemish and francophone approach for dealing with polyethnic issues is very much interconnected with, and instrumental to, strategies used by the political establishment of both linguistic groups as contenders in the political field of Brussels (Jacobs 2000). Their divergent positions on integration policy allow them to protect and reinforce their respective positions in the multinational political arena. In addition to opening its education system in Brussels to all potential pupils (and thus now hosting about one-third of all children) and stimulating multilingual cultural events, the Flemish community has for example made substantial efforts to woo immigrant associations in Brussels. It is no exaggeration to denounce these activities as at least partially strategic attempts of the Flemish government in Brussels to incorporate immigrant (often francophone) self-organisations into its policy networks, thus hoping to strengthen the sphere of influence of the Flemish community within the Brussels-Capital Region. Immigrant associations, of course, welcome the Flemish efforts as interesting new possibilities for funding and lobbying. On the francophone side, the Flemish efforts are looked at with some suspicion and are sometimes regarded to be “imperialist” on the part of the Flemish (who tend to have greater financial means than the francophones). A significant number of francophone politicians stress that, on the contrary, assimilation of immigrants into French culture is in their own best interest. They rely on their dominant position within Brussels and the status of French as *lingua franca* leading to (automatic) immigrant incorporation. It often seems that by denying the existence of ethnic minority groups, the francophones equally hope to downgrade the legitimacy of Flemish demands for their own differentiated rights and special representation.

Favell and Martiniello (1998) have correctly pointed out that this peculiar multilevel governance situation in Brussels allows and encourages new types of immigrant opportunity and political voice. Indeed, immigrant associations can now, to give but one example, go “shopping” for funding and influence in either the Flemish or francophone community and can strategically opt for different forms of

collective mobilisation – stressing either ethnic identity or neutral forms of social insertion (Jacobs and Swyngedouw 2002). As a result of the francophone approach, many immigrants are active within the structures of existing social organisations (trade unions, etc.) and anti-racist organisations. The fact that migrant associations are treated as legitimate partners for discussion and policy initiatives by the Flemish authorities has, however, also enhanced the creation of self-organisations and processes of ethnic mobilisation.

Politicians from both the Flemish and francophone establishments hope that immigrants in Brussels will in the end become respectively Flemish or francophone. Both see their (parallel) education systems in the Brussels-Capital Region as an important instrument towards this goal. Nevertheless, all research (Swyngedouw et al. 1999; Janssens 2001; Jacobs and Swyngedouw 2002), both quantitative and qualitative, shows that until now most of the “new Belgians” and immigrant groups do not want to choose. Even though many of the immigrant population will have better knowledge of French and are de facto francophone, interestingly, this is not necessarily experienced as a political identity as well (Jacobs and Swyngedouw 2002). Apparently the omnipresence of the bipolar institutional structure does not (yet?) force immigrants to take sides at the level of identity. This is an incentive for the Flemish political establishment to continue its efforts in building alliances with foreign-origin groups. Stressing their multicultural stance and advocating a multicultural future orientation for Brussels – in contrast to the assimilationist position of the francophone political elite – the Flemish political establishment hopes to further strengthen their sphere of influence in the Brussels-Capital Region. It should be noted that by “Flemish establishment” I refer to all Flemish parties – which have all been in power at some point on the federal and Flemish level and are currently all jointly in power in Brussels in a large anti-Vlaams Blok coalition – except the Vlaams Blok, which is the largest Flemish party in Brussels in electoral terms.

This strategic positioning was clearly illustrated in a recent large-scale advertisement campaign “Vlamingen. Partners in Brussel” (through billboards, radio spots and brochures in several languages), aimed at improving the image of the Flemish community – to counter the association made between everything Flemish and the extreme-right-wing and racist party Vlaams Blok – among immigrant inhabitants of Brussels.

## **5. Transformations of the Flemish Political Landscape**

Apart from the instrumental value of the multicultural stance in the context of competition within the Brussels-Capital Region, another, more important reason for the survival of “multiculturalism” in Flanders is to be found in transformations of the Flemish political landscape. The last two decades have seen the advent of new political cleavages in Flanders, in the face of the weakening importance of more classic political cleavages. In post-war Belgium there were three dominant

(cross-cutting) political cleavages: the classic left/right labour/capital or workers/employers cleavage, the philosophical cleavage between Roman Catholics and atheists, and the linguistic cleavage between francophones and Flemings. Apart from Brussels and its periphery, the linguistic cleavage has lost much of its electoral importance due to devolution and to distinct subnational political schemes. The Catholic/atheist philosophical and religion-related cleavage has also lost importance following a number of institutionalised compromises (notably in education policy) and the sharp decline in religious denominations. Last but not least, with the development of the welfare state, the fall of the Iron Curtain, and of the rise of “third-way” political discourses, the workers/employers cleavage has also lost some of its importance. After a period of ardent neoliberalism in the 1980s and early 1990s, Belgian liberal parties have at the dawn of the new millennium tried to reposition themselves at the centre of the political spectrum and have again taken up support for state-regulated capitalism. The Flemish Socialist Party has partly embraced the third-way discourse, thus dropping a number of hard-line left-wing positions on the capitalist system, and are favouring moderate state-controlled market regulation. Empirical evidence suggests that while the importance of the classic political cleavages is weakening in the political landscape, two new associated cleavages are emerging (Swyngedouw 1992, 1998). On one side there is the materialist/post-materialist cleavage; on the other side, but not perpendicular to the other, the ethnocentrist/multiculturalist cleavage has appeared. Two new political actors have come on stage alongside these new cleavages, stressing issues that had remained marginal in the old political landscape, which was structured by the three classic cleavages. On the one hand, the Ecologist Party has seen growing electoral success throughout the 1980s and 1990s by stressing environmental issues and taking a number of postmaterialist stances. On the other hand, an extreme right-wing party with clear anti-immigrant and materialistic stances has occupied a place in the political field. In response, the Ecologist Party has adopted a clear pro-immigrant and pro-diversity stance. The traditional political parties have long remained hesitant in both domains.

Immigrant incorporation is one of the main issues – other issues pertain to ecology, self-determination (gay rights, euthanasia, etc.) and law and order – over which political position-taking helps to (re)structure the new political landscape in the face of the diminishing importance of classic political cleavages in structuring voting behaviour. Survey research (Billiet et al. 2001) has clearly shown that a clear distinction can be made of the overall value preferences of the electorates of the ecologists on the one hand and the extreme right on the other, with the traditional parties in between. These findings support the thesis of new political cleavages in which the ethnocentrism/multiculturalism divide and the materialist/postmaterialist divide are together of central importance.

The ongoing support for more multicultural stances on immigrant incorporation policy throughout the 1990s and at the beginning of the new millennium might have to be interpreted in the light of a repositioning of political parties with regard to the two above-mentioned cleavages, in the face of weakening differences between

political parties on the classic socio-economic and ideological-religious divides on the one hand, and the growing concerns about immigrant incorporation and the development of post-materialist values on the other. It may be argued that the socialists are trying to (re)position themselves on the multiculturalist and postmaterialist side of the spectrum in order to compete with the ecologists. The workers' faction of the Christian Democratic Party is pleading to do the same, but is challenged by another faction within the party that wants to take an assimilationist-materialist position. The more conservative faction among the Christian democrats would thus rather compete with the assimilationist-materialist position of the liberals. The latter, for their part, tend to take up mildly ethnocentric discourses to compete with the clear anti-immigrant ethnocentric stance of the extreme right. But also among the liberals there is a more multicultural faction present and active.

