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THEMATIC ARTICLES – GENDER AND MIGRATION

Sexual Violence against Migrant Women: a Study of the Prevalence of and Responses to the Rape of Migrant Women in South Africa

Catherine BOYD

Abstract. This article investigates the prevalence of and responses to the rape of migrant women in South Africa through the analysis of legislation, secondary sources and interviews conducted by the author with migrant women raped in South Africa. The article considers the legal protections afforded to migrant women in South Africa and the extent to which these safeguard migrant women from rape. The article also assesses whether these legal protections are implemented in practise. It additionally suggests how migrant women could be better protected from rape in South Africa.

Keywords: sexual violence, migrant women, South Africa

Introduction

Rape and xenophobia are both huge problems in South Africa. While rape of migrant women intersects these problems, little research has been carried out into the issue. This article aims to investigate the prevalence of rape of migrant women, the legal protections guaranteed to them and the extent to which the existing legal instruments are implemented in practice. This study also suggests ways in which migrant women could be better protected from rape.

South Africa has the highest prevalence of reported rape in the world. A

1 The research assistance and supervision of the staff at the Projects Abroad Human Rights Office, and in particular Theodore Kambwimbi and Lyndon Metembo, is acknowledged and much appreciated.
study by the Medical Research Council of South Africa, published in June 2009, revealed that 27.6% of the men interviewed had perpetrated rape. This is despite the fact that it is likely that many rapes go unreported and that for those that are, that the prosecution rate is very low: the website of the One in Nine campaign, which was set up at the time of Jacob Zuma’s rape trial in 2006, states that “only one in nine women who are raped report it to the police” and that “for rape cases that are prosecuted there is an under five percent conviction rate”. The South African Police Services (“SAPS”) figures on reported cases of sexual offences in the period April 2008 to March 2009 reveal that 71,500 cases were reported throughout South Africa. Should the estimate of the One in Nine campaign prove correct, it would mean that 639,000 people were raped in South Africa, annually.

Xenophobia is also rife as highlighted by the May 2008 racist attacks. In less than a month these led to 135 separate violent incidents being reported, 62 people (including 21 South African citizens) dead and 670 wounded; more than 100,000 displaced. More conservative estimates suggest that only 40,000 were displaced, with 13,872 individuals, on 27 June 2008, in safety sites for internally displaced persons. The attacks were so severe that the army had to be deployed to bring them to an end. The Consortium for Refugees and Migrants in South Africa (“CORMSA”) have reported that “in many cases violence stopped only when there were no nationals left to attack or property remaining to loot or destroy”. Violence against migrants did not cease with these attacks: a recent BBC article, from July 2010, reported that foreigners had been injured in one of the townships in xenophobic attacks. The United Nations High Commission for Refugees (“UNHCR”) recognises that “xenophobia in the country poses a serious challenge”.

The extent of xenophobia is widespread in the context of population


4 http://www.oneinnine.org.za/ipoint


7 CORMSA, “Protecting Refugees, Asylum Seekers and Immigrants in South Africa”, June 2009, p41

8 BBC news: http://www.bbc.co.uk/news/world-africa-10696292

9 http://www.unhcr.org/cgi-bin/texis/vtx/page=49e485aa6
estimates: the total population of South Africa was estimated at 49,320,500 by Statistics South Africa in mid 2009 and UNHCR currently assess that there are 47,974 refugees and 309,794 asylum seekers in South Africa, but do not assess undocumented migrants. In January 2010 Human Rights Watch estimated that there could be up to 1.5 million. Many undocumented migrants are from Zimbabwe and do not apply for refugee status because of the low rate of success of their applications. Human Rights Watch estimates that South Africa only accepted about 1.5% of asylum claims from Zimbabweans in 2007. Human Rights Watch also states that this is despite the fact that “many are fleeing persecution including rampant political violence and routine arbitrary arrests and detention of political opponents” and because “others are forced to migrate because inflation has made their salaries worth so little that they cannot provide basic needs for their families”.

If CORMSA are correct that 100,000 migrants were displaced in the xenophobic attacks, this would amount to nearly 5.4% of the total migrant population in South Africa, based on the estimates of refugees, asylum seekers and illegal migrants, given above. This percentage is likely to be on the low side because the estimate was reached using Human Rights Watch’s highest estimate of undocumented migrants within South Africa (1.5 million). In addition it is not clear how the estimate, that 100,000 were displaced, was reached by CORMSA, if it was reached by monitoring numbers in safety sites this would not reflect the total amount of the migrant population displaced, as most illegal migrants would not have gone to safety sites, for fear of deportation. Nevertheless in such a context rape of migrant women is likely to be prevalent.

Definitions

The definition of the term rape is found in South Africa under the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007.

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13 Human Rights Watch, “No Healing Here” p 16
Section 3 of the Act provides that: “Any person (“A”) who unlawfully and intentionally commits an act of sexual penetration with a complainant (“B”), without the consent of B is guilty of the offence of rape”\textsuperscript{14}.

The term migrant is used in this paper to encompass three definitions: refugee, asylum seeker and undocumented migrant. A refugee is a person that has been approved as a refugee in South Africa in accordance with the provisions of the Refugees Act 1998. Qualification for such status is met if a person:

“(a) owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or

(c) is a dependant of a person contemplated in paragraph (a) or (b)\textsuperscript{15}.

The term asylum seeker denotes a person with a pending application for refugee status\textsuperscript{16}.

An illegal foreigner is a foreigner in South Africa in contravention of the Immigration Act 2002\textsuperscript{17}. Broadly, this is any foreigner in the country without a passport or valid temporary residence, or, with a passport but who is in the country for more than 30 days after the expiry of their intended stay and without a valid temporary residence (e.g. asylum seeker permit) or, any person defined as prohibited under section 29 of the Immigration Act 2002\textsuperscript{18}. The latter section, for example, includes people with convictions in South Africa, or in countries which have diplomatic relations with South Africa, and those with certain prescribed infectious diseases\textsuperscript{19}.

\textsuperscript{14} The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, clause 3.
\textsuperscript{15} Refugees Act 1998, clause 3.
\textsuperscript{16} \textit{ibid.}, clause 22 (1)
\textsuperscript{17} Immigration Act, 2002, clause 1 (1) (xviii)
\textsuperscript{18} \textit{ibid.}, clause 9 (4).
\textsuperscript{19} \textit{ibid.}, clause 29
The prevalence of rape of migrant women in South Africa

No data specifically relating to the rape of migrant women in South Africa is available. However, in July 2008 a report by UNICEF stated that only 8 cases of rape had been enrolled by the National Prosecuting Authority in relation to the xenophobic attacks\textsuperscript{20}.

Various organisations have however commented on the issue: Human Rights Watch states that, “South Africa suffers very high levels of rape and other sexual violence, and migrant women are at intense risk throughout their journey and their residence there” and notes that although “sexual violence is a serious threat to the lives and well being of all women in South Africa, migrants are particularly vulnerable to certain forms of sexual and gender based violence because of the risks involved in cross border travel, fear of the authorities, lack of knowledge of rights and risks, and barriers to accessing both the justice system and the health system”\textsuperscript{21}.

In addition CORMSA state that, “during the 2008 attacks sexual violence was used as a weapon to displace migrant women and girls from their homes. Such acts included attempted, threatened and real incidences of rape and gang rape” and that “research by FMSP (Forced Migrant Studies Program) on conditions of Zimbabweans in Musina (a border town) reveals that a significant number of cross border migrant women and girls from Zimbabwe continue to be exposed to rape by informal border transporters and smugglers while trying to enter South Africa through clandestine channels due to lack of legal entry requirements”\textsuperscript{22}.

In March 2010 at the Projects Abroad Human Rights Office in Cape Town I interviewed four migrant women who had been raped while in South Africa to find out about their experiences and their views on the prevalence of rape of migrant women in South Africa. The Projects Abroad Human Rights Office had previously helped these women. Two of them were interviewed in the presence of their husbands who translated for them. The husbands added their own comments on their wives' experiences. It was agreed that I would not use names

\textsuperscript{20} M Marsh, “A Rapid Inter-agency Assessment of Gender-based Violence and the attacks on Non Nationals in South Africa”, July 2008, p12
\textsuperscript{21} Human Rights Watch, “No Healing Here”, p6 and p36
\textsuperscript{22} CORMSA, “Protecting Refugees, Asylum Seekers and Immigrants in South Africa” p17 and p27
but could report the women’s views and experiences. In addition two institutions, the Trauma Centre for the Survivors of Violence and Torture in Cape Town (“the Trauma Centre”) and the Saartjie Baartman Centre for Women and Children (“SBC”) answered a set of questions that I had prepared on the issue of the rape of migrant women in South Africa. Both organisations have worked with migrant women who have suffered sexual violence. The Trauma Centre indicated that it works with 50 migrant women, on average, each year. The SBC indicated that it assisted 12 migrant women from March 2008 to March 2009. Both institutions have approved this article.

Of the migrant women that the Trauma Centre had worked with in 2009, 13 disclosed that they had been raped. Five of these women had been “raped locally and felt it was part of the xenophobic attacks”. One of the twelve women housed by the SBC reported that she had been raped in South Africa. Two of the interviewees who spoke to me were raped in May 2008, during the attacks. The other two were both raped in December 2007. In addition two of the women have been attacked since, though not raped, one during the May 2008 xenophobic attacks, when men entered her house, slapped her baby and pushed her. The other was attacked by the same men who had raped her. They beat her with an iron bar and only stopped when people arrived in the vicinity.

Of the women interviewed three were raped by two men and one by four men. One was threatened with a gun, two with knives and one with a gun and knife. One said that a knife had been held to her neck while she had been raped. All the women were of the view that they had been raped because they were foreigners. At the times the rapes were perpetrated one of the women was told “you are foreign: you must go back to your country”. Another was told “go home”, “this is not your country” and “you are stealing our jobs”. Another woman was told “you are foreigners we do not like you”. The final woman recalls being told to return to her country.

All the women, except one, knew other migrant women that had been raped. One knew of “loads”. This woman had attended counselling after the rape and said that many of the other women at counselling were migrants. Another woman reported that many of the women in the safety site for internally displaced persons in which she was residing had been raped. Another commented that in Phillipi (a suburb of Cape Town) that people were “really raping women” at the time of the xenophobic attacks which she knew because
some of her friends had been victims and because a friend had said this to her.

All four of the women were not surprised that migrant women were raped in South Africa. One commented that it was common for migrant women to be raped, another three of the women said they thought migrant women were more likely to be raped than South African women. One said that this was because “there was little they (migrant women) could do because the country belongs to them” and the husband of another said that migrant women were “soft targets” because “there was no one they could run to for help”. The Trauma Centre however was of the view that the amount of migrant women raped was “not any different to the abhorrent high level of abuse of local women and children”.

It would appear from all the responses that rape of migrant women is prevalent. It is difficult, in view of the small number of women and organisations questioned, to say whether migrant women are raped more often than South African women. The Trauma Centre believes this is not the case, however all the women thought it likely. The SBC said that it was unable to comment but added that “rape is a serious problem in South Africa” and “migrant women may be at a greater risk because of their added vulnerability”. As migrants are often the target of violence (as evidenced by the scale of the May 2008 attacks) it is, in my view, probable that they will be raped more often. Further investigation is however needed to establish if migrant women are at greater risk of rape in South Africa than South African women.

Legal Protection against Rape and Xenophobia

Rape

Both international and domestic legislation protects against rape. South Africa ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women on 15 December 1995. This convention does not state that signatories have a duty to prevent rape but it does obligate parties to take “all appropriate measures, including legislation to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise of human rights and fundamental freedoms”. Clearly rape is at odds with human rights and fundamental freedoms and this provision therefore obligates the state to legislate against it and take other “appropriate
measures”\textsuperscript{23}.

The 1996 Constitution of the Republic of South Africa provides legal protection for all persons in South Africa from rape. The two most important provisions of the Bill of Rights (contained within the Constitution) which obligate the state to protect persons in the Republic from rape are clause 12 which states, “every person has the right to freedom and security of person”, which includes the right, “to be free from all forms of violence whether from either public or private sources” and clause 10 that “everyone has inherent dignity and the right to have their dignity respected and protected”.

The former right is derogable but only to the extent that: “the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including:

(a) the nature of the right;
(b) the importance of the purpose of the limitation;
(c) the nature and extent of the limitation;
(d) the relation between the limitation and its purpose; and
(e) less restrictive means to achieve the purpose”\textsuperscript{24}.

This right must be derogable as South Africa, along with every state, is not equipped to protect those within its boundaries from all violence from private sources. The latter right is however non-derogable and obliges the state to protect human dignity.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007 (“the Act”) is the legislation that explicitly prohibits rape and that puts in place provisions to deal with the investigation and prosecution of rape allegations. It has far reaching aims, set out in clause two, which are to: “afford complainants of sexual offences the maximum and least traumatising protection that the law can provide, to introduce measures that seek to enable the relevant organs of state to give full effect to the provisions of this Act and to combat and ultimately eradicate the relatively high incidence of sexual offences committed in the Republic”. The means by which these goals are to be achieved include, for example, “protecting complainants of sexual offences and their families from secondary victimisation and trauma by establishing a co-operative response

\textsuperscript{23} UN Convention on the Elimination of All Forms of Discrimination Against Women, Article 3.

\textsuperscript{24} South African Constitution 1996, Bill of Rights, clause 36
between all government departments involved in implementing an effective, responsive and sensitive criminal justice system related to sexual offences” and by “promoting the spirit of batho pele ("the people first") in respect of service delivery in the criminal justice system”. This latter goal involves, for example, “entrenching the accountability of government officials; minimising disparities in the provision of services to victims of sexual offences” and “giving proper recognition to the needs of victims of sexual offences through timeous, effective and non-discriminatory investigation and prosecution”.

The Act also provides that all women who report an alleged sexual offence, either at a health establishment or to SAPS, within 72 hours of the offence, are entitled to post-exposure prophylaxis ("PEP") at the state’s expense and in accordance with the prevailing treatment protocol. PEP is an antiretroviral drug which helps to prevent a person catching HIV, if they have been exposed to potentially HIV infected blood or body fluids, if administered within 72 hours of such exposure.

This Act also establishes an Inter-sectoral Committee for the Management of Sexual Offences Matters which is responsible for developing and compiling a draft national policy framework. This framework has to: “(a) ensure a uniform and coordinated approach by all Government departments and institutions in dealing with matters related to Sexual Offences; (b) guide the implementation, enforcement and administration of this Act; and (c) enhance the delivery of service as envisaged in this Act by the development of a plan for the progressive realisation of services for victims of sexual offences within available resources”.

The Minister responsible for the administration of justice, after consultation with relevant specified departments is, under the Act, responsible for adopting and tabling the policy framework in parliament within one year after the implementation of the Act. This Act was implemented in 2007.

In addition the Act provides that the National Commissioner of SAPS, the National Director of Public Prosecutions and the Director General: Health must publish either directives or instructions (depending on the service). The

25 The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, clause
28 (1) and (2)
26 ibid., clause 65
27 ibid., clause 62
28 ibid., clause 62 (a)
Act deals with the subject matter of these directives and instructions in broad terms. The national instructions to be published by the Commissioner of SAPS must, for example, deal with “all matters which are reasonably necessary or expedient to be provided for and which must be followed by all police officials who are tasked with receiving reports of and the investigation of sexual offences cases, in order to achieve the objects of the Act.”29

All directives and reports were to be submitted within six months of implementation, which occurred in 200730. The National Instructions published by the National Commissioner of SAPS were brought out in 2008. These guidelines are extremely comprehensive and cover the areas specified in the Act31.

Xenophobia

Clause 9 (3) of the Bill of Rights prohibits the state from unfair discrimination directly or indirectly on one or more grounds including: “race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth” and clause 9 (4) states that “no person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection 332. Both rights are non-derogable in respect of “race, colour, ethnic or social origin, sex, religion or language”33.

The Immigration Act 2002 provides that the Department of Home Affairs is responsible for: “preventing and deterring xenophobia within the Department any sphere of government or organ of state and at community level”34. In order to achieve this goal the Department of Home Affairs must “educate communities and organs of civil society on the rights of foreigners, illegal foreigners and refugees and to conduct other activities to prevent xenophobia”35. To reduce xenophobia the Department may “organise and participate in community fora or other community based organisations to deter xenophobia and involve the citizenry in the application and implementation of

29 ibid., clause 66 (1) (a)
30 ibid., clause 66 (4) (a) (i)
31 National Instruction 3/2008 Sexual Offences
33 ibid., clause 37
34 Immigration Act 2002, clause 2 (1) (e)
35 ibid., clause (2) (2) (e)
this Act and educate the citizenry in migration issues”\textsuperscript{36}.

Are there sufficient legal mechanisms to protect against rape and xenophobia in South Africa and to meet the needs of rape victims?

\textit{Rape}

Legislation is in place to prohibit rape and to provide mechanisms to standardise the way allegations of rape are dealt with, however the legislation is lacking in various ways. Writers have criticised the Act suggesting that it does not protect the victims of rape as well as it could. The authors of “Feminism vs the State?: A Decade of Sexual Offences Law Reform in South Africa”, for example, argue the Act “excised most of the extensive protective measures proposed for victims”\textsuperscript{37}. One example cited is the removal of the provisions of Chapter 7 of the draft bill which provided for the use of close circuit television, intermediaries, support persons and non-disclosure of identity as the default position, to protect and support those alleging rape. The Act however provides that those alleging rape must prove their vulnerability in order to use these support mechanisms\textsuperscript{38}. The authors therefore argue that “one of the most foundational and critical aspects of the bill (the protection of vulnerable witnesses during rape trials) was purged in favour of a discretionary policy/practice that – although available under the current law – has been inconsistently applied”\textsuperscript{39}.

Furthermore the National Instruction on Sexual Offences provided by the Commissioner of SAPS does not contain provisions regarding implementation such as a mechanism for checking that it is being followed. The Act should have provided that the national instruction cover this. In addition, at the date of writing, the national policy framework has not been adopted, although this should have occurred in 2008. The Inter-sectoral Committee, given the task of compiling the draft framework, only convened for the first time on 17 February 2009\textsuperscript{40}. As the national policy framework is required to implement and enforce the Act the delay in its adoption is disappointing.

\textsuperscript{36} ibid., clause (3) (1) (f)
\textsuperscript{37} Artz, L and Smythe, D “Feminism vs the State?: A Decade of Sexual Offences Law Reform in South Africa” pp8-9
\textsuperscript{38} ibid., p12
\textsuperscript{39} ibid., p12
\textsuperscript{40} Parliamentary Monitoring Group, Summary of the Justice, Crime Prevention and Security Cluster, on the 5\textsuperscript{th} March 2009 and published on 9 March 2009.
Xenophobia

It is surprising, in light of the May 2008 xenophobic attacks and ongoing xenophobic attacks since that date, that more has not been done legislatively to protect migrants against xenophobia. CORMSA recognise this and state that the Department of Justice should “strengthen justice mechanisms to protect the rights of minority and marginalised groups”. The Immigration Act 2002, for example, does not set out how the broad requirements placed on the Department of Home Affairs, to deter and prevent xenophobia, should be implemented, which is needed.

Are such legal mechanisms from rape afforded to migrants?

Refugees enjoy the same legal protections as citizens under the Refugees Act 1998. The Refugees Amendment Act 2008 entitles asylum seekers to “the rights contained in the Constitution of the Republic of South Africa in so far as those rights apply to Asylum Seekers”. This means that certain constitutional provisions apply to them (in particular clauses 10 and 12 of the Bill of Rights, mentioned above, which places a duty on the state to protect against rape). The rights that do not apply to asylum seekers are those restricted to citizens, for example: “Every citizen has the right to choose their trade occupation or profession freely”. In addition provisions of the Immigration Act 2002 protect asylum seekers from deportation.

Legislation does not explicitly stipulate that constitutional rights apply to illegal foreigners, however rights, in the Bill of Rights, couched in general terms apply to all people in South Africa. Illegal foreigners therefore equally have the right “to be free from all forms of violence whether from either public or private sources” and to the protection of their inherent dignity under clause 10. In addition all illegal foreigners are entitled to access health services with or without a permit and should not be charged higher fees for doing so.

41 CORMSA. “Protecting Refugees, Asylum Seekers and Immigrants in South Africa”, p45
42 Refugees Act 1998, clause 27 (b)
43 Refugees Amendment Act 2008, clause 27A (d)
45 Immigration Act 2002, clause 21 (4)
46 F G Muller, “Refugees/Asylum Seekers with or without a permit”, Revenue Directive, 19 September 2007 and Dr I Bromfield, Chief Executive of City Health, Letter to Treatment Action Campaign (responding to their letter of 13 June 2008), access via http://blacksash.org.za/images/media/healthdocument.jpg
Legislation puts in place procedures to find and deport illegal foreigners. The Immigration Act 2002, for example, enables any police officer to request identity documents from any person in South Africa, if the officer believes, on reasonable grounds, that that person is not entitled to be in South Africa. That person can also be detained without warrant, until the person’s status and or citizenship is ascertained. Therefore illegal foreigners are extremely unlikely to approach the police for assistance if they have been raped, for fear of deportation. This probably means that they are more susceptible to rape and other violations.

Do migrants have adequate legislative protection from rape?

Legislative provisions protect migrants from rape if they qualify for refugee status or have applied for it. However the definition of a refugee is political and does not cover economic refugees (which leaves most Zimbabweans, for example, unprotected). The solution to this is political. Groups such as CORMSA and Human Rights Watch argue that the proposal set out by Home Affairs Minister Nosiviwe Mapisa-Nqakula in April 2009 for special dispensation permits, for eligible Zimbabweans, enabling them to remain legally in South Africa for one year, should be implemented. The current situation is untenable leaving many unable to enforce their constitutional rights.

It is clear that the rape of migrant women is commonplace and it is probable that the amount of migrant women raped in South Africa is greater than the amount of South African women raped, relative to their numbers. To protect migrant women and to send an anti-xenophobic message South Africa could introduce legislation to target hate crimes against foreigners as well as other vulnerable social groups.

This type of legislation has been introduced in both Belgium and Denmark. Articles 32-42 of Belgium’s Law of 10 May 2007, for example, provide that “hatred against, contempt for, or hostility to a person on the grounds of his so-called race, colour of skin, descent, national or ethnic origin, nationality, sex, sexual orientation, marital status, birth, age, fortune, belief or philosophy of life, current and future state of health, disability, language, political conviction or physical or genetic

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47 Immigration Act, 2002, Section 41 and section 34 (1)
"characteristics or social origin" are aggravating circumstances that can double the penalty for certain specified offences which include indecent assault and rape.

**To what extent is legislation implemented in practice?**

The Act has broad goals such as: “to combat and ultimately eradicate the relatively high incidence of sexual offences committed in the Republic”\(^{49}\). The Act does not explicitly state that it intends to increase reporting, however if the aim is eradicate sexual offences then this must also be a goal. The Act also expressly aims to achieve “effective prosecution” and thereby greater accountability\(^{50}\).

Prior to the coming into force of the legislation (when the common law offence of rape was most often used to prosecute sexual offenders) it appears that perpetrators of rape were often not held accountable\(^{51}\). A study carried out by the Tshwaranang Legal Advocacy Centre in 2008, which followed attrition in rape case through the criminal justice system in 2003 in Gauteng, showed that from the sample of 2047 cases reported at police stations only 359 were referred to trial and only 87 resulted in convictions (4.3%)\(^{52}\).

For those convicted prescribed minimum sentences (these differ according to the age of the victim and type of offence – for example, the prescribed minimum sentence for most rapists is 10 years imprisonment, unless specific features of the rape or victim mean that the rapist qualifies for a prescribed minimum sentence of life imprisonment, for example if the victim is under 16\(^{53}\) were not in all cases adhered to by magistrates who often used their power under section 51 (3) of the Criminal Law Amendment Act 1997 to distinguish “substantial and compelling circumstances” to depart from the prescribed minimum sentence\(^{54}\). The study shows that factors such as the perceived absence of harm to the victim, in particular physical harm, could in the view of certain magistrates amount to “substantial and compelling circumstances”\(^{55}\). The Criminal Law (Sentencing)

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\(^{49}\) Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007, clause 2

\(^{50}\) ibid., clause (2) (e) (i)


\(^{52}\) Vetten, L and van Jaarsveld, F (acting for the Tshwaranang Legal Advocacy Centre to end violence against women) “The (Mis)Measure of Harm: An Analysis of Rape Sentences handed down in the Regional and High Courts of Gauteng Province”, January 2008, p 9

\(^{53}\) Vetten, L and van Jaarsveld, F, “The Mismeasure of Harm” p1

\(^{54}\) Criminal Law Amendment Act 1997, s51 (3)

\(^{55}\) Vetten L and Van Jaarsveld, F, “The Mismeasure of Harm, p 13-15
Amendment Act of 2007 has attempted to address this issue by defining what circumstances are not “substantial and compelling” (which for example include a complainant’s sexual history). A further study is needed to show what effects this amendment and the coming into force of the Act are having on accountability and sentencing in cases where rape is reported.

To what extent are the aims of the Act achieved for migrant women?

Migrants are less likely to report rape than South Africans as most are illegally in South Africa. Many genuine asylum seekers are, according to Human Rights Watch, left without documentation, in any event, due to backlogs in the system and many genuine claims are unrecognised. According to the “National Survey of Refugee Reception” carried out by the Forced Migration Studies Programme only 41 per cent of asylum seekers were able to obtain asylum seeker documentation within the 14 day window in which they are allowed to remain in South Africa without such documentation under a transit permit. When migrants are undocumented they are extremely unlikely to report rape.

Even if migrants have the relevant paperwork many do not want to report rape. The Trauma Centre reported that of the 13 migrant women, that they had worked with in 2009, that had disclosed that they had been raped that, “very few reported it because of the shame and it is taboo in their particular culture”. No doubt shame is a factor preventing many women, both South African and migrant, from reporting rape, but cultural taboo is more likely to affect migrants. In addition to taboo the “Rapid Inter-agency Assessment of Gender-based Violence and the Attacks on Non-Nationals in South Africa”, conducted by UNICEF, in July 2008, records that one of the predominant reasons that health and security services were not accessed by migrant women that had been subjected to sexual violence during the attacks was due to “extremely low levels of trust of service providers”.

Worryingly, the low level of trust in service providers may not be without foundation. CORMSA, for example, have found that of the 1627 originally arrested for the May 2008 attacks only 469 were prosecuted. Of those prosecuted only 70

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56 ibid., p 4
57 Human Rights Watch, “No Healing Here”, p4
58 ibid., p18
were found guilty. There were no convictions for rape or murder despite the fact that many such incidents occurred\textsuperscript{60}. CORMSA also believe that “research indicates that police and the courts have regularly released suspects due to pressure from communities and their local (and sometimes provincial) leaders”\textsuperscript{61}. Other evidence also suggests that SAPS may discriminate against migrants. For example, a police diversity survey, conducted in 2004, using a representative sample of police around Johannesburg, found that 87\% of police believed that most undocumented migrants in Johannesburg were involved in crime. The author stated that “these perceptions could make undocumented migrants more vulnerable to police abuse”\textsuperscript{62}. In addition CORMSA have found that some police officers supported or passively tolerated the violence and that others were involved in the looting\textsuperscript{63}.

Of the four women who I interviewed, one reported that she had been well treated by the police, two had not reported the rape, and one felt that her case had not been dealt with properly because she was a foreigner. This woman said that the police, who had investigated her allegation, had not wanted to assist her but the inspector, whom she said was good, had ordered them to. Her husband reported that he had spoken to the police twice after the rape and both times the police had said that they would visit them in the safety site that they were staying in. The police did not visit, despite having their tent number. When the woman’s husband spoke to them on the phone the police had said they could not find the men responsible. In January 2009 this same woman reported that she had been seen by the men who had previously raped her, that they had followed her, and had hit with an iron bar repeatedly, which had only stopped when people arrived in the vicinity. The police told this woman that they could not do anything, as they did not know what the men looked like. They said that the woman should return to the camp and call again if she saw the men.

