

Competence in the refugee sphere¹: The art of survival

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I. Introduction

This contribution casts an unusual look at refugees. It breaks from the usual widespread victim discourse applied to this group, the major characteristic of which consists in highlighting the structural obstacles existing in the refugee sphere and the negative effects these have on the personal development of asylum seekers and refugees. The approach followed here is highly relevant in terms of both educational theory and educational policy, since education and labour market instruments of support such as the EQUAL programme – instruments that aim to reduce the structural disadvantages refugees are subject to – require information concerning the resources and competencies of refugees that is scientifically grounded. To presuppose the learners possess competencies as for any resource-orientated educational activity is all the more important with respect to this target group since it has been negatively perceived by the receiving society to date. These negative views have been considerably reinforced not least by deficient research approaches. Distinguishing from such unsatisfactory approaches and under consideration of the various hurdles that characterize the daily life of this group of migrants, I would like in the following to focus on the educational biography of a young refugee from Africa to illustrate the resources and the competencies which asylum seekers and refugees have at their disposal and how they mobilize these in order to efficiently use their “waiting time” and thus positively influence the progress of their educational path, despite all the difficulties associated with this.

The term “Flüchtling” (refugee)

The term “Flüchtling” (refugee) in the German context indicates a legal construct that is not unproblematic for its empirical relevance, since it represents a very heterogeneous extract of reality. However, the group behind the designation “Flüchtling” as a legal status is not a homogeneous one. Rather, asylum seekers and refugees who have been categorized quite differently in the hierarchy in terms of the security of their residency and their rights in the receiving country are all subsumed under this general legal expression.

The highest recognition that German law accords a refugee is recognition as being ‘politically persecuted’ according to Article 16a of the Basic Law (GG). These are followed by those who receive the status of ‘convention refugees’ in the sense of the Geneva Convention on Refugees and those who

¹ The term ‘refugee sphere’ refers to a social space equipped with repressive structures and characterized by repressive practices which has an extremely negative effect on the development of refugees and asylum seekers.

are granted at least permanent protection against deportation due to country-specific obstacles precluding deportation. At the very bottom of the hierarchy are those whose reasons for flight and migration are considered to be ‘not asylum relevant’ and who are not granted the right to remain in Germany. If it is not possible to deport them, they often receive the status of tolerated residence or ‘Duldung’² for years on end. These ‘tolerated residents’ along with asylum-seekers whose asylum hearing has not yet been completed make up the large majority of all refugee children. What they have in common is their uncertain residency status, and this implies an uncertain perspective for the future, as well as countless restrictions in daily life, but above all in their education and training opportunities. This group of boys and girls defined according to their residence rights is meant whenever ‘refugees with precarious residence status’ are referred to (Translated from Niedrig/Schroeder 2003, p. 24).

The discriminating effects of refugee status within the education and training system

As has been proven by various empirical research studies on the educational biographies of refugees in Germany, it is very difficult for adolescents and young adults whose residency status is uncertain to gain access to vocational preparation or training schemes.

➤ *The rule of last priority*

To participate in the schemes offered for vocational training and qualification, a work permit is often required, which the refugees do not receive or only receive after a *waiting period* and may additionally be limited to a particular occupation. Apart from a waiting period, the so-called ‘rule of last priority’ applies to asylum seekers who entered the country prior to May 1997 and for all asylum seekers since new regulations took effect on 1 January 2001. This means that jobs and training positions must be given firstly to ‘preferred job seekers’, namely Germans, EU nationals and other ‘privileged foreigners’ on the German labour market. Only if an employer can prove that he cannot fill the position with a preferred job seeker will he be permitted to give the position to an asylum seeker.

Moreover, for young refugees two additional statutory provisions present insurmountable hurdles in accessing the educational, training and employment system: depending on their

² In brief, a **Duldung** is the residency title given to those persons who may not or may no longer have the right to legally remain in Germany, but whose residency cannot be ended for the time being due to legal or material reasons (see. § 55 Ausländergesetz - German Aliens Act).

residency status, refugees are not considered to be a group entitled to support pursuant to Volume Three of the Social Code (SGB III) and they are not permitted to take part in any educational scheme in which it is in principle possible to draw support through the Federal Assistance for Education and Training (BAföG). Further, both statutory provisions are linked with the drawing of social welfare benefits: refugees receive an ongoing single benefit, insofar as they are without means

- pursuant to the Act on Benefits for Asylum Seekers (AsylbLG) if they have a residence sanction (Aufenthaltsgestattung), tolerated residence (Duldung) or a residence authorization (Aufenthaltsbefugnis);
- pursuant to the Federal Social Assistance Act (BSHG) if they possess another temporary or permanent residence title.

Should they begin an educational programme these benefits are denied by the social welfare agency with reference to § 26 BSHG:

§ 26 BSHG

Special regulations for trainees and apprentices: trainees and apprentices whose training is principally entitled to support within the framework of the Federal Education and Training Assistance Act (BAföG) or the Employment Promotion Act (SGB III), have no claim to assistance in maintaining their livelihood. In cases of hardship, assistance to maintain a livelihood may be granted. .

This regulation determines that school children and trainees who complete educational programmes that are in principle – regardless of whether they have the respective individual prerequisites – entitled to support pursuant to BAföG or SGB III, have no claim to social security benefits. This clause, which took effect in 1996, is intended to prevent the drawing of social welfare benefits as a means of paying for education; however, for young refugees and asylum seekers it is effectively – along with the ban on working – a mechanism that excludes them from the ‘market’ of educational opportunity.