Overall, both socialists, greens and Christian democrats have kept defending the stress on diversity in the minorities' policy because there is a fierce competition on the left of the political spectrum for the same type of voter. This particular voter tends to be urban and highly educated, is very sensitive to the discourse of diversity and clearly rejects an extreme-right xenophobic point of view. The last decade has seen significant swings back and forth between the socialists and the greens (and to a lesser extent the Christian democrats) of voters for whom precisely the topic of immigrant incorporation is of considerable importance. The socialists have in recent years clearly decided to take a more multiculturalist – or at least pro-diversity – stance in trying to win the competition with the greens for these progressive voters, rather than trying to reclaim “old”, and on average lesser-educated, categories of voters who are more inclined to take an assimilationist or even an ethnocentric point of view. The Christian Democratic Party may be internally divided as to what political position to take in this respect and when the party was in opposition one faction was pleading to introduce more assimilationist elements in the immigrant incorporation regime – such as citizenship trajectories. At the same time, however, it has kept defending the overall logic of existing policy schemes – and its more multicultural elements – relating to immigrant incorporation, as it is in large part a political legacy of its own. In addition, the Christian democrats are firmly embedded in a number of quangos which play a role in implementing and coordinating policy at local and subregional levels. As either socialists and Christian democrats or socialists and greens have been part of the ruling government in the last decade, “progressive” left-wing forces have continuously remained in power and have kept defending the stress on recognition of diversity. To a large extent, they have been in power and are quite likely to remain in power *because* the party landscape and the proportional electoral system only allows for multiparty governments of a limited number of possible coalitions – given the fact that all other parties as a matter of moral principle have kept on rejecting the idea of a government in which the extreme-right Vlaams Blok would participate. As long as this remains the case and there is competition between leftist

and centre-leftist parties to appeal to the same type of electorate, the future of a multicultural approach towards immigrant incorporation is assured.

This, however, might rapidly change. In the June 2004 regional elections, the extreme-right party Vlaams Blok was able to attain almost 25 per cent of the vote in Flanders and has become the second largest party in the Flemish parliament. The Flemish greens only partly recovered from a deep crisis after having lost all the party's federal members of parliament after a catastrophic result – and the introduction of an electoral threshold on which they agreed themselves – in the last national elections (May 2003). Although the Socialist Party did not achieve its ambitions to retain the former ecologist voters in the 2004 regional Flemish elections, the Green Party is still weak. The greens therefore decided not to join a leftist government, thus forcing Christian democrats, liberals and socialists to together constitute the new Flemish government in an anti-Vlaams Blok coalition. The green opposition on its left wing will most probably assure that the socialists will stick to the defence of a multicultural incorporation regime. Given the huge electoral success of the Vlaams Blok – which changed its name to 'Vlaams Belang' (Flemish Interest) in November 2004 following a conviction in court for its racist propaganda – and an internally divided Christian Democratic Party that tries to be a catch-all, other scenarios can, however, no longer be ruled out. If the new Flemish government would somewhere along the line decide to focus on law and order and assimilation – as some have been arguing for both in the Liberal Party as in the Christian Democratic Party in the light of the competition with Vlaams Blok (now rebaptised as 'Vlaams Belang') – this would threaten the existing logic of the minorities' policy. Furthermore, in the event of a governmental crisis and a – at the moment still unlikely – subsequent breach of the so-called *cordon sanitaire* (an agreement between all other parties not to join forces in a coalition with the Vlaams Blok due to its right-wing populist and racist policies), a policy change would occur. Indeed, an alternative coalition government in which the Vlaams Belang (ex-Vlaams Blok) would participate, would certainly imply the end of multicultural policy. Last but not least, if Vlaams Belang one day is able to obtain an unassailable position thanks to ongoing electoral success, this also would mean the end of multiculturalism in Flanders. The next Flemish regional elections are to be held in 2009.

## 6. Conclusion

In recent years the importance of ethnic identity and multicultural initiatives seems to have been strengthened in Flemish immigrant incorporation policy. Flanders thus contradicts the claim that we are witnessing the end of multiculturalism in Europe. Two reasons can be analytically distinguished to understand why Flanders is "still" embracing the idea of multiculturalism as the recognition and protection of immigrants as distinct ethnic groups. First and foremost, the transformation of the Flemish political landscape, in which issues pertaining to immigrant incorporation are of central importance, accounts for the resilience of the idea and practice of multiculturalism in Flemish policy-making. Due to a rather fragmented

party landscape (with no party gaining more than 27 per cent of the votes) and a proportional representation system, only a limited number of multiparty coalition governments are possible. These have, until now, always included left-wing forces that have kept defending the multicultural elements in Flemish immigrant incorporation policy. Second, the multicultural model has been able to survive due to the intertwining of issues linked to immigrant incorporation, on the one hand, and multinational politics, on the other, in the context of the Brussels-Capital Region. The more multicultural stances are seen to have instrumental value in trying to secure and enlarge the influence of the Flemish community in the bilingual Brussels-Capital Region. There is no guarantee that multiculturalism will survive in Flanders. Nor is it bound to disappear. All depends on electoral results and the strategic reactions of political parties in coping with these results.

## Note

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### About the Author

Dirk Jacobs is associate professor (chargé de cours) in sociology at the Université Libre de Bruxelles (Francophone university) and assistant professor at the Katholieke Universiteit Brussel (Flemish university). Until 30 september 2004 Jacobs was postdoctoral researcher of the National Fund for Scientific Research (FWO), Flanders (Belgium) at the Institute of Social and Political Opinion Research (ISPO) of Katholieke Universiteit Leuven (University of Leuven); email: dirk.jacobs@ulb.ac.be



**Appendix**

**Table 2.** Election Results for the Brussels-Capital Region, 1995 and 1999

	% 1999	% 1995	Seats 1999	Seats 1995	Votes 1999	Votes 1995
ECOLO	18.3	9	14	7	77 969	37 308
PRL-FDF	34.4	35	27	28	146 845	144 478
PS	16	21.4	13	17	68 307	88 370
PSC	7.9	9.3	6	7	33 815	38 244
VIVANT	1.5		1		6 431	
FN	2.6	7.5	2	6	11 204	30 803
FNB	1.3		1		5 528	
<i>Total French</i>	<i>86</i>	<i>86.4</i>	<i>64</i>	<i>65</i>	<i>366 195</i>	<i>356 231</i>
VL.BLO K	4.5	3	4	2	19 310	12 507
CVP	3.3	3.3	3	3	14 284	13 586
VLD- VU-O	3.2		2		13 729	
VLD		2.7		2		11 034
VU		1.4		1		5 726
SP-AGA	3.1		2		13 223	
SP		2.4		2		9 987
AGALEV		0.9		0		3 906
<i>Total Flemish</i>	<i>14.1</i>	<i>13.7</i>	<i>11</i>	<i>10</i>	<i>60 546</i>	<i>56 746</i>

**Table 3.** Results in Flemish Regional Elections, 1999

	Votes	%	Seats
CVP	857 732	22.1	28
VLD	855 867	22	27
Vlaams Blok	603 345	15.5	20
SP	582 419	15	19
AGALEV	451 361	11.6	12
VU-ID	359 226	9.3	11
UF	36 683	0.9	1

**Table 4.** Results in Flanders for Federal Elections, 1995, 1999 and 2003

	% 1995	% 1999	% 2003
CD&V	27.3	22.6	21.4
VLD	20.8	22.7	24.4
Vlaams Blok	12.2	15.4	18.1
SP.A-Spirit	19.9	15.7	24.3
AGALEV	7	11.3	4
N-VA	–	–	4.9

**Table 5.** Results in Flemish Regional Elections, 2004

	Votes	%	Seats
CD&V-NVA	1 060 580	26.1	35
VLD	804 578	19.8	25
Vlaams Blok	981 587	24.2	32
SP.a-Spirit	799 325	19.6	25
Groen!	308 898	7.6	6
UF	43 391	1.1	1

*Notes:* In recent years, a number of Flemish parties have changed their name and/or have merged or formed alliances with other parties. CD&V (Christian democrats) were formerly called CVP; SP (Socialist Party) has changed its name to SP.A (Social Progressive Alternative Party) and has formed a cartel with Spirit. Spirit and N-VA (New Flemish Alliance) are the result of a split of the moderate Flemish nationalist party VU (People's Union, not shown). VLD are the liberal democrats. AGALEV is the Green Party and has recently changed its name to Groen! UF is the Union Francophone.

