



Societies Without Borders

Volume 4 | Issue 2


Article 4

2009

Immigrants' Rights in the Public Sphere: Hannah Arendt's Concepts Reconsidered

San Martín

Follow this and additional works at: <https://scholarlycommons.law.case.edu/swb>

 Part of the [Human Rights Law Commons](#), and the [Social and Behavioral Sciences Commons](#)

Recommended Citation

San Martín. 2010. "Immigrants' Rights in the Public Sphere: Hannah Arendt's Concepts Reconsidered." *Societies Without Borders* 4 (2): 141-157.

Available at: <https://scholarlycommons.law.case.edu/swb/vol4/iss2/4>

This Article is brought to you for free and open access by the Cross Disciplinary Publications at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Societies Without Borders by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



Immigrants' Rights in the Public Sphere: Hannah Arendt's Concepts Reconsidered

Mariana San Martín

University of Buenos Aires, Argentina

Received 15 December 2008; accepted 2 February 2009

Abstract

Based on Arendt's concepts of public and private spheres, immigration issues can be approached from an emphasis on how the most fundamental of all human rights, which is being denied to immigrants, is the most basic constituent of the human condition: the ability to interact in the public realm through action and speech. The granting of this right would enable immigrants to become unique human beings, with the capacity for transformation. As they are presently deprived of these and other rights, they are confined to the most primitive sphere, that is, the one of pure survival. Therefore, a differentiation must be made between dissimilarities in the nature of reception and treatment of diverse immigrants' groups.

Keywords

immigration, Hannah Arendt, public sphere, America, Europe

Deepening an Understanding of Immigrants' Lives through Arendt's Categories

In order to delve into the phenomenon of the millions of people who are living the situation of precarious immigration and involve ourselves deeper in their way of life, including the constant violation of rights that they suffer each day, we will look at this matter as a personal, social, and political problematic, using some of Arendt's categories. We believe that her categories will support our effort to approach different aspects of identity concerns of immigrants. Thus, a knowledge-based outcome may help us in the future to think about public policies and ways of understanding better this phenomenon by taking into account their particularities.

Beginning with Arendt's differentiation between the public and private spheres, the immigrant's place in the new society he/she enters can be analyzed from an emphasis on two considerations that are central to the development of human beings as unique and different, separated from animals, and that corresponds to the public realm: action and speech. The first one is one of the three main human activities Arendt refers to. The other two are labor and work. Each one corresponds to one of the basic conditions under which humans have lived on earth. Labor is the activity that corresponds to the biological process of the human body, and is carried out in rhythm with nature. It comprises all the activities that are necessary to sustain life (for example, obtaining food, water, shelter, and reproduction). Work then, refers to the utilization of natural materials so as to produce lasting objects and provide an artificial world of things. Both labor and work have to do with things, with the materials of nature or nature herself, and they both can be carried on by solitary individuals, that's why they both have to do with the private sphere, as opposed to action and speech.

Action is, from this perspective, the only activity of these three that occurs among humans without the mediation of things, and corresponds to the human condition of plurality. This plurality is the condition for political life. This means that the fact that no person is equal to anyone who has lived, lives, or will live, is an aspect central to the understanding of human action. With regard to immigrants, as we will see, as they can't be in the public sphere, all these potential individualities are lost. And for this reason the world loses millions of possible contributions for its development and improvement, because there is no place for this sector with respect to action and plurality. We will develop this concept later.

Before we deepen into these main concepts and show their explanatory power regarding the matter of immigrants, we have to understand first the main and most substantial difference: that is the one between the private and the public realms. We can begin by saying that since the birth of the city-state man has, in addition to his private life, a second, political life. Now every citizen belongs to two different orders of existence, and there is a sharp distinction between the communal and the property owned by each one. In the past, Europeans were able to come to Latin America, act and change their reality. As this, they belonged to both spheres. Nowadays however, the lives of immigrants that go from Latin America to Europe are circumscribed to one of these two spheres – the private one, loosing their transforming potential and sacrificing vital aspects of their existences.

That's why the differentiation between these concepts can help us understand the difference between both kinds of migrations.