➤ The ‘BAföG-social security trap’

With the exception of persons recognized as entitled to asylum and convention refugees, all other refugees in the group of people entitled to benefit are excluded from receiving BAföG. Anyone who has a precarious residence status loses his right to claim social security benefit as soon as he takes up an educational or training course or attends some other ‘BAföG-entitled’ educational scheme. That means that young refugees in such cases receive neither financial support pursuant to AsylbLG or BSHG nor educational support pursuant to BAföG.

➤ *Exclusion from educational schemes pursuant to SGB III*

The aim and content of Volume Three of the Social Code (SGB III) is to regulate the support of vocational education in schemes such as those for vocational preparation and basic vocational training, programmes for the disadvantaged and the mentally or physically handicapped, and programmes for external training which are either fully or partially funded by the employment office. The SGB III replaced the Employment Promotion Act (AFG) and significantly changed the options for obtaining financial support for vocational preparation and education-related schemes, in particular for so-called ‘foreigners’. A significant change is that in the old Employment Promotion Act, young *foreign* people were assigned *a priori* to the *disadvantaged* group. In contrast, now with the introduction of the SGB III the disadvantage must first be established by investigating the individual case before it is possible to receive support. Workers involved in labour administration have commented that the legislator clearly wished to achieve a restrictive effect with this new legislation. On the basis of SGB III, refugees and asylum seekers can only receive support if they possess a stable residence status. The following are listed under § 63 (1) of SGB III: quota refugees, persons recognized as entitled to asylum and convention refugees (protection from deportation pursuant to § 51 (1) AuslG).

In short, this means that the exclusion of young persons with precarious residence status from vocational preparation and qualification schemes is *threefold*. Firstly, it is often not permitted or at least made difficult for them to participate in schemes requiring a work permit or the right to work. Secondly, persons not recognized as entitled to asylum are fundamentally excluded from programmes for the disadvantaged that are financed according to SGB III. Thirdly, problems arise with educational schemes that principally entitle someone to support pursuant to BAföG.

Despite the devastating effects of this restrictive legal entanglement on the educational ambitions of the refugees, many of them are astonishingly successful, as research in this area has shown (see Neumann et al. 2003). The aim of the following case study is thus to track down the resources and mechanisms of resilience that form the basis of such success.

The question and theoretical framework

The theoretical starting point of my analysis is the observation that Bourdieu’s definition of education as a product of individual access opportunities to and power of disposal over different forms of economic, social and cultural capital is deficient when applied to explain an empirically well established fact, namely the educational success of a significant number of

refugees with precarious residence status. The deficiencies of Bourdieu's approach are clearly visible in the problems of being able, as comprehensibly as possible, to explain the strategies that are applied by this group of migrants. In the same way, the resources they activate to achieve their educational successes extend over and above the types of capital defined by Bourdieu, even if, amongst other things because of the fact of having migrated³, they only have these forms of capital at their disposal to a limited extent. For these are educational successes that have been achieved despite considerable burdens in all areas of life. These burdens, which have been indisputably proven by research, largely result from a lack of *juridical capital* as a form of 'startup capital'⁴ and greatly impede the development of asylum seekers⁵. Due to its function and its consequences for those affected by it, juridical capital represents a prerequisite, or even to some extent a license, for access to the 'education market', without which any form of fair competition is only difficult to imagine. Thus, how can the educational successes of some of these young people be explained when in the light of Bourdieu's approach they appear to be a paradox?

In order to investigate this question, I have directed my view on the subject, in the philosophical sense, who is engaged in a constitutional process as takes place in the constant confrontation with and critical reflection on the alienating social structures. The subject in question is, in contrast with the Kantian subject, one whose individuality is understood as secondary, an individuality that continues to crystallize against the background of social relationships and structures that existed where the subject was initially integrated. Further, it is a subject that is no longer perceived under the viewpoint of '*having*' (the capital constellation) but above all under the viewpoint of the *action* set in motion by this moment of relationship or the process of subjectivization through and in confrontation with the alienating structures. Michel de Certeau wrote about this type of action:

A long time ago, for example, an investigation took place of the ambiguous process that undermined the 'success' of the Spanish colonizers with the Indio peoples: submissively and even willingly, the Indios *made* something often entirely different out of these ritual actions, ideas or laws that had

³ Migration, according to Bourdieu's theory, is seen not only as capital transfer (incorporated capital, habitus), but also as capital loss (e.g. loss of social capital).

⁴ The analogy between what we call juridical capital here and the vegetative nervous system proposed by the specialist for Aliens Law Rainer Albrecht expressly clarifies the vital function for the migrant of this 'capital', on which the success or failure of his entire efforts at integration in the receiving society depends.

⁵ Asylum seekers who lack juridical capital are to be understood as those who have a Duldung (tolerated residence). These make up 75% of the group involved in our study.

been forced upon them to what the conquerors believed they had achieved with them; they did not undermine them by rejecting them or changing them but by the manner in which they used them for purposes and with points of reference that were foreign to the system which they could not flee. Within the colonial system which they externally ‘assimilated’ they remained foreigners; their use of the ruling order was a game with its power which they could not reject; they fled this order without leaving it. (Translated from de Certeau 1988, S. 13-14).

The question under discussion here points to the *modus operandi* or scheme of operation that the dominated, but not passive, subject employs. My task consists in making clear the different forms of expression of these operations, which are reflexes of what I call the *habitus* of the art of survival (see Seukwa 2005, p. 214); it is these competencies that produce the ‘arts of doing’ which in turn allow asylum seekers to elude the repressive effects of the laws and to have educational success without their legal status having been changed. The educational biography illustrated here will make clear how a young asylum seeker copes with a system he cannot reject since he does not have the means to do so, but whose grasp he manages somehow to elude without actually leaving the system. The formal framework of rules of subjective behaviour underlying these operations I understand – in their total – as the *habitus* of the art of survival.