# The Management of Multiculturalism: Coming to Terms with the Multiplication of Experienced Difference

HANS SIEBERS  
*Tilburg University*

*Multiculturalism, understood as the multiplication of experienced difference, is today at the forefront of social transformation. It entails opportunities and risks, but how can we deal with these, especially the latter? This paper sketches a framework for understanding these risks in terms of both extrapolated fragmentation and fundamentalist reactions. Moreover, drawing on some of the main writers involved, the main positions in the political and theoretical debate about multiculturalism are discussed to assess their contributions to developing a management principle for dealing with these risks. These positions are neoliberalism, egalitarian liberalism, communitarianism and deliberative democracy. However, it is shown that, for different reasons, none of these positions is able to provide encompassing and convincing answers to the challenge posed by these risks. A differential and contextualised approach is called for in which elements from these positions may be applied fruitfully. Nevertheless, this paper serves to demonstrate the need for further reflection and indicates the main issues on the agenda.*

Cultural difference appears at the forefront of world affairs and public opinion and has become associated with problems of multicultural society in many parts of the world. In my home town in the Netherlands an Islamic school was set on fire a few days after the Twin Towers and Pentagon disaster. This event received massive media coverage. A popular Dutch politician running for parliament in the 2002 elections called for a “cold war on Islam” and tried to mobilise votes based on a campaign against “foreigners”. He was shot nine days before the elections took place. In Germany discussions about a so-called *Leitkultur* have excited politicians and public opinion. Recent events in the Balkans, Central Africa, Guatemala and Indonesia show that multiculturalism has become the global/local theatre in which current problems of social transformation and contradiction are performed. Or does multiculturalism itself constitute the heart of these problems?

Appearance and reality are difficult to distinguish in this respect. Of course problems of multiculturalism are related to unequal access to resources and to problems of political and economic inequality and interests. However, this does not mean that problems of multiculturalism would be a mere reflection of the “real” problems in some economic and political “infrastructure”. Cultural problems have their own relatively autonomous dynamics. In short, a clear conceptualisation of the problems raised by the term multiculturalism is called for, as well as the need for operationalising and contextualising such conceptualisation in each specific case. Cultural issues must be embedded within a wider framework of political and economic questions.

The very fact that these issues are at the forefront of scientific and policy agendas indicates the urgent need for rethinking and elaborating, not only on the problems associated with cultural difference and multiculturalism themselves, but also on the management principles and models which inspire current ways of dealing with these problems. Current management interventions and policies not only differ considerably from one place to another, they also tend to build upon rather conventional ways of thinking about society and management. There is a strong need for innovative thinking in this respect, but such an innovation will have to start from a critical scrutiny of the assumptions behind existing ways of managing multiculturalism.

The objective of this paper is to contribute to these challenges. First, I discuss the concept of multiculturalism and call for its redefinition in terms of the multiplication of experienced difference. Second, a framework is sketched for understanding the consequences of this multiplication of experienced difference in terms of the relationship between the difference/sameness problem and relations of socio-economic and political inequality. Third, the main risks of this multiplication of experienced difference are identified in terms of both extrapolated fragmentation and fundamentalist reactions. Fourth, drawing on some of the main writers involved, the main positions in the political and theoretical debate about multiculturalism are discussed in order to assess their contributions to developing a management principle for dealing with these risks. These positions are neoliberalism, egalitarian liberalism, communitarianism and deliberative democracy.

## **1. Multiculturalism Revisited**

In the literature, the historical factors that shape the emergence of multiculturalism are coined as “globalisation” and “fragmentation”. Globalisation (Robertson 1992) is a complex and multi-layered process, but the principle that stands at its roots is about time/space compression. It refers to the fact that flows of people, goods, capital, finance, commodities, images, symbols, technology and information increasingly span the globe (Appadurai 1996; Hannerz 1992, 1996). Distant localities are linked in such a way that local happenings are shaped by events

occurring elsewhere, and vice versa. Social relations become disembedded, that is, they are increasingly “lifted out” of the context of local interaction (Giddens 1990).

As a result, any framework of rather circumscribed and relatively closed communities in which the life-worlds and identity formations of individuals are embedded, is challenged. Such frameworks can no longer be taken for granted – if they ever could be – they are under threat of becoming fragmented. This holds true not only for primordial communities such as villages, neighbourhoods and kinship lines, but also for “imagined communities” (Anderson 1987) such as nations. The coincidence of geographic and social space can no longer be taken for granted (van Binsbergen 1999). The model of the nation-state in which were closely articulated the rule of law, the granting of political and social rights, the institutions for democratic participation and cultural belonging to a national community, is under threat. Overall grand narratives, such as those of good society, progress, development and emancipation, which used to cluster and coordinate the thinking and practice of large numbers of individuals in large parts of the world, fostered by the state, are losing their credibility (Bauman 1993, 1995).

Regarding the effects of globalisation and fragmentation, there is much discussion (see also Spickard 1999). We may assume that due to globalisation contemporary people are increasingly facing and experiencing cultural difference and different cultural influences, whereas fragmentation undermines their idea of relatively safe and stable embeddedness in cultural, economic, social and political institutions. The combined effects of both trends create problems of uncertainty, insecurity, anxiety and identity challenges. These problems and challenges are often associated with the term multiculturalism. This term feeds into the popular image of society as a mosaic of a number of “cultures” that exist side by side, thus narrowing down these problems and challenges to the question of how to create peaceful and cohesive relations between these “cultures”. Selectively drawing from anthropology, an answer to this question has been found highlighting the concept of cultural relativism. “Cultures” are supposed to be understood here only in their own particular terms, thus undermining any ground on which cultural comparison can take place.<sup>1</sup>

If cultural comparison is ruled out, cultural critique will suffer the same fate. Of course, the concept of cultural relativism has played a crucial role in criticising and bringing down colonial, ethnocentric and hierarchical approaches to the “cultures” of non-Western groups, but at the same time it has stipulated a discourse of political correctness in which any critical encounter with any practice of “the other” has become virtually impossible. The moment “the other” is located at the other side of the cultural divide and understood as a representative of a specific

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<sup>1</sup> The mosaic image draws not only on cultural relativism, but also on the mode of pillarisation that structured pluralism in such countries as the Netherlands from the end of the nineteenth century until the 1960s (Riis 1999). See also Davie (1999) on “pluralism of communities” and Champion (1999) on “communitarian pluralism”.

“culture”, that can only be understood in its own terms, any critique on their practices or ideas will not only undermine the cultural relativist foundation on which peaceful relations between “cultures” in multicultural society are based, it will also call into question the very legitimacy of their existence in society as far as this legitimacy is based on being a representative of a specific “culture”. As a consequence, efforts by for example Norwegian state officials to intervene on behalf of migrants’ daughters who are forced into marriage against their will have thus become very difficult out of respect for “their culture” and out of fear of being accused of being racists, as Unna Wikan (2002) demonstrates. She discusses several cases in which the need for intervention to safeguard respect for human rights clashes with the requirement of political correctness to abstain from criticising “the other’s culture”.

