

REFUGEE WATCH

A South Asian Journal on Forced Migration

Migration and Borders of Citizenship

49

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The Flipside of the Integration Question: Guestworker Regimes and Temporary Circular/Managed Migration in History¹

By

Mahua Sarkar*

Since the 2005 banlieues riots in France, and in the context of the on-going debates over migrant rights in a politically polarised U.S., the proliferation of so-called “terror attacks” in many parts of the world, and now, more urgently, the current refugee ‘crisis’, the politics of integration has once again come to the forefront of discussions on transnational migration in the global North.² What seems to have all but disappeared from public debates about migration in this post 9/11 world filled with wars and counter-wars is what William E. Connolly once called the “ethos of pluralisation”.³ Today, the option of *integration* or *assimilation*—as it used to be called in mainstream migration studies in the US a few decades earlier—seems to be the best that is on offer to migrants crossing international borders.

While it is hard to miss this growing salience of the ‘integration’ discourse and its various policy implications for vast numbers of migrants seeking — and more importantly, being considered for—refuge from war, natural disasters, or economic hardship in the global North, this paper focuses on the (re)emergence in the late twentieth century of a specific form of cross-border labour migration that is *designed to keep migrants from settling* in receiving countries. Such work-mobility arrangements constitute one of the fastest growing trends within the field of transnational migration and are referred to variously as temporary worker programs, guest worker programs, managed migration, and now, increasingly, as circular migration within the migration studies literature.⁴

According to latest global estimates, there were 244 million international migrants in the world in 2015, of which nearly three quarters were of working age, i.e. between 20 and 64 years old.⁵ In a recent report entitled *ILO Global Estimates of Migrant Workers* (2015), the International

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Labour Organization meanwhile contends that labour migrants constitute nearly 73% of the world's working age migrant population.⁶ In other words, more than *half of the entire migrant population* in the world are in fact labour migrants of one form or another. Of these migrant workers, roughly 18% work in industry (including construction), 11% in agriculture, while the vast majority (over 70%) are employed in the service sector, which includes domestic work.⁷ Information culled from other studies reveal that at present there are about fifty countries with some form of guest worker programmes and approximately 20% of labour migrants worldwide involved in such temporary overseas work programmes.⁸ For this significant and growing body of transnational migrant workers, permanent residence in the host societies is simply not on the horizon of possibilities. And, thus, even the vastly less generous notion of integration/assimilation that dominates so much of the current debates over migration to the global North is largely irrelevant to them.

Defined often as “a...fluid pattern of human mobility among countries”,⁹ contemporary circular migration involves repeat movements of migrant workers between ‘home’ and often a number of different destination countries. Requiring long periods of separation from families, this kind of potentially life-long sojourner mobility is fundamentally different from the permanent emigration that resulted from earlier mass movements of peoples across international borders—be it through enslavement, indenture, or voluntary migration.¹⁰ Instead, circular/managed migrants are perhaps best understood as guest workers—a term that succinctly captures the ambivalent status of migrants who move legally, but are not welcome to stay on in the host society beyond the period of contract.¹¹

Some scholars wish to differentiate between circular migrations—understood as relatively fluid, repeat movements of labour across international borders—from other kinds of temporary migration that involves “more or less forced and managed forms of temporary residence”.¹² Others, however, point out that as long as such programmes deny migrants the option of permanent settlement in host societies, exclude them from fundamental labour rights such as choice of employer and jobs and access to healthcare, and compel them to leave periodically, they are essentially of the same ilk, irrespective of the relative ease or difficulty of movement. As Stephen Castles and Deriya Ozkul have argued, all such programmes are rooted in a neo-classical understanding of labour as a kind of “financial asset” rather than a socially embedded category.¹³

The current paper works with this latter understanding of circular migration as a form of temporary and managed migrant work regime.¹⁴ It is part of a larger project that situates circular/managed migration within the larger, historical question about the status of labour, and especially in terms of the debates within labour history over the slippery line between free labour and forced labour. Here, I will trace the genealogy of these labour-migration schemes, and make some preliminary observations about the specificity of contemporary circular/managed migration as it becomes incrementally normalised as a desirable policy tool.

What is Specific about Guest-Work?

Immigrants are rarely welcome in receiving societies. They are often greeted with suspicion, resentment, and fear, and are also typically obliged to accept poorly remunerated, undesirable, even unsafe work. What, then, distinguishes circular/managed migration and guest-work from other forms of exploitable labour arrangements—migrant or otherwise?

Two features seem to stand out: the *temporariness* of guest workers and their forced dependence on a single sponsor or employer in the receiving society—both underwritten by the intervention of the receiving state. It is “the state that creates” guest workers by simultaneously allowing them to access its territory, and underscoring “the transience of their stay”,¹⁵ and by preventing them from accessing local labour markets. Guest worker regimes is a mechanism through which the state balances the contradictory needs for cheap and flexible labour for the domestic economy, and the need to appease nativist demands for the protection of an imagined ethnic or cultural purity of the national community, marking out “clear distinctions between citizens and non-citizens, insiders and outsiders, [and often also between] whites and non-whites.”¹⁶ What is more, since guest worker programmes usually do not allow migrants to bring family with them, they are “prevented from forming ‘active communities,’” and denied access to certain kinds of social life.¹⁷ All these factors together can produce excessive exploitation and abuse of the workers that some observers have referred to as state-sponsored “structural violence”,¹⁸ a kind of “internal apartheid”,¹⁹ even slavery.²⁰ And yet, as scholars have pointed out, this kind of conceptual slippage obscures rather than clarifies the specificity of transnational temporary worker schemes. For notwithstanding the myriad forms of constraints that such workers are obliged to negotiate, they are in the end voluntary workers who earn wages.²¹ Indeed, in recent years, many labour-sending countries in the global South have seen remittance-levels that are higher than or on par with foreign exchange earnings through their most profitable industries. The World Bank’s Fact Book (2013), for instance, records a global inward flow of remittances of USD 404 billion in 2013.²²

Guest worker regimes may be defined, then, as “state-brokered” arrangements through which employers in the global North can tap into the considerable labour resources of low-income countries in the global South without having to bear long-term responsibility for these workers. To echo historian Cindy Hahamovitch’s poignant formulation, they are, thus, the “perfect immigrants” whose specific exploitation is underwritten by their legal non-citizen status and the ever-present threat of deportation, and not on their status as property as in the case of the enslaved.²³

The Historical Record: Early Examples

The historical roots of temporary labour migration or guest worker regimes may be traced to the late nineteenth century arrival of Mozambican workers in

South African mines and Polish seasonal agricultural workers in Prussia.²⁴ Mobilizing large numbers of migrant labour—through enslavement, indenture or conviction—to meet the demands of plantations, mines, and other colonial public works enterprises was of course not new; colonial states had been in the business of sourcing large-scale, organized labour supply from one part of their overseas colonies to another for several centuries.²⁵ But the ability to ensure the periodic exit of such labouring populations seems to have become both necessary and possible at this historical juncture at the end of the nineteenth century in which states increasingly consolidated themselves into “prospectively homogeneous ethno-cultural” units—i.e. ‘nation-states’, even as migration rates soared across the world. The invention and deployment of technologies of control designed to monopolize the legitimate means of population movement was integral to this process of the ‘becoming’ of nation-states.²⁶ The production of “temporary immigrants”—amidst a rising tide of “international migration and nationalism” on the one hand, and “a rush of restrictive immigration legislation around the world” on the other—must also be located within this historical and macro-structural ferment.²⁷

Germany

The case of Germany at the turn of the 19th century is particularly illustrative in this context. By the mid-19th century, there was a sizeable out-migration of Germans to North America. Official statistics from the US, for instance, shows that immigrants from Germany constituted nearly 27% of the 16,580,814 people obtaining legal permanent resident status in the US in the period between 1850 and 1899.²⁸ Entry figures from the US suggest even higher numbers leaving Germany for North America: in 1882 alone, 251,000 Germans entered the US.²⁹ While most of these emigrants seemed to come from the western parts of Germany, the agricultural depression in the 1880s pushed significant numbers of rural wage-workers and short-term contract workers from the eastern parts of the country to also join the swelling ranks of Germans seeking work and livelihood overseas. This latter trend seems to have petered off by the end of the 1880’s, however, as an increasingly robust German industrial sector began to generate enough work to absorb most such formerly agrarian wageworkers triggering considerable internal migration.³⁰ The result was not only a discernible drop in emigration figures from Germany to North America, but also, ironically, a deficit of workers on the increasingly commercialised and mechanized large agricultural estates of Prussia that needed short-term seasonal workers rather than year-long farm hands. The Junker decision to import Polish agricultural labour from the neighbouring Russian and Habsburg empires was thus propelled not by the scarcity of labour, per se, but rather the difficulty of sourcing locally a particular kind of labour—flexible and expendable—in a context in which stable, likely better-paid, year-long industrial work was readily available.³¹

The arrival in the 1880s of “starving Slavs”—to quote Max Weber from the inaugural lecture of his first professorship at Freiburg—stoked the

rising tide of German nationalism, leading to protests against the ‘polonisation’ of Prussia. Nearly 40,000 Poles were deported in 1885, and harsh laws enacted to deter further inflows.³² The overall sentiment, to quote Weber once again, was that “the German race should be protected in the east of the country, and the state’s economic policies *ought* to rise to the challenge of defending it”.³³

For owners of large landed estates, however, Polish (and in some cases Russian) migrant workers were crucial, for they were prepared to accept living conditions that “could not be offered to German workers”.³⁴ Their deportation thus posed a serious problem, and they pressed the state for the right to import agricultural labour. The compromise was to allow Polish workers to be recruited, but on a temporary basis and under state supervision. And it is to this specific constellation of factors that we must trace the emergence of one of the earliest guest worker systems in late nineteenth-century Prussia. By 1890, a new system of migrant recruitment was in place that discouraged permanent settlement of Polish migrants by allowing only single men to come to work, and forcing them to leave every winter. On the eve of World War 1, of the nearly 1 million foreign workers in Prussia, 270,496 were Polish.³⁵ These migrants were banned from speaking German, holding meetings in Polish, and required to carry identification cards that were colour-coded to signal their nationality.³⁶ Thus, even in the context of a shared phenotype, ‘colour’ still functioned as a signifier of essentialised difference (read: superiority/inferiority) as Polish guest workers were *integrated* into the economic life of eastern Germany, even as they were segregated as social aliens without the right to blend in. What is more, their vulnerability vis-à-vis their employers, and their overall alien-ness, were now underwritten by the state’s willing intervention in deporting them as and when deemed necessary by the needs and whims of the receiving society.

This blueprint for a specific kind of exploitative work-and-mobility regime would become available worldwide over the course of the next century, but its roots lay in this late-nineteenth-century historical conjuncture of a demand for cheap labour, a growing tide of nationalism in the face of globalization, and fundamental shifts in the ways in which states came to organise themselves.³⁷

South Africa

The guest worker system in Prussia may have been ‘emblematic’ of the solutions that states sought—and still seek—when faced with the contradictory pressures of safeguarding the interests of the national economy on the one hand, and national identity, on the other, but it was not historically the first. In South Africa too the migration of labour was entangled with the process of state formation. As Jonathan Crush notes, within the larger southern African region the migration for work that “was prevalent before the drawing of colonial boundaries” continued in the form of cross-border migration.³⁸ However, the terms of recruitment and employment seemed to metamorphose into a far more organised system over time.

The importation of foreign labour from the Indian subcontinent was already underway by the 1860s in the sugar cane plantations of Natal, and much of this indenture migration was meant to be, and largely was, permanent. However, there was also a significant body of African foreign workers from outside South Africa in the sugar plantations whose relationship to the plantation seemed to be configured differently. They were more likely to leave the plantation for other, better- remunerated employment, especially in the mines in other parts of the country. As early as 1876, in response to planters' demands, the state introduced a pass system aimed to control the problem of desertion among these foreign migrants, although, unlike later pass laws, this early attempt to control worker mobility did not limit the duration of contract.³⁹ More explicit forms of control directed at foreign labour were to follow soon afterwards, but in the context of diamond and gold mining after 1870 in the Cape and the Rand respectively.

On the Rand, the relatively 'low-quality' of the ores, the necessity of costly overhead investments for 'deep-level' mining, and the fixed price of gold as a commodity—precluding the possibility of passing on the costs to consumers—together led to the search for a cheaper, and more "tractable" workforce from Portuguese East Africa (present-day Mozambique). Consequently, by 1899, Shangaan workers from southern Mozambique accounted for up to 75% of the total African workforce at the deep-level Rand mines.⁴⁰ Malawi and Lesotho were also significant source regions in the "regional labour market for mine labour"—sometimes referred to as a "labour empire"—that the South African mining industry established in the late nineteenth and early twentieth centuries.⁴¹

As in Germany, here too the state played a crucial role in stabilizing this labour migration system. Beginning with legislating the 1896 Pass Law intended to clamp down on "labour desertion and competitive recruiting on the Rand", the state also supported wage cuts and "the extension of the working month from 24 to 30 shifts", negotiated labour agreements with the Portuguese to ensure a constant supply of Shangaan workers, facilitated the importation of over 50,000 Chinese labourers between 1904 and 1907, and eventually, passed the Native Labour Regulation Act in 1911 that secured the migrant labour system as *the* established form of labour in the Rand mines.⁴² Indeed it seems that at that time, the success of the deep-level gold mining industry in South Africa—if not its very existence—was predicated upon the recruitment of large numbers of 'low-wage', 'unskilled' foreign—especially African—migrant miners. For, an ore body of similar substandard quality on reefs that were so deep in the ground might have been "left in the ground" for lack of "the right type of work force".⁴³

Attempts to reduce the costs of labour both in the diamond mines of the Cape and the gold mines on the Rand extended beyond lowering wages to include various other forms of meanness on the part of the mine owners. Perhaps the most ill famous of these was the introduction of "closed compounds" at the Kimberly Central diamond complex. Designed to stop desertion especially among foreign workers, miners were locked into these closed compounds for several years in deplorable working and living

conditions, especially in the early decades of this labour migration system.⁴⁴ They were also required to sign year-long contracts, and were paid every six months. In sum, unlike the South Asian indentured plantation workers—who had the option of settling in Natal at the end of their five-year contract period—foreign miners unwilling to renew their contracts with the mines were typically “shuttled out” of the territory to prevent permanent settlement.⁴⁵

This state-brokered temporary foreign labour migration continued through the apartheid years, expanding in time to recruit labour in a number of neighbouring countries. And while the end of apartheid brought some reforms, overall South Africa’s dependence on labour-imports seems to continue. Today, temporary contract migrants reportedly account for half of the labour force in South Africa’s mines, even as the unemployment rates among South African Blacks are between twenty and forty per cent.⁴⁶

And what was the impact on the migrant workers themselves? Emblematic as it was of white domination in South Africa, the mining industry was oppressive toward all mineworkers. However, migrant labourers from the neighbouring countries seem to have borne “a disproportionate share of the rural economic impoverishment, social and family disintegration, calamitous health problems, and racial oppression that was endemic to the contract migrant labour system”.⁴⁷ Indeed, in the first decade of the twentieth century the situation had turned so grim—with an average of 50-100 per thousand men dying from various lung diseases in South African mines—that the state imposed a ban on recruitment of foreign miners in 1913.⁴⁸

Guest Worker Regimes: The Second Wave

While there were a few instances of “rudimentary” temporary foreign worker programmes emergent around World War 1—most notably in France and the US—the second discernible wave of guest worker schemes began in earnest in the 1930s in the context of war mobilizations, heightened nationalism, and rising wages in Europe and in Japan. Such importation of foreign labour would only increase as the post Second World War reconstruction efforts intensified in western Europe. Of course, the intent in most such programmes was to “import labor but not people”,⁴⁹ especially where non-white or non-European labour was concerned.

It was also in this phase in the history of guest-work that the US embarked upon its first formal temporary labour import arrangement—the *bracero* program—with Mexico in 1942, and a similar agreement with British colonial authorities in the West Indies in 1943. In South Africa, meanwhile, foreign labour recruitment resumed after the seventeen years long “Tropical Labour Ban” ended in 1930.

The Third Reich and the Federal Republic of Germany

Between 1936 and 1941, Germany restarted a system of controlled recruitment of foreign workers from a number of European countries,

including Poland, Holland and Bulgaria. While at first this official recruitment of foreign workers was mainly for farm-work, in the context of the war the guest worker arrangements extended far beyond the agricultural sector. By the mid-1940s, nearly 7.6 million registered “foreign forced laborers”—including POWs and civilian workers in/from occupied territories—were toiling in a number of industries within the Greater German Reich. Along with the 200,000 odd concentration camp prisoners, these foreign workers accounted for nearly “one-quarter of all registered workers” in the Third Reich, while in some enterprises “they constituted...(between 50 and)...80 percent of the workforce.”⁵⁰

This ‘prequel’ to the better-known and normative story of the Federal Republic’s post-1960s Gastarbeiter programmes—involving large numbers of Turkish and Kurdish temporary workers, as well as migrants from Italy, Spain, Greece, Portugal and Yugoslavia—nonetheless formed an unacknowledged backdrop to the ambiguous ways in which West German society dealt with the long-term presence of migrant workers and, indeed, how Germany continues to grapple today with its metamorphosis into an ‘immigrant’ society. As Herbert and Hunn point out, even the term “Fremdarbeiter”, used in the Third Reich, continued to be in vogue un-scrutinised for several years after the “organized (re)recruitment” of foreign workers commenced in the Federal Republic in 1955, before it was replaced by the “more friendly but nevertheless distancing expression Gastarbeiter” sometime during the 1960s.⁵¹ The early 1960s marked a turning point in the West German labour market when buoyed by strong and sustained economic growth, the number of available jobs exceeded the number of people registered as job-less. It was in this context that the Gastarbeiter programmes expanded significantly to bring in “a reserve labor force” that was seen as largely beneficial, but undoubtedly temporary. What is more, through much of the 1960s, an overwhelming majority of foreign guest workers were male and single, mostly employed in blue-collar work that was deemed unskilled or semi-skilled. These workers were more willing than their German counterparts to take on difficult jobs, work longer hours for overtime pay and were thus a crucial element in the story of West Germany’s “economic miracle”.⁵²

The Federal Republic of Germany was not the only country in Europe utilising foreign workers in the 1940s. The UK, for instance, introduced a Seasonal Agricultural Workers Programme as early as 1943—which admitted about 3000 workers per year between 1943-1980 for agricultural work. France, Belgium, Sweden, Switzerland, the Netherlands and Luxembourg also opened their economies to guest workers from a wide range of countries both within Europe and beyond. By 1973, at the end of this phase of temporary worker programmes, an estimated 6.7 million guest workers were employed in various sectors of western and northern European economies facilitating Europe’s post-Second World War economic boom by allowing steady rise in production without the attendant rise in social costs.⁵³

Socialist Europe

Conceived within an overarching framework of “economic and technical assistance”, the socialist bloc “training programmes” for workers—quite like other such programmes involving students, technical personnel and professionals—were ostensibly designed to impart and transfer skills to socialist ally states in the global South. They were, however, also part of a strategy to ease the problem of labour shortages in “advanced socialist economies” in east-central Europe, and labour surpluses elsewhere within the socialist world.⁵⁴

By the mid-1970s, 170,000 guest workers were working in a host of countries in east-central Europe and the Soviet Union. Workers came mostly from Vietnam—“reportedly the leading supplier of migrant labor to the Eastern Bloc”—Cuba, Angola, and Mozambique.⁵⁵ For instance, between 1979 and 1989 the German Democratic Republic hosted 21,600 Mozambican “worker-trainees”, while smaller numbers also came from Angola, Cuba and Vietnam.⁵⁶ Reports suggest that while many foreign workers were indeed employed in “labor niches comparable to those held by native workers”, by the 1980s, an increasing number found themselves in semi-skilled and unskilled occupations that were of “limited appeal” to domestic workers.⁵⁷ As a recent nuanced study of the “training and work” programme—which brought thousands of Vietnamese workers to Czechoslovakia between 1967 and 1989—shows, the 1980s seems to have brought a discernible shift from an earlier “emphasis on training” and “skilled factory work” to one of “economic acceptability”, which the needs of the Czechoslovak state was paramount in determining the kinds of jobs to which the Vietnamese workers were assigned.⁵⁸

Still, it would seem that the experience of foreign workers moving within the framework of bi-lateral agreements of cooperation between states in the socialist bloc was mostly beneficial: at the end of the training period, they typically “received the same salary and were subject to the same work rules and working conditions as other workers in the host country. They also were eligible for productivity-tied bonuses, and received the same fringe benefits (paid holidays, social security contributions, medical services) as union members in the host countries”.⁵⁹ Indeed, it seems that in the GDR, the term used to refer to Mozambican workers was not *Gastarbeiter* or guest worker as was common in the Federal Republic, but rather “*Werkstätiger*—a German word that roughly translates to “employees”.⁶⁰

United States

The US entered into its first official temporary labour importation schemes, first with Mexico in 1942 under the rubric of “Emergency Farm Labor Supply Program”, and soon after in 1943, with British colonial officials in the Caribbean (then, West Indies). While the underlying imperative for these programmes-like guest worker schemes anywhere—was without doubt to get workers who would be “ready to go to work when needed...(and) be gone

when not needed”,⁶¹ in these early “wartime” years, these federally-run arrangements seemed to be equipped with a set of provisions aimed at “protecting” foreign workers while in the US. For instance, Mexican and Caribbean contract workers could expect to receive “a minimum wage”, be employed for “at least three-quarters of the term specified in their contracts”, have reasonable housing, and “free transportation to and from the US”, and receive some form of support from US officials made “responsible” for the wellbeing of the foreign workers for the first five years.⁶²

However, such conditions deteriorated quickly as the wartime emergency labour programmes developed into bigger initiatives in the post-war period. By the end of the *bracero* program in 1964, 4.8 million Mexican workers had been brought to the US predominantly as farm-labour,⁶³ but the federal government had already retreated from the task of overseeing these programmes directly in 1947, leaving employers with the power to repatriate workers as they saw fit.⁶⁴

Overall, it seems that mid twentieth century temporary migrant worker programmes in Europe were more likely to extend greater protection to guest workers than similar arrangements elsewhere in the world. The reason, Hahamovitch argues, was that in most of these countries, the recruitment and movement of workers was managed by states; it was not left to the discretion of employers, as it was both in South Africa and in the US. What is more, the post-war industrial rebuilding effort meant that most migrant workers were employed in unionized industries such as automobile, textiles, and construction. It was therefore in the interests of trade unions to advocate equal pay, and the rights to organize and strike for guest workers.⁶⁵ Not surprisingly, both these factors were even more salient in the socialist experiments with foreign migrant worker programmes.

In contrast, in the US, as in South Africa, foreign migrant workers were typically hired in sectors that did not employ significant numbers of local workers, and were thus isolated from the rest of the working class—whether in closed, overcrowded compounds, or in remote plantations and farms away from the public eye—where any protest could be swiftly dealt with through jailing or deportation.⁶⁶

By the 1960s, the originally intended “rotation principle” began to break down in many European countries, leading to increased family reunification and eventual permanent settlement of significant numbers of erstwhile guest workers in the receiving societies. European states by and large also allowed guest workers to renew their work-permits, and to gain greater rights over time. While such “integrationist” policies were eventually abandoned by European states in the latter half of the 1970s—especially when it came to guest workers from countries outside of Europe—for a period of about a decade, they represented a window of opportunity for partial integration that was unavailable to guest workers in other parts of the world.⁶⁷

In contrast, the temporary foreign worker programmes in the US and in South Africa, for instance, never afforded such an option of legal integration for guest workers.⁶⁸ And it is this latter, insistently exclusionary

model of guest-work that seems to be widely replicated in many parts of the world today.

The Late Twentieth Century: The Third Phase

If the oil-shock of the 1970s spelled an end to the second phase of guest worker programmes, it also ushered in a third phase of transnational temporary contract work involving the Gulf nations and workers from poorer, predominantly oil importing countries in Asia. Soon afterwards, the fast-growing economies of East and South-east Asia also began importing large numbers of migrant labour from poorer neighbouring countries. More recently, such programmes have resurfaced in Europe, North America, and Australia, now under the rubric of circular/managed migration. Since the 1990s, there has been a marked increase in the use of temporary foreign labour in a number of countries in the global North. Notable examples of such programmes include the Seasonal Agricultural Workers Scheme (SAWS) in the UK, the Seasonal Agricultural Workers Programme (SAWP) in Canada, the H2-A scheme in the US, the Seasonal Workers Programme (SWP) in Germany, the Seasonal Immigration Quota Programme in Norway, and the Recognised Seasonal Employer (RSE) programme in New Zealand. Adjustment of general visa regimes—such as Working Holiday Makers from Overseas (WHMO) visa in Australia and the *Wet Arbeid Vreemdelingen* (WAV) visa of the Netherlands—are also examples of arrangements aimed at facilitating the seasonal employment of agricultural labour.⁶⁹ This, the third, wave of guest-work has also involved large-scale movement of international domestic workers—mostly female, and many moving on the basis of temporary contracts from all over the global South to the North.⁷⁰

Notwithstanding the increasing numbers of women and professionals among transnational circular labour migrants today, the iconic image of the contemporary guest worker perhaps rests with the millions of male manual workers toiling most visibly in countries across the Persian Gulf and South-east Asia, and to a lesser extent in the US and in Europe, in construction, chemical processing and marine industries, agricultural work, animal husbandry and food processing plants, as well as in a wide variety of jobs in the service sector, including care work. Such workers are obliged to accept longer hours and lower pay for some of the most backbreaking work, often under extremely harsh conditions.⁷¹

The Persian Gulf

Reports indicate that at present close to 25 million non-citizen migrants work in the Gulf Cooperation Council (GCC) countries—Saudi Arabia, Kuwait, Qatar, Bahrain, the United Arab Emirates (UAE), and Oman. Temporary contract workers account for over 90% of the total private workforce of the UAE and Kuwait, 99% of the private sector workforce of Qatar, and around 60% of Saudi Arabia's total workforce.⁷² Indeed, this unusually high proportion of migrants make guest workers the “primary labour force” in

these economies—and not simply a complementary or supplementary source of labour—for the first time in the history of guest-work.⁷³

While an overwhelming majority of migrant workers in the Gulf today come from South and South-east Asia—four of the top five source countries for temporary labour migration to the UAE for instance are India, Bangladesh, Pakistan, and the Philippines⁷⁴—the early “oil-boom migrants” in the 1970s were largely Arabs from poorer countries in the Middle East and North African (MENA) region, who had had relatively easy access to the Gulf through visa-waivers and naturalization options throughout the 1950s and 1960s. However, the vigorous activism of these ‘Arab’⁷⁵ workers—inspired by Arab nationalist, republican and leftist ideas that favoured the abolition of monarchies and raised the spectre of sharing “oil-wealth”—seems to have turned the Gulf (later GCC) countries to harden their borders and opt instead for a policy of constant circulation of migrant workers “in and out” of host economies, thereby “isolating” them from locals and discouraging permanent migration.⁷⁶

By the 1980s, migrant labour from South and South-east Asia were also being imported as the new, preferred group of temporary workers. While Arab labour migration in the region had been organized through informal networks, Asian migration to the GCC is dominated by the *Kefala* or *Kafala* (sponsorship) system, which ties migrant workers to specific sponsors/employers and is infamous for the myriad forms of abuse that it routinely exposes workers to. Needless to say, these workers have no right of association, let alone the right to engage in any form of work stoppage. As the Human Rights Watch reports, the requirement for “exit visas” and the arbitrary deployment of “travel bans” by the authorities grant Qatari employers unusual level of control over the lives of foreign migrants in their employ.⁷⁷

South-East Asia

A second region of the world in which temporary foreign migrant workers constitute a significant proportion of the total working population in a number of countries is South-east Asia. In the wake of decolonisation and the emergence of independent nation states, and within an ever-shifting context marked by multiple wars and political struggles in the region, a set of countries—most notably Singapore, Malaysia and Thailand, and, with lesser success, the Philippines and Indonesia—adopted an export-oriented industrialisation strategy that has led to sustained rates of high economic growth. Together these ‘newly industrialising countries’ or NICs, as they used to be known, formed the Association of Southeast Asian Nations (ASEAN) in 1976⁷⁸ to bolster common political and economic interests, defined in opposition to those evinced by the communist countries in the region—viz. Cambodia, Viet Nam and Lao PDR.⁷⁹

Beginning with industries “specialising in electronics and electrical components, textiles and garments and footwear”, Singapore, Malaysia and Thailand—the three frontrunners among the ASEAN countries—have

moved up the production ladder over time to other, more advanced manufacturing industries such as aerospace engineering, marine and offshore engineering, robotics, clean air technology, medical technology, oil refining, automobile industry, as well as a host of highly profitable service industries, including specialized financial services, healthcare, and tourism.⁸⁰ The fast pace of development has led all three countries to increasingly turn to the large-scale importation of foreign workers from neighbouring poorer economies to address their need for both skilled and unskilled labour.⁸¹

Recent reports indicate that the share of foreign workers in the total labour force in Malaysia is around 25-40%,⁸² and between 5 and 10% in Thailand.⁸³ While nearly three quarters of the Malay workforce (73%) was engaged in agricultural work in the 1970s, today most such work—in plantations, for instance—is done by temporary migrant labour, drawn largely from neighbouring Indonesia.⁸⁴ Similar trends obtain in Thailand—a country that both sends and receives contract labour—with foreign workers largely engaged in manual work in agriculture, fisheries, construction, and domestic work.⁸⁵ But it is Singapore with the highest per capital income in the region,⁸⁶ a foreign worker population of around 38-40% of the total workforce,⁸⁷ and a complex yet supple immigration policy framework that seems to have emerged as the poster-child for contemporary guest worker regimes.⁸⁸

In recent decades, Singapore's non-resident/non-citizen workforce has grown from 248,200 in 1990 to 1.4 million in 2016, i.e. by an astounding 464%.⁸⁹ More significantly for the present discussion, over one million of this huge corpus of foreign workers reportedly hold work-permits—which represent the lowest rung in Singapore's explicitly hierarchical work pass system reserved for 'low skilled' manual workers in the construction, shipyards, domestic work, and service sector enterprises. These are jobs that are seen as unfitting for Singaporeans.⁹⁰ While "high-skilled" foreign professionals (P and Q employment pass holders) are generally welcomed to seek permanent residency, if not citizenship, in Singapore, government policy and discourse since the 1970s has focused on containing "unskilled" and "low-skilled" foreign workers (R1 and R2 pass holders) into a flexible and "transient workforce", *ineligible for permanent settlement* and "subject to repatriation during periods of economic downturn".⁹¹

To effectively manage this vast temporary foreign workforce, Singapore has devised a range of intricate policies. For instance, the "dependency ceiling" maintains a balance between foreign and local workers in specific industries; while the system of "foreign worker levy" deters overdependence on foreign labour by requiring employers to pay taxes for unskilled/low-skilled foreign migrant workers they hire. Additionally, employers are also required to post a security bond for each foreign migrant worker of this category in their employ for the duration of the worker's stay in Singapore. The "work permits" meanwhile regulate the foreign contract workers' movements in and out of the country, as well as ostensibly the specific sector into which a worker may be legally hired.