II. Brief introduction of the interview partner (Meme)

Born in 1983, Meme had experienced first hand a terrible civil war in his home country Liberia from the age of seven. In 1990 he fled to the neighbouring Ivory Coast, where he remained until February 1997. At this point, he was able to come to Hamburg. His application to be recognized as a political refugee and to receive asylum was rejected in the same year (November 1997). Since then he has lived in Hamburg as a ‘tolerated resident’. His educational path can be summarized as follows: from October 1997 to July 1998 he attended a year of vocational preparation for migrants at a vocational school. Between 1998 and 2000 he completed 2 years of full-time vocational schooling at a commercial college, obtaining the equivalent of a General Certificate of Secondary Education (*Realschulabschluss*). From 2000 to 2002 he attended a specialized upper secondary school for economics and administration, where he gained his vocational baccalaureate diploma. Since the summer semester of 2003 he has been enrolled at the University of Hamburg studying Industrial Engineering. He is a Muslim. At the time of the interview he was 19 years old. He was suffering from the

recurrence of post-traumatic shock related to his experiences in the civil war in his home country. For this reason he was taking part in therapy at “Fluchtpunkt” in Altona, a church organization specialized in the support of asylum seekers.

III. Different forms of expression of the habitus of the art of survival

III.1 Encountering external difficulties as a challenge

‘Then I said, “I have to do something now.”’

The interview begins in the following way:

I: So this interview is about your life here in Germany, / M: Yes/ I: how you came here and how you managed to cope with and get on in your daily life / M: hm / I: as an adolescent, as a young adult, / M: hm / I: as an African, as a refugee and, if you like, then just tell us how everything has happened since you came here.

In response to this, Meme briefly outlined what he had done in his first weeks in Hamburg, which mainly consisted of trying to find a place to live. It became clear that on the advice of other asylum seekers he had initially taken quarters in a reception centre for adults, although he was a minor. This form of accommodation, as it is intended for adults, is characterized by a lack of supervision and a tendency towards little monitoring of the residents. This ‘laissez-faire’ attitude had been described by his friends and ‘advisors’ as ‘freedom’ and had influenced his decision to move into adult accommodation.

M: I think I was 3 weeks on the ship. / I: hm / M: And then I heard through the people who had been sent there with me who had met others and they said to me: ‘Yeah, it’s cold on the ship and there is room here’ and things like that, then we/ I: That was the refugee accommodation ship, you are talking about? M: Yes, that was/ Bibby Altona it was called. [...] Anyway, then we went to [the reception centre in] Lübecker Straße, and they told us: ‘There are rooms vacant here and that’s/ you can do what you want, and you can come and go as you like’ and things like that. And that’s what enticed me here, [laughter]

Due to this decision, Meme, who was 14 years old at the time, did not receive the intensive pedagogical supervision that is offered in the initial reception centres for children and young people. This includes, among other things, a German course for beginners, which he was very seriously in need of, since at the time of his arrival in Hamburg, Meme neither had command of a written language, nor had he had any schooling experience in Africa worth speaking of. At that point of time he was illiterate:

M: Nah, I had been to school, but just for two hours. /I: Two hours a day or two hours a week? / M: Nah, just two hours. / I Oh! [laughs] How did that come about? / M: Yeah, well, when I was small our neighbours' kids used to go to school, and I thought that was great and wanted to go at all cost. And I made such a fuss that my parents always said it was just that I wasn't old enough to go to school, but if you know people there is always a way. / I: Hm / M: Then they arranged for me to get a place. And then I went there, my first school day. I was so happy, 'Now I'm a school kid' and stuff like that. Yeah. So I go to school and the teacher starts to beat the kids. And in the first recess I ran home and never went back again.

But it didn't take long before he became aware of the consequences of his illiteracy in a foreign country whose language he could not even understand.

M: Once I went to Sternschanze [underground station], no, it wasn't Sternschanze. Steinstraße [underground station], / I: hm / M: I went there and y'know outside, I went out of the train station and didn't know where I was at all, because I had got lost and I couldn't get home and then I had to ask the people and no one could understand me. I: Mhm. And you spoke French? / M: Nah, back then I couldn't, not really, not so well. / I: So how did you do it? /M: Yeah, well, I just said 'Lübecker Straße'. / I: hm / M: I couldn't say any more than that. /I: Mhm / M: Lübecker Straße. Then I met an African who happened to have friends there too and he knew what I wanted, and then he took me to the station, and then I got on the train and went home. After that I said, 'Yeah, I have to do something about that now.'

This unpleasant experience gave him such a shock that he made the decision to do something about his illiteracy. The first thing he did was to make it clear to his official guardian that he wanted to go to school. She helped him to find a place in a reception centre for children and young people. After a six-month wait he started his vocational preparation year for migrants. What is immediately remarkable about how he coped with this experience is that he took the right measures to solve his problems or rather to remove the handicap that his illiteracy presented in a society dominated by the written word. He did not allow himself to be dragged down in this situation and didn't postpone dealing with it, but rather reacted promptly to avoid a repetition of the situation.

III.2 Making optimal use of the period of schooling or: on the art of making the most of opportunity

'I'll have a go at Realschule'⁶

⁶ Translator's note: This is a form of intermediate secondary school where, after approximately ten years of schooling, the student may leave school upon completion of the Realschulabschluß, the equivalent of the General Certificate of Secondary Education (GCSE).

Once at school, he wanted to make the most of the time available to him for his schooling and took up any opportunity offered by his teachers in any form whatever to improve his above-average results even further. He describes the first of these opportunities as follows:

M: First of all I was put in a BVJM class. / I: BVJM / M: Yes, BVJM class, that's means vocational preparation for young migrants, BVJM. Anyway, I was in the class/ I was there a year. At the end of the year my German teacher said I should try the Hauptschulabschluss [lower secondary school leaving certificate]. He went to the principal, and our class teacher had somehow missed the deadline, I couldn't do it any more because there wasn't enough time.

