

FAMILY REUNIFICATION RULES IN THE UK: PROTECTING OR REDEFINING CITIZENSHIP THROUGH IMMIGRATION CONTROL?

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ABSTRACT

This paper builds upon the idea that immigration controls are not neutral and affect many areas beyond immigration policy. An excellent example of this are the family reunification rules in the UK, which require citizens and permanent residents wishing to bring their non-Economic European (EEA) partner to fulfil a very high income requirement. I argue that although these rules allegedly pursue to tackle immigration issues and secure the benefits of British citizens, their design and implementation reveal broader objectives and consequences that affect the value and practice of citizenship. Actually, the rules complement the government's goal of reducing net migration in the UK and reveal an important, less apparent and old concern with the 'poorer' migrant and the 'poorer' citizen and an increasing association of citizenship rights with the economic value of citizens. The effects of the rules are equally important. Besides affecting family reunification, which in itself produces e quences t-43 affe-435isillyrbaffe-431()]i-155(t)1(-43a T* [(t)TD |

ACKNOWLEDGEMENTS

I dedicate this dissertation to my husband, Michel. I am very lucky and grateful to be able to share every day with him. I thank him and my loving parents and sisters for reminding me always that having a family like ours is the most important and valuable thing in life.

I wouldn't have been able to write this dissertation without the help of families, organisations, researchers and anonymous sources that agreed to share their stories and perspectives with me. In particular, I owe a great debt to BritCits and the Family Immigration Alliance, whose

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'Something is profoundly wrong with the way we live today. For thirty years we have made a virtue out of the pursuit of material self-interest; indeed, this very pursuit now constitutes whatever remains of our sense of collective purpose. We know what things cost but have no idea of what they are worth. We no longer ask of a judicial ruling or a legislative act: Is it good? Is it fair? Is it just? Is it right? Will it help out to bring a better society or a better world? Those used to be *the* political questions, even if they invited no easy answers. We must learn once again to pose them.' Tony Judt

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INTRODUCTION

In 2010, after the Conservative and Liberal Democratic Parties announced their Coalition agreement, the Prime Minister and the Deputy Prime Minister issued their programme for government. After a page including the words 'Freedom, Fairness, Responsibility', both officials explained the aims of their government and the way the parties would reconcile their differences. A paragraph states:

"When you take Conservative plans to strengthen families and encourage social responsibility, and add them the Liberal Democratic passion for protecting our civil liberties and stopping the relentless incursion of the state into the lives of individuals, you create a Big Society matched by big citizens. This offers the potential to completely recast the relationship between people and the state: citizens empowered; individual opportunity extended; communities coming together to make lives better. We believe that the combination of our ideas will help us to create a much stronger society: one where those who can, do; and those who cannot, we always help." (Cabinet Office 2010, emphasis added).

Families would have a big role in this: 'The Government believes that strong and stable families of all kinds are the bedrock of a strong and stable society' (Cabinet Office 2010).

The nature of the 'Big Society' idea was questioned since its conception amid contradictory objectives and spending cuts (BBC 2011). But perhaps the true aims and contradictions of this quote are best shown with the adoption of the family reunification rules¹, a recent immigration control that, while rhetorically daiming to protect citizens, curtails the most fundamental and private rights of 'all kinds' of families. The family rules state that British citizens and permanent residents wishing to bring their non-Economic European (EEA) partner to the UK need to fulfil a high income requirement. The financial requisite is so high that almost half of employed British citizens do not meet it (The Migration Observatory 2012a). This has effectively prevented many families from reuniting with their partners and their children and forced them to live apart or to relocate to another country. Despite evidence that questions the nature and justification of the rules, these have been maintained. It is easy to wonder: how does this make a stable and stronger Britain? What is the real justification behind these rules? Perhaps more importantly, what is the value of 'big' citizenship if citizens cannot be with their families in their home country?

Image: state state

repercussions on the value of citizenship. In the fourth chapter, I explore the effects of the rules and the way in which these have been interpreted and challenged by affected families. I analyse the way people interpret their citizenship and how the rules have redefined it. To conclude, I provide a brief summary of the argument and my findings and reflect on their possible implications.

CHAPTER 1: FRAMING DEBATES ON CITIZENSHIP AND IMMIGRATION

What is citizenship? Both academics and citizens have very varied views on what it is and what it entails. The former describe it as 'status', 'tradition', 'institution', and 'discourse', to name a few,

rise of the *polis* and the public sphere of 'equals' occurred at the expense of the private (and feminised) sphere of family and household, the 'unequals' (Arendt 1958: 29-33). Citizenship was therefore very exclusive and unequal, and participation remained limited to a minority of free, privileged men. In the Roman Empire, citizenship became a legal status that provided certain rights in exchange for the loyalty of its subjects. The Roman conception focussed on the individual and legally regulated its relations and possessions (including slaves) (Shafir 1998). With feudalism, the polity-centred tradition of citizenship collapsed by giving way to master

As Marshall eloquently describes it, people at the 'basement' of the social pyramid remained at the basement. In this sense, he stresses that civil rights, although important, only 'conferred the legal capacity to strive for the things one would like to possess but do not guarantee the possession of any of them' (1963: 105). This limitation, which Janoski and Gran conceptualise by calling civil (and to certain extent, political) rights, 'procedural rights' (2002), and which was enhanced by the lack of social rights, leads Marshall to conclude that formal citizenship aided, rather than conflicted, with capitalism's inequality (1963).