It is worth recalling in this context that Singapore has a strict policy of sourcing foreign labour from different countries for different sectors of the

economy. Workers from the so-called “traditional source countries” —viz. Malaysia, North Asian Sources (NAS) such as Hong Kong, Macau, South Korea and Taiwan—and the People’s Republic of China, may be employed in most sectors. Workers from the ‘Non-Traditional Source’ (NTS) countries—i.e. India, Sri Lanka, Thailand, Bangladesh, Myanmar and the Philippines—meanwhile are restricted largely to the construction, marine and process industries. In theory, the Singapore state does not take kindly to sectorial infringements especially since the poorly paid, but relatively less arduous, cleaning jobs in offices are reserved for workers from traditional source countries—Malaysians in particular—and, increasingly, for underprivileged, elderly and/or disabled Singaporeans.⁹² And yet, such sectorial infringements are routine, exposing the workers to the risk of deportation and ruin.⁹³

In response to employers’ need to retain trained and experienced workers, in recent years the Singapore state has begun allowing renewals of initial permits for additional two year periods, currently up to a maximum of eighteen years and ten years for “skilled” (R1 pass holders) and experienced “unskilled” (R2 pass holders) manual workers.⁹⁴ But it is important to note that while such innovations at the micro level have made Singapore attractive in some ways, foreign contract workers are still denied access to the local labour market because they are tied to a single employer and a specific occupation category. What is more, an employer in Singapore is typically a labour supply company, which recruits workers from sending countries through an intricate network of similar companies and agents on the other end, only to “hire them out” to other firms who have actual work projects. This additional layer of “employers” meanwhile absolves the firms that “hire in” foreign workers for from taking responsibility for them. The result is a labour-mobility system that is flexible and advantageous for Singaporean employers, but profoundly disempowering for the foreign workers, who are left exposed to myriad forms of abuse and potentially dangerous working conditions.⁹⁵

Additionally, work permit holders are neither allowed to bring family members with them to Singapore, nor allowed to marry citizens of Singapore.⁹⁶ They are required to live in segregated housing—often of poor quality—provided by the supply companies, who are also responsible for transporting the workers to and from work.⁹⁷ In a context laden with such extreme asymmetries of power and dependence between the workers and their “employers”, disputes can and do lead to termination of employment and hence of work permits, forcing workers to leave Singapore within seven days. Needless to say, if such a calamity arrives within the first year or two of a worker’s sojourn, i.e. before he has had the opportunity to earn back the huge outlay of resources that securing employment in Singapore entails, he *and* his family can be devastated economically and socially.⁹⁸ As a result, no matter how difficult the working and living condition, and how bad the treatment from the employers, most migrant workers feel obliged to suffer it.

Conclusions

It would seem that there are disturbing similarities between the first guest worker schemes in the late nineteenth and early twentieth centuries and the ones that have become institutionalised since the 1970s in the Gulf and South-east Asia. For instance today, as in the late nineteenth-early twentieth century, foreign temporary migrant workers are often denied the labour-law protections that the local workers might expect. Subjected to restrictive visas they are separated both from family and the local working classes in the receiving societies. Such separation—effected in terms of legal status, as well as through their physical segregation in labour compounds, in plantations, in dormitories or within households in the case of domestic workers—in turn, deepens the migrants' dependence on their employers. It also denies them the possibility of forging 'normal' social lives that many observers interpret as a violation of civil or human rights.

However, contemporary guest worker programmes are not mere replicas of earlier labour-mobility systems; they seem to have evolved in some significant respects. The existing literature identifies—explicitly or implicitly—three important “innovations” that would be instructive to foreground here. First, unlike in the past, transnational circular migration today involve both ‘highly-skilled’ professionals, working in computing and other white-collar service occupations, and ‘low-skilled’ manual labour, involved in “so-called 3-D (dirty, dangerous, and difficult)” work. Second, this form of labour migration is also increasingly feminized: foreign domestic workers constitute a major share (11.5 millions in 2013)⁹⁹ of the total population of contemporary transnational labour migrants. Third, in the increasingly neo-liberal environment of the late 20th century, sending states often participate actively in marketing their citizens as desirable commodities abroad. Asian migrants, and especially Asian women as domestic workers, have emerged as some of the most sought-after category of migrant labour in this context,¹⁰⁰ while Bangladeshi overseas contract workers are now hailed as *shonar manush* (persons of gold) in Bangladesh.¹⁰¹

In my reading, it is this last “innovation” and, especially, the vigorous developmentalist discourse that seems to under gird it, that really sets this most recent phase in the history of guest worker regimes apart from its earlier iterations. That there are “economic advantages to capital of a migrant labour system”—especially where such labour could be constrained or “bound” in some form, as the preceding discussion of guest-work shows—has been abundantly clear for some time now.¹⁰² But in the late twentieth/early twenty-first century post-colonial world, the prevailing discursive consensus seems to require an additional veneer of justifications to bring this form of unusual surplus extraction involving non-citizen labour back into explicitly legal, state-sponsored practice. And this justification is realised through the discourse of the migration-development nexus that has gained prominence once again at the end of the twentieth century.¹⁰³ And today, it is non-permanent or circular migration that seems to be “the rage in international policy circles”.¹⁰⁴

The currently dominant understanding in academic and policy circles is that circular migration helps address possibly the most pressing structural problem facing the global capitalist economy: viz. the dynamics of stagnating or negative population growth in the affluent societies in the world—and, by extension, problems with the availability of labour—on the one hand, and a surfeit of often very young and growing populations, and resultant chronic problems of unemployment and underemployment in the global South, on the other. Given this apparent mismatch between the global availability of, and the demand for, labour, circular migration seems to be the perfect answer for all stakeholders.¹⁰⁵ Of course, it is also widely acknowledged today that transnational contract workers—female and male—can be, and are, exposed to extraordinary discrimination and vulnerabilities as non-citizen labour in most labour-importing societies, especially if they are ‘low-skilled’. As a result there is a tendency among scholars and observers of this form of work-mobility to focus on the “effective management of migration flows”.¹⁰⁶

What is lost, however, in this policy and academic verbiage is a simple fact: at the heart of all guest worker programmes lies a set of legally constructed constraints that makes them profitable. Without these fundamental denials—of the right to choose one’s employer, the right to organize and protest, and, most importantly, the right not to be deported at the whim of employers and receiving countries—guest worker regimes would lose their *raison d’être*. “Effective management” may succeed in reducing the excessive abuses of this system; but it cannot begin to address the issue of guest worker system itself as abuse in the service of inordinate surplus extraction through the work of non-citizen labour.

Notes & References

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<http://www.unfpa.org/migration>.

⁷The ILO report (2015) does not provide separate statistics on temporary/contract migrants, it intimates that migrants employed in precisely these sectors—construction, agriculture, as well as domestic and other service work—are likely to have temporary resident status in the receiving countries. ILO, *Global Estimates*, p. 30.

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⁷⁵It seems the category ‘Arab’ included Eritreans as well at this time. Helene Thiollet, “Migration as Diplomacy: Labor Migrants, Refugees, and Arab Regional Politics in the Oil-Rich Countries.” *International Labor and Working-Class History*, 79, 1, (2011): 103-121.

⁷⁶ Fred Halliday, "Labor Migration in the Arab world," *Merip Reports*, 14, 4, May 1984, pp. 3-10; Thiollet, "Migration as Diplomacy"; John Chalcraft, "Migration and Popular Protest in the Arabian Peninsula and the Gulf in the 1950s and 1960s." *International Labor and Working-Class History*, 79, 1 (2011): 28-47.

⁷⁷ Human Rights Watch, "Qatar"; Gardner, Pessoa, Harkness, "Migrants and justice", pp. 255-6; Malit and Al Youha, "Labor Migration in the United Arab Emirates".

⁷⁸ Brunei joined ASEAN in 1984 after gaining full independence from Britain. Pushpa Thambipillai, "Brunei Darussalam and ASEAN: regionalism for a small state", *Asian Journal of Political Science*, 6, 1 (1998), p. 80

⁷⁹ Richard Stubbs, "War and economic development: export-oriented industrialization in east and south-east Asia", *Comparative Politics*, 31, 3 (1999): 337-55; Kaur, 'Labour migration in southeast Asia; Giovanni Arrighi, 'The rise of east Asia: world systemic and regional aspects', *International Journal of Sociology and Social Policy*, 16, 7/8 (1996): 6-44.

⁸⁰ Economic Development Board, Singapore, <https://www.edb.gov.sg/content/edb/en/industries.html>; Economy Watch, 'Malaysia Industry Sectors,' 16 March 2010, http://www.economywatch.com/world_economy/malaysia/industry-sector-industries.html; Economy Watch, 'Thailand industry sectors, April 8 2010, http://www.economywatch.com/world_economy/thailand/industry-sector-industries.html (all Accessed on 18 February 2017).

⁸¹ Kaur, "Labour migration in southeast Asia", pp. 7-8;

⁸² According to World Bank estimates, the total labour force in Malaysia was 13.3 million strong in 2014, <http://data.worldbank.org/indicator/SL.TLF.TOTL.IN> (Accessed on 18 February, 2017). See also Kaur, "Labour migration in southeast Asia", p. 9; Puk Ah Lek, "The dilemma of having foreign workers in Malaysia", *The Straits Times*, 16 September 2017, <http://www.straitstimes.com/opinion/the-dilemma-of-having-foreign-workers-in-malaysia> (Accessed on 18 February, 2017).

⁸³ The total workforce in Thailand is around 40 million <http://data.worldbank.org/indicator/SL.TLF.TOTL.IN> (Accessed on 18 February, 2017), with 2-3 million foreign migrant workers, Jerrold W. Huguet and Aphichat Chamratrithrong eds. Thailand Migration Report, 2011, International Organization for Migration, Thailand Office, Bangkok: Thailand, 2011, p. xii, http://publications.iom.int/system/files/pdf/tmr_2011.pdf (Accessed on 15 October 2016); 'Migrant workers account for 5 percent of Thai labour force', Inside Thailand, 7 March 2016, <http://thailand.prd.go.th/showprintFriendly.php?nid=2822&flag=2> (Accessed on 15 October, 2016).

⁸⁴ 73% of Malays were engaged in agricultural work in the 1970s. Amarjit Kaur, 'Plantation systems, labour regimes and the state in Malaysia, 1900-2012', *Journal of Agrarian Change*, 14 (2), 2014, pp. 190-213; Christine B. Chin, *In Service and Servitude: Foreign Female Domestic Workers and the Malaysian "Modernity" Project*, New York: Columbia University Press, 1986.

⁸⁵ "Migrant workers account for 5 percent of Thai labour force". Available at http://thailand.prd.go.th/ewt_news.php?nid=2822&filename=index (Accessed on 15 October, 2016).

⁸⁶ At a GNI per capita of USD 52,090 in 2015, Singapore is significantly ahead in terms of average national income of Germany, the Netherlands, Canada, the UK, and Japan. See World Bank GNI per capita estimates at <http://databank.worldbank.org/data/download/GNIPC.pdf>.

⁸⁷ According to the Ministry of Manpower (MOM), the total workforce in Singapore was 3.672 million in 2016. <http://stats.mom.gov.sg/Pages/Labour-Force-Summary-Table.aspx> (Accessed on 18 February 2017). See also, Kai Hong Phua et al., *Health of migrants in Singapore*, Lee Kuan Yew School of Public Policy, National University of Singapore, 2013, http://www.asef.org/images/docs/Session%203_2_Kai%20Hong%20Phua_Preliminary%20results%20of%20studies%20of%20Singapore%20and%20Hon%20Kong%20OSAR_1.pdf (Accessed on 13 November 2013).

⁸⁸ See for instance United States Government Accountability Office, *Foreign Workers*, 2006. Available at <http://www.gao.gov/assets/260/251403.pdf> (Accessed on 3.12.2011).

⁸⁹ In 1970 the number of foreign workers in Singapore was a mere 20,828. See Brenda Yeoh and Weiquiang Lin “Rapid Growth in Singapore’s Immigrant Population Brings Policy Challenges”, Migration Policy Institute, April 3 (2012). Available at <http://www.migrationpolicy.org/article/rapid-growth-singapores-immigrant-population-brings-policy-challenges> (Last accessed on 24 April 2017); and The Ministry of Manpower (MOM) reports a total foreign workforce of 1.4 million in 2016 <http://www.mom.gov.sg/documents-and-publications/foreign-workforce-numbers> (Accessed on 18 February 2017);.

⁹⁰ The Ministry of Manpower (MOM), 2016; Mathew Sacco, ‘What does Singapore Owe its Migrant Workers?’ Carnegie Council for Ethics in International Affairs, 10 February 2016, http://www.carnegiecouncil.org/publications/ethics_online/0114 (Accessed on 10 June 2016); Amelia Tan, ‘1.32m foreign workers in Singapore; the bulk in construction and marine sectors’, *The Straits Times*, 6 August 2014, <http://www.straitstimes.com/singapore/132m-foreign-workers-in-singapore-the-bulk-in-construction-and-marine-sectors> (Accessed on 17 May 2016). Since 1998, foreign workers have been divided into the following categories in Singapore: Class P, Q, and R. The first two are employment passes reserved for professionals, while the third was meant for ‘unskilled’ or ‘semi-skilled’ workers. Today R passes are increasingly referred to simply as ‘work permits’. See for instance, Ministry of Manpower, *Work Passes and Permits*, 2017. Available at <http://www.mom.gov.sg/passes-and-permits> (Accessed on 1 February, 2017).

⁹¹ Yeoh and Lin, “Rapid Growth”. Policies limiting the duration of labour migration and, especially, the opportunities for integration of foreign labouring populations form the bulwark of recent history of trans-border migration in Asia. See Nicola Piper, “The Rights of Foreign Workers and the Politics of Migration in South-east and East Asia”, *International Migration*, 42, 5 (2004): 71-97; Mizanur Rahman, *In Quest of the Golden Deer: Bangladeshi Transient Migrants Overseas*, VDM Verlag, 2009, pp. 12-17

⁹²As a recent article on Bloomberg News points out, “Singapore’s employment rate for those between ages 55 and 64 is now 66 percent, among the highest of the 34 nations in the Organization for Economic Co-operation and Development (OECD). The government has made it mandatory for companies to offer three more years of work to those turning 62, the official retirement age, and plans to extend that to five years by 2017.” The article further notes: “Cleaners, laborers and production and transport operators accounted for the highest numbers of older workers, according to a [2014] survey ... by Singapore-based DBS Bank Ltd. A majority of the elderly who were employed drew gross monthly incomes of less than S\$1,500 (\$1,124). See Rina Chandran, “What Retirement? Singapore Older Workers Stay on the Job.” 7 January,

2015 <http://www.bloomberg.com/news/articles/2015-01-06/what-retirement-singapore-older-workers-stay-on-the-job> (Accessed on September 2, 2015).

⁹³ Several workers I interviewed reported being deployed in cleaning jobs although their work-permits specified shipyard work. None of them seem to have been paid the higher rate of salary that cleaning jobs are supposed to fetch.

⁹⁴ The Ministry of Manpower (MOM), “Renew a Work Permit,” <http://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-worker/renew-a-work-permit>, and “Extension of Maximum Period of Employment for Unskilled Work Permit Holders”, <http://www.mom.gov.sg/~media/mom/documents/press-releases/2012/faqs%20on%20extension%20of%20maximum%20poe.pdf> (Both accessed on 26 April 2017).

⁹⁵ These observations are primarily based on extensive fieldwork by the author in Singapore, Malaysia and Bangladesh among transnational temporary contract workers from Bangladesh. For instance, a number of workers I interviewed depicted instances of utter neglect of their health and safety by their employers; others spoke of physical abuse, and illegal deployment of workers leading to cancellation of work permits.

⁹⁶ Frost and Chiu, 2003

⁹⁷ Early examples of living quarters included containers in warehouses, overcrowded rooms in poorly maintained buildings in Singapore’s red-light area in Geylang, and makeshift accommodations on construction sites. More recently, Singapore has begun constructing workers’ dormitories, which constitute an improvement in terms of physical conditions, but are often situated far away from the centre of the city in areas poorly connected by public transportation. See Mayers Ng Mei Sze and Benjamin K. Sovakool, “Of Fast lanes, Flora, and Foreign Workers: Managing Land Use Conflicts in Singapore,” *Land Use Policy*, 30, 1 (2013): 167-176.

⁹⁸ For a related paper, see Mahua Sarkar, “Constrained Labour as Instituted Process: Transnational Contract Work and Circular Migration in Late Capitalism”, *European Journal of Sociology/ Archives Européennes de Sociologie*, 58, 1 (2017): 171-204.

⁹⁹ ILO, *Global Estimates*, p. xi

¹⁰⁰ Chin, *In Service and Servitude*, pp. 97-102; Pei-Chia Lan, *Global Cinderellas: Migrant Domestic and Newly Rich Employers in Taiwan*. Durham: Duke University Press, 2006; Robyn M. Rodriguez, *Migrants for Export: How the Philippine State Brokers Labor to the World*, Minneapolis: Minnesota University Press, 2010; International Labour Organization, *International Labour Migration: A Rights-based Approach*, Geneva: ILO, 2010; Hahamovitch, “Creating Perfect Immigrants”.

¹⁰¹ “Accolades for best use of remittance,” *The Daily Star*, 27 October, 2011. Available at <http://www.thedailystar.net/news-detail-208084> (last accessed on 27 April 2017).

¹⁰² Max Weber, “Developmental Tendencies in the Situation of East Elbian Rural Labourers”, *Economy and Society*, 8, 2 (1979): 177-205; Robert Miles, *Capitalism and Unfree Labour: Anomaly or Necessity?* London: Tavistock Publications, 1987, pp. 4-5; Wunderlich, *Farm Labor in Germany*, pp. 23-24; Crush, Jeeves and Yudelman, *South Africa’s labor empire*; Herbert and Hunn, “Guest Workers and Policy”, p. 194; Sacco, “What does Singapore Owe”.

¹⁰³ Stephen Castles, “Development and Migration—Migration and Development: What Comes First? Global Perspectives and African Experiences”, *Theoria: A Journal of Social and Political Theory*, 56 (2009), pp. 5-6.

¹⁰⁴ Skeldon, “Managing Migration”, p. 22.

¹⁰⁵ Martin Ruhs, “The potential of temporary migration programmes for future migration policy”, *International Labour Review*, 145, 1-2 (2006): 7-35.

¹⁰⁶Philip Martin, Manolo Abella, and Christine Kuptsch edited, *Managing Labor migration in the twenty-first century*, New Haven: Yale University Press, 2006; Skeldon, “Managing migration for development”, pp. 21-33.

On the Creation and Accommodation of the Misery of the World: The Case of the Sans-Papiers

By

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In the late 1980s the then French Prime Minister, Michel Rocard coined a totemic phrase to justify tighter immigration controls: “*Nous ne pouvons pas accueillir toute la misère du monde*” [We cannot accommodate all the misery of the world].¹ As well as echoing down the years in the French discourse on immigration, it is also emblematic of a wider sentiment amongst Europeans, one that has become particularly pronounced in the context of the migrant crisis in the Mediterranean. However, as one commentator has already pointed out, it is ‘as if “all the misery of the world” was something inevitable, a reality parachuted in from some unknown and particularly malicious heaven’.² For Rocard’s statement expresses both a sense of being helpless victims of a tide of human misery, and also a cognitive disassociation from the reasons why these migrants have chosen to move to the countries that they do. While European communities have decided long ago that the formal cutting of ties with former colonies ended any claim on their responsibility to the peoples they once dominated, each new set of migrations from the Global South demand a reassessment of the finality of this assumption. Rarely is it asked why, for example, Iraqis tend to come to the UK, why Senegalese go to France, Congolese to Belgium etc. Germany, which rebuilt its shattered post-war economy with cheap Turkish labour, while denying the immigrants any chance of citizenship or permanent residency, is perplexed as to why, according to received wisdom, these communities never adequately integrated into German society, or why Turks continue to see emigration to Germany as a route to a better life. In short, whilst there is much talk of whether or not migrants have the right to move to Europe, there is little recognition of the responsibilities that Europe owes to the migrants. Instead, as Johanna Siméant points out, public policy and discourse tends to consider immigrants only on the basis of their socio-economic significance ‘devoid of any political

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Refugee Watch, 49, June 2017.

meaning’, and rarely do studies of immigrants reflect their capacity for ‘collective action initiated “by immigrants for immigrants”’.³ Jacqueline Costa-Lascoux has written that migration policy in Europe is based upon distinguishing between categories of ‘safe and developed countries’ versus ‘poor and at risk’ ones at the expense ‘of an analysis of the individual situation of exiles’. Moreover, she argues that this is in violation of the principle of ‘equal dignity of persons as guaranteed by international law’.⁴ The key point is, however, that the split that Costa-Lascoux identifies, is in fact the *raison d’être* of European migration policy; it is designed to privilege migration within the space of the developed world on the basis of excluding, or at least strictly controlling the rest. This can be seen most glaringly in the fact that concurrently with the advent of the Schengen Agreement, which facilitated free movement within the EU, came the Dublin Convention, which set up a framework for the management of immigrants, specifically asylum-seekers from outside the EU. In recent decades this process has accelerated with the setting up of EURODAC and Frontex, agencies dedicated to policing and enforcing the external borders of Europe and repelling irregular migration into the EU. The tensions at the heart of this project have resulted in, amongst other things, the emblematic death of Alan Kurdi on the beaches of Greece and the UK vote for Brexit. Costa-Lascoux’s conclusion is that fundamentally what is required is ‘to dare to think differently’, instead of framing the question as simply one of “immigration” to instead conceive more of a ‘cross-border mobility, which is already weaving a new social fabric’.⁵ This article is therefore intended to help counteract the trend identified by Siméant and Costa-Lascoux and to think differently about the relationship of immigrants to European society through the lens of perhaps the most sustained and significant political movement of migrants in recent decades: the Sans-Papiers of France.

Since the Sans-Papiers exploded onto the scene in the mid-1990s through a series of high-profile occupations of public buildings in Paris and other major cities, they have challenged their obscure and insecure status, and raised questions of responsibility for past colonial crimes and contemporary imperialistic adventures that have contributed to their misery appearing in the midst of French society. The example of the Sans-Papiers has in turn created a space in which philosophers such as Étienne Balibar and Alain Badiou have begun to reformulate what it means to be European and how to conceive of a community, respectively arguing for the decoupling of citizenship from nationality, and for asserting that ‘everyone who is here is from here’.⁶ The Sans-Papiers have themselves coined certain slogans that constitute claims to membership of the community beyond the control of the state: ‘*On bosse ici! On vit ici! On reste ici!*’ [‘We work here! We live here! We stay here!’]; ‘*Papiers pour tous!*’ The Sans-Papiers have thus begun to unpick the apparent dilemma outlined by Catherine Raissiguier:

Immigration restriction produced the illegal alien as a new legal and political subject, whose inclusion within the nation was simultaneously a social reality and a legal impossibility – a subject barred from citizenship and without

rights...The illegal alien is thus an “impossible subject”, a person who cannot be and a problem that cannot be solved.⁷

By examining how the movement of the Sans-Papiers came to be, how they developed their shared identity and, crucially, how they came to reconstitute their relationship with France, we can perhaps alter the perspective on migrations from the South to the North, and their place within the communities of Europe. In so doing they have shown the potential to overcome the dilemma identified by Rassiguier. For the Sans-Papiers have taken the socio-political reality of their presence in France, both in terms of their own role as workers, but also in terms of the wider history of colonial and post-colonial domination of their home countries. As such, they have begun to turn themselves, and by implication other migrants from the Global South in Europe, from impossible into possible subjects. Rather than a dehumanized wave of misery washed up on the shores of Europe, migrants – from those who have constituted the movement of the Sans-Papiers over the years to those who today are navigating the perils of a Mediterranean policed by the EU and its member states – they are a reminder of the long-lasting effects of past and present crimes committed against them, as well as being harbingers for a cosmopolitan identity that can pierce the citizen-centric discourse of exclusion.

‘Where do We Come from, We Sans-Papiers?’

The Sans-Papiers burst onto the French political scene during the course a series of audacious occupations of churches and other public spaces during the Spring and Summer of 1996. Between March and August they occupied spaces including ‘two churches, a theatre, a leftist bookstore, a union local, and an unused railway site’.⁸ However, as Johanna Siméant has shown in her book *La Cause des sans-papiers*, there has been a sequence of struggles by various groups of undocumented migrants in France since the early 1970s ever since the French government effectively closed its borders. What was different in 1996 was both the public nature of the protests, the scandalousness of occupying churches, and the way in which the movement began to challenge aspects of their identity foisted upon them by French society and the legal categories that framed their ‘illegality’. The majority of those who launched the initial occupation at the church of Saint-Ambroise in eastern Paris in March 1996 were rejected asylum-seekers.⁹ But there were also many who had spent years living in France, who had arrived with the necessary permits to work and live, but because of the loss of their job or administrative changes had found themselves suddenly without legal documentation. In short, changes in employment status and the law had created sans-papiers.

The nomenclature ‘sans-papiers’ was a critical point of departure for the movement. For hitherto they had been typically referred to as *clandestins*, which as well as the obvious translation of ‘clandestine/hidden’, is perhaps more accurately rendered in English as ‘illegal’ in the context in which is has

been used in France.¹⁰ One of the founders of the movement of Sans-Papiers, Madjiguène Cissé, who emerged as perhaps the most eloquent spokespersons of the movement, had this to say about the use of that term:

The word “*clandestin*” contains a pejorative connotation of the pariah, implying also a parasite. A *clandestin* is someone invisible, who hides, who probably has something to hide, who could be dangerous. However, we are there, clearly visible, and we intend to remain so. That must now be accepted. We had to smash the old ideas about foreigners held by most French people.¹¹

A communiqué issued by the women in occupation at Saint-Ambroise on 9 May 1996 echoed this rejection of this phrase when it declared: ‘We are not *clandestines* for we have been in France for many years and we *chose to live here*.’¹² Here there is an added element to the construction of their identities as active subjects – their choice to be in France. They are rejecting both the notion that they are hidden or underground, and also the Rocardian idea of a wave of misery simply pushed towards the shores of France. In the words of Anne McNevin this shift in terminology was an ‘explicit rejection of the language and image of illegality in favour of the language and image of entitlement’.¹³

Initially the phrase ‘sans-papiers’ was not used, even by the activists themselves. One of the first documents produced by the occupiers was entitled ‘SOS from the illegals of Saint-Ambroise’ [*Le SOS des clandestins de Saint-Ambroise*].¹⁴ A communiqué issued in April was done under the name of the ‘refugees of Saint-Ambroise’.¹⁵ When they were asked by a cleric if they wanted a message conveyed to the Prime Minister, one of the movement’s leading figures, Ababacar Diop responded: ‘Tell the French government that we are not terrorists. We are not illegals [*clandestins*]. We are only looking for a paper. [*Nous sommes seulement à la recherche d’un papier*.]’¹⁶ One key aspect of the adoption of the term ‘sans-papiers’ is that it cut across many of the categories imposed upon them by the French state – failed asylum seekers, immigrant workers, visa-overstayers etc. The simple fact of being without official recognition as a rights-bearing subject was what united them. Moreover, it formed the basis of a demand – *Papiers pour tous!* – that refused to allow the state to choose who should or should not be granted to ‘the right to have rights’ within French society. It was also a rebuke to those NGOs who sought to impose their own views on who amongst the Sans-Papiers was most deserving. In response to groups like *SOS Racism* who focussed only on the rights of families split apart because of the vagaries of French law, Cissé retorted: ‘Some people claim the right to family life. We claim the right to live *tout court!*’¹⁷

Diop describes the struggle of the Sans-Papiers as one involving the defense of liberty; they are ‘*sans-culottes contemporains*’.¹⁸ Here is one example of how the Sans-Papiers played with and deployed the prefix ‘sans’ to reorientate their place within French society and French history. Not only were they aligning themselves with a group of dispossessed who played a foundational

role in the establishment of the Republic itself, but they also gave and received solidarity from other contemporary groups of ‘sans’ – ‘the homeless, the jobless, and other groups situated at the margins of the Republic.’¹⁹ In this way they were both placing themselves at the centre of what it means to be French, and also opening up a space in which they along with other non-immigrants could challenge their marginalization within France. By the end of 1996 trade unions in France were both including the Sans-Papiers within their struggles, and also identifying with them as part of an alliance of ‘sans’.²⁰ The Sans-Papiers illustrate a point made by Hardt and Negri that migrations of the poor to the Global North can subvert many aspects of power relations in the host countries.²¹ This is because the experience of refusal of the conditions prevailing in their home countries – poverty, violence, repression etc. – and their desire for a better life ‘is a good preparation for dealing with and resisting forms of exploitation’.²² It could be argued that the Sans-Papiers, have acted as shock troops for French society, opening up discussions about the often unacknowledged history of colonial exploitation and the existence of forms of super-exploitation at the heart of what is supposed to be the ‘social model’ of capitalism. The Sans-Papiers were thus redrawing identity based not on nativism or citizenship, but instead based on class. What they all had in common was the: ‘will to emerge from the shadows. The *‘clandestins’*, as they were called, no longer wanted to wait while they were hounded, harassed, relegated to the margins of society. They were there, in the flesh, clearly visible and determined to take their destiny in hand, to fight to change their situation.’²³

But what of the reasons for them to come, specifically, to France? On 20 April the occupation at Pajol, a disused rail yard, was opened up to the public for a debate around the theme ‘In France, why?’ [*En France, pourquoi?*]²⁴ At perhaps the most prosaic level it was simply the case that coming from former French colonies they already knew the language and the culture. There were also strong personal ties. One activist-supporter of an occupation by Sans-Papiers at the church of Saint-Paul in the suburbs of Paris in 2007 notes that many of them had links to France with ‘ancestors who had fought in wars [for the French], fathers who had been immigrant workers, and who had themselves been brought up in Francophone countries’.²⁵ In addition, ever since the Revolution France has held out the promise of being the ‘land of asylum’.²⁶ There are frequent references in the testimony of Sans-Papiers that they chose to come to France on account of its reputation as the birthplace of human rights, as the land of *liberté, égalité, fraternité*.²⁷ But whatever the individual reasons had been, the Sans-Papiers were keen to stress their own agency when describing their migration.²⁸ And in doing so they sought to overcome the passive subjectivity imposed on them through tropes of ‘waves’, ‘influxes’ and an amorphous ‘misery’.