With respect to the private realm that Arendt writes about, while referring to the matter of contemporary immigrants, I emphasize its privative characteristic. This refers to deprivation of something, including at the level of the most noble and human of capacities. Although nowadays the private has been enriched by modern individualism, including the intention of protecting that which is intimate, in reference to immigrants, we should note the difference in terms of their specific private condition. Newcomers do not have access to this individuality, which is enhanced with consumerism as well as rights, nor are they included in recent equalitarian programs. Not being considered citizens, immigrants exist in the private realm as it was understood long ago, as mere animal specimens of the human race. This is still their situation in the societies in which they place themselves.

Another concern is that the private realm is rooted in the absence of others, meaning that this realm is deprived of real human life. As private individuals do not appear in public, it is as if they did not exist. Hence, everything they do has no significance or consequences for others, and what they care about is of no importance to others. That's why when people are only in this sphere, they are deprived of the "objective" relation with others through a world of things that exists in common, kept from developing something more permanent than their own lives. Furthermore, immigrants are subjugated to this invisibility (and incapacitated from developing their own particularities). As we will then develop, this is a result of not being allowed to share their culture, language, and acquired common sense, by being disabled in action and speech – factors which impede them from showing their true selves in terms of the double nature of equality and distinctiveness from all other human beings.

With reference to Arendt's perspective on the public realm, she talks about two related but not identical phenomena. On one hand, she notes that everything that occurs in public can be seen and heard by everyone. It becomes public knowledge, making it a matter that confirms our perception of reality because the fact that others see it confirms the reality of the world and of ourselves. That's why from this perspective, the sensation of reality will depend mainly on existence and participation in the public realm. That said, we should analyze the social consequences of the existence of millions of isolated persons who build their lives on the margin of that sense of shared reality. In fact, from that point forward, the public

sphere takes on a particular importance in its capacity to ensure the survival of the world we have in common to the passing of generations. And when things appear in public, they are indeed safe from the passing of time.

On the other hand, the public realm accepts only what is appropriate. What is deemed inappropriate becomes part of the private realm. Within this dichotomy (appropriate and inappropriate) we find immigrants because of their need to submerge themselves into the private sphere. This is because their life, customs and presence don't fit what is "appropriate." This is evidenced in the jobs that they develop, which correspond to not only those jobs that no one wants, but also those jobs associated with the private sphere, areas where they are likely to become invisible, such as cleaning houses, taking care of children, etc.

Nowadays, as we established, the public realm is denied to immigrants. They are faced with the impossibility to develop themselves in that sphere, where they could share an objective sense of life, as they live with the risk of losing everything that they have built and of being deported or jailed. As noncitizens, they cannot separate themselves from the vital biological process that constitutes the nature of the animal, concerned with mere survival. This problem makes the immigrant an unequal alongside the rest of the equals, causing him to seek refuge in the private realm. Thus, the equality that exists among people in the public sphere is not shared with the immigrants. And so, the latter continue living among their disequals, banished from the terrain of the visible.

Delving deeper into the characteristics of the public realm, we should say that, as Arendt establishes, that from all the necessary activities that exist in human communities, only two were considered political and suitable for constituting what Aristotle called "bios politicos":¹ action and speech. Out of these activities emerges the sphere of humanness.

First of all, it is with action and word that we insert ourselves into the world, which is somewhat like a second birth. Both differentiate each of us from other humans, allowing us to present ourselves in front of others as unique and different, showing our singular personalities. These two elements require the presence of others, in order to have recognition and come into contact with others' acts and words. However, as we established, our distinguishing characteristics do not apply to immigrants, because they cannot be in the sphere of equality, lacking the basic condition, that is the possibility to transform that which is given and all that exists. This refers

¹) With this he referred to a freely chosen life devoted to public-political matters.

to the conviction that the greatest thing that a person can achieve is his/her own appearance and realization.

Considering first the element of speech, Arendt establishes it as what turns a person into a unique being, because through speech a person can distinguish and fulfill his/her human condition, showing him/herself as a single and different being among others. From here, its greatest value is to materialize and commemorate all new things that appear. These characteristics of speech, however do not apply to immigrants.

Continuing with the second element, back to the matter of action, Arendt endows it as the activity showing the qualitative difference that separates man from the rest of nature, the one that shows the moment in which a person develops his/her main capacity: the ability to be free. However, the freedom Arendt writes about is not the mere capacity for election but the capacity for transcending what already exists to begin something new, and the human only goes beyond nature when he/she acts. Further, the fact that a person is capable of acting means that we can expect the unexpected from him/her, that he/she can carry out the improbable. In this way, action has the capacity for creating new realities. However, it cannot happen in isolation. It requires the presence of others, and immigrants cannot be in the space of visibility. From this perspective, the specific difference of the human condition is the freedom to communicate individual projects in a public space in which power is divided among equals.