Such clashes are not only due to the application of the concept of cultural relativism, but also to an unproblematic and uncritical use of the concept of “culture” as such. As the literature on globalisation and fragmentation demonstrates, individual people cannot simply be understood as members or representatives of “cultures”. Current trends within anthropology (Kuper 1999) and sociology (Featherstone 1995) tell us that there are no (longer, if ever the case) such “things” as holistically, systemically and statically conceived “cultures” that nicely coincide with particular communities, groups or nations and that are able to flourish and develop within clearly circumscribed and delimited borders. By and large, the mosaic image of multiculturalism maintains such an outdated idea of “culture” and assumes such a notion of clearly circumscribed borders between them. It may cause no surprise that the moment such critique across these “borders” and *vis-à-vis* “the other” becomes unavoidable, the continuous use of such an outdated notion of “culture” may provide the discursive groundwork for swinging to the other extreme, i.e. the emergence of cultural fundamentalism as a hegemonic way of conceiving and dealing with the problems and challenges discussed above. Thus “culture” may come to play a similar exclusionary role as “race” did in earlier epochs (Stolcke 1995).

We must not forget that “culture” is a concept. It is used to understand reality “out there”, which does not mean that this reality must necessarily be understood in this term. Other terms may be applied to understand processes of meaning-making and to conceive of the ways people constitute and position themselves in the world. Consequently, I propose to leave behind the concept of “culture” and would like to reframe multiculturalism as the problems and challenges of uncertainty, insecurity, anxiety and identification raised by the multiplication of experienced difference as a consequence of the combined effects of globalisation and fragmentation. These problems and challenges focus on two interrelated issues, difference itself and related inequality.

## **2. Difference and Inequality**

Difference and its opposite, sameness, refer to the ways individuals and groups are constituted that include both internal or mental and external or social dimensions. Sameness alludes to a situation in which the individual is embedded in a single community. In this situation there is a relation of sameness between the traits of the individual and the community as well as between the various understandings the individual cherishes about him- or herself. Difference, by contrast, points to a condition in which each individual is related to a plurality of groups which problematises each particular relation. None of these relations can be taken for granted and each individual deals with this plurality of social relations in terms of multiple identifications, i.e. not necessarily a coherent set of identifications and understandings of him- or herself (Sökefeld 1999).

The degree of mental and social integration or fragmentation is at stake here. I hold that, as a result of globalisation and fragmentation, the idea of embedded sameness not only becomes unrealistic, but whether it is desirable is also very questionable. After all, sameness in its pure appearance represents a submission of individuals to collective structures and interests, allowing for little individual space of manoeuvre in both mental and social respects. As a reaction to globalisation and fragmentation, the multiple interests, understandings and identifications of individuals may become subordinated to one single dominant social category and identification propagated by fundamentalist movements. These movements may be underscored by regional or religious persuasion, but also by highlighting primordialism and subsequently turn into ethno-nationalist movements (Díez-Medrano 2002). The accounts of these movements, currently often framed in cultural terms, tend to become sacralised within this process, i.e. positioned beyond any reasonable scrutiny (see also Spickard 1999). Such accounts not only subordinate individuals to larger interests, they may also drive them collectively into aggression and violence.

At the other extreme, idea-typical difference in its extreme form cannot but end up in atomisation of society and individual isolation. It undermines any stable identification or group membership. The atomisation of society may entail the emergence of internally conflictive individuals who find it very difficult to create any stable social relationships and groups. Boosting individuality,<sup>2</sup> their mental and discursive basis for developing any direction in the constitution of self and any orientation as a moral person may be threatened thus invoking images of what

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<sup>2</sup> Spickard (1999) creates an opposition between universalist human rights thinking and various fundamentalisms, such as ethnic, nationalist and religious movements, both as consequences of globalisation, the increasing division of labour and the communications revolution. Although he dresses up both in religious terms, he obviously favours the former while abhorring the latter. Thus he fails to see another risk or danger stemming from globalisation next to fundamentalism, i.e. extrapolated fragmentation and anomie. In my view, his positive treatment of individuality and individuation mystifies or denies this lurking danger.

Durkheim (1893) has epitomised as ‘anomie’, a state of lawlessness and moral deficiency and confusion. Post-modern celebrations of short-lived kicks, sensations and sentimental rages are blind to exactly these problematic sides of heightened individuality with the continuously lurking dangers of burn-out.

Both variants, the former fundamentalist reaction variant as well as the latter extreme extrapolated fragmentation variant, are far from politically neutral. Political interests lurk behind efforts to promote individualisation or even atomisation. For example, individualisation of labour relations finds a strong impetus in the spread of human resource management in Western companies, delegitimising the collective protection of labour interests (Storey 1995). Examples of political interests at stake in the fundamentalist variant abound. The political struggle around terrorism, for example, is a fertile breeding ground for fundamentalist statements. The mingling of the problems and challenges of the multiplication of experienced difference with political interests and struggle seriously adds to the risks and dangers involved. Things are made even more complicated when socio-economic inequalities fuel this struggle and when the outcome from this struggle brings about a further deepening of these inequalities. In short, the difference/sameness problem must be understood in its relationship with inequalities, both in political and economic terms.

### **3. In Search of Management Principles**

To be sure, the risks of these variants of extrapolated fragmentation and fundamentalism emanating from the uncertainty, insecurity, anxiety and identity challenges fomented by globalisation and fragmentation may not everywhere be as urgent as suggested. These extreme forms of entanglement of difference/sameness and inequality may not be dominant in each and every society. In my view there is a middle ground between the two extremes in which it is possible to strike a flexible balance between individual and society, between alienation and submission. Here options for viable socialisation, individual development, participatory institutions, democracy and equitable economic change may remain open. Moreover, globalisation and fragmentation may not be completely new phenomena. There are good arguments to go back to at least the colonialist expansion from the sixteenth century onwards when tracing the origins of globalisation. Even more, the consequences of globalisation and fragmentation are certainly not just negative and risky; they also entail chances and new opportunities such as cross-fertilisation of ideas and interpretations. The literature presented above on globalisation and fragmentation must be read with a critical eye.

Nevertheless, while also recognising the opportunities and chances offered by the multiplication of experienced difference, I will proceed to discuss the risks and dangers involved. There is much in favour of the thesis that, as a tendency, globalisation and fragmentation are increasing in intensity and that the risks of extrapolated difference as well as fundamentalist reactions are looming at the horizon of many societies, especially when the multiplication of experienced



difference meets with conflictive political interests and increasing socio-economic inequality. These risks call for the need for renewed reflection on the ways these problems can be managed. Public interest is at stake here and, as yet, no convincing and satisfying management concepts have been developed on which viable policies dealing with these risks can be based.

Searching for relevant management principles, I discuss important current debates in politics and political philosophy. Various authors and debates are considered to see whether viable and consistent management principles can be deduced from their work and to assess the capacity of these principles to deal with the risks of multiculturalism as defined above. Of course, to some extent this deduction is my own reworking of their work. Various approaches may be identified in these debates and most authors combine elements from several approaches, but for the clarity of our argument they can be summarised into four basic positions: a neoliberal, an egalitarian liberal, a communitarian and a deliberative democracy position (Fermin 2000). Despite their differences, the various writers involved (e.g. Barry 2001; Benhabib 2002; van Gunsteren 1998; Kymlicka 1995; Kymlicka and Norman 2000; Marshall and Bottomore 1950; Rawls 1971, 1993; Taylor and Gutmann 1994; Walzer 1983) all try to embed the individual and group practices and meaning-making within an overall framework of public interest.