It was the view of this woman’s husband that the police may have “rejected” the case as it was a refugee’s case and therefore “had no value to them”. His view of the police may have been coloured by his own experience of police xenophobia: in 2005 he had been attacked and had called the police. When


\textsuperscript{61} CORMSA “Protecting Refugees, Asylum Seekers and Immigrants in South Africa”, p42


\textsuperscript{63} CORMSA, “Protecting Refugees, Asylum Seekers and Immigrants in South Africa, p41
they arrived they said “if you stayed in your country those guys would not have attacked you. This is their country”.

The fact that the woman and her husband were unhappy with the way the investigation was carried out may suggest that the police did not deal with the reported rape as well as they should have. The Trauma Centre also state that women who report rape only occasionally receive adequate treatment and support, but do not perceive a distinction between the treatment that migrant women and South African women receive.

Only two of the interviewees went to hospital after their attack. One was required to show her refugee status and the other was not asked for documents. The fact that one woman was asked for an identity document breaches the government’s 2007 Revenue Directive. Both women said they had been given AIDS medicine and HIV medicine and therefore the state met its obligation to provide PEP. It appears that one of the women may not have adequately understood the health care process: as she said that she went to hospital after the rape, but said that “there was no problem with HIV”. She did not attend the next appointment made for her at the hospital. In this case it appears that the interviewee probably misunderstood the person treating her. An HIV test taken close to the time of a rape does not, in most cases, show if the exposed person has contracted HIV, as a result of the rape; instead, it confirms that person’s HIV status prior to the rape. It is necessary for the victim to return to hospital for another HIV test, around six weeks after the rape, to establish if the victim has been infected64. This woman’s misunderstanding could mean that she has contracted HIV which in turn could mean that she has infected others. This misunderstanding could have resulted from the fact that the woman did not speak good English. This highlights the language barrier faced by some foreigners, raped in South Africa.

The interviews conducted and the questions asked of the two NGOs do not establish if South Africans and migrants receive the same treatment from the police and healthcare providers, because the sample of women and organisations that assisted is small. However the low level of prosecutions resulting from the May 2008 attacks suggests that the police may not have investigated migrants’ reports adequately. It certainly appears, from both the interviews, and this information

64 World Women’s Association training on HIV and AIDS in Cape Town in February 2010. Other organisations have said that women should take three HIV tests post rape, one six weeks afterwards, one three months afterwards and one six months afterwards, for example: http://www.doh.gov.za/aids/docs/after-rape.htm
that the Act’s goals of “entrenching the accountability of government officials; minimising disparities in the provision of services to victims of sexual offences” and “giving proper recognition to the needs of victims of sexual offences through timeous, effective and non-discriminatory investigation and prosecution” have not been met.

Conclusion

Although the Act aims to reduce the high level of sexual offences in South Africa and to provide effective and standardised investigation for those reporting rape further legislation is required to supplement its provisions and to assist victims. In addition the legislation in force to counter xenophobia is insufficient in the context of the magnitude of the problem. Legislation needs to be introduced that charges a body to draw up guidelines for the Department of Home Affairs on how to meet its legal obligation to prevent xenophobia. These guidelines should contain provisions relating to implementation and enforcement.

To deal with the high prevalence of rape in South Africa the national instructions to guide, implement and enforce the provisions of the Act must be brought into force soon, as publication is currently close to two years behind target. In addition legislation obligating SAPS, the Department of Public Prosecutions and the Department of Health to publish measures to enforce and implement the guidelines produced under the ambit of the Act, is required.

What legislation there is to deter xenophobia is not implemented properly. Likewise the more wide-ranging legislation intended to guide service providers, dealing with rape, is not implemented effectively. Rape victims and victims of xenophobic attacks are failed by low rates of reporting, which is, to an extent, due to distrust of service providers, and low rates of prosecution (for example, after the xenophobic attacks in May 2008).

This study suggests that it is likely that more migrant women are raped than their South African counterparts. A wide ranging research study is however required to investigate the extent of the problem. If this research concludes that migrant women are indeed more vulnerable to rape than South African women the government must provide targeted assistance to such women. The government could, for example, introduce legislation to extend sentences for hate crimes, including rapes perpetrated for xenophobic reasons. In terms of implementation,
the government should target more resources towards the migrant population and educate migrants about their rights. In addition as accountability is low, which is suggestive of institutionalised xenophobia, the Department of Home Affairs must do better to meet the obligation imposed on it by the Immigration Act 2002, to prevent and deter xenophobia in all spheres of government and organs of state\textsuperscript{65}.

It is also necessary to address the issue of illegal foreigners, who seek asylum in South Africa, due to the economic situation in their country of origin (Zimbabwe, for example) as they can neither acquire refugee status, nor return home. If South Africa does not provide these people with short term residence permits, as the dominant economic power in the south of Africa, it must do more to stabilise the economic situation in Zimbabwe.

\textsuperscript{65} Immigration Act 2002, clause 2 (1) (e)
The Influence of European Law Concerning Gender Discrimination in Romanian Labor Market: Some Aspects of Women’s Migration in the EU

Gabriela GOUDENHOOFD

Abstract. Discrimination in employment is one of the problems that have not lost its actuality and discrimination of women, as a species of this principle is a problem that has interesting aspects in Romania. This paper proposes a series of conceptual approach, an attempt to define discrimination against women in employment, a content analysis, including issues of harassment and discrimination. An important part involves the attempt to highlight the sources of discrimination, as well as underlining the paradox that this category of people is not a minority. We want to underline the equality principle reflected by international law, European law, and Romanian legislation and several problems related to gender specificity on the labor market. We have analyzed the international legal framework, the European one (with the multitude of EU directives) and the Romanian legislation on this area and I drew a number of conclusions on a few misconceptions of Romanian collective mind, regarded as sources of discrimination.

Keywords: gender policy, discrimination, labor market, equality principle

Introduction

The issue of discrimination is always complex and its approach has some risks, including, of course, the subjectivity one. Any woman author of a study on gender discrimination, even on an issue of labor market discrimination cannot detach herself from her own history, her own social-cultural experience. For this reason we bell the cat to confront this issue in terms of experience and a particular culture but we also try to use an external perspective due to the numerous discussions on this subject with people from other European countries or outside and, of course, statistical data, obtained from institutions specializing in public opinion polling.
We would be tempted to believe that the perception of women in Romania is contaminated by structural patterns related to a particular cultural tradition of the Romanian way of life and that her representations of bursting their grievances or his entourage, the social group to which it belongs. It is therefore interesting to see how perceptions of people from other cultures can bring new things to the group members were not even aware.

Terms and Definitions

Discrimination means differential treatment of a person under its affiliation, real or supposed, in a particular social group.

Although discrimination is usually an individual action, if members of the same group are systematically treated similarly, is a social model of aggregate behavior (Banton, 1998). This is what social scientists call prejudicial treatment because it includes the idea of a negative effect on the person.

It follows that the most general sense, discrimination involves charging a distinction, differentiation, and thus a different treatment. The first question arises here. Should or shouldn’t we apply here the Aristotelian principle of justice, setting a rule that the similar cases should be treated similarly, while the different cases should be treated differently? Justice is therefore in the Aristotelian sense of equal treatment of equals and unequal and discrimination violates the first part of the principle of justice because it treats differently persons whose qualities taken as a basis of this treatment is not really relevant criteria of differentiation (Miller, 2006, 170-171). Criteria used for discrimination, and in our approach is the criterion of gender, are often innate and therefore not attributable to individuals. There is neither guilt nor merit to be born as male or female. The most common types of discrimination aimed at sex, race or national affiliation, and individuals belonging to these groups are subject to an inferior treatment or are given fewer opportunities in the light of given criteria which are beyond the control and irrelevant.

Discrimination is often based on prejudices transmitted through education, social or otherwise acquired as a stereotype. Prejudice as a basis for discriminatory behavior, negative opinion is erroneous to an individual who belongs to a group, as it stigmatizes. So we have three other discrimination correlated concepts: prejudice, stereotype and stigma.
Prejudice is a seemingly harmless concept, with a dose of moral neutrality, but when it becomes a basis for discrimination its morality became ambiguous. In English you can use two words in order to understand this notion: preconception and prejudice. Preconceived ideas are ideas that are under the sign of a rushed and the provisional, groundless, conceived without mature consideration. Prejudices bring something new to the concept through its relationship with injury, damage term\(^1\). Prejudice is a hasty trial harmful. It produces an evil to people they hastily include upon a category intended unfavorable treatment. Preconceived ideas in this category are such as "women are not suited to perform certain types of work" or "women are less capable than men", "women do not resist the effort and stress", or even "women are not as intelligent as men". Such prejudices are seriously disadvantage women in the labor market.

On the other hand stereotype set in the collective mental a particular type of reproductive and repetitive beliefs. Gender\(^2\) stereotypes play an important role in the collective consciousness.

Cultural gender stereotypes, include images, spread through all means of which a culture use to serve, image where men play productive main roles (leaders, history makers, scientists, culture creators), while women play reproductive roles, secondary, mainly within the family (giving birth to children, growing, educating and protecting children, they are householders and similar). These models created by society and handled by the school, church ("man is the head"), mass-media, family, etc., tend to be internalized, gains the audience, so men and women from Romania are persuaded very early that they have defined roles discriminated by gender. So personal stereotypes are formed and they are nothing else than an image of a male pattern characterized by force, rationality, domination, even aggression, independence, capacity management, analysis, creation and his own personal fulfillment is in the area of society. This pattern is situating man in competitive situations which allow them to exploit and capitalize on the above qualities, while the woman gains a self-image where prevails weakness, dependence on men and the need to be protected, sensibility and sensitivity, seen

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\(^1\) From roman right *praediudicium, malum*, meaning damage, harm, loss.
\(^2\) Cultural approach should be mentioned, which, in the ’70s, replaced the term sex with gender, as a category mainly socio-cultural, to the detriment of a preponderant biological connotation of the term sex. Gender brings a set of new rules that society imposes on women and men differently, and the idea of gender roles, gender needs, an entire cultural construct involving relationships assigned upon that center point.
as a limit to pursue some particular activities etc.

How come to perceive themselves, men and women, causes them to focus with predilection for certain activities of different work and if there is no clear prohibition of violation of boundaries between the two categories of activities, there is certainly an implicit one, which includes the negative stereotype side, putting one group in a position of inferiority.

Some examples are relevant:
- Husband’s place is to lead and women's place is in the kitchen.
- Woe to the house where the hen sings!
- She needs to know along the nose!
- Woman is to be whipped. Because… she knows why.

The last example leads to enslavement where one finds anecdotal justification of domestic violence which, although exceeding the scope of this work, is nevertheless one of the serious problems facing women in Romania.

But what are the risks posed by these stereotypes on the labor market?

First they create a false representation of the roles that men and women can play on this market. They will require a conservative perspective, to maintain traditional roles on the labor market, discouraging the learning of new roles and accountability by making its potential underestimated by the stereotype.

Second, stereotypes create complex: the superiority of men who come to believe themselves more competent and skilled areas such as military, police, politics, transportation, confiscating both the professions which, in their vision require more courage, strength of character, rationality, qualities which they believe they possess but not the women does and management functions, positions of power in the state and politics where, again, the presence of women, despite the democratic image which is required in our times, they are underrepresented.

This comes as gender to be considered a stigma for women. High social positions are less accessible for women. In Romania, the idea that a woman must work twice as much as a man in order that her work should be equally appealing, is gaining ground. As we shall see below we are assisting in discouraging access to positions of leadership and power on the principle of stigma: offensive statements, including the biological point of view as a sign of contempt and for disqualification etc.
The paradox of the majority in Romania

Generally, discrimination is to minorities: ethnic, sexual, religious. The idea of a minority makes it possible unfair treatment and behavior of most unfavorable (fewer it is easier to dominate). But if gender discrimination we are dealing with a situation more special. Women are underrepresented, but the majority in Romania and all they receive discriminatory treatment in employment, the distribution of money and power in society. Why pay attention to the place of women in the labor market? In fact both, political participation and material contribution to family life and society, makes us citizens. We are citizens as far as us earning money. An important aspect in structuring their civic identity and integrity is the woman's ability to act and the labor market. Women have long been dependent on domestic economic and their work has not been properly assessed.

Thus, although women make up about 51.3% of the total population in Romania their labor market access and especially their access to powerful places where decision are to be taken and is lower comparing to male access. According to official statistical data and institutions with concerns in this area (EUROSTAT, National Institute of Statistics, National Agency for Equal Opportunities - ANES, etc.) unemployment rate among women in Romania recorded values of 6.8% in 2009 and 6 0.5 to 6, 6% in 2010, while only 65.2% of women had jobs in 2009 (EUROSTAT).

ANES cautions that, in 2008, the employment rate of women in the 15-24 age group was lower than the employment rate of men regardless of region, showing the difference between the two rates ranged between 19.2 percentage points in South-East region and 5.3 percentage points in North-Eastern region of Romania.

Regarding participation in government decisions, ANES show that, while in other European countries the gender ratio in governments is 3-1 (three men - one woman), in Romania in 2007, at the first level of decision minister (secretary of state, secretary general) - 27.8% of positions were occupied by women; at decision

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3 "This vision of economic independence, to "earn" for themselves as ethical basis of democratic citizenship, has maintained its strong appeal. We are citizens as far as "earning". " - Judith Shklar, American Citizenship: The Quest for inclusion, Cambridge, MA: Harvard University Press, 1991, p.6, apud. Uma Narayan, „Câte o viziune feministică asupra cetățeniei. Reconsiderarea conceptelor de demnitate, participare politică și naționalitate”, în Mary Lyndon Shanley și Uma Narayan (coord), Reconstrucția teoriei politice, traducere de Mihaela Barbă, Editura Polirom, Iași, 2001, p.81.
making level 2 (the position of director) - 41.9%, positions occupied by women. In 2008 no women minister in 2009 - 4 and after the reshuffle and change remains only a single portfolio was obtained by a woman and now, in 2010, we have two women-minister.

It may be noted that, according to ANES survey, the percentage of positions filled by women increases with decreasing levels of decision: in 2009 the level I (general secretary senior civil servant, general manager) the decision was taken at a rate of 5% of women, level II (Deputy General Secretary, Deputy Secretary, Director) already had 36% women.

Within local authorities, according ANES, we have the following situation: the county council level - 12.6% of positions occupied by women (178 of 1402 councilors). However, there are counties with very low representation: Neamţ (0%), Brasov (2.8%), Caraș-Severin (3.3%). At local council level positions filled by women 10.8% (4011 of 36,825 local councilors are women). The counties with the lowest representation are Bistrița Năsăud (6.5%), Suceava (6.9%). In the Prefectures - 4.7% of women hold positions of prefect (two women - at 42 positions) and 10.7% women hold positions of sub-prefect (9 females of 84 positions).

At the last local elections only 114 women (3.5%) were able to secure a position as mayor in 3184 elected mayors. In the three cities and towns in 41 counties and in Bucharest this position is held exclusively men. Women have won the mayoral only in rural areas. There is at these level counties where no woman was elected mayor: Brașov, Bistrița-Năsăud, Covasna, Mehedinți, Olt and Bucharest.

Practices of gender discrimination in the labor market in Romania includes situations in which women are paid less than men doing the same work and having the same experience or are affected by the bonus system, occupational pensions, incentives etc. Low valuation of women results from the fact that predominantly female occupations (economic sectors with high employment of women) are poorly paid.

ANES talks about segregation of the labor market in Romania and found that women's income in our country are on average 82% of income earned by men. Nearly 40% of women work in the health sector, education sector or in public administration, as opposed to just 20% of men. In addition, women employed as administrative assistants or selling low-skilled and unskilled workers, these
occupations accounting for almost half of the female workforce. By contrast, the EU companies, only one third of counterpart staff are women.

European Commission, in turn, finds the 2007 annual report that the gender differences in salary in Romania up to 15%, while the Europeans want more women in leadership positions and in the European Parliament (source - Eurobarometer).

A special case for Romania is the traditional distribution of roles within the family. Thus the woman in Romania continues to be regarded as responsible for most cases exclusively housekeeping, raising and educating children, which often forces it to accept part time jobs.

Parental leave is sought mainly by woman even that this law facility to care for newborns is even if the legislation provides that a child care facility to men equally.

The conclusion that upholds ANES is that "Romania is still a patriarchal society, firmly rooted in traditionalism and misogynistic." That is a concern for Romania and requires a series of measures, first in terms of gender policies, appropriate legislation to EU legislation and international law in general, but also a collective attempt to change attitudes, of how women are perceived, which can be achieved mainly through a proper education.

The principle of equal treatment: aspects on migration issues

Regarding the issue of searching for a job abroad, traditionally the highest proportion recorded is in the male emigration; they go abroad in order to search of a better paid job and in order to obtain the means of financing family, while women stay home and take on family responsibilities. In European policy in the field of female migration is mainly perceived as family reasons, is considered a side effect of family reunification process.

But it also noted an increasing trend of female migration from new member states of the European Union, supported by the existing opportunities in the European labor market sectors like health care or services, on the one hand and poor remuneration work in similar sectors in Romania. Among the new groups of immigrants can notice the following categories of women with a certain degree of social skills training: women from rural areas following their husbands overseas, women with lower qualifications coming from urban and chose to emigrate as a
result of uncertain family status (divorce) or poor living conditions, women with high qualifications which are motivated by career opportunities and lack of affirmation in the country of origin. All these changes indicate that the structure of migration on the labor market and new developments are due to assume new roles by family members, regardless of sex, in the process to ensure vital needs. These developments are noted especially young couples, reluctant conservative and traditional attitudes.

Given all these trends on labor market mobility, is necessary to establish key reference points of international law and European law on equal opportunities.

First we have to notice The Universal Statement of Human Rights adopted as a Resolution on 10th of December, 1948 during the 3rd Session of the U.N.O. General Assembly. Article 1, point 3, of the UN Charter proclaimed goals of the organization: "To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". Universal Declaration of Human Rights has opened the door to a multitude of documents on human rights under the UN or other international bodies (Duculescu, 2008).

Convention on the Political Rights of Women, initiated by the UN Resolution of 20 December 1952 and entered into force on July 7, 1954, statement taking and reinforces the idea that access to the government of a country should be equal for all citizens without gender discrimination⁴.

Another milestone in the evolution of the United Nations was the adoption of two international human rights pacts: International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights adopted in 1966 and entered into force in January, March 1976. International Covenant on Economic, Social and Cultural Rights provides for the exercise of these rights without any discrimination based on race, color, sex, language, religion, public opinion or other opinion, national or social origin, property, birth or other status. Here are devoted to work and issues concerning: the right of everyone to

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⁴ Article 1: Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.
Article 2: Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.
Article 3: Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.
enjoy just and favorable working conditions, providing a particularly fair wages and equal remuneration for work of equal value, the law it has any person to promote and preserve its economic interests, to form together with other trade unions, right to social security etc.\textsuperscript{5} (Duculescu, 2008, p.58).

An important note regarding the requirement for equal treatment in wages appears in Article 7 of the Covenant: “(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work”.

The second pact, the International Covenant on Civil and Political Rights entered a wide range of duties, fixed and confirmed in our area of interest right to found a family, the right to take part in the government, to choose and to be elected to have access to the general conditions of equality, to public service in his country etc.\textsuperscript{6}.

An important role was played by the International Labor Organization (ILO) in promoting equality between men and women treated, the labor market: \textit{Equal Remuneration Convention no. 100/1951} and \textit{Convention concerning Discrimination in Respect of Employment and Occupation no. 111/1958}. The organization has set mandatory standards for the signatory countries and to define key terms\textsuperscript{7} (pay, remuneration).

\textsuperscript{5}Article 2. (2)The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3 The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

\textsuperscript{6}Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

\textsuperscript{7}Convention 100/1951 Article 1: (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;(b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.
equal pay, etc.). ILO decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value. Article 2 of Convention No. 100 requires all signatory states to use the most suitable ways and means (laws, regulations, collective agreements, etc.) to fix wage rates in accordance with the principle of equal remuneration for men and women for equal work. Article 1 of the Convention No. 111 defines discrimination as any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation” or “such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies.”

At European level, the centrality of human rights legal framework it has adopted the European Convention on Human Rights in 1950 and annexed Protocols. Compared with the protection of human rights carried out in the UN, the European system "offers a vision of a more integrated system" (Duculescu, 2008, p.79), including through judicial means available to those whose rights have been violated and have through the European Court of Human Rights (ECHR), the possibility of repair.

I find non-discrimination principle to derive from the general principle of equality of all human beings. Article 14 of the ECHR states that their rights guaranteed by the Convention must be respected without any particular distinction based on sex, race, color, language, religion, political or other opinion, national or social origin, association with a minority, property, birth or other status.

In European law there is no single general rule and to enshrine the principle of non-discrimination in all areas. For this reason the European Court of Justice has substantiated this and expressed the need to introduce the meaning of the Community texts. Thus we find references to that effect in the Treaty of Amsterdam ("The Council will take action to combat discrimination based on sex, race, ethnicity, religion or belief, disability, age and sexual orientation"). EC Treaty also makes several references to non-discrimination principle. Any discrimination is prohibited unless it is legitimate, that is based on objective and reasonable
 justification, using the original Aristotelian formula that we used too at the beginning of this paper and appeal the Court of Justice: different treatment of comparable situations identical treatment of different situations and are prohibited.

Similarly, the Revised European Social Charter, states that “the Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international” several rights and principles as: “All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.”

The Treaty Establishing the European Community (ROME, 25 March 1957), under Article 119 includes principle of equal pay for equal work between men and woman. Under Article 119 of the Treaty of Rome, there are an entire series of European Directives dealing with this problem:

1. Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women. This Directive aims at harmonizing the laws of the Member States relating to the principle of equal pay for women and men. It also refers to social action program established by Council Resolution of 21 January 1974 referring to a series of actions to be undertaken on behalf of women as regards access to employment, training and promotion and working conditions, including pay. Directive adds the idea that systems of job classification should be based on common criteria for both men and women (Article 1) and also required Member States to introduce into their legal systems to those affected the opportunity to bring their cases to the courts (Article 2), etc.

2. Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions and

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8 Article 119: “Each Member State shall during the first stage ensure and subsequently maintain the application of the principle that men and women should receive equal pay for equal work. For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer. Equal pay without discrimination based on sex means:
(a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
(b) that pay for work at time rates shall be the same for the same job.”
Directive 2002/73/EC of 23 September 2002 amending Directive 76/207/EEC defining and redefining terms (art2. - "the principle of equal treatment implies the absence of any discrimination based on sex related, directly or indirectly, particular to marital or family, - direct discrimination: where one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation, indirect discrimination: where an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary, harassment: where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment, sexual harassment: where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.)


general framework for equal treatment in employment and occupation


Not ultimately, one of the European Lisbon Strategy objectives in 2000 for employment and increase jobs, one is just reducing the pay gap. The European document "Roadmap for equality between women and men for 2006 - 2010" is noted that the pay gap between women and men persist despite the implementation of gender policy in Europe.

Romanian legislation on gender discrimination

Romania has ratified international conventions on gender discrimination and is a member of the European Union which is why it has adapted its laws and regulations and international community. The principle of equality between men and women is reflected both in Article 4\textsuperscript{9} paragraph 2 and in Article 16\textsuperscript{10}, paragraph (1) of the Romanian revised Constitution and in Article 5, paragraphs 2, 3 and 4 of the Labor Code\textsuperscript{11}.

The principle of equal treatment irrespective of gender in the labor market is reflected in the Government Emergency Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination, modified and republished, Law no.210/1999 on paternity leave, Law no. 202/2002 on equal opportunities between women and men and finally the Government Emergency Ordinance no. 96/2003 on

\begin{itemize}
\item \textsuperscript{9} Romanian revised Constitution, Article 4: (1) The State foundation is laid on the unity of the Romanian people and the solidarity of its citizens. (2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.
\item \textsuperscript{10} Romanian revised Constitution, Article 16: (1) Citizens are equal before the law and public authorities, without any privilege or discrimination.
\item \textsuperscript{11} Labour Code, Art.5(2): Any direct or indirect discrimination against an employee based on gender, sexual orientation, genetic features, age, national affiliation, race, color, ethnicity, religion, political option, social origin, disability, family situation or responsibility, trade union membership or activity is prohibited.
\end{itemize}
maternity protection at work.

From this perspective we can say that Romania has taken measures to align its own law, and to eliminate discrimination but nevertheless, as we have seen the perception of the role and place of women in society is still poor, and labor market women enjoy equal opportunities postulated by law. Social policies and gender policies are constant targets improve this situation.

An important role plays and bodies established to implement the principle of equal opportunities. Thus, Law no.202/2002 led to the establishment of National Agency for Equal Opportunities between Women and Men (ANES), as a specialized body of central public administration, whose main task to promote the principle of equality between women and men in all national policies and programs. This organism has developed a strategic document in 2006 which was adopted by Government Decision no. 319/2006 approving the National Strategy for equality between women and men for the period 2006 - 2009 and Action Plan for implementing the National Strategy for equality between women and men for the period 2006-2009.

Given the Lisbon strategy on the issue of equal opportunities in employment, Romania has brought its own national strategy embodied in the Government Decision no. 237 of 24 March 2010 approving the National Strategy for equality between women and men for the period 2010-2012 and Action Plan for implementing the National Strategy for equality between women and men for the period 2010-2012.

From this strategy we can draw a number of areas of intervention, which correspond to a series of objectives. Key areas of intervention: legal framework, institutional capacity, economic life, social life, participation in decision-making, gender roles and stereotypes, Monitoring and Evaluation Plan of Action for implementing the Strategy for equality between women and men. The main objectives are: harmonization of national legislation with international and, in particular with the European one in the field of equality between women and men, strengthening the institutional capacity of the ANES, supporting equal access for women and men in the labor market, balancing family life professional life, to facilitate insertion of women in the labor market situation or risk marginalization, promoting equal participation of women and men in the community, family and decision making, supporting measures to prevent and combat trafficking gender violence, sexual harassment, fighting roles and gender stereotypes in education,
culture and media and not least the mainstreaming of gender perspective in planning, developing, implementing and evaluating all public policies.

There is thus both a series of public policies and a number of bodies dealing with gender politics and problems of discrimination in Romania as well: ANES National Agency for Equal Opportunities between Women and Men, NCCD National Council for Combating Discrimination, ESC Committee on Equal Opportunities between Women and Men, CONES National Commission for Equal Opportunities between Women and Men, etc.. But there are many problems caused by the perception that these problems not only enjoy a legal approach are predominant, in a move desirable in European and international requirements, or a treatment mainly theoretical, academic. There have been a full amount of factors that impede the progress in gender issues (Grunberg, 2006): implementation of laws, legal compliance, promote the (lack) of the concept of equal opportunities in Romania, slow process of changing the attitudes and stereotypes, heavy punishment mechanisms in cases of discrimination, lower access to information for women in Romania (women can not recognize a case of discrimination, they do not know where they can go in case they have been victims of discrimination, poor representation in the territory institutions should promote equal opportunities in Romania, quite tolerance of the Romanian society to the cases of discrimination against women, etc.

For these reasons it is extremely important that national research on gender issues in Romania, "showing the real interests of women will be reported to the European agenda of existing problems" (Munteanu, 2007, p.235). Until then, things remain in an area of uncertainty, in an anecdotic space and women themselves tend not to take seriously the problem of their own situation and to transform stigma in a work-tool.\(^{12}\)

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\(^{12}\)It is also amazing and relevant the story that Mihaela Miroiu told in her Sensual Romania, about a woman- local councilor who could not promote her legislative projects but drawing attentions to its feminine charms (Miroiu, 2007, pp.236-238).
http://www.anasaf.ro/ro/docs/Cartea%20neagra%20a%20egalitatii%20de%20sanse%20intre%20femei%20si%20barbat%20in%20Romania%20%5Bcomplet%5D.pdf


Robert CARLEY, Hilario MOLINA II

Abstract. This article analyzes gender exploitation in Mexican and Central American migrant farm worker camps in the U.S through small group interactions. We describe how gender exploitation and oppression is transmitted through the social fabric of the camp. We argue that the camp produces an endogenous system of social interaction, which maintains uneven gender relationships. Our data is based on observations of twenty-five women and girls in three labor camps in North Carolina. Research was conducted over a period of six weeks. We found that women who served as the primary bearers of patrimonial authority best maintained the camp community. We conclude that women who successfully reproduce the authority structure gain social status in the camps and are more likely to stay.