With additional regard to action, the author emphasizes three fundamental aspects. The fact of human plurality (referring to the circumstance that the earth is not inhabited by only one human but many of them), the symbolic nature of human relationships, and the factor of natality as opposed to mortality. With this, Arendt is alluding to intersubjectivity, language and the free will of agents. Nonetheless, we should consider that these three concepts are denied to immigrants. They cannot develop their plurality, they are restricted in their individuality, creativity, freedom for developing their basic rights and even in the matter of not sharing language and common codes. Moreover, the true meaning and implications of action can be understood in a complete way if we consider them from the dichotomy in the terminology of natality and mortality. While the latter refers to being separated from the community, natality symbolizes that inaugural act, the appearing for the first time in public, and the capacity to bring something new into the world. Looking at the immigrants' condition through this duality, we can see a crucial difference between the

previous migration stream and the actual one. Europeans used to be in the natality sphere: they came to Latin America, acted and institutionalized their ideas, culture and religion. As opposed to this, the precarious immigration that predominates nowadays is more likely to be in the sphere of mortality, because immigrants have to isolate themselves from their environment. Indeed, they cannot appear in public and contribute anything of their own. In this way, they are impeded from instituting some kind of change or renovation to their life conditions, to their values, to their new societies, and to the world.

In summary, the ability that humans have for beginning something new, for adding something personal to the world, was permitted to European immigrants to Latin America, but is denied nowadays to Latin American immigrants in Europe, mainly to the undocumented ones. As they cannot appear in the public realm at risk of being jailed, deported, or treated like criminals, they must remain in the shadows, without developing their capacity for adding their individuality and particularity to the world, using invisibility as their main strategy for surviving. For this reason, the only way for them to preserve themselves is through the abstention of participating in the sphere of human matters, as a means of protecting their own sovereignty and personal integrity. Similarly, life without action and speech is not human life; it is literally death. Those in this condition aren't living among men, they are isolated. The immigrant, therefore, is deprived of what defines him/her as human. He/she cannot interact, has no birth so as to insert him/herself into the human world. As this, we could ask ourselves: what is a greater and more radical loss of rights than this, which refers to life itself?

Contemporary Immigration

Now that we have presented Arendt's theoretical concepts from which we approach the matter of immigrants, we will see how these concepts can operate as useful variables in the analysis of a specific example, showing the difference between both types of migration streams: the former migration of Spanish to Argentina and the actual one of Argentineans to Spain.

On one hand we have the successful insertion, where people could insert themselves into a new country and different reality, by being in both spheres – the public and the private. So as to give an example of this case, we will look into the Spanish migration to Argentina during almost 100 years. Here, they had the possibility of transforming their resources into creating

something of their own and becoming citizens, of adding something personal to the world, and of being in the sphere of visibility, with freedom, action and speech. This means, to become equals.

On the other hand, the phenomenon that predominates nowadays is one of the most precarious, because for immigrants the public realm is 'forbidden'. For this case I will focus on the migration of Argentineans to Spain. As the majority lives in an irregular condition, they are unable to participate in the public sphere but only in the private one, relying on its invisibility as the best strategy for survival. As they are not considered citizens, they exist in the private realm as it was understood long ago, as mere animal specimens of the human race.

The interesting thing of this comparison is not only the contrast between a successful insertion as opposed to a frustrated one -where we will focus on the unsuccessful one so as to understand its consequences and because nowadays is the most common case, but also the interesting thing of these examples is that they refer to migration in both flows between these two countries, showing the antagonism between the treatments of migrants. Even more, in some cases those Argentineans that are migrating are the grandchildren of those who once left Spain. Though we take Argentineans as the example, we have to keep in mind that it happens to the majority of the people from the developing countries when leaving their territory.