But perhaps the sharpest and most controversial claim is that the French state has a direct responsibility to accommodate the Sans-Papiers, based on its history as a colonial power and its continuing role as a leading political and economic power in the world. A most telling aspect of the Sans-Papiers’ identity is described by Madjiguène Cissé. In a famous call put out by

the Sans-Papiers during that year, she opened by posing the question: 'Where do we come from, we Sans-Papiers of Saint-Bernard?' In order to answer that question for themselves they carried out a 'site inspection' during their initial occupation of the church of Saint-Bernard. This revealed that they comprised individuals from the Maghreb, Haiti, Mali, Senegal, Mauritania and Guinea. As Cissé observes these are all places previously colonised by France – 'So it's no accident that we all find ourselves in France'.²⁹ The debt incurred by former colonial powers and current military-industrial hegemon is a theme that is repeated a number of testimonies and contemporary writings by the Sans-Papiers. So, for example, in August 1996 a group of migrants being held in prison in Strasbourg, solely because of their undocumented status, sent a letter of support to the Sans-Papiers, in which they were keen to stress the hypocrisy of the Rocardian claim:

When they say that France cannot carry the burden for all the misery of the world, they forget that Africa is not the whole world. For France has a duty towards Africans. It is France which has impoverished and exploited us (slavery, war, colonization, forced labour etc.) How many Africans were transported to be sold? How many Africans died supporting France during all those wars? How many tons (in their billions) of natural resources were transported from Africa to France for its reconstruction, its development?³⁰

Similarly Diop, in his reflections on the movement written just after the occupations of 1996, states:

We have never ceased to say that we did not come to France by chance. Natives (*Originaires*) of the former colonies, our riches were and continue to be exploited by France, along with other European countries. It is legitimate that, drained of resources, the peoples of our countries come to make a living here.³¹

The issue of the continued impoverishment of former colonies by France is not an abstract one. As Mawana Remarque Koutonin reports in *Silicon Africa*, Haiti was forced to pay 'compensation' to France for almost 150 years until 1947 for the losses incurred by the former slave-owners of colonial Saint-Domingue.³² And, as Koutonin shows, such things persist even today. As a condition for recognising independence in the 1950s and 1960s, the French government insisted that former colonies pay off 'colonial debts', money owed for the benefits supposedly bestowed on them by French civilization. A condition imposed on Algerians resident in France at the time of independence in 1962 was that they had to sign a 'declaration of acceptance' of the French state, a particularly spiteful requirement given the bitter struggle for independence by their compatriots over the preceding decade.³³

The movement in France found an echo among similar protests and occupations by undocumented migrants in Belgium. And again, participants and commentators on the movement there have described the same relationship, too often hidden or ignored, between Belgium and its former

colonies. Sylvie Somen, a theatre director who played an active role in supporting the Belgian Sans-Papiers during the late 1990s, writes: 'To speak of them as the 'sans-papiers' always seems inappropriate to me: it is not 'the misery of the world' that comes, but is much more political than that.' She goes on to quote a Congolese refugee in Belgium who had stated that when fleeing the dictatorship of Mobutu it was 'obvious for him to move to Belgium. But do Belgian observers realise that they still have something to do with the Congo?'³⁴ Cissé takes the argument even further, explicitly grounding the movement as a direct challenge to the French state and society to face its past and current obligations towards migrants of the Global South:

This awareness of the debt of France...and also the dependence of the governments of our home countries on France, played an important role in both the initiation and in the course of the struggle of the sans-papiers who came from former colonies. The rebellion of 18 March [the date of the first occupation in 1996] can be seen as an attempt to break this historical debt that had never been honored. A jolt, a revolt to say: "We no longer want France to continue subjugating us in the same way that it has with the states of our countries of origin, with exploitation, contempt and paternalism."³⁵

Moreover, for all the fear mongering about swamping by masses of migrants from the Global South, the reality is that the vast majority of the world's poor and displaced never even trouble the shores or the borders of the rich countries. Yvan Mayeur, a sometime Socialist member of the Belgian Parliament, has pointed out that: 'The misery of the world is, in its overwhelming majority, unable to reach us.'³⁶ The simple fact is that due to lack of resources, ever more stringent and outsourced borders, along with a desire amongst many forced migrants to remain in regions closer to home, global migration affects the poorer rather than the richer countries. Mayeur also calls for holistic approach to government policy that recognises its effects as much in the countries and regions from which the immigrants come as it does within the domestic sphere.³⁷ The logic here, and most especially from the testimonies cited above, point towards a reconceptualisation of the rights and duties between States, particularly current and former imperial powers, and migrants from the countries that have been subordinated to them.

Reframing Rights and Responsibilities

Monique Chemillier-Gendreau, while generally arguing for upholding existing principles of international law, writes in relation to the question of the historic debt owed by the Global North to the South: 'International law, which enshrines a world divided into sovereign States, has long been silent on the obligations of States in this respect.'³⁸ Indeed, one could go further and say that international law has been actively hostile to such a concept. Ever since the development of the modern nation state the existence of any legal right of non-nationals to enter a state has been firmly denied in case law, constitutional law and international treaties. In the seminal *Calvin's Case* of

1608, the English courts had established the fundamental principle that any person born outside of the realm of the sovereign was an alien, and thus possessed no claim on that sovereign's legal protection.³⁹ This case was subsequently widely cited and applied throughout the common law world. The French and American revolutions established in constitutional law that rights were a function of citizenship. Since the mid-20th Century there have been attempts under the guise of human rights to expand rights beyond this citizen/state nexus. For example, articles 13 and 14 of the Universal Declaration on Human Rights (UDHR) refer respectively to the right to leave one's country of nationality, and the right to claim asylum in another. Leaving aside the fact that the UDHR is soft law, and hence non-binding on States, both these rights are heavily qualified. Article 13, while clearly enunciating the right to leave one's state has nothing to say about any commensurate right to enter another state; the legal gap is obvious and is clearly and tragically visible in the images of migrants crossing seas in perilous conditions, while being continually being turned back by sea patrols. Article 14 contains the curious wording: 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.' The original draft of this article instead referred to the right to 'seek and *to be granted*' asylum. This was rejected on the grounds that it would negate the sovereign right of States to determine who can and cannot enter their territories.⁴⁰ The 1951 Refugee Convention, to which the overwhelming number of States today are parties, is binding law, and does grant a plethora of rights to refugees. However, the sting in the tail here is that the Convention has absolutely nothing to say on any right to be granted asylum, nor does it provide any rules for the process by which States decide whether or not asylum-seekers successfully fit the legal definition of the refugee, and thus qualify for the rights set out in the Convention. In short, the law on migration is absolutely state-centric. States are the possessors of the ultimate right to decide, and it is the responsibility of the migrant to seek and to make their claim for entry in an orderly and legal manner. Addressing Rocard's statement, Emmanuelle Heidsieck, a novelist and journalist who has written extensively and sympathetically on the Sans-Papiers, asks whether it is possible 'without betraying human rights, to screen people at the border, to control and limit the settlement of foreigners within the territory?'⁴¹ She does not give a definitive answer, but does acknowledge that ultimately the principle of sovereignty allows States to control entry to their territory.⁴² But by referencing the debt owed by France, and by implication other former colonial powers, the Sans-Papiers have attempted to reverse these assumptions. Instead, it is migrants who have the rights and it is States who must fulfill their responsibilities to them by granting access to their societies which have grown rich on the back of past and current forms of exploitation. Again, Cissé forcefully makes the link between the historic and contemporary nature of the claim:

I am often reproached for doing politics rather than making a claim for papers, for linking this claim to Franco-African relations, to the North-South relationship, and to the situation in our countries of origin. It seems to me

that it is difficult in effect to speak of the problems of the sans-papiers without discussing the past, present and, why not, the future of relations between France and Africa. We can't ignore, even when it belongs to the past, the treatment of Blacks, colonization, the wars and relationships of domination and of exploitation which continue today to bind France with the states created after African "independence".⁴³

Indeed, taking the longer view of post-war migration into Europe, and France in particular, adds strength to this argument. For it is not simply the case that a debt is owed simply on the basis of exploitation carried out in the countries of origin of migrants. It is also a fact that post-war Europe, including France, rebuilt itself on the backs of immigrant labour actively encouraged by host States at the time.

France's Post-War Migration Policy

On 2 November 1945 the Provisional Government of the French Republic, which had the task of rebuilding the French state and preparing for a new constitution, issued a piece of executive legislation that has been the key legal instrument of post-war immigration policy ever since.⁴⁴ It instituted a complex and detailed categorisation of visas along with the various methods of gaining admittance into the country. The ordinance also effectively gave the government the right to control immigration based on economic and demographic needs.⁴⁵ Around the same time as this ordinance was enacted, leading demographers in France were arguing that the country needed over 5 million immigrants in order to deal with the labour shortage and to rebuild the international power and status of France.⁴⁶ For example, the creation of a national *Office d'Immigration* centralised in government hands decision-making on who could be allowed in for work purposes, whereas previously this could be done by private enterprises. For the next thirty years of more or less sustained economic growth – the so-called *trente glorieuses* – a persistent labour shortage rendered this legislation of little practical effect. France adopted an open-border policy during these decades in all but name. Successive governments turned a blind eye, or even encouraged illegal immigration, with retrospective regularization frequently being deployed.⁴⁷ From an immigrant population of 1.7 million in 1946, by 1975 that number had risen to 3.7 million, many of them from former colonies in the Maghreb.

However, the end of the economic boom in the early 1970s and the oil shock of 1973 marked the moment when the French government executed a sharp reversal in immigration policy. In 1972 a series of government circulars issued jointly by the ministers of the interior and of employment, made it compulsory for all foreign workers to apply for residency and work permits.⁴⁸ In addition, the circular placed limits on the numbers of foreign workers who could obtain these papers. Two years later a further government decree suspended all new arrivals of immigrant workers.⁴⁹ One of the effects of these changes was that from then on, those immigrant workers who lost their jobs would therefore lose their right to remain in the country, as the

residency permit was valid only so long as the work permit was, and that was reliant upon actually being employed. Obviously this gave a huge amount of leverage to employers over their immigrant employees, which unsurprisingly was abused. However, these policies, which have continued with certain variations until today, were instrumental in creating the category of immigrant workers who lack the necessary papers.⁵⁰ Indeed, the term ‘sans-papiers’ originates in 1973 as a response to these government decrees.⁵¹ Siméant identifies three movements of proto Sans-Papiers that precede the “irruption” of 1996 – Tunisian and Moroccan migrants who agitated against the original imposition of border controls in 1972-75; Turkish refugees and textile workers in 1980; rejected asylum-seekers in 1991-2. She argues that what all of these groups shared in common was that they were keyed into various left-wing groups in their countries of origin which gave them a basis on which to organise and on which to link up with sister groups on the French left.⁵² Nonetheless, it was not until the sustained movement initiated in 1996, was a collective identity formed that encompassed all undocumented migrants in France. And central to this identity, as we have seen, is a narrative that makes France actually responsible to migrants from the Global South, especially from former colonies.

Sans-Papiers, who today are estimated to number around 400,000 people in France, remain excluded from many protections at work and elsewhere due to their illegal status.⁵³ In 1997 the French government was effectively forced to grant an amnesty to most of the Sans-Papiers in order to restore some social peace and to integrate many of them into society. However, the fact that still today large numbers of immigrant workers arrive and are given work suggests that immigration is still necessary to the French economy. As a testament to the ongoing marginalization of the undocumented workforce, in mid 2008 a new stage in the movement of the Sans-Papiers began. Fed up with being spoken for by others, the Paris collective of Sans-Papiers occupied the headquarters of the main trade union federation, the CGT, with the demand that they be allowed to negotiate directly for their own regularization, rather than have the union mediate for them. The occupation lasted until late 2009; concurrently a series of strikes by Sans-Papiers in restaurants, construction sites and other workplaces, all of which had the aim of asserting their direct, if often hidden role within the economy. This strike wave, involving some 6000 undocumented workers, culminated in a ‘day without immigrants’ on 1 March 2010, when the Sans-Papiers organised strikes and the boycott of shops. These strikes pushed the Communist Party newspaper *L’Humanité* into acknowledging the shared social fate of domestic as well as immigrant labour in the face of the neo-liberal attacks.⁵⁴ The major problem in French policy has been that for over forty years official entry to all new migrant labourers has been closed, while at the same time in practice the economy has continued to rely on new immigrants. As a result, a large pool of irregular migrants have been living in France, without any legal or social guarantees about their position within French society. At the same time, the continued growth in the immigrant population while governments of all parties have formally declared that such immigration

is unwanted, has created much resentment towards the newer arrivals amongst wider French society. As Jane Freedman writes:

‘One of the components of the focus on illegality in immigration control has been to normalize the idea of the security of the French state being breached by foreigners...crossing the borders of France and entering the country without the legal right to do so.’⁵⁵

And this leads us back to Rocard’s statement and the context in which it was made. Throughout the 1980s the racist Front National had begun to establish itself as a major force in French politics, culminating in the presidential election in 1988 when its candidate Jean-Marie Le Pen received almost 15% of the vote. In what appeared to be a strategy of accommodating the voters of the far-right, and occupying the position of being tough on immigration, Rocard began deploying the phrase about not being able to ‘accommodate the misery of the world’. In a television interview in December 1989 he spelt out his position even more clearly. Once again delivering a variation on this phrase, he then went on to state that while France was a party to the 1951 Refugee Convention, and would offer asylum to those who qualify under its terms, he quickly added ‘but no more’ (*mais pas plus*).⁵⁶ The point was that only those who could prove they were victims of persecution in other countries – another way of othering the Global South as backward, violent and a threat to the security of the Global North – would be allowed, and even then only under sufferance and a sense of duty under international law. Cissé sums up this narrative in typically clear terms:

The political and economic ruling class are opposed, to a greater or lesser extent, to the principle of the free movement of people. They remain convinced that France just like other major economic powers, need only accommodate those who were forced to leave their country [i.e. refugees]...Even some of those who were favourable towards us, saw us only as beings stunned by exploitation, and lost in civilization, and they refused to let us take our destiny in our own hands and lead our own struggle.⁵⁷

But this narrative is not restricted to France. Nor, it must be said, is it strictly true that French and European elites are hostile to the free movement of people *per se*. The current crises of migrants struggling to reach Europe across the Mediterranean is largely due to a policy framework of the European Union which seeks to draw a line between on the one hand ‘civilised’ and ‘orderly’ migration of EU citizens within the EU, for whom free movement is a right, and on the other hand erecting ever higher barriers to migrants from without, who are generally portrayed as harbingers of the misery that somehow persists to the south and east.

In sum, France was only able to recover its economic and therefore its political strength in the post-war period through the arrivals of large numbers of immigrants, mainly from the Global South. Even during the period of the last forty years, when officially labour migration has been strictly

controlled, in practice the economy has continued to be heavily reliant on immigrant labour. Added to this, the historic debt owed by France to the peoples formally colonized by it, whose labour and resources enabled France to be one of the richest nations on Earth, and its current role within a global economy that continues to subjugate former colonial nations both economically and politically, entails a duty to accommodate 'misery' that it has played a substantial role in creating.

Conclusion

Writing in 2008, Jane Freedman describes the Sans-Papiers as an 'unfinished struggle' because while they have successfully helped redraw some of the debate over the status of immigrants, their failure to unite on a more permanent basis with other oppressed groups and with the organised left, has 'undermined the ability of the movement to achieve its objectives'. Moreover, the 'climate of repression' witnessed during the Sarkozy presidency 'serves to illustrate the inability of the movement to make a real impact on public policy'.⁵⁸ Surveying the current field of discourse in France and indeed across the western world serves to validate the nub of Freedman's identification of the movement's limitations. Although one must keep sight of the fact, as Freedman does, that shifting many of the terms of debate, from 'clandestinity' to the Sans-Papiers, and their establishment within the field of political life in France are highly significant achievements, not to mention the thousands of people who have had their status regularised as a result of the many actions including repeated occupations of public spaces, by the Sans-Papiers since 1996. For many of us across Europe who care passionately about breaking down the barriers to migration, we can only marvel at the fact that the Sans-Papiers were able to mobilise a street demonstration in support of their demands, including '*papiers pour tous*', of 100,000 people in February 1997. And ever since they have been a major bloc on many protests since on issues ranging from anti-racism to pension reforms. Also Freedman does acknowledge that the Sans-Papiers have succeeded in bringing 'to the foreground the issue of illegality and of how people come to be illegal residents in France'.⁵⁹ They have rendered Rocard's mantra as hypocritical and dissociative from the crimes committed and the privileges enjoyed by France. They have raised questions such as: Whose misery? Where did the misery come from? What is the cause of the misery? They have also resisted being reduced merely to symptoms of misery, helpless victims pushed to the shores of France. Instead they have asserted their agency in deciding to migrate, to choose France as their destination, and to claim their right to be there openly and with equal status as nationals in terms of jobs, housing etc. The Sans-Papiers have also managed at crucial points to overcome the classic attempt to divide them from the domestic labour force, as they did during the strike wave from 2008-2010. More recently, in response to the destruction of 'The Jungle', the makeshift camp of migrants in Calais, the Sans-Papiers have challenged notions of a distinct 'migrant population' or 'migrant identity', refusing to be ghettoized by such concepts.⁶⁰ Moreover, the Sans-Papiers have achieved a

‘qualitative shift’ in discussions over ‘globalisation, North-South relations of power, and general precarisation in French society’.⁶¹This shift is not merely one of discourse either. Much has been written by sympathetic commentators about how migrants are the ‘embodiment of inequalities’, about how they carry the ‘repressed relation of power between states’.⁶² But the Sans-Papiers have consciously appropriated these concepts and actively turned them into radical claims to their place within the metropolises of global capitalism.

The demands of the Sans-Papiers therefore ‘constitute a heretical transgression, “sacrilege”, of national frontiers. To demand equality of rights between nationals and foreigners, and even more between nationals and undocumented, is to question that which is at the very foundation of the power of the state: the monopoly over the designation of national status.’⁶³ The scandalousness of this claim, and the rationale behind it has lost none of its radical edge over the past 20 years, and perhaps so long as the nation-state exists it never will. For the nation-state defines itself in opposition to the immigrant, as such when the ‘state thinks of itself, it thinks of immigration’ as a negative relationship.⁶⁴ Thus, the struggle of the Sans-Papiers will likely remain forever or at least for the foreseeable future, unfinished in this sense. But their major contribution has been to reopen and keep open questions of citizenship and belonging, and of the rights and responsibilities between States, particularly of the Global North, and migrants, particularly from the Global South. In addition by claiming rights based on both the histories and prevailing conditions in their countries of origin and in their host country, and thus creating identities for themselves based on ‘here and there’, the Sans-Papiers are harbingers of truly cosmopolitan ‘transnational communities’; they are raising the spectre of ‘globalisation from below’.⁶⁵ As such, their struggle and their reframing and problematising of the complex of relationships between state and citizen/non-citizen, between North and South, offers a space to think differently about these questions, and to arm migrants in resisting a projected identity as passive symptoms of an a-historical and a-political trope of global misery.

Notes & References

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10Catherine Rassiguier, *Reinventing the Republic: Gender, Migration, and Citizenship in France*. Stanford: Stanford University Press, 2010, p.xi.

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12 Quoted in Ababacar Diop, *Dans la peau d’un sans-papiers*. Paris: Seuil, 1997, p.134 [emphasis added].

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The Marginal Refugee in the ‘Migrant Crisis’: Crisis, Othering and Border Walls in Mainstream Western Media Discourse

By

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The discourse of the migrant, brought in focus since the start of the civil wars and military interventions in Middle East and Africa from 2011, has provided us with new frames of reference for mobile people. These include stories of protracted boat-train-road journeys and its associated perils, spectacles of crime and terror, scenes of police actions on migrants and migrant settlements, imaginaries of refugee border sieges, demands for border walls etc. Placed in these frames, we identify a discursive milieu, which concerns a variety of media representations of refugees coming into Europe and the migration flows which bring them there. The positioning of representations in this discursive milieu may be contextualised with the political changes which have been set in motion consequent to these migrant flows. The centrality of migration as a key issue of political discussion across countries in Europe is reflective of these changes. In some countries, these changes include the strengthening of border controls and normalisation of measures to restrict refugee entry. Related to this is the articulation of nationalism for the electoral arena on the ruse of anti-immigration and territoriality, by various political parties¹ across Europe with varying degrees of appeal. Equally true is the opposition in many countries to such anti-immigrant rhetoric, and recent electoral victories of centrist parties in Netherlands and France stand as examples of the same. But it is difficult to chart a course between these extremes, and the reality of this migration debate is much more complex, ‘convoluted and confused’². The same holds true for the discursive milieu concerning frames, representations and imageries which get mediated into this debate.

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Recent studies on media discourse on the subject of refugees, migrants and migrations into Europe bring out the complexity of this discourse. This is visible in some of the findings of a UNHCR report dealing with mainstream press coverage of the migration across five European countries³. E.g. The report observes that press in Germany and Sweden overwhelmingly used the term 'refugee' or 'asylum seeker' – moral and empathetic categorisations, while as the press in Italy and especially UK used the word 'migrant', with the word 'immigrant' popular in Spain. Similarly, the report observes that the discussion of refugees as a cultural threat or as a threat to welfare services was most prevalent in the press in UK and least in the German Press. It also observed that themes like post arrival integration featured heavily in the press in Germany and Sweden, but appeared least in UK and Spain. These variations become indicative of the wide differences in reporting and representing issues across different countries. Variance may also be prominent in the same country over a period of time, as Goodman *et al* observe of UK when they chart the turns in terminology of the crisis from 'migrant crisis' to 'refugee crisis' after a child drowning incident, and back to 'migrant crisis' after the linking of crisis to terrorist attacks⁴.

We observe that within this variety of representations and the variance in the tone as well the tenor, there is some convergence in framing a crisis definition for the migration; a crisis reiterated in association with enormities of refugee numbers, suddenness and fears of collapse, and images of migrant entry, movement and chaos. Placed in this prominence to the crisis in discourse, the paper is an attempt to probe the construction of the crisis in discourse, the representation of refugee in this crisis discourse, and the associated fears and calls for action summoned through the crisis. The paper attempts to examine few questions, like: What is this crisis? How is this crisis constructed? How do borders enter into this discourse? And, how is identity positioned?

We limit our focus to the crisis discourse in a few media texts published online in English in the following mainstream websites: New York Times and Washington Post (US based), BBC, Telegraph and Guardian (UK based) and Deutsche Welle, Spiegel Online and The local (based in Germany and France)⁵. The texts are selected from the following news events⁶; the channel tunnel crossing in mid-2015, Alan Kurdi drowning incident in late 2015 and incidents of violence in Paris and Cologne in Nov-Dec 2015. This analysis is supplemented by interactions on researchers' 'legal' stay and travel across a few national borders in Western Europe, particularly in Germany, Denmark and Belgium, for two brief periods in 2015-16. Based on these news events and the associated analysis, we attempt a discussion on the dominant portrayals in the crisis discourse.

News Event I: Channel Tunnel Crossing

Excerpt 1: *More than a million migrants and refugees crossed into Europe in 2015, sparking a crisis as countries struggled to cope with the influx and creating division in the EU over how best to deal with resettling people.*⁷

The text presented above is an excerpt from an introduction to the 'migrant crisis' on the BBC news website. It clearly locates the 'crisis' in the entry of 'more than a million' migrants into a Europe struggling with this flow, and iterates the crisis as a European crisis or a crisis for Europe. Such a positioning of the crisis attempts to create an impression that countries throughout Europe are placed in an unprecedented struggle to cope with the influx. Such a frame on the crisis became pronounced in mid-2015, when news organisations based in UK and US started reporting incidents involving refugee attempts to cross the channel tunnel from France into UK, into a major news event. Here, the 'crisis' was bound to a singular frame of border break in or intrusion – an originary temporal location for an attempt of invasion. In priming this news event as a crisis, this discourse did not connect it to similar events which had been a regular occurrence before⁸, but presented it as a sudden occurrence. The discursive labeling, qualified in metaphors and analogies, related this event to a language of disaster experiences to portray the incidents as an emergency, and the crisis was located as a 'specific and time bound "event" even though it 'was months in production'⁹. The positioning of this crisis was sourced by comments and rhetoric from political actors who fanned the perception of a threat; the case of UK is a peculiar example with regards to such discourse. For a country which accepted only around 5000 migrant refugees, the Prime Minister went on to label the refugees as a 'swarm of people' ready to 'break in'¹⁰. The use of this language of emergency, most pronounced and persistent in media texts from UK and the US, can be further seen in the following excerpt from a news report published in New York Times (NYT):

Excerpt 2: *The governments of France and Britain were scrambling to shore up defenses around the tunnel, but they had yet to come to grips with the escalating migrant crisis on the English Channel, part of a drastic influx of refugees and others into Europe...In London, British ministers and other officials held emergency talks as pressure mounted for a more robust response to a situation that has disrupted trade and tourism and put two of the world's wealthiest nations at the center of the debate over how to cope with a seemingly unstoppable tide of migrants seeking a better life.*¹¹

This news text links the influx to an emergency, to metaphoric comparison with a 'tide', to a need to strengthen defenses and to the disruption of trade and tourism. Here, iterative linkages between various events lead to a crisis labelling, 'which enabled the upgrading of what could have been considered a consequence of the upheavals...as a crisis in its own right. As such the crisis was built on a foundation of panic as can be clearly seen by the public speech acts of various European professionals of politics'¹². This also built upon the pre-held labelling of migrants since 1970s in imagery linked to the 'tide' and 'swamped' metaphor¹³. Not stopping at the use of 'tide' for the migration, various political actors exacerbated the threat frame in discourse, e.g. the Czech President labelled the refugees as a 'Tsunami' and declared, "I feel like a tourist on a beach in Thailand who is taking a picture of a small wave in the distance, not knowing that it will kill him"¹⁴.

Such metaphoric labelling served the function of positioning the imagery of the refugee entry as a discursive moment for the start of the crisis,

and disconnected it from the numerous refugee drowning incidents in the Mediterranean before 2015¹⁵, disjointed it from increased surveillance put in place by Frontex - the European Border Control Agency¹⁶, and more importantly from the migration flows elsewhere to countries like Turkey and Lebanon¹⁷. In this framing, perched on the channel tunnel news event, prominence was provided to connections and intertextualities which link and assert the migration flows to terminologies linked to invasions, not just at the channel tunnel border but extended to events and occurrences in the Mediterranean borders of the EU. The following excerpt from the BBC website is an example in this regard;

Excerpt 3: *The EU is beginning a new operation in the southern Mediterranean to intercept boats smuggling migrants...Under Operation Sophia, naval vessels will be able to board, search, seize and divert vessels suspected of being used for people smuggling...Until now, the EU has focused on surveillance and rescue operations*¹⁸.