#### **4. Neoliberalism**

A series of events in recent decades have provided neoliberal thinking with a fertile breeding ground. In the 1970s and 1980s several Asian countries managed to bring about impressive figures of economic growth coupled with integration in the world market. In the 1980s some Latin American countries seemed to follow suit while shaking off dictatorial and restrictive regimes. The final argument in favour of neoliberal thinking seemed to be provided after the fall of a number of totalitarian regimes in Central and Eastern Europe after 1989. These regimes not only failed to deliver promises of prosperity and equality, but also tried in vain to curb the space of manoeuvre of their citizens and to keep them from participating in world arenas.

The optimistic side of globalisation in terms of opportunities was emphasised by the Washington Consensus in the early 1990s claiming that the free global flows of capital, goods, services, etc., would benefit each and every one worldwide. Global laissez-faire would serve the public interest when each individual is free to pursue their own private interests, thereby allowing the economy to grow, society to develop and democracy to flourish. Unfettered actors and citizens would be able to coordinate their actions themselves and management intervention should remain as limited as possible. Such intervention should be limited to guaranteeing formal equality in terms of individual political rights and economic “freedom”, i.e. to protect the individual’s space of manoeuvre from government interference. Neoliberalism portrays “free” individuals as willing and capable of dealing with the challenges of globalisation and fragmentation.

Such an approach certainly has the advantage of drawing the discussion away from the culturalist trap of multiculturalism outlined above. It shows that there is no need to group individuals together in homogeneous cultural wholes for them to be able to work together. Based on the principle of the division of labour in society, there is no need for uniformity in practices as division of labour implies a diversity of practices and ensuing repertoires. Moreover, a common discursive or motivational framework is scarcely needed for individuals to cooperate as long as the activity of one does not obstruct or conflict with the activity of the other, as long as both have an interest in respecting the other's activity and as long as both get what they seek from the cooperation (see Siebers et al. 2002). It is basically a matter of coordination of practices in daily life (see also de Ruijter 2000).

Neoliberal confidence in the compatibility or complementarity of actions may provide an important source of coordination as it unfolds in practice. It encourages us to adopt a relaxed attitude towards differences of opinion as long as these differences of opinion are not translated into conflictive actions. The multiplication of experienced difference as such does not necessarily provoke problems or conflict. The problem with neoliberalism, however, is that it has very little to offer when things do go wrong, i.e. in cases where individuals are no longer capable of coordinating their differences in a satisfactory way from the point of view of public interests. Neoliberalism celebrates the opportunities of globalisation and fragmentation, but must remain silent in the face of the risks of extrapolated fragmentation and fundamentalist reactions.

These risks cannot be ignored. When calculating individuals succeed in the economic sphere of competition, they may easily forget the societal conditions which made this success possible in the first place, thus undermining their willingness to contribute to solving societal problems. Unfettered economic and political "freedom" is certainly no guarantee against corruption, as the current emphasis on "good governance", "transparency" and "accountability" put forward by exactly those institutions that support the Washington Consensus demonstrates. Economic, social and political deregulation, coupled with the multiplication of experienced difference, may easily accelerate trends in which individuals can hardly be expected to take responsibility for existing social institutions and for moral behaviour. In the face of these risks of extrapolated fragmentation, neoliberal confidence in the self-regulative capacity and initiative of "free" individuals seems rather bleak.

Moreover, although neoliberals will be hesitant to admit this, it cannot be denied that the free pursuing of private interests may easily lead to the proliferation of economic, social and political inequalities. These inequalities may produce explosive mixtures when such inequalities become articulated with other kinds of experienced differences, for example when those who suffer from these inequalities conceive of the specific constructions of "free and calculating individuals" and "rights of political freedom" to belong to the "culture" of "the others", i.e. those in power. Envy is easily aroused by such articulations fuelling

the polarisation of conflict into fundamentalist positions. Neoliberal thinking has little to offer in terms of management intervention to preclude such articulation and polarisation. Things are made worse when existing institutions and moral grand narratives are undermined, for example when the neoliberal-inspired business language of “customer” and “company” takes over conventional political thinking in terms of “citizens”, “public interests” and “state”, when relations between state and individuals are increasingly understood in commercial terms of “transactions” and “deals”, or when public institutions suffer from neoliberal-inspired budget cuts.

In short, neoliberalism celebrates the opportunities of globalisation and fragmentation, but with a blind eye on their risks. Even more, it may easily contribute to the emergence of these risks and has little to offer when they do appear.

## **5. Egalitarian Liberalism**

The fact that classical or neoliberal thinking has little to offer to curb risks in society was recognised long before the debate about multiculturalism emerged. This recognition has laid the groundwork for egalitarian liberal thinking. Egalitarian liberals recognise the fact that the free play of economic, social and political forces within the framework of political rights or formal equality may easily lead to severe substantial economic and social inequalities. Egalitarian liberals (Barry 2001; Marshall and Bottomore 1950) call for management or policy intervention in order to create equal opportunities that allow all to participate in society at all levels. Hence the emphasis is on access to education, housing and work, and even the need for affirmative action for specific groups in order to enforce such equal opportunities. Social rights, government intervention and social security arrangements targeting special social categories are needed to allow these categories to effectively make use of formal equality.

In many modern societies these rights have been stipulated into a framework of individual rights. However, that should not close our eyes to the fact that such frameworks have effectively come about as a result of collective political struggle, for example in the case of the labour movement regarding the working classes and the feminist movement in the case of women’s rights. As a result of such struggle, in many societies institutionalised compromise has come to play an important role both in mediating and solving contradictions and conflicts and in ensuring that individuals and groups have an interest in cooperating because they benefit from doing so. First, compromise reached in negotiations between representatives of the classes and groups involved, e.g. employers and employees, managers and co-workers, may reflect common interests. Second, it regulates and mediates opposing interests in an effort to meet both sides somewhere in between. Third, such institutional frameworks may provide an important impetus for state intervention favouring some form of welfare state arrangements.

Of course, equal opportunities – in fact, not only in principle – for societal participation may strongly reduce the potential and dangerous risks of cultural differences becoming intertwined with economic and social inequality. Negotiations between representatives of the groups and individuals involved may channel and “domesticate” such risks. Thus the derailing of polarisation into fundamentalist positions may be precluded and individuals may be encouraged to acknowledge a vested interest in society avoiding extrapolated fragmentation. Barry (2001) even holds that measures along these lines are enough, ruling out subsequently that cultural differences would have a logic of their own. Barry’s may be a provocative statement, but he has a point when claiming that it is difficult to see how egalitarian liberalism could be made relevant to our problem other than in dealing with inequality. Whether it has any direct relevance to the difference/sameness problem remains unclear.

Moreover, egalitarian liberals have not been able to stay immune from, in particular, republican and neoliberal critiques holding that such social security arrangements may transform individuals into passive actors. They may appear as passive receivers of social benefits or as passive supporters of those who represent them in institutional frameworks, without much encouragement to promote their own participation in society and to take their own responsibility in coordinating their practices with those of others. In addition, such passivity may be complemented by the resistance of those who pay for social security arrangements against the need for redistributive policies required by such welfare state arrangements. Solidarity with those who receive them may be undermined, especially when the receivers have different cultural characteristics or have recently migrated to the society involved.

The perspectives for the emergence of institutions of conflict regulation on a variety of levels, including the international or global level, are opened up exactly because of globalisation, but it is doubtful whether that perspective can compensate for the fact that globalisation and fragmentation pose a threat to the legitimacy of socio-political frameworks in which such redistributive policies may have developed, i.e. the nation-state. For the same reason, the legitimacy of national institutions of conflict regulation and the requirement that the individuals involved feel represented by them has become problematic. As people, capital, goods, information and images increasingly cross borders and grand narratives find it difficult to maintain their credibility and support, it becomes difficult for conventional national institutions to maintain their position of legitimacy and power. For example, many chief executives in the Netherlands no longer feel the need to moderate their income demands at a time when such moderation is required from employees to overcome national economic recession, claiming that global business standards are now their point of reference, rather than national regulatory requirements of income moderation.