Before continuing, we should distinguish between those best known as 'illegals' and those who have citizenship. The first one is the derogatory terminology used in the public debate about migrants. In a report called "Living in the shadows: A primer on the human rights of migrants," Amnesty International establishes, while referring to these terms, that "the clear implication is that they are abusing the system and exploiting the generosity of states. Such descriptions create the impression not only that migrants have no right to enter, but that they have no rights at all."²

As this, undocumented immigrants are those who are in the most dangerous position, having no rights and no visibility. They are the group that represents the application of most of our focus. However, while those having obtained citizenship may also suffer discrimination for being new competitors, on top of this they often find less appealing jobs because of their education, and sometimes they cannot find places to rent. For example, nowadays in Spain, according to the newspaper *El Mundo*, the Argentinean

² Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

citizens are having trouble renting apartments because their accent reveals their perceived ‘*sudaca*’³ condition.⁴ Therefore, assuming that even in ‘objective’ abstract terms immigrants have the right to appear and be seen in public, in reality they endure more difficulties in their daily lives than do the rest of the citizens.

Two-Way Street: Contrasts in Immigrants’ Appearances in the Public and Private Realms

As we established, regarding to the successful example of being in both realms, Europeans were not only allowed to arrive and settle, but basically, to act, to transform their newfound places of arrival, to introduce their own brand of particularities. This happened, although, in many cases at the expense of millions of natives’ lives, threatening thus the preservation of the status quo, that they had brought with them.

An example of this wide Argentinean reception is given by *Peronismo*.⁵ The Argentinean newspaper *Crítica*, from the decade of the 40’s, shows the ways in which Peron’s government took into consideration the particularities of each group of immigrants. For instance, he gave many of his speeches in Italian when addressing the labor unions in which Italians were the majority.

In the case of Argentineans, emigration to the United States is not so frequent, and most who emigrate resettle in Europe, mainly Spain and Italy, for reasons of ancestry, cultural origins, and because of a potential heritage attached to the European motherland. Along these lines, Argentineans are used to identifying themselves with Europe than with America because in the imaginary it’s the home left behind by grandparents. Though some of the Argentineans have the possibility of obtaining legal entrance through proof of their European ancestry, the central matter we are referring to deals with the undocumented ones, as a representation of the extreme case that immigrants face nowadays.

Therefore, compared to the power for transformation that was granted Europeans, enabling them to live creatively, to act as representatives of

³) It is a Spanish colloquial term used strictly in Spain to denote people from South America in a derogatory way.

⁴) Bécars Roberto and Leal José F. “*Se alquila piso, abstenerse inmigrantes*”, *El Mundo*, 29 May, 2008, <http://www.elmundo.es/elmundo/2008/05/29/suvienda/1212061794.html>.

⁵) Argentine political movement based on the ideas and programs associated with former president Juan Domingo Perón.

their own concerns, and to leave their own legacies, nowadays Argentinians together with millions of immigrants in Europe and the United States must remain invisible, as their only strategy for saving themselves from deportation and mistreatment.

This need of being invisible is due to some States' 'official' attitude toward immigrants, that don't want changes and strive to make them feel impotent, to make them lose their human capacity for acting and speaking together. All that is expected from them is to hold on to their mechanical, less dignified, worst-paying jobs that keep the system running. They are allowed to stay only if they remain invisible and carry out the roles that maintain the daily jobs that no one else wants to have.

As Amnesty International reports, "these 'invisible' migrants are at heightened risk of exploitation and abuse. Their lack of legal status or documentation makes it extremely difficult for many to claim their rights."⁶ As they are fearful of contact with the authorities, they seek invisibility to escape official attention, because of the risk of arrest or deportation. Also, they often fear that seeking out social and community services or networks that could help to overcome their isolation will bring them to the attention of those authorities from whom they need to escape. These considerations take us once more to their need of appearance in the public realm through action and speech so as to fight for their rights and contribute to make a difference in their new society.

As this, the importance of having a voice in this realm can be related to what Amnesty describes as freedom of expression, a fundamentally important right for migrants. Because of the precarious nature of their situation they are too afraid to speak out themselves, that's why it is therefore also vital to safeguard the right to freedom of expression of those who speak out in their defense and against violations of their human rights. We must keep in mind that the right to freedom of expression is set out in Article 19 of the ICCPR (International Covenant on Civil and Political Rights) and Article 19 of the UDHR (Universal Declaration of Human Rights). Also, the right to freedom of expression for all migrant workers and members of their families is recognized in Article 13 of the Migrant Workers' Convention.