He realized that this suggestion allowed him to gain a whole year, since the Hauptschulabschluss certificate is not usually done inside two years in a BVJM class. When he saw that his opportunity was slipping away due to either the lax attitude or neglect of his class teacher, he did not want to leave the situation to luck or coincidence, but decided to fight to make the best of it.

M: [...] and I didn't want to just stay there any more. So I said to myself: 'I'll have a go at Realschule.' Then all the discussion started up again, blablabla, then I went back to the education/ er education office, back then it was in [the street] Hamburger Straße, in the school. Then I went there and told them: 'I want to have a go at Realschule.' And I also told the teachers in the school where I was, the G5 in [the street] Lübecker Straße, and they, well, they wrote a letter for me, and after that, / they organized it and I went up into another school, a commercial college [Handelsschule].

However this was only an apparent success, since the change of schools approved by the education office did not mean the change in educational path that would have allowed him to gain a Realschulabschluss.

M: Well then after I got the letter, I then went to the commercial college in [the street] Barmbeker Straße. And there they put me in a BVJM class, which wasn't what I wanted at all. That meant I had to fight all over again. I: And how did you do that? / M: At the beginning I didn't join in at school at all, because I thought: 'That's just simple stuff, I don't want to do that.' And the teacher said I had to show that I was better, then He would be able to do something about seeing I got into a commercial college, er commercial college class. Then, I think, he set us a task to do with velocity that I had done the year before in my old school. Yeah, I was supposed to do it as homework, but I didn't! / I: mhm [surprised] / M: Then I got to school and started to talk and the others /somehow the others had done it, alright, but not as well as he had wanted it. I said: 'That's so easy, that's for babies,' and stuff like that. Yeah, so he said then that if I could manage to solve the problem then and there, he would/ then he promised I would be able to go into a commercial college class. Then I went up to the board and solved it. And well, he was stunned, you might say. / I: And he kept his promise? / M: Yeah, he kept his promise, then I got into a commercial college class.

In his description of what he calls a ‘fight’, there are some characteristic elements of a certain tactic. To remain on the same polemological language level as Meme, these are strategies that in a situation of unfavourable power distribution assign the circumstances priority for so long as necessary until through intervention in a particular moment they turn into a more favourable situation. ‘Because it has no location, writes de Certeau, “the tactic remains dependent on time; it is always aimed at grasping its advantage ‘on the run’ [...] It must constantly play with the events in order to make a ‘favourable opportunity’ out of them. The weaker party must constantly make use of the powers that are foreign to him. He does this at opportune moments.’ (de Certeau 1988, S. 23) The tactic used by Meme here does indeed work according to this scheme. It takes the form of a game in which he involves his teacher by bringing him to the point that he will make him promises for actively participating in the lesson, promises whose content is the realization of his wishes. But the promise of his teacher is too vague for him; he wants something more concrete, something morally binding for both parties, so to speak. He wins this round by playing out the full gamut of his cards based on participation in the lesson. Thus with behaviour bordering on arrogance regarding his homework, he brings his no doubt irritated teacher to the point that he turns the game into a challenge or a duel. The well-prepared Meme then has no trouble turning this to his advantage.

III.3 On the art of pushing on despite the uncertainty of the outcome

‘I already had “tolerated residence” but I just wanted to do something...’

The victory in this ‘battle’ not only meant access to Realschule for him, but also a year gained in terms of his schooling. However, it wasn’t long before the high linguistic demands that this leap into a higher class entailed became clear. *‘I thought it would be easy for me there, but it wasn’t like that, because, first of all, my German wasn’t good enough.’* He countered this situation with determination and rigour: ‘But I had wanted it and I had it, so I had to make the best of it. And that’s what I tried to do. And in the end I succeeded.’

After gaining his Realschulabschluß, he then encountered a whole set of completely different difficulties to the previous ones, since they weren’t directly related to his schooling, but rather to his status as an asylum seeker. For almost all tolerated refugees, achieving this school certificate usually means the end of their schooling, because they are not permitted to take

part in vocational training or to attend upper secondary school.⁷ In addition to this, as a result of the constant threat of deportation, which was a great burden to him, Meme had to fight against his own loss of heart in this decisive phase of his development in order to convince himself of the necessity of continuing his educational ‘adventure’.

M: [...] after that I didn't feel like going to school at all any more, / I: Hm / M: because I thought: nah what's the point, if I did my Abitur [higher school leaving certificate now] I'd just be starting something I would never finish, and stuff like that [...]. I thought I'd be starting something I wouldn't finish because I had had this tolerated residence since '97, the end of '97, which meant the Aliens Office could deport me at any time. / I: And how long have you been here? When did you arrive? / M: The beginning of '97. / And at the end of '97 I got tolerated residence. That meant the asylum hearing had been closed.

He finally found the answer to his fundamental question of whether it was worth continuing the fight at all in the fact that the situation of the uncertainty of his status was not new for him; it had accompanied him since the time he entered Germany. His tactic now consisted of playing for time. Since nothing serious by way of a deportation had happened until then, he wanted to make as much as possible of his time, which had the character of a postponement.

M: Well, actually, when I went to the commercial college, I already had tolerated residence./ I already had tolerated residence, but had wanted to do something, and that was commercial college, and I had done it.

The legal obstacle, although it was very real, was repressed by Meme for the time being as non-existent. Confronted with the effects of the system of legal restrictions he refused to give them the transcendental status of ‘the way of things’; he did not allow these restrictions to determine his fate, allowing him only the option of submitting to it.

‘Two years are a long time, but that's one year less...’