Keywords: labor, immigration, capitalism, agriculture, women, exploitation, gender theory, significant symbols

Introduction

A good part of the cultural and social norms of the United States were founded, in no large part, through the cultivation and the expansion of agriculture. For example, the Civil War was a conflict over the issue of cheap labor between the plantation states in the southern part of the United States and emerging industries in the north (Silberman, 2003). Generations of African Americans enslaved in the southern United States experienced exploitation and cruel working and living conditions well after the end of the Civil War. Given the racial ideology in America during this time, their maltreatment simply didn’t register at the level of either general worker’s concerns or a larger public moral sentiment. However, during the Great Depression and mass migration of “Okies” and “Arkies” to California’s agricultural sector resulted in general public outrage. The mistreatment of White
workers by foreman and farmers along with the sub-standard living and working conditions of these White Americans was popularly portrayed in John Steinbeck’s novel *Grapes of Wrath* published in 1940.

When the United States was young, Mexican labor was also responsible for a good deal of agricultural production in what now comprises the southwestern United States; now, the migration of Whites and African Americans into the farm-work sector has been replaced by Mexican and Mexican American labor (Gonzalez, 2000). These migrant farm workers find themselves in working and living conditions similar to their predecessors. Farmers have a vested interest in the maintenance of a mass-migrant system of labor because it permits them to exploit farm workers while maintaining high profits and without the additional need to regularly invest in new technology. Given the history of labor exploitation within this industry, why has there not been mass sustained labor unrest? The most likely explanation is that the agricultural industry encourages patrimonial authority to flourish within the migrant farm worker communities—labor camps.

**Differences from Migration and Labor Literature**

Previous studies on migrant labor focus on economic relations even where gender is a salient variable (Donato et al., 2006; Hondagneu-Sotelo, 1994, 2001, 2003a, 2003b; Mahler and Pessar, 2001b; Pessar and Mahler, 2003) or they focus on the migrant experiences of specific ethnic-national groups (Castellanos and Boehm 2008; Boehm 2008; Karjanen 2008; Castellanos 2008; Seif 2008). Our analysis looks at migrant labor, in the context of a single labor camp (where ethnic-nationalities are multiple but linguistic communities are shared) from a cultural, communal, symbolic perspective. We also consider the role of economics as the primary context that comprises the social formation of the camp. Our theoretical focus is oriented around:

1. **Gender formation:** In our work women are seen as agents of the social structure and not as ancillary to it. We view the role of women as central to maintaining the authority structure in the camp.

2. **Theory of power/authority:** Our analysis expands the definition of power beyond the social and economic structure to encompass culture and cultural meaning through symbolic interaction. In doing so, we explain how power works within the context of the camp and to the advantage of the farmer/owner who
employs the camp as an aggregate labor force.

3. Level of analysis/empirical focus: We focus our analysis at the level of the camp and not “labor force” and are able, then, to understand labor at a cultural and communal level not, exclusively, as a capital-labor relation. Our theoretical focus is on ethnic identity, custom/tradition, language and symbols and interaction.

The unevenness of capital labor relations provide a descriptive context and are discussed in detail in the theoretical overview section. Our theoretical perspective (discussed in the section subsequent to the “theoretical overview” and entitled “theoretical orientation”) is, in many ways, unique to this literature. It relies, primarily, on symbolic-interactionism, but also includes other feminist-based theoretical approaches that discuss symbols and power. The total theoretical framework links culture, tradition and symbols to gender and power, specifically gender and the analysis of micro-power (Mead 1932/1962; Douglas 1966; Dalla Costa 1973; Irigaray 1977; Weber 1978; Hartman 1981; Kristeva 1982; Butler 1990; Rubin 1997). In the following two sections we discuss or theoretical framework in detail.

Theoretical Overview

In Economy and Society (1978) Max Weber describes the traditional authority of patrimonial system as having the capacity to preserve legitimate degrees of authority within a given community. Through traditional authority migrant farm workers are kept in a subordinate position; they “freely” subsume themselves under the total authority of the farmer and the institution. As a result, the farmer’s pursuit for profit in the United States enables him to have a “hands-off” approach with regard to the management of migrant farm worker communities. Contained within the patrimonial system, families exercise authority though a patriarchal structure, in this case ironically, within a larger society that advocates gender equality.

The socio-economic structure of small farms depends upon the capital-labor relation and, hence, the exploitation of labor and extraction of surplus value can be understood as a legitimate and automatic form of systemic authority. This authority structure is not visible but, rather, a given aspect of the social structure that limits choice within its own terms (Przeworski 1985). Labor exploitation has a pervasive structural presence that is legal and economic; it resides within the very foundation of modern civil society. The extraction of surplus value from labor is a
right to those who employ labor power and that surplus is converted into profit. Profit represents the difference between costs, including labor, and earnings. According to Karl Marx, capitalist institutions profit from the economy at a greater degree by investing in variable over fixed or constant capital at the beginning of a production cycle. This changes with investment, capital concentration and centralization however, in the context of this study, investment is largely represented in investment in labor power alone. As a result, when variable capital is higher than fixed capital, more value is produced and, by extension, a greater potentiality for profit (Marx, 1970: 209). Over time, this process becomes more complex. The question remains, why would capitalists seek to introduce new technologies into the production process if it would, ultimately, result in—one on the one hand—greater input expenditures and—on the other hand—a lower rate of profit on capital invested?

Marx discusses this issue further in Chapters 8 and 25 of *Capital*. In short, producers revolutionize their means of production, within a given branch of production, in the interest of competing for ever-greater shares of a particular market. Producers often gain the lion-share of profit by introducing a new product onto the market. However, over time, when the use of this new innovation in production becomes available to other producers, the average rate of profit declines. Furthermore, and most importantly, the introduction of this new product and the concomitant productive technologies forces innovation on the part of other producers with the compounded threat of overall success to an individual producers business. And, finally, Marx points out that while the average rate of profit on capital invested at the beginning of production cycles within a given branch of production may decline, the volume of profit in the economy will increase since it is the case that more output can be produced and sold in a given period, using new technology. However, in the context of this study, the camps were either subsidiary producers for larger agribusiness or small-scale “petite-bourgeoisie” farming enterprises that relied upon a large-scale, cheap, and compliant labor force. In other words, agribusiness allows for certain sectors of production to innovate while others may be profitable, in a “primitive” sense, by exploiting cheap labor through certain tasks: e.g. picking and packing. Hence, in this case, labor power represents the primary means of investment, on the one hand, but also it is the primary function of people in the camps and, hence, it is also the primary social factor in this study.
Since the majority of the migrant farm workers are first generation immigrants, a patrimonial authority structure does not seem as unfamiliar as the language or customs of the host society. Therefore, a patrimonial system permits migrant farm worker men to govern the affairs of the family in the camp. Through patrimonial authority the traditional norms govern the affairs of the community. Men assume a position of authority while women are subsumed beneath male authority (patrimonialism). Thus, the fact that men have power over the affairs of the family reinforces the status quo within the labor camps and facilitates the structure of profit and production. Patrimonial authority functions like a frame, delimiting the norms and values that are then reproduced within the second generation of migrant farm workers through significant symbols. It allows the camp to maintain an endogenous set of social relations and, as a result, it facilitates the capital-labor relation since the latter requires little or no “alien” social control in the form of labor rationalization. In short people work because the society of the camp works for them. Although other theories about economic power and social structure regarding agricultural labor, generally, have been advanced in other similar studies (Shaffner 1995; Bardhan, 1991a; Bardhan, 1991b; Bardhan, 1983) the dimensions, focus, and deployment of our theory differs significantly.

Theoretical Orientation

At the macro-sociological level, the mode of production (capitalist, agriculture) confers upon our theoretical framework determinate social relations which explain the presence of the camp, this material configuration of socially necessary labor, the role of the capitalist, etc. At the meso-sociological level, the structure of patrimonial authority explains the normative moral totality of the social structure—it is an ‘idea type’ and, as such, a frozen abstraction. At the micro-sociological level—which is the focus of this paper—we explain the reproduction of the social structure through Mead’s discussion of symbolic structures and significant symbols (1932/1966) as well as the role that symbolic violence plays in maintaining patrimonial authority (Douglas 1966; Dalla Costa 1973; Irigaray 1977; Hartman 1981; Kristeva 1982; Butler 1990; Rubin 1997).

Significant symbols are instrumental in the development and the “moral” or normative maintenance of the individual and their connection to the general community. Indeed, significant symbols enable the individual to learn how to
communicate with other members of the group while simultaneously conveying the customs of the group (Mead 1932/1966). The locus and the primary distributive mechanism of significant symbols remain women, specifically mothers or matrons (women can serve in this latter social role whether or not they have any biological children or, if their children are now adult and mostly autonomous). This burden, relegated to gender roles, is described in second wave feminist literature, specifically through the work of Lacanian oriented theorists (Irigaray 1977; Kristeva 1982; Butler 1990; Rubin 1997). Lacanian oriented feminist theory locates patrimonial authority structures within the “symbolic” which is configured or presided over by the phallus: a master-code of authority structures in the names, and their associated kin-meanings (Rubin 1997). Whereas patrimonial authority represents an “ideal type” the phallus, like the patrimonial authority structure, is a static and abstract conceptual category that confers law—a symbolic structure or frame, border, or boundary—upon the process of identity construction or, in the language of Lacanian theory, “subjectivity.” The primacy of this law is to differentiate men from women in such a way that the man is dominant due to his access to the phallus and hence to the law itself; this renders these boundaries “natural” (Douglas 1966; Kristeva 1982; Rubin 1997: 47). In this sense, the earlier statement that through patrimonial authority men’s social role is to frame the structure of values and norms—delimiting the nature of the reproduction of the system itself—is entirely commensurable with the Lacanian feminist theoretical orientation. As such, women are “responsible” for producing and maintaining symbolic content limited, in situ, by the patrimonial authority structure or phallic law (i.e. phallogocentrism).

The relationship between our theory and data leads to the following analysis: We examine how significant symbols have produced a system of endogenous (socially symbolic) consciousness within the patrimonial system of the migrant labor camps; a system which doubly exploits women, first in their responsibilities to rear children through symbolic content and second through the labor they provide in the sphere of the camp and family. Their double exploitation contributes to the preservation of the societal status quo whereby the needs of women are subordinated to those of their families. What follows is an investigation into the roles of women in the camp through our deployment of Mead’s symbolic theory of social situations.
Argument

Farmers do not worry about labor resistance because the patrimonial system endogenous to the camp ensures a beneficial capital-labor relation. The data demonstrates that one farmer may preside over several camps but the boundaries between the camps are more than geographic. Within a single camp shared linguistic, religious, or cultural symbols (or all three, simultaneously) form a normative strata (i.e. a single camp may contain Mexicans, or Mexicans and Guatemalans, or Hatians but not Mexicans and Hatians). But, more significantly, the endogenous patrimonial authority structure also ensures the removal of individuals who may threaten it. In other words, the endogenous authority structure not only forms a compliant relationship between capital and labor but it has its own internal mechanisms to reproduce a compliant relationship within the camp itself through either language, religion, culture, tradition, or some combination of these factors. In the camps workers organize authority structures in a patrimonial fashion, i.e. around a “head of household.” A traditional familial structure is reproduced, willy-nilly, in the camps. Anyone who does not abide by the endogenous authority structure is pushed out by means of negative sanctions. Furthermore, as sanctioned workers are being pushed out of the camp new, first generation, immigrants are entering the labor camps. In other words the endogenous authority structure within the camp, which is expressed through forms of symbolic exchange, renews the labor side of the capital-labor relation: new immigrant farm workers replace those who are exiting. Also, this enables the camp to preserve the traditional authority structure the farmer/owner is sated with a new labor force. Sanctions which ensure the exclusive nature of patrimonial authority within the camps are, at the same time, examples of strong social cohesion, communal authority and identity. This general theory of the social and economic structure of migrant labor is supported by more quantitative analyses of Mexican labor in the U.S. agricultural sector (US Dept. of Labor, 2005; Martin, 2002).

Structure of the paper

The following section provides detailed ethnographic accounts of the symbolic and cultural mechanisms that reproduce the circuitry of subjection and exploitation. One of the most basic and salient examples of gender identity and
visibility comes from Tom Conover’s book *Coyotes* (1987). As Conover is initially greeted by members of the community he studies he states that he, “...glanced toward the women, expected them, too, to be introduced, but it was not to be...when the men had the floor, women were silent” (173). In addition, this paper will also describe the ways in which women work, how they provide economic wealth for families by either working alongside of their spouse, by cooking for the single men in the camp, or by selling home-made food, such as *elotes* (corn on the cob). Through negotiations and the creation of small, yet effective, businesses within the camp women have been able to address men on a more equal basis, despite the persistence of a negative social stigma regarding women, gender, and autonomy.

In the following sections (the literature review, methodology, field research, discussion and conclusion) we discuss others’ ethnographic contribution to the literature on gender formation, exploitation, and capitalism—especially central contributions from Chicana feminism. Our methodological claims our based in the information collected by observing the daily interaction of migrant farm works in three labor camps in North Carolina. The fieldwork section provides a descriptive and narrative analysis of central events in the context of the labor camps: episodes that demonstrate how gender identity issues from out of symbolic, non-material, cultural forms. This paper ends with a discussion of the findings and a conclusion section that makes suggestions for future theoretical contributions.

**Literature Review**

The structure of the migrant farm worker culture is such that it places the values and the needs of the family above the needs of the woman (Segura 1978; Cromie 1987). For migrant farm workers, North American culture is alien to their family structure, because of the particularities through which it advocates specific values/norms of achievement and independence. North American norms do enter the camps through second-generation, younger, laborers who have entered the U.S. public schooling system. Regardless, these values situate the husband-father as the exclusive authoritative breadwinner and view women as a submissive wife-mother who cares for the home and rears the children (Zavella 1987). Gloria Anzaldúa discusses the consequences of deviating from these norms:
...I heard mothers and mothers-in-law tell their sons to beat their wives for not obeying them, for being hociconas (big mouths), for being callerjeras (going to visit and gossip with neighbors), for expecting their husbands to help with the rearing of children and the house work... (38).

Women in a migrant farm worker community are expected to comply with beliefs that support the patrimonial structure. They assume the role of a “good woman” Violators, as Anzaldúa points out, are sanctioned through symbolic (if not through the suggestion or administration of real) violence. As a result, the migrant farm worker woman is trapped in a torrent of values; a combination emerging from out of both the host culture and native culture. A mediation of sorts is witnessed in the development of a middle ground where the woman is allowed to work but does not have the authority to question her husband’s decisions (Thompson 1985). For example, if the husband’s wage is insufficient to meet the families’ expenses, then the woman is encouraged to contribute to the family income by working too. Yet, the woman still remains primarily responsible for the care of the family and the home (Thompson 1985; Cobas 1987).

While it remains beyond question that the women can perform the same complicated work as their male counterparts, the social recognition, prestige, or “social capital” gained by men for completing this work is absent from women’s’ contributions to the migrant farm worker culture. This is demonstrated by Villaseñor (1991) who recorded an interaction between two young migrant farm workers. The young woman was helping her mother with the dishing after a day in the work field:

...the young girl, Lydia, who was a senior in high school and not much of a good student, said, ‘Please, tell me one thing before you go.’ Roberto stopped. She brushed back her hair with the back of her hand. Her hand was still covered in white wet suds...He had not really noticed this girl all evening. She was still in boots and pants and long-sleeve shirt. She looked more like a boy than a girl... (194).

Thus, the division of labor, especially at the site of the household, exposes a bias toward migrant farm worker women. The value of done by is of diminutive value compared to the work performed by men (Segura 1978). Anthony Giddens (1971) also notes that socialistic and moralistic distinctions are instrumental to establishing and maintaining the value of one's labor (i.e. labor differentiation in specific contexts). Moral individualism is contextual; it describes an individual’s understanding of right and wrong within, in this case, the migrant farm worker
community. One’s moral understanding is limited by what the patrimonial culture defines acceptable or unacceptable. Therefore, in situation of production, the division of labor in the workplace mirrors the relegation domestic tasks, where women perform tasks similar in complexity to those at home. In case of Lydia and Roberto, Lydia performed her domestic chores dressed as a boy. Since she contradicted Roberto’s understanding of gender and attire (i.e. gender and representation) Roberto overlooked her.

The feminization of labor cuts both ways. Men apply this moral individualism to the division of labor when assigning themselves tasks in an industrial or post-industrial context. For example, Carmen Ramos Escandón notes, “...of the distribution of labor between men and women...men claimed exclusive use of new device, relegating women...to other activities...” (74). Therefore, in the migrant farm worker community, a man will, if given the opportunity to learn, operate the heavy equipment, such as a tractor, and a woman will perform the least skilled job, hand picking the crop.

Although women are limited in their capacity to question the decision making process of their husbands they are, however, encouraged to provide means to assist in meeting family expenses. This contradiction is mitigated by relationships which they develop within the enclave of the migrant farm worker community. Since the capacity to provide significant surplus assistance is embedded in a gendered network of social relations within the women’s enclave, the men need not acknowledge it as a legitimate contribution. Moreover, women who work must find the means to mitigate negative social stigmas to which they inadvertently expose themselves as they contribute to the family (Reitz and Sklar 1997).

This somewhat tenuous relationship has its effects on young, first generation, girls in the camp who are establishing their identities as workers and semi-autonomous members of the family. According to George Herbert Mead ([1932]1962) the development of the self starts to take shape as the individual begins to develop a socialized identity. He states the following:

What goes to make up the organized self is the organization of the attitudes which are common to the group. A person is a personality because he belongs to a community, because he takes over the institutions of that community into his own conduct (162).

The development of the self occurs through role playing with others. Girls, then, learn roles through significant symbols by, for instance, partaking in social
rituals described, by Mead, as “stages.” Mead refers to these stages as play and games. In the play stage, based in imitation or mimesis, the girl plays at “being” a mother, often through the repetition of activities, while in the game stage she learns not only the role of her mother but also more complex levels of social interaction between her mother, father, and everyone in the orbit of the community. In these instances, the development of “the” self is, in actuality, the development of “a” cultural self; imbedded within the development are the cultural values that define, implicitly, what a self is within the boundaries of a specific cultural form.

This ability to understand the relations between the self and the community is referred to, by Mead, as the generalized other. Given the patrimonial frame, the girl learns, implicitly, to accept a subordinated role. Internalizing these norms is a kind of passive and mimetic learning. By imitating the activities of their gender peers, they learn to accept the commands of their male siblings and father (Vold Bernard & Snipes 1998; Mead 1962). The young girl learns skills that would be applied, in later years, to the role of wife and mother. She also learns that the men do not assist in the daily duties of the house. The men must maintain a traditional machismo, in the presence of his peers, and that gender role does not include housework or childcare tasks (Hawks & Taylor 1975; Zavella 1987).

A negative effect produced through patrimonial authority is that it fails to confer social capital on women. Social capital requires the recognition of an individual’s financial contribution to both the household and the community. There are social rewards that are visible within the migrant farm worker community, such as the title of “Don” (Mr.) and Doña (Mrs.). However, the title Don, which confers prestige upon the husband (and which can be gained through the recognition of services provided by his wife to the community), the word Doña merely signifies that a woman, in the migrant farm worker community, is married to a Don (Light, Sabagh, Bozorgmehr, & Der-Martirosian, 1994). When a woman is addressed as Doña, that honor is based on the recognition of her husband’s social capital, not hers.

**Methodology**

The evidence comes from observing approximately 25 females (children, young adults, and married women) in three major migrant farm labor camps in
North Carolina. In the summer of 2004, for a duration of six weeks (spending two weeks in each camp), one of the researchers lived, slept, ate, and worked in a migrant farm worker community. The majority of the women in this study consist of first and second generation immigrants. Regarding the issue of language, mothers only spoke Spanish while non-mothers (women over the age of fifteen) spoke both Spanish and English.

Thus, we feel confident that those women who only spoke Spanish were first generation immigrants and the “non-mothers,” who spoke both languages, were second generation immigrants (Portes 1995). Regardless of age, women spoke Spanish with members of their family and with camp community members. Yet, there were times they spoke English to people of their own age. The prevalence of English speaking could be credited to states’ educational laws requiring all children to attend school if they are of the rightful age during the regular school year. As a result, for these children, their lives consist of two different worlds. In the morning, they worked in a school environment; in the evening, they worked alongside their families until sunset.

With regard to the interviews, most of the field notes presented in this study consist of conversations that occurred in the presence of the researcher conducting the ethnography or they were comments addressed to the researcher without him initiating the conversation. This situation was conducive to the time frame of the harvest and the patience of the contact (gatekeeper) in North Carolina as well as the bureaucracy of the Internal Review Board (IRB). As such, an official patterned questionnaire was not developed (Molina, 2004). As a result, the author conducting the ethnography was unable to ask questions because it would have been required of him to develop, in advance, an approved IRB questionnaire. The dilemma introduced through this approach could be referred to as a “come as you are” style of social encounters. However, since there was no prior knowledge as to what would be an appropriate question to ask (i.e. questionnaire-based interaction), the study would have been limited to patterned questions. Also, anything else not mentioned, questions which would have been found important while conducting the field study, could not have been used in the study because it would have violated the agreement with the IRB.

While this might seem to be an obstacle, the nuance of the life-style within each of these communities was grasped through participant observation and conversation as well as reliance upon Mead’s theory of significant symbols as the
means of communication: e.g. body language, gestures, and speech. Furthermore, we believe that the forced adoption of a first person account may have spared us from a well recognized tendency among ethnographers to provide accounts based on particularities which might raise doubts about the validity of these accounts (Geertz 1983; Shokeid 1997).

Field Research

As mentioned above, significant symbols provide a social control mechanism through which migrant farm worker women are configured within a nexus of exploitation. In addition, symbols manifest learned behavioral patterns through interaction with elder women peers, such as mothers, grandmothers, or extend relatives (aunts). Significant symbols are renewed when a girl learns to clean, cook, and learns other skills which will form the basis of domestic responsibilities. For example one morning, in Camp B’s kitchen a conversation, between older women, and younger girls, took place. This discussion provides an example of how women reinforce domestic responsibilities. We describe the event below:

Lying in a room surrounded by thin plywood, I hear the sounds of pans and female voices coming from the kitchen (which is located at the end of the single men’s sleeping area). I try to return to my sleep, but I wonder about the conversation taking place in the kitchen. Everyday is the same thing. For them, the day starts before the break of dawn while the rest of the camp is still asleep. At times, one hears children’s voices—girls, most of the time, from the kitchen. Sometimes, the adult’s voice says, “no, do not play with the pan that way; if you want to play with the pan, then use it the right way. “Esa es mija (that is my daughter),” the mother says when the daughter does something well. The child’s laugher echoes through the rooms.

In this case, the girl learns that a pan has a specific use and purpose. When the child plays with the pan correctly, she is praised by her mother. Hence, play has both putative and confirmatory aspects, the effect of which is to strengthen the mother and daughter bond. For the child, the activity becomes associated with a positive experience and, later in life, she may associate knowing how to cook with an affirmative learning relationship. Through the play stage, the child begins to develop a concept of self that will later provide positive association between playing with pans and becoming the wife of a domestic farm worker.
Women not only cook for their family they often cook for the single men in the camp as well. Women can receive a regular fee for providing breakfast, lunch, and/or dinner to the single men in the camp. This fare is similar to what she might provide to her own family which, most of the time, consists of eggs, beans, flower-tortillas, rice and, when available, meat. The services of wives are offered up at the discretion of her husband. For example, this service was offered to me while I moved from one cucumber field to another:

I was approached by one of the married men in the camp and, in a proud and ostentatious manner, he told me that his wife could cook breakfast, lunch, and dinner, five days a week, for a fee of $40. We were in the back of the crew leader’s pickup when he made me the offer. I was confused at the offer since, most of the time that I’m on the bus, I noticed that his wife never speaks with anyone or makes eye contact with any of the other males in the camp. Now he, seated next to me, is smiling and eagerly awaiting my reply to a prospective agreement in which, I assumed, his wife had no say. Seeing that I was going to decline his offer he augmented his sales pitch, “My wife is a good cook; if you do not believe me, ask some of the men in the camp, she cooks for them too,” he said in an excited tone of voice.

This represents a typical business transaction between married men and single men whereby the object mediating the interaction is the women’s skill; the woman is present through an invocation of her skill but physically and symbolically absent. In the presence of women, the interaction between married and single men is altered when boarding and disembarking from the work bus but this social principle remains salient: there is no direct interaction between the migrant farm worker women and the single males. For example, every morning while boarding the bus, buenos dias (good mornings), are exchanged among those getting on and those already seated. The majority of the time, greetings are made exclusively to family men by women; either husbands or eldest sons.

Women do not interact with the single men in the camp. Husbands reserve the privilege of negotiation with other men because any interaction between single men and women is considered shameful and disrespectful to the family. In some instances preceding a business transaction the husband will seek out the approval of the wife. He may, for instance, ask her if she could handle an extra client before advertising his wife’s services as a cook. For the husband, there is nothing worse then making an agreement with another man having, only later, to renege. Subsequent to the offer made to me I was told of such an incident which had
occurred in the camp before my arrival. The other men in the camp referred to this married man as mandilon (a slang word for a submissive husband) because the wife told him that it was not okay for her to cook for another man despite him having made the agreement in advance.

The symbolic exchange that takes place as men are greeted by the women on the bus bears further discussion. Contained within this interaction is a gendered policing function. Its purpose is to insure that boundaries are not being violated. The demonstration of symbolic exchange produces a tacit enforcement and communal harmony. The communal, daily, and almost ritualistic interactions around the bus represent a microcosm where Mead’s concept of the generalized other functions in such a way—as a kind of ritualistic repetition—to maintain harmony in the migrant farm worker community. The men, every morning, are obliged to place themselves in the shoes of one another. This “me,” which, according to Mead, consist of the unit of all the men present, is advanced towards the women present. On the bus, men protect and insure that another man will neither violate nor overstep a boundary. This would include a man doing the same thing to the women of his household (mother and/or sisters) and, as such, represents a “frame maintenance” principle which is not habitual but requires the care to recognize and not transgress boundaries established within the given context.

This literal daily departure of the men from the domestic sphere confers a set of behavioral patterns upon the boy which are further magnified through the play stage. This crucial daily event highlights a social fact: that mom and dad do not share the same daily routines and responsibilities. These behavioral patterns become solidified in the game stage. Here, the young boy views manhood as the responsibility to work, protect his family, and serve as the authoritative figure in the household. Through a negation (the absence of certain responsibilities from men’s lives) it is understood that cooking, cleaning, and washing are all the responsibilities of wives and sisters. Again, in a negative form, boys learn from their parents that daily duties of the household must not involve assisting women. The positive content of this negation results in maintaining traditional machismo in front of peers. Walking toward the restroom after hard days work in the field we disclose an event which further illustrates this point: this incident took place in the wash area next to the male restroom:

The sun is setting after a hard day’s work in the field, as the women move clothes up and down a washboard in a rubbing motion; they splash water all over the walls.
and the floor. The lack of sunlight creates puddles, which in turn become nesting grounds for mosquitoes and other insects. These damp conditions draw out mosquitoes. In the distance, one can hear the sound of hands slapping flesh as women try to kill the insects which interfere with their daily obligations. Refusing to quit, they endure the annoying insects. However, the crying children make them stop: a sign that the mosquitoes have become too much to endure; the women call it quits. However, now the wash for the next day has increased to include the unfinished wash from the previous day.