For De Genova, this represents a 'border spectacle', presented in terms of the individual state's or the EU's response 'to the fetishized image of a "crisis" of border "invasion" or "inundation"'¹⁹. This crisis discourse constantly flags the alien intruder through frames of migrant vessels arrival which evokes 'phantasmatic imaginaries of "siege"'²⁰ in this spectacle. This imaginary of the siege or invasion is reinforced with the assertion and reiteration of statistical enormities of millions of refugees, used in discourse to give an impression of factuality to the metaphoric labelling.

In case of the media texts from UK and the US on the events, we observe a renewed interest in extending the crisis across Europe after the channel tunnel crossing incident. Complimentary to the trend, we see reiteration of prominence to crisis frames in news discourse in countries like Germany (towards September-October in 2015), where the reference increasingly changes from a 'Mediterranean Crisis' to a 'European Refugee Crisis' or a 'German Refugee Crisis' – a realisation is discourse which seeks to establish the crisis closer to home. It is around this time that we see persistent media announcements and monitoring in round the clock attention; like the online threads with headlines like 'Refugee Crisis – live updates' or 'Germany Refugee Crisis Unfolds – live updates' on the websites of Duetche Welle²¹.

These online threads gave an impression of real time coverage of emergency so created, and ran updates which informed of border closures, of inabilities of leaders of European countries to come to an agreement of refugee relocations, the reassertion of borders across Schengen states and fears of disintegrations of Europe over disagreements on the refugee movements etc. Along with frames which presented metaphoric imageries of refugee threats, siege and invasion, we see prominence to frames which create an impression of the crisis in threats to idea of Europe, as if the 'liberal empire' of Europe was bursting at the seams with the entry of millions of migrants. Renoir Amador (2015) explains Europe was a liberal empire as it established a charter of rights, founded a European Court of Human Rights, curbed nationalism and broadly attained currency union²². However, highlighting that the crucial religious, racial, economic and geographic fault lines remained in this empire, he observes that 'this present crisis of Europe'

intersects all these fault lines as "The immigrants are non-Europeans, they are predominantly Muslims, quite a lot of them are not white, and they have disturbed the seamless nature of the united space called Europe"²³. It is some of these fault lines and the associated tensions in Europe – particularly the disagreements with Eastern European countries which persisted in refusing to accept asylum demands – which the refugee entry brought into the foreground of the discourse of this crisis, framed either as the European crisis or as a crisis of Europe. Allied to these frames of crisis was the idea of a seamless European future under stress, and themes relating to economic costs and the burden on welfare services were repeated in discourse. The texts from UK and US tried to assert the costs²⁴, while as texts from Germany presented this in the form of a debate or discussion which considered the ideas of a long term economic gain too²⁵. However, such framing conceals that countries like Lebanon (more than a million refugees), Jordan, and Egypt etc have allowed these refugees access to their territories²⁶ without invoking a crisis. The same holds true for countries in Africa, like Ethiopia and Uganda, who have maintained 'open door policies' for millions of refugees in Africa²⁷. This is not to argue that the condition of refugees in these countries is better, but only to imply that we do not see a discourse of the crisis.

Such concealment is more prominent when this crisis discourse asserts the statistical enormities of the refugee numbers by counting, asserting, and re-asserting the magnitude of millions of refugees in Europe. Not only does this discourse mask the history of refugee movements across countries in Europe²⁸, these 'millions' conceal much larger refugee flows to countries in Asia in the present, e.g. we see that Syrian refugees in Europe are reflective of less than 10 percent of the people fleeing war in Syria. Most of the people displaced, estimated to be more than 6 million in number, are internally displaced in the Syria²⁹. Along with counting and concealing, this crisis discourse of the European Refugee Crisis, presents a case for the refugee threat in selective use of demographic indicators, as a spectacle of statistics 'to which border and other immigration law enforcement measures must be addressed, while as...migrants and refugees...are relegated by implication to the status of a mere externality'³⁰. E.g. This involves framing the crisis in terms of migrants per unit of population to magnify the scope of this crisis, and to amplify the 'million' migrants as a demographic threat; a BBC report translates this in terms of 1,800 and 587 asylum applications per 100,000 population in Hungary and Germany respectively³¹. Such a 'number game' or 'number rhetoric' has the objective of associating migration with threats and problems in terms of a rhetoric of credibility and facticity, and forms a part of the systematic portrayal of the refugee 'other'³².

News Event II: Child Drowning Incident

The crisis discourse foregrounds the refugee break in and the factualities created in reiteration of statistical enormity of refugees in or on way to Europe, and present a status of externality for the refugee. In this incidental status, the focus of discourse is on the response within EU, border

surveillance practices, frameworks to distribute and deal on the refugees and frames of humanitarian response. Frames of refugee human tragedy also form a part of this discourse, but have been marginal to the above mentioned frames, except for events, like that of a child drowning incident towards the end of 2015, when these frames have assumed brief centre stage;

Excerpt 4: *A photograph of dead three-year-old Aylan Kurdi on a Turkish beach has sparked outrage and horror across the world, giving a face to the human cost of Europe's refugee crisis*³³.

Excerpt 5: *The full horror of the human tragedy unfolding on the shores of Europe was brought home on Wednesday as images of the lifeless body of a young boy – one of at least 12 Syrians who drowned attempting to reach the Greek island of Kos – encapsulated the extraordinary risks refugees are taking to reach the west*³⁴.

In September 2015, around the same time that the crisis discourse was gaining prominence in countries like Germany, an overloaded makeshift refugee boat capsized off the coast off Turkey. Photographs of a drowned three-year-old boy by the name of Alan Kurdi lying face down on the beach and being carried by a Turkish Policeman, became iconic of the migratory flows and the associated travails through the Mediterranean. Taking a brief departure from representing refugees in numerical magnitudes, in most media texts, Alan became a refugee with a life story. The dead included Rehan, Alan's mother and Galib, his elder brother. Media interviews with Abdullah, the father who survived the drowning incident detailed the refugee struggles along dangerous pathways; the family was trying to cross over to Greece, and had paid 4000 Euros to cross the sea, the money was arranged by Abdullah's sister in Canada. This was their fourth attempt to leave Turkey, after they had exhausted all their 'legal' options. When the war started in Syria, the Kurdi family, minority Kurds fled from Damascus to Kobane in Syria. On destruction of Kobane, they found themselves on the run to Turkey, where they could not be granted 'legal' asylum as they did not possess the required documents. In desperation, the family tried to cross to Europe with the final destination as Canada in their mind^{35,36}. Within the crisis discourse, the Alan Kurdi representation foregrounded the human in the refugee; it not only brought the focus on the dangerous lives, pathways and struggles for Asylum recognition, it also opened more space to the possibility that the refugee could have an identity, a name, a family, and a life history, bereft of the stereotypical Muslim/Arab image. As Goodman *et al* note, this frame marked a change in the categorisation from the 'migrant crisis' to the 'refugee crisis' in the UK press, a change of inference from exclusion to that of recognition of the need for support³⁷. The Alan Kurdi images and their wide circulation in the mainstream media as well as over social networking websites, and their differentiation from the stereotypical depictions³⁸, made Alan Kurdi a breakthrough symbol of the refugee crisis³⁹; for a brief period the hopelessness of the refugee became the main theme of political discussion in some countries in Europe⁴⁰.

We have noted earlier that the discourse on this migration has been complex with a variety of representations. In case of this drowning incident, this variety is visible in the existence of frames which sought to put the blame

for the refugee tragedy on 'illegal' smuggling networks⁴¹, linking it to the myths that the migration was economic in nature⁴². This frame of illegality in discourse circumvents responsibility of the drowning from incoherent EU policies, restrictive border regimes and immigrant restrictions. Associated with this is the frame of humanitarian funding and response, where the crisis discourse positions an increase in humanitarian funding by individuals and states as a response to this problem⁴³. We note that this seems to be indicative of market dependent humanitarian transformation in media discourse in which 'force and monetary tools—both are operating as instruments of this transformation'⁴⁴. Such framing can also be understood in terms of Lindey's arguments on the language of humanitarian response, we observe that this positioning of liberal aid funding to refugee programmes in the crisis discourse focuses on needs and consequences rather than the real issues and causes at hand, and 'functions to divert attention from questions of domestic and international responsibility'⁴⁵.

The complexities of the variety of frames notwithstanding, the discursive sympathy seemed short-lived, and hardly any event, incident or accident after this has received the same amount of 'human' attention. In the year 2016 alone, the deadliest year for the Mediterranean crossings yet, more than 5000 migrants died in these perilous journeys⁴⁶; more than 400 refugees were reported to have died on a single day in April 2016⁴⁷. Yet, this has hardly ever brought refugee tragedy frame into the center stage of the crisis discourse. It seems that it took only one incident to reach what Bauman refers to as 'refugee tragedy fatigue'⁴⁸.

News Event III: Incidents of Violence in Paris and Cologne in Nov-Dec 2015

The frames of threat and criminality in the crisis discourse retook the centre stage, rather dominantly, after incidents of violence in Paris and Cologne in 2015, as is displayed in the following excerpts from news texts in *thelocal.fr*.

Excerpt 6: *Two men who French police are seeking to trace in connection with the Paris attacks registered as refugees with Greek authorities...European security officials had long feared that jihadists could take advantage of the mass migration influx...*⁴⁹

Excerpt 7: *Some of the suspects in the Paris attacks took advantage of Europe's migrant crisis to "slip in" unnoticed, the French premier said on Thursday, warning the EU needed to "take responsibility" over border controls*⁵⁰

On 13th November 2015, more than 120 people were killed in terrorist attacks in Paris. A tragic incident, this reaffirmed the frames of invasion for the refugee in the crisis discourse. As Goodman *et al* note, 'this meant an ending of more sympathetic representations of people involved in the crisis and a return to the notion of threat'⁵¹. The particular connection to this framing was through the discursive positioning of reports of Syrian passports at the attack site. Through this connection, the frames authoritatively informed that the attackers were refugees, who had made use of the refugee migration pathways. Words like refugee, asylum seeker, or migration pathways were connected in a labelling exercise in the crisis

discourse to terrorist violence, illegality and senseless violence. An illustration of such a labelling exercise in terror and violence can be seen in the positioning of expert's comments in news reports, as is the case with the following quote ascribed to a former French intelligence official in a news report in *Washington Post*: 'It is obvious now...Amongst the migrants, there are some terrorists'⁵². This negative labelling in discourse continued into the incidents of sexual harassment of women on New Year's Eve at the Cologne Station, as is seen in the following excerpt;

Excerpt 8: *As the fallout from a spree of sexual assaults against women alleged to have been carried out by groups of Middle Eastern men spreads, German authorities are scrambling to come up with measures to beef up security and punish migrants convicted of serious offenses...The events in Cologne on New Year's Eve, in which groups of "North African and Arab" men reportedly robbed and sexually assaulted at least 120 women, are something that should never happen again, Interior Minister...told German regional daily*⁵³

Here, the frame labelled the refugee in a violent male Muslim 'Arab' and 'North African' image. Such imagery was factualised in 'leaked' police reports which summoned fears and panic that thousands of migrant men of Arab and African origin were sex offenders; media texts clinged to an alleged official report leak which stated that the criminals boasted of their Syrian roots. A quote ascribed to an unnamed male by an unnamed policeman widely circulated in news text, asserted that the alleged perpetrator boasted: "I am Syrian. You have to treat me kindly. Mrs Merkel invited me"⁵⁴. It is as Abdelmonem *et al* observe, 'Within this context, the politicization of sexual violence is not concerned with women, *per se*, but is singularly geared toward obscuring the voices of migrants and refugees'⁵⁵. This association of criminality with the refugee image in the crisis discourse affirmed ideas of the native law abiding and civilized citizenry in European countries as opposed to the criminal 'them', fitting perfectly into the othering of the refugees and the associated threat perceptions in terms of civilizational binaries. It is as Bauman argues of this discursive politics on the refugee, "TV news, newspaper headlines, political speeches and tweets...are currently overflowing with references to the "migration crisis" – ostensibly overwhelming Europe and portending the collapse and demise of the way of life"⁵⁶. Going further, Mensing observes from her discourse analytical study that, 'Migrants are not only seen as out-group but also very much as a group that should remain an out-group for the sake of security'⁵⁷. This becomes visible in the following media texts where the refugee is labelled in the imagery of predatory men 'from conservative Muslim societies' who have 'little experience with open European mores, particularly regarding women'⁵⁸. Such framing in mainstream discourse sparked a right wing labelling exercise for the refugee, with the introduction of new frames of reference like 'Migrant rape crisis', 'Muslim Rape crisis' or a 'Rapefugee crisis'⁵⁹. Representative of this othering and the consequent right wing propaganda is the case of Anas Modamani, a 19-year-old Syrian refugee in Germany. His pictures, morphed from a selfie he took with the German Chancellor in a refugee centre, have been widely and repeatedly circulated as that of a terror suspect, leading him to sue a major social networking website, a case he ultimately lost⁶⁰.

The functionality of the frames of criminality, terror and sexual offense for the refugee image is directed to position media discourse to create political pressure against migration. The reiteration of these frames creates a discursivity where elite political actors seek to re-orient their messages to meet the violent imaginaries and panics created in media discourse; this is seen in the German Chancellor's message to the refugee; 'it was time to ask yourself "When do **you** lose your right to stay with us?"'⁶¹. Mediated in political messages which call for actions to satiate the fears and placate the domestic political pressures, these frames seek to instrumentalise the imagery of fear and threat, to seek legitimisation for action against the migration, particularly with regards to tightening of controls and increase in surveillance; e.g. as the sourced by the German EU Commissioner to the news media, '...asylum law acts like a magnet for refugees. An amendment to the constitution would be necessary to change the asylum law...The EU can only help with funding in a "limited manner". We need stronger border protection in Europe. We need 5,000 border guards, not 500'⁶².

Contextualising the Frames with the Researchers' Experience and Interactions

In our discussion of the three preceding news events, we do not seek to claim a representative or authoritative overview of the mainstream media discourse on the subject of recent migration into Europe. We are also limited in our exploration to select media texts from websites of major news organisation, some of these (like NYT, BBC etc) do not represent the continental European media scene but nevertheless enter wide readership across the North and particularly the South. The discourse of the crisis mediated through these texts has political relevance across transnational contexts. In fact, the researchers' interests in these themes was partly kindled by exposure to such texts mediated into the South, as well as the sudden 'breaking news' peaks around the coverage of news events discussed earlier.

Our exploration of the media texts has largely put forth frames of invasion, criminality, terror and othering, but also frames of humanitarianism and human tragedy in case of the Alan Kurdi drowning. We seek to connect our exploration in media discourse with the researchers' experiences of 'legal' travel in some countries in Europe, particularly Germany, Denmark, Netherlands and Belgium, in October 2015 and February 2016. This travel was not planned for probing the migration flows or refugees, but rather our purpose was to attend some unconnected academic engagements in Germany and Netherlands. In our stay and travel in these periods, informal conversations and discussions often veered towards the 'refugee crisis' and this remained a key topic of public discussions and debate. We do not seek to make generalisations based on these interactions, but only seek to provide some insights from our experience, interactions and conversations.

Some of these insights relate closely to the framing which we observed in the media texts, and across many interactions it seemed that the primary reference to the refugee image was through crisis discourse with very

little real contact or interaction with the refugee⁶³; it seemed that refugee relocations and movements operate in ways to ensure little refugee visibility in everyday lives. Instead, the 'crisis' became most visible in people's lives through the disruptive distant events and in the connected media frames which invoked panics, fear and apprehensions. This could be understood as a normalisation of the crisis, and the use of its imaginaries and fields of meaning to identify refugees and the migratory influx. The researchers observed this even in interactions with people who were generally sympathetic to the refugee⁶⁴, as a Danish citizen, even though critical of her government's strict legislations and controls on the refugees, explained the 'crisis';

People here feel that we are in a struggle now to try to save our welfare services. We have the best healthcare and schools. But what happens when we have to accommodate thousands of refugees in these services. It becomes a crisis. People feel the system will crumble under this pressure and that their life will get affected (Florian, 48, Female)⁶⁵

These threats, explained in terms of economy and welfare services, are not new, but have been a persistent part of beliefs, economic fears and insecurities, prejudices and racisms against migrants and migration⁶⁶. The location of the 'crisis' here is in the stoking of these fears and in their qualification in terms of a perceived threat of collapse, explained in terms of a sudden influx of thousands of refugees. This fear of a threat to the 'birthright entitlements of the nation or the people'⁶⁷ is precipitated in the normalisation of the number rhetoric associated with the refugee flow in media and political discourse. Such fears of collapse emerged as a recurring theme in researchers' interactions across countries visited, and we could observe an overall anxiety towards the migration. These anxieties and apprehensions position the refugee as a perpetual binary 'other'.

We observe that through the construction of the crisis, as well as the politics of positioning the refugee in terms of primordial racial, ethnic, and civilizational fears, not only is the refugee cast as the 'other' but this may extend now to any non-white migrant in Europe. One of the researchers experienced this subsuming into the refugee image when along with some German friends he tried to visit a refugee processing centre in Muenster in Germany. This is explained in the following diary note;

I was standing outside the gate of the Aid facility, as the policemen did not let us in. I could see some people walking inside, and a social worker too who asked us to get in touch with an NGO to gain access. My German friends tried to talk to the policemen – I came to know later that these were not policemen but security staff employed for the purpose. There were lots of computers in the front office, and I could see some migrants coming out. They had arm band which had their information, and distinguished them from the others...The security made some calls on our request to go into the facility, but nothing came about. We had to leave. While waiting outside for another friend, a van came up and parked next to me. There was a paper in the hand, and she went to talk to my German friend standing next to me.

She started laughing, and the lady left. She informed me that the lady wanted to take me from processing⁶⁸. (Diary Note dated March 12, 2016. Place: Muenster, NRW, Germany)

Such an incident, at the moment appeared laughable to the researcher and his friends, but it becomes indicative of banal new forms of racism and inequality directed at the refugee. Following Van Dijk's understanding of new racism it is explained as 'a system of ethnic or racial inequality consisting of sets of sometimes subtle everyday discriminatory practices sustained by socially shared representations, such as stereotypes, prejudices and ideologies'⁶⁹. Qualified in a discursive hegemony, we observe that the essentialization of the 'other' has entered even the most subtle and banal forms of everyday life, even among those who associate sympathetically with the refugee. We also observe, from this experience, the use of technologies like radio tags over biological beings and the securitisation of their exit and entry into the camp. We later came to know that the job of policing the camp was outsourced to private security agencies. All this becomes indicative of new ways being experimented legitimately and flexibly by states over the course of the refugee movements and managements. Various reports have explained the use of similar biopower over the refugees; e.g. imprinting of identification numbers over the skin in Czech Republic⁷⁰.

Coming back to the question of crisis discourse, we saw in our exploration a prominence of crisis labelling and frames of illegality imposed on the refugee. However, this is not to argue that there is no resistance to this crisis discourse and the associated 'othering'. We observed a small milieu of individuals, activists, university students, civil society organisations etc, vocal in their rejection of the discursive hegemony over the refugee. A refugee conference⁷¹ organised in Hamburg is an example in this regard, one of the researcher was coincidentally in the city at the time when the conference was in its final session. At this conference, the researcher observed a convergence of various civil society organisations working with the refugees across Germany, and refugees themselves had taken up organizational and activist roles. Many activists had taken up roles of translators to make communication possible between the participants and the attendees. The researcher also got a freely distributed conference radioset tuned to the English translations, to understand the proceedings of the closing session. Most of the speakers in this session were Syrian refugees, who shared their experiences, struggles and efforts. Detailing the struggles with asylum, one the refugees explained, 'There is a chaos with documents. Syrians are not equal. There was a person called Basher who came to a camp. For six months, he couldn't even apply for asylum, while as some other people got asylum in a month'⁷². Tracing the incidents in Paris and Cologne, a doctor who had been granted asylum explained, 'The word refugee became a black spot. All kinds of negativity are connected to it. Everything can be blamed on a refugee. There is no dignity left in this term'⁷³. Reacting to the framing in criminality around the Cologne incident, 'Syrians Against Sexism' – a campaign launched by a group of Syrian refugees played videos⁷⁴ contesting the dominant discursive image of

predatory refugee. These videos included that of a demonstration against sexual abuse and refugee labelling by refugee groups outside the Cologne station – the site of the violence in Cologne. Through these acts, the groups had been able to find some space contesting the framing in criminality, even in some mainstream German media coverage⁷⁵.

Pamphlets distributed during the session brought forth details of the refugee human tragedy, and the complexities of everyday struggles. The experience of Halima, a Somalian asylum seeker, narrated in an Advocacy group pamphlet distributed at the conference, is an example in this regard:

My father died in front of my eyes, he was killed by Al Shabaab militants. They took out my husband's eye as a punishment because he did not cooperate and left my brother traumatized. It was not possible to stay. We sold our land because we had nothing else to sell to get some money for the long journey. We passed through many countries including 18 days in the Sahara between Sudan and Libya. This was very hard, just a little bit of water and one small meal each day. We saw people dying next to us. They just put a little of soil on the bodies and left them like that. From Libya we crossed the Mediterranean when we had collected enough money⁷⁶ (Source: Newsletter of Advocacy Group 'Women in Exile and Friends')

Halima's experiences of violence and its repercussions are brought into representation in the discourse of the activist groups, but these stories do not gain much currency in the dominant media portrayals of the crisis. Detailing her case further, the pamphlet observes that Halima's entry into the territory of Europe does not mark the vindication of her dangerous journeys, rather the practices of exclusions and exceptions keeps her in a state of temporariness, where her rights remain under suspension. It is observed that she has been in a perpetual struggle for a permit since her arrival in Germany; her temporary permits have lasted for three months, six more months, six more months, two weeks, two months, and then for six weeks. In this time, she has been reprimanded to send her children to kindergarten, to find work, but the temporary nature of her permit limits her in fulfilling these conditions.⁷⁷ The pamphlet brings our attention to two related realities; first, the temporariness which many refugees continue to struggle with through a variety of different judicio-legal existences; first registration country, eligibilities for asylum, pre-conditions for asylum, and rules and reviews of asylum. It is here that this crisis is to be understood not just as an analytical category, but as a category of practice and governmentality. Second, the larger absence of this experience in the crisis discourse.

The absence of this struggle in the crisis discourse can be further broken down into two observations in the media texts; the salience to the Syrian refugee and the relative absence of attention on the non-Syrian refugees in the media discourse. Such differential treatment in discourse becomes reflective of the instrumentality to effect practices of exclusions. This practice creates various categories and levels of migrants in processing, not with the aim to identify complexities and struggles, but on an imposed understanding of government defined hierarchies of unsafe and safe countries

of origin. It is part of this practice that asylum seekers from Afghanistan, the second largest group of asylum seekers in Europe, have lowest chances of getting asylum. Such practices have actually led to tightening of controls for the migrants. The state of temporariness is not limited to Halima, but comes to eclipse lives of thousands of refugees who struggle with Asylum processing. Under this system, a number of conditions are imposed on the refugee and the threat of deportation is ever present. We agree with Jeandesboz and Pallister-Wilkins argument that in such a context, 'Crisis labelling works to spatiotemporally fix migrant experiences in particular moments understood by professionals of politics as 'crisis' while more banal managerial border control practices work to manage migrants according to pre-determined identity categories that additionally fail to take account of the diversity of their experiences'⁷⁸.

Some Concluding Remarks

We had started with questions on the construction of the crisis, and on the positioning of identity and borders in this discourse. Our exploration of media texts, as well as our experience of travel in some countries in Western Europe, is not presented to throw up generalisations as none is possible due to the variety and complexity of media texts, forms and representations, as well as the limited nature of our exploration. On one side, we see a prominence of frames of criminality, illegality and foreignness for the refugee in media discourse, but on the other we also see brief foregrounding of frames related to human tragedy and the refugee experience. We also see a small but significant milieu of individuals, activists, civil society organisations, church associated groups etc vocal in their discourses centering the refugee experience, humanness and diversity. In this variety, this discourse resembles what Peter Burgess refers to as the great global drama of migration, which surpasses the scale and scope of our experience, our expectations, even our imagination⁷⁹.

Despite the variety, we saw some convergence on the normalisation and hegemony of the crisis to define the migration, as well as the functionality of prominent frames in this media discourse to 'othering'. Building from such discursivity, many national governments in Europe have taken up the tasks of fencing and militarising the borders, with the EU increasingly becoming party to increased border surveillance. In some cases, the acts of managing these borders may only be symbolic, as the researchers observed while travelling to Sweden from Denmark; here policemen were taking pictures of traveler's passports with their mobile phones cameras on the train station platforms. But in some countries, particularly in Eastern Europe, national identities and borders have been asserted in forceful ways through the discourse of crisis and othering. The case of Hungary is cited as a particular example in this regard; here identity has been aggrandised explicitly in Christian vs Muslim hues, in the creation of a threat perception to legitimise militarisation of borders and in invoking of emergency laws. As Fekete states that a resolution passed by the legislature explicitly states that it 'cannot allow illegal migrants

to endanger the jobs and social security of the Hungarian people' and proclaims, 'We have the right to defend our culture, language, and values'⁸⁰. Such an othering was instrumental to the political demands for securing the nation; the Hungarian government constructed border walls to stop the migrant entry through land. The emergency in Hungary deployed to make border walls did not just stop at using the services of soldiers for the wall construction, but even legitimised the labour and services of prisoners, and those under social protection programs⁸¹.

Increasingly, we also see a tendency to invoke the frames from the crisis and the othering discourse for legitimising political developments, diplomatic deals or electoral campaigns. This becomes indicative of an instrumentality which is associated with the deployment of what we refer to as the 'bargaining chip refugee'; some examples of this can be seen in the debate on legislative controls for maintaining European ways of life⁸², the campaign for Brexit – the referendum based approval of Britain's withdrawal from various European Union agreements, or in the diplomatic face-off between Netherlands and Turkey in March 2017 where both the governments, in the midst of elections, were able to assert and politicise identity along primordial imaginations of the 'other' keyed to the refugee.⁸³

Predicated to the old discourse of the migrant, and predicated to the new crisis discourse of the refugee, we saw in our limited exploration the making and normalisation of a crisis and a forceful assertion of the refugee 'other'. However, this remains just a starting point of entry, and we realise the need for rigorous collaborative transnational studies, qualitative and quantitative, to study the social and political linkages of the media discourse across national contexts and blocs within and outside EU to come to some semblance of understanding on the pasts, presents and futures for transnational migrant and refugee movements and mobilities.

Notes & References

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The Migrant as a Political Object “Guests” in Turkey, EU Debates and the Middle Eastern Conundrum

By

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Turkish President Tayyip Recep Erdogan’s immediate and spontaneous reaction to the bomb blast in Istanbul’s historic Sultanahmet district on January 12, 2016 was that the suicide bomber was of ‘Syrian origin’.¹ This was elaborated upon by the then Prime Minister Ahmet Davutoglu the next day when the bomber was identified as Nabil Fadli, a Syrian national of Saudi origin who had links with the Islamic State.² The identification of the suicide bomber as a ‘Syrian’, who had entered Turkey as a refugee and had therefore gone undetected as a member of the Islamic State, was subsequently repeated while naming alleged bombers in the course repeated incidents of bombings in Istanbul and Ankara. It proved to be problematic in cases where the ‘Syrian’ identity was proved incorrect. On 17 February 2016, twenty eight people, mostly military officers were killed when a car bomb exploded at a busy intersection where buses carrying Turkish military personnel were waiting. The Turkish government blamed the Peoples’ Protection Units (YPG) the armed force aligned to the Democratic Union Party (PYD) the Syrian Kurdish group as responsible for the attack and specifically named Salih Nekar a Syrian national and member of YPG as responsible. It was later revealed that the man responsible for the Ankara blast was Abdalbaki Somer a Turkish citizen who had joined the Kurdistan Workers Party (PKK) in Syria. Subsequently an offshoot of the PKK, the Kurdistan Freedom Falcons (TAK) claimed responsibility.³ In any case whether there remains an identity that can be defined as ‘Syrian’ today remains questionable with constantly changing territorial control of the Syrian regime, the Islamic State and the Syrian Kurds creating areas of transient control and brutal sectarian and ethnic divides.

Turkey today is host to more than 2.75 million Syrian refugees and Turkey’s migration identity has shifted from being a country of emigration

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and transit to becoming a destination for immigrants and people fleeing conflict and therefore requiring an entirely new regime of legislation to deal with people who are identified as ‘guests’.⁴ Refugees however are increasingly becoming a political liability especially near border towns where Syrians can outnumber locals.⁵ A bomb blast in the frontier town of Suruc in July 2015 followed by the attack on a peace rally in Ankara’s central train station in October 2015, both of which resulted in significant casualties, and for which the Islamic State was identified as responsible, has heightened concern that Turkey’s open door policy for the Syrian migrants has made it easier for militants to enter Turkey.