Moreover, national institutions of socio-economic regulation and income redistribution are seriously challenged in many modern societies these days. This phenomenon cannot be isolated from the fact that in post-Fordist societies there is no longer any close interrelation between production and consumption. If they find a linkage it will increasingly take place in the world market, not in the national society or market.

Some of these trends are taken into account in the current literature on governance, which may point to alternatives. It is claimed that the authority of national governments is slipping away to regional and local levels as well as international levels such as the European Union (vertical shift). It is also claimed that private interests, groups and actors become increasingly involved in regulation activities and institutions in public-private arrangements (horizontal shift). There is an emphasis on activity (governance as regulation) instead of an institution (government) taking place in networks involving a number of different actors and agencies, public and private, beyond and across national borders (Helmsing 2000).

However, it is difficult to see how these activities of governance can guarantee any balance of interests compensating the weaker parties involved and taking into account longer-term common public interests, when the overall framework of national legal systems and public debate is missing and government is becoming just another party in such negotiations. Where such frameworks no longer constitute a common point of reference, how can the outcome of such governance arrangements be other than a reflection of the power inequalities they were supposed to regulate or tackle? Moreover, how can agreements reached between the parties involved be translated into legal frameworks of individual rights enforced by state authority? Such questions remain largely unsolved, which means that such arrangements seriously challenge the basic ideas of egalitarian liberalism.

In short, egalitarian liberalism is certainly very important in dealing with the inequality basis of difference developing into extreme positions, but whether it has any direct relevance to the difference/sameness problem is unclear. In addition, some of its basic ideas are seriously criticised these days and cannot escape the undermining influence of the very phenomena – globalisation and fragmentation – the consequences of which it is supposed to deal with.

## **6. Communitarianism**

Communitarianism has historical roots in conservative thinking, but it has received a strong boost as an answer to current multiculturalist challenges and problems. It criticises neoliberal – and to a lesser extent also egalitarian liberal – preoccupations with individuals and their rights and freedoms and stresses social and cultural conditions such as communitarian traditions, institutions, “culture” and language that allow the individual to act and to think. Communitarian writers emphasise the moral aspects of such “culture”, inciting individuals to behave in socially integrative ways (Etzioni 2001). Here the state and legal frameworks have no

legitimacy problem because they are rooted in the history and institutions of the specific community involved. The state may even have the responsibility of fostering and stimulating particularly those institutions and cultural expressions that stem from the community's history and provide for the state's legitimacy.

The problem, however, comes to the fore when the state or any other governing institution has to deal with several communities with problematic or potentially dangerous relations between them. How to answer to a situation in which minority communities challenge legal equality guaranteed by the state and call for state intervention to protect their communities, their forms of life and cultural heritage? Opposing liberals, communitarian authors hold that a legal framework of individual equality rights cannot answer such questions in a satisfying way. Such answers require additional collective protection rights and even prohibitions, so communitarians claim. For example, Canadian law allows the state of Québec to prohibit francophone or immigrant parents sending their children to anglophone schools. Consequently, for example Charles Taylor (1994) distinguishes between basic rights with universal validity – that may never be impinged upon – on the one hand, and on the other hand specific privileges and collective rights that may be granted to specific communities to safeguard their reproduction as communities. He argues in favour of, for example, minorities' rights to defend their ways of life vis-à-vis the dominant community. Kymlicka makes similar distinctions (1995), but reserves such rights to national minorities defined as previously self-governing "cultures" that were already there when new dominant "societal cultures" managed to develop themselves (e.g. Eskimos in Canada), whereas ethnic groups of immigrants should be given the opportunities to integrate and become assimilated into this dominant "societal culture".

The advantage of communitarian writers (see also Walzer 1983) over egalitarian liberals, whose approach is largely confined to inequality issues, is that they directly tackle the difference/sameness problem. They seek to develop legal and political frameworks for protecting existing communitarian and cultural structures and ways of life, thus erecting barriers against extrapolated fragmentation. Moreover, communitarianism may also help to preclude fundamentalist extremes, either through facilitating immigrants to become part of dominant society or establishing peaceful intercultural or intercommunitarian relations through granting specific collective protection rights to minority "cultures" and "communities".

However, the ways in which most communitarian writers address the sameness/difference problem discloses a very problematic and even romantic use of concepts such as "community" and "culture". Both are understood as static, holistic and integrated entities, and individuals are understood as constituting parts of these entities, in rather unproblematic terms. First, the writers simply ignore the analytical as well as normative problems involved in such uses of these concepts as discussed above. In line with Wikan (2002), Benhabib (2002) rightly points to the dangers involved in subordinating individual problems to collective interests, legitimising oppression of individuals in the name of the common cause of

“community” or “culture”. The reification of “community” and “culture” may be part of the problem rather than of the solution, as cases of ethno-nationalist movements demonstrate<sup>3</sup> (Díez-Medrano 2002). Although communitarian writers are keen to stress that they understand communitarian thinking in progressive ways in which a balance has to be established between community and individual (rights and freedoms), their reification of “community” and “culture” and one-sided emphasis on sameness within any “community” and “culture” may fuel the emergence of fundamentalist risks.

Second, both Taylor’s and Kymlicka’s theories suffer from other serious flaws. Taylor’s unproblematic extrapolation of psychological concepts such as “recognition” to the analysis of societal problems and processes cannot be accepted without qualification. In addition, he cannot answer the question where individual basic rights must end to give way to collective protection rights. Consequently, he opens the door to intervention on particularistic or even partisan grounds as the legitimacy for such intervention is easily unevenly divided among the various groups and “cultures” within society. Nor can Kymlicka’s analytical and normative distinction between immigrants and “native” minorities stand the test of many particular cases and groups (Benhabib 2002).

Third, communitarian writers recognise the risk of disintegration or fragmentation of particular “communities” and “cultures”, but they understand those processes only as a transitory phase in processes of integration into a dominant societal “culture”. As such they conceive of the risks of multiculturalism only in terms of the relations between communities of people, such as between “migrants” and “natives”. However, affirmative post-modern writers such as Zygmunt Bauman (1993, 1995) and Jean-François Lyotard (1984) claim that the loss of joint grand narratives or “shared culture” is a basic trait of contemporary society. We may say that if in modern societies there still is a considerable level of shared meanings *an sich* among the so-called autochthonous population, these meanings find it difficult to become apparent *für sich* or to be celebrated, ritualised, expressed or confirmed in daily practice. Levels of social life, activities and organisation are under threat, as Putnam (2000) claims in the case of the United States. Extrapolated fragmentation is a risk to all in society, not just to migrants or minorities.

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<sup>3</sup> Díez-Medrano and other authors of IJMS Vol. 4, No. 1, address the emergence and risks of ethno-nationalist movements in Northern Ireland, the Basque country, Québec, Chiapas (Mexico) and the Kurdish region of Turkey from the point of view of their development within the framework of a single centralised or federal state. The articles show that the interactions between these movements and the state and its policies certainly constitute an important dimension of their emergence, but their analysis would perhaps gain in depth when also including the possibly increasing impact of (f)actors stemming from other parts of the world. To indicate some examples: it is not by chance that the Zapatista movement in Chiapas has manifested itself right from the start on the Internet. The Turkish state’s dealing with the Kurdish problem cannot be understood without paying due attention to its aspirations to link with or even become a member of the European Union. To understand the Kurdish movement itself, its transnational linkages must also be acknowledged.