By the end of the century, conditions improved and social rights were incorporated into the status of citizenship. In his work, Marshall states that these rights are fundamental because they provide the 'absolute right to a certain standard of civilisation' and their content 'does not depend on the economic value of the individual claimant' (1963: 106, emphasis added). In this way, they are dangerous to the capitalist system. Social rights provide a 'guaranteed income' of goods and services, such as health and education. Interestingly, Marshall points out that even though they do not necessarily reduce income gaps, they generally enrich citizenship and rethegenint@juiltyOanc2r03k4 Official[(da)-257tminoit provides a fuller, more substantial measure of equality than procedural rights can deliver by themselves. Thus, he establishes that 'equality of status is more important than equality of income', and that:

'the right of the citizen (...) is the right to equality of opportunity. Its aim is to eliminate hereditary privilege. In essence it is the equal right to display and develop differences, or inequalities; the equal right to be recognised as unequal' (1963: 109).

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Marshall's model has been criticised extensively. In p05 Tc 32s,Td (p05 am12c)1(rit)1(ic)1(i)-10(b)

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with definitional neglect of the increasing inequities of global capitalism' (2010: 13, 79). Interestingly, he observes that the social component of citizenship has shifted from 'status' into (paid) contract, and that social policy today is about the problem of exclusion of those who cannot access the labour market. Therefore, nowadays inclusion is profoundly anti-Marshallian: 'an obligation, not a right; an effort of the individual, not of society' (Joppke 2010: 79).

In spite of, or more precisely, because of these important changes in the idea and

understanding of citizenship's externally exclusive and internally inclusive dimensions can lead to arguments that favour an antagonistic view of citizenship and immigration. Indeed, this is commonly the case, and it is important to briefly acknowledge its wide rhetorical use and the state's active role in this process.

For Brubaker, the power to include or exclude migrants from a state is inherent in sovereignty. It also reflects the interests of the state and is an important strategy for political communities (Demo 2005). States 'need' and often use the non-citizen marker to 'delimit their space of belonging' (McNevin 2006, Demo 2005). Similarly, it is vital for a state to be perceived by its nationals to be in control of the immigration system (Finch and Cherti 2011, Koser 2010). National discourses play an important role in both. For example, while discussing the ambiguous position of irregular immigrants, who are formally 'outsiders' and yet many times economically incorporated into states, Anne McNevin points out:

'The articulation of irregular immigrants as illegitimate outsiders, along with each act of interdiction, incarceration and deportation reinforces the particular account of political belonging from which the state gains its legitimacy' (2006: 140).

In this sense, policies designed to improve public confidence and foster the perception that citizens 'are being protected against outsiders' are usually complemented with demonstrations of territorial sovereignty and constructing 'an image of control' (McNevin 2006:141). Undeniably, as Bridget Anderson says: 'immigration control has a strong reliance on spectacle' (2008: 3). However, it is crucial to discern discourses and measures relying on evidenced-based policy from those that are simply rhetoric, 'myth and ceremony'.

Postnational citizenship and citizenship 'light'

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Yæmin Soysal's 'postnational' model (1994) puts forward an influential and different view that questions the bounded relations between citizenship, states and immigration. Reflecting upon guest workers' membership, she argues that the post-war era is characterised by a reconfiguration of citizenship from a particularistic view based on nationhood, to a universalistic view based on personhood. For her, membership formations like the 'legal resident', which include populations previously defined as outsiders or aliens, have eroded the distinction between citizens and non-citizens. In this line, the boundaries of membership are not national anymore, but fluid, because residents can be incorporated into other countries' legislation while retaining their

original citizenship. Furthermore, instead of a single unitary membership based on equal rights for citizens, there are now multiple memberships that transcend borders.

The postnational model argues that shared nationhood as the basis for equal rights has been replaced with universal personhood and equal human rights. The latter's legitimacy relies on the transnational order, where arrangements grounded on human rights discourse have proliferated in such a way that the individual has effectively transcended the citizen (1994: 194).

movement entails. Its law establishes that it complements and does not replace national citizenship (art. 17 (1) EC Treaty). This is highlighted by the fact that EU citizens and their families must cross a border within the EU in order to 'activate' their EU citizenship and claim rights. However, the European Court of Justice (ECJ) has expanded the scope and content of EU citizenship as well as the rights of some migrants (Joppke 2010, Carrera 2005, Soysal 1994). Thus, importantly, there are cases where domestic citizens have less rights than EU citizens, such as the right to family

(Schachar 2009 cited in Joppke 2010), the small elite of privileged migrants that have managed to be legally resident in prosperous countries has already gotten its 'prize' because it already enjoys similar rights to citizens; for these migrants, citizenship inevitably 'means less' (Spiro 2008, cited in Joppke 2010). In other words, immigration policy has allowed the lightening of citizenship's contours, because by excluding the largest part of humankind, citizenship inside can be porous (Joppke 2010: 155). In this sense, there is no such thing as 'Fortress Europe' but rather a very selective management of migration.