However, more than security concerns there remains the problems of integrating a significantly large population with issues like work permit for the migrants remaining largely unresolved despite recent regulations.⁶ So the ‘Syrian’ refugee was already identified as problematic and largely tolerated as a political leverage vis a vis the EU. The identification of the bombers as ‘Syrian’ therefore impacts not just on security policies but also a host of other issues. In any case the “refugee question” is not one that is simply ruled by the logistics of a state that is unable to deal with the large numbers of ‘guests’. It is today intimately connected with projecting the ‘image’ of a migrant friendly state, of Turkey’s ambitions to join the European Union, of the EU’s own concerns about refugee influx and the discomfort of international human rights organizations about identifying Turkey as a ‘safe’ state for migrants. It also involves the issue of development of a parallel economy in Turkey supported by a surfeit of available migrant labour population on the one hand and the misgivings about the economic impact of the migrants on the other.⁷ The question is further complicated by Turkish ambitions in the neighbourhood that first led to aspirations in Syria, followed by hopes of a quick demise of the al Assad regime and subsequently support for the Syrian opposition. There is also the unexpressed but underlying Turkish-Greece rivalry that is centered on Cyprus but involves a number of other issues like the Aegean and minorities as well. Through all of this, and till very recently when there have been reports of migrants being fired upon and pushed back by border guards, Turkey kept its borders open for refugees. Camps were constructed along border towns though large numbers who did not enter the legal asylum system also moved on to larger urban areas. However, as the Syrian civil war continued and hopes of a quick return vanished, there began a movement towards Europe, that subsequently become a deluge.

The EU uneasiness with this movement towards its borders meant that Turkey was identified as the key to controlling refugee flows into Europe. And in an alleged act of support for the Turkish President and the ruling AKP it delayed the publication of the critical EU annual report on Turkey till after the November 2015 snap polls. In an analysis following the surprise victory of the AKP in the polls *Today’s Zaman* columnist Gokhan Bacik commented on this crucial delay and identified the EU as responsible for the growing authoritarianism in Turkey. He also argued that the EU was restricted by ‘strategic concerns’. While apparently contrary to the EU’s stated position on democracy and human rights, it is a fact that the release of the critical EU

annual report on Turkey had been delayed by weeks till after the polls. He went on to argue that the key to this apparent contradiction lies not in an implicit approval of ‘stability’ that President Erdogan has been advocating within Turkey but in a parallel global movement of migrants and a European necessity to convert Turkey into a ‘camp state’ much like Liberia in the mid nineteenth century. This critical role and leverage was reflected in an interview with the CNN on 12 November 2015 when President Erdogan threatened to increase migrant flow to the EU citing its inadequate contributions as a reason. “What would happen if the 2.2 million Syrian refugees all march to Europe,” was the question that he posed in the background of increasing numbers of European states closing their borders.⁸ The Turkish payoff came in the form of an immediate 3 billion Euros and an extra 3 billion in the coming years to help the refugees, a broadening of Turkey’s long stalled EU membership talks to include economic policy and critically for many Turks more visa free travel to Europe. In return the EU expected Turkey to curb transit by Asians seeking to reach Europe.⁹

By definition the movements of people involve at least two states and in many cases three or more as migrants transit through third countries to reach their destination. And in each concern for maintaining particular national identities, widely shared values and control over political institutions precludes a policy of open entry. As such there remains the need to look at the impact of migration beyond the narrowly economic or strategic. Migration not only feeds into the nationalist discourses of the sending and receiver states but also becomes a lens through which the relationship between the birthplace and the adoptive home is negotiated by the migrant himself. On the other hand there is an on-going debate within the European Union about how to deal with the crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The European Union today is deeply divided over how to cope with the influx of people from West Asia which is testing the principal of solidarity and making the Union look heartless and ineffective, pitting member states against each other and fuelling populism and anti-Islamic sentiments.

As large parts of what is defined as the greater Middle East gets embroiled in conflicts (resulting in human tragedies and movements across borders) and European states like Hungary respond with measures to confront what it terms threats to European ‘security, prosperity and identity’ and refuse the right to both resettlement and movement, there is need to re-engage both with the issue of forced migration as also the reaction of the receiver states in Europe. The question of the Syrian migrant therefore necessarily brings into focus Turkish motivations as also European response. While ‘civilizational’ commonality has always been at the centre of the EU process, it is not just a lack of this commonality that has made the largely Muslim migrants unwelcome, but also security concerns. Interestingly, some of security rhetoric has been generated by extremist organisations themselves. Migrants, for instance, were implicated in the orchestrated bombings in Paris on 13 November, which killed 132 people, as Syrian passports were found

near the bodies of two of the suspected Paris attackers which, according to news agencies were fakes made in Turkey. The passports planted as a strategy by the Islamic State to discredit the “refugees” and encourage Europe to close its borders, was an attempt to encourage a reverse movement but also generate fresh grounds for recruitment for the Islamic State.

As such the article will reflect on how in recent years the migrant has become a political object capable of influencing global policies but also the ‘image’ of states. While taking note of the fact that the recent increase in the volume of forced migration worldwide would lead to increasing irrelevance of institutions, norms, and laws as probably also a re-definition of the cultural identity of their destination, i.e., Europe, one is tempted to question why the migrant remains an ‘abnormal subject’ caught between borders that seem ubiquitous and therefore vulnerable by definition. The question of the Syrian migrant is also closely related to developments in Turkey’s internal politics and its neighbourhood but also to recent global realignments. As such migrants are caught in the midst of a vulnerable regime’s definition of its core areas or “useful Syria”, unprecedented violence and the cross fire between the Islamic State, the Syrian Kurdish army and states reluctant to host them, but also their identification as useful pawns in the global migration debate. The continuing migrant issue, which has gripped public imagination, is today a game changer not just for the states in the region but also for large parts of Europe. It has also become the winning card for securing electoral capital. Strategically capitalizing on this discourse is a number of leaders who have been on the receiving end of electoral ire, like the Turkish President Erdogan.

Erdogan, Turkey and the Syrian Crisis

When the Syrian conflict began with pro-democracy protests against President Bashar al Assad, there was a general belief, shared by Turkey, that the fall of the regime was imminent. Nearly five years down the line, with hundreds of thousands dead and more than 15 million refugees this has been proved to be incorrect. The conflict has also acquired sectarian overtones. To this conundrum was added the possibility of a US trained force of “moderate rebels” to fight the Islamic State on the ground, the fact that Iran and Russia have helped and called for support for the al Assad regime while Turkey and Saudi Arabia have called for the making of a Sunni army.¹⁰ These lines are unlikely to be blurred by the recent nuclear deal signed between Iran and six major world powers. One of the first signs of this is the fact that the Syrian President referred to the deal as a major turning point in the history of the region and sought greater support from Iran in the regime’s conflict with the opposition.¹¹ The conflict, as also the fact the two countries face a common adversary in the Islamic State, on the other hand has been one of the reasons for the United States to improve its relations with Iran. This is compounded by the insecurity of neighbouring states like Turkey where the media is now abuzz with the news that the Turkish military has been asked to create a neutral zone along the 100 km border with Syria which would not only contain the Islamic State but also prevent the creation of a Kurdish state along

Turkey’s south eastern border and keep the Syrian refugees within the borders of Syria. Syrian Kurdish fighters are now in the offensive in northern Syria and control a long stretch along the Turkish-Syrian border.

The Syrian crisis has become a test case for Turkey’s new foreign policy. Unlike Egypt, Tunisia and Libya, Turkey not only served ‘as a source of inspiration’ in Syria but had wanted to play a more active role in the process, revising its policies in response to emerging circumstances. Between March 2011 and May 2012, Turkey’s policy towards Syria changed from pressure on the al-Assad government for constitutional reform, to attempts at unifying dissident groups under a single roof and promoting international sanctions to a return towards efforts for a UN based solution (the Annan Plan). In terms of rhetoric the change was from “Syria is not a foreign affair but a domestic affair for us” to the “Annan Plan is an opportunity for Syria”.¹² Turkey’s policy, based on the rhetoric of being a “playmaker country in the Middle East”, however, encountered strong resistance in Syria. And Turkey’s objective of establishing an EU like Union in the Middle East, which began with its ‘zero problem’ discourse and its claim of being a ‘model’ for the countries of the region suffered because of the Syrian crisis.¹³ Determined to balance its global expectations and regional objectives Turkey aimed towards the down fall of the Assad regime relying on its strength in the Arab streets and support to rebels including radical groups like the al Nusra, to ensure a rapid outcome. This tolerance for the radical opposition in Syria, which is believed to have contributed to the growth of Islamic State sleeper cells within Turkey, is now being identified as a one of the reasons for the spillover of the conflict into Turkey and repeated terror attacks not just in the south east but also Istanbul and Ankara.¹⁴ On the other hand there have been misgivings about the use of refugee camps by the opposition fighters who have used the camps for recruitment and recovery.¹⁵ In the wake of the Suruc terrorist attacks, Ankara gave permission for the use of the Incirlik Air Base by Washington in the anti Islamic State coalition.¹⁶ In return Washington agreed to the formation of a “buffer zone” within Syria. The US administration was careful not to use the term “no-fly” zone because of legal and geo-strategic complications with Russia and Iran, but to refer to it as the “Islamic State free zone”.¹⁷ This prioritizes the fight against the Islamic State rather than targeting the Syrian regime and the US continues to support the Syrian Kurds, that is, the PKK affiliated Democratic Union Party (PYD) on the ground.

Developments in the Syrian civil war have also had an impact on the ongoing peace process with the PKK (Kurdish Workers Party). When the Syrian crisis started in March 2011, Syria’s Kurds adopted an ambivalent position. However, in July 2012 they took control of several cities in the north where Kurds are in a majority. The Kurdish Democratic Union Party (PYD) which governs this region, bordering Turkey, is affiliated to the PKK and has clearly expressed an interest to form an autonomous zone in Syria comparable to Iraqi Kurdistan, a move Ankara opposes. Turkey’s Syrian policy, in which President Erdogan had sought President Bashar’s overthrow, became counterproductive for Turkey when it contributed to bringing Syrian Kurds into the fray. Turkey which has battled domestic Kurdish insurgency for

decades and has only recently begun negotiations for conciliation, fears the domestic consequences of the creation of a contiguous area under Kurdish control.¹⁸ In a sense of course it was Turkey’s anti-Assad policies and support for anti-Assad groups that generated the pro-Kurdish outcome. This was compounded by the results of the June 2015 election in Turkey where the pro Kurdish HDP (Democratic People’s Party) crossed the 10 percent threshold for the first time. President Erdogan was aware that the 13 percent vote that the HDP received was a principle reason why the AKP failed to get a majority. Anti Kurdish policies were renewed both domestically and in the neighbourhood and predictably there were attacks on Turkish soldiers and police officers in the Kurdish dominant south-east and clashes between Kurdish militants and Turkish forces that left casualties on both sides. The result has been a campaign of violence that culminated in the bombings on a procession in Ankara on 10 October (subsequently blamed on the Islamic State) which was calling for resumption of peace talks between the PKK and the Turkish state.

In the last weekend of June 2015 it was reported by a number of news dailies that President Erdogan was planning a military intervention in northern Syria to prevent Syrian Kurds from forming an independent state on the Turkish border. In a speech on 26 June Erdogan vowed that Turkey would not accept a move by Syrian Kurds to form their own state in Syria following gains by Kurdish fighters against the Islamic State.¹⁹ That Turkey was uncomfortable with the Syrian Kurdish victories in northern Syria was evident in a number of reports that indicated that Turkish air strikes were targeting Kurdish strongholds rather than the Islamic State.²⁰ It was reported that the military had been given orders to take measures, including an incursion into Syria, to stem possible advances by the Islamic State or the PYD and prevent changes in the demographic composition of the Syrian provinces near the Turkish border.²¹ The Turkish military however, urged the government to work out diplomatic avenues before the incursion arguing that Turkey should present reasons stronger than the possible emergence of a Kurdish state in northern Syria as a reason for the deployment. Military officials were concerned that if done without prior consultation with states like Russia, the military action would be brought into question and this could also spark military confrontation with the PYD, Islamic State and government forces. They also argued that the Syrian regime should be consulted so that the operation does not violate international law.²²

Domestically, recent attacks on the HDP and PKK have been vindicated in terms of ‘nation under threat’ and to encourage voters into supporting President Erdogan’s ‘security first’ agenda. The justification for change was couched in terms of an effective executive state more capable of facing terrorism, civil war, economic decline and corruption. Davutoglu had stressed on what he referred to as a “terror cocktail” of the PKK, the Islamic State and the Revolutionary People’s Liberation Party Front, all of who wanted chaos in Turkey, thereby appealing to nationalist elements.²³ The AKP election campaign for the November polls was based on the looming crisis and the slogan “after us there is chaos” and its subsequent victory hailed as

“victory for democracy” and the fact that democracy and terrorism do not mesh well. Predictably enough President Erdogan in his first major speech prioritized discussions among Parliamentarians for a completely new constitution which would introduce a Presidential form of government since the current one has ‘lost its relevance and become full of details’. He also underlined that Turkey would keep up its fight against the PKK until the rebel group is “eliminated”.²⁴

The failure of the Arab Spring and the Muslim Brotherhood in maintaining its authority, shifts in the geopolitical landscape with Russia getting increasingly involved in the Middle East and the trajectory of the Syrian conflict itself has meant that from being identified as one of the major players in the post Arab Spring Middle East, Turkey is now faced with a failed foreign policy, and a failed peace process in the south east. Turkey has also been unable to integrate strategic shifts on the political and military front into its policy making particularly in Syria as it has equated the Syrian Kurdish Democratic Union Party (PYD) with its armed wing the Peoples’ Protection Units (YPG) and the insurgent Kurdistan Workers Party (PKK). While this serves domestic Turkish politics, it also means that Turkey is now at odds with both Russia and the United States which recognizes the usefulness of the Syrian Kurdish fighters in the war against the Islamic State. Sending ground troops into Syria would mean confrontation with Russia with no guarantee of support from its own allies. Not intervening would mean the creation of an autonomous Kurdish enclave in northern Syria and the defeat of the opposition that Turkey has been supporting. Turkey has also sought to revive demands for the creation of a safe zone in northern Syria to protect civilians who otherwise enter Turkey as refugees.

On the other hand Turkey has yet to make major advances against the Islamic State. What complicates the issue is allegations that Turkish middlemen are engaged in oil trade with the Islamic State. In an article entitled “Is Turkey Buying Oil from the Islamic State” Bilge Yabanci argues that the Islamic State today is the richest terrorist organization in the world principally because of the millions of dollars from the illicit trade in oil from the generates \$1-3 million a day. ²⁵ This has also become a strategic weapon and interestingly enough even rebels fighting the Islamic State in the north of Syria are its customers. While there have been suggestions about the involvement of Turkish middlemen in the transportation of this oil, it was Russian President Putin who articulated the accusation in the aftermath of the shooting down of the Russian jet by Turkey on the Syrian border. Within Turkey a censorship restricted press has not been involved in this debate and the opposition MP Eren Erdem who raised the issue in the Turkish Grand Assembly has been branded as a member of Fathullah Gulen’s illegal “parallel structure”. Turkish President Erdogan responded to the Russian claims by noting that it was Syrian President Assad, propped by the Russians who are the largest consumer of this oil. While accusations and counter accusations continue, so does the trade which thrives not just through middlemen but also as an attractive source of income for the people living along the porous

border areas. While the Turkish predicament defines one side of the migrant story the other is circumscribed by the European response.

Migrants, European Union and Turkey

By the time the body of a second young child, this time a young girl, washed up on the shores of Turkey, reactions had become muted and attitudes stoic. In the meantime headlines had changed from stories of drowned migrants to how the crisis was dividing Europe. In any case, migrant deaths off the coast of Turkey, as overcrowded dinghies and ferries collided, had become commonplace. And the image of a young toddler in a red shirt, that had gone viral and created outrage and demands for the European Union to put together a plan to deal with the migrant crisis, had moved off the front pages. These incidents are neither isolated nor confined to the Turkish shores. On the same day, in end of August this year, twin migrant tragedies were reported--- one where 71 refugees including a baby girl were found dead in an abandoned freezer truck in Austria and another where Libya recovered the bodies of 82 migrants who had been washed ashore after their over-crowded boat had sunk on its way to Europe. Migrant tragedies while crossing the Mediterranean has been increasingly in the news and like the victims of the freezer truck tragedy in Austria those washed ashore were also probably from Syria and Iraq. This brings to the forefront the question of what impels asylum seekers to undertake this journey. In order to do so it is necessary to come to an understanding of what asylum seeking in Turkey involves in the light of the geographical limitation clause of the 1951 Convention and the continuing conflicts in its Asian neighbourhood.

Seeking asylum in Turkey involves a unique arrangement between the UNHCR, Turkey and the country of resettlement. Turkey does not grant non-European asylum seekers “refugee status” due to a geographical limitation reservation and as a result non European asylum seekers cannot stay in Turkey permanently. Instead they enter a three step process. As they first enter the country they are able to register as ‘temporary asylum seekers’. If their asylum application is accepted they are then allowed to stay temporarily in Turkey as they wait for a third country to offer them permanent resettlement. During this process they are placed in a small city or town in Turkey or a camp from which they are not allowed to leave. UNHCR pamphlets say that there is usually a three year wait for the entire re-settlement process, though in actuality the process takes longer. What makes the situation precarious during this period is that the aid from NGOs and the UN is generally insufficient for the refugee and his or her family to subsist on. To meet their needs they need to work. However, till very recently, as ‘guests’ Syrian refugees were not allowed to work legally as they were not given work permits. Recently, the Turkish government published new regulations allowing Syrians who have been in the country for more than six months to apply for work permits in the province where they are registered with the provision that they will be paid at least minimum wages. ²⁶Even with the recent legislation allowing Syrians work permits the degree of employer

involvement necessary to obtain it and the lack of incentive to do so for unskilled or semi skilled work has meant that less than 0.1% of Syrians in Turkey stand to gain. Many employers are unaware of or unwilling to give work permits as this will necessitate giving workers minimum wages. More problematically the law requires an employer to give his employees a contract before they can apply for a permit. But this is an unattractive proposition since Syrians are often employed precisely because they can be easily exploited.²⁷ Also, as Kamyar Jarahzadeh argues, in the course of his study of Afghan refugees in Turkey increasing ‘formal citizenship’ through registering as a refugee often does not automatically lead to the acquisition of ‘substantive citizenship’. In fact, in most cases it entails sacrifice of the freedom that comes with remaining undocumented since as a temporary asylum seeker in Turkey he agrees to stay in the city to which he is assigned. As such they consider it a more attractive option to apply for asylum status once they reach Europe.²⁸

Most make the precarious crossing across the Aegean to Greece to begin with and then wait for entry to other European states. The assumption is that entry into a Schengen state will automatically facilitate movement to their desired destination in Europe. Unfortunately, this has not happened in practice and Hungary’s reaction is an example. Hungary, situated in Central Europe and a Schengen passport free zone, has in recent times been seen as a gateway by migrants bound for other parts of Europe. Unfortunately for the migrants, Hungary’s negative reaction has been matched by comments made by its Conservative Prime Minister Victor Orban, who has clearly indicated that Hungary identifies the Muslim migrants as a threat to Europe’s Christian heritage. Orban has accused Germany of encouraging the influx and rejected the European Commission’s proposal for mandatory quotas to distribute the migrants throughout the EU. This is probably reflective of the fact that there has always been a ‘civilizational’ image to the European Union that requires recognition of a system of values shared by all members. It was this, for instance, more than any other administrative requirement that prevented Turkey’s entry into the European Union since there is widespread opinion that Turkey as a ‘Muslim’ country has a different set of traditions and values and a different mentality. It is this lack of ‘civilizational’ commonality that has made the largely Muslim migrants unwelcome, not just by the Hungarian state but also large numbers of its people.

There is an ongoing debate within the European Union about how to deal with the crisis with states divided between those who would seek a solution to the conflicts to end migrant movements and others who are looking for a more equitable way to distribute them across Europe. The Pope himself called on every European parish and religious community to take in one migrant family each as a gesture of solidarity and declared that he would start it in the Vatican. During a visit to Greece he took back with him three families, a total of ten persons, who were chosen by drawing lots back with him. While essentially symbolic it also indicated the Church’s support for the refugees remains significant. However, this as well as debates in Canada and Australia would then revolve around whether this resettlement would be

without discrimination based on religion. The extent of this divide became evident when Germany’s Labour and Social Affairs Minister pointed that the migrant crisis could impact upon the ‘idea of Europe’. Of course the history of the ‘idea of Europe’ remains contested and there are ongoing debates about what people thought Europe meant as a set of values and therefore its relative place as a civilization. Although there are elements of continuity, these views have also evolved through the centuries.²⁹ In recent times, the ‘idea of Europe’ has been closely associated with the question of migration.

Without question, migration has become an issue central to the future of Europe..... The EU integration process has put the international mobility of persons--- the free movement of workers at the heart of the economic dynamic. The problem of growing asylum seeking and a decline in the receptiveness of member states to the obligations of post war international refugee law, remain high on the political agenda. ³⁰

In more recent times a ‘civilizational’ concept seems to have evolved with the development of the idea of a borderless space. It is therefore ironic that states that had once argued for removing border fences and walls are, in the face of migrant flows, now busy constructing them. It is also significant to remember that traditionally even within West European states themselves there was a difference between the guest-worker and the post-colonial based immigration regimes. In a guest worker regime such as Germany, at one point, the state actively encouraged immigrants into the country. In a post colonial regime like Britain, immigration was never actively solicited but according to Christian Joppke passively tolerated for the maintenance of the empire. He goes on to argue that differently developed moral obligations towards immigrants in different regimes help explain variations in European states’ reaction to migrants. ³¹There are a number of reasons why migration into Europe remains a problem with few solutions. The first remains the fact that the political chaos in the Middle East shows little signs of abating while there remains a significant gap between the income levels in Europe and parts of Asia, sub Saharan Africa and the Middle East. Labour migration will therefore persist in the near future. Secondly, Europe’s history has been one of immigration and in any case sluggish growth in parts of southern Europe makes the possibility of jobs for the migrant low. And finally, the migrant situation also creates xenophobic conditions and right wing reactions encouraging a spectrum of anti-immigration policies. ³² In fact when EU leaders met in 2003 to draft a European Union Constitution, the weak cooperation on immigration was brought into focus. The Convention on the Future of Europe considered extending Brussels’ control over immigration. However, harmonization of the new EU policy was not just opposed by Euro skeptics but also Germany who insisted on a ‘national veto’ on the numbers of immigrants admitted.³³ This has prompted analysts to argue that EU and member state migration policies converge in one direction: towards effective restrictions and exclusion of further non European migrants. Favell and Hansen go on to argue that beyond hostility to the sudden arrival of visible

minorities this is also conditioned by the fact that asylum channels distorts the ability of the market to select the most appropriate workers for low level economic opportunities that exist.³⁴ They go on to argue that it is this control of migration processes by the market rather than European attitudes and policies on migration that is determining migration policies.

A central issue facing the European Union therefore remains the fact that there is no cohesive policy on how to deal with asylum seekers. The lack of a common system has also been compounded by the principle that refugees may apply for asylum only in the country where they land. This places the burden of refugees on Greece, Italy and to an extent on Spain. But many migrants wish to travel further north to Germany or Scandinavian countries where they have better prospects. This has encouraged the Italian Prime Minister to threaten to issue Schengen visas to them so that they can go wherever they want in Europe. Josef Janning, senior policy fellow at the European Council on Foreign Relations argues that EU states will first have to agree on a standard definition of who is eligible for political asylum and then streamline the process for all member states.³⁵ He argues that since there is no common definition too many individuals are being entered into the asylum process which means that many who require it are actually getting stuck in the pipeline. He goes on to argue that a single market and a common space also imply a common understanding of how to deal with individuals entering the country. The solution is seen in terms of a common continent-wide asylum policy on the one hand and on the other a migration policy that acknowledges these flows rather than resisting them.

In reality the deal with Turkey reflects neither. The final deal that has been made with Turkey indicates that all illegal migrants arriving in Greece will be accepted back by Turkey and for each migrant sent back a Syrian in Turkey will be accepted by the EU.

- All new irregular migrants crossing from Turkey to the Greek islands will be returned to Turkey, with the EU meeting the costs. Irregular migrant means those outside normal transit procedures, i.e. without documentation. The term "illegal migration" usually refers to people smuggling
- In exchange for every returned Syrian, one Syrian from Turkey will be resettled in the EU
- Plans to ease access to the EU for Turkish citizens will be speeded up, with a view to allowing visa-free travel by June 2016
- EU payment of €3bn promised in October will be speeded up, and a decision will be made on additional funding to help Turkey deal with the crisis. Turkey asked for EU aid to be increased to €6bn
- Preparations will be made for a decision on the opening of new chapters in talks on EU membership for Turkey.³⁶

It has been argued that the deal is fraught with legal and moral concerns. Vincent Cochetel, the UN's regional coordinator for the refugee

crisis in Europe, said: "An agreement that would be tantamount to a blanket return of any foreigners to a third country is not consistent with European law."³⁷ In any case it leaves a number of questions unanswered, the principal one being whether the one in one out deal was logistically and morally possible. It also raised a number of other issues.

- The “One in One Out” system only applies to Syrians. What happens to other illegal migrants from Afghanistan for instance?
- What would happen to the illegal migrants who are already in Greece?
- The biggest problem remains the migrant himself. Having once tried and failed, would they not attempt to try other routes?
- Would all EU states be willing to accept the migrants who are sent in exchange of migrants sent back to Turkey? Hungary’s anti-migration Prime Minister has already indicated that he would veto any resettlement deal.
- Similarly Turkey’s quest for visa free access for all its citizens to Schengen countries would itself draw criticism from the EU states.
- In any case the future of Schengen itself is under reconsideration as eight of its members have imposed temporary border controls. British Prime Minister David Cameron said that there was no prospect of the UK joining a common European asylum policy. The UK is not in the passport-free Schengen zone, although it has signed up to the EU’s Dublin regulation, which obliges member states to take responsibility for refugees who arrive in their country first.
- Turkey’s recent restrictions on its domestic media including the recent seizure of the newspaper *Zaman* and academics who protested against these restrictions has meant that Turkey’s bid for EU membership is under review.

With the resignation of Ahmet Davutoglu as Prime Minister and his replacement with Binali Yildirim another Erdogan loyalist, the future of the Turkey –EU Refugee Deal is in crisis. The deal hinged on visa free travel for Turkish citizens in the Schengen zone for which Turkey would have to fulfill 72 criteria outlined in the 2013 deal. While 67 of these have been fulfilled Erdogan is unhappy with the Anti Terror Laws that Turkey would have to amend in line with EU expectations along with anti-corruption laws. In the line of fire was a decision to strip parliamentary members, accused of supporting the PKK of immunity. At least 138 members of Parliament have been accused of supporting the PKK. This was followed by a failed coup on the night of 15 July 2016 where pro coup soldiers had attempted to take control of the Bosphorus Bridge and the Parliament. By next morning Prime Minister Binali Yildirim, declared the situation to be under control and the morning headlines in *Hurriyet* noted that the two opposition parties, the Republican People’s Party(CHP) and the Nationalist Movement Party (MHP) had announced their stance against the coup attempt. The coup however provided the impetus to accelerate the process of constitutional amendments

and the transformation of Turkey into Presidential form. The ‘Yes’ vote won by a slim majority in the 16 April 2017 Referendum. While the margin led to introspection in many quarters the President declared it to be a favorable verdict and in his first post referendum speech reiterated his call for the reinstatement of the death penalty. If this is more than mere posturing on the part of the President then it will be a deal breaker for Turkey’s admission process in the EU. This would also jeopardize fate of other transactional relationships including the EU-Turkey Refugee Agreement.

In Lieu of Conclusions

In a scathing criticism of the EU-Turkey deal *Today’s Zaman* columnist Gokhan Bacik argued that the EU-Turkey ‘bargain’ on refugees can easily be interpreted as a post modern return of the slave trade to western diplomacy.³⁸ The subsequent takeover of control of the newspaper by the Turkish state for alleged financial misappropriations is well known and is probably the result of such critical columns that appeared regularly. While attacks on the press and individuals for critical comments about the President and the increasingly authoritarian AKP control within Turkey is well documented, it seems that Turkey’s ability to influence European politics has also increased. President Erdogan invoked a law that most European states follow that prohibits insults against friendly heads of states to punish German comedian Jan Boehmerman for a satirical poem about him with the approval of German Chancellor Angela Merkel. Of course Merkel promised to remove this clause by 2018 and in a smart move German Foreign Ministry added a travel advisory to German travelers to Turkey, “It is strongly advised not to make public political statements against the Turkish state and not to express sympathy for terrorist organizations”.³⁹ Erdogan also arrested Dutch writer Ebru Umar for tweets she had sent about him prompting a front page editorial cartoon in the Dutch populist daily *De Telegraaf* which shows Erdogan as an ape crushing Europe’s free speech.⁴⁰

Within Turkey 1128 academics who had signed a petition calling for a return to peace negotiations with Kurdish forces are currently either under investigation/ have been dismissed/ suspended or jailed. The media is state controlled and critical columns in newspapers like *Today’s Zaman* have led to subsequent takeover of control of the newspaper by the Turkish state for alleged financial misappropriations. A few days after the EU Turkey agreement, President Erdogan is said to have declared, “Democracy, freedom and the rule of law.....for us these words have absolutely no value any longer” an unambiguous rebuttal of the fundamental values that the EU embodies.⁴¹ Respect for human rights and freedom of expression lies at the heart of what the European Union projects as its ‘image’. It is being argued that a deal with Turkey would affect its image as a normative power. The deal also violates the EU’s own legislation. Under the Asylum Procedures Directive, Turkey has to be recognized either as a safe third country where Syrians could have applied for protection or a first country of asylum where they had protection. In either case the bare minimum requirement is that the

applicant be recognized as a refugee who benefits from the principle of non refoulement (non return to a safe country). Since Turkey maintains a geographical limitation for non European asylum seekers and Syrians can only be recognized as temporary asylum seekers with no access to refugee protection, this basic requirement is not fulfilled. In an interesting reversal of the apprehension about the migrants’ ability to transform this ‘idea of Europe’, it now seems that the man designated to keep them out of Europe has brought this into question. Europe seems to have arrived at the post Schengen era in more ways than one.⁴²

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³ Ravel Holland, “The February 17 Ankara Bombing: Who Profits?” *Independent Turkey*, 24 February 2016.