Consequently Spain, as other countries, is beginning to turn immigrants' lives into a matter of the public realm through state policies. Thus,

⁶ Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

the lives of immigrants are turned into a matter for the public realm, but it is a public realm in which they themselves are unable to speak or act. “Their matters” are put in the middle of the public realm as a central issue, but without having them the ability of reacting through word and action. Thus, they are disabled from reacting to the threats they receive from the outside, for if they appear in the shared human world, they risk being deported, and losing everything they have built in their new location.

Before going on, I need to note that there has been a tendency in public debates to treat migrants either as victims or as criminals. As Amnesty establishes, “although portraying migrants as victims of poverty, conflict or criminal networks may be part of an effort to claim rights, there is a risk that they are seen as passive, rather than as individuals with agency.”⁷ The converse approach, portraying them as criminals or terrorists, encourages racism and a xenophobic climate, and leads to human rights abuses against migrants. Recalling Amnesty’s statement, I emphasize the importance of agency. That’s why it’s vital for migrants to be in the public realm, so as to become participants, find ways out of bad situations, build a future for themselves and their families, and contribute to the societies they live in.

Spain’s Treatment of the Matter of Immigrants

In order to understand the depth of asymmetry between both kinds of migrations, that is, the Spanish one to Argentina and the Argentinean one to Spain, I will consider first the question of immigration to Spain. An example that shows the importance that is being given to the issue in Spain is reported in the main Spanish newspaper, *El País*.

For example, an article on 16 February 2009 illustrates how immigrants’ human rights are being violated and how undocumented immigration is being criminalized. *El País* denounces that the police fixes detention quotas of undocumented immigrants that are, in some Madrid’s districts, around 35 per week.⁸ The excuse of the police was that the Spanish Immigration

⁷ Amnesty International, ‘Living in the shadows’, <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

⁸ Berdié, “La policía fija cupos de arrestos a ‘sin papeles’ por barrios”, *El País*, 16 February, 2009, http://www.elpais.com/articulo/madrid/policia/fija/cupos/arrestos/papeles/barrios/elpeiespmad/20090216elpmad_3/Tes (Accessed 20 February, 2009).

Law⁹ must be applied with greater vigor in those neighborhoods with high delinquency rates.

Another article dated 16 February 2009 denounces police who stop people in the streets and detain them without charges only because of the color of their skin, language, accent or clothes. These indiscriminate detentions while looking for the undocumented create the feeling among foreigners that immigrants are being criminalized.¹⁰ This also shows how countries like Spain are persecuting and detaining immigrants without fully considering their rights, and blaming them for the lack of jobs, problems in economy, changes in culture, etc. As a result, immigrants are afraid of expressing themselves, leading to the suppression of their individualities, of their capacity for starting something new and leading, in the end, to invisibility.

These newspaper articles not only show the importance given nowadays to the issue, but also how the human rights of immigrants are being violated by Spain. As an example, Amnesty International establishes that Spain violates the international prohibition of inhuman and degrading treatments, and that it doesn't adequately reflect relevant European human rights standards or the recommendations of international organizations. Amnesty establishes, in a 2008 report about Spain,¹¹ that migrants were denied access to Spanish territory, processed in extra-territorial centers in conditions that did not comply with international standards, suffered abuses during deportation, and that there were cases of unaccompanied minors that were expelled from the country without adequate guarantees for their safety.

In another report, Amnesty declares that although states have the right to exercise authority over their borders, "they also have the obligation to respect their voluntarily assumed international legal obligations, including protecting the human rights of all migrants. Sovereignty cannot be used as a defense for acts that are unlawful under international law."¹²

⁹ This Law was approved by the Spanish Parliament in 2000, but it had several reforms. The last ones, in December 2008, established the extension of the retention period of the irregular immigrants from 40 to 70 days, increased economic sanctions for infractions, and increased the fines for those that hire irregular immigrants.

¹⁰ Berdié and Carranco, "*Detenido el único negro de la fila*", *El País*, 17 February, 2009, http://www.elpais.com/articulo/madrid/Detenido/unico/negro/fila/elpepiespmad/20090217elpmad_3/Tes (Accessed 20 February, 2009).

¹¹ Amnesty International, Report 2008, <http://thereport.amnesty.org/eng/regions/europe-and-central-asia/spain> (Accessed 10 February, 2009).