However, this analysis considers exclusion in terms of Brubaker's citizenship's external exclusive dimension and seems to take for granted, in its conclusions, citizenship's internal inclusive dimension. Indeed, although Joppke criticises Soysal for not acknowledging the vulnerability of the legal resident and momentarily acknowledges the problem of excluded citizens by discussing Marshall's work, his theory's inherent liberalisation and universalisation core undermines the importance of informal inequalities among citizens.

Differentiated citizenship and group rights The idea of citizenship as 'equal rights ppkerigh practice, it is crucial to take it seriously because even if law can be blind to differences, societies are not. Moreover, discourses that portray differences as 'deviant' and not natural, create and reinforce artificial borders within and beyond citizenship and immigration. It is important to explore further these artificial borders and their consequences.

Immigration controls, the 'community of value' and the exclusion of the poorer

As mentioned, national discourses reinforce an understanding of migrants and citizens as opposing categories and heavily rely on spectacle. But beyond this distinction, as Dieder Bigo eloquently explains:

'immigration is now problematised in Western countries in a way that is very different from the distinction between citizen and foreigner. It is not a legal status that is under discussion, but a social image' (2002: 71).

This not only emphasises globalisation's inherent 'hierarchy of flows' (Rosiere and Jones 2012, McNevin 2011), which allows the entrance of the 'best and the brightest' and rejects almost everyone else, but also defines the privileges and limitations of citizens themselves. In this sense, people no longer cross borders, but borders cross people (De Genova 2013).

In a similar fashion to that of Isin (2002) but perhaps more eloquently, for Anderson (2013) the artificiality of the distinction between citizen and migrant is best understood through the 'community of value'. In her view, mostly based on the UK's experience, states do not portray themselves as arbitrary collections of people identified by a common legal status but 'by a status in the sense of worth and honour', as people that share ideals and patterns of behaviour (2013: 2-4). Interestingly, and similarly to national discourses, this is also a way in which states claim legitimacy. The community of value can overlap with the idea of nation, especially when it is grounded on certain 'localism' and individuals' daily practices. She identifies certain constructed and artificial types of citizens and non-citizens within this community: the good citizen, the noncitizen or foreigner, the failed citizen and the tolerated citizen (2013: 3-7).

The first is the hard-working, honest member of a respectable family and is represented as the politician, the policy-maker, the researcher and the anti-deportation campaigner. The failed citizen represents everything that the good citizen is not and is both a disappointment and a threat to the community. It is portrayed as the benefit scrounger, the criminal and the rioter, among others. Thus, in consonance with Isin (2002), the community of value is defined and protected from both the 'inside' failed

citizens and the 'outside' non-citizens or migrants. The last category, the tolerated citizen, is at constant risk of sliding into the failed citizen category and is regularly looking to disassociate from it, reaffirming the community of value and its intrinsic exclusionary dynamics.

In addition, Anderson (2013) states that these categories and the policies that reinforce them are deeply racist and gendered and have historically targeted the low skilled, low wage and poorly educated, or in one word, the poor. This coincides with Brubaker's analysis, which traces the origins and development of citizenship as a closure tool to protect rich states from the migrant poor and ensure freedom of movement within the state (see especially 1992: 63), a development that can be compared to the EU's selective borders. Thus, for both authors, since its inception, the exclusion of the poor has been within and beyond borders.³

Theoretical framework

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The theoretical review of the different approaches to citizenship and immigrations allows drawing some conclusions relevant to the study of the family rules in the UK. Firstly, since its very inception, citizenship has been highly exclusionary. Indeed, this chapter could have just as well been titled 'The story of citizenship's inequality'. However, as Isin (2002) sharply points out, and the different approaches demonstrated in various ways, it is important to note that citizenship has not just simply excluded some groups of people, notably immigrants, women and the poor, but has been constituted by constructing those categories. In other words, otherness is a condition of citizenship. In this sense, in Anderson's terms, the non-citizen or foreigner, the failed and tolerated citizen, and the good citizen are all mutually constitutive. Thus, although the universalisation and liberalisation of citizenship as conceived by Soysal and Joppke is important and may be real in some respects, it still relies on exclusion, as evidenced by its prime example, the EU.

Secondly, however, the inside-outside citizenship's distinction is highly strategic and political. Indeed, it doesn't only serve as a closure tool but helps to advance political objectives, which may or may not be legitimate. Thirdly, the different approaches show that the content of citizenship is largely based on a status or formal membership as well

³ For example, in Prussia, the 'foreign' poor or those not belonging to a city were excluded from towns, and the potential 'loca' poor were excluded from municipal law. It was not until the territorial state feared that the expelled poor could cause more damage than good, that towns were forced to accept some poor

as certain rights (and obligations), and that it can be associated with some sort of constructed identity or belonging. Citizenship rights are different and can be distinguished as civil and political -or procedural- rights, and social rights. The latter, which Marshall considered 'independent from the economic value' of an individual, have partly lost their spirit and value in the last decades through their increasing association with the labour market.