⁴Rebecca Kilberg, “Turkey’s Evolving Migration Identity”, *Migration Policy Institute*, July 24, 2015, www.migrationpolicy.org/article/turkeys-evolving-migration-identity.

⁵ For a detailed study see Sonar Cagaptay, *The Impact of Syria’s Refugees on Southern Turkey*, The Washington Institute For Near East Policy, Policy Focus 130, July 2014 where she argues that refugees now represent a significant percentage of the population in provinces like Hatay, Kilis, Gaziantep, Sanliurfa and Mardin are altering their ethnic and sectarian balance. In provinces like Hatay where the population is mostly Alevi the situation is further complicated by their traditional dislike of the AKP and its policies in Syria and support for the Syrian regime.

⁶ For details see Ahmet Icduygu, “Syrian Refugees in Turkey: The Long Road Ahead”, *Migration Policy Institute*, April 2015, www.Migrationpolicy.org/research/Syrian-refugees-turkey-long-road-ahead.

⁷ See for instance, *Effects of Syrian Refugees on Turkey*, ORSAM Report, No 195, January 2015, which argues • If the effect of the Syrian refugees on the Turkish economy is examined in detail, it is apparent that risks and opportunities are closely intertwined. • There has been an increase in rental prices and, as a result, it is often difficult to find affordable rentals. • There has been an increase in inflation in border cities. • Hiring illegal workers is spreading, especially among small businesses. • There is unfair competition between businesses that hire illegal workers and companies that do not employ illegal workers. • Locals believe that job opportunities have been taken away from them. However, when investigated, the effect is not existent. People who might lose their jobs under normal circumstances believe that they have lost their jobs because of Syrian refugee workers. In reality, Syrians are generally employed in areas that locals are not willing to work in. Thus, Syrians meet the demand in unskilled labor. • Syrians filling a demand for labor creates a suitable environment for investment. • There has been an important decrease in wages in areas with Syrian refugees. • The fact that humanitarian aid material distributed to the Syrians in Turkey and Syria are supplied from local Turkish firms creates an opportunity for many of them, especially those involved in the food and textile industries. • Investors and merchants have moved operations from Syria, especially from Aleppo, to Turkey. Mersin’s harbor and sea access make it a top choice for Syrians. Another city attractive to the Syrian investors is Gaziantep. • The number of Syrian companies

registered with the Gaziantep Chamber of Commerce was 60 before the Syrian crisis. By the end of October 2014, the number rose to 209. • It has been suggested that a large business opportunity has been lost in channeling Syrian investments to Turkey. • Syrian investors and merchant who have good relations with the Middle East contribute to the commerce and investments in the region. • Syrians contribute to production related to the smaller businesses (bakery, shoemaking etc.). However, since most of these small shops are unregistered and they also escape legal responsibilities, they result in losses in tax revenues. Both situations cause unfair competition

⁸“Erdogan: What will happen if 2.2 million Syrian refugees walk to Europe”, *Today's Zaman* November 13, 2015.

⁹ See for instance, Laurence Norman and Emre Peker “European Union Reaches Deal with Turkey on Migration”, *The Wall Street Journal*, Nov 29, 2015.

¹⁰ Plans to train moderate rebels were later scrapped with Washington moving towards working more closely with Kurdish and other forces in Syria. See Simon Tomlinson, “US scraps its \$500 million programme to train moderate rebels after producing less than 80 soldiers, most of whom were either shot or ran away”, Mail Online, 9 October 2015.

¹¹Sylvia Westall and Tom Perry, “Iran Deal Heartens Syria’s Assad, Worries Rebels”, Reuters, Beirut, July 14, 2015.

¹² Prime Minister Erdogan cited from Dogan Ertugrul, “A Test for Turkey’s Foreign Policy: The Syria Crisis”, TESEV Foreign Policy Programme, www.tesev.org.tr/Upload/Publication

¹³ Since the end of the Cold War Turkey’s relations with Syria have gone through two major transformations. Historically the problematic relations was transformed into close partnership between 1998 and 2011 after the signing of the Adana Agreement before relations deteriorated in the wake of the Syrian uprising when Turkey supported the opposition. This has been explained in terms of regional politics by Meliha Benli Altunisik. See Meliha Benli Altunisik, “Explaining the Transformation of Turkish Syrian Relations: A Regionalist Approach”, in Raymond Heinnebusch and Ozlem Tur (eds) *Turkey Syria Relations, Between Enmity and Amity*, Burlington: Ashgate, 2013 pp178-191.

¹⁴ See Kemal, “Turkey Should be watchful for fresh suicide attacks”.

¹⁵ See Souad Ahmadoun, “Turkey’s Policy Towards Syrian Refugees: Domestic Repercussions and the Need for International Support”, German Institute for International and Security Affairs, SWP Comments 47, November 2014.

¹⁶ On July 20, 2015 a suicide bomber killed 32 people in Suruc a Turkish town on the borders of Syria. The bombing targeted members of the Socialist Party of the Oppressed and the Socialist Youth Associations Federation who had gathered at the Amara Culture Centre to participate in the rebuilding work at Kobani.

¹⁷ See Omer Taspinar, “A Risky Turning Point for Turkey”, *Today's Zaman*, July 29, 2015.

¹⁸ See among others “Turkey confesses fears to US of Syrian Kurds making territorial gains”, 7 January 2016, www.rt.com/news/328201-turkey-us-kurds-territory

¹⁹Cited from Thomas Seibert, “Turkey Plans to Invade Syria, But To Stop the Kurds, Not ISIS”, *The Daily Beast*, 28 June, 2015.

²⁰Sylvia Westall and Humeyra Pamuk, “Kurdish militia in Syria accuses Turkey of ‘provocative’ attacks”, Reuters, Beirut/Istanbul August 1, 2015, www.reuters.com/articles/us-kurds-turkey-idUSKCNOQ632X20150801.

²¹“Turkey ponders possible military incursions into Syria”, *Today's Zaman*, June 29, 2015.

²² “Army Asks Government to work out political and diplomatic avenues before Syrian incursion” *Today's Zaman*, Ankara, 28 June 2015.

²³Metin Gurcan, “Would you like your terror straight up or as a cocktail?”, *ALMONITOR*, Turkey Pulse, 22 October 2015.

²⁴“Erdogan wants ‘completely new constitution’ for Turkey”, *ALJAZEERA*, 4 November 2015.

²⁵ Bilge Yabanci, “Is Turkey Buying Oil From the Islamic State?” Op Ed Article, *Independent Turkey*, March 2, 2016. The article has a map indicating how the oil is transported out of Syria.

²⁶ “High Commissioner welcomes Turkish work permits for Syrian refugees”, UNHCR News Stories, 18 January 2016.

²⁷ Patrick Kingsley, “Fewer than 0.1% of Syrians in Turkey in line for work permits”, *The Guardian*, Monday 11 April 2016.

²⁸ Kamyar Jarahzadeh, *Identity at the Fringes of Citizenship: Experiences of Afghan Refugees in Turkey*, Berkeley Undergraduate Journal 26, no.3, (2013).

²⁹ Michael Wintle, “The History of the Idea of Europe”, *Perspectives on Europe*, 43, 1, Spring (2013).

³⁰ Adrian Favell and Randall Hansen, “Markets against Politics: Migration, EU enlargement and the Idea of Europe”, *Journal of Ethnic and Migration Studies*, 28, no 4, (2002) :581-601

³¹ Christian Joppke, “Why Liberal States Accept Unwanted Immigration”, *World Politics*, 50 , no 2, (1998).

³² Branko Milanovic, “Five Reasons Why Migration Into Europe Is a Problem With No Solution”, *Social Europe*, 24 June 2015.

³³ Adam Luedtke, “European Integration, Public Opinion and the Immigration Policy: Testing the Impact of National Identity”, *European Union Politics*, 6 no 1, (2005).

³⁴ Favell and Randall Hansen, “Markets against Politics: Migration, EU enlargement and the Idea of Europe”.

³⁵ “Migrant Crisis Creates Test for the Idea of a Borderless Europe”, CNBC, 3 September 2015.

³⁶ “Migrant Crisis: UN Legal Concerns Over EU-Turkey Plan”,

³⁷ Migrant Crisis: UN Legal Concerns Over EU-Turkey Plan”,

³⁸ Gokhan Bacik, “European Diplomacy from Slave Trade to the Refugee Trade”, *Today's Zaman*, October 22, 2015.

³⁹ Burak Bekdil, “Erdoganistan Travel Tips”, *Hurriyet Daily News*, 22 April 2016, cited from The Middle East Forum, mefnews@mefoforum.org

⁴⁰ Adam Taylor, “Dutch newspaper publishes cartoon depicting Turkey’s Erdogan as an ape crushing free speech”, *The Washington Post*, 25 April 2016. See also Semih Idiz, “Erdogan’s wrath against satire expands”, *ALMONITOR Turkey Pulse*, 26 April 2016.

⁴¹ Cited from, Halil Gurhanli, “EU-Turkey Readmission Deal: How All Sides Have Lost”, *The Turkey Analyst*, 8 April 2016.

⁴² For a detailed discussion see, Ranabir Samaddar, “Human Migration as Crisis of Europe”, *Economic and Political Weekly*, Vol L No 51, December 19, 2015.

The Shifting Logics of Reorganisation: Defining Identities and their Borders in Colonial Sylhet

By

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Sylhet was one of the most ‘movable’ districts in the British Indian Empire. From the 1870s to the 1940s, Sylhet was subjected to repeated administrative shuffles between the relatively more stabilized geographies of Bengal and Assam. Such territorial rearrangements involved more than mere bureaucratic indecision and were crucially tied to the agrarian, identitarian and cultural politics of the region. Sylhet was administered as a district under the jurisdiction of the Dacca Division in Bengal since 1782 and was permanently settled with other Bengal districts in 1793. It was formally attached to the new Chief Commissionership of Assam in 1874.¹ In 1905, as part of a series of administrative reorganizations known in the Indian nationalist historiography as the Partition of Bengal, Sylhet came to constitute a district in the new province of Eastern Bengal and Assam. After 1911, when the scheme was annulled, Sylhet was moved back to Assam. In 1947, following a referendum, Sylhet (barring a small portion that remained in Cachar) was detached from Assam and made a part of East Pakistan. It is presently a Northeastern Division in Bangladesh, bordering on three states of India (Meghalaya, Assam and Tripura) in the north, east and south, and on the Bangladesh Divisions of Dhaka to the west and Chittagong to the southwest.

Indeed, the unusually chequered administrative history of Sylhet opens up larger questions about the nature of colonial territoriality. The present paper traces specific articulations of colonial and national spatial strategies when employed in a frontier district. In the early 1870s, colonial policies aimed to integrate the tea country of the eastern extremity of the empire under a unified legal framework. Presenting some snippets from the ensuing debates on reorganization during the late nineteenth-early twentieth century Sylhet, this paper attempts to locate the idioms, symbols and anxieties in both colonial and nationalist circles, which contradicted and converged

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with each other in the process of defining the contours of a region and a regional identity. The following sections draw upon government proceedings, memorials, petitions, reports from newspapers and council debates to provide a sketch as of how the available archive frames the identity discourse in terms of the linguistic/communal divide. My task will be to tease out how the shifting registers of proximity and distance, the contested claims of adjacency shaped the political debate on what constituted the boundaries of Sylhet and who the Sylhetis were. Although existing works on borderlands in South Asia have bypassed any detailed commentary on Sylhet, my paper attempts to show that a study of the making of Sylhet's borders can further nuance the understanding of the making of the Bengal–Northeast–Bangladesh borderlands.

Recent scholarship on frontier and borderlands, particularly the works on Northeast India, unsettle and question the givenness of territorial borders and study how certain regions 'become' peripheries of a putative heartland of the nation. Willem van Schendel's works aim to reverse the core-centric and statist approach by adopting what he calls a 'borderland perspective'. Instead of taking the local, national or global scales as pre-given, he studies their social construction and refuses to conceive borderlands as the margins of state heartlands.² Influenced by this framework, Sanghamitra Misra's work tries to salvage the 'frontier' of Goalpara by recovering its rich history of a connected past. She traces how the 'connected' space of Goalpara was transformed into a circumscribed colonial borderland district. She locates the articulation of a 'Goalpariya' identity in the processes of appropriation and negation of the subsuming spatial strategies of the colonial state and emerging nationalisms from the late nineteenth to the middle of twentieth century.³ Misra's work is quite in tune with David Ludden's critique of the state imposed cartographic confines that define the boundaries of the 'national'. In recovering the space of Assam or tracing the creation of the Sylhet-Meghalaya boundary, Ludden provokes us to retrieve the history of a region in the flexible and fluid geographies of mobilities and transactions, instead of reproducing the modern statist boundaries. Ludden records how the military expeditions of the 1780s limited the spaces of transaction between hill Khasis and Sylhetis of the plains thereby imposing the earliest boundary over these lands.⁴ In a somewhat similar vein, Gunnel Cederlöf observes how colonial boundaries in the Sylhet-Cachar and neighbouring regions curbed 'old order of fluidity and vagueness in which land use, commerce, and culture existed in mobile geographies'.⁵ However, she comes up with a more nuanced picture of state intervention in Northeast India by narrating the emergence of dual politics and multiple ruler-subject relations in the overlapping jurisdictions of diwani landscape and hill territories. Although largely appreciative of these attempts to complicate notions of space in frontier studies, I also try to retain a discomfort with some of these works. In their endeavour to resist 'statist' perspectives, they tend to conceive of the state as an alien entity and statist practices as the outside of society – maps, grids, and boundaries feature in their work as the static markers that the colonial state imposed upon the fluid and almost unbounded sphere of the social. In contrast, this paper tries to

look into the complex transactions and entangled existence of the state and society. I look into the mutual and conflicted making of the many registers of identities and their borders. The portrayal of Sylhet as the ‘movable’ and ‘in-between’ space in the archive provides a vantage point for relocating the regional in terms of the neighbourly and the adjacent.

To Consolidate and Regulate the Tea Districts

The broadly defined landscape of Sylhet was an uneven combination of the plains and the hills, marked by a collage of sedentary and shifting cultivations, and inhabited by a number of different communities. Sylhet was surrounded by the overlapping and contending jurisdictions of the independent chiefs of the Khasi, Tripura and Cachar hills. Over the nineteenth century, as the British control over the region became gradually tightened, clearer and less porous boundaries came to be established with the so-called ‘tribal territories.’ A host of surveyors, cartographers and revenue administrators worked towards extricating the area from the older networks that ran across such ethnic or geographical divides, and recoding it as a plains district belonging squarely within the settled agrarian landscape of Bengal.⁶ Much of the impetus for such a strategy derived from the fact that Sylhet was theoretically brought under the Permanent Settlement along with other Bengal districts in 1793. And yet, the idea that Sylhet was somewhat ‘different’ from the Bengal style of revenue administration began to gain ground in the official circles. Indeed, two specific features of the Permanent Settlement in Sylhet set it apart from the other districts of Bengal.⁷ First, the settlement was *preceded* by a measurement in Sylhet. Collector John Willis, under the orders of Lord Cornwallis, carried out the first measurement of Sylhet during 1788-89, initially for the decennial settlement, which was given the form of a permanent settlement in 1793. Willis divided the lands into *abadee* (cultivated), *purraah* (fallow) and *junglah* (waste) and only the cultivated portions were assessed.⁸ Second, lands were claimed to be settled not with large zamindars but the actual cultivators of the soil. This was portrayed as creating a complication in the agrarian structure. The estates were permanently settled, and yet their individual revenue yields were extremely small. In the legal sense, the landholders were zamindars, and yet, in terms of collection and functionality, they were almost indistinguishable from the tenant cultivators. Permanent settlement in Sylhet led to the constitution of a vast number of small and detached estates under petty proprietors known as *talukdars* and *mirásdárs*. The imperial archive of Sylhet is replete with such various lines and logics of difference.

In 1873, the Non-Regulation districts of Assam (Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur) along with the Khasi and Jaintia Hills, Naga Hills and Garo Hills, the Hill tracts of Chittagong and Tippera (part of the Chittagong Division) and Cachar (part of Dacca Division) were brought under the purview of the Inner Line Regulation which gave power of ‘summary legislation’ to the executive government.⁹ To keep a check on the operations of the tea speculators, special powers were deemed exigent to define the ‘fiscal

limits' of British territories.¹⁰ The Inner Line was officially endorsed to lend certain fixity to what was considered to be the natural distinction of hills and plains. However, as has been argued, quite contrary to such a claim, the Inner Line rather functioned as 'a revisable, mobile, and pliant boundary on the ground' and it was flexibly altered and redrawn as movement of capital required.¹¹ Resistance from the hill populations, standardized as 'raids by savages', had been a common trope in the narrative of agrarian frontier expansion. With the spreading out of tea plantations towards the hilly terrains of the eastern frontier, descriptions of altercations with the hill population became more frequent. By the 1860s tea companies had begun spreading towards the southern hills of Sylhet in the vicinity of Kuki territory and tea planters and European residents of Sylhet and Cachar lodged frequent complaints about alleged loot and plunder by the Lushai Kukis.¹² Calling attention to the vulnerability of the porous borderland of Sylhet, the Secretary to the Government of Bengal submitted an application to the Home department urging the extension of the statute to Sylhet in 1873.¹³ Citing the differences in land settlement with other permanently settled districts, and the interspersed landscape of waste lands and *jhum mahals*, Dampier urged: "the district is in every way peculiar, requiring peculiar treatment in several particulars under special regulations."¹⁴ This was posited as an adequate justification for transferring the Regulation district of Sylhet to the Non-regulation administration of Assam in 1874. The landmass of British Assam was taken out of the *zamindari* geography of Bengal and put under a non-regulation administration which was supposed to be paternalist in its dealing with the local 'tribes', enthusiastic in its promotion of *ryotwari* settlement in the Brahmaputra Valley and more than charitable to the European tea planters. Labelled as an aberration in all sense, Sylhet appeared to be the district which could be moved from 'Bengal Proper' without much trouble across provincial boundaries to meet the mutating administrative, legal and jurisdictional needs of the British Indian state in its eastern frontier.

As soon as the transfer was finalized, landholders of the district expressed strong objections against being deprived of the privileged vicinity to the Board of Revenue and Bengal Legislative Council and against the 'disgrace' of being amalgamated with Assam.¹⁵ In both the official letters upholding the transfer and the memorials opposing it, the discussion on Sylhet's location was premised on its proximity or distance from the putative geographies of Bengal Proper and Assam Proper chiefly in terms of land revenue system and the legal framework. Underscoring Sylhet's linguistic, cultural and historical association with Bengal, the landholders asserted, that the legal detachment would lead to the loss of the 'moral and social advantages' which it has been enjoying by the intercourse with the more 'civilized' parts of the country.¹⁶ In response, Lord Northbrook, the then Viceroy and Governor General of India, assured that the proposed jurisdictional transfer would not affect the style of administration, implying that Sylhet would remain legally Bengali, that is, distant and distinct from the paternalist arbitrariness designed for the *jhuming* savages. Ever since 1874, Sylhet's jurisdictional location within the savage-heavy Chief

Commissionership came back, time and again, to haunt the realm of cultural politics. For its allegedly savage neighbourhood in Assam, Sylhet was unwelcome to the Calcutta intellectuals, while for the Assamese nationalists it was a hostile partner. The transfer question continued to linger throughout this period as an embodiment of elite politics in a so-called 'marginal' district.

The 'Distanced' Frontier and the Predicament of 'Reunion'

In 1903, Risley proposed the territorial redistribution of Bengal and its neighbouring districts and the creation of a new province of Eastern Bengal and Assam. The plan was to enlarge the Chief Commissionership of Assam by including the Divisions of Chittagong, Dhaka, Mymensingh, Rajshahi, the districts of Hill Tippera and Malda. Risley's proposal ignited vehement oppositions from the *bhadralok* Hindu Bengalis, who were agitated by the thought of being united with the 'backward' province of Assam. In the new scheme of territorial shuffle, Sylhet was to become a part of this larger new province. Unlike other eastern Bengal districts, the announcement of 1905 carried a very different meaning for Sylhet. Being already a part of Assam, Sylhet was apparently a non-issue in the actual plan of adjusting boundaries and shifting jurisdictions. But both the colonial and nationalist discourses alluded to Sylhet as a region which *has already experienced transfer*. Sylhet thus became a favourite example both for endorsing and opposing 'the partition.' And during the reorganization of 1903 and its annulment in 1911, logics of linguistic and communal coherence of the region started being raised at different junctures, to serve various interests.

In 1874, Sylhet's transfer was reasoned on the ground of Sylhet's 'difference' with the rest of Bengal. In 1903, Sylhet was presented by Risley as an instance of successful territorial reordering.¹⁷ Sylhet's unity with the Assam Valley was largely grounded on a racial link by virtue of its proximity to Hill Tippera and Khasi hills. Hill Tipperah State was identified as racially similar to the Garos and Cacharis of Assam, who 'constituted the original population of the greater part of the Assam Valley and of a portion of the Surma Valley also'.¹⁸ And it was precisely such tribal connections that the Bengal districts tried to avert. Repudiating Sylhet's case to be nothing but 'ill-fate', petitioners from Dhaka, Mymensingh or Chittagong refused to follow the trail.¹⁹ The Bengal Landholders' Association in their petition distinctly highlighted how progress was stalled in this province since its dissociation from Settlement laws of the Bengal Council.²⁰ Frequent columns in Calcutta based newspapers like *Sanjivani* and *Bangabāsi* expressed similar fears.²¹ Although Sylhet's separation was now described as unfair, it had hardly ever been culturally integral to mainland Bengal. The transfer, to the Bengali intelligentsia, had only relegated this already marginal land to further obscurity. The *Bangabāsi* of 26 March aptly captured the rhetoric: 'During these thirty forty years they have got accustomed to the ways and habits of Assam. Force a man to live in a forest and let him once get accustomed to forest life and he will not probably find town life pleasurable again.'²²

Initially, quite in tune with other districts, Sylhet-based newspapers like *Paridarsak* criticized Risley and strongly declared the willingness to be detached from the tribal province of Assam.²³ But neither was Bengal a very coveted choice for these 'placeless' inhabitants of Sylhet. The people of Sylhet, as *Paridarsak* elucidated, wished to 'retrieve' their earlier status as a part of Bengal, so that they would no longer be condemned as inferior only because they were part of Assam. But it was also apprehended that in the entire event of partition and its opposition, Sylhet basically 'stood nowhere'. Once reverted back, it was noted with alarm, Surma valley would be pushed into competition with other so-called advanced Bengal districts.²⁴ While for the 'Bengalis' of other districts, Curzon's plan was construed as 'partition', it implied an 'enlargement of Assam' for the Sylheti intelligentsia. Kamini Kumar Chanda, a lawyer by profession, was one of the most prominent Congress members from the Surma Valley who remained quite vocal on every issue concerning Sylhet and Cachar in the legislative bodies throughout the early twentieth century. Under the leadership of Bipin Chandra Pal, Chanda actively participated in the boycott movement. At the same time, in response to Curzon's plan, he admitted, that in spite of the serious drawbacks of being placed in an allegedly small and backward province, "The transfer of other districts to Assam will also deprive us of the special advantages which are looked upon as compensation for the loss we have sustained by being cut off from Bengal."²⁵ Evidently, at this point, the promise of culture and civilization of proverbial Bengal Proper seemed less attractive given the compensating advantages that this 'backward province' ensured. The Sylheti intelligentsia, and the elite Hindus in particular, were clearly in a double mind if it was actually better to stay back in Assam.

It was only after the annulment of the 1905 scheme that the identitarian movement gained momentum among the nationalist elites and traces of contradictory voices on the question of Sylhet's transfer began to surface more explicitly in public discourse. Assam was separated once again in 1911 from the eastern Bengal districts and given the former status of Chief Commissionership, but this time it was endowed with a legislative council. Sylhet reverted back to Assam. Viceroy Lord Hardinge's plan of the annulment of partition was apparently designed to assuage the Bengalis and at the same time 'safeguard Muslim interest.'²⁶ The tricky part was to strike a balance between a projected linguistic unity and parity of communal representation. Accordingly, eastern and western Bengal districts were again amalgamated into the province of Bengal. But, keeping with the aim of maintaining the equilibrium of Muslim population, Bihar and Chota Nagpur were excluded. Similarly to fit in the design, Sylhet had to remain attached to the separated province of Assam. Taking it as a breach of Hardinge's promise of linguistic unification, members from Sylhet started clamouring on behalf of all 'left out' Bengali-speaking areas in the legislature. The government clearly had no further plans of rearranging the Bengali-speaking districts. However, with the gradual introduction of constitutional reforms and increased participation of the educated middle class in legislative activities, the debate on

Sylhet's re-transfer to Bengal from Assam intensified and persisted for quite some time in the official circles.

Right from the days of the Eastern Bengal and Assam Council, the fight over resources and jobs between members of the Brahmaputra and Surma Valley had turned into a tussle between Assamese and Bengalis. Several telegrams, memorials and petitions conveying resolutions passed at public meetings held at different parganas reached the Viceroys' office. A bulk of the telegrams prayed for Sylhet's incorporation to the province of Bengal.²⁷ Some however, pleaded otherwise. If pro-transfer Sylheti nationalists aspired to be liberated from the cultural stigma of the label of 'Assamese', those who wished to stay back were equally unabashed about the positive aspects of sharing a province with an 'inferior race'. No wonder, then, that by the third decade of the twentieth century Sylhet's transfer would become one of the chief agendas of the anti-foreigner movement spearheaded by Assamese nationalists like Jnananath Bora and Ambikagiri Raichoudhury.

Throughout the first three decades of the twentieth century, language remained the most overt and dominant criteria for making demands of territorial rearrangement and with the question of 'people's opinion' gaining ground in official and nationalist circles, the linguistic communities got further segregated in terms of religious affiliation. During the decades after 1911, the heydays of council nationalism, the articulation of Sylheti identity gradually acquired a layered and complex character. The emergence of the Sylheti 'people' was essentially located within the narrative of contending claims between two major linguistic and religious identities.

In 1912, Chief Commissioner Archdale Earle prepared an elaborate note on the subject of transfer to ascertain if there was any popular base for the demand. To dismiss the unity of the pro-transfer voice, Earle endeavored to expose communal divisions among the Bengalis of Sylhet. He classified Sylheti 'people' into two neat camps and claimed to have gathered privately expressed views to grasp 'what the feeling really is and upon what it is based'.²⁸ The note charted the opinions for and against the transfer under two heads, 'general feeling, Hindus' and 'general feelings, Muslims.' Earle observed that the cry for union with Bengal was confined to a handful of 'articulate, educated Hindus'.²⁹ Earle's note portrayed the lack of a 'steady' Muslim opinion on the subject. He rejected the idea of considering Sylhet's transfer to Bengal on the ground of a 'lack of unanimity' among the two communities resulting in a breach in the Bengali voice of Sylhet. Hardinge's plan of keeping the Muslims numerically at par with the Hindus in Bengal was aided by Earle's theory of Muslim reluctance to leave their province. For the initial few years of the 1910s, the government was unwilling to indulge in any further plans of reorganization. Thus, in agreement with Earle, Viceroy Hardinge reiterated the government's stand on the matter more precisely.

But it was not merely a story of equilibrium of numbers. The claim for Sylhet's detachment from Assam entailed other potential threats. It was apprehended that Sylhet's transfer was likely to result into a chain of consequences. For instance, once Sylhet was transferred on the principle of linguistic reorganization, similar agitations might flare up among the Bengalis

of Cachar plains and Goalpara as well. On the other hand, since Sylhet and Goalpara were the only two permanently settled districts in Assam, it was feared, the latter would clamour for transfer once Sylhet was attached to Bengal on the grounds of homogenous land laws. Also the planter community of Cachar and Sylhet, sharing identical interests, wished to remain under a single administration.³⁰ The exclusion of Cachar had the danger of isolating the Lushai hills, which could be approached only through South Cachar. If the transfer of all these districts was conceded, Assam would lose its present form of government and the whole colonial administrative design in the eastern frontier would collapse.³¹ It was thus considered prudent to shelve the idea of reshuffle for the moment. And 'an emerging Muslim opposition' remained the key point for the dismissal of the Sylhet question. Much before the issue of Sylhet's retransfer to Bengal was taken up as a council resolution and put under voting, Earle endeavored, following Hardinge's footsteps, to nullify the claim of linguistic unity through the discourse of communal discord. During the subsequent course of the debate, it became a norm for both the advocates and protestors of the transfer question to validate their claims by presenting 'evidence' of support from both communities. Members of the legislative council were found battling to furnish new letters and telegrams and latest updates on public meetings as proof of 'people's voices'. But who were identified to fall within the category of Sylheti people? When was the tussle recorded to be between Assamese and Bengalis and when did it appear as a Hindu/Muslim conflict and under what kind of imperatives did these intersect? For the next few decades, Earle's classification remained hegemonic among the council members who struggled to forge a single Sylheti identity. But a nuanced reading of the debate reveals it was never simply a Bengal/Assam question, neither did it ever crystallize into a Hindu/Muslim question.