¹² Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

The treatment that immigrants are receiving in Spain needs to be coupled with the asymmetry between what Latin-Americans as opposed to Europeans are receiving when arriving to a new territory, the lack of historical reciprocity.

Change in the Direction of the Flow: Some Illustrative Data

Now we will deepen the argument by referring to some illustrative data. For each Argentinean who migrates to Spain, there is one Spaniard in Argentina, and for each Argentinean who travels to Italy, there are 15 Italians in Argentina.

According to the Labor and Migration Ministry of Spain, more than 50 million Europeans migrated to America between the middle of the nineteenth century and the first three decades of the twentieth century, among whom 65 percent emigrated to America. Furthermore, Argentina is the country in which the largest community of Spanish citizens reside. Nowadays, 247,000 Spaniards live there, representing 17.6 percent of the Spaniards who live outside of Spain.

However, the decade of 1990 radically changed the direction of the flow. As a consequence of the application of neoliberal recipes,¹³ there was an acceleration in Latin American migration to other territories. Countries like Argentina, Brazil, Ecuador, and Venezuela, traditionally receptors, faced the phenomenon of the emigration of their citizens. In the specific case of Argentina, during the years 2000 to 2002, around 250,000 inhabitants migrated, the majority to Spain and Italy, where they had family bonds.¹⁴ The Argentinean newspaper *La Nación* stated that mainly, the destinies chosen by emigrants were: in the United States – Los Angeles and Miami, and in Spain – Madrid, Barcelona, and Vigo. During those years, the Italian Consulate in Buenos Aires, for example, received more than 400,000 citizenship requests.

In Argentina, the waves of greatest emigration coincide with moments of crisis so that no matter from which area they start, they can expect

¹³ It establishes that the government's control over the economy is inefficient, corrupt or otherwise undesirable, and that's why it seeks to transfer the control of the economy from the state to the private sector. In Latin America, this model led to an increase in the negative indicators like unemployment, poverty, unregistered precarious work, and the closing of many national industries. Also, the external debt increased.

¹⁴ Mármora, Lelio "La amnesia histórica levanta muros en la UE", <http://www.clarin.com/diario/2008/07/01/opinion/o-01705518.htm> (Accessed 14 July, 2008).

general economic, political and social crises. These crises occur, unfortunately, much more frequently than what anyone would like and they occur approximately every five or ten years. However, the biggest crisis in terms of emigration was the one of 2001, fomented by the media coverage. At that time, the daily headlines of the newspapers and news articles exacerbated the crisis by focusing on the testimonies of those who lost their homes – ‘the new homeless middle class’, speculating on the long time that the crisis was going to last, how the crisis was reflected in hospitals, the high rates of unemployed, the closing of companies and banks, and the *corralito*.¹⁵ Similarly, the long lines of people in front of embassy doors hoping to obtain different European citizenships is evidence not only of how the media induced the phenomenon and the everlasting crisis sensation, but is also illustrative of the social moment to which we are referring.

Furthermore, the nexus between the given crisis and the emigration phenomenon is reflected in research undertaken by the Gino Germani Research Institute at the University of Buenos Aires, where most of the emigrants’ testimonies confirmed a strong relationship between the decision of migrating and the deterioration produced by the successive crisis and the instability and insecurity of maintaining their jobs and economic situation. Also, they claimed that this also stood on the way of their economic expectations.

Going back to the change in the direction of the flow that I referred to and is occurring since the 90’s, it seems to have been accompanied also by a change in the perception of the immigrants I already referred to. In this context, the migration of the *sudacas* to Europe is seen as a disloyal competition with the native labor, as an extra matter for social services or a cultural threat to European values.

In fact, this discrimination and inequality in opportunities can be seen in an example from the field. According to data provided by the Gino Germani Research Institute of the University of Buenos Aires, 40 percent of the people who left Argentina in the last years did not find jobs related to their careers and, among them, 20 percent either now have an undesired job or are unemployed (these numbers are increasing with the global economic crises).

¹⁵ It was the informal name given to the economic measures taken in Argentina at the end of 2001 by Minister of Economy Domingo Cavallo in order to stop a bank run. It froze all people’s bank accounts and forbade withdrawals from U.S. dollar-denominated accounts.