As some women excuse themselves, the other children stay close to the more persistent mothers. Now the mosquitoes swarm around them—placing them in an uncomfortable situation. The children pull on their mother for comfort and support as the mosquitoes gnaw at the smaller group. The scene intensifies as the children tug, more and more, at their mother’s clothes and the mother tries gracefully to comfort the child and wash clothes at the same time. Some mothers ignore the crying children and attempt, hastily, to finish the wash because the women know that the longer it takes them to finish, the longer their children have to suffer. The men know what is happening but they do nothing. In one case a frustrated woman yells to nearest child, “Go tell your father to come and get your little brother”.

The child returns within minutes and behind her appears the father. He walks slowly as if he had all the time in the world. He looks at his wife and says, “Are you almost finished? I’m hungry and so are the children.” He picks up the child and walks away. The woman returns to the wash. The other women do not speak.

Often women spend a hot summer’s day doing some form of agricultural work with the rest of the men however, their evenings also consist of washing and cooking for their families while the men socialize and rest. M. Melville, the author of *Mexicans at Work in the United* (1988), notes that women have a “double day” of work in the field and in the house hold while their labor, seen only as a second income, (extra money) is not considered to be of equal importance. This valuation of women’s work is also evident in the example given above.

This fragment from the ethnographic record raises other important issues. The child observes, through interactions between the mother and the father, that his father does not help with the housekeeping, that he can freely express his desires (e.g. to be fed, through a demand for gratification) and, finally, that other women present do not interject—they continue to wash in silence. A male child may seek the protection of his mother but he also notices that his presence is not
reflected in the washroom. Exchanges of this sort are instrumental in enframing the future development of the self. What follows is an observation of a similar situation:

It is Sunday and I am seated outside of the wooden dormitory nursing my wounds from the previous day. A few yards away, four little girls are playing and laughing among themselves. They are not running around the campsite like the boys their age but, rather, are seated on the wild green grass, near their sleeping area, and they remain within view of their mothers who, like each previous evening, cook in the kitchen.

From within the kitchen, a small boy walks toward the girls playing on the grass. The other boys are running in circles near the girls. Each step this boy takes is firm; sure. He pays no attention to the other boys who, by this time, have motioned their hands in every way to get his attention. Several times, the boys call-out to him “venete a jugar” (come play). This boy is not easily distracted by the screaming of the other kids as they try to get his attention. I would guess that he is either seven or eight. His focus remains on the group of girls playing in the grass.

He stands over one of the girls who is seated, legs crossed, on the grass. As he stands there, the other three girls stop smiling and conversing with each other. Standing over the girl he tells her, “Mom wants you to help her in the kitchen.” The other girls do not protest her departure. As she and follows her brother toward the kitchen, she pushes him in a playful manner. He immediately he turns to face her. His face is unmoved by the playful gesture, and he looks up to meet the eyes of his hermana (sister). He stands there motionless until she breaks eye contact. The fun ends abruptly and the smile slowly vanishes from the girl’s face. He stands even more erect and proceeds to walk, while his sister drops her eyes to the ground. At a silent pace, they walk toward the kitchen, him leading and her quietly following.

This story addresses several things but most specifically it illustrates the authority that was bestowed upon the male child by either the mother or the father. To the extent that this authority trumped the other social activities of his sister he takes the role of a responsible adult. Thus, he ignores invitations to play because in that particular moment he is not a child but rather a male adult who has been given the responsibility to get his sister. In reaction to his presence, his sister fails to intervene in his authority and is acquiescent to his wishes. Her brother’s reaction to her pushing him—a playful attempt to subvert his authority—simultaneously exposes and re-inscribes the patriarchal frame. She, then, identifies with and understands the message her brother is conveying with his facial
expression or gesture. The sister encounters authority “in raw form” the younger male sibling is supported by an authoritative frame. Her brother’s invocation of authority denies any possibility of revolt; a revolt against her parents—and the patrimonial authority. In this case, the boy is cognizant of receiving these privileges and acts in such a way that he may be permitted more “male” responsibilities.

These symbols reinforce or renew social boundaries for the actors in the community which requires the social control of women. Individuals who attempt to brake or who accidentally violate these boundaries are bombarded with negative sanctions. The sanctions come from members of the community who share the patrimonial system with the violator. The violation of cultural norms, i.e. transgressions, results in ridicule by members of the migrant farmer worker community. Such a case of sanctioning occurred while during cucumber picking:

A Mexican family, with three children, picks cucumbers near me. I cannot help but admire the mechanical proficiency: they have divided their work like an assembly line: the mother and young children place the cucumbers in the red plastic basket, while the eldest child and father carry the full baskets to the truck. However, they are one of few families whose eldest child is female. The men tap their head wear as she approaches (trucker or baseball caps, or cowboy straw-hats). They act “chivalrous” around her by removing their hats and by allowing her, and the other women, to dump their cucumbers before them. The men permit the women to cut in front of the line where the cucumbers are being dumped and they place their buckets on the ground to assist the woman in dumping out their baskets.

However, today one man fails to allow the woman behind him to dump her bucket first. He also does not assist her with the dumping of the bucket. In fact, in one instance, he walks at a faster pace passing and cutting in the line before the young woman who was picking with her family. The other men, who see this, they ridicule him for his lack of learning appropriate manners from his father and mother. One of the men comments, “Because we work like animals, it does not mean we should act like one.” Consequently, this individual became the butt of jokes and comments (specifically addressed to his manhood) for the duration of day.

The presence of young women working in a largely male sphere results, in this case, in a soft, gestural form of a policing of the patriarchal frame manifest through teasing and ridicule. The substantive form of this sanction, disclosed above, addresses the transmission of manners through the family. It highlights the diminished potential of change (within the workplace through imagining forms of
equality) within a patriarchal social structure. In the case above, the worker overlooked the young girl and, *de facto*, treated her as an equal partner in the work process, as just another cucumber picker, but as the other men policed the symbolic boundaries of the patriarchal structure her gender required, from him, a different, formal, interaction.

The reaction of the women working in the field was also significant. They also partook, indirectly, in the sanctioning of the male individual through a complicit secondary means of supporting the sanction, e.g. smiles and laughter. The women’s tacit agreement with the men, was based a perception that the act (of cutting and not assisting in the dumping of the cucumbers) did, in fact, show a lack of respect and manners (he may have behaved out of ignorance or an expectation of equality based on an assumption of age or experience—it is impossible to know for sure). The common identity of workers plays handmaiden to gender.

There is more to the story. The young girl was not aware of any impropriety. She responded to the event, after the fact, with confusion. This, in and of itself, is salient to a discussion of “the self.” First the girl was called back by her father to where her family was standing in the field. Second she began to look around to see if she had done something wrong. Finally, confident that she has done nothing wrong, (e.g. shamed herself) she participated in the ridicule leveled at the man who had cut in front of her. The logic of this effect of authority (though in regard to the state, it is analogous to other systems of social organization) has been described by Louis Althusser, (using Lacan’s work) specifically in his discussion of “interpolation.” In this case, the injunction by the father resulted, immediately, in the subjection of the young woman to the patrimonial system mitigated only through her gradual recognition that she, in this instance, was not guilty of a transgression (Althusser 1971). However, as Althusser indicates, the sanctions do not emerge from the act; rather they emerge from out of the structure and are already embedded in the form and potentiality of the exchange.

Gender inequality is also rendered visible in the form through which financial contribution that women make to the household is represented and recognized. Put simply, women are not rewarded for identical work. For example, as described earlier, women receive a fee for supplying the single men in the camp with regular meals. Women may transform this type of work into small businesses that cater to the migrant farm worker community, regularly selling *elotes* (cooked
corn with lemon, cream, butter, and red chili pepper powder in a cup) and other food. Despite these accomplishments—the keeping and maintaining of a business, which could be considered admirable and even confer upon the women some degree of social capital—women’s’ financial contributions to the family is viewed as nothing special.

A wife’s contribution to the financial stability of the family is accomplished through qualities (traditional traits) already vested in her, such as her ability to cook. The apex of social capital is reserved for married women in the camp; it is represented by the title, Doña. Doña was first used by the Spaniards and it maintained its venerable connotation, through the colonization process for the indigenous acculturated community. It symbolizes a certain amount of respect that should be warranted toward the individual. The credentials of the title are related directly to the contribution and skills of married women beyond the sphere of the family to the community. Given our discussion of women’s “double day,” it is obvious that the title is warranted. However, men, in this instance, are rewarded with the title Don which, while it also implies respect; the degree of respect is always greater, despite the fact that the title is conferred upon him based entirely on his wife’s merit. The title, across the Latino community, is warranted only for individuals who are of older and/or married. However, the title Don carries more weight than Doña, this means, de facto, that a man’s indirect contribution to the migrant farm worker community was marring someone who can cook. There are other couples in the camp where the wives do not cook for the men and these couples are referred to by their first name or by their proper name. These titles are not conferred upon or after marriage but are always already present as a feature of patrimonial authority. They are linked fundamentally and formally to the structure; coupled to one another and to the marital function.

There are, however, women who openly challenge the male dominated migrant farm worker culture. They are prostitutes. The nature of these women’s interaction with men in the camp is significantly different from all other gender based forms of social interaction. These women mitigate all social interaction through business transactions—sex for money. Below, is a detailed account of how these women interact with men in the labor camp. A visit to visit an informal “brothel” yielded the following event. Below we describe how the men gathered around in the living room, in a house farthest from the rest of the camp. It was a house intended for a large family, but the crew leader had converted it into a single
man’s house. The kitchen had been made into a storage room and the rest of the house contained many beds which allowed for little personal space.

On the weekend, the house is clean and so are the men. Everyone is covered in cheap cologne. They laugh, tease and push each other around like children at a playground. None of men in the room say anything about who will go first. It became obvious, when one of the older men tells a thin, dark-skinned young man, “Go tell him that they are here!” As the door opens, the men’s eyes widen and they excitedly rub their hands together.

Two figures stand in the doorway; their large size blocks the view of the women making their way toward the living room. The wood creaks with each step they take. The women enter the room and exchange greetings with the men. They ask the men about their work since working men can spend more money on sex. They stand in the living room discussing prices. The men pick the women they want after prices were agreed upon. The room falls silent.

They all stand there waiting for the crew leader’s right hand man (the alpha male) to arrive. After a few minutes, the much anticipated man makes his way to the front door of the house and stands there looking at the women. In the living room, the woman who seems to be the pack leader separates herself out from the others and makes her way toward the dark-skinned man.

They greet each other and go into one of the rooms together. After they leave the common room, two of the men, known to be the fastest pickers, grab the remaining women and take them to another room. I, still seated in the common room, can hear heated conversations that were coming from inside the other rooms. “I have told you before, no condom: no sex.” The same conversation was taking place in the other room between the alpha male and alpha female. The voices of the men complaining could also be heard, “I do not need a stinking condom because I’m a man and condoms are for stupid teenagers and not for a man like me.”

The nature of the relationship between the women and the men here gives rise to a distinct symbolic economy. In this case, by leveling a sexual prohibition, the women predominantly control the context of interaction; to the extent that the men finally give in to the demand that they wear condoms. The women’s grievance, “why it’s always the same chingadera (fucking) thing about the condoms,” is part of a larger discussion regarding Mexican/Mexican American condoms use is also found in Norma Williams’ (1988) study of Mexican/Mexican American families. However, the case above demonstrates how a single symbolic
register that persists outside of “illegitimate sexual acts” (in the family, as in William’s discussion) is context based; these men engage and interact under a different set of terms with these women than with the women in the labor camp. Although, in their personal life, the women in the above case were/are somebody’s daughter, mother, sister, and/or wife, they produce a different symbolic framework within the male migrant farm worker community. The relationships embedded within this particular context give rise to a distinctively different symbolic economy. As a result, these women can gain a seemingly equal ground in the context of the exchange described above, although their behavior could be viewed as deviant and the “equal ground” gained comes with a series of risks which represent non-normative communal transgressions and could be met with (or which threaten) dangerous repercussions that remain contained in a male context. The informal nature of sex work opens up greater levels of violence and risk for these women (Sanchez 1997).

Discussion

The purpose of the paper was to convey how the gender formation in the migrant farm worker camps provides 1. a compliant labor force; 2. does so “naturally” through existing forms of patrimonial authority. The capital-labor relation depends upon leaving the symbolic (e.g. cultural, traditional, linguistic, religious etc) structure of the host cultures intact and providing that context through the labor camp. The fieldwork demonstrates that in farm worker communities capitalism and patrimonial authority make strange though acceptable bedfellows. Significant symbols are the means of a social control mechanism that are limited by the patrimonial frame; they have the capacity to transcend generations. Cultural transmission, in migrant farm worker communities, requires little or no alteration to the patrimonial family structure.

This cultural transmission happens “naturally” as parents interact with their children, the group’s values and norms are exchanged and passed on to the next generation. For example, at the wash area, the children observed through parental interactions that the father is excluded from assisting with domestic duties. The father’s lack assistance with domestic duties signals a compliance with the norms of masculinity and is not viewed as insensitivity. Boys learn that one gender has exclusive access to social power (Irigaray 1977; Kristeva 1982; Rubin 1997). They internalize the roles of all the members of the family in “the game stage” through
the development of an adult self.

In each of the passages above that detail gendered interaction (micro power) it is evident that men had more social, economic, and symbolic power than women. At an early age both boys and girls learn about their present and future roles; they experience their relation to the larger group which is, in turn, associated with the patrimonial structure that codes authority as gendered power. Taking the example of the girl who tried to “horseplay” with her younger brother, as the interaction unfolded, she accepted his authority as legitimate. Did she have a choice? Her younger brother bears an abstract conceptual category that confers law/power—a symbolic structure or frame, border, or boundary—upon the process of identity construction. Therefore, the little brother recognizes that there are certain privileges in being a “man,” and these privileges increase as he partakes in more male responsibilities which, in turn, gives him more authority over his older sister.

In addition, power and control is pre-coded but is reified and imbedded within the socialization process any challenges posed against expected gender roles are met by collective negative sanctions. Henceforth, through sanctions, the group reinforces the status quo which in turn benefits the male dominant culture as well as the economic (labor-capital relations) context. Consider the two examples from the fieldwork section of the paper: the man who overlooked the young woman in the fields, and the younger boy staring-down his older sister. Violations are quickly, if almost automatically, corrected. Minimizing in-group instability, both men and women depend on these symbols to negotiate transgressions as well as group membership—to the extent that any violation of norms is punishable by negative sanctions. In consequence, an individual is limited to act within the symbolic system and any attempt to alter those boundaries results in ridicule by other men and women, as in the case with the man in the field.

Conclusion

In summary, the goal of this study has been to demonstrate how patrimonial authority structures (Weber 1978), which are endogenous to the camps work, to maintain traditional power structure. Gender is the fulcrum upon which traditional authority structures rest (Mead 1932/1962; Douglas 1966; Dalla Costa 1973; Irigaray 1977; Weber 1978; Hartman 1981; Kristeva 1982; Butler 1990;
Rubin 1997). The policing of gender norms, intrinsic to the community in the camps, has the “value added” effect of community coherence so that it can function, well, as a community that ultimately labors for one another as well as another: the employer. We claim that those who exploit labor are actually exploiting an entire cultural structure as opposed to individual workers. The reason that the camp-form is so successful is because: 1. it allows members of the camp to maintain the illusion of cultural autonomy by maintaining its own authority through traditions and the symbolic structure; 2. it does not require any strict form of labor rationalization on the part of the employer.

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Some Insights about Gender Gaps in Matching Patterns by Age and Educational Attainment: a Case study of Spanish Intermarriage

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Abstract. Over the last decades the socio-demographic dynamics have experienced dramatic changes in Spain. One of them is linked with the recent arrival of important flows of foreign population and the consequences that such arrival could have in changing those dynamics, particularly in the union formation patterns and the marriage market. So, the aim of this paper is to examine trends in matching patterns by age and educational attainment of Spanish intermarriage, highlighting gender gaps. The data is drawn from the Spanish Marriage Register and the Labor Force Survey. Results show that intermarriage is not gender neutral. There is a peculiar pattern among Spanish men/Foreign women couples: have a higher incidence and are more age and educational heterogamous.

Keywords: Intermarriage, gender gaps, matching patterns, Spain

Introduction

Over the past 40 years, couples in Spain have experienced significant changes: nuptial intensity has decreased considerably and there has been an increase in cohabitation, remarriage and divorce rates (Cortina 2007). There has also been a change to more balanced gender roles arrangements within couples: females have adopted new roles thanks to their increasing levels of schooling and their massive entrance into the labor market (Luxán, Miret & Treviño 1999).

In addition, foreign born population in Spain has grown dramatically in recent decades. The impact of this growth on union formation patterns is yet to be assessed. The entrance of new marriageable partners -via immigration- into the Spanish marriage market pool is reflected in the increase of marriages in which at least one of the spouses has non-Spanish citizenship. Intermarriage has become an important issue of current nuptiality patterns in Spain. Marriage Records show that in 2006 the percentage of marriages in which at least one of the spouses is foreign-national represented 21.3 % of the total number of marriages registered that year.
The transformation of the women’s “traditional” roles into new ones, built on the basis of women’s economic emancipation, has resulted in corresponding changes in living arrangements and, specifically, in family and partnership. Less differentiated gender roles will foster a reduction in gender gaps (Becker 1981; Oppenheimer 1988; Solsona 1998; Luxán, Miret & Treviño 1999). The tendency to form heterogamous unions, in which men marry older and form unions with younger and less-educated women, fits into the trading couple’s framework that has been traditionally observed in Spain. From an equity perspective, however, males and females mate selection will change in order to search for certain attributes in their potential matches that guarantee a less asymmetrical gender relationship.

Within this framework, the main purpose of this paper is to explore if international migrants are changing the current union formation patterns and dynamics in Spain, with regard to matching patterns by age and educational attainment.

In order to study matching patterns, couples are classified into four groups according country of citizenship or nativity combination of the partners. Firstly, there are couples in which both members are Spanish, being this type of union the one that is taken as the reference. Secondly, there are unions that involved a Spanish men and a foreign woman. Thirdly, those in which she is Spanish and he is a foreigner. And, finally, couples between foreign men and women.

This research is focused on mixed couples, more specifically, in unions between Spanish men and foreign women and between Spanish women and foreign men to search for differences in intermarriage by gender.

The paper covers several time periods according to the possibilities offered by the statistical sources that are used for the analysis. To examine matching patterns by age at marriage and country of citizenship, data are drawn from the Spanish Marriage Records. To explore the educational degree of homogamy, the data used come from the Spanish Labor Force Survey microdata (EPA, II Trimester of 2007).

Background: Contextual factors that shape gender differences in intermarriage in Spain

Along the past 40 years, couples in Spain have experienced significant changes: first, access to marriage institution is now more flexible; second, nuptial
intensity has decreased considerably; third, couples are beyond marriage (there have been an increase in cohabitation rates); and, finally, unions are more liberalized, meaning that are opened to uncountable combinations of partner’s attributes like gender and origin (Cortina, 2007). All these transformations have occurred within a broader context of family changes defined as the Second Demographic Transition, like the reduction of fertility, higher divorce rates and remarriage, among others (Van de Kaa 1987; Lesthaeghe 1991).

Until the late twentieth century, Spanish marriages fitted into a complementary model in which each member had a distinct and previously defined action-field to specialize in (the labor market or the household). As reported in Esteve & Cortina (2007) study of homogamy in Spain, there is a trend in which age and educational attainment differentials between partners (in both marriages and cohabitations) have been reduced. The closure of this gap illustrated the lost of significance of classical patterns in union formation. That is to say, couples in which the woman has a lower educational level than the man are now less frequent than twenty years ago. Furthermore, the classical marriage between a female with a low educational level and a high earning potential man is not longer the dominant one. On the contrary, the matching behavior of the youngest and highly educated women denotes a change towards the establishment of more egalitarian partnerships (González 2001).

The recent arrival of immigrants to Spain is modifying current union formation patterns by introducing new marriageable partners into the marriage market. As a result, intermarriage rates are growing of and particular couples, regarding socio-demographic characteristics, are resulting.

Until 1990s, immigration flows to Spain were not considerable in number. This decade represents a turning point in Spanish immigration records, which have been constantly fed by the arrival of foreign nationals (Domingo 2004). By December 31, 2006, there were a total of 3,021,808 valid residence permits, a figure approximately 14 times higher than the one observed sixteen years ago in 1990.

According data drawn from the 2001 Census, there were 2,172,201 persons born abroad residing in Spain by that time (5.3 %). Moreover, more recent data from the Spanish Population Register\(^1\) show that in 2007 11.6 % of the total

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\(^1\) It is important to update 2001 Census numbers with Population Register data because these are the most recent official records available and show the raising evolution of the foreign born population.
population is alien birth. Until this noticeable growth, there was not enough statistical support for the quantitative analysis of international migration impact in the Spanish demographic dynamics, but recently they have been subjects of a growing interest within the academic agenda.

In view of this context of notable changes, intermarriages have become a potentially important aspect of contemporary nuptiality patterns in Spain. The Marriage Records (MR) show that the percentage of marriages in which at least one of the spouses is foreign has risen from 7.5 % in 1996 to 21.3 % in 2006, an increase of approximately fourteen points in ten years. Moreover, for the last year 75.3 % of them are mixed (referred to Spanish-foreigners unions).

Previous research has examined marriage patterns of the foreign national population in Spain, by looking at the age at marriage, the order of marriages and the degree of intermarriage (Cortina, Esteve & Domingo 2006). There are marked disparities in the out-marriage rates regarding to national origin and gender in Spain. These are also consistent with the findings obtained by scholars dedicated to the study of intermarriage trends in other countries (McCaa 1993; Muñoz-Pérez & Tribalat 1996; Kalmijn 1998; Lievens 1999).

In fact, last available data from the Marriage Records illustrates the importance of considering the existence of gender differentials in mixed marriages. In 2006, marriages between Spanish men and foreign women were 55 % higher than those of Spanish females and foreign males. Moreover, in Spanish man/foreign woman couples remarriage percentages and average age-differences are higher when they are compared to first marriages.

**Statistical sources**

**Spanish Marriage Records (MNP)**

Since 1893, the MNP includes the register of births, deaths and marriages in Spain (flow data). All the statistical information about marriages occurring in Spain year by year and people who are getting married is collected in the Marriage Records. The data collected gives information about the marriage, and the attributes of each of the spouses, including statistics related to their co-residence.

It is not until 1989 that two important phenomena’s like marriage patterns involving foreigners and remarriage, can be analyzed in socio-demographic studies thanks to the inclusion of country of citizenship, marital status (the one previous to the actual marriage) and marriage order.
The examination of Marriage Records data allows the characterization of both husband and wife according to variables as data of birth, age, marital status, profession, country of citizenship and place of residence. The analysis of marriage records can be carried out at two different levels: one by one, as individuals; and, both at the time, as a married couple. In this research these records are used for testing the existence of gender differences in mate selection within mixed marriages regarding attributes such as country of citizenship, age at marriage and marital status. In the study, the information is divided in three five-year periods, starting in 1992 and finishing in 2006. Although, in some of its sections, the analysis is limited to the last period (2002-2006). Only when significant changes in some trends are observed, the other periods are also introduced.

But this source is not free of analytical constraints for the purposes of this research. Two of the greatest limitations are related to the lack of certain statistical information. The first limitation is that the country of birth of both husband and wife is not reported. In some cases it is necessary to contrast citizenship with birth place in order to avoid bias in the investigation. This happens with Spanish citizens that were born in other countries. An issue that is especially important for some specific groups that have been traditionally linked to Spain through their migratory background, such as Latin American countries like Argentina and Venezuela. Intermarriage view through the county of citizenship lens hides some marriages that have been taking place between Spanish and alien births that have the Spanish nativity.

The second limitation is linked to the nonexistence of other socio-demographic characteristics like educational attainment, which restrict the analysis to variables that are collected (date of birth, age at marriage, marital status, place of residence and country of citizenship).

It is also important to highlight that MNP Marriage Records only gathers data concerning marriages that have been celebrated in Spain, and do not inform about those celebrated abroad. Obviously, it only refers to marriages so it does not include consensual unions.

**Spanish Labor Force Survey (EPA)**

The Spanish Labor Force Survey (EPA) is a periodical sampling survey that interviews each trimester more than 200,000 individuals in, approximately, 65,000
households. The first EPA round was in 1964 and was designed to collect specific data about the labor force in Spain. In the sample of the II Trimester of 2007 140,488 individuals and 42,785 couples were included.

In order to answer to the significant demographic changes occurred in Spain during the last decades, mostly related to international immigration, the estimations that the Spanish Labor Force Survey (EPA) needs to weight the information collected were updated in 2005. The sample data frame was unaltered, but the weights of each register changed according to new data derived from the 2001 Census and the consecutives updates of the Spanish Population Register\(^2\).

Afterwards, there was an increase on the population base due to the introduction of different weights, among them, the ones referred to the alien-birth and foreign population residing in Spain, introduction that reflects the arrival of immigrant flows during the last years.

Thanks to this revision, data drawn from the EPA are now more representative of the current socio-demographic dynamics and answer better to the selection of population groups for analytical purposes, especially when foreigners or alien births are considered.

In EPA microdata couples can be identified by the person number and their relation with the household-head. Thanks to that the attributes of one of the partners can be attached to the attributes of the other creating a new file that contains all the couples’ information available in a single row.

One of the mayor constraints of this survey is linked to its particular sample nature so, the greater the detail, the higher the sampling error. That is the reason why the analysis of Spanish intermarriage is limited to certain partners’ origin groups, the largest that are the ones that can be considered statistically significant.

The EPA records include both birth place country and country of citizenship. In this study birth place country is selected over nativity because doing so the possibilities of not excluding mixed marriages where both partners have the same citizenship but different places of births are reduced. But do not have information about the marital history, for instance, do not collect previous marital status or marriage date.

The limitations of statistical sources lead to the necessity of mixing different but complementary perspectives when studying intermarriage gender

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\(^2\) Until the 4th trimester of 2004 the EPA matrix of weights was based on a 1991 Census population base revised in 2002.
gaps and relations. Precisely, this is covered by the use of both Marriage Records (flow) and Labor Force Survey (stock) data. The first answers to recent gendered matting patterns of Spanish intermarriage according to age and country of citizenship, while the second, answers to the matting patterns by educational attainment and the nature of gender relations in mixed marriages.

**Gender gaps in mate selection: homogamy and heterogamy patterns within Spanish intermarriage**

**Matching by citizenship**

*Interruption rates and gender gaps*

Until 1989, Marriage Records do not report information about spouses’ country of citizenship. Since then the study of marriage patterns can be done also distinguishing by this attribute. This way it is possible to investigate: a) to what extent Spanish men and women are marrying foreign born individuals, b) the most frequent countries of citizenship of their spouses and, c) the combined attributes of intermarried couples (like age at marriage, age difference, marital status and marriage order). It is relevant to remember that when the citizenship is examined all marriages that involved an alien birth escape to the analysis.

From 1989 to 2006, intermarriage rates have tripled, from 6.5 % to 21.1 %. An increase that has been translated into the growth of marriages between Spanish and foreigners, that represent 75.3 % of total mixed marriages; and, in a much lesser extent, the raise of foreign-foreign marriages during the whole period.

Figure 1 shows a more detailed examination of mixed marriages percentages by sex among Spanish and foreign citizens. The curves reveal important unbalances between men and women, 2001 constitutes a turning point-year in which Spanish man.foreign women (SM/FW) marriages become more frequent than Spanish women.foreign men (SW/FM) marriages. In fact, in 2006, the first combination above mentioned was 65 % higher than the second. A distinction by marriage order helps identifying first marriages as responsible for this changing trend, because intermarriage percentages in remarriage are

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3 For educational attainment examination the fact that EPA does not include foreigner students residing in Spain independently of the time of their study program could be an important restriction.

systematically higher in Spanish men/Foreign women couples.