The Overlaps and Contradictions of the 'Linguistic' and the 'Communal'

Between 1917 and 1919, Secretary of State Montagu and Viceroy Lord Chelmsford formulated reforms facilitating the introduction of limited self-government in India. They suggested the extension of franchise and expansion of the authority of state legislatures. A delegation from the Surma Valley, led by Abdul Karim, a retired education service man who was a domicile in Bengal and member of the Bengal Legislative Council, demanded transfer of Sylhet.³² With the growing possibility of achieving provincial autonomy, 'the Congress, for the first time, conceded the principle of linguistic provinces for purposes of its own organisation – in Andhra and Sind to begin with' during its 1917 Calcutta session.³³ This facilitated a new turn in the earlier debate on Sylhet's transfer. The Bengal Provincial Conference passed a resolution in 1918 demanding a linguistic reconstitution of Bengal: 'That this Conference urges that the Bengali-speaking districts of Manbhum, Sylhet, Goalpara and Cachar should be re-united to Bengal.' Sundari Mohan Das, an eminent doctor of Sylheti origin and a close associate of Bipin

Chandra Pal, forwarded a telegraph message to the Chief Commissioner of Assam conveying the resolution on Sylhet's reunion carried at a public meeting of 'Hindu and Muslim Sylhetis of Calcutta'.³⁴ During the April session of the Indian Legislative Council, the issue of linguistic reorganization of the provinces of India was taken up. A resolution was moved by Rao Bahadur B. N. Sharma, a representative of the Punjab government, recommending redistribution on a language basis to 'secure complete success for self-governing institutions in British India'.³⁵ Sarma's resolution initiated a lengthy debate and Kamini Kumar Chanda took this opportunity to present the case of Sylhet. From the very outset, Chanda was careful in projecting the affinity of both the Hindus and Muslims of Sylhet with other districts of Bengal. Besides upholding Sylheti Hindus to be integrally connected to the intellectual seat of Nadiya and neighbouring districts of Tippera, Mymensingh and Dacca, he emphasized the religious and social traditions of Sylheti Muslims to be identical with Murshidabad and Dacca.³⁶ During the days of the so-called anti-partition agitations, Chanda remained cautious about safeguarding material benefits for his district. Under the changed political situation, it was now expedient to appeal to the sentiment of 'common Bengali roots', to prevent the movement from becoming vulnerable to any communal rift. In his speech Chanda urged that since the Muhammadans of Sylhet were 'united socially with the Muhammadans of Bengal', isolation from Bengal will affect their religious, social and political interests and they would become a minority in the province of Assam.³⁷ While concluding his speech, Chanda added that on that very day he had received a telegram from the Anjuman Islamia of Habiganj praying for the incorporation of Sylhet with Bengal. This was immediately questioned by the Muslim member from Punjab, Khan Bahadur Mian Muhammad Shafi. Rejecting Chanda's claim of representing both communities, Shafi cited a similar telegram from Muslims of Sylhet who did not trust Chanda as their spokesperson.³⁸ The discussion thus ended up in a parliamentary polemic over claims of representation.

Under the auspices of Brajendra Narayan Chaudhury, a zamindar from Sunamganj who was the Deputy Leader of the Nationalist Party in the Assam Legislative Council and later a Swarajist, and the notable lawyer Girish Chandra Nag, the Sylhet-Bengal Reunion League was formed just before the election to the reformed council of 1921. In their pamphlet entitled 'Back to Bengal or A Plea for the Inclusion of Sylhet with Bengal', the League clarified, with the claim of retransfer Sylhet was merely asking for a reversal of a measure that was 'quietly carried out in 1874'.³⁹ Such a claim was distinguished from the 'separatist' claims of Sind, Orissa or the Andhra Province. The issue of transfer was reenergized under Swarajist initiative during the reformed council between 1924 and 1926 buttressing the necessity to forge a communal consensus on the question of linguistic redistribution. A resolution was passed in favour of a reunion with Bengal in 1926. However, new equations began to emerge under new imperatives. The Assam valley council members had been articulating their grudge against Bengali preeminence in the education and service sector right from the days of Eastern Bengal and Assam Council. Throughout the first few decades of twentieth century Hindu Assamese

members raised their voices every now and then to claim higher proportion of appointments and resource allocation on valley lines. Alleged to be the earliest Bengalis to 'capture' all benefits, Sylhetis remained a constant source of anxiety for the Brahmaputra Valley chauvinists. When the resolutions of separating Sylhet were moved in the Council, the Assam Valley members welcomed the proposition. It was a chance to 'get rid of Sylhet', the presence of which was considered to be hampering the progress of the Assamese in all possible ways. In tune with the Sylheti outcry of 'difference', the Assamese middle class felt the need to sever Sylhet in order to achieve a linguistically and racially homogenous province for the growth of Assamese nationalism.⁴⁰ Moreover, it was insisted that the expenditure on Sylhet exceeded the revenue that it earned, thus adding to the financial burden of the province.⁴¹ Every budget session served as an occasion for fight over the parity in allocations of funds between the Assamese and Sylheti members and every discussion on the establishment of universities, medical colleges or courts remained unresolved due to the contradictory claims of its location in Guwahati and Sylhet.

The divisions in the house on the transfer question gradually intensified on a communal line, with the anti-transfer move gaining ground among the Muslims of both valleys. Sylhet's wish to move away was consistently opposed by Syed Muhammad Saadulla, the most prominent Muslim member from Assam, who rose to political eminence during the nineteen twenties and thirties. Right from the initial years of legislative politics, Saadulla had always been active in safeguarding the interests of the Muhammadan community, raising demands for communal representation in Local boards, municipalities and public services.⁴² After 1924, when the Sylhet question surfaced most prominently in the council sessions, Saadulla, the then minister of education, initiated steady campaigns to unite Muslims of both valleys to stall the separation of Sylhet. Saadulla explained with facts and figures that the Muslim community in the province could function as a significant minority with the strength of one-third of the total population. But since they were numerically a majority in Sylhet, its transfer, Saadulla warned, would relegate the community to the status of a negligible minority in the rest of the province, whereas increasing their proportion in Bengal not even by one per cent.⁴³ In spite of Assamese member Taraprasad Chaliha or Nilmoni Phukan's effort to keep their valley members united on a linguistic ground, Muslim members soon joined Saadulla's campaign. Abul Fazl Ahmed echoed, 'the fact must be faced and recognized that minority is always at a disadvantage.'⁴⁴ Surma Valley member Alauddin Ahmed Chaudhuri, who initially supported the 'back to Bengal' move during its early days, had converted by then. Joining the chorus, he reproached the transfer plea to nothing but a 'political blunder'.⁴⁵ Divisive communal politics acquired increased significance after the appointment of the Simon Commission. The Provincial Muslim League Council was formed in 1928 precisely to counter the transfer move. In September 1928, Khan Bahadur Hazi Muhammad Bakht Mazumdar, one of the few big zamindars of Sylhet, revived the debate in the Council. Challenging the very notion of an ever-present hierarchy

between language and dialect, Mazumdar was more than ready to question the alleged superiority of Bengal:

[T]he idea that Bengal is a worthier place to hail from is a mere sentiment. It is said that with our transfer to Bengal our language will improve and that our tongue will be more chastened. It is a delusion and an absurd pretension. ...⁴⁶

Backed by every European and Muslim member, Mazumdar's anti-transfer motion was carried. Apparently, this was a defeat of the Congress-endorsed principle of linguistic reorganization and a triumph of the 'communal question.'

But the people willing to remain in Assam did not remain confined to the Muslim members alone. In February 1926, after the Assam Legislative Council passed a resolution in favour of the transfer, the Pro-Assam League was formed under the auspices of Rai Nagendranath Chaudhuri Bahadur, a premier zamindar of the district. The League declared its membership to be consisting of 'influential and representative Hindus and Mussalmans'.⁴⁷ In their memoranda to the Indian Statutory Commission in 1928, the League emphasized that Sylhet's transfer was a demand confined among a handful of council agitators, chiefly the Swarajists. Almost echoing Kamini Chanda's concerns expressed during the Eastern Bengal days, the League considered greater benefits of education, jobs and political representation in Assam rather than being assimilated to the population of the larger province of Bengal. Drawing attention to the protest meetings held at different corners of Sylhet by different sections of the society, the memoranda clearly questioned the council's ability to represent multiple sections of the population. It was pointed out that the Anjuman-i-Islamia, The Muslim Students' Association, the Marwari community of Shillong and the Muslim community at large never wanted a transfer. In fact, it was categorically highlighted, 'no Muhammadans in the Council, beyond the pale of the [Swarajya] party voted for it.'⁴⁸

The Shifting Nationalist Positions and the Production of 'New Margins'

Right from 1874, the idea of distance or proximity with the neighbouring provinces of Assam and Bengal continued to be the most recurrent idiom of identity politics in the region. However, the nationalist elite position underwent strategic shifts at different junctures. From the middle of the nineteen thirties, another debate on Sylhet began to dominate the discussions in the Assam Legislative Council. This time the question was one of tenancy legislation. Amalendu Guha's pioneering work on the region has insisted on the primacy of the 'linguistic' and 'inter-valley' conflict in twentieth-century Assam, as distinct from the predominance of 'communal' conflict in Bengal. 'Not that there was no political rivalry in terms of Hindu-Muslim communalism,' writes Guha, 'but its open manifestation was much more subdued in Assam as compared to Bengal and other provinces. This was

because each community was again sharply divided, linguistically and valley-wise.⁴⁹ Immigration of landless peasants from the so-called over-populated Bengal districts was encouraged as part of the scheme of colonizing the allegedly land-abundant Assam, culminating in the introduction of 'Line System' in 1920, a line restricting boundaries for immigrant settlements. Sylhet's separation became a central issue in Assam's public sphere as aggressive 'anti-foreigner' campaigns gained ground in the towns. Guha reads the strong opposition of the Assamese middle class against the 'failure of Line System' in the Brahmaputra valley as the emergence of a linguistic/regional subset of an all-India 'great nationalism'. In agreement with Guha's model, Sanghamitra Misra's work on Goalpara shows how the question of tenancy legislation morphed into linguistic politics between the valleys.⁵⁰ This was not exactly the case in Sylhet.

The issue of records of rights and cadastral survey had been initiated as early as 1890s in Sylhet. It was taken up in the council in 1920s and ran parallel to the prolonged debate on transfer, occasionally coinciding. A simultaneous reading of the transfer and tenancy debates reveal two separate notions of adjacency articulated by the same members in respect to their proximity to Bengal. Unlike the domination of the rentier class in Bengal politics,⁵¹ apart from a few big zamindars, a large section of the council members represented the small landholders of Sylhet. This became evident during the assembly debates on preparing a record of rights for Sylhet. Although divided in their opinion on the advantages and disadvantages of a reversal to Bengal, there was striking unanimity on this particular issue.⁵² The pro-transfer lobby had throughout been vocal about the legal and linguistic affinity with Bengal, but they opposed the replication of Bengal measures like cadastral surveys or record of rights in Sylhet. Staunch proponents of linguistic, racial, historical 'connection' with Bengal, resisted the move to replicate Bengal systems in the land of peasant proprietors and poor landowners who were 'quite a different class of people – different in wealth, education, status and position from the too few rent receiving big zamindars of Bengal.'⁵³ Indeed, language featured as one of the most sustained and visible logics of reorganization that dominated the discursive realm of high politics, disrupted and reconfigured by the entanglement of the so-called communal question in Sylhet. However, the elitist logic of reorganization was never a unified one. Various questions of language, religion, valley-rivalry and tenancy laws overlapped and intersected at different junctures of the debate on Sylhet's retransfer to Bengal. The standard binaries of Assamese/Sylhetis and Hindus/Muslims grouped into multiple combinations.

This became evident once again during the reorganization of 1947 and the entailing process of settlement of the boundaries of Bengal and Assam between two nation states. At this point there was a complete reversal of the Hindu and Muslim positions on the question of reorganization. The Hindus of Sylhet who had been pleading to go back to Bengal now wanted to stay back in Assam and the Muslims who had opposed the move now wished to become a part of Muslim majority eastern Bengal. After the announcement of transfer of power, the Mountbatten Plan was laid out in a statement of 3

June 1947. The section on Assam declared that a referendum would be held in Sylhet so that the people could decide whether they wished to remain in Assam or should be a part of the eastern zone of Pakistan.⁵⁴ The referendum, held on 6 and 7 July of 1947, resulted in a pro-transfer mandate. 56.6 per cent votes were cast in favour of amalgamation with East Bengal and 43.4 per cent for remaining in Assam.⁵⁵ Brajendra Narayan Chaudhuri, the chief proponent of transfer, had remarked during one of his council speeches that as long as Sylhet was tagged with Assam, it would continue to be a 'three-legged race' in which no progress was possible. The very expression captures the basic tenor of the elite discourse on Sylheti identity, necessarily trapped within the rhetoric of an 'in-between' to the Bengal-Assam question.

The nationalist elite involved in the identity movement did not necessarily belong to a homogenous landed class, neither were they consistent on the transfer and tenancy related questions. Indeed, by the end of the 1920s, the house became divided into Sylheti-Hindu, Sylheti-Muslim and Assamese-Hindu and Assamese-Muslim factions, complicating the equations of single community groups. But the discussions in the council on Sylhet's location in the administrative and cultural map overtly attempted to situate it within the confines of the two supposed mainstreams of Bengal proper and Assam proper, thereby hindering our understanding of the multiple other anxieties contained in the claims of proximity and distance. Trying to look at the debate solely in terms of the two available prisms of 'great nationalism', the linguistic and the communal, invariably blinds us to other factors that were silently but significantly at play. Let me end by briefly drawing attention to the exclusions inherent to the process of carving out a 'regional identity'.

In defining the borders of a region, the claim of homogeneity presupposed certain exclusions. Concerns over multiple contiguities, both geographical and cultural, conjured up to define the boundaries of the regional. While certain identities become recognizable as representing the 'regional', others were deemed inconsistent. Jaintia parganas, although an administrative part of the northern subdivision of Sylhet, was never considered to be quite integral to the cultural landscape of mainstream Sylhet. A substantial portion along the entire northern boundary of what came to be known as Sylhet was once part of the territory of different Khasi Rajas. The plains at the foot of the Khasi and Jaintia hills were annexed from the jurisdiction of the Jaintia Raja and attached to the district of Sylhet. But the district remained segregated into two distinct portions of Jaintia and Sylhet Proper. The occasional articulations and overwhelming silences on this region during the prolonged debate on Sylhet's cultural 'location', illustrates the discursive boundaries produced in the process of identity making. The idea of kinship was played with by both the pro-Bengal and pro-Assam camps. While Bengaliness was upheld by the former to be the strongest bond of identity, a common Aryan Hindu past was flaunted by the latter to be a proof of the age-old connection between Sylhet and Kamrup. Being entirely temporarily settled with a different revenue history, and a substantial Khasi population, Jaintia was never considered to be a part of the 'back to Bengal' discourse spearheaded by Sylheti nationalists. Throughout the prolonged debates after

1911, Jaintia hardly emerged in the noisy council sessions. Early twentieth century local histories – particularly the local canon *Śrihaer Itibitta* ('History of Sylhet') published in two volumes between 1910 and 1917 – deployed narrative strategies through which the mythical geography of the non-tribal Hindu or Muslim Sylhet was demarcated. Staunch proponents of Sylhet's transfer to Bengal echoed such exclusions inherent to the production of mainstream vernacular histories. By 1932, when the Sylhet question was reopened, the resolution categorically inserted the words 'excluding the Jaintia parganas'. Anxiety over a tribal presence dictated and shaped the idiom of contiguity during the course of the debate over Sylhet's cultural boundaries. Jaintia, although integral to the administrative jurisdiction of the district, eventually became 'marginal' to the production of a 'proper' Sylhet. If the making of a Sylheti identity involved the struggle to break free from the ascription of 'periphery', new 'margins' were produced in the process.

Conclusion

The paper attempts to understand in what ways the 'movable' character of a district contributed to the production of certain identities and their borders. It locates the shifting logics of 'regional coherence' throughout the debate on territorial reorganizations in colonial Sylhet and depicts how the bureaucratic and nationalist rhetoric complemented and contradicted each other in upholding different registers of proximity and distance. I look closely at the mundane details of the administrative transfers, and argue that these procedural developments within the administrative structure had more profound effects on the question of identity than is usually presumed. 'Who are the Sylhetis?' This was the question that was being fought over during the debate on whether Sylhet should be retained in Assam or moved back to Bengal. While the debate on Sylhetiness was usually couched in terms of a perceived tussle over cultural proximity to Bengal or Assam, at another level there also ran a consistent and shared anxiety about being tagged as part of a primitive district. The process of carving out a stable administrative district was crucially implicated in the politics of determining the cultural jurisdictions of a region. This entangled process, as the case of Jaintia reveals, entailed the production of new exclusions on even smaller scales. Rather than treating Sylhet as a local variant of national problems – economic, linguistic, ethnic, or 'communal' – this paper examines the material and discursive relations through which such a problematic of localism emerges in the first place.

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Changes in Border Policy and Border Identities: Post LBA Transitions in the Former Bangladeshi Enclaves in Cooch Behar, India

By

Anuradha Sen Mookerjee *

Introduction

In a surprise and historic move, the Parliament of India ratified the 1974 Land Boundary Agreement (LBA) with Bangladesh on 7th May 2015 to finalize the boundary between India and Bangladesh, which had been pending since the Partition of India in 1947. The signing of the LBA involved the exchange of 162 enclaves located along the India-Bangladesh border, i.e. land parcels belonging to Bangladesh in India and of India in Bangladesh that had until the midnight of 31 July 2015, existed as the world's largest enclave complex. With the transfer, 51 Bangladeshi enclaves (all located in the Cooch Behar district of West Bengal) with 7,110.02 acres of land became Indian Territory, and 111 Indian enclaves with 17,160.63 acres of land became Bangladeshi territory (MEA, 2015). The populations residing in these enclaves (referred as Chhit Mahals in Bengali), had so far been living a marginal existence, both politically and economically, as their respective states were unable to administer their territories, moving across the territory of another state.

For the residents of the Bangladeshi enclaves, their host state, i.e. India, criminalized their movement, particularly of the Muslims among them, whose mobility became further restricted after the border fences were constructed in the Cooch Behar sector of the India-Bangladesh border, 1992 onwards. Enclave residents, in both Bangladeshi Chhit Mahals in India and Indian Chhit Mahals in Bangladesh had devised innovative ways of survival by movement, involving border crossings and participation as legal subjects of the host state, India. A joint survey by the two countries was conducted in

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Refugee Watch, 49, June 2017.

July 2015 among these residing populations in the Chhit Mahals, who were given the option to choose the nationality of either country. Since none of the residents of the former Bangladeshi Chhit Mahals in Cooch Behar opted for Bangladeshi nationality, India added 14,863 new citizens. Bangladesh added 37,532 new citizens to the population. Among the residents of the Indian enclaves in Bangladesh, 979 residents opted for Indian citizenship, of which 922 people permanently moved to India in November 2015. After the LBA was signed, India's Union Home Minister Rajnath Singh said in an interview that the Land Boundary Agreement between India and Bangladesh would help check infiltration from across the border.¹

While scholarship on globalization has often espoused the emergence of a deterritorialized, global empire, debates on the territorial configuration of the international system have highlighted the continued presence of the state. According to Bayart,² the territorial, inter-state system is here to remain, with the nation-state itself being a *product* of globalization. Other scholars have noted that despite the growth of globality and global flows, the number of ordered and bordered local identifications have increased, with empowering practices, both materially and mentally, retaining their territorial ordering and bordering functions.³ It has informed the understanding on the proliferation of borders, in terms of forms, functions and practices, through their spread in a large number of social and political domains and the way people form politically inflected identities in relation to territories.⁴ With the rise in border walls and border fences globally and attempts by states for hardening separation between nations to keep away clandestine migrants (an example of which is India's ratification of 1974 LBA), scholars have engaged on the meanings of borders and walls. Agier⁵ is of the opinion that while the border connotes a relationship between the two sides and involves elements of uncertainty, it is the conflict between opposing legitimacies that transforms the border into the wall; the latter connotes identity enclosure and "the disappearance of the alterity without which identities no longer have a social existence"⁶ He has identified the clandestine migrant, who is often found to be crossing the borders and scaling the border fences/walls as the foreigner who is the 'other-subject', one who is a priori without identity, having lost it with departure and/exile, and is still in the process of seeking or rebuilding it.⁷ As political subjects, they exist "in movement, aggressiveness and anger, even in violence", having regained their initiative after being the 'victim', "the initial form imposed by their subjection, the caricature figure of the 'negative' individual, desocialized, surviving".⁸

Empirical studies have shown that bordering no longer happens only at the borderline that separates two sovereign states, but more often through a vast spectrum of practices and decisions that occur in multiple locations within and beyond the state's territory.⁹ Critical citizenship studies have analytically focused on the active contestation of practices of both inclusion and exclusion and refashioning of citizenship through protest and activism, particularly the role of migrants, including the clandestine among them, i.e. those classically conceived as non-citizens. A large body of work focusing on resistance¹⁰ has highlighted acts of 'protest' against exclusory regimes,

including collective struggles of regular citizens questioning social assistance. The literature on the grammar of dissent and public participation for policy change, by Hirschman¹¹ has looked at the interplay between economic and political factors in the understanding of citizen participation for influencing change. His framework of Exit and Voice for understanding activist reactions to discontent with the State¹², posits 'exit' (i.e. to discontinue being a as a member without trying to fix things) and 'voice' (one's complaints while continuing as a member in the hope of improving matters) as a dichotomy and as the two main types of activist reactions to discontent with organizations to which one belongs. Appadurai¹³ has explained "voice," the capacity to debate, contest, inquire, and participate critically. It offers an extremely useful theorization for societies, like those in South Asia, that are politically characterized by deep cleavages, including those along religious lines, while at the same time having high levels of economic inequality. Appadurai¹⁴ has observed that the concept of equality, post-World war II have acquired the secondary meaning of poverty alleviation, with fuller participation in the public sphere emerging as one of the best strategies for achieving equality. According to Appadurai,¹⁵ 'voice' in Hirschman's terms, and his own phrase 'the capacity to aspire', as a cultural capacity, are reciprocally linked. He explains it as the local design of means and ends, values and strategies, experiences and tested insights. He found the emergence of agitational politics as the path to capacity for the poor, with mass participation in democratic politics being survival strategies "to optimize the terms of trade between recognition and redistribution in their immediate local lives".¹⁶

What I found remarkable from my observations and discussions with the new citizens of the former Chhit Mahals was the extent to which these people, both before and after the exchange of enclaves, were demonstrably active social and political actors. I questioned if the discourse of state absence in the former Chhit Mahals and the exclusion of the residents from enjoying regular citizenship rights had made less visible the narratives of their display of initiative and agency? Scholarship on the pre-LBA Chhit Mahal residents have imagined them primarily as localized and excluded communities, through the lens of territory, bizarre geography, statelessness, isolation, exception and bare life rather than locations that are politically and economically constituted through agency of the residents.¹⁷ I found the former Chhit Mahal residents to be representing a mobile and relational space across the border, historically constituted by their agency, in a condition of constant mobility in and out of their enclaves. They negotiated their political and economic marginality through their everyday acts of border crossings, politically participated by collectively mobilizing as non-citizens demanding LBA ratification from the two governments, while being subjected to continued social and political rejection, security scrutiny and surveillance.

This paper investigates how politically marginal subjects navigate the challenges and fragilities involved in states of unclear political belonging. In doing so, it looks at two issues, firstly, how the border plays a constitutive role in the making of political subjectivity and secondly, how the politically

marginal, the till recent, 'other-subject', who are also economically marginal, emerge as political actors by materializing their citizenship claims on the state. This paper shows that the former Chhit Mahals of the India-Bangladesh border region are locations of historically constituted marginality with struggles over political belonging and conditions of endemic poverty, resulting from the boundaries imposed on these territories and people since the partition of India in 1947. It takes into account the progressive experience of identity enclosure of the Cooch Behar Chhit Mahal residents, as the 'other-subject' in India, with the tightening of Indian policy agenda favoring national sovereignty, the building of border fences and intolerance of cross-border clandestine migrants from Bangladesh who have a large presence in India's informal economy; it had also led to their enhanced exclusion from accessing public goods and resources of their home state, Bangladesh. In this backdrop, it demonstrates that the Cooch Behar Chhit Mahal residents both before and after becoming Indian citizens continue to encounter administrative and political regimes that severely constraint their negotiation of public goods shaping their socio-economic lives, thereby expanding their experience of marginalization as the 'other-subject'. In analyzing their current dissent, that takes the form of citizenship claims, it looks into the making of their voice and quest for participation as new citizens, as they strategize to overcome the substantive and material experiences of new forms of marginalization.

This paper is based on multi-sited ethnographic data collected over eight months during the first fifteen months of the exchange of the Chhit Mahals and their reorganization, in Dinhata and Mekhliganj subdivision of Cooch Behar district and migrant worker settlements in Ghaziabad, Uttar Pradesh, Gurgaon and Sidpur, Haryana.

History of Border Crossings

The Chhit Mahals had been land parcels (on two sides of the present India-Bangladesh border), belonging to the Kingdom of Cooch Behar, and initially the Mughal state and after that British India, on the other. They became 'true enclaves,' meaning portion of one state surrounded by the territory of another state, as a consequence of the Partition of India in 1947. The partition of India in 1947 led the Chhit Mahal people to suddenly find themselves locked in a different territorial polity as compared to their neighbors¹⁸ and their confinement within international borders around their villages that were known as 'Chhits', meaning 'droplets' in Bengali, indicated their status as the 'other', amidst the land body and the body politic, of the host state.

Historically, the people of the former Chhit Mahals of Cooch Behar have belonged to different political communities over time and have always been on the other side of the 'border,' to Indians, while being to a large extent located within India, their host community. They were part of the British territory in the princely State of Cooch Behar at the time of the Partition of India, who then became part of East Pakistan. In 1971, after the creation of Bangladesh, they became residents of the Chhit Mahals of Bangladesh. Now since midnight of 31 July 2015, they became citizens of India.

Historically, since the partition of India in 1947, the residents of the Chhit Mahals suffered disadvantages while accessing the Indian territorial space for necessities of day-to-day life including markets, education, health, communications, that required them to move out of the enclaves and thereby cross the international border every time. As narrated by several of my interlocutors, particularly the Muslims among them in the Dinhata subdivision, as residents of the Chhits, they suffered ridicule, suspicion, harassment, violence, land evictions and persecution at the hands of both the neighboring Indians and Indian law enforcement agencies, including the Border Security Force (BSF) and the West Bengal State Police, even though these agencies also came to their support at different points in history. In 1956, when the Mashaldanga enclaves in the Dinhata subdivision were set on fire by neighboring Indians, they moved to nearby areas of their home state, East Pakistan, seeking refuge¹⁹.

For decades, the lives of the residents of the Cooch Behar Chhit Mahals had been entrenched in deep poverty with the international border causing severe limitations, leading to the absence of any state-led administration or development and political or social rights for the residents of the former Chhit Mahals.²⁰ In the absence of law enforcement, weak property rights, and deficient infrastructural facilities like electricity, schools and health services, people used their own agency, devising various survival strategies. From the interviews, it emerges that both Hindus of former Chhit Mahals in Mekhliganj (where they were the majority), and Muslims from former Chhit Mahals in Dinhata subdivision (where they were the majority) faced situations of severe adversity in moving across the neighboring Indian space that involved international border crossings as 'the other-subject'. For moving out from the Chhit Mahals, whether for the nearby markets or buying a train ticket to travel for work to Delhi, or to access schools, hospitals or mobile phone connectivity in the neighboring Indian territory, the residents needed an Indian visa which they did not have; neither did they have any documentary evidence of their Bangladeshi nationality. To access education in India (i.e. social rights of the host state) and work (i.e. economic right to work in the host state), most of the Hindus from Mekhliganj subdivision enclaves and a small number of Muslims from Dinhata subdivision enclaves had procured Indian voter identity card based on the Indian address of neighbours, friends, relatives, and acquaintances. Their mobile condition of life that included temporary 'exit' from the Chhit Mahals, a temporary time and then a non- confrontational 'exit' from the Indian mainland ensured the continuity of their defacto stateless lives, while demonstrating their 'non-verbal voice' of dissent at the individual level, against their continued experiences of exclusion. Thus, everyday experiences of people revolved around a network that blurred the distinction between the legal and the illegal. Porous legalities were the only means of survival.²¹ The Chhit Mahal residents with Indian identity documents were however framed with a negative social 'labelling' as 'Chhiter-lok', i.e. people of the Chhit Mahals by the neighbouring Indians, as 'the other-subjects' who lived off Indian public resources on the sly. As Priya Adhikary, 25, a resident of former Bangladesh Chhit Balapukuri,

Mekhliganj subdivision, laments, “We were looked down upon as outcastes for being people of the Chhit Mahals. We were not given any value and respect as we lacked genuine citizenship status in India and lived off deceit”.²²

In the Dinhata subdivision Chhit Mahals, Muslims found their mobility increasingly restricted since 1992, due to the construction of the border fences.²³ As evident from the narratives of the Chhit Mahal residents, the ‘Bangladeshi Other-Subject’ was clearly a ‘Muslim,’ and more often a ‘Muslim Man’ in the understanding of the Border Security Force (BSF) and other State agencies of India. Tighter security regimes in the border areas led to apprehensions of the Muslims traveling out from the Chhit Mahals, since many among them worked as construction workers in various Indian cities.²⁴ Through their migration to Indian cities, the erstwhile Chhit Mahal people not only ‘exited’ themselves from Bangladesh but also constituted themselves as Indian citizens (even though clandestinely with false documentation)capable of survival through everyday politics.²⁵

Resisting Bordering Processes

Till the early Nineties there was no organized collective action in the Bangladesh Chhit Mahals of Dinhata subdivision that was mostly Muslim majority. Elders of the former Batrigach Chhit Mahals recall that on Wednesdays and Sundays, they would congregate in the mornings around 10 am, holding a meeting as a syndicate and discuss who all would go to the Chowrahaat market for both buying and selling of goods and agricultural produce and they would then leave for the market together as a group. By 4PM, they would start leaving the market to come back to their homes in the Chhit Mahals. Regularly cattle would be forcibly taken away by Indians who would promise to pay but if the Chhit Mahal residents asked for the payment against the cattle taken, they would be slapped and beaten. Collective dissent was initiated by the actions of Jia-uddin Miah of Kisamat Batrigach Chhit Mahal who one day decided that the prolonged suffering of the Chhit Mahal residents needed to be resolved by forming alliances with the politically powerful Indians. He reached out to Dipak Sengupta, the local Indian politician representing the All India Forward Bloc (AIFB) party (as Member State Legislative Assembly) from Sitai Assembly constituency (1977-1996) in Cooch Behar during one of his public meetings near the Batrigach market. Mr Sengupta was moved to hear of the daily struggles of the Chhit Mahal residents and began visits to the different Chhit Mahals, learning about peoples’ struggles. He went on to give a collective form to the demands articulated by the Chhit Mahal residents. The Bharat Bangladesh Enclave Exchange Coordination Committee (BBEECC) was formed in 1994 with his leadership. After his death in 2009, between 2010 till 2015, these ‘non-citizen residents’ in the respective Chhit Mahals across Cooch Behar and Bangladesh, actively organized themselves into committees under the leadership of his son, who is popularly referred to as ‘Neta’ (meaning, leader). They collectively engaged in advocacy, protests and marches in Kolkata, Cooch Behar, Dhaka, and Rangpur, demanding recognition and welfare from the states and the

ratification of the 1974 Land Boundary Agreement (LBA).²⁶ During this time, majority of the Chhit Mahal residents were aligned with BBEECC. It sought to anchor the humanitarian crisis caused by the border in the former Chhit Mahals in the historical records and attract the attention of the Indian and Bangladesh governments by regularly highlighting the struggles of the Chhit Mahal residents in the local, national and international media.