Finally, this review shows that the state remains at the centre of the idea of citizenship. In its most primordial sense, citizenship depends on a passport (national or European) given by the state, which also regulates citizens' rights and obligations. Likewise, citizenship has an important rhetorical and practical use in the framing of immigration policies. In the fourth chapter I discuss the extent to which resistance to state's policies and the existence of alternatives to national citizenship, such as European citizenship⁴, could challenge certain elements of these premises.

In conclusion, citizenship is here understood as formal equality, evidenced in

context in which they were adopted and their key characteristics. Recently, the UK's immigration policy has been focussed on reducing net immigration (the difference between immigration and emigration) from hundreds of thousands to 'tens of thousands' per year, as promised by David Cameron during his electoral campaign. Although the immigration target has been criticised (see Mulley 2013, Cavanagh 2012a, 2012b), the government has maintained its aim and developed various measures since. As control of the movement of EU members is impossible, these measures have concentrated on non-EEA nationals. Indeed, the government introduced a permanent cap on non-EEA labour immigration in April 2011, reformed the student migration policy in March 2011 and adopted other measures afterwards to harshen settlement routes (The Migration Observatory 2011).

In this context, in 2011 the government announced a consultation on changes to family migration, which were implemented in July 2012. The official key objectives were: 'stopping abuse, promoting integration and reducing the burden on the taxpayer' (Home Office, 2011). The changes affect British citizens or permanent residents in the UK wishing to sponsor their non-EEA family members (partners⁵ or adult dependants) to stay in Britain. Although I touch upon the rules in general throughout the paper, my research interest is on British citizens wishing to bring their non-EEA partner to the UK only. The key changes of the rules in this regard⁶ are a longer route to permanent settlement, the demonstration of a 'genuine and subsisting' relationship, and a financial requirement. Although I may refer to the first two, my focus on the rest of the paper is the income requirement.

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sources of earnings, such as cash savings, are strictly defined. Third party support, for example, doesn't count (Home Office 2012a).

The threshold is also controversial because, although it is lower than the original proposal⁷, it still potentially prevents large parts of Britain's population from exercising their right to family life. Indeed, according to the Migration Observatory (2012a), with these rules, 47% of employed British citizens do not qualify to bring their partners to the UK. Moreover, because of differences in earnings and median gross wages, the rules particularly affect women, young-people and non-Londoners. The latter has been confirmed in the last year, with the addition of a fourth group: ethnic minorities (MRN 2013, APPG 2013). According to MIPEX (2012), Britain has now effectively the highest income threshold of all major Western immigrant countries, after Norway (2012). Among those other countries, the threshold is not only lower or non-existent but is also used differently, either by serving as a reference only or by allowing more income sources.

The impact of the rules has been increasingly documented through migrants' organisations, grassroots movements and a parliamentary inquiry into the rules. According to these sources, many families have been separated indefinitely and suffer psychological and physical effects while they try to reach the income requirement or move on apart. The effects on single mothers and children have particularly attracted the attention of campaigners and the media. Although some families are not separated, they have been prevented from going back to the UK or have left the country to be together. In this regard, it is important to say that the rules do not apply to European nationals living in the UK. European citizens are protected by European law, which grants laxer family reunification rules than those of the UK. While, as it was^{re}explained before, British citizens cannot exercise their right to family reunification as conceived by European law in the UK, they have increasingly used what is called the 'Surinder Singh' or 'European' route, an exception set in court long ago that allows UK citizens to return to the UK as European citizens if they exercise their economic 'treaty rights'⁸

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Act. Although I do not focus on these cases or their legal implications, it is important to briefly acknowledge their significance. The government has reiterated that article 8 is a qualified and not an absolute right, which means that it can be balanced against other governmental aims and interests. It has also periodically associated the need to limit the right by stating that the article constrains the possibility of deporting foreign criminals (see BBC 17 February 2013, debate after May 2012a). However, people affected by the family rules have increasingly recurred to courts on these grounds. In response to one such case, the High Court (2013) stated that while the rules are not unlawful in themselves, they indeed are an unjustified interference at the level they were set and should be adjusted. Although the Home Office paused consideration of affected applications since then, it also appealed the decision in July 2013.

<u>Methods</u>

constructed. Both context and language are important to frame this construction (Yates 2004). DA is interested in how 'concepts, ideas, language, behaviour and institutional arrangements are loaded with assumptions about the nature of the socio-political world and our understanding of it' (Burnham et al. 2004). In this sense, DA helps to question the bases of common assumptions and how they relate to specific interests. According to Fairclough (2000), discourse analysis should contribute to human emancipation by being critical about the use and purpose of language, especially by those in power. This is useful to consider the implications of constructed boundaries between migration and citizenship and the interests these perpetuate.