**Figure 1. Percentage of marriages between Spanish and foreign citizens over the total number of marriages by sex and marriage order. Spain, 1989-2006.**

The gaps between female and male intermarriage have grown both in first marriages and remarriages\(^5\), but the gender gaps are higher in the latter. In 2006, second order marriages involving a Spanish woman and a foreign man were 68 % lower than the Spanish man/foreign woman combination. While, in first marriages this relation represented a 27 %. These findings are congruent with other investigations in which remarriage is higher among men (Solsona 1998; Esteve & Cortina 2007). Thus, on one hand, men remarry more than women and, on the other, they also intermarry more than women.

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\(^5\) Marriage order is included as an analytical axis in this section because data confirm the existence of mayor gender differences between the orders. Unfortunately, not every statistical source collects information that allows the identification of marriage orders.
Some Insights about Gender Gaps in Matching Patterns

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Spouses country of citizenship: Spanish married to foreign nationals

As shown, intermarriage rates have grown systematically since 1989 and differ for Spanish men and women. Now well, the question is: are the differences observed by gender maintained when the country of citizenship of the spouses is introduced in the analysis? Are the Spanish men and women getting married with foreign nationals of the same countries? There has been a change in the distribution of the country of citizenship of their spouses along time?

Figure 2 illustrates the percentage distribution of foreign national spouses of Spanish men and women by country of citizenship grouped in there periods of five years each. This figure shows that: first, there is a higher heterogeneity in the country of citizenship of the foreign national spouses of Spanish men and women over time. A variety that is accentuated in the last period due to the arrival of considerable immigrant flows to Spain\(^6\). Second, there are important differences between Spanish men and women spouse country of citizenship rankings, illustrated by discrepancies in its frequency distribution which differs for men and women. That is to say, Spanish men and Spanish women are not marrying partners of the same range of origins.

For the last period observed (2002-2006), the five more frequent spouse country of citizenship of men married to Spanish women are Moroccan, Argentinean, Colombian, British and Italian, all of them with percentages that represent between 5 % and 12 % of total mixed marriages. The first and second country of citizenship of the ranking (Morocco and Argentinean) are separated by a 4 percentage points distance not observed among the other countries.

The classical preponderance of European countries in the spouses citizenship of Spanish females in both the first (1992-1996) and the second period (1997-2001) – not including East Europeans- (like the one headed by Italian, French, German and British’s men), is now part of a greater scope that includes Colombian, Romanian, Argentinean, Nigerian and Ecuadorian males. Between 1992 and 2006, in SW/FM marriages, a 50 % increase is registered in those marriages in which he is Argentinean and she is Spanish. Significant grows are also observed for Rumanian and Ecuadorian nationals marrying Spanish women. But the opposite tendency is in marriages of Spanish women with Moroccans and Italians which exhibit important decreases. In 2002-2006 both marriage combinations are two times lower than they were in 1992-1196.

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\(^6\) According to the Spanish Population Register in 1996 there were 542,314 foreigners residing in Spain and, in 2007, the record is 4,519,554 foreigners.
In Spanish men intermarriage, the spouse country of citizenship distribution shows different results. Spanish males get married in 2002-2006 mostly with Colombian, Brazilian, Ecuadorian, Romanian and Argentinean females.

Marriages of Spanish men and Rumanian women are in this period...
eighteen times higher than they were in 1992-1996. This is the highest increase registered in the Marriage Records and is followed by marriages to Ecuadorian and Colombian women, which are nine and two times higher, respectively. On the contrary, marriages between Spanish men and Moroccan and Dominican women exhibit a 50% reduction between both periods.

Changes in Spanish men and women spouse country of citizenship along the periods examined are related to the increasing availability of Latin American, Rumanian and Nigerian in international migrations flows to Spain.

Figure 3. Ratio of marriages SW/FM over SM/FW by spouse country of citizenship. Spain, 1992-2006.


In the Figure 3 is represented the ratio of marriages between Spanish women and foreign men over marriages between Spanish men and foreign women. As shown, for some particular country of citizenship combinations marriages between Spanish women and foreign men are more frequent if they are compared to marriages in which he is the native and she is the foreigner. For instance, between 1992 and 2006, marriages of Spanish women with Italian men were 6 times higher to those of Spanish men and Italian women.

In the case of Spanish men, they get marry 80 % more with Brazilian females than their counterparts with the same country of citizenship men and 70 % more with Colombian and Dominican.

Just two of the selected countries of citizenship (Cuba and Argentina) show
parity in their ratios, which means that there is almost the same number of Spanish men married to Argentinean women than Spanish women to Argentinean men, the same for Cubans.

The empirical evidence above presented suggests the existence of some kind of selection or preference by origin, which differs between men and women. It could be either a matter of preferences by the Spanish population or the availability of the foreign nationals in the marriage market.

**Matching by age**

The relation between the ages of the spouses is now explored. Here the main interest is to identify particularities in this relation according to the mixed nature of the marriages. In first place, it is tested if, on mixed marriages, the usual pattern of a positive mean age difference between husband and wife is also observed (Cortina 2007) and whether is this age gap persists regardless the sex of the Spanish partner.

Different figures are used for the analysis of age homogamy: first, the distribution of spouses by marriages country of citizenship combinations and age at marriage (both in marriages and re-marriages); second, the distribution of marriages by age relation of spouses and mean age difference between spouses.

When Spanish females get married, generally, they are younger than their foreign male partners. And, on the contrary, mean age at marriage of Spanish men married to foreign women is higher. The distance between curves (Figure 4) suggests that there are greater age differences for Spanish man/foreign woman marital unions than for Spanish woman/foreign man and for Spanish/Spanish. With respect to the age at marriage of Spanish/foreigner couples by sex and marriage order along the three periods observed. There are changes in marriage timing of males and females involved in Spanish/foreigners marital unions. In the last period, Spanish women have been getting remarried with younger foreign men compared to the other periods where Spanish women were younger than her husband’s. This is a behavior that has characterized most of the Spanish man/foreign woman marriages and remarriages but it is completely new for females.

Interracial marriage is more age heterogamous, mean age differences between spouses are higher in Spanish male and foreign female marriages (Figure 5). For the

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7 A positive age difference refers to those cases where the man is older than his wife.
8 See methodology for the explanation of age difference calculation.
three periods, the mean age differences between husbands and wives for SM/FW have increased from 4.5 to 5.9 years mean. Whereas in the case of Spanish women married to foreign man such divergence does not reach 2 years in the maximum point, and is reduced to just 1 in the last period. This combination exhibits the lower mean age difference. Marriages in which both spouses are Spanish have not experienced significant changes (2.8 in 1992-1996 and 2.5 in 2002-2006).

The figure 6 shows the mean age differences between Spanish intermarriages by the marriage order. Mean age differences are more noticeable in remarriages than in first marriages. Again, the greater gap is on Spanish man/foreign woman marriages, in which the male is, in average, between 7.1 and 8.6 years older than his female counterpart. For Spanish woman marrying foreign man this difference does not reach a mean of 2 years and in 2002-2006 and, is negative for the first time, which means that Spanish women are marrying with foreign younger men.

Summarizing, the analysis of age selectivity in Spanish intermarriage shows the existence of two opposite trends:

1) For marriages in which he is Spanish and she is a foreign national, mean age differences between spouses have grown over time and have been the highest registered for the periods observed.

2) For marriages between Spanish females and foreign males, age differences have decreased and have been systematically lower than the ones of Spanish/Spanish marriages.

But the question is: what is hidden behind such age differences between Spanish men who are getting married with foreign women? And, what is hidden behind the changes that mean age differentials have experienced in both periods?

Normally, age differences between men and women who are getting married can be explained by the age at marriage and the age and marital status composition of the spouses (Ní Bhrolcháin 1992). But when these differences are observed between Spanish and foreigners, a particular intermarriage pattern concerning national origin have to be included within such explanatory frame.
Figure 4. Age at marriage by sex and country of citizenship combination of both spouses. Spain, 2002-2006.

Source: Own calculation MNP, series 2002-2006.
Some Insights about Gender Gaps in Matching Patterns

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Figure 5. Mean age differences between spouses by country of citizenship combinations. Spain, five-year periods 1992-2006.


Figure 6. Mean age differences between Spanish/foreign national spouses by marriage order. Spain, five-year periods 1992-2006.

Figure 7. Mean age differences in marriage and remarriage of Spanish men. Spain, 1992-1997 and 2002-2006.

Note: 9 more frequent nativities have been selected.
The lines show mean age difference of Spanish/Spanish marriages and re-marriages.
Particularities in spouses country of citizenship

The aims of this section are: first, to explore if mean age differences show discrepancies according to spouse country of citizenship, that is to say, if age gaps between husbands and wives differ when Spanish men and women marry with foreigners of distinct countries of citizenship. And, second, to identify if those differences have changed along time compared to the correspondent mean age gap of Spanish/Spanish marriages, always considering in the analysis both first marriages and remarriages.

When mean age differences between spouses are examined in Spanish intermarriage, it is necessary to make some distinctions: the first distinction is by gender. As noted in the first pages of this chapter, Spanish men and women have been getting married neither with foreigners of the same country of citizenship nor in the same frequency. Added to these facts are the transformations in the countries of citizenship range of Spanish men and women foreign spouses, which were in 2002-2006 different from those observed for 1992-1996 period. Moreover, as stated previously, mean age differences between spouses have changed over time, following an increasing trend in Spanish men intermarriage and a decreasing one in Spanish women intermarriage.

In Figure 7 the mean age differences between Spanish men and foreign national women in first and second order marriages are represented for 1992-1996 and 2002-2006. It only shows the 9 more frequent countries of citizenship for each period. The mean age differences in Spanish/Spanish marriages and remarriages are added as references (lines) to guide the analysis.

Among first order marriages, during the 1992-1996, mean age differences were higher than in Spanish/Spanish marriages just when Spanish men were getting married with Moroccan and Dominican women. While in remarriages this situation seems to be more common and replicates for Moroccan, Colombian, Peruvian, Dominican and Portuguese women. When the spouses of Spanish men are European (German, French, British) the mean age differences are not quite significant and are always bellow the Spanish one. Such differences were never higher than 7 years, even in remarriage where age gaps for this combination tend to be higher.
Figure 8. Mean age differences in marriage and remarriage of Spanish women. Spain, 1992-1997 and 2002-2006.

Note: 9 more frequent nativities have been selected. The lines show mean age difference of Spanish/Spanish marriages and re-marriages.
In 2002-2006 mean age differences were, in most of the cases, higher than in 1992-1996 period, due to the increasing number of marriages with Latin-Americans. For first order marriages, most mixed marriages show higher age differences than marriages between Spanish. Note that for remarriages while in the first period just 5 countries of citizenship were slightly over the Spanish/Spanish line that represents mean age differences, in the second period (2002-2006) eight countries of citizenship age differences were over this mean. Moreover, gaps between both mean age differentials (the Spanish/Spanish and the Spanish men/foreign women) got wider.

For both marriages and remarriages, the greater age differences are found between Spanish men marrying Moroccan and Rumanian women. The mean age differences of Spanish men/Rumanian women marriages is 7 years in first order marriages and 10 years in second order ones. For Spanish men marrying Moroccan women, the mean age difference between partners is 6.3 years, in first marriages, and 12 years in remarriage. On the contrary, a completely different pattern is observed among mixed marriages involving a Spanish woman.

Figure 8 illustrates mean age differences in marriage and remarriage of Spanish women/foreign national men between 1992-1996 and 2002-2006. In both periods observed, age gaps in Spanish women/Foreign men marriages systematically show lower mean age differences between spouses than S/S marriages.

The European countries of citizenship (British, German, Italian and French) have not experimented significant changes over time. In 2002-2006 mean age differences were even lower than they were in 1992-1996 and, inclusive, they became negative in some countries of citizenship. In this period Spanish women were getting remarried to Colombian, Moroccan and Rumanian males who were younger than them. The higher mean age differentials were in SW/FM remarriages which exhibit a 5 year mean favorable to females.

To summarize, results show that mean age differences between spouses have experienced important changes over time as the distribution of countries of citizenship of the Spanish foreign spouses have also changed. But, are these changes influencing the increases (observed for Spanish men/foreign women) and the decreases (in Spanish women/foreign men) of mean age differences between spouses along time? In order to answer, a standardization procedure of mean age differentials has been followed.
For instance, to know if the increase in mean age differences in Spanish men/foreign women marriages between 1992 and 2006 is due to the changes occurred in the country of citizenship composition of their female spouses, it is necessary to test what would had happened if this composition had not changed over time. That is to say, that among that country of citizenship distribution of foreign national women married to Spanish men remained the same than in 1992-1996 for the two periods, what would it happened with the mean age differences between spouses?

Following these assumptions, mean age differences were estimated for each period and separately for men and women (Table 1). This table illustrates how in Spanish men/foreign women marriages the increasing trend of mean age differences is maintained if no changes in the distribution of the spouses country of citizenship had occurred, but it also shows that this grow is a little less accentuated. Mean age differences would have grown to 5.2 years in 2001-2006, while the observed values for 2002-2006 was 5.9, 0.7 years higher.

On the contrary, for Spanish women, age differences between spouses would have decreased regardless of the distribution by countries of citizenship of their spouses. The estimated mean age difference in 2002-2006 is 1.3, 0.4 years higher than the observed.

Table 1. Results of mean age differences standardization.

<table>
<thead>
<tr>
<th></th>
<th>Spanish men/foreign women</th>
<th>Spanish women/foreign men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Observed</td>
<td>4.6</td>
<td>5.3</td>
</tr>
<tr>
<td>Estimated</td>
<td>4.6</td>
<td>5.0</td>
</tr>
</tbody>
</table>


Age at marriage and age at marriage structure

It is known that age-gaps between spouses do vary by age at marriage (Ní Bhrolcháin 1992). As men marry older, the age gap with their spouses gets wider, while as women marry older the gap gets smaller.
Table 2. Mean age differences by age at marriage, marital status and country of citizenship combination of both spouses (Men). Spain, 2002-2006.

<table>
<thead>
<tr>
<th>Age groups</th>
<th>Marital status</th>
<th>Both Spanish</th>
<th>Spanish men/Foreign women</th>
<th>Foreign men/Spanish women</th>
<th>Both foreigners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 25</td>
<td>Single</td>
<td>-0.5</td>
<td>-2.4</td>
<td>-2.8</td>
<td>-1.5</td>
</tr>
<tr>
<td></td>
<td>Widow</td>
<td>-5.9</td>
<td>-8.8</td>
<td>2.3</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>Divorced</td>
<td>-7.2</td>
<td>-8.1</td>
<td>-4.4</td>
<td>-5.2</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>-0.6</td>
<td>-2.4</td>
<td>-2.8</td>
<td>-1.5</td>
</tr>
<tr>
<td>25-29</td>
<td>Single</td>
<td>0.5</td>
<td>0.5</td>
<td>-0.8</td>
<td>0.6</td>
</tr>
<tr>
<td></td>
<td>Widow</td>
<td>-3.5</td>
<td>-2.5</td>
<td>-1.2</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Divorced</td>
<td>-0.2</td>
<td>0.1</td>
<td>-2.7</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>0.5</td>
<td>0.5</td>
<td>-0.9</td>
<td>0.6</td>
</tr>
<tr>
<td>30-34</td>
<td>Single</td>
<td>2.2</td>
<td>2.9</td>
<td>1.2</td>
<td>2.3</td>
</tr>
<tr>
<td></td>
<td>Widow</td>
<td>0.1</td>
<td>-1.5</td>
<td>0.3</td>
<td>4.5</td>
</tr>
<tr>
<td></td>
<td>Divorced</td>
<td>2.0</td>
<td>3.3</td>
<td>-0.1</td>
<td>2.6</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>2.2</td>
<td>2.9</td>
<td>1.1</td>
<td>2.3</td>
</tr>
<tr>
<td>35-39</td>
<td>Single</td>
<td>3.8</td>
<td>5.5</td>
<td>3.5</td>
<td>4.0</td>
</tr>
<tr>
<td></td>
<td>Widow</td>
<td>3.4</td>
<td>6.5</td>
<td>-1.0</td>
<td>4.5</td>
</tr>
<tr>
<td></td>
<td>Divorced</td>
<td>4.0</td>
<td>6.3</td>
<td>2.3</td>
<td>4.3</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>3.8</td>
<td>5.7</td>
<td>3.3</td>
<td>4.0</td>
</tr>
<tr>
<td>40+</td>
<td>Single</td>
<td>6.0</td>
<td>11.0</td>
<td>6.3</td>
<td>7.1</td>
</tr>
<tr>
<td></td>
<td>Widow</td>
<td>11.1</td>
<td>19.5</td>
<td>11.1</td>
<td>11.0</td>
</tr>
<tr>
<td></td>
<td>Divorced</td>
<td>8.2</td>
<td>13.9</td>
<td>7.3</td>
<td>10.3</td>
</tr>
<tr>
<td></td>
<td>Sub-total</td>
<td>7.4</td>
<td>13.1</td>
<td>6.9</td>
<td>8.6</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2.5</td>
<td>5.9</td>
<td>0.9</td>
<td>2.5</td>
</tr>
<tr>
<td>Total standarized</td>
<td>2.5</td>
<td>3.8</td>
<td>1.5</td>
<td>2.8</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own calculation MNP, series 2002-2006.

Table 2 shows how mean age differences vary from negative values to positive values as age at marriage increase. Younger men marry women older than themselves and older men marry each time to younger women.

This pattern is observed for each type of marriage, although there are significant differences among them. For men marrying between ages 25-29 years old, there are not significant differences by type of marriage, differences become larger as age at marriage increases. Spanish men marrying foreign national women show systematically higher age differences than the other groups. For instance, the increase of mean age differences across age groups is more abrupt for Spanish men marrying foreign females (from 2.9 at 30-34 to 13.1 at more than 40) than for other combinations.

As stated before, Spanish men marry at older ages when they marry a foreign national wife compared to Spanish men marrying Spanish woman and foreign national men marrying Spanish women. Therefore, the fact that their timing is the most delayed and that their mean age difference is the one that
increases the most, could partially explain that their global mean age difference is 5.9 years, 2.36 times higher than the mean age difference of Spanish men marrying Spanish women. Moreover, when standardizing those age differences by age and marital status, the gap between the different combinations shows a significant reduction; instead of being 2.36 times higher, is now 1.52.

As standardization has controlled by both age at marriage and marital status and the marital status seems to be as significant as age at marriage, its effect over mean age differences between spouses deserves a more detailed examination, which follows.

**Marital status composition**

As for age at marriage, previous empirical evidence suggests that marital status or marriage order affect mean age differences between spouses (Ní Bhrolcháin 1992). On one hand, when marriage order is examined, men tend to marry younger women when they remarry. On the other hand, women tend to marry similar ages or even younger men when they remarry.

This relation is observed for the Spanish case as well. Regardless of the country of citizenship combination, singles present the smaller mean age differences with their spouses (2 years) while divorced and widows present a much higher mean age difference, 7.1 and 11.9 respectively. Nevertheless, this huge differences by marital status are not significant at younger ages; it might be assumed that remarriage before 35 years of age is rather similar to the first marriage, mostly because the short duration of the first marriage has not significantly influenced mate selection opportunities and choices.

This same pattern applies to each one of the four countries of citizenship combinations. Nevertheless there are important discrepancies among their values: marriages between foreign men and Spanish women and marriages in which both spouses are foreigners or Spanish present the lowest mean age difference. The contrary, the combination Spanish man/foreign woman exhibits age differences that are largely over the global: 3.8 for singles, 18.5 for widows and 11.2 for divorced.

In 2002-2006, 33.6 % of Spanish man who married a foreign woman was either divorced or widow while for Spanish men marrying foreign woman the
percentage was only 15.2%. Thus, Spanish men marrying foreign women not only tend to marry younger women but they remarriage rates are higher, more concentrated in divorced and widows, also contributes to make mean age differences for this combination higher (Table 3).

Both husband’s marital status and age at marriage trends and structure explain better the singularity of marriages between Spanish men and foreign women. The role played by wives and husbands attributes, namely, their country of citizenship, is a continuation one because changes in spouse country of citizenship composition are reinforcing mean age difference trends but not explaining them.

Table 3. Mean age differentials according to marital status and country of citizenship combination of both spouses (Men). Spain, 2002-2006.

<table>
<thead>
<tr>
<th>Marital status</th>
<th>Both Spanish</th>
<th>Spanish men/Foreign women</th>
<th>Foreign men/Spanish women</th>
<th>Both foreigners</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>1.9</td>
<td>3.8</td>
<td>0.5</td>
<td>1.8</td>
<td>2.0</td>
</tr>
<tr>
<td>Widow</td>
<td>10.3</td>
<td>18.5</td>
<td>8.5</td>
<td>10.2</td>
<td>11.9</td>
</tr>
<tr>
<td>Divorced</td>
<td>6.4</td>
<td>11.2</td>
<td>3.7</td>
<td>7.1</td>
<td>7.1</td>
</tr>
<tr>
<td>Total</td>
<td>2.5</td>
<td>5.9</td>
<td>0.9</td>
<td>2.5</td>
<td>2.7</td>
</tr>
<tr>
<td>Total standarized</td>
<td>2.5</td>
<td>4.8</td>
<td>1.0</td>
<td>2.5</td>
<td>2.7</td>
</tr>
</tbody>
</table>

Source: Own calculation MNP, series 2002-2006.

As demonstrated until this point, age at marriage, marital status and country of citizenship composition of the spouse, do explain part of the large differences in age observed between Spanish men and foreign national women. The main reason is that foreign national women who marry Spanish men are younger in average than Spanish women marrying Spanish men. But, despite this fact, it is possible to identify what seems to be a mating pattern: those particular Spanish men search younger women to marry with than men who do not choose foreign women as wives. Whether it is a matter of choice or of opportunity is another big issue which has to be examined.

Matching by educational attainment

In the previous sections was elucidated how people are getting married in Spain, focusing on matching by age and citizenship and its variations by gender over time. There were also identified different matting patterns among country of citizenship combinations within first and second order marriages. It
was demonstrated that age differences between spouses do vary depending on the citizenship combinations of spouses. Spanish men marrying foreign national women show the largest differences, while and Spanish women marrying foreign national men show the lowest.

To explore further differences between partners (i.e. educational attainment) it is necessary to turn into a different dataset: the Spanish Labor Force Survey EPA (II trimester 2007) which provides information, among others variables, on the educational level of household members that are over 16 years old. This is a completely different source from the MNP because it collects stocks not fluxes. The information available in the microdata is a picture of the people who are married or in union in Spain. International immigrants can be identified either by birth place or country of citizenship, the former is the one used in this analysis. Unfortunately, the EPA does report neither where nor when the union was formed. Marriage order is not reported either.

To get some clues about mate selection by educational attainment within couples, an indicator of educational homogamy has been calculated according to the combination of both members educational attainment. The aim here is to complete assortative matting patterns by examining the relation between the educational levels of both partners. And to identify gender differences across types of marriages based on partners place of birth.

The analysis here presented is limited to women between 30-39 years old because the greatest percentages of mixed unions are concentrated in this range of ages and to avoid samples attrition due to union dissolution. This way there is an improvement in the comparability of the different couples’s combination by place of birth and an approach to the most recent couples. This way are guaranteed: the comparison of women generations that have been forming unions and the differences and similarities that exist in this time axis when unions between Spanish men and women and foreign born are examined. This strategy will be used also in the next section.

Table 4 is divided in two boxes. In the first box there is the percentage distribution of the educational homogamy/heterogamy of the partners by their place of birth combinations. This table shows that regardless the nativity combination of partners, most of the couples are educationally homogamous. The lowest percentage of educational homogamy is found among couples between Spanish men and foreign born women (54.1 %). No significant
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differences are observed for the other combinations. When partners do not share the same educational attainment, women have higher levels of schooling than their partners. Compared to previous cohorts, this is an unprecedented change due to the expansion of women’s schooling in Spain (Esteve & Cortina 2007).

Foreign born women in union with Spanish men are likely to be more formally educated. This is observed in 26 % of the SM/FBW couples, a percentage that is 1.6 times higher than in Spanish/Spanish couples. This situation in which females involved in a union with Spanish born males are more formally educated could be related to the fact that immigrant women marry older and less educated men compared to Spanish women.

The second box of Table 4 represents the percentage distribution of the educational relation of the different birth place combinations controlling by the relative age differences of partners (same age, she is 3 years older or he is 3 years older). Negative values indicate that she is older than him.

Educational homogamy levels are lower in couples between Spanish men and foreign born women couples regardless of the age differences between them. On the contrary, the higher levels of educational homogamy are found in Spanish women/foreign born men couples, especially in the unions where she has the same age (69.8 %) or where she is older than her partner (84 %). Homogamy decreases when men are older than women.

Regarding heterogamous couples, hypogamy (couples in which she has a greater educational attainment than her partner) is the rule, except for the age homogamous unions between Spanish men and foreign born women.

The percentage of Spanish women/foreign born men couples in which he is older than she is and he has a greater educational level is quite important, thought is not the most representative. A 21.5 % of Spanish women are in union with immigrant men who are older than they and had also a higher educational level. This percentage is 44 % lower when unions in which both partners are Spanish are examined.
Table 4. Percentage distribution of educational homo/heterogamy by partners’ birth place combinations. Spain, 2007.

<table>
<thead>
<tr>
<th>Age difference (grouped)</th>
<th>Educational homogamy/heterogamy</th>
<th>Both Spanish</th>
<th>Spanish women/allien-birth men</th>
<th>Spanish men/allien-birth women</th>
<th>Both foreigners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homo</td>
<td>62,0%</td>
<td>65,5%</td>
<td>54,1%</td>
<td>63,0%</td>
<td></td>
</tr>
<tr>
<td>Hypo (she +)</td>
<td>24,8%</td>
<td>20,8%</td>
<td>26,0%</td>
<td>20,3%</td>
<td></td>
</tr>
<tr>
<td>Hyper (he +)</td>
<td>13,2%</td>
<td>13,7%</td>
<td>19,9%</td>
<td>16,7%</td>
<td></td>
</tr>
<tr>
<td>Same age</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homo</td>
<td>63,8%</td>
<td>69,8%</td>
<td>59,0%</td>
<td>63,5%</td>
<td></td>
</tr>
<tr>
<td>Hypo (she +)</td>
<td>23,7%</td>
<td>20,2%</td>
<td>19,0%</td>
<td>19,8%</td>
<td></td>
</tr>
<tr>
<td>Hyper (he +)</td>
<td>12,5%</td>
<td>10,0%</td>
<td>22,0%</td>
<td>16,8%</td>
<td></td>
</tr>
<tr>
<td>She is older</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homo</td>
<td>53,9%</td>
<td>84,0%</td>
<td>58,9%</td>
<td>73,0%</td>
<td></td>
</tr>
<tr>
<td>Hypo (she +)</td>
<td>28,3%</td>
<td>10,1%</td>
<td>24,5%</td>
<td>23,1%</td>
<td></td>
</tr>
<tr>
<td>Hyper (he +)</td>
<td>17,8%</td>
<td>6,0%</td>
<td>16,6%</td>
<td>3,9%</td>
<td></td>
</tr>
<tr>
<td>He is older</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homo</td>
<td>59,2%</td>
<td>53,6%</td>
<td>48,6%</td>
<td>60,5%</td>
<td></td>
</tr>
<tr>
<td>Hypo (she +)</td>
<td>26,7%</td>
<td>24,9%</td>
<td>33,2%</td>
<td>20,3%</td>
<td></td>
</tr>
<tr>
<td>Hyper (he +)</td>
<td>14,1%</td>
<td>21,5%</td>
<td>18,2%</td>
<td>19,2%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Own calculation EPA, II Trimester 2007.
Note: Women between 30 and 39 years old have been selected.

In general, it was shown how women have more schooling than their male counterparts independently of their birth place combinations and the age differences that exist between them.

When marrying foreign born individuals, Spanish women do marry more homogamously than Spanish men. There seems to be a pattern in couples where she is Spanish and he is a foreigner. These females are with partners that have more similar attributes to theirs, that is to say, SW/FBM couples are the most homogamous (in terms of age and educational attainment) if they are compared to the couples in which Spanish women are with Spanish men or Spanish men with alien birth women. On the contrary, the couples that show the greater differences regarding age and education are those in which he is Spanish and she is a foreign born. Only when she is older than him the educational homogamy percentage is not the lowest but, in the rest of the age differentials this couples’ combination is the less homogamous.