Meme threw himself into the battle of continuing his educational ambitions. His procedure under extremely uncertain circumstances and restrictions consisted of setting himself short goals and making them the main criteria of his decisions and educational orientation. Considering the minimal choices in education and training for asylum seekers due to the legal

⁷ The restrictive law pertaining to the issue of work permits prevents vocational training, since a work permit is required in order to take up a place of training. Since this hurdle is difficult to overcome, even in the individual case, asylum seekers are largely excluded from the vocational training sector and thus strongly steered into school-based training paths. However, there are also barriers for subsequent educational options, since any training schemes entitled to BAföG support are principally closed to young refugees: Most young refugees are not entitled to BAföG, but attending an educational course that entitles the participants to draw BAföG excludes the participants from receiving social security, even if the student does not receive any BAföG payments. This also applies to upper secondary school courses.

obstacles, it is necessary to find the appropriate loopholes in the complex laws pertaining to immigration, asylum and benefits for asylum seekers. Or at least to find sound support in competent advice. This seemed, however, to pose no problem for Meme. He obviously knew which type of school he could consider in order to reach his goal of getting his Abitur, even though the courses of education that lead to Abitur are entitled to ‘Bafög’ support and subsequently as a general rule inaccessible for asylum seekers.

M: I wasn't allowed to do any course of education and I'm still not, and the alternative was this specialized upper secondary school or a, what's it called, a grammar school, a commercial grammar school. / I: That would have been okay, too? / M: That would have been okay too. But then it would have taken three years. / I: Hm / M: And the other one two years, and I couldn't have put up with three more years, or I thought it was too long because I didn't know when the authorities would say: 'That's it, time to go. You have to go back.' And I thought two years might be long, but that is one year less. / I: hm / M: And I could deal with/ I could start that. / I: mhm / M: So I registered.

III.4 Social contacts as a (re-)stabilizing factor on days of despair

'I simply had to talk to someone, and then on Friday it was all completely different'

The fact that his stay in Germany was only tolerated and deportation was always immanent hung like a Damoclean sword over Meme. If he was able to forget it, it was always brought back fresh to mind by a letter from the lawyer or a summons from the immigration office or the court; so many tiny things with unexpectable consequences against which he could not remain immune despite his remarkable determination. And this all the more since at the time of the interview, in Hamburg with its already extremely restrictive aliens policy, the achievements of the minister for the interior were measured, among other things, on the number of deportations of asylum seekers carried out.⁸ This, however, accounts for the creativity and enthusiasm of the civil servants of this ministry, who, as Meme explained, in their efforts to achieve this raised deportation quota often employed methods that bore little resemblance to the European human rights convention.

M: I think on the 15th of last/ah this month. Yes. In the middle of the exams I got a letter from the lawyer. Things were happening/ Yeah, I am from Liberia, y'know, and the Liberian Ambassador had not recognized me as a Liberian, and the Immigration Office was trying to deport me some place. The next best place, so to speak. And well, apparently the Guinean

⁸ The deportation of asylum seekers as a privileged criteria to evaluate the performance of the Home Secretary reached its pinnacle under the appointment of Ronald Schill as the Senator for the Interior from September 2001 to February 2004. However, there has been no significant change to this practice since the new conservative Senate has held a majority since March 2004.

Ambassador had been prepared to give me a passport. And then the lawyer appealed or – what’s it called again? – got impediments to deportation recognized because there was a hearing that could set a precedent about a deportation that went wrong or the people had been deported to Guinea and afterwards had disappeared or somehow been tortured and things like that, and there was this hearing and that’s why I had/or all Guineans had protection from deportation . / I: Hm / M: In the middle of the exams I got the letter that it wasn’t so, that the court had not decided in favour of the defendant. And the next day I had to go back to my exams, and they were the worst results I ever had.

In these moments of distress, in extreme need, when his personal resources, that is his alert mind and his determination, do not seem sufficient, without hesitation, he sought contact to his social environment. He turned to people he trusted who admittedly could not change the direct source of his unhappiness (his legal status), but who could find the right words of moral support for him and offer him enough stability to keep fighting, even if it was only for the time of the exams. His tactic was characterized by rapid reaction geared towards the situation. Considering the uncertainty and unexpectedness of the situations, he tackled the difficulties arising from them in quick succession, in the same manner as they appeared. The only preparation possible under such circumstances lies in the prompt and appropriate reaction to unexpected events. In the situation sketched here, that meant speaking to someone close to him about the problems that were burdening him outside school as soon as possible. These conversations were a relief, allowing him to regain his mental composure and find the concentration necessary to continue his examinations.

M: But the next day, that/that was a Thursday, and on Friday it was all completely different. I simply had to talk to someone, and then on Friday it was all completely different. / I: After the conversation? / M: Yes. / I: Hm / M: And then I felt really good again, and did a good job in my exam, in my opinion. / And talking to someone, knowing someone would always be there for me regardless of what happen, I think that helped me a lot. That encouraged me somehow to keep on going, to get this vocational baccalaureate diploma that I’ve just done.

III.5 Subordinating trust to caution

‘It is a risk, and I don’t want to take it. So I prefer not to say anything’

Even if it is common human practice to tell a third party of your misfortunes to gain relief, this is nevertheless not something an asylum seeker takes for granted. The rather negative images that the general populace associates with the status of the asylum seeker, which are cleverly fed by some politicians to stir up ill-feeling, have led to this category of migrant being seen as social parasites who enjoy living off social security or as a money-grabbing

criminals who unscrupulously corrupt young people by selling them drugs, to name just two of the most common images. This widespread grim image, a social construct that is a result of almost complete ignorance of the objective living conditions of asylum seekers, forms a serious obstacle to the integration and acceptance of persons with this status. When Meme turned to his teacher in an effort to find a sympathetic listener with whom he could discuss the problems that were a result of his precarious situation, he was confronted by this sad reality.