I analysed major speeches on immigration and the family rules by the highest officials involved, including Prime Minister David Cameron, the former and current Home Secretaries, Damian Green and Theresa May, the Minister of State for Immigration Mark Harper and the Parliamentary Under Secretary of State, Lord Taylor of Holbeach. I also examined different debates on family migration that took place at the House of Commons and the House of Lords, some of which I attended. To analyse this data, I used grounded theory as understood by Strauss (1987). This theory systematically and intensively analyses data, often sentence by sentence, and constantly compares it to produce a theory (Yates 2004). While I did not aim at producing a theory, this method was helpful to name, discover and also create codes and organise ideas, moving from 'open' or unrestricted coding, which opens up the inquiry, to 'selective' coding, which integrates the analysis in core categories (Strauss 1987: 28-33). In particular, since citizenship is a very abstract concept, grounded theory was helpful to discover sub-categories or words commonly used, which I then cross-referenced, related and counted.

Netnography and semi-structured interviews

In order to study and analyse the effects of and responses to the rules, I used a combined

Table 2: ONLINE SOURCES AND INTERVIEWS		
ONLINE SOURCES		
July 2012 – July 2013	Twenty three testimonials from BritCits's and FIA's	
	websites:	
	1. Aaron	
	2. Amanda	
	3. Brian	
	4. Dan	
	5. Dee	
	6. Hayley	
	7. Jessica	
	8. Kev	
	9. Leanne	
	10. Lizzie	
	11. Lyndsey 12. Mel	
	12. Mei 13. Nick	
	14. Pete	
	15. Richard	
	16. Samantha	
	17. Sharon	
	18. Suzanne	
	19. Xocoa	
	20. Lucy	
	21. Ben	
	22. Lisa	
	23. Nick	
INTERVIEWS		
Campaigners		
1 July	Ruth Grove-White, Migrants' Rights Network	
17 July	Chris, founder of the Family Migration Alliance	
18 July	Steve, BritCits founder and website manager	
Affected people		
11 July	Claire	
12 July	Dianne (skype interview)	
23 July	Sarah (written interview)	
23 July	Emma (written interview)	
Expert		
29 July Katy Long, LSE (skype interview)		

Ethical considerations

Many of the effects of the family rules have been widely disseminated throughout the media and electronic sources. However, since some of this information is of private and

emotional nature, in all cases I made sure I could publish it. In this way, for instance, although the testimonials that I extracted from BritCits and FIA are of the public domain, I obtained consent from their founders to include them. Regarding interviews, I also asked permission to record all interviews and asked affected individuals whether I could use their names on the final paper. In the case of those who preferred not to, I used pseudonyms instead. In one case, although I got consent to include information regarding a particular situation, I did not include it because of its possible, if very improbable, implications for the source. In two cases, I shared the relevant excerpts of the transcripts that I could use for the research, to make sure they consented to their publication. Ethical matters also informed my approach to the analysis and reproduction

CHAPTER 3: CONSTRUCTION AND OFFICIAL JUSTIFICATION OF THE FAMILY RULES

In this chapter, I examine how the British government has constructed and justified the need to implement and maintain the family reunification rules, especially the income requirement. Using the most relevant high-level officials' speeches and statements, parliamentary debates and official documents, I attempt to respond two questions: How does the official discourse justify the rules? What do the facts say about this justification? After scrutinising and questioning the official discourse and its evidential basis, I analyse further implications and reflect on the language used in speeches, statements and some written materials, especially the use of words like 'taxpayer', 'sponsor', 'foreign spouse', and 'settlement' and their relationship with the exclusionary nature of the family rules. I conclude that the rules, while officially seeking to tackle immigration and protect citizenship, affected its value since their inception.

How does the discourse justify the rules?

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The family rules have been justified since the beginning on the basis of four objectives. The first one, which usually marks the beginning of all relevant official oral speeches by Prime Minister David Cameron (2011, 2013a, 2013b) and the Home Office Secretary (Green 2011, May 2012a), is the concern of the 'vast majority' of the population with 'increasing', 'too high' or 'excessive' immigration and the need to 'control' it and bring 'fairness' back. Although a positive side of migration is often acknowledged in terms of those who make a 'contribution', especially in the Prime Minister's speeches, the 'uncontrolled' and 'abusive' face of immigration remains at the centre of all interventions and is constantly repeated. In this context, the Prime Minister and the Home Office Secretary underscore the need to reform the system they 'inherited' by reducing net migration from 'hundreds of thousands' to 'tens of thousands' and explain the measures they have already implemented to reduce non-EEA immigration.

Family migration reform is inscribed within this context. The Prime Minister (2011, 2013a) and the Home Office Secretary (Green 2011, May 2012a) have reiterated that family migration accounted for almost 18% of all non-EU migration to the UK in 2010. However, they have also been careful to state that a reduction in net migration as

cohesion and integration, factors that relate to a good British life and a stronger UK (Green 2011, Cameron 2011).

What do the facts say about this justification?