In short, communitarians address the difference/sameness problem in a frontal way. However, their romantic solutions in terms of “community” and “culture” are not only are problematic, they may contribute to fundamentalism. Moreover, the conditions for their existence being undermined by the very developments they are intended to deal with, i.e. globalisation and fragmentation.

## 7. Deliberative Democracy

Questions such as on which grounds “cultures” should be valued and protected do not take us any further. After all, a culturalist logic cannot answer such questions because it must assume that there are meta-cultural or non-cultural grounds on which the value of a particular “culture” can be “recognised”. Such a logic also denies the always contested nature of opinions, views and ideas, which may transform, develop and change in the course of debate and discussion. Consequently, they cannot and should not be objects of protection (Benhabib 2002).

In his theory of deliberative democracy, Habermas (1975, 1994, 1996) rejects a culturalist logic and avoids the trap of passing value judgements about particular “cultures”. Instead, he states the problems of multiculturalism in terms of public and legal debate and procedure and discourse. He (1994) criticises Taylor for adopting a paternalist approach because the latter only understands individual citizens as subjects of legal regulations while ignoring their active role as citizens in deciding upon such regulations. In Habermas’ view there is no need for collective privileges and protection rights as long as each and every citizen can participate in the democratic debates about the definition of rights. Such a deliberative framework is capable of group-related conceptions of the “good life” to be expressed and incorporated into the process of definitions of individual rights, just as it was able to do with the demands of the collective struggles of the labour and women’s movements.<sup>4</sup> However, such a framework can only do so when as a

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<sup>4</sup> For a similar argument regarding the protection of minorities’ languages through individual language rights, see de Varennes (2001). However, Habermas takes the argument one step further. Both in moral and in functional terms, he may point a way out of the debate in earlier editions of *IJMS* (e.g. Vol. 3, No. 1; Vol. 3, No. 2; Vol. 4, No. 2) about the need for protecting minorities’ languages. Morally speaking, we may claim that only the speakers themselves are the ones to decide upon the need for protecting the use and further development of their language. Such questions cannot be answered from an outsiders’ or etic point of view. Functionally speaking, Habermas’ argument also responds to Sue Wright’s comments (2001) on de Varennes’ view that language rights should not be collective, but be derived from individual human rights. Wright correctly points to the fact that such individual rights are only practicable when the individuals concerned communicate in wider social entities in which the language is spoken and written. Such wider social entities will be constituted, though, the moment consensus is reached among the individuals concerned about the need for measures to be taken to protect their language. After all, language protection depends on the will of the speakers themselves. Thus, democratic decision-making can provide for individual language rights, protective measures such as those that will practically allow someone to use their own language in official communications, as well as for wider social entities in which the language can be used in daily speech. There is no need to resort to collective protection rights in this respect. Here it becomes possible to supersede the dilemma of



framework it refuses to become identified with one particular or ethnic conception of the “good life” or “good society”. Habermas emphasises the procedural nature of the definition of individual rights and applies a civic instead of an ethnic conception of the state.

Habermas has elaborated on such procedures in his theory of communicative action (1981), which provides an important device of coordination and management pointing to joint discussion of all who are involved in a certain issue or conflict on the basis of reasonable arguments. It stipulates the creation of a limited and circumscribed discursive common definition of the situation shaped by a reasonable agreement on the specific issue at stake. As a tool to regulate such a discussion he distinguishes three types of argument. The first is of a cognitive nature, referring to truth claims concerning reality (to be understood in phenomenological and not positivistic terms). The second is about normative or moral claims regarding how reality should or is supposed to be. The third is of an expressive nature relating to how reality is experienced in emotional or aesthetic terms. It calls on those participating in the discussion to apply the appropriate criterion to each kind of claim: truth regarding cognitive claims, correctness in the case of the norms and moral claims, and sincerity concerning expressions and experiences.

Habermas does not make this distinction, but his elaboration of communicative action comes close to what Toulmin (2001) defines as reason, as opposed to rationality. Reason differs from rationality in that it allows for variable and flexible definitions of reality with its validity limited to specific situations and time frames, with a feeling for the many ways in which problems can be understood calling for modesty in style of argumentation in reaching a common definition beyond reasonable doubt, but never certain. Thus, drawing on reason may be much more appropriate in solving differences and conflicts and reaching a common definition of a situation through communicative action than rigid rationality with its timeless and universal validity claims.

Although Habermas does not want to become identified with republican thinking, his theory shares with republicanism an emphasis on the role of individuals as active participants in debate and decision-making. They are no longer portrayed as passive voters and supporters for those who represent them and conclude agreements in their name: see the critique above on egalitarian liberalism and institutionalised compromise. Instead, communicative action assumes an active role of all involved in reaching common decisions. The fact that all involved participate in such deliberations creates commitment and responsibility in the execution of the decisions reached. Consequently, Habermas’ emphasis is not so much on the need for states to invest in the shaping of non-antagonistic discourses

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how to organise and conceptualise difference and diversity: either in terms of individual diversity or in terms of a plurality of denominations, ethnic groups, language groups, communities and other collective frameworks.

– a need put forward by Díez-Medrano (2002) – but on the active participation of all involved in constructing such discourses.

Consequently, reasonable agreements reached in this way, fomenting commitment and responsibility, constitute a strong coordinating and management principle for the actions of all involved. There are no sound reasons why agreement and debate should be limited only to constitutional essentials, as Rawls (1993) suggests. Reasonable public discussions are appropriate in both formal and informal settings, in the media, in fora, in parliament and in works councils and other meetings (Benhabib 2002). As a management principle, reasonable agreements are relevant to both the difference/sameness problem – creating some level of sameness amid difference – and inequality problems, reaching some deal to keep conflicts from becoming explosive. Thus, reasonable agreements may strengthen existing or create new relations between participating individuals counterposing atomisation and moral fragmentation. They may also prevent essentialist or fundamentalist, i.e. basically non-reasonable ways of thinking and acting, from gaining momentum.

However, for several reasons it is not easy to reach common definitions and agreements in the context of multiplication of experienced difference. First of all, such difference entails that the common ground on which agreements can be concluded is limited. Second, the reasonableness of an agreement on cognitive grounds referring to truth claims may be feasible, the reasonableness of arguments regarding the sincerity of emotional expressions is more difficult to establish. The assumption that people are able and willing to think and behave in reasonable ways is questionable, especially regarding their emotional and expressive dimensions. Third, as Habermas clearly stated, for such a discussion to take place asymmetric power relations should be ruled out. Communicative action may be a device to solve inequality problems, but as long as this inequality remains relating to power and competition such discussion and action become difficult.

Nevertheless, these objections can also be turned to advantage. The fact that there is relatively little common ground for an agreement to be built upon is compensated by the fact that only a limited consensus is required. Those involved are not asked to change their mind, attitude and behaviour in all related aspects, but only those opinions and practices that are at stake in the specific case of conflict or problem. For example, I do not have to become a Muslim in order to approve of the construction of a mosque in my neighbourhood. Communicative action may focus only on those issues and questions that provoke problems and conflicts. It does not assume totalising concepts such as “culture” and “community”. The question of what these issues and questions are can only be answered empirically, so attempts to define and delimit a priori the scope of public reason, as Rawls does (1993), is useless.

The need for reasonable agreements as a management principle is limited to those issues that may provoke problems. Here we also find an answer to the objection that the reasonableness of arguments regarding the sincerity of emotional

expressions may be difficult to establish: only a limited scope of such agreement is required. Moreover, the recognition of the need for such agreements from a reasonable point of view at least entails a relativisation of emotions. As such, this may provide a check on such free and totalising flows of sentiment that so often distort discussions in public opinion and at work in, for example, the Netherlands.