M: At the commercial college, I had told the coordinator, who was also my class teacher at the time, I had tried to talk to him about the problems that I had had in spring, because the teachers always say: 'If you've got problems, you should come to us and talk about them,' and things like that. I told him about it and then he told the whole class. / I: Was that what you wanted? / M: No, I didn't want him to do that. And then I somehow felt like an outsider and not worth so much. / I: Hm, after they found out? / M: Yes. I found that quite awful, actually/ I: Hm / M: It wasn't so easy after that.

As a result of this experience, which he considered a breach of trust, he took the logical step and decided as a matter of caution to make an absolute secret of his status and, at least as far as the school was concerned, bear the burden of the resulting psychological problems alone.

M: And, well, this time I tried to keep the whole thing to myself. / I: At the specialized upper secondary school now./ M: Hm. None of my schoolmates and none of the teachers really know anything about my residence status, and in any case, sometimes I get really bad marks at school. In some subjects I have dropped from getting B grades down to Ds. / I: Hm / M: Yes, they said they couldn't understand why. I can't tell them why, even though I trust the teacher more than the coordinator at the commercial college, but I think it is a risk, and I don't want to take it.

The result of this caution, that is, concealing his status as an asylum seeker in his new school, soon became evident. In this way he was able to rid himself of the negative image of the asylum seeker and its associations and become a 'normal' student, integrate into the class and feel comfortable there.

M: The class was top class. [laughs] / I: Hm / M: Yes, the class was great, and yeah, well, in the second year I was elected class speaker. / I: Hm / M: There were two who had been elected and we also had two deputies. / Mhm / And I felt or rather I feel really accepted by the class. The pity of students who I don't even like and stuff like that, I don't sense that any more and that/ I feel like I am a real part / somehow a part of the class, as a whole. I think that was also important this year.

'Somehow it seems as if I sometimes need things like that to really show the people that I can really do it'

Only very few people around him (including some of his teachers) who knew of his precarious status and its significance as a handicap took his educational ambitions really seriously and conveyed that to him. However, as far as his aims and projects were concerned, he possessed a determination that bordered on the daring, taking into account the difficulties that their realization faced. Instead of allowing himself to be affected by the not unfounded pessimism of those around him, he transformed the difficulties into a challenge which became for him an important source of motivation.

M: Well, I registered [for the upper secondary school examination] and when I told the coordinator, he thought from the start: 'No you won't manage that now,' y'know. Yeah, well, I did it anyway and last week I wrote the final exams. / I: Hm / M: Yep. We don't have the results yet, we get them on the 10th, but I'm pretty sure I managed it. / I: Mh, perhaps it's a little too early, but congratulations! / M: Yes, thanks a lot. Yeah well, anyway, I have this feeling of really having achieved something. And I believe that that is based on something – how do you say it – good or real.

III.6 The dialectics of the closed and open or: the art of planning a future in absolute uncertainty

'For the others it was normal to see it as over and done with, but for me it wasn't...'

Meme really had passed his exams, but this success had a taste of the unfinished, since the legal restrictions which he was subject to made it objectively impossible to continue on his educational path after gaining his vocational baccalaureate diploma. He brought it to the point as follows:

M: It's one of those things I don't understand and / they sort of say: foreigners or asylum seekers don't even bother to go to school, they're not interested in the language, and if you do do it – I think that is why so many don't go to school, many asylum seekers, even if they have this option, I think, because they see that there is no point, there are no prospects, you can't achieve anything, [...] It's not right if people go to school to learn the language and get all sorts of certificates if they just disappear on shelves or in drawers afterwards. / I: Hm / M: Because they're not even allowed to use it, they're not allowed to start any educational or training courses. Yep. I have been at / I have been going to school for 5 years, and the authorities have paid for it. They are prepared to pay for it, but it's also okay by them if it disappears into a drawer. That's strange, isn't it? / They have paid for it and then they don't get anything for it.

With his personal experiences he delivered a clear explanation of the economic discrepancies of a 'closed' and essentially repressive refugee policy (investment à fonds perdu in the education of asylum seekers). But regardless of all these barriers, or perhaps because of them, he also saw and described the consequences of such policies as being open, above all, his

situation, which once he had gained his school leaving certificate seemed objectively without any prospect,.

M: Only, well, perhaps for the students or the others it was normal to see it as over and done with, but for me it wasn't. Because with this certificate I still won't be able to achieve much, because I'm not allowed to take up training, I'm not even allowed to study / I: mhm / M: And as far as that's concerned the whole thing is still open, so to speak.

The perception and description of an essentially closed situation as being open does not seem to be based on just a simple play on words, but indicates the firm conviction of Meme that he had still not exhausted all his possibilities, as well as his readiness to fight, as in the past, to turn this problem situation to his advantage. That is in fact what emerges from his sketch of his future projects.

III.7 Setting realistic goals or: subordinating dreams to plans

'I have plans or dreams, but there are no prospects...'

When asked what he planned for the future now that he had successfully gained his school leaving certificate, he answered:

M: Yes, plans, perhaps somehow to fight for a place at university. / I: Mhm. In what subject, in what area? M: At the moment that's a little difficult, because my dream is to become a script writer. / I: Hm / M: But my plan is perhaps to study Business Administration, because I don't think it is easy to earn your living /earn a crust as an artist. And there is no guarantee, either, that you will get a job. And if I study Business Administration, I would always have security / ah, well, whatever that might mean. I would always have a good chance of finding a job. / I: Hm / M: And well, that's why I say I have plans and dreams.