**Concluding remarks**

Interruption is not gender neutral. When examining both matching patterns within couples, significant gender differences in intermarriage are observed. Results have shown that the largest gender differences are found in unions between Spanish men and foreign women, when compared to couples where both partners are Spanish. Since 1989, intermarriage rates have been
growing systematically in Spain either for men and women although at a different pace. Marriages between Spanish men and foreign national women are now more frequent than marriages between Spanish women and foreign national men. There is also a growing trend in remarriage, which is highly significant for Spanish men marrying foreign national women.

The analysis of matching patterns has been held at three different stages. The first stage, called matching by citizenship, showed that Spanish men and women do not intermarry with spouses of the same nationalities. The arrival of important immigrant flows to Spain during the last years has increased the availability of foreigners in the Spanish marriage market. In the second stage, matching patterns by age have been examined. Intermarried couples are more age heterogamous. Among these heterogamous marriages, Spanish males are older than their foreign national female counterparts. As a result, mean age differences between spouses are higher in Spanish male and foreign female marriages compared to any other type of marriage and tend to increase over time, contrary to what happens in marriages between Spanish women and foreign-citizen men. At this point, several factors have been considered to explain the presence of large age differences between Spanish men and foreign national women and its increasing trend over time. The width and widening of the gap is only partially explained by the age and marital status structure of the Spanish men that marry foreign national women. In addition, changes in the distribution by country of citizenship of the spouses have contributed to reinforce mean age differences between spouses although this is neither the main factor.

In the third and final stage, matching patterns by educational attainment, it has been seen that couples between Spanish men and foreign born women shows the lowest percentage of educational homogamy. Females in union with Spanish born males are higher educated than they are despite of the age differences between them. Thus, when marrying foreign born individuals, Spanish men do marry more age and educational heterogamously than Spanish women.

Once proved that unions between Spanish men and foreign women differ from the rest of unions because of the singularities observed in their matching patterns, it is still pending to ask about the reasons of the existence of such differentiated pattern. Why are Spanish men marrying younger and more formally educated foreign women? Why unions between Spanish women and foreign men do not reproduce a similar pattern? Two possible answers arise. It could be related
to a matter of preferences in mate selection or could be explained by structural factors. Future research on this matter should be carried out.

At the end of this paper there are still some questions that are waiting to be answered. First, it is necessary to test if the differences observed in matching patterns are maintained when the origin of the partner is detailed. That is to say, the age and educational attainment homogamy patterns are the same for Spanish men in union with European women than for Spanish men in union with Latin American women. Second, it also has to be examined the possible existence of filters in mate selection by analyzing the individual attributes of both the foreigners and the natives involved in unions.

References

Social Attitudes and Political Debate on Immigration: Spanish Perceptions of Romanian Immigrants

Simon McMAHON

Abstract. Prior to 2002 the Romanian population in Spain was negligible, yet today it constitutes the largest immigrant population, raising questions of how this country receives and integrates new migrant groups and negotiates perceptions of similarity and difference between natives and foreigners. Using survey data from the Centro de Investigaciones Científicas and political debates from the Congreso de los Diputados this paper asks how perceptions of Romanian immigrants develop over time. The paper finds that social perceptions of Romanian immigration and political debate on the Romanian population in Spain are somewhat disconnected, as social attitudes develop independently of elite-level political discourse. Therefore, just as immigrants are not perceived or presented in the same way in politics and society, or on a national and a local level, neither do the processes based on these perceptions, such as discrimination or exclusion, play out in the same way.

Keywords: Migration, Romania, Spain, public opinion, social attitudes, identity, political debate

Over recent decades Spain has rapidly become one of the major receivers of immigration in the European Union (EU): until the 1980s Spain was a country of net emigration, whilst today it contains nearly five million legal foreign residents, in addition to a considerable undocumented population (according to the Observatorio Permanente de la Inmigración [OPI] and the Instituto Nacional de Estadística [INE]). The most significant contribution to this figure has in recent years come in the form of Romanian nationals, today constituting the largest group of migrants in the country (INE 2010). Globalisation and the free movement of people between EU member states have enabled the movement of people across borders as never before. In host countries, however, tensions can arise between native and foreign populations and the politicization of immigration can result in exclusion and discrimination of certain groups according to stigmatized cultural
characteristics. Questions are raised as to how immigration is perceived in the host society, how distinct national groups are treated and the impact this has on social cohesion and immigrant integration. The present paper analyses these questions through the prism of the Spanish case study, where the rapidly growing immigrant population causes them to be particularly relevant.

The intention of this study is to explore the ties between migratory flows, social attitudes and political debate in order to assess how political elites present the immigration issue. At the heart of this issue is the negotiation of political and social tensions resulting from large scale immigration in Europe. As migrants enter, settle and integrate in a host country boundaries between social groups of ‘natives’ and ‘foreigners’ or ‘us’ and ‘them’ are drawn up in public debate and performed in social relations (Fennema 2000, Schierup et al. 2008). Schierup, Hansen and Castles have argued that rising immigration rates have divided society and politics between those who see immigration as a problem and a danger to the identity of the nation, and those who profess the need for workers to fill short-term labour shortages and counteract a long-term demographic deficit (2008). The resultant situation is frequently one in which elites attempt to gain popular and electoral support by presenting immigrants as a cause of social problems and the ‘loss’ of national identity (D’Ancona & Valles Martínez 2008). At a social level, the consequence is the inclusion or exclusion of certain groups based on their perceived cultural characteristics, producing the barring of individuals from the rights associated with citizenship and social equality. The study of perceptions of immigration is therefore linked to the moral and ethical issue of protecting the rights of all individuals and reducing xenophobia and racism.

The objective of this article is to firstly, contribute to the migration studies literature by exploring the dynamics influencing the way that different migrant groups are perceived in host societies. I analyse how the presence of a rapidly expanding foreign population of Romanian nationals is perceived by Spanish public opinion and presented in Spanish political debate. In contrast to the assumptions underlying previous empirical studies on perceptions of immigration (e.g. D’Ancona & Valles Martínez 2008), the results find that there is no clear link between the political salience of a specific migrant population and either the social presence of that group or negative social attitudes towards it. Secondly, by concentrating on the case study of Romanian migrants in Spain I further our knowledge of a national group which, despite its considerable size, has been relatively unnoticed by
politicians and academics. The accession of Romania to the EU has placed a demand on further understanding of the dynamics of emigration from this country and perceptions of Romanian citizens in sites of arrival. This implies that the current study is not only relevant for the specific area of Spanish migration studies, but also for assessment of the development of an inclusive European society.

Empirical data from public opinion surveys and Spanish Congress debates is used to compose a descriptive and analytical contribution to these debates. It looks specifically at the image of the Romanian migrant population in Spain, the largest group of foreign residents in the country yet one of the least-studied. Regarding Romanians, González Aldea has complained that ‘[in Spain] the worst images of Romania have been projected: criminals specialised in stealing, hold-ups, falsification of documents, begging and prostitution’ (2007:132). The reference paints an image of a Spanish society that sees Romanian immigrants as bringers of problems, social tensions and criminal activities. Yet this is simply an anecdotal piece of evidence. This paper contributes to filling this gap in the academic field. Analysis takes political discourse as a window through which to analyse the process by which Spanish elites ascribe an identity to Romanian nationals, questioning whether this process is influenced by the character of the Romanian population in Spain or the social attitudes and perceptions of the Spanish population.

The following section gives a summary of the historical and academic research background to immigration in Spain, with particular reference to the case of Romanian migration since 1990. This illustrates the rapid growth in migratory flows between the Spain and Romania, justifying the need for further academic inquiry. The article then outlines theoretical assumptions on the ties between migration, public opinion and political debate. In the final sections I will present and analyse the evidence in light of these theories, finding that public opinion develops over time and distinguishes between groups in positive and negative ways that political elites do not. I finally conclude that social perceptions of Romanian immigration and political talk on the Romanian population in Spain are somewhat disconnected, as social attitudes can be seen to have developed independently of elite-level political debate on this group.

**Background: Immigration to Spain and arrivals from the East**

Historically, Spain has constituted a site of population movement and
migratory flow on national and international scales (McMillion 1981, Ringrose 1998). In addition to these internal migrations, a long tradition of pan-Mediterranean mobility was epitomized by cities such as Barcelona (King 2001). Such was the mobility from inside and outside Spain that by 1970 some 38% of the population of Catalonia, and 47% of the population of Barcelona, were born outside the region (Calavita 1998:534). However, until the late 1980s, Spain was unknown as a destination for large-scale immigration. Since then, however, this pattern has transformed dramatically as numbers have increased and the composition of the immigrant population has changed. The increased wealth and stability of Spain’s economy since joining the European Economic Community in 1986, and above all since replacing the national currency (the Peseta) with the Euro in 2002 has acted as a shop window to attract foreign goods, capital and workers. From 2003 to 2007 annual GDP growth for the country was above the average of the Eurozone with a maintained rate of between 3 and 4% from 2003 to 2007 (according to statistics from the INE). Legal and undocumented migration increased rapidly, this latter due to the extensive, unobserved coastlines for undocumented boats to land on, an open borders policy to tourists, and the availability of work opportunities in an expansive informal sector (Elrick & Ciobanu 2009, Viruela Martínez 2002). The impact of these pull factors is reflected in statistics illustrating both a rapid growth in the size of migratory flows to Spain and a broad diversification of the character and origins of migrant groups (see table 6).

The evolution of migratory flows to Spain has seen the arrival of a diverse range of population groups settle in the country. European migrants to Spain from Britain, Germany and France during the 1980s and 1990s settled in coastal areas of tourism, welcomed by the opening of Spain to mass package tourism and the establishment of low cost travel (O’Reilly 2002). At the same time migratory flows from the countries of north and sub-Saharan Africa increased (Pajares 1998). On the one hand, the geographical proximity of the Maghreb to Southern Spain facilitated movement from one country to another. On the other hand, these migrants were able to follow historical lines of Mediterranean transit, trade and semi-permanent settlement between the Maghreb and the Iberian Peninsula (Ibid.). Historical cultural ties between the Maghreb and the cities of southern Spain, as well as the fact that between four and seven million Moroccans also speak, understand and use the Spanish language, further facilitated movement (Roldán 2005). During the late 1990s, transatlantic migration also grew
significantly, coined the ‘new’ Latin American migration and facilitated by increasing intercontinental air travel, as well as linguistic and cultural ties between Madrid and these ex-colonies (Pajares 1998).

However, the Romanian population has more recently arrived under quite different circumstances. Indeed, according to measurements of legal residents by the OPI (see Table 1); the Romanian population was the second largest in Spain by 2009. Furthermore, statistics from the INE show that Romanian nationals to constitute the largest of all nationalities registered on the municipal Padrón, a register that all must sign regardless of their legal status (see Table 2). The first Romanian pioneers to Spain arrived in 1990 following the fall of the Communist Party regime in 1989 (Sandu et al 2004, Viruela Martínez 2002). They crossed the border as tourists, as migrants with bought Schengen visas prior to departure, or by applying for asylum, and their migration was largely permanent (Sandu et al 2004, Viruela Martínez 2002). The boundaries between legality and illegality were fluid and porous: settlement frequently entailed a period of invisibility from the state, of informal labour and undocumented residence whilst waiting for a regularisation amnesty or the release of quotas to fill Spanish jobs with foreign labour. However, only 3,543 Romanians were registered in Spain by 1998 (Viruela Martínez 2002). It is the most recent wave of Romanian emigration, from 2002 to the present day that has established Spain as a major destination for this population (Ban 2009, Sandu et al 2004).

As noted above, economic conditions in Spain have acted as a clear pull factor, but institutional developments have also facilitated movement. Firstly, the possibility of gaining legal resident status through repeated mass legalisation procedures encouraged many to reside permanently. The size of this hidden population is only revealed in statistics at points such as the sudden increase in the Romanian population figures in 2006, following the mass amnesty of the previous year (see Figures 2 and 3). Secondly, visa requirements for Romanian citizens visiting EU member states were lifted on 1st January 2002. Nationals from this country would subsequently only have to demonstrate possession of economic resources, an invitation from a European citizen or institution willing to vouch for them, a hotel reservation and a return ticket in order enter all countries of the Schengen space for a period of up to three months (Elrick & Ciobanu 2009).
Table 1. Migrant populations in Spain 1998 – 2009

Data from Observatorio Permanente de la Inmigración. Presentation author’s own

Table 2. Immigrants registered on the Padrón Municipal. All residents, regardless of legal status or available identity documents must sign the Padrón. This enables a measurement of the undocumented population in addition to the figures in Table 1

Data from Instituto Nacional de Estadística
Furthermore, growth of transnational transport and interpersonal links between Romania and Spain enabled many to make the journey cheaply and easily (Viruela Martínez 2008). Individuals could reside for three months whilst working informally before returning to Romania, and family members and friends could share one job, handing over to the new arrival when the time came to return (Hartman 2008). Thirdly, supranational institutional developments in the form of the accession of Romania and Bulgaria to the European Union in 2007 have implied the granting of citizenship of the EU to nationals from these countries. Romanian citizens were to be given the right to freedom of movement between Member States, to residence, use of public services and welfare benefits, and to be treated as equals with the native population (Art. 17 TEC). The process of EU expansion and integration to the East has therefore played a key role in the arrival of Romanian nationals in Spain as it has further eased travel across national borders and settlement in any member state of the Union.

Figure 3. Evolution of the principal migrant populations in Spain

The considerable size of the Romanian migration and its rate of growth have urged Spanish society to assimilate and adapt to an intense episode of
demographic and cultural change (Parra 2009). Within the general scheme of migration to Spain, the Romanian population has particular characteristics. When compared with the complex historical ties between Spain and the Maghreb or Latin America, it is noticeable how there is a relative lack of socio-cultural links between Romania and Spain. The presence of these links contributes to the development of a priori preconceptions regarding a group’s identity. With the absence of such ties in the case of Romanian migrants, how are perceptions composed and social relations structured between them and the native Spanish population? The growth of the Romanian population has also developed over a more concentrated time period than that of immigrants from the Maghreb and Latin America. It is therefore relevant to ask not only how Spain has responded to immigration as a whole, but also how distinctions are made across and between these groups. Analysis of these perceptions occupies a double role, furthering our knowledge of this particular group of migrants, as well as adding to a wider understanding of the way that new migrant groups are perceived in host societies.

State of the literature: perceptions of immigration

Spanish responses to immigration are composed of a range of diverse social attitudes. In 1997 the academic Patricia Griñán noted that ‘the problem of foreigners [in Spain] is, in reality [...] a phenomenon that is uncomfortably perceived and lived by Spaniards as an altering of the ‘normal’ situation’ (my translation, Griñán 1997:179). Social and political tensions between foreigners and natives have been clearly visible as a result of high profile occurrences such as the memory of the violent revolt of the native population at El Ejido in Almería in 2000, burning immigrant houses in reaction to the murder of a Spaniard by a Moroccan citizen (Zapata Barrero 2003). From this year politicisation of immigration has been increasingly common and divisive, giving the impression that immigration is per se a conflictive topic (Retis 2009). According to academics such as D’Ancona & Valles Martínez, there is an increasingly common trend, adopted from other European countries, to use exclusionary or xenophobic messages to gain votes (2008:15). For example, in 2006 there came a proposal from the Catalan party Convergencia i Unió for a system of points rewarding immigrants that respected Catalan law, language and culture, and a similar proposal from the Partido Popular in 2008 for ‘an integration contract’ which would commit immigrants to respect the law, culture
and language of Spain and force them to return to their country of origin in the case of not finding employment (Ibid.:12-13). These examples illustrate the salience of immigration in public debate and suggest that a section of the Spanish political elite is willing to promote the idea that foreigners do not belong in the country.

Academic approaches to the topic are limited and concentrate primarily on public opinion surveying of perspectives of immigration. Views recorded in surveys have varied over time as the presence of migrants in Spanish society has evolved, and the results are also sometimes contradictory (Ayerdi & de Rada 2008, González Enríquez 2004, Zapata Barrero 2009). For example, Carmen González Enríquez (2004) uses data from the regular series of Barómetro opinion surveys from the Centro de Investigaciones Sociológicas (CIS) to illustrate how national attitudes to immigration underwent a shift from largely negative to positive perceptions between 1990 and 2004. However, for the same period the author also highlights data reflecting an increasing tendency to associate immigration and crime and the fact that by 2003 half of the Spanish population thought there were too many immigrants in the country (Ibid.). Similarly, Ayerdi & de Rada have suggested that public opinion towards migrants can somewhat confusingly be defined either as moderate and permissive, or as a ‘worried tolerance’ (Ayerdi & de Rada 2008). A more analytically rigorous study is presented by Zapata Barrero (2008), who notes that social attitudes are dependent on interpretations of immigration more than on the facts of migrant numbers. Peaks in negative public opinion towards immigration are linked to periods of politicization of the issue, rather than being caused simply by an increasing presence of foreigners. In this way ‘negative attitudes are orientated towards policies and the government’s actions rather than towards immigrants’ (Ibid.:1107).

However, these approaches are problematic in the way that they concentrate either on immigration as an abstract topic or on immigrants as a homogeneous social group. Despite the range of different nationalities and ethnicities today settled in Spain, we have little understanding of distinctions between groups. Regarding Romanians in Spain, we find that research is limited to anecdotal comments and observations, such as that noted above by González Aldea (2007). In academia, the journal Migraciones has dedicated a special edition to the study of Romanian migration in Spain (2007). However, this focuses on migratory flows and migrant experiences and does not inquire as to native perceptions and experiences. Indeed, across the board there is little available work
into either measurements of public perceptions of specific migrants or the political salience of individual groups in national debate. This context makes Romanian migrants a particularly interesting case study. Research into migration in Spain is yet to catch up with the intense arrival of Romanian nationals and there has been little work produced on the reception and integration of this group. The present paper therefore goes towards filling these gaps.

**Theory: immigration, public opinion and the political arena**

Academics have frequently approached the question of the social tensions and political pressures resulting from the arrival of foreigners in host countries. Many of these studies argue that the intensification of migratory flows and consequent growth of immigrant populations results in social tensions with natives, the politicisation of immigration and the spread of xenophobia (D’Ancona & Valles Martínez 2008, Huntington 2004, Money 1999, Weiner 1995). In economics, for example, there has been concern over the impact of competition between natives and immigrants in the labour market. Jeannette Money’s work in this area suggests that as immigration rises, competition will become fiercer and native perceptions of immigrant groups will deteriorate (1999). Huntington’s work on the Clash of Civilisations and the effect of Latin American migration on the United States’ national identity is even more dramatic (Huntington 1996, 2004). As migration rates rise from the global South to the North, Huntington predicts the segregation of society and the exacerbation of tensions due to cultural differences between foreigners and natives. With less dramatic tone, the realist political science approach of Myron Weiner also argues that each society has a threshold for absorbing foreigners, and once this level is reached, or surpassed, social balance is threatened (1995). Public discontent will then become more visible as citizens ‘become fearful that they are now being invaded not by armies and tanks but by migrants who speak other languages, worship other gods, belong to other cultures’ (Ibid. :2). This is translated into radical xenophobic political discourse as politicians give a voice to citizen’s fears and hostility towards foreigners.

These theoretical approaches continue to influence current research into the perception of immigrants in host countries. One example is the comprehensive study from the Observatorio Español del Racismo y la Xenofobia (OBEREXE) into social attitudes and public opinion in Spain (D’Ancona & Valles Martínez 2008). The
recent rise to prominence of right wing populist political parties on the back of anti-immigrant rhetoric in many European countries is taken by the authors to be representative of a general pattern: as the immigrant population grows, so too do xenophobic attitudes in society and in political debate. The hypothesis framing their study suggested that ‘the greater the presence of immigrants [...] the greater the tendency to activate xenophobia in Spain’ (Ibid.:19). This pattern appears to be evidenced by examples of successful discriminatory parties such as the Swiss People’s Party and the Lega Nord in Italy, which have both gained support through labelling and aggressively criticising the growing immigrant population in their respective countries.

But how do national political debates specifically respond to expanding migrant populations? According to Foucault and contemporary linguists, the presentation of topics such as immigration in public debate is controlled, manipulated, and selected according to the needs and motives of those in power, often at the expense of minority groups (Foucault 2008, van Dijk 2008, Wodak & Chilton 2005). It is argued that, through political discourse, elites attempt to influence public interpretations of social conditions. Discourse can therefore be interpreted as a social process: while responding to social stimuli, it also constitutes an element of society that contributes to other forms of discourse and social attitudes (Fairclough 1989).

The work of Teun van Dijk on racism and discrimination in discourse provides an example of this (1993, 1997, 2008). Through studying parliamentary debates, media reports and everyday speech acts, van Dijk argues that elites play a key role in the propagation of racism in overt and covert ways (1993). Thus, ‘many of the beliefs, prejudiced attitudes, and ideologies of popular racism are derived from interpretations of elite discourse [...] and, especially, political discourse’ (1997:32). A dual relationship is therefore envisaged between social attitudes and political discourse. Whilst public opinion informs the discursive choices of politicians, these are strategic and in turn attempt to influence public opinion in their favour. In this way, social attitudes and political debate on a topic such as immigration will be seen to evolve in tandem, both influencing each other.

In summary, in this section two theories of the perception of immigration have been described. On the one hand, increasing politicisation of immigration and the spread of xenophobic attitudes is seen as the outcome of growing immigrant populations in host countries. The assumption here states that where immigrant
populations increase in size, social tensions also increase, making immigration more politically salient and causing public debate on the issue to escalate. On the other hand, perceptions of immigration are understood as directly linked to political debate due to the way that elites attempt to use them as a tool for influencing public opinion in their favour. Thus, the theory assumes that where there is greater salience of immigration in political debate, this will be reflected in public opinion.

However, these approaches are limited and problematic. They treat ‘immigrants’ as one homogeneous population or discursive category. In reality there are distinctions to be made between the composition of migratory flows, settlement patterns and cultural characteristics from one group to another. For example, as outlined above, the dynamics of Romanian migration to Spain and the characteristics of this group are quite different to those of the Moroccan, Colombian, British or any other nationality group. Perceptions of individual immigrant groups may therefore vary widely from one national group to another. By looking specifically at perceptions of Romanian migration in Spain, this article consequently provides a critique of the generalised theories outlined above. As a result the questions shaping the analysis are as follows:

First, does the size of the Romanian migrant population in Spain influence political debate? According to the theory above, intensification of migratory flows from Romania and the consequent growth in the Romanian population in Spain will be accompanied by negative public opinion and increasing salience of political debate on this national group.

Second, does political discourse on Romanian immigration follow or dictate public opinion on this group? According to the theory above, there should be a dual relationship: political debate and public opinion will influence each other.

Third, is there a specific reaction to the Romanian population? The individual trajectory of Romanian migratory growth to Spain and the large size of this group suggest that it will have greater salience in political debate.

In the following section the results are illustrated and defined. These are divided into two parts presenting the evolution of social attitudes towards Romanian migration, and references to this group in political debate. This will be followed by conclusions which use the findings to offer specific answers to the research questions expressed above.
Results I: The evolution of social attitudes

As mentioned above, the principal measure of Spanish social attitudes comes from the barómetro public opinion surveys of the CIS, which is used here. The repeated measuring of opinions with the same survey format means the CIS data can be compared over time. Where limitations occur in the data, this is taken into account and explained below. Further secondary literature is also used when this allows for richer analysis of social attitudes. Particularly relevant in this respect is the OBEREXE report on racism and xenophobia in Spain, and the qualitative analysis of perceptions of individual migrant groups that is contained within (D’Ancona & Valles Martínez 2008).

A look at the general evolution of attitudes towards immigration suggests that as immigration has been consolidated and migrant populations in Spain have grown, so too has there been an increasingly negative perception of the phenomenon (see Figure 4 below). The opinion that there are too many foreigners in Spain is taken as representative of a negative perception of immigration. Unfortunately, changes in the wording of questions in the CIS surveys have made more recent trends difficult to follow. In 2008 and 2009 the possible answers were altered from excessive, acceptable, low and not enough to excessive, high, acceptable and not enough, causing comparability issues to arise. This is because the term high does not entail the same negative connotations as excessive, whilst low does not carry the same connotations as not enough. A marked rise in negative perceptions is evidenced from 2000, coinciding with a period of centre-right government of the Partido Popular (PP) of José María Aznar during which criminalisation and securitisation of immigration became increasingly common (Rojo & van Dijk 2004). This peaks in 2002 following the dramatic events at El Ejido, before continuing the rising tendency evidenced previously. In addition, these rising negative opinions are accompanied by a consistent decline in the percentage of people who see immigration levels as acceptable. This reflects a total decline in public opinion as the immigrant population has increased.

However, these figures are problematic. The opinion recorded is simply the interviewee’s perception of immigrants as a general social category, rather than of individual migrants. The CIS surveys have attempted to look into this issue by asking “When we speak about foreign immigrants living in Spain, who do you
immediately think of?” The data illustrates a changing and evolving perception of immigration and immigrants as migratory flows develop over time (see Figure 5). The majority of the Spanish population has typically associated immigration with Moroccan nationals. In line with the significant growth of migratory flows from Latin America, specifically Ecuador and Colombia, and Romania since 2000, popular awareness of these groups has also been reflected in the survey results, and by 2009 a quarter of the population associated immigration with Latin Americans, and a fifth associated it with Romanians. As the Romanian population has increased in size, it has become increasingly distinguished from other migrant populations. Interestingly, accession to the EU has not resulted, nevertheless, in Romanians being associated with other European nationalities. Instead they are either referred to as Eastern Europeans or a specific category on its own.

Figure 4. Evolution of attitudes towards immigration in Spain
What is your opinion about the number of immigrants in Spain?

Yet the results place Romanians behind Moroccans and Latin Americans as being associated with immigration. This is despite the fact that the Romanian population has grown to be larger than that of Moroccan immigrants in 2009. Similarly, the Latin American general population, taken as the total of migrants
from all Latin American countries, is larger than both. Regardless of this, Moroccans remain the principal group associated with immigration. Public recognition of different migrants is therefore not simply due to the size of the population or group. Cultural traits may single out one group more than others, and fears of the number of immigrants may be associated with related social problems, such as employment, welfare shortages, or crime (Rydgren 2008). To reach an understanding of perceptions of Romanian migrants, and the way that these perceptions are constructed, we must look in further detail.

Specific perceptions of Romanian nationals can be found in two sources: the CIS surveys from 2000 to 2009, and the qualitative research of D’Ancona & Valles Martínez which was carried out to build on the CIS data (2008). The CIS surveys from 2000 to 2003 included a question asking respondents to judge, on a scale of 0 to 10, their feeling towards a certain group of immigrant (0 representing negative and 10 positive feelings). Until 2007, respondents had to choose from migrant groups mentioned as large blocs according to their place of origin, making specific perceptions difficult to register. The results from the year 2000 illustrated in Figure 5 show that the most positively perceived group was that of Western Europeans, as they were given higher scores, with North Africans being the most negatively perceived and receiving lower scores. Romanians were included as Eastern Europeans at this point are fairly positively placed in relation to other groups, with people registering more positive attitudes towards them than towards Africans or North Americans. But from the chart we can see that positive perceptions of Eastern Europeans have decreased over time (Figure 6). A tentative
assessment of this data could suggest that as awareness of Romanian and other Eastern European migrants has increased in Spain. Greater specificity is available in the survey data from 2008 and 2009 when the question was more open, asking *Are there any groups of immigrants that you get along with badly or dislike?* This offers a more insightful view. Romanians are noted as a specific group, distinct to ‘Eastern Europeans’. This is in keeping with the data presented earlier regarding the general awareness of this group when referring to immigration. Also, social attitudes towards the Romanian migrant population have taken a particularly negative tone.