Net migration target

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The decision to frame the family rules by the overarching objective of reducing net migration may be obvious because there are not many ways to control non-EEA migration, but it is more complex than it seems. Firstly, it is not clear whether family migration is even a concern of the British population. Although most people indeed say that there are 'too many' migrants in the country, people's preferences provide only a very partial understanding of the population's views on immigration (The Migration Observatory 2011b, Blinder 2012). For example, 'immigrant' as a category is mostly associated with asylum seekers and least associated with students, but students represent the largest group of immigrants coming to the UK and asylum seekers the smallest. Likewise, while there's support for reducing immigration of extended family members, the reduction of migration Observatory 2011b).

There are other apparent inconsistencies in the family rules' relation to the net migration target. As it was mentioned before, officials usually say that family migration accounted for almost 18% of all non-EU migration to the UK in 2010. However, that percentage, which is relatively small, may be misleading because it doesn't just include the target population of the family rules (the 'family route': partners and other family members of British citizens and permanent residents), but it also includes the family dependants of temporary migrants, such as students and workers, who are not affected by the family rules. As the Migration Observatory points out, the percentage is based on the International Passenger Survey (IPS) data, the source of official immigration and net migration, which groups both family rules only affect a part of it (2012b). Likewise, although the rules may contribute to reducing net migration because unlike temporary migrants, most family migrants tend to settle in Britain (The Migration Observatory 2011), the government's aim to reduce (IPS) family immigration to around 9,000 per year (Home

Office 2012b) is still numerically low and cannot

separated from their partners are more likely to need support from the state than if the partner had been allowed into the country and assisted them. The evidence gathered so far on the consequences of the rules has shown that there are indeed cases in which the rules increase the use of public funds (APPG 2013). This was confirmed in some of the individual cases and interviews I analysed as part of my primary research.

Implications

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The construction of the family rules and their evidential gaps show some trends that have important implications. In terms of discourse, and recalling national discourses' use to show 'control', there is an important use of a 'citizens versus migrants' construction in positive and negative terms, respectively. For example, in public speeches, the Prime Minister (2011) has stated that there are 'pressures' on 'our' communities and 'our' jobs and that 'the migrants' got the choice to come rather than 'us' 'having the choice', while the Home Secretary (2012a) has made emphasis on the protection of 'our' values. Also, almost all high level speeches reviewed here use examples that target 'foreign' nationalities, particularly Pakistani, Polish and Bangladeshi.

However, on close inspection, there is a tendency to associate settlement with the rights and privileges of citizenship, which seems to favour Joppke's (2010) and Soysal's (1994) arguments in the sense B0 Td [(argumu-179(ne)1m(7130/ 0gc 1.281 0 Td ()Tj -0.0003fn()d [(al0005)])]

welfare system, healthcare and other sectors have been taking place (see a good summary and illustration in The Guardian, 2013a).

included a large section dedicated to the 'failed' welfare system and the need to reform it alongside immigration reform (Cameron 2011, 2013a 2013b).

CHAPTER 4: THE EFFECTS OF THE RULES AND THE RESPONSES OF AFFECTED FAMILIES

In this chapter I analyse the effects of the family rules and the way these have been interpreted and challenged by affected families. I start by presenting an overview of the consequences of the rules. Then, I briefly review the main channels and ways in which families have organised to challenge the legislation. Finally, I explain and analyse how people understand citizenship and how the family rules have affected its value and practice, through British citizens' experiences and interpretations as well as the perspective of campaigners involved.

Overview of the effects of the family rules

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In November 2012, the APPG launched a family migration inquiry to explore the impacts of the family rules. With support of its secretariat, the Migrants' Rights Network (MRN), it reviewed cases related to the income requirement and provisions affecting adult dependants. It later published a report, which considered 300 submissions from affected families, charities, lawyers, businesses and MPs. Although, importantly, the report carefully states that it is based on *emerging* statistical and anecdotal evidence and hence suggests that it is not 'final' (Ruth 2013), it draws four key conclusions in relation to the income requirement (APPG 2013).

Firstly, it found that some citizens and permanent residents have been separated from their partners and in some cases their children as a result of the requirement. This included a significant number of people in full-time employment at or above the national minimum wage. Some submissions permanent residents could not return to the UK with their families, including children, because of the income requirement. This included cases where the non-EEA partner was the main earner but his or her salary was not

Table 3: FAMILIES' SITUATION AND DIFFERENTIAL IMPACT					
Family	Status: Separated	Differential impact"	Prevented from		Children involved
1.			returning to the UK/left the UK	route	

Britain, such as supporting parents or grandparents, continuing studies, or maintaining and developing a project or business, have been forced to decide between staying in their country for these reasons and leaving to be with their partners.

In the cases where families could not meet the threshold, more than one fifth of the citizens of my sample wanting to bring their partners into the UK were or became sick or disabled during or after the visa process. This has prevented some from being able to reach the income requirement through a full-time job and, in the cases where there are children involved, it has forced them to take care of themselves and their kids while securing an income. A few cases show severe effects of the rules on people's condition, which have manifested in depression or isolation after suffering long periods of time separated from partners and children. The negative and harmful effects that all the families have or are experiencing after long bureaucratic processes to gather and present the requirements, in some cases more than once; consider options in the short, medium and long term, including taking several jobs; and eventually being able to reunite (if at all) with a partner, cannot be overstated.