Regarding Spain's immigration, in the last years the country was an exceptional case in Europe because of the intensity and volume of the received migratory flow. In a single year alone, 2000, the total of those that were born in other countries increased by 50 percent. In fact, according to the Spanish Second Yearbook of Immigrant's Communication,¹⁶ in 2025 the country will have 8 million new residents. This is the biggest proportion in the European Union, and the second after US in the world. However, immigration always existed. For instance, in Argentina at the beginning of the twentieth century the immigrant population represented almost 30 percent. Though immigration is viewed nowadays with concern, we can start by changing the way we see the matter: immigration is a phenomenon and not a problem.

Conclusion

In closing, as Amnesty International states, "if a regime of "migration management" is to be effective, not only must it be credible to states, but it must also be credible to migrants."¹⁷ To achieve this, it must respect the fundamental human rights of migrants, being drawn up within an international human rights framework. States must therefore ensure that their policies and practices do not in any way compromise the rights of any migrants, regardless of factors such as their status.

To adopt a human rights framework would help us in the understanding of the causes of migration: "its links with poverty and insecurity, lack of economic development and growing inequalities between and within countries. It would also contribute to ensuring a better balance between security concerns and the right to freedom of movement".¹⁸ Also, "in a world where migrants are increasingly blamed for a whole raft of social ills both in the media and in political debate, dispelling fear and countering misinformation are vital ways of promoting migrants' rights".¹⁹

¹⁶ Rumí, Consuelo, *II Anuario de la Comunicación del Inmigrante en España*, <http://www.etniacomunicacion.com/pdf/ndpanuarioII.pdf> (Accessed 20 January, 2009).

¹⁷ Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

¹⁸ Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

¹⁹ Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).

Further, as sociologists with strong concerns for the ongoing immigration problems, it is worth remembering Arendt's conviction that action is the main political source of change. Those of us who aspire to transform the presently precarious conditions of immigrants could begin by designing suitable public policies that would be more inclusive. Moreover, we could ponder the creation of a new direction in political thinking, and then work on making the most of it for the benefit of all concerned. For example, we could take the immediate focus off the matter of defending immigrants' rights, and rethink a position that emphasizes this group of people as a sector having a capacity to contribute much to the improvement of society. Considering that this population has seen social life from its most abandoned, uncertain, and precarious angles, these people can undoubtedly also look at new culture and established order with fresh eyes. With this in mind, we can begin to see that the knowledge they have to contribute from experience is significant. Perhaps, too, if more thought and attention were given to the potential of these people as transformers of society, more progress would be made regarding the unknown new migratory processes that Europe and the United States experience.

The other side of the coin, however, presents an opposing viewpoint. Accordingly, the following argument represents the reasoning behind which immigrants have no place in society. For a society to continue intact without unforeseen alterations (since it represents the absorption of family unity in social groups and strives to adhere to this same logic), the option of taking action must be excluded. Indeed, the preservation of the status quo of every society requires, for the sake of its maintenance, the condemnation of any action or initiative towards innovation, so not to threaten the constitution of what already exists. Therefore, within a society, certain behaviors are expected through the imposition of norms that tend to "normalize" its members, causing them to reject spontaneous action and outstanding achievements. According to this view, newcomers are excluded from what is considered "normal," given their foreign languages, customs and culture.

From this perspective, for society to continue unaltered, outstanding achievements must be discouraged, even excluded. Indeed, they must be prevented even more in the case of immigrants. For if such accomplishments were to see the light of day, they would seem to be even more revolutionary because they would be generated from outside of the logic of that specific society, from beyond their customs and apprehended auto-limitations of that society's members. If immigrants were to exercise their universal rights to action and speech, they could initiate many more significant and

vast changes than those that could come from the society's "inside," because these changes would emerge from underneath the surface (from the most harmed sectors) and in a way, also from outside of that society.

Finally, if immigrants were the agents of transformation, these changes would be dangerous for any established order. If one has something to offer to his/her culture, this contribution most probably will emerge from within an expected logical and desired framework. Or, should we say, this would seem much more apparent than if the change were to come from an immigrant having sometimes other idiosyncratic ideas and logic. The change, in such a case, would be much more radical and drastic, which is why leaving this person a space for public appearance could put the world as that specific society knows it, in danger. This could happen not only through political transformations but also through the everyday, with the visibility and gradual incorporation of their customs in the new society.