**Figure 6: Attitudes towards Eastern European migrants in Spain**

Data from CIS Barómetro 2000-2003

As shown by the data in Figure 7, Romanian nationals were recorded as being the most disliked among the respondents of the CIS survey. This develops further the negative perceptions seen at the beginning of the decade, as noted above. Further analysis from D’Ancona & Valles Martínez shines light on these perceptions (2008). In 2007 these authors find that when asked which groups are the most segregated and resist integration; specific mention was made of Romanians by only 10% of the respondents, less than for Moroccans and Gypsies. Moreover, qualitative research in focus groups also carried out in the same study found that many residents in Spain associated Romanians with crime and
insecurity, providing evidence from rumours they had heard and events they had seen in the street (Ibid.:91). Indeed, Romanians were classified as the most ‘frightening and untrustworthy’ migrant population (31% of respondents), considerably more so than ‘Muslims’ (19%) and ‘gangs’ (8%). They were thought of as the most likely to form ghettos (19% of respondents), and the second most segregated group due to differences of culture and traditions, behind Muslims (Ibid.:105). This illustrates how Romanian nationals have not only been increasingly distinguished from other migrant groups as the population grows, but also been perceived as having negative characteristics that further differentiate them from the native Spanish population.

**Figure 7. Social attitudes towards individual migrant groups in Spain**

In summary, the data presented here reflects a general move towards negative perceptions of Romanian migrants in Spain. This occurs as part of a wider shift in public opinion against immigration from 2000 to today. More specifically, the growth of the Romanian migrant population has been accompanied by a process of recognition. First, although precise data is unavailable, the tendency
evidenced has been for recognition of Romanians as a specific migrant group to increase as the population has increased in size. Second, since 2007 shifting perceptions have also been evidenced and Romanians have been more frequently recognised as thieves and criminals. However, have these developing attitudes been translated into political debate? How have the characteristics of the Romanian population and social attitudes in Spain influenced the way that political debate refers to this migrant group? In order for these questions to be assessed we must look specifically at the political process.

Results II: The evolution of political debate

The development of political debate and politicisation of the Romanian population is illustrated through parliamentary debates from the Congreso de los Diputados between 1979 (the first legislature) and January 2011 (midway through the current legislature). However, the results from the latest mandate (2008 – 2012) are interpreted as preliminary, due to this period being unfinished at the time of writing. These included initiatives and interventions (speeches) from the Congress and its Commissions. The texts were obtained through the search engine of the Congress’ website (for more information see http://www.congreso.es/portal/page/portal/Congreso/Congreso). The search parameters are included in the results.

The intention here has been to note any correlation that may arise between contextual variables (the size of the Romanian population and the development of public opinion) and public debate on Romanians and Romania. Rising debate on this national group is taken not only as a reflection of increased interest in Romanian migrants in Spain, but also in the economic, political, social and cultural links between the two countries. Furthermore, the results are also taken into comparison with evolving political debate on ‘immigration’ and ‘Moroccans’ as the other most significant foreign population in Spain in order to place this group within a wider pattern of Spanish political debate.

There has been very little debate on Romanians in Spain over the recorded period. Although an increase can be seen during the 1990s, this remains minor with only 26 or less occurrences in all oral and written questions, policy proposals and legislative acts during each mandate of four years, until 2004. In order to determine if this outcome is unique to Romanian migrants or if these results can be explained
as part of a wider pattern, the results are compared to the occurrences in reference to ‘Immigration’ and Moroccans (see Figures 9 and 10). From 1996 onwards ‘immigration’ rapidly gains salience in Spanish political debate. Despite being incomplete, the latest legislature appears to follow the trend. Concerning Moroccans, political debate has increased from the 1980s, with a particularly significant rise from 2000. On the one hand, this reflects the wider range of political ties between Spain and Morocco, meaning that this country and its people have greater relevance to the politics of Spain. On the other hand, however, this also represents a greater salience of the Moroccan population in contemporary political debate despite the fact that the Romanian population has today outgrown it. In both cases, these topics enter political debate before Romanian immigration and record a considerably greater number of occurrences. As a result, the Romanian population appears relatively unnoticed in political debate until 2004. Indeed, the general trend is for this group to be of minor relevance when compared to other migrant groups such as Moroccans.

Figure 8. Salience of Romanians in Spanish political debate (occurrences in Congress debate in each legislature of four years)

At only one moment, from 2004 to 2008, does the increase in debate on
Romanians follow the rising pattern noticed with these other groups. A superficial assessment could interpret this as a reaction to the rapid growth in size of the Romanian population in Spain: as this group becomes more visible, public interest is focused more sharply on their presence. Yet it would be a mistaken conclusion. References to Romanians drop off from 2008 onwards, returning to the level recorded previously. Debate on Moroccans follows a similar decline. Moreover, whereas specific references to Romanians have almost disappeared from debate following 2008, immigration and the Moroccan population remain significant topics. The data from 2004 to 2008 therefore constitutes an anomaly in the trend, and should be interpreted as an outlier. This is particularly evident in Figures 8 and 10. Although immigration remains a salient political topic, references to Romanians decline to the levels of 1996-2000.

So why was there this increase in occurrences between 2004 and 2008? Closer examination of the debates reveals that the majority of the occurrences are closed written questions. These are principally used for administrative or accountability purposes, as they request a specific piece of information. The information here solicited can be grouped into two sections. Firstly, the majority of the references constitute specific questions regarding the national context, for example, inquiring about the number of Romanian nationals resident in a specific area, or the amount of Romanian nationals who have had their home driving licence validated in a certain region. Of the 183 references recorded during this period, 118 (64%) are of this type and occur during 2005. This coincides with a mass amnesty for undocumented migrants, carried out for two years from 2005. Specific data on immigration to regions of the country is collected at this time to gain awareness of the impact of immigration before and after the amnesty. As Romanian nationals represented a relatively ‘new’ immigrant group in Spain at this time, this gathering of data would have been particularly significant in order to assess the spread of migratory flows and integration policies on this population and across different parts of the country. Secondly, 22 of the remaining references are composed of questions on international bilateral and European efforts to limit illegal immigration from Romania to Spain. This reflects a preoccupation with the (then) forthcoming accession of Romania to the European Union in 2007. Inquiries are made as to the number of buses arriving daily over the Pyrenees from Romania, the actions being taken with other EU member states, the delay on allowing full European citizenship rights to Romanians, and steps to be taken to limit the spread.
of Romanian mafia organised crime groups. Particularly relevant here are questions regarding international cooperation across the EU to measure and control Romanian migration and, when necessary, deportation. These occurrences represent a preoccupation about the rates of migration from Romania to Spain and possible transnational crime upon the opening of the borders of EU member states to this country from 2007 onwards.

Figure 9. Salience of social groups in Spanish political debate

<table>
<thead>
<tr>
<th>Time</th>
<th>Immigración/Inmigrantes</th>
<th>Marruecos/marroqui/marroques</th>
<th>Rumania/Rumano/Rumana/Rumanos/Rumanas</th>
</tr>
</thead>
<tbody>
<tr>
<td>I Legislature (1979-1982)</td>
<td>3</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>II Legislature (1982-1986)</td>
<td>3</td>
<td>94</td>
<td>1</td>
</tr>
<tr>
<td>III Legislature (1986-1989)</td>
<td>8</td>
<td>89</td>
<td>2</td>
</tr>
<tr>
<td>IV Legislature (1989-1993)</td>
<td>50</td>
<td>191</td>
<td>10</td>
</tr>
<tr>
<td>VI Legislature (1996-2000)</td>
<td>375</td>
<td>247</td>
<td>26</td>
</tr>
<tr>
<td>VIII Legislature (2004-2008)</td>
<td>3127</td>
<td>713</td>
<td>183</td>
</tr>
<tr>
<td>IX Legislature (2008-Today)</td>
<td>2393</td>
<td>233</td>
<td>18</td>
</tr>
</tbody>
</table>

Figure 10. Salience of social groups in Spanish political debate
Closer assessment of debate from 2004-2008 therefore illustrates that political discourse on Romanian immigration is influenced by national and supranational policy concerns rather than social conditions and public opinion. In this way the data from this period constitutes an outlier in the general trend as a result of abnormal policy developments, in the form of a mass amnesty at national level and the dropping of border controls with Romania at the supranational level. Consequently, the increase in political debate during this period should not be seen simply as a response to the growing Romanian population or as a reflection of public attitudes towards Romanians. It is instead contingent on the development of national and supranational policies. As a result it is particularly interesting that, at the time when this group becomes the largest immigrant population in Spain, is increasingly recognised by the native population and associated with a negative reputation, political debate does not seem to acknowledge its presence in the same way that Spanish society and Spanish public opinion do.

Conclusions

This article has presented an overview of social and political perceptions of the Romanian migrant population in Spain. It is found that over time the Spanish public has increasingly recognised and distinguished between different national groups. As the Romanian migrant population has increased, there has been a growing awareness in society of this group as being distinct from other Eastern European nationalities. Social attitude surveys have also reflected an overall increase in negative assumptions regarding Romanian migrants as dangerous and segregated individuals who tend not to integrate.

However, this does not translate into political debate. By 2008, social attitude surveys registered perceptions of Romanians in a particularly negative light. Yet in this same year we have seen political debate on this group fall to low levels. In addition, once the anomaly of high salience of Romanian nationals between 2004 and 2008 is accounted for, it is clear that there has been only a minor increase in political interest in Romanian migration over the past two decades. A disconnect between local perceptions of Romanian immigration and national level political debate is evidenced.

The theoretical approaches outlined in this paper are therefore shown to fall short of explaining the reality of intercultural perceptions and the politics of
immigration on an individual group level. Political debate is not shown to be shaped by the size of a specific immigrant population. Indeed, national and supranational policy developments in the form of a forthcoming mass amnesty and the integration of Romania to the EU, have been more relevant in shaping political salience of Romanian migration than the character of the migrants themselves. Political debate and social attitudes are also not as closely interrelated as suggested. Although there is a tendency for politicians to voice public concerns on immigration as a general topic, with specific groups this is not the case, as evidenced by the fact that social perceptions of the Romanian population in Spain are not translated into political debate on this same group. Politicians cannot be seen to be signalling or scape-goating one specific migrant population in public debate. In fact, social perceptions of immigration are more nuanced than public debate and distinguish between groups in positive and negative ways that political elites do not. In this way, social attitudes in Spain towards Romanian migrants developed in a distinct way to elite-level political debate on this group.

To conclude, these results illustrate that the relationship between local perceptions of immigration in society and macro-level debates on a national stage is complex. It should not be assumed that processes based on these perceptions, such as discrimination or exclusion, automatically play out in the same way in politics and society, or on a national and a local level. This calls for a more nuanced understanding of academic approaches to these topics in the future.

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Economic Effects of Migration from Albania to Greece: An Empirical Approach

Vasileios K. SIOKORELIS

Abstract: The phenomenon of migration has been intensified particularly over the past decades due to broader political changes that have taken place. Especially the Balkan countries show a remarkable increase in its migration flows, which strongly affected the economies of host countries. The article examines the economic aspects of the migration phenomenon, as well as the impact and interactions between Greece and the sending country Albania.

Keywords: migration, employment, wages, remittances, social security system

Introduction

It is commonly accepted that the political changes that took place in the late 1980s with the collapse of the Eastern Bloc and the reform of the geopolitical area of south-eastern Europe influenced drastically the economic behavior of states in multiple levels. Especially in the Balkans, trade liberalization and the sharp fall in living standards reinforced - among others - the phenomenon of migration.

In this context, the aim of the article is the investigation and estimate of the main changes induced in the Greek labor market as a result of the continuation of the migration process\(^1\) (case study Albania). Albania is the country with the highest intensity in migration flows in Southeastern Europe (which accounted for even one-sixth of its total population) during the period of so-called "pyramid" (1997) and the war in Kosovo (1999).

The analysis will be based on the theoretical economic context of immigration and especially on the impact that causes on both wages and

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employment\(^2\). Particular reference is made to describe the profile of immigrants in the country. The article concludes with a quantitative assessment of the employment effects of the indigenous population, while trying an empirical interpretation of the significance of remittances and the contribution of the social security system for sending and receiving countries.

**The impact of immigration on wages and jobs - a theoretical reference**

In perfect – competitive markets, migration only affects the level of wages. The characteristics of migrants are those that determine which groups of native workers will observe a fall in wages. For example if the majority of immigrants are employed in low skilled occupations, it is clear that the consequences of immigration will be harmful particularly to native unskilled workers. This can lead to the improvement in the position of other skilled workers (increase in demand for labor) employed in complementary sectors in the host country. The overall impact of migration in a fully competitive market is presented with the chart below.

![Chart 1](chart.png)

DD curve depicts the demand for labor in the host country and NN is the inelastic supply of labor for each native worker. Migration flows (M) lead to an increase in labor supply and a parallel shift of the total supply curve to the right (N+M). The growth of employment has thus resulted in a reduction of wages (from \(w_0\) to \(w_1\)).

Analyzing further the changes made in the domestic labor migration, we find that the increase in the workforce (indigenous plus foreign workers) has led to a consequent increase in output (area c+e). Much of the increase is given to immigrants in return (area e), while the remainder (area c) expresses the net benefits ("immigration surplus") to society\(^3\). The distribution of total output is not the same for all productive factors. The owners of capital increase their product (from a to a+ b+ c), while the product for native workers decreases significantly (from b+d in d). Just this economic inequality is the main point of concern and controversy today on managing the migration issue.

**Greece as an immigration country**

The trends of immigration show that Greece is one of the main host countries\(^4\). Indeed, according to Census data, the number of immigrants jumped from 30,571 in 1951 to 797,091 in 2001, an increase of 376.51%. The slight decrease observed in the decade 1981 - 1991 is due to the large number of undeclared immigrants in the 2001 census. However, according to estimates, immigrants who come to our country in recent years represent approximately 10% of the total population and 12% of the working population\(^5\).

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Migrants</td>
<td>30.571</td>
<td>54.736</td>
<td>92.568</td>
<td>171.424</td>
<td>167.276</td>
<td>797.091</td>
</tr>
</tbody>
</table>

Source: Hellenic Statistical Authority

The majority of migrants are men (425,552- 54.5%) and 45.5% women (346,639). Most of them belong to the productive age (15-64), while immigrants from 25-54 years constitute 53.5%. Also, immigrants who are married cover 52% of the total.

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\(^4\) There are used the results of A.Kontis ,. S.Zografakis. Th.Mitrakos (2006) “Economic effects of migratory employment on GDP during the last decade”, *Bureau of Migration and Diaspora, Department of Political Science and Public Administration, National and Kapodistrian University of Athens*.

As far as the sending countries are concerned, the Balkans and Eastern Europe dominate, (they send 75% of immigrants, 14% are Asians, 3.2% North-Americans, 1% Africans). The first place is occupied by Albania (57.5%), followed by Bulgaria (4.6%) and Georgia (3.0%).

Table 2. The origin of Greek immigration (Participation of the total number of immigrants)

<table>
<thead>
<tr>
<th>Sending countries</th>
<th>Percentage of total</th>
<th>Sending countries</th>
<th>Percentage of total</th>
<th>Sending countries</th>
<th>Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>57.5</td>
<td>Poland</td>
<td>1.7</td>
<td>Philippines</td>
<td>0.8</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>4.6</td>
<td>Germany</td>
<td>1.5</td>
<td>Italy</td>
<td>0.8</td>
</tr>
<tr>
<td>Georgia</td>
<td>3.0</td>
<td>Pakistan</td>
<td>1.5</td>
<td>Canada</td>
<td>0.8</td>
</tr>
<tr>
<td>Romania</td>
<td>2.9</td>
<td>Australia</td>
<td>1.2</td>
<td>Moldova</td>
<td>0.7</td>
</tr>
<tr>
<td>USA</td>
<td>2.4</td>
<td>Egypt</td>
<td>1.0</td>
<td>France</td>
<td>0.7</td>
</tr>
<tr>
<td>Cyprus</td>
<td>2.3</td>
<td>Armenia</td>
<td>1.0</td>
<td>Syria</td>
<td>0.7</td>
</tr>
<tr>
<td>Russia</td>
<td>2.3</td>
<td>Turkey</td>
<td>1.0</td>
<td>Other Countries</td>
<td>6.2</td>
</tr>
<tr>
<td>Ukraine</td>
<td>1.8</td>
<td>Iraq</td>
<td>0.9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>1.7</td>
<td>India</td>
<td>0.9</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Hellenic Statistical Authority, Census 2001

Specifically, one third of the immigrant workforce is employed in construction (31.7%), followed by the employment of domestic staff (20.5%), manufacturing industries and crafts (12.8%), trade and repairs (11.6%), hotels and restaurants (8.2%) and the agriculture - livestock sector (6%). The following table illustrates the employment of Albanian immigrants by production sectors.

Table 3. People with Albanian citizenship (15 years and over), per sector of production*

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary</td>
<td>91.351</td>
<td>85.855</td>
<td>105.025</td>
<td>109.604</td>
<td>105.565</td>
<td>104.037</td>
</tr>
<tr>
<td>Tertiary</td>
<td>61.723</td>
<td>58.135</td>
<td>58.715</td>
<td>67.216</td>
<td>82.746</td>
<td>96.312</td>
</tr>
<tr>
<td>Total</td>
<td>167.492</td>
<td>157.398</td>
<td>174.439</td>
<td>189.166</td>
<td>207.443</td>
<td>226.603</td>
</tr>
</tbody>
</table>

*1st Quarter
Source: Labour Force Survey, Hellenic Statistical Authority

From table 3 we conclude that the last six years (2005-2010) the number of Albanian workers in Greece has increased by 35.29% (from 167,492 in 2005 to
226,603 in 2010). This translates into an increase of 82.09% for the primary sector, 13.88% for secondary and 56.03% for the tertiary. This year (and earlier), the largest share of jobs is occupied by the secondary sector (45.91%), while the primary amounts to only 11.58%. Consequently, the main conclusion is that the employment of immigrants follows the trends of structural changes occurring in the Greek economy (gradual adjustment - reduction of traditional agricultural production, introduction of new crops in accordance with the provisions of the Common Agricultural Policy).

Table 4 Employment of Albanian immigrants by economic activity in Greece *

<table>
<thead>
<tr>
<th>Economic Activity</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, forestry and fisheries</td>
<td>12.346</td>
<td>19.132</td>
<td>26.254</td>
</tr>
<tr>
<td>Processing</td>
<td>27.772</td>
<td>25.617</td>
<td>29.552</td>
</tr>
<tr>
<td>Construction</td>
<td>81.515</td>
<td>79.635</td>
<td>73.595</td>
</tr>
<tr>
<td>Wholesale – retail</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair of motor vehicles and motorcycles</td>
<td>14.147</td>
<td>18.719</td>
<td>22.448</td>
</tr>
<tr>
<td>Accommodation services and catering</td>
<td>15.916</td>
<td>20.139</td>
<td>21.638</td>
</tr>
<tr>
<td>Activities of households</td>
<td>22.845</td>
<td>28.338</td>
<td>33.557</td>
</tr>
<tr>
<td>Other economic activities</td>
<td>14.625</td>
<td>15.864</td>
<td>19.560</td>
</tr>
<tr>
<td>Total</td>
<td>189.166</td>
<td>207.443</td>
<td>226.603</td>
</tr>
</tbody>
</table>

*1st Quarter
Source: Labour Force Survey, Hellenic Statistical Authority

As far as the sectoral specialization of jobs is concerned (Table 4), construction dominates (73.595 employees), followed by activities in households (33.557), manufacturing (29.552) and branches of primary sector (agriculture, forestry and fishing 26.254). In terms of changes, in the last three years exceeds the declining construction (9.71% cumulative) against mainly the primary sector (112.65%), wholesale - retail trade (58.76%), household activities (46.88%) and accommodation services and catering (39.5%).

In any case, the wages of Albanian immigrants are low in the secondary sector compared to the other two sectors of production (Table 5).

Table 5 Net monthly salary of Albanian immigrants in Greece by economic activity (1999-2010)

<table>
<thead>
<tr>
<th></th>
<th>Primary</th>
<th>Secondary</th>
<th>Tertiary</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>451.84</td>
<td>503.2</td>
<td>444.87</td>
<td>466.63</td>
</tr>
<tr>
<td>2000</td>
<td>430.2</td>
<td>542.5</td>
<td>453.93</td>
<td>475.54</td>
</tr>
<tr>
<td>2001</td>
<td>444.48</td>
<td>576.85</td>
<td>492.31</td>
<td>504.54</td>
</tr>
</tbody>
</table>
Economic assessment of the economic impacts of migration from Albania to Greece

i) The econometric model

To assess the effects of Greek labor migration from Albania to Greece, we regress the following equation\(^6\):

\[
\ln(\text{EMPLgr}) = a_0 + a_1 \ln(\text{EMPLal}) + a_2 \ln(\text{GDPp.p.gr-}\text{GDPp.p.al}) + a_3 \ln(\text{UNEMPLal-}\text{UNEMPLgr}) + a_4 \ln(\text{MIGRal-gr}) + \epsilon_t
\]

where:
- EMPLgr = employment in Greece
- EMPLal = employment in Albania
- GDPp.p.gr = per capita GDP of Greece
- GDPp.p.al = per capita GDP of Albania
- UNEMPLal = unemployment in Albania
- UNEMPLgr = unemployment in Greece
- MIGRal-gr = migration flows from Albania to Greece

The above logarithmic equation almost fits the general form of gravity models, which were introduced in early 1960 (Tinbergen, 1962) and refined a few years later when economists asserted that they are representative to interpret

\(^6\) L.Casi “Enhancing Trade Through Migration. A Gravity Model of the Network Effect”, in ISLA-Bocconi (Milan, Italy)
both the "theory of comparative advantage" and the "new trade theory" (Anderson7 - 1979, Bergstrand8 - 1985). They are used to interpret a variable (in our case the Greek employment) taking into account the changes in economic conditions and distance.

The estimation of the above logarithmic equation is using the software - statistical program STATA (9.1) and covers the period 2001 - 2009 with a level of statistical significance of 1% (which is the lowest conventional level). The relatively short time series is due to lack of reliable data on the economy of neighboring countries (particularly those of migration flows).

After checking the correlation of explanatory variables we move in the regression equation, which gives the following results:

### Table 6 Results of regression estimation

<table>
<thead>
<tr>
<th>Source</th>
<th>SS</th>
<th>df</th>
<th>MS</th>
<th>Number of obs</th>
<th>F(  4,     4)</th>
<th>Prob &gt; F</th>
<th>R-squared</th>
<th>Adj R-squared</th>
<th>Root MSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
<td>0,0109</td>
<td>4</td>
<td>0,0027</td>
<td></td>
<td>859,58</td>
<td>0,000</td>
<td>0,999</td>
<td>0,998</td>
<td>0,002</td>
</tr>
<tr>
<td>Residual</td>
<td>0,0000</td>
<td>4</td>
<td>0,0316</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0,0109</td>
<td>8</td>
<td>0,0014</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| empl        | Coef. | Std. Err. | t    | P>|t|  | [95% Conf. Interval] |
|-------------|-------|-----------|------|------|---------------------|
| empl_al     | 0,0952 | 0,032314  | 2,94 | 0,042 | 0,005 | 0,185 |
| gdp (gap)   | 0,2002 | 0,009047  | 22,13| 0,000 | 0,175 | 0,225 |
| unempl(gap) | 0,0225 | 0,006803  | 3,31 | 0,030 | 0,004 | 0,041 |
| migr_alb    | 0,0069 | 0,001092  | 6,33 | 0,003 | 0,004 | 0,010 |
| _cons       | 11,880 | 0,418666  | 28,37| 0,000 | 1,072 | 13,042 |

The format of the estimated equation is:

\[
\ln(\text{EMPLgr}) = 11,880 + 0,0952\ln(\text{EMPLal}) + 0,2002\ln(\text{GDPp.p.gr-GDPp.p.al}) + 0,0225\ln(\text{UNEMPLal-UNEMPLgr}) + 0,0069\ln(\text{MIGRal-gr})
\]

The positive sign of variables basically confirms the positive correlation between the independent - explanatory variables and the dependent (level of employment in Greece).

With 95% confidence interval, the p-value indicates the statistical significance of variables. We observe that the p-value of all variables ranges to below 0.05. Consequently, according to this criterion, statistically significant variables are the difference in per capita GDP in both countries, immigration and the difference in unemployment. The variable employment in the neighboring country is of high and volatile p-value, which makes its statistical significance less important.

Also it is worth noting that the high prices that take the adjusted R-Squared (0.999) and F-Statistics (859.58) give quite good statistical significance in our model, compared with the corresponding results of other studies.

Apart from employment, significant effects are caused by the transfer of resources (remittances) and the contributions of immigrants on the social security system of the host country.

**ii) Remittances and the Welfare Social System**

Remittances are a crucial factor when considering the phenomenon of migration\(^9\). Specifically, they contribute to the increase of disposable income and consumption in the recipient country (Albania) and enhance the development process. Just the opposite effect is observed in the host country where the outflow of foreign exchange reduces demand putting pressure on markets for goods and money.

Lianos and Cavounidis\(^10\) (2006) estimate that migrants return to their country in the form of remittances nearly one quarter of their income. Certainly, the rate varies depending on the nationality of migrants. Thus, the number of Albanian immigrants who send money home comes to 42.4% (against 66.8% of other nationalities) with an amount of nearly 20% of their total income. Also,

\(^9\) According to the World Bank (Albania Poverty Assessment 2003, pp. 131), they represent, on average, 13% of total income among Albanian households.

according to the same survey, the Albanian immigrants, who live in Greece more than five years, send to their country 22% of their income (while those who stay less than five years 30% of their income).

Tables 7 and 8 present the great problem of balance of payments from the outflow of capital to the neighboring country. The deficit amounted in 2009 to 338.7 million euros (up by 41% compared with 2005, but comparatively less in the last three years).