They helped the Cooch Behar administration in 2010 undertake the initial headcounts of the Chhit Mahals that formed the baseline of their engagement with the Indian Central government on the LBA and operated with minimal conflict with the governments.²⁷ They carried out strategic ‘acts’, often asserting basic claims to social justice. An Indian woman by birth, Mehjabeen Khatun, who by marriage to Aabid Ali from former Poaturkutir Chhit Mahal, had lost all privileges of Indian citizenship insisted upon the Indian government and participated in the West Bengal State Assembly Elections. This created pressure on the Indian Government to address the challenges of ambivalent status that affected political rights of Indians who were residing in the former Chhit Mahals as a result of cross-border marriages. In mobilizing the ‘voice’ of the former Chhit Mahal people as a culture of resistance against bordering processes, the Bharat Bangladesh Enclave Exchange Coordination Committee (BBEECC) was successful to a large extent in shaping the Chhit Mahals as a community of interest; they demanded the ratification and signing of the 1974 Land Boundary Agreement (LBA) from the governments of India and Bangladesh, a demonstration of ‘voice’, against their discontent with the state of their daily lives. The shared sense of collective belonging was constituted by what Appadurai has called, ‘the capacity to aspire’, i.e. “the resources required to contest and alter the conditions of their own poverty” and I expand their own political and economic marginalization. They thus constituted themselves as a cross-border community by their tacit cooperation of one other despite the dispersed geographical locations of the different Chhit Mahals in India and Bangladesh. This history of the residents of the former Chhit Mahals where they struggled against powerlessness caused by the political subjection of the border, including threats of both ‘real and anticipated coercion’, is essential in understanding their politics as new citizens; the negotiations and dialogues through which they now seek to transform the ‘terms of recognition’ with which they continued to be identified.²⁸

New Bordering Processes and New Negotiations

The ‘act’ of choosing their own nationality by the residents of the Cooch Behar Chhit Mahals during the joint survey conducted by India and Bangladesh in July 2015, was a continued expression of their demand for social and political recognition and thereby the right to claim a share of the public goods.

With the news of availability of the 1006 crore rupees (150 million USD approximately rehabilitation grant from the Indian Central Government for the former Bangladeshi enclaves, that included 898.50 crore rupees

allocated for infrastructural upgradation, the new citizens actively nurtured hopes and claims to development (Economic Times, 2015). The withdrawal of initial interest displayed by the District Administration on consultations with the new citizens in the planning process²⁹ fostered the distance between the district administration and members of erstwhile BBEECC, who had reorganized themselves as Citizen's Rights Coordination Committee (CRCC) and aspired for a "fuller participation in the public sphere"³⁰. Added to this were the slow execution of development projects planned for the former Chhit Mahals and the absence of any information on the pending land settlement in these new Indian villages. Their questioning of the intentions of the District Administration and seeking accountability of the spending of the enclave development funds was clearly not well received by the authorities. The District Administration in Cooch Behar was closely supported by the ruling Trinamool Congress (TMC) Party. Almost every administrative event in the former Chhit Mahals saw the presence of representatives of the ruling party, sometimes even the Minister for North Bengal Development alongside the representatives of the District Administration. The conflict between the new citizens of the Chhit Mahals, majority of whom were till the middle of 2016 aligned with the Citizen's Rights Coordination Committee (CRCC) and the ruling TMC party partly grew as a result of the decision of CRCC to remain outside formal party politics and not joining TMC party. Demonstrating their 'voice', CRCC members refused to accept the job cards that legally guarantee 100 Days minimum work for rural households under the MNAREGA, a rural employment generation scheme of the Indian Government³¹. They demanded that in the order of the issue of documents for the new citizens by the district administration, identity establishing instruments like Voter Identity Card and the biometric Aadhar Identity card be accorded a priority basis before other instruments like the Job Card was distributed for receipt of employment benefits from the state.³²The subtext of this demand and resistance was the anticipated misuse of funds for the rural employment programme allocated for the new citizens in the absence of their identity documents; it demonstrated their refusal to be marginalized as an underclass by processes that could lead to renewed exclusion. By the middle of September 2015, officials from the National Population Register of India visited the Chhit-Mahals and the work of the citizenship-related identity documents was initiated. Petitions were continuously submitted between September and December 2015 by the new citizens owing allegiance with Citizen's Rights Coordination Committee (CRCC) to the offices of the district and sub-divisional administration.

In a major demonstration, more than three thousand new citizens marched to the District Magistrate's office on 16 December 2015 to protest inaction on land surveys and land settlement actions by the District Administration even after 92 days of the exchange of Chhit Mahals. The exchange of the Cooch Behar enclaves reterritorialized them as Indian lands. However, the new citizens encountered inordinate delay in land settlement actions by the Government of West Bengal. It led to much of the dissent among the residents, as they remained anxious about their land ownership

records, in the absence of the property papers. The Citizen's Rights Coordination Committee (CRCC) had protested the large-scale land grabbing and land evictions that were occurring in the former Chit Krishnapur in the Tufanganj subdivision of Cooch Behar. The new citizens working in Delhi and other parts of India as migrant labour regularly watched out for announcements by the local administration about the land survey (for land settlement) by keeping in close contact with their extended families in the former Chhit Mahals on their mobile telephones. Several of my interlocutors, in interviews and focus groups, among them the youth, middle aged and the elderly, men and women, mentioned that the land survey, carried out only between July- September 2016 onwards, was very sketchy and they were told by the land surveyors that only basic details of the land ownership was being gathered and that they would be back later. In the absence of the land settlement, the Public Works Department, along with the District Administration, resorted to building of roads in the former Chhit Mahals, in an attempt to create visual changes by developing the former Chhit Mahals. However, they often allocated private lands to their designs of building roads and other public works, to the public lands identified in the cadastral maps received from Bangladesh. Many new citizens alleged land acquisitions being undertaken by the administration without following the legal guidelines of the Land Acquisition Act of 1894, with the residents been pressurized to donate private land, without any compensation. Across the former Chhits Madhya Mashaldanga, Dakshin Mashaldanga, Chhat Kuchlibari there were major protests against land acquisitions by the District Administration for road construction as many among the new citizens were to lose several acres of land and parts of their houses. CRCC was accused by Trinamool Congress (TMC) party leadership of being 'anti-national' in a public forum organized by the District Administration, for its members resisting the public works.

In a significant political move, the CRCC leadership in a last-minute change of politics publicly campaigned against the Trinamool Congress (TMC) party candidate of Dinhati Assembly constituency before the West Bengal State Assembly elections in early May 2016. In the early evening around five forty at the courtyard of Zahir Hussain's house in former Chhit Dakshin Mashaldanga on 1 May, 2016, I observed more than one fifty people congregated in a khuli-baithak', i.e. open-meeting, to discuss their voting in the upcoming West Bengal State Assembly elections on 5 May with their Neta. A man in the crowd spoke up. Wanting to know more clearly from his Neta on whom to vote, he said, 'In the state Mamata supported the Bill, in the centre BJP supported, then why should we (meaning the new citizens) vote Tiger (meaning All India Forward Bloc Party representative)'. The Neta explained, 'There are 42 political parties in India, 16 Independent – among the 58 parties in the Parliament did anybody oppose the LBA Bill? No. Then how can we single out the parties in the government for credit and not credit other parties?' The discussion steered to a recent election rally by the sitting MLA (Member, State Legislative Assembly) from Dinhati, encounters of the new citizens with the local panchayat officials, the visits of candidates of various parties, strategizing collectively. This was the pattern of everyday politics in

the former Chhit Mahals, scheduled and impromptu open meetings, telephone discussions with the Neta, late-night emergency meetings at Neta's Dinhata house, a deliberative process of collective discussions, that demonstrated an urgent need on part of the new citizens to discuss and dialogue. As several of my interlocutors told me, the District Administration took action on pressing issues of the new citizens only after they were raised by Citizen's Rights Coordination Committee (CRCC) and created a media storm. The new citizen activists of CRCC clearly saw themselves in the role of a pressure group.

The election results showed that the new citizens had mostly voted against the Trinamool Congress (TMC) party. In the post-election fear-mongering and violence in PoaturkutirChhit, which was unleashed by ruling TMC party, men in motorbikes raided the former Chhit, but none of the perpetrators of violence were arrested by the police. On the contrary and much to the dismay of CRCC supporters, the West Bengal State Police registered the first case against CRCC activists based on a false complaint FIR (First Information Report) filed by a Trinamool Congress (TMC) party supporter.³³ It initiated a regime of fabricated legal cases against the Citizen's Rights Coordination Committee (CRCC) leaders and members with tacit support by the police. On 31st July 2016, marking one year of grant of citizenship, more than three thousand new citizens who were aligned with Citizen's Rights Coordination Committee (CRCC) took to the streets of Cooch Behar with their faces tied by black cloth, to display their disappointment against the lack of infrastructural development and pending land settlement in the former Chhits. Speaking to the media, Jaaz Ali, a young CRCC activist and resident of former Chhit Madhya Moshaldanga, said, "The state government has shaken our confidence. There has been no improvement in the life of Chhit Mahal dwellers since the time we received Indian citizenship," he said.

The district administration saw itself 'giving' services and 'enforcing' law in the erstwhile lawless Chhit Mahal territories and in practice they largely bordered the majority of the new citizens with an adverse label, continuing their experiences of historical marginalization of being 'the other-subject'. New fault lines began to appear among the Chhit Mahal people who were mostly supporters and members of CRCC, based on political party affiliations and an unquestioned subservience to the State with the effective closing of the public space of dissent. Criticisms of the District Administration were difficult and the voice of the new citizens was silenced.

Thus, began the slow process of erosion of the community of interest which had largely collectivized for the LBA ratification and exchange of the enclaves and also stronger negotiation with Indian State authorities as non-citizen 'others' who were compelled to move through Indian territory. In the West Bengal State Assembly Election in May 2016, Trinamool Congress (TMC) party won the Dinhata Assembly constituency seat and also formed the government in West Bengal. Citizen's Rights Coordination Committee (CRCC) had slowly begun losing supporters who exited and aligned with the populist Trinamool Congress TMC party right after the exchange of enclaves.

However, once the TMC party started aggressively recruiting new members, after the elections, several CRCC supporters partly out of fear and partly motivated by the expectations of material benefits from the state welfare programmes, joined the TMC party.

In a significant shift in political alliances, in September 2016, large numbers of Citizen's Rights Coordination Committee (CRCC) activists, including prominent new citizens who had held leadership positions in CRCC joined the dominant Trinamool Congress (TMC) party. Two weeks later, the CRCC leader, Neta, joined the Bharatiya Janata Party (BJP), the ruling party in the Centre, pitted against the TMC party in West Bengal. He thus sought to politically oppose the bureaucratic decisions that he considered as adversely affecting the welfare of the new citizens and the development of the former Chhit Mahals. Many CRCC loyalists, majority among them being Muslims, also joined the BJP, the right-wing Hindu nationalist party. The BJP, which forms the Government in Delhi had in 2011 been among the strongest voices in the Indian parliament to oppose the ratification of the 1974 Land Boundary Agreement and the exchange of the Chhit Mahals. However, now in a volte face they claimed political credit for the exchange of the Chhit Mahals and the grant of citizenship to their residents while seeking to expand their political base in West Bengal. Large numbers of new citizens traveled from Cooch Behar to Kolkata in early November 2016, to join a protest organized by the BJP on the pending land settlement in the former Chhit Mahals. The BJP led public events in Cooch Behar visibly included the presence of new citizens from the Chhit Mahals many of whom were Muslims, indicative of the religiously neutral and pro-development political messaging opted for by the BJP. Clearly the new complex processes of inclusion/exclusion experienced by the new citizens were being negotiated by means of various strategies because they contested being treated as 'the other-subject', to be part of the national body politic through exercising novel political choices.

Conclusion: Navigating Shifting Borders

This paper has documented the complex process of collective recalibration of historical powerlessness and poverty by the Chhit Mahal residents in Cooch Behar. As marginal political subjects, who have historically been 'the other-subject' in India, they navigate the shifting relations not clearly located in the binaries of inclusion/exclusion of political belonging through their initiative and agency. The reactionary politics of some of the new citizens in joining the BJP or the TMC party can be understood as a response to the continued experience of 'unjust' existence of ambivalent political belonging since the partition of India in 1947, albeit in new locations of marginality.³⁴ The acts of the Chhit Mahal community organized as Citizen's Rights Coordination Committee (CRCC) during this period were a short-term politics involving confrontational strategies that appear to be political counter-attacks. The complicated political positioning could not achieve results as a non-political force. However, the culture of dissent through protests, petitions, and demonstrations developed over the last one and a half decades in the former

Chhit Mahals was successful in producing political subjects who have ‘voice’, as demonstrated in their acts of inquiring, contesting, and participating critically through a process of deliberation and discussion. Their current politics is an attempt on their part towards changing their ‘terms of recognition,’ from being ‘the other-subject’, their dissent being informed significantly by their aspiration for a just share of public goods through their positive recognition as political subjects in the broader political context of West Bengal.³⁵ The new configurations based on the complexity of their experiences of living inside and/or across old /new borders is indicative that borders ‘simultaneously define (*and re-define*) membership and exclusion, marking the boundary between rule and its exceptions’.³⁶ As citizens, second-class citizens, non-citizens, their political belonging has been historically defined by marginality, while being dialectically constituted by state and civil institutions as political subjects, through processes of “self-making and being made” as Aihwa Ong ³⁷famously noted. I have shown how these new Indian citizens inhabiting the erstwhile border, constitute themselves as political subjects with their display of ‘voice’, on the basis of their ‘capacity to aspire’, as they navigate the process of seeking and building their new identity as citizens, overcoming attempts that continue to marginalize them as ‘the other-subject’ as they reconfigure their political identities in the new socio-political worlds. Interestingly, rather than ‘exit’ and ‘voice’ being opposite choices, these new citizens combined the two by exiting Bangladesh to resettle as Indian citizens, where they attempted to exercise their ‘voice’ in the elections and beyond it.

Notes and References

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- ¹⁷ Willem Van Schendel, "Stateless in South Asia: The Making of the India-Bangladesh Enclaves". *The Journal of Asian Studies* 61, no. 01 (2002): 115-147; Hosna J. Shewly, "Abandoned spaces and bare life in the enclaves of the India-Bangladesh border", *Political Geography* 32 (2013): 23-31. Paula Banerjee, Anasua Basu Ray Chaudhury, Atig Ghosh, *The State of Being Stateless: An Account of South Asia*, New Delhi: Orient Blackswan, 2016. The scholarship on the non-exchangeable enclaves, Dahagram and Angarpota Chhit Mahals have however been investigated regarding their politics in community making and political belonging within the broad politics of the India-Bangladesh border. (Jason Cons, "Narrating Boundaries: Framing and Contesting Suffering, Community, and Belonging Along the India-Bangladesh Border", Part of a Special Issue on "Geographies at the Margins: Interrogating Borders in South Asia." *Political Geography*.35 (2013):37-46; Jason Cons, *Sensitive Space: Fragmented Territory at the India-Bangladesh Border*, Washington DC: Washington University Press, 2016.)
- ¹⁸ Willem Van Schendel, "Stateless in South Asia:", p.126
- ¹⁹ Willem Van Schendel, "Stateless in South Asia".
- ²⁰ The Chhit Mahal people had been living in abject poverty. The Cooch Behar administration website indicates that the estimated average income of the Chhit dweller was less than Rupees.17 per day.
- ²¹ A discussion on home and host states with respect to border enclaves can be found in Jones, 2009.
- ²² Many people from Chhit Mahals also bought small land holdings in the neighbouring Indian mainland to align their rights to the premise of territorialisation.
- ²³ 'The complete length of Indo-Bangladesh border to be fenced is 3286.87 Km out of which 2535.80 Km of fencing had been completed by 2008.'

²⁴ Citizenship Act, 1955 was amended in 2003, and in spirit, the legal regime of citizenship became more anti 'illegal migrant'.

²⁵ Isin, *Acts of Citizenship*.

²⁶ With their extensive advocacy with the local, national and international media, BBEECC raised the issue of the Chhit Mahals as a humanitarian crisis that required to be resolved by the two states.

²⁷ <http://indiatoday.intoday.in/story/indo-bangladesh-agreement-swapping-enclaves-hit-residents/1/153247.html>

²⁸ Appadurai (2004) has conceptualized the phrase, to describe the adverse terms by which the poor negotiate with the 'norms that frame their social lives'.

²⁹ An Enclave Development Cell was set up, that does not appear district administration website.

³⁰ BBEECC as an organization was dissolved as it had fulfilled its goal of exchange of enclaves in early August 2015. See Appadurai, 2007. (endnote 14)

³¹ Act offering to guarantee hundred days of wage-employment in a year to a rural household in India.

³² National Rural Employment Guarantee Act (NREGA) that guarantees 100 days of wage employment in a year to every rural household whose adult members are willing to do unskilled manual work; <http://nrega.nic.in/faq.pdf>

³³ The offenses were booked under a range of sections of the IPC (Indian Penal Code) FIR No. 489/16, Date 22/05/2016, P.S Dinhata, Subdivision Dinhata, District Cooch Behar

³⁴ Scott (1985) has argued that the sense of injustice, coupled with recognition of the inevitability of fate, results in subtle, "everyday" forms of resistance.

³⁵ Appadurai (2004) has used "the terms of recognition"—to describe the adverse terms by which the poor negotiate with the "norms that frame their social lives."

³⁶ P. K Rajaram, & C. Grundy-Warr, ed. *Borderscapes: Hidden Geographies and Politics at Territory's Edge*, Minnesota: University of Minnesota Press, 2007, p.31

³⁷ A. Ong, et al. "Cultural citizenship as subject-making".

Book Review

By

Pamela Philipose *

The State of Being Stateless: An Account of South Asia

Editors: Paula Banerjee, Anasua Basu Ray Chaudhury, Atig Ghosh. (Foreword by Ranabir Samaddar) New Delhi: Orient Blackswan, 2015. Pages 304. Price: Rs 775/-

If the last century was one defined by partitions of countries and communities, the present one may well be defined by the statelessness experienced by millions: this, for me, was one of the many important insights that emerged from the book under review. Given this prognosis, it is regrettable that statelessness as a social condition is under-theorised in India. If it was not for the work of the Calcutta Research Group (CRG) and its team of scholars, helmed by the redoubtable Ranabir Samaddar, we would have been much the poorer in our understanding of not just statelessness, but of its long and chequered history.

It needs to be stated off the bat that the present volume, which has emerged from CRG's work on forced migration spanning a decade, is a worthy addition to the organisation's rich compendium of books on this and related themes. It is not, of course, without flaws. The contributory chapters tend to be varied in tone, approach and length, and while the book's title suggests that its focus is on the whole of South Asia, most of it is devoted to India-centric sites, the exception being a solitary section on the Lhotsampas of South Asia.

This may not be entirely inapposite. Any narrative of statelessness in South Asia would necessarily have to bring India into the picture, given its dominance in terms of presence – the country accounts for around 72 per cent of the South Asian land mass. More importantly, it was the policies of the British Raj, with its locus in New Delhi/Whitehall that triggered mass displacement in the region on a scale never seen in world history. That legacy continues to mark the state of statelessness in South Asia as a whole. In fact the “remains of Partition” is a theme that constantly surfaces in this book and

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Refugee Watch, 49, June 2017.

its pages provide rich evidence of how the hurried drawing of borders during that climactic moment continues to damn lives on India's western and eastern borders alike.

Statelessness exists in poignant juxtaposition with citizenship – one defined by the privilege of belonging; the other by the tragedy of a lack of belonging. As Samaddar puts in his Foreword: “the citizen is the defence of the visibility of Constitution; the alien is the shadow, its prey...” He argues for the need to understand the “life world of the stateless” and in order to achieve this, refugee studies will have to “adopt the strategy of interrogating alterity”.

The editors of this book, Paula Banerjee, Anasua Basu Ray Chaudhury, Atig Ghosh, are conscious of the complexity of the task. The challenge begins with the definitional. It is not just how scholars seek to define statelessness but how states choose to do so. They point out how states have this habit of playing tricks in perceived “national interest”. Sometimes they refrain from defining the stateless ones and “let them remain as ‘in-between’ people”, leaving them in a permanent state of impermanence, unable to access even basic human rights.

Seven different scenarios of statelessness are delineated in this volume, ranging from life in the Indo-Bangladeshi enclaves and the traumas experienced by the stateless Chakmas of Arunachal Pradesh, to Hindu migrants from Pakistan seeking a home in India and Sri Lankan Tamils, doubly displaced, suffering protracted refugeehood in the camps of Tamil Nadu. If the Chinese community over their long years of residence in India have had to face state surveillance, xenophobic public responses and policies that have heightened their feelings of insecurity; a similar ambiguity marked the fate of Gorkha migrants in parts of the Northeast. As for the Lhotsampas – the Nepali settlers of Bhutan who were eventually expelled and forced to live for decades in camps in Nepal's Jhapa district – a section continues to remain in Nepal in a situation of de facto statelessness.

Banerjee, Chaudhury and Ghosh, in their introductory comment, point to three sets of questions that arise from these narratives. The first set revolves around why some groups/communities, and not others, find themselves rendered stateless. The second concerns the important aspect of whether existing legal regimes can rise up to the challenge of addressing the tragedy of statelessness. The third is the question whether the limitations of the judicial processes make it incumbent upon civil society to intervene so that the conundrum of statelessness is addressed efficaciously.

Almost every chapter bears testimony to the fact that communalism and minorityism contribute disproportionately to rendering some communities more vulnerable to being stateless than others – either by pushing them out of a particular region they had regarded as home, or by making it impossible to secure the toehold of citizenship in the region to which they were forced to flee.

Indian Tamils in Sri Lanka, being a highly visible minority, posed a threat to Sinhala politicians who in turn enacted the Citizenship Act of 1948 that rendered upcountry Tamils stateless. As Chaudhury, in the chapter 'Ordeal of Citizenship' explains, the persecution of minorities and a state's majoritarian bias could lead to expulsion, followed by a protracted refusal of the concerned state to take back those so expelled. Similarly, the major reason why Hindu communities living in the Sindh and Punjab provinces of Pakistan sought Indian citizenship was an all-pervasive sense of insecurity rising from their minority status in that country. In Sahana Basavapatna's chapter entitled, 'The Remains of Partition? The Citizenship Question of Stateless Hindus in India', a Bhil migrant from Sindh, now located in Rajasthan, put it very succinctly, "hukumat ka koi sahara nahin tha (we did not feel supported or secure in Pakistan)".

Even those who have deep roots and long memories cannot escape the logic of being rendered the Other. Ghosh, in his chapter 'The Stateless People of the Indo-Bangladesh Enclaves', captures how feelings of permanence and impermanence; of security and insecurity, interlay each other in ordinary conversations. As a Muslim on an Indian side, Mansur Ali Mian argued roundly, "We consider ourselves Indian and will never leave the country." But by dusk some of this bravado would get dissipated with another man remarking, "We will not go. But those in the Indian enclaves in Bangladesh will come. The government has promised to settle them. Where will the government settle them? There is no land but that of ours."

When conflicts break out between the host country and the country of origin, it is the stateless ones who are suddenly left to face the abyss. For the small, low-profile Chinese community in India, the 1962 Indo-China war led to extremely traumatic events, including enforced incarceration. Suhit K. Sen describes how 1,500 from this community were labeled as "undesirable aliens" and dispatched to a camp in Rajasthan and attacks on their persons and property were not entirely uncommon ('The Chinese of Calcutta: A Case of Statelessness').

What emerges strongly from these narratives is the dynamic nature of statelessness. A phase when the community begins to feel accepted may just as easily be followed by a surge of hostility because of circumstances over which they have little control. When they came in from East Pakistan, the Government of India settled the Chakmas, who were Buddhists, and Hujongs, who were Hindus, in the NEFA region of Arunachal Pradesh. This was done unilaterally, with the local tribal groups not being taken into confidence. Initially there was little resistance to their presence, and the fact that they cultivated the land and grew crops, thus raising the food security of the region, went in their favour. But things changed rapidly with the creation of state of Arunachal Pradesh and the rise in popular sentiment against "outsiders". In their chapter, 'The Stateless Chakmas in Arunachal Pradesh', Samir Kumar Das and Chaudhury entangle for the reader the complex knot of

legal pronouncements, government policies and human rights issues that defined an issue that festered for over five decades.

A similar ebb and flow marked the lives of the Gorkhas of Northeast India and Lhotsampas in Nepal. But what is striking in both these instances was the agency asserted by the stateless people themselves and their supporters and sympathisers. In the chapter 'Ambiguous Identities: Statelessness of Gorkhas in Northeast India', Anup Shekhar Chakraborty and Subhas Ranjan Chakraborty make an important distinction between the experiences of the Gorkhas in Darjeeling, where they were able to create an institutional structure to address their interests – the Gorkhaland Territorial Administration – and those in other parts of the Northeast where they continued to face rampant insecurity. The Lhotsampas, despite all the traumas they underwent, were relatively fortunate in finding themselves in a more enabling scenario. Today, as Ghosh and Pravina Gurung point out, the Nepal government has chosen to play a proactive role in addressing the issue of citizenship for this community which is an extremely positive development.

Extending such a helping hand to communities that had historical, religious and ethnic linkages with the local population of the host country can pay handsome political dividends, which is also why the present BJP-led government in New Delhi, with its Hindu majoritarian underpinnings, has chosen to favour Hindus of Indian origin among the stateless who seek rehabilitation and citizenship from India. The party's election manifesto for the general election of 2014 specifically declared that India was the "natural home for persecuted Hindus", and after coming to power it has taken steps to liberalise the issuing of long term visas and the conferring of citizenship rights for Hindus entering India from neighbouring countries. Recently, perhaps deferring to this principle, the Union Ministry of Home Affairs has decided to grant citizenship rights to Chakma and Hajong refugee residing in Arunachal Pradesh for over 50 years, although they will not be entitled to own land or enjoy the entitlements accorded to the Scheduled Tribes of the region.

Only time will tell whether this move will be accepted by the local population, but there can be no denying the inherently discriminatory nature of a policy that privileges Hindus while denying similar treatment to stateless communities who are Muslim and who too have been living hardscrabble lives for decades in this country.

While this book does not deal with the vexed theme of preferential treatment, it remains a valuable repository of knowledge and voices that would potentially assist in a more informed interrogation of alterity.

NOTES FOR CONTRIBUTORS

Articles submitted for consideration of publication in REFUGEE WATCH should be around 5000 words. Book reviews can be around 1000 words and review articles can be around 2000 words. Articles will have endnotes and not footnotes. Endnotes should be restricted to the minimum. Please refer to www.mcrgh.ac.in for a details style sheet. Roundtables can also be proposed for publication. Enquiries about possible submissions are welcome.

For submission of articles and all other matters, correspondence should be addressed to the Editor, Refugee Watch, Mahanirban Calcutta Research Group, GC-45, First Floor, Sector-III, Salt Lake, Kolkata – 700 106 or paula@mcrgh.ac.in. For book review and review-articles correspondence to be addressed to Anita Sengupta, Review Editor, Refugee Watch, at the same address or at anitasengupta@hotmail.com.

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