References

- Amnesty International, 'EU Office Reaction to Return Directive Vote', <http://www.amnesty-eu.org/static/html/pressrelease.asp?cfid=7&cid=366&cat=4> (Accessed 10 February, 2009).
- Amnesty International, 'Living in the shadows', <http://www.amnesty.org/en/library/asset/POL33/006/2006/en/dom-POL330062006en.pdf> (Accessed 2 February, 2009).
- Amnesty International, Report 2008, <http://thereport.amnesty.org/eng/regions/europe-and-central-asia/spain> (Accessed 10 February, 2009).
- Amnesty International, 'EU return directive affects dignity and security of irregular migrants', <http://www.amnesty.org/en/news-and-updates/EU-return-directive-affects-dignity-security-irregular-migrants-20080704> (Accessed 20 January, 2009).
- Algañaraz, Juan C. "Strong presence of high professional level Argentineans in Spain", Clarín Newspaper, December 20, 2006, <http://www.clarin.com/diario/2006/12/28/sociedad/s-03401.htm>.
- Arendt Hannah 2003 [1958], *La condicion humana*, Buenos Aires: Paidós.
- Bassets, Lluís, "The controversial EU Returns Directive", Eurotopics, http://www.eurotopics.net/en/presseschau/archiv/archiv_newsletter/NEWSLETTER-2008-06-19-The-controversial-EU>Returns-Directive (Accessed 22 January, 2009).
- Bécares Roberto, and Leal José F. "*Se alquila piso, abstenerse inmigrantes*", El Mundo newspaper, 29 May, 2008, <http://www.elmundo.es/elmundo/2008/05/29/suvienda/1212061794.html>.
- Berdí, Anaís, "*La policía fija cupos de arrestos a 'sin papeles' por barrios*", El País newspaper, 16 February, 2009, http://www.elpais.com/articulo/madrid/policia/fija/cupos/arrestos/papeles/barrios/elpepiespmad/20090216elpmad_3/Tes (Accessed 20 February, 2009).
- Berdí, Anaís, and Carranco Rebeca, "*Detenido el único negro de la fila*", El País newspaper, 17 February, 2009, http://www.elpais.com/articulo/madrid/Detenido/unico/negro/fila/elpepiespmad/20090217elpmad_3/Tes (Accessed 20 February, 2009).

- European Parliament, Press release “Parliament adopts directive on return of illegal immigrants”, http://www.europarl.europa.eu/news/expert/infopress_page/018-31787-168-06-25-902-20080616IPR31785-16-06-2008-2008-true/default_en.htm (Accessed 17 February, 2009).
- Mantinan, Iara. “New EU immigration directive: ‘policy of shame’”, *EU Debate* 2009, July 22, 2008, <http://www.eudebate2009.eu/ita/article/25605/EU-immigration-directive-xenophobic.html> (Accessed 27 July, 2008).
- Mármora, Lelio 2005, *Políticas de migraciones internacionales*, Buenos Aires: Paidós.
- Mármora, Lelio “*La amnesia histórica levanta muros en la UE*”, <http://www.clarin.com/diario/2008/07/01/opinion/o-01705518.htm> (Accessed 14 July, 2008).
- Ministry of Interior of Argentina, <http://www.mininterior.gov.ar/poblacion/> (Accessed 2 February, 2009).
- Ministry of Interior of Spain, http://www.mir.es/SGACAVT/extranje/regimen_general/ (Accessed 27 July, 2008).
- National Statistics Institute of Spain, <http://www.ine.es/> (Accessed 10 February, 2009).
- Rumí, Consuelo, *II Anuario de la Comunicación del Inmigrante en España*, <http://www.etniascomunicacion.com/pdf/ndpanuarioII.pdf> (Accessed 20 January, 2009).
- Statistics bulletin of immigration of Spain, http://extranjeros.mtin.es/es/InformacionEstadistica/Boletines/Archivos/boletin_17.pdf (Accessed 1 February, 2009).
- United Nations (2007), *Human Development Report 2007/2008*, New York: Palgrave Macmillan.
- United Nations, *Millennium Goals*, <http://www.un.org/millenniumgoals/> (Accessed 17 July, 2008).
- World Bank, Xu Zhimei and Sonia Plaza. “A Summary of news on EU’s “Return” Directive”, www.siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1215617363964/summaryofnewsreturndirective.doc.

Copyright of Societies Without Borders is the property of Brill Academic Publishers and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.