Organisation and responses

Many families have reacted to the consequences of the rules by demanding changes from the government, writing to their MPs, publicising their stories, and organising themselves with other families and organisations. For them, demonstrating against the rules is important to unmask the realities of the rules and what the official discourse hides. Emma says:

'It is important to get our stories out there and not let them get away with destroying our families in silence. People don't know the truth, they assume non EU's come here for benefits, they don't see them as fathers, mothers, children, husbands and wives, and that is because that is how the government has portrayed them'.

Græsroots movements, such æs BritCits and FIA, have had an important role in collecting testimonials, bringing people into the campaign against the rules and organizing events to raise awareness about them. Some migrants' organisations like the Joint Council for the Welfare of Immigrants (JCWI) and MRN have also supported families since the rules were implemented. In addition, there is an increasing number of Facebook pages, internet fora and periodical 'meetups' where families speak out and support each other. Some families with children that have been separated have published conversations between their children and one of the partners, showing the terrible effects

of the rules on the wellbeing and development of children. While the reach of all these events and actions is limited to those who can attend and participate, the campaign has grown rapidly over the last year (Chris 2013, Ruth 2013, Steve 2013). At the same time, although these efforts have been supported by organisations in favour of migrant rights, in the a

divergent views. While some say that they are 'ashamed' about being British, others state that their 'Britishness' is something that cannot be taken away. At the same time, some suggest a separation between belonging and nationhood by, for example, stating that citizenship is having a 'close connection' to any given country.

The emphasis that affected families place on these elements (that I hereby associate with citizenship) in relation to the family rules suggests a deeper, although not necessarily explicit, attachment to the value of citizenship. Throughout the testimonials and interviews, two themes of the family rules are highlighted as the strongest and most damaging to citizenship: the discursive justification of the rules, particularly the burden of the taxpayer, and the effects of the rules on an equal (formal) conception of citizenship.

The official justification

Most families express anger, disappointment and difficulty to make sense of the objectives of the rules. Lizzie, for example, says that her 'faith in British democracy and justice has been misplaced' and Kev says that his wife is 'finding it very difficult to understand how the British government can do this to one of their own citizens, after a lifetime of work'. British values, which are constantly repeated in speeches and

An equal (formal) conception of citizenship

The stronger statements of affected families by the family rules are those that affect citizens' formal equality. This is a real constant in all testimonials, and is very much phrased in the sense that rights should not be given on the basis of the economic value of an individual. Suzanne expresses this very clearly: 'UK puts a price tag on love', and Amanda says that she 'was appalled that people on low incomes were not afforded the same rights as the middle class (...) this is actually saying only the very wealthy can marry foreigners'. Chris interprets the effects as introducing a 'grey area', where families who are composed of citizens and migrants receive a second-class status and 'reduced' rights.

The unequal impact of the rules is also highlighted along other areas:

'rules that dearly discriminate against women are in place... rules which systematically penalise women, for having kids, for adopting the traditional role of homemaker, for sacrificing their career to care for their family...for being women who historically and statistically are paid less than men' (Lizzie).

'[If I was forced to leave] I would just become a housewife. What a waste! What a waste of all my knowledge! And when I say 'just a housewife', I don't mean that derogatory in any way (...) [but] for me it would be a waste of my skills, of my talents.' (Claire).

The real policy failure in this regard is that the government acknowledged the discriminating effects that the rules could have on women but assumed that since, statistically, more men are sponsors, it would not be necessary to adjust their impact (Home Office 2012c). Indeed, it actually stated that in respect of gender reassignment, pregnancy and maternity, 'we consider below the need to put measures in place to advance equality of opportunity and in the main conclude that such measures are not needed'¹⁴ (Home Office 2012c: 4). This echoes Young's (1989) remarks in the sense that strict 'equal' treatment may perpetuate disadvantage and difference. The differential impact, however, has been evident from the beginning, as demonstrated by the aforementioned studies and reports. Lizzie herself backs her remarks with evidence showing that her maternity pay was not allowed to meet the threshold. This makes it difficult to accept that there was no evidence to adjust the policy. 'This is only about the migration target' say Claire, Sarah, Dianne and Emma.

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¹⁴ The Home Office only considers differentiated provisions for the recipients of specified disabilityrelated benefits and carer allowance.

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The practice of citizenship, associated with the exercise of rights and obligations in the UK, has also been questioned and redefined since the rules were adopted. As it was mentioned before, many people feel they have been forced to live in exile. When assessing their options, those who can afford it clearly choose family over citizenship, whether in an indefinite or temporary way: 'I can't believe I may never be able to return home, as breaking up my family for several months just isn't feasible' (Dan), and 'I won't give up and will move to Ireland if that's the only way I can be with my family' (Brian). In this sense, European citizenship within this context is best described as of 'last resort'. It is, indeed, not an easy or light weighted decision and can many times be rooted in desperation. Nick explains:

'I am having to support two households - in the UK, and my partner's household (...) I am now selling everything I have to get enough money to move to France, as this seems to be the only way I can be with my partner. I am going to abandon the business I have built up over the last five years. I will no longer be paying taxes into the system. I will be leaving the country of my birth.'