The reality and viability of agreements reached in the context of serious asymmetrical power relations may of course be questioned and often calls for deconstruction as an ideology, but this does not mean that ideology is the whole story. Even in the case of the rather modest version of a communicatively founded compromise (Alvesson 1996), the result may be the avoidance of further conflict combined with the fact that even those at the “subaltern” positions may get something out of this discursive deal. When differences of both interests and meanings are at stake, the principles of institutional compromise and communicative action come together, but not necessarily in the shape of institutionalised compromise. A communicatively constructed compromise may be more beneficial to create legitimacy and commitment than a compromise only reached through power struggle and negotiations.

Communicative action, however, seems to be a strong management device in a preventive sense – its advantages are mainly operational while avoiding polarisation and anomie – but it turns out to be rather weak in a curative sense. How can it gain momentum when public life has already become saturated with epidemic waves of conspicuous sentiments and sacralised excitement, as in the case of many television channels and newspapers within and beyond the Western world (Sloterdijk 2001)? Today, reasonable public debate based on arguments and facts seems to belong to an endangered species in the face of a massive onslaught of sensationalism. How can debate and discussion become feasible when basic trust and personal security are hard to find in an atomised state of anomie? How can reasonable procedural requirements – as a relativising way of dealing with our own opinions and traditions, a willingness to participate in open discussion, the use and recognition of reasonable arguments and the distinction of types of argumentation and relevant reasonable criteria – be upheld in a situation in which positions have already become petrified in fixed and anti-reasonable fundamentalist trenches (Eisenstadt 2000)? Moreover, the correspondence between national levels of public reason and debate on the one hand, and national government institutions with the power to translate such debates into legislation, laws and rights on the other hand, with all its ensuing assumptions of legitimacy and citizenship, has become questionable by the very same processes as discussed above, i.e. globalisation and fragmentation. Alternative ways of correspondence do not seem to offer themselves as yet.

In short, deliberative democracy or communicative action certainly has its assets as a relevant management principle. It deals with both risks of the multiplication of experienced difference, i.e. extrapolated fragmentation and fundamentalist reaction, and with both the difference/sameness problem and related inequality

issues. It is able to avoid many of the shortcomings of the previously discussed management principles. However, its strength is mainly located on the preventive side rather than the curative side, and the very processes that have given the main impetus to the emergence of the risks concerned in the first place, i.e. globalisation and fragmentation, also threaten the conditions and feasibility of communicative action itself.

## **8. Conclusions**

This critical overview of the main positions in the academic political debate on multiculturalism highlights assets and strong points as well as flaws and shortcomings in all these positions. None of them provides a satisfying encompassing framework for understanding the risks of the multiplication of experienced difference in terms of both difference/sameness and political and economic inequality and for responding to the main risks involved, i.e. extrapolated fragmentation and fundamentalist reactions.

Neoliberalism highlights practical complementarity, but mainly celebrates the chances and opportunities provided by both globalisation and fragmentation. Indulging in this optimism, it plays down the risks and consequently may become instrumental in bringing about these risks. It remains a poor management principle. Egalitarian liberalism and communitarianism do tackle the risks involved. The former deals mainly with the inequality issues whereas the latter focuses on the difference/sameness problem. Thus, both can feed management interventions aimed at avoiding both extrapolated fragmentation and fundamentalism, but without being able to claim success or effectivity in their approaches. Neither egalitarian liberalism nor communitarianism remains immune from serious objections. They may encourage individual citizens to remain passive objects of policy and community without commitment and responsibility to play an active part in solving problems and challenges. Even worse, the outdated conceptual framework applied by communitarians may easily feed into fundamentalist positions and legitimise arbitrary and repressive interventions towards individuals and groups. Here the need for concluding reasonable agreements must be stressed, which certainly is a strong device to avoid both atomisation and fundamentalism. Deliberative democracy offers a procedural framework for dealing with both the difference/sameness problem and inequality issues. Within this framework of debate active citizens may flourish, but the framework itself should not embody too many substantive definitions that may be identified with particular group-related definitions of the “good life” or “good society”.

An eclectic optimistic mind would pick out constructive and useful elements from all these approaches to compose an integrative management approach. However, the perspectives for such an eclectic approach are not very encouraging. The basic assumptions behind the positions involved are often overtly contradictory, and mingling them means breeding oxymorons. Taylor’s unconvincing attempt to reconcile a liberal framework of individual rights with collective protection rights

provides a good example. Another illustration: how can the culturalist logic of communitarianism be articulated with deliberative democracy's requirements of universal acceptance of reasonable procedure?

An eclectic method may not always be feasible, but a differential approach is certainly called for. We must pay due attention to the contextuality and layeredness, i.e. the various levels at which the risks involved in the multiplication of experienced difference become manifest, and call for different management answers. Rawls' concept of a limited number of constitutional essentials that must be decided upon and need to be upheld and respected certainly provides a strong argument in favour of the definition of universal human rights, despite the above discussed critique if one would assume this view to be an overall and integrated answer at all levels. The critique on communitarian views cannot deny their relevance regarding the need for fomenting local and regional resocialisation processes in areas ravaged by warlords and violent conflict. Taylor's term "recognition" may be too ambitious to apply to an overall analysis of the risks involved, but recognition in terms of sameness and/or difference is certainly an important issue when individual migrants are introduced in a new job in a specific company. Habermas' communicative action entails a valid critique on the instrumentalisation of the culture concept by managers in many organisations and certainly can contribute to the management of diversity in companies (Siebers et al. 2002), but its perspectives for application at a global level remain bleak. Non-indiscriminate public-order policies issued by the state may be instrumental in curbing ethnic or nationalist violence (Díez-Medrano 2002), but will scarcely be sufficient to prevent ethnisation processes from ending up in fundamentalist positions. We are dealing with a plurality of contexts and levels without any a priori established hierarchy among or between them.

More serious, however, is the fact that generally speaking, with the exception of neoliberal celebrations of globalisation and fragmentation, all the positions discussed above have to face the threat of both these phenomena. As attempts to deal with their consequences, these positions themselves are undermined by these very same trends of globalisation and fragmentation. The feasibility of both egalitarian liberalism and deliberative democracy is threatened by the hollowing out of their institutional framework, i.e. the nation-state, as a consequence of both trends. Government may give way to governance networks and arrangements, but as yet no clear alternative has been put forward for the former correspondence between national institutional framework, legislation and public debate as a necessary prerequisite for these positions. Moreover, globalisation and fragmentation have relegated the basic concepts of communitarianism, i.e. "culture" and "community", to the category of nostalgic but dangerous regressions.

In short, the risks involved constitute one of the critical issues of our times and as yet no satisfying political, institutional and conceptual answer has been worked out to deal with it in an overall way and with sufficient room for differentiation according to level and context. Further conceptual and theoretical reflection and

critical scrutiny is required. Courage is called for to question basic assumptions of current political and theoretical thinking in order to open up new ways of conceptualisation and theorisation.

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**About the Author**

Dr Hans Siebers has studied contemporary history and social sciences. His Ph.D. project focused on globalisation and modernisation among the Q'eqchi' ethnic group of Guatemala. He has worked at several universities and, currently, he is associate professor in the Department of Organisation Studies, Tilburg University, the Netherlands. His research includes theoretical and conceptual studies on multiculturalism and social transformation. Fieldwork projects are on ethnicity and diversity in Dutch work organisations and identity regulation at work. He has published extensively on globalisation, multiculturalism, identity formation, social transformation, and management and organisation issues. email: h.g.siebers@uvt.nl