With his manner of seeing the difficulties caused by his legal status as challenges that he can gain from rather than insurmountable obstacles, his studying at university certainly becomes a serious option, which may not necessarily be realized, but which in his perception only depends on his ability to fight. Moreover, studying at university, which he calls his plan, is by no means something that he strives for because of prestige or as a goal in itself. Rather, his choice is a very rational view based on his evaluation of his job opportunities. This plan is also integrated into a larger project in which his studies become a means of achieving material security which allows him in his own time to find his ideal job in another area that he is enthusiastic about and in which he thinks his creativity would shine:

M: My dream is to do this script thing, and I can do that actually quite well. What am I saying now, I can do that! / I: Hm [laughs] / M: I think I can develop good stories. I am still quite young, but in terms of experience I am much further along. / I: Hm / M: That allows me to always come up with stories that I can link to my own.

However, since he is a cautious and pragmatic person, Meme does not let himself be carried away by the attraction of his dream job, which has the side-effect of not being able to guarantee a financially secure future. He puts it in second place on his priority list. As far as his own interpretation of the story goes, he initially connects it with his abilities, but then also and above all sees it as an illustration of a model of being successful, despite the adversities of fate, which could serve as an example for others who share his status as an asylum seeker.

M: [...] and I believe stories like these deserve to be told. / I: Hm / M: To be told on the one hand for me and on the other for those who have shared or are sharing the same fate, because I believe that many give up quickly: 'Yes, that's the end of it. There's nothing more that can be done.' If I managed it, then I think anyone can manage it.

III.8 Defying the adversities of life

'And if I want to compete, with my five years of schooling...'

Meme summarizes the secret of his success in the following way:

M: You just have the will. And you have to have a little bit of luck as well, meeting the right people at the right moment, people who will help you when you can't go on. I: Hm / M: I think that is important. Yes that is one of the reasons why I want to follow up on this script-writing thing.

An unshakable will and having the right relationships at the right moment seem to be, in his eyes, the most important resources to succeed on an educational adventure such as his. But what does Meme understand by 'having the will'?

M: [...] when you have this uncertainty and when you have this constant fear / I: Hm / M: And the psychological burden and the uncertainty of not knowing what will happen. I think that simply makes you ill. And if you try anyway to achieve something, like I have done, and well, you are in a class, like I am now, the others have been to school for at least ten years. Ten or eleven years. And if I want to compete, with my five years of schooling, well that isn't such easy work. You have to study very, very hard and a lot of other things.

When Meme speaks of tireless work under adverse conditions, the expression must be understood in the true sense of the word. He does not shy away from any effort and sacrifices above all the leisure activities that are so popular for people of his age.

M: Yes, when I tell people that I have only been to the cinema five times in the last five years, hardly anyone believes me. / I: Hm / M: And no one believes me if I say I have only recently started going to the disco.

‘I am always learning wherever I am...’

Apart from his steadfast will and having the right relationships at the right moment, Meme refers to another ability that is doubtlessly a valuable resource for his educational success, that is, what he calls his ‘photographic memory’. For this allows him to study, regardless of where he happens to be.

M: As I said, I am always studying everywhere, wherever I am. / I: Hm / M: It’s like this, you see, I have this – what do you call it? – Photographic memory. / I: Hm / M: Most of the time I don’t need any papers or things like that to study. / I: Hm / M: So I can study again and again, anywhere. But, well, I just need a little bit of peace and quiet and all of a sudden I start studying.

‘I learnt arithmetic while I was selling thing’

Meme had already acquired this ability in Africa. On the basis of the report on his activities in the informal educational sector in Africa it becomes clear that he had the opportunity to acquire and apply this ability as he made his way through the usual method of ‘learning by doing’ that is used in this sector. This method requires as a prerequisite from the learner, among other things, ‘accurate observation and listening [...] a great deal of practice through to perfection and holistic reproduction of the heard or said’ (translated from Nestvogel 1983, S. 35-36).

I: And things like reading and writing or arithmetic, could you already do them when you arrived? [...] M: I could do arithmetic already / I: Hm / M: because arithmetic / I had to help my parents sell things and such / I: Did they have a store or are they vendors? / M: Yeah, not a store, they sell things at the market, the usual thing there. You have a place somewhere outside, you put down your things and sell them. I helped them with that. That was ‘learning by doing’ / I learnt arithmetic while I was selling things. [...] And because I could do that, then with the other things, too, I had to learn a bit more than the others, I had to do without so many more things than the others, but I knew I could keep up, and that was the most important thing.

Even during his first exile in Africa, where he arrived at the age of seven but had no opportunity to go to school, this informally acquired ability proved useful to him. He learnt the entire French alphabet while he helped his parents with their small enterprise:

M: When I was in the Ivory Coast it was also easy for me to learn the alphabet, because there was this material for women, and it had the alphabet on it. / I: [laughs] And you kept looking at it or did you look at it once and then you knew it? / M: Yeah, then I knew several letters, then not all of them / they aren't all on one dress, just some of them. / I: Hm / M: And I just asked: 'How do you/ What is that?' How you pronounce it and stuff, and then I learnt it

"I need it so I can forget everything ..."

At the basis of the perseverance at work which is a feature of Meme's character is the need to compensate for the disadvantages and worries that his legal status entails. That is why he takes a dialectical attitude towards the external objective difficulties that he encounters. This attitude enables him to integrate them as constitutive elements into his plan to educate himself regardless of his status as a tolerated asylum seeker. Thus his perception of these difficulties becomes another. By changing them into challenges that need to be mastered, they become a source of motivation. Studying with perseverance or going to school with a passion can thus become a means of compensating for negative circumstances.

M: [...]I think I managed it because my entire life here revolves around just one thing. / I: Just school? / M: Yes. [...] Because I need it to forget the whole thing and / or to feel distracted. Even if I sit down or do something where there are no school things, I am still learning in my head It is always the same things that somehow rattle around in there and yes / I: Hm / M: I think at moments like that, I can do it. And if there is the will to do it, you can. It's do-able. [...]When I was here and not going to school, things weren't good for me at all.