Moreover, the hesitation to leave one's home shows the obvious and deeper connections that people have with their homeland, which naturally goes beyond trying to 'abuse the system.' As Aaron points out, in relation to the future of his baby:

'I want to have some kind of safe place (...) the place I live in (...) where I've been investing my time and energy. Its' where all my friends live, all the people who I want to learn how to be a good parent from. It's the house my family lived in.'

Families also mention other sources of attachment, such as language and education, being able to 'pass on knowledge' to children or wanting them to experience the place where they grew up. But the difficulty to make this happen and the loss of citizenship's value also affect the loyalty of individuals; their rights are being 'taken for granted' (Dianne). This orientates some towards an instrumentalisation of EU citizenship and a much 'lighter' view of their own citizenship, in Joppke's terms. As Lucy, a young student, claims, in spite of her reserves to leave her home, the UK is probably not going to be a likely option for her future.

Indeed, some families find it hard to 'rationalise staying and paying taxes in a country that so clearly does not want us.' Similarly, those who are prevented from returning explain that, at times, they wonder why they are 'struggling to settle in a

country that is seemingly doing everything to deter us from doing so.' The profound significance of these statements, and the recurrence of phrases such as 'I used to be proud of being British' cannot be dismissed, especially given that only one year and two months have passed since the rules were adopted. An increasing number of families find the EU route 'just, where the British government snatched it away' (Leanne) but also see it as an option for long-term settlement. For Dianne, for example, living away from her husband was not an option and neither opting for a country that discriminated her.

However, even if they so desired, some people don't have the option to leave. The very disadvantages that have prevented them from having a family, also prevent them from leaving the country. This is especially so in the case of forced single mothers as well as those with other disadvantages. In one case, an NHS nurse paid below the threshold by the government supports her children and attends her illness by herself. Although she had chosen to live with her husband in another country, she was forced to come back after being subjected to abduction threats. Having her husband with her is the *only* way for them to be together, and yet, he has not been allowed to visit her, even when she gave birth to their child. She asks: 'So where do we go? Who will have us? (...) The government discriminates against us because we aren't wealthy.'

Implications for citizenship and immigration

It is important to say that this discussion may also have some effects on the debates about citizenship and immigration. My informants have very diverse ways of approaching these topics. Some clearly argue that the family rules are part of a larger set of measures that restrict citizens and migrants' rights, and that there is a need for a fairer and more transparent debate. Sarah, for example, says that the rules:

'are affecting migrants and citizens (some citizens are migrants, after all), but also their extended family and friends (...) I feel ashamed of the new family migration policies and the wave of anti-immigrant sentiment that has taken hold in the UK'.

However, others state that the family rules have been designed 'wrongly' because they are affecting citizens instead of migrants. During my research, this has been mostly shown as resentment against EU citizens, which are also considered 'foreigners'. Indeed, although many of the testimonials I studied reflect on the stronger rights that EU citizenship provides for EU nationals, including British citizens, some blame Europeans citizens for having 'more rights.' In this regard, it is important to say that although the EU route is a legal right enshrined in the EU Court of Justice's law since 1992 and incorporated into UK law since 2006, there are increasing remarks from the media and some commentators (see Goodhart in BBC 2013b) in the sense that this is a 'loophole' that needs to be closed. The challenge of campaigners is therefore to ensure that this type of remarks do not distract the legitimate demand to ensure that people are able to enjoy their rights without distinctions.

In sum, the rules have affected the value and practice of citizenship in ways that cannot be ttan81()-s(imat)1(e)1()-d(t) hat it ays0(hat1iririreongge)120 Td -83()TD [(eririreoTD [)1(t)1(e) nship4d --74(BBC has -0.0003 Tc28174(BBC J -0.01e)1(nshi0.299olaa -32d(t))-50 49)b-137(Thenh20 Td -01r3.76-

CONCLUSION

In this dissertation, I sought to illustrate the effects of immigration controls on the

certainly, threats to withdraw from the European Convention of Human Rights. In fact, if there is a lighter citizenship today, it is not only in terms of a liberalised access, universal rights, and a thin identity, but also because it is gradually losing its content.

In this sense, the family rules provide an opportunity to challenge and undermine polarising discourses, which utilise artificial constructions and categories. It is fundamental to accept the right of citizens to be 'equally recognised as unequals' and to acknowledge their diverse circumstances in order to guarantee inclusion and ensure fuller equality and richer rights. Perhaps, to effectively challenge citizenship's inherent 'otherness', this exercise requires a complete reconceptualisation of the idea itself. But until then, we must all start by continuously identifying, resisting and contesting the artificial distinctions that have been created and that are reinforced everyday, to actively

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