**Table 7 Major sending countries of migrant remittances* (2005-2009)**

<table>
<thead>
<tr>
<th>Country</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>192,3</td>
<td>399,7</td>
<td>708,6</td>
<td>587,4</td>
<td>250,2</td>
</tr>
<tr>
<td>ALBANIA</td>
<td>-240,1</td>
<td>-246,2</td>
<td>-344,5</td>
<td>-388,1</td>
<td>-338,7</td>
</tr>
<tr>
<td>GEORGIA</td>
<td>-0,1</td>
<td>-0,1</td>
<td>-0,4</td>
<td>-47,8</td>
<td>-95,9</td>
</tr>
<tr>
<td>PHILIPPINES</td>
<td>-0,1</td>
<td>-1,0</td>
<td>-7,1</td>
<td>-28,8</td>
<td>-44,8</td>
</tr>
<tr>
<td>SRILANKA</td>
<td>0,0</td>
<td>0,0</td>
<td>0,0</td>
<td>-4,0</td>
<td>-2,7</td>
</tr>
<tr>
<td>UNITED ARAB. EMIRATES</td>
<td>0,2</td>
<td>0,4</td>
<td>0,2</td>
<td>1,3</td>
<td>-2,7</td>
</tr>
<tr>
<td>BANGLADESH</td>
<td>0,0</td>
<td>0,0</td>
<td>0,0</td>
<td>-0,5</td>
<td>-2,0</td>
</tr>
<tr>
<td>ROMANIA</td>
<td>-7,9</td>
<td>-11,2</td>
<td>-11,9</td>
<td>-7,4</td>
<td>-1,9</td>
</tr>
<tr>
<td>MOLDOVA</td>
<td>-2,9</td>
<td>-1,2</td>
<td>-1,2</td>
<td>-5,8</td>
<td>-0,9</td>
</tr>
<tr>
<td>POLAND</td>
<td>1,1</td>
<td>-1,0</td>
<td>1,1</td>
<td>1,3</td>
<td>-0,3</td>
</tr>
<tr>
<td>HUNGARY</td>
<td>0,2</td>
<td>-0,6</td>
<td>-0,1</td>
<td>0,0</td>
<td>-0,3</td>
</tr>
<tr>
<td>CHINA</td>
<td>-0,9</td>
<td>-1,2</td>
<td>-0,8</td>
<td>-0,2</td>
<td>-0,2</td>
</tr>
<tr>
<td>UKRAINE</td>
<td>-0,6</td>
<td>-0,6</td>
<td>-0,7</td>
<td>-0,5</td>
<td>-0,2</td>
</tr>
<tr>
<td>OTHER COUNTRIES</td>
<td>443,4</td>
<td>662,3</td>
<td>1,074,0</td>
<td>1,067,8</td>
<td>741,0</td>
</tr>
</tbody>
</table>

*amounts in million euros  
Source: Bank of Greece

**Table 8 Net remittances of Albanian workers* (2000-2009)**

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALL COUNTRIES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Receipts</td>
<td>1,434,4</td>
<td>1,325,8</td>
<td>1,050,4</td>
<td>883,2</td>
<td>511,6</td>
<td>192,3</td>
<td>399,7</td>
<td>708,6</td>
<td>587,4</td>
<td>250,2</td>
</tr>
<tr>
<td>Receipts</td>
<td>1,751,8</td>
<td>1,643,8</td>
<td>1,248,0</td>
<td>1,048,7</td>
<td>721,2</td>
<td>697,7</td>
<td>906,5</td>
<td>1,439,5</td>
<td>1,478,1</td>
<td>1,157,9</td>
</tr>
<tr>
<td>Payments</td>
<td>317,4</td>
<td>318,0</td>
<td>197,6</td>
<td>165,4</td>
<td>209,6</td>
<td>505,4</td>
<td>506,9</td>
<td>730,9</td>
<td>890,8</td>
<td>907,7</td>
</tr>
<tr>
<td><strong>ALBANIA</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net Receipts</td>
<td>-1,0</td>
<td>-1,6</td>
<td>-8,6</td>
<td>-7,6</td>
<td>-28,0</td>
<td>-240,1</td>
<td>-246,2</td>
<td>-344,5</td>
<td>-388,1</td>
<td>-338,7</td>
</tr>
<tr>
<td>Receipts</td>
<td>0,1</td>
<td>0,2</td>
<td>2,7</td>
<td>1,6</td>
<td>1,3</td>
<td>1,4</td>
<td>1,6</td>
<td>1,9</td>
<td>1,8</td>
<td>0,9</td>
</tr>
<tr>
<td>Payments</td>
<td>1,1</td>
<td>1,8</td>
<td>11,3</td>
<td>9,2</td>
<td>29,3</td>
<td>241,5</td>
<td>247,8</td>
<td>346,4</td>
<td>389,9</td>
<td>339,6</td>
</tr>
</tbody>
</table>

*amounts in million euros  
Source: Bank of Greece

Regarding the impact of immigration to our country in the welfare system
and insurance, there have been carried out two studies on this issue. The first comes from Maratou - Alipranti and Gazon\(^\text{11}\) (2005) using census data of 2001 and the three largest insurers (IKA - social security institution for wage and salary earners, OAEE - social security organization for self-employed, OGA - social security organization for farmers). According to these studies, immigrants earn lower incomes and subsequently contribute less to social security system than the native workers (average 2.563 per year versus 3.414 million Greeks), leading among others to lower pensions.

| Table 9 Rate of social security contribution to wages (%) |
|---------------------------------|----------|----------|----------|
| Nationality                     |          |          |          |
| Greeks                          | 37.3     | 38.8     | 37.8     |
| Migrants                        | 43.5     | 42.3     | 43.1     |
| Albanians                       | 45.1     | 44.0     | 44.8     |
| **Total (Greeks and Migrants)** | **37.6** | **39.0** | **38.2** |

Source: Maratou – Alipranti & Gazon (2005)

One second study which examines the impact of immigration on the Greek social security system is that of Bagavos and Papadopoulou\(^\text{12}\) (2006). Indeed, the influx of migrants relieves the problem of aging observed in our country. However, given the high rate of native to foreign workers, the increase in the inflow of immigrants is not expected to cause substantial changes in the already damaged social security system.

**Conclusions**

From the analysis above it became clear that migration from Albania to Greece (which accounts for 57.5% of total immigration to Greece) is an unavoidable consequence of asymmetrical growth prevailing in both countries. The intensity will mainly depend on the rate of convergence of the economies of two countries. However, from all the previous studies - regardless of convergence scenarios used -


\(^{12}\) C.Bagavos, D.Papadopoulou “Immigration and Immigrants’ Incorporation to the Greek Society”, in *Scientific Company of Social Policy (Athens: 2006)*.
it became clear that migration flows are not expected to influence significantly the general economic basis of Greece.

But that cannot be said about the micro level, since foreign workers with low skills are expected to intensify competition in the labor market, thus creating serious changes in the relationship between native and foreign workers concerning the spatial distribution and the sectoral expertise (mainly in construction and domestic services).

The positive effects of migration from the neighboring country have to do basically with the growth rate of GDP, the intensification of inflationary pressures, as well as the impetus for restructuring the agricultural sector and SMEs. However, the swelling of the informal economy and low displacement of indigenous trainee workers from the manufacturing process continue to cause unequal distribution of income, high unemployment and stagnant growth in the salaries of labor force.

As far as the econometric estimation of the Greek employment is concerned, statistically significant variables are the difference in per capita GDP and unemployment in both countries, as well as migration flows from Albania to Greece.

Finally, the negative effects caused to the Greek economy and in particular to the balance of payments are intensified by the outflow of remittances to Albania (reaching 20% of the total income of Albanian immigrants), which are by no means compensated by the contributions of immigrants to the social security system of Greece.

References


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BOOK REVIEWS


*Review by Lia POP*

The Identities’ use on a large scale seems to be the present challenge on the international competition. The continental actors are the single competitors able to concentrate and to mobilize effectively their energies in order be successful in the new political economical environment, where crisis occurs and problems come without end.

The scale and the nature of the competition is imposing to the European and American actors the same direction: unity. The demand for unity across the Atlantic is obvious for the strategists and politicians. It is the single way to win! It is to be largely transferred to the public as a clear conscience that there is a single way in the future battles: the common march! For the US, NATO and, the EU the name of the unity is Trans-atlanticism. Its content is the unquestionable solidarity! Around the nucleus of Trans-atlanticism, there is to mobilize the energies of soft power to align others’ solidarities: there are the solidarities of it with Russia, China, India, Brazil, new emergent powers and with others entities which are embracing the values incorporated in trans-atlanticism. To involve them in approaching the global problems and to take global responsibilities as continental actors.

The thesis of reinventing Atlantic solidarity for the current century, is supported, with academic sagacity and journalistic ability to get the catching expression, by Cristina Marine in her recent book. The author is describing the EU enlargement as a process fully supported by US and NATO alliance and explicitly dedicated to reach together – US, NATO and EU – the dimensions needed in the
present competition. The Chapters: *Benchmarks of Progress Towards the European Union, The Fifth Enlargement Wave of the European Union, and Romania’s European Union Accession – A Case Study* are conceived as proofs of the traditional unity and beneficial effects of transatlanticism in Europe. The Romanian case, is one of the most illustrative one, for the role of US and NATO in Romania accessing in EU, in Monitoring Period, as well as, in the Post-accession time. The author is demonstrating how this support is facilitating the Romanian reforms and the opening of the Brussels institutions to Romania’s accomplishment asserted even by the transatlantic institutions.

In the same perspective of a common march – US, NATO, and EU - and of a mutual support are explored the perspectives in the Chapters: *The Treaty of Lisbon; The US Perspective on the European Union, Fifth Enlargement Wave. (The Fifth Wave of enlargement is considered as two stages wave: 2004 and 2007).*

*Chapter six is describing the rift among the partners alongside the Atlantic. But, it is underlining its cause: Iraqi war ceased. It is also argued that the reality of the present transatlanticism is not the rift. It is the objective proliferation of pro-unity factors influence: the New Global Challenges, the Globalization and the Strengthening of the Transatlantic Economy*

*The core Chapter of the book European Union Enlargement and the Redefining the Transatlanticism is the chapter on Transatlanticism. It is approaching the Redefining Transatlanticism process. Marine is looking concretely at the facts: transatlanticism in action. But she is also considering the nature of the power of transatlanticism. It is a complementary power of the participants – hard power comming for the US and NATO part and soft power for EU. That leads to a Transatlanticism as a smart political power, and this type better fits our times' needs. It is also the most reliable way of constructing and using power. (The concept of the “smart power” is taken in the sense coined by J. Nye Jr.)*

*Looking at the facts the author is exploring: The EU, the Immediate Neighborhood and US Interests; The US Military Power, NATO, ESDP; The US, the EU, and the Rest of the World; US, EU, China; US, EU, Russia; US, EU, the Middle East, North Africa; US, EU, Latin America. Ms Marine is concluding for Redefining transatlanticism as the quite unique chance for the US to keep its global status of superpower. In order to reach it, US has to see the future as partnership with EU. The institutional and public conscience on it is to be redefined as a Forum for US,*
NATO, EU presence in the global arena as the American Scholar Serfaty is pleading for. The public conscience is to be awake of the new global responsibilities and to support the political actors able and willing to take them.

The thesis of the solidarity across the Atlantic borders as an unquestionable one is not new in America. (There are at least 10 years, since the trans-Atlanticism is a goal both for the Americans Think Tankers from CS&IS, coordinated by Simon Serfaty and from Transatlantic Studies, led by Daniel Hamilton. The books of Serfaty and Hamilton is pushing to this direction the foreign policy on the both sides of the Atlantic, by pressing the academic conscience and the political expertise with lessons from the past and from the exercise of rationality. They open the front for Trans-Atlanticism and issue concrete ways of enforcing it in Europe too, with institutional tools and through public diplomacy efforts. The Brzezinski chair, conceived and leaded by Serfaty in the Johns Hopkins University, is dedicated to train scholars with these values and with

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CSIS and by Simon Serfaty, in his books and articles after 2001 and particularly in the collection of studies Visions of the Atlantic Alliance: the United States, the European Union, and NATO (2005). The forum US, EU, NATO would enable the trans-Atlantic actors to take part together and efficiently to the global decision-making process.

such an expertise. An intense academic activity – the seminars, and the books attacked the topics – is a real trend in the American literature of the last ten years and in the political expertise.

The new directions in the trans-atlanticisms culture are the openness to the partnership with Europe, to surpass the Bush traditions of superpower arrogance. The new trend is embraced and advocated by Ms Marine in her book.

The nature of the trans-atlanticism as a global power is not only its capacity to put together the will of more than 800 000 000 of people, across the Atlantic, but also their elites' wisdom to reinvent the concept permanently in order to anticipate the global challenges as the leader of the process, not as its looser. It is also the nature of a “smart power” as the author demonstrated.

This approach is 'fresh' for Romanian academic milieu, and it is also profiting for Romanian politicians. The thesis of trans-atlanticism as an unquestionable solidarity between the US and the EU on the front of large global battles, is important for Romanian political actors and for their efforts to get a line in the Romanian foreign policy. It is also important for the Romanian public in order not to be the victim of the new wave of nationalism which is flourishing in Europe in connection with the Global Economic Crisis. It is important to fully understand that the small actors' time in the global arena is out. Without the large solidarities around the same values and with large hard power support there is not chance to play a global role and to get access to the resources. So, Romanians should support the countries' alliances and to learn the lessons of recent past, that of firm actions in unity with EU, NATO, US is conducting the club of winners.

*Review by Alina BRIHAN*

In the international migration process of the late XXth and early XXIst centuries, the labour migration from and in the Asia Pacific region represents an important area of research. In the recent years, as part of the wider process of globalization, migrants from specific areas of origin – South, Southeast and East Asia – have become visible all over the world; meanwhile, labour migration inside the region has known different evolutions from the mid-1980s on.

*Rationalizing Migration Decisions*, written by Akm Ahsan Ullah, aiming to redress the paucity of research surrounding Bangladeshi labour migration, examines the decisions that people from Bangladesh make to leave their homes and migrate abroad - in this case, specifically to Hong Kong and Malaysia. After an analysis of the rationale for selecting the two destination countries of the workers from Bangladesh, the author investigates, during his research, two facets of the migration process: the pre-migration decision making and the rationalization of the post-migration experiences. Therefore, the book is an qualitative and quantitative analysis of: the problems and vulnerabilities faced by the migrants, of the migration costs, the access to jobs, the income and savings, the remittance transfers, the pattern of expenditure by the family at home and the ultimate financial impact of the migration; but, also, an endeavour whose final objective is to recommend a set of policies and strategies that will enhance the benefits of migration, both for the Bangladeshi migrant workers and for the governments of the sending and receiving countries.

The book is organized in 8 chapters. The first chapter examines the two destination countries of the workers from Bangladesh – Hong Kong and Malaysia, countries that have historically relied on migrant workers for their economic growth, and where the flow of the Bangladeshi migrant workers has developed since the mid-1970s/mid (Hong Kong) and early 1960s (Malaysia).
The second chapter presents the major theories of migration that the book deals with. Firstly, the author presents the conceptualization of the term “rationalization” – from psychological, sociological and economic perspectives. In view of these angles, “people’s rationalization of migration illustrates how migrant workers justify their acts of migration through their beliefs and choices made according to certain patterns” (p. 23). Secondly, are stated the theories of migration research that are applicable to the Bangladeshi migrant workers: the classical theories, the economic approach, the cost-benefit model, the neo-classical economic macro-theory, the human capital, the relative deprivation, the household strategy, the modern theory and the gender aspects. As a consequence of this, the chapter succeeded in associating the two book’s perspective on the migration process (pre-migration and post-migration rationalization) with the selected theories.

The third chapter focuses on the socio-economic and demographic background of the Bangladeshi migrants from Hong Kong and Malaysia; while the fourth chapter shows up the routes followed by the Bangladeshi migrant workers to get to the two destination countries. In the same time, in the fourth chapter it is examined the way in which the networks facilitate migration and the role that different social groups play in the process, as the migration networks are significant actors in both pre – and post-migration periods, in terms of reducing the risk and cost of migration.

The fifth chapter deals with the migration costs and the ways of financing initial migration (the sources for borrowed money or the period needed to repay the loans). As a result, is analyzed not only the monetary cost, but also the social and psychological costs of the migration debt.

The sixth chapter discusses the influence of work-related issues – the categories of work offered/available to migrants, contracts, employee-employer relations and wages – on the rationalization process. It is also analyzed the adaptation of the migrant workers to their host countries, which is a significant element in the rationalization of their post-migration experiences.

The seventh chapter deals with the process of deriving and transferring remittance. In this regard, are identified the channels of transfer, the dynamics of remittance use and its impact on the well-being of the receiving families; but also the influence of income in the host countries on migrants’ rationalization processes.

The last chapter provides the concluding remarks and recommendations. Consequently, the data analyzed, along the seven chapters, indicated that: the
Bangladeshi migrant workers were mostly influenced by the economic factors, both regarding the pre-migration decision and the post-migration experiences; that, at the decision-making level, the push forces (the realities present in their country of origin) are active and the pull ones – are more covert (meaning that the attracting factors abroad are not known, except through their expectations based on the information or disinformation received via agents, brokers, friends, relatives or media); the migrants’ income prior to migration is usually succeeded by their income after migration; the relative deprivation in their home countries creates desire for a better life standard in the host countries; the networks are not limited to the personal ties, and their role in facilitating migration is limited; the migration decisions are not always taken collectively; the adaptation strategies are important for earning income in the host countries; the migrant workers transfer remittances in order to develop the human capital of those left behind (healthcare, education); a large amount of remittances are transferred to Bangladesh through informal channels; and the majority of the migrants (both in Hong Kong and in Malaysia) said that their income was much lower than they had expected or been promised, but the earnings were higher than they could get at home.

In the end, the author makes several observations and policy recommendations. Therefore, he identifies, at the Bangladeshi society level – weak points as: the lack of pragmatic policies, in Bangladesh, to promote migration; the flaws in the government policy regarding migration that has resulted in an exorbitant cost of migration; the little attention paid to the gender dimension of migration; the covert and corrupt practices in the national banking systems; or the absence of the required support from the Bangladesh embassies and consulates in Hong Kong and Malaysia. For all these reasons, the author considers that Bangladeshi policies are needed regarding cheaper, convenient and reliable ways of transferring remittance and the setting up of long term incentive programmes for attracting migrants as customers; but, in the same time, internal migration policies for the benefit of migrants and of the country as a whole, and bilateral agreements with the host countries, in order to manage migration effectively and combat illegal migration and trafficking.

Rationalizing Migration Decisions represents an exhaustive analysis of the psychological, social, economic dimensions that interrelate and develop along of the labour migration process, from the pre-migration moment to the post-migration one. The research - realized through a qualitative and quantitative
analysis, proceeded according to the established theoretical framework - has brought to light innovative conclusions and recommendations that constitute a valuable contribution for both the research on the Bangladeshi labour migration, and for the further research on labour migration and for the policy – making process. A contribution that, thus, makes the book an extremely useful tool not only for the researchers or practitioners, but also for the policy makers.

Review by Dan APĂTEANU

Traditional research on migration evaluated issues as its factors, the determinants of state policies and their effectiveness; the book *Constructing and Imagining Labour Migration* goes beyond the national outlook at a global and comparative perspective based on studies in five continents. Its purpose is to make a reassessment of the interaction between states regarding labour migration and shifting paradigms of control regarding movement of persons.

Migration is an important political issue that is challenging the view of states as sovereign over a clearly defined territory and population as the states want to control these movements across borders. The concepts of construction and imagination of labour migration control are used to avoid former meanings of different types of migration. Their purpose is to examine states claims of control, its need, effectiveness and purposes on an empirical base, in the interaction between states and individuals.

The concept of labour migration control should be enlarged, beyond external or internal controls, to include the phenomena like illegality and deportability. There’s a growing emphasis on the disciplining of migrants via social control. However, it is important that we should clarify what is the capacity of the state to assign the status of „illegal”, and the results of the interaction between the policies of states that tightly control migration and those with a light control.

Also, in the relationship with the state, the individual must be viewed not only as an object, but also as an actor, because there is a dynamic and ongoing process of status determination, after one has crossed the border, which depends on the status relationship between the country of origin and the country of destination. Labour migration as a term assumes a particular relationship between
the migrant and the economic system, which is still one with a certain image of the individual as being in a subordinate position, exemplified by the distinction between the term of worker and of employee. There are gaps between laws and policies, on one hand, and their political implementation and enforcement, on the other hand, gaps that depend on the resources that a state has at its disposal and its willingness to implement the laws.

The book is organised in three parts; the first deals with the issue of uncertain borders and empty control claims in labour migration regimes with weak control claims; the second one tackles the appearance of control, examining labour migration regimes with high control claims and the third one examines equivocal claims, examining labour migration regimes with ambivalent control claims. Each section comprises a number of articles on its specific theme.

The first section is entitled Uncertain Borders, Empty Control Claims: Labour Migration Regimes with Weak Control Claims. The first chapter deals with the „failure” of laws and state controls to regulate labour migration for Basotho domestic workers in South Africa. The second chapter studies Bolivian migrants in Brazil in the context of processes of zoning, showing that there’s a gap between legal improvement of status and integration. The third chapter analyzes labour migration in Malaysia and proposes the theory of high numbers, low rights, through the relationship between the job qualification of the migrants, their rights and the democratic status of the country. The fourth chapter, presents labour migration policies and practices in several East Asian states, especially in Taiwan, country which in the framework of its policy and goals, has succeeded in preventing the settlement of migrant workers, but restricting them to harsh working conditions and living experiences. The fifth chapter considers the impact of irregular migrants and refugees from Zimbabwe in South Africa, against the backdrop of public immigration policy limitations.

The second section is The Appearance of Control: Examining Labour Migration Regimes with High Control Claims. The first chapter of this section regards the Canadian claims of migration control; the increasing number of temporary migrants and their problematic social inclusion, shows there’s a weakness of the points-based system and a need for the improvement of social justice. The next chapter evaluates labour migration controls towards third country nationals in European Union, suggesting that the position of individual migrant workers is weak due to the fragmented and inefficient European labour migration
regulations. The third chapter is about labour migration in Australia, a country that due to historic premises had largely viewed migrants as permanent inhabitants; the author shows there has been a shifting paradigm of control based on visas and a combination of free migration and arranged schemas. The fourth chapter in this part describes labour migration policy in Japan and the interplay between labour control claims and human rights claims.

The final section is named *Equivocal Claims: Examining Labour Migration Regimes with Ambivalent Control Claims*. Its first chapter tackles claims on labour migration regimes in the European Union showing that the free movement of workers did not lead to a reduction of social solidarity or a rise in xenophobia, while the next chapter considers European citizenship as a possible direction to give away control on labour migration by states. The third chapter deals with Mexico – US labour relations based on the North American Free Trade Agreement (NAFTA) and the period after the terrorist attack in 2001, showing that there has been a continuing problem with the illegal border crossings and an increasing of the Mexican diaspora in US. The fourth chapter of the section analyzes labour migration in the Central Asian region concluding that the area labour migration dynamics are still changing and it is influenced by political and socio-economic factors alike. The final chapter debates the control mechanisms in EU, arguing for the continuation of the free movement policy and for a labour migration policy that leads to socio-economic status improvements.

*Constructing and Imagining Labour Migration* provides useful insights in the academic debate of the labour migration issue, offering a paradigm shifting approach of a theme that is on the political agenda in many countries. Its comparative and interdisciplinary studies generate well documented approaches of the labour migration issue. Hence, the book is useful for experts, researchers, policy decision makers that work on labour migration.
Managing Ethnic Diversity: Meanings and Practices from an International Perspective


Review by Marius I. TĂTAR

Ethnic diversity is becoming one of the pervasive and most problematic issues in contemporary globalised world. On the one hand, it is pervasive since with the increased interactions and mobility of the people, almost all societies are becoming more and more ethnically diverse. On the other hand, it is problematic since ethnic diversity appears in a variety of forms, contexts and social conditions. Managing ethnic diversity is a difficult task both in societies with an ethnic diversity tradition, which already have an institutional setup meant to accommodate diversity, and in societies that have only recently faced the issue of multi-ethnicity and are trying to develop an institutional model for managing ethnic minority-majority relations. Is there a universal, systematic and comprehensive response for governing multi-ethnic nations? There seems to be no clear-cut answer to this question. Managing ethnic diversity has become a topical and often controversial subject that aroused much policy and academic debate especially around multiculturalism as a governance mode of multi-ethnic societies.

Managing Ethnic Diversity: Meanings and Practices from an International Perspective edited by Reza Hasmath engages with these debates surrounding multiculturalism as a policy and philosophy for dealing with ethnic diversity. The book discusses the issue of ethnic diversity in different societies around the world taking a holistic and international perspective. The thirteen chapters of this book raise a wide range of questions such as can multiculturalism promote “ethnic harmony”, employment equity and trust between various ethnic groups living in the same society? How does immigration affect national identities? What is the relationship between ethnic minority representation and group interactions and
representation? Written by a team of international experts and scholars the book adopts a comparative perspective on the experiences of multiculturalism in various contexts around the world from UK, North America, Europe, China and Australia, in order to explore whether the lesson from some countries can be applied to others.

The introductory chapter by Reza Hasmath explores *The Complexities of Ethnic Diversity*, first by pointing out the meanings of the concept of ethnicity as defined by primordialists, on the one hand, and constructivists, on the other hand. Then the author highlights that the focus of the studies of ethnic diversity has shifted from analyzing group characteristics to examining social and political processes especially the strategic group power position of different ethnicities within the structure of modern societies.

In the second chapter, *Can Multiculturalism Build Trust?*, Patti Tamara Lenard illustrates two core elements of a trust-building strategy in multicultural democratic communities, namely multicultural policies (aimed to mitigate the vulnerability of immigrants) and nation-building policies (aimed to mitigate the vulnerability of host community). She argues that trust will ideally emerge if immigrants and as well as host community are willing to effectively participate in this trust building strategy and display such behaviors that reassure the other part of their trustworthiness. In the third chapter *More than a Marketing Strategy: Multiculturalism and Meaningful Life*, Andrew W. Robinson presents and “ideal conception of policy principles for a multiculturalism that would provide tangible benefits in the form of cultural retention without sacrificing concern for personal autonomy and social cohesion” (p. 44). Consequently, the author’s conception of meaningful life is used to develop the normative principles of a justifiable and workable multiculturalism.

In the fourth chapter, *The Notion of Muticulturalism in Canada and France: A Question of Different Understandings of Liberty, Equality, and Community*, Margaret Adsett points out the role of philosophical and historical legacies in developing different approaches to ethnic diversity. According to the author the French approach (inspired by the philosophical work of J.J. Rousseau) “is not conducive to the acceptance of diversity in the public sphere because liberty, equality and the community itself would be jeopardized” (p. 62). On the other hand, the Canadian conceptions to liberty, equality and community (inspired by the ideas of J. S. Mill) have shaped a different approach to ethnic diversity involving recognition and promotion of difference in the public sphere.
In chapter five, *Immigration, Race and the Crisis of National Identity*, Suzanna Reiss emphasizes that the official policy of multiculturalism in Canada was aimed at presenting issues of ethnicity strictly in a cultural manner and separating them from the economical and political realms. According to the author, this marketing strategy of multiculturalism was aimed to contain some of the more radical implications of the Canadian diversity. Chapter six by Reza Hasmath, *Identification Settlement and Representation of Ethnic Minorities in Beijing*, examines the historical development of ethnic minority populations in Beijing. The author points out that Beijing’s ethnic minority enclaves serve as locations where minorities’ practices can be protected and preserved. However, the institutionalization of ethnic relations through multicultural policies can have its downsides as the socio-economic struggles of many ethnic minority groups are being masked when only a celebratory version of their culture and traditions is presented.

As culture cannot be separated from its economical and political context, chapter seven, *Comparing Ethno-Development Outcomes in Toronto and Taipei*, attempts to place the multiculturalism debate in its proper socio-economic context. In this chapter, Reza Hasmath examines the labor market in Toronto and Taipei and suggests that ethnic minorities are underrepresented in the managerial and professional class, when accounting for their education. In chapter eight, “Cooling Out Troublesome Constituents”: The Politics of Managing “Isms” in the Antipodes, Augie Fleras argues that both multiculturalism and biculturalism constitute a form of institutional accommodation that fosters the appearance of inclusiveness without posing any threat to prevailing patterns of power and privilege.

Moreover, in chapter nine, *Australian Multiculturalism: Beyond Management Models*, Toula Nicolacopoulos and George Vassilicopoulos support the idea that instead of mitigating migrants’ perpetual foreigners status, multiculturalism fosters the social positioning of ethnic groups as perpetual foreigners-within. On the other hand, in chapter ten (Sold Out? The Understandings and Practice of Multiculturalism in the UK) Rachel Marangozov points out that in UK the historical roots of multiculturalism show that there has been persistent engagement, beginning well before ‘multiculturalism became a fashionable term, with the equality agenda and the treatment of all British as equals, regardless of their racial and ethnic origins.

In chapter eleven (Squandered Opportunities: Explaining Austria’s
Reticence to Adopt Multicultural Policies) Barbara Herzog-Punzenberger and Govind Rao aim to explain why Austria, despite its significant cultural diversity, has not adopted multicultural policies? The authors conclude that Austria’s citizenship regime was characterized by segregation and assimilation tendencies due to struggles in civil society and within the core institutions of the state, market and family. In chapter twelve, (Where to for Multiculturalism? The German Debate on Leitkultur and the Promise of Cultural Studies), Ming Bao-Yue observes that Germany also remained relatively resistant to the idea of multiculturalism and the recognition of the cultural diversity, while Stefani Fait examines, in chapter thirteen, the consequences of a “fenced society” in South Tyrol Region in Italy.

Managing Ethnic Diversity contributes to the ongoing debate about the outcomes of multiculturalism offering a comprehensive study, which incorporates insights from a wide range of traditional and ‘newer’ multi-ethnic societies around the world. The book provides a valuable collection of studies useful for decision-makers and researchers interested in ethnicity, identity and migration issues.
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