'Somehow to feel that I could succeed at something. I could manage it...'

Considering the fact that it was forbidden for Meme to work, going to school and his persistent efforts to succeed were not motivated first and foremost by the related job opportunities, even if this possibility cannot be excluded; his motivation stemmed more from his wish to restore his pride in himself, his self-confidence, in short his person, which was deeply shaken by the humiliation and other frustration that a tolerated asylum seeker in Hamburg experiences.

M: At first I went to school because I was afraid, then more and more reasons arose as to why I should continue at school. Yeah. One reason was also to be distracted by going to school and somehow/ somehow to feel that I could succeed at something. I could manage it. / I: Hm / M: To have this feeling. / I: That is how going to school made you feel, school made that possible? / M: Yes. I had the feeling, and I still do, that I have achieved something that I can be proud of. Yes.

'But no one can take away what I have already learnt'

Insecure about what the future would bring due to his status, he had still preferred to avoid the tempting but in many respects dangerous path of the ‘quick buck’ which many tolerated refugees take to gain the means, if possible, to build up an existence elsewhere should the impending deportation be carried out. In this situation of complete insecurity, which meant he had no ‘place’ – for he could be permanently and without warning deported from Germany – and of legal restrictions that make any form of long-term planning impossible, his tactic was to invest in knowledge, which, as incorporated cultural capital, had the great advantage of being inalienable capital which he could fall back on always and anywhere.

M: Perhaps I would never have gone to school, perhaps I would have done something else, like worked on the black or become a drug dealer. I don't know. Perhaps I would have done something else, but I would have earned money. Earned money. Money can be taken away from me, but what I have learnt, no one can take away. / I: Hm / M: And I am particularly proud of that.

‘Making the best of it...’

Despite his impressive educational success, Meme saw his migration to Hamburg as a radical biographical upheaval, not only because the migration itself was a leap into the unknown. For people like himself who by this means have escaped from the widespread degeneracy that exists in the dysfunctional African states – states like his homeland Liberia which exist on the fringe of lawlessness – this leap means, above all, a spark of hope in view of the sad reality they have left behind. This hope is, by the way, not entirely unfounded nor based only on the lack of future prospects in their homelands, since it also rests on a certain image of the northern countries that they themselves convey via various channels, an image which shows the countries as places where it is good to live. The young people see states like Germany as a place where enough material goods are distributed rationally and fairly, but above all, where respect for the rights of an individual are guaranteed regardless of age, gender or social class. People like Meme only recognize that this image is an illusion once they have the dangerous journey to one of these northern countries behind them and are personally subject to the daily restrictions, discrimination and other forms of exclusion that the asylum laws prescribe – and this in an area that is considered protected by basic human rights, namely education. Caught in the trap of this unexpected plight, it is a veritable art to be able to grab yourself by the scruff of your neck and drag yourself out of the mire, as this case here illustrates. This is the art of subversive transgression, which allows survival through a combination of different tactics within a restrictive and repressive system, such as that constituted by the measures derived from asylum law, without leaving it or succumbing to it.

M: I think you come here and don't know where you are going, what to expect, and all of a sudden you are here, you are simply in the midst of it all and have to simply try to make the best of it. / I: Hm / M: Sure, that doesn't work without a lot of trouble.

IV Summary of the results and their description using models

A summary of the results of this case study will, on the one hand, point out the formal aspects, i.e. the rules the art of survival follows or their logic, and on the other hand indicate the theoretical models that the art of survival as *modus operandi* or schemes of operation that the dominated, but not passive, subject employs.

The educational biography presented here is comparable in more than one way to a report on an obstacle course or a hurdle race in which, apart from the normal runners, a person with a limp takes part and is strangely prepared to see the race through to the end. Apart from the different obstacles that the runner has to overcome, what such a report makes clear and interesting are above all the resources that the handicapped athlete (represented here by Meme) mobilizes and the mechanisms he employs to at least end the race in dignity, if not as the victor (which would be a veritable heroic act in the light of the extremely unfavourable initial conditions). However, it is plain to see that the educational adventure of Meme, as reflected in the interview, is not so far removed from an act of heroism. Not only did Meme lack the 'juridical capital', but also his educational biography shows that he had no significant cultural capital at his disposal before his migration, at least none that was legitimated in the new context, since he had not been able to attend a formal school in Africa and was therefore illiterate on his arrival in Hamburg. Considering this less than poor initial position, my aim with this case study was to be able to shed light on the productive or success-generating activities of a subject caught in the net of a repressive system by examining the mechanisms or the schemes of operation developed by the subject to this purpose.

IV.1 The resources and their function

In the interview, Meme refers to three resources: his unshakable will or determination, his photographic memory and having the right relationships at the right moment.

- Unshakable will: this is the basic resource for the determination that characterizes him and that in certain situations borders on the foolhardy. It allows him to always maintain his course towards and even beyond his educational goals despite all the obstacles that he finds on the way.

- His photographic memory: he describes this as an instrument that lies at the basis of his ability to study or learn anywhere at any time and that allows him to take in valuable information in a considerable volume to match the competition in the school situation.
- Having the right relationships at the right moment: this resource, which closely approximates Bourdieu's social capital, is differentiated and defined by two essential features, which are also attributes that make effective capital out of a relationship, namely, the *appropriate quality* of the relationship and the *opportunity* of the moment in which it comes into play

IV.2 Modes of action

These resources, as presented in the interview, fulfil the function of an infrastructure or a 'causa materialis', as Aristotle would say. The processes of mobilization, or 'causae efficientes', that contribute to transforming limited resources into activity, i.e. a multiplicity of operations that allow the subversion of the legal system within which Meme is developing without leaving it as a result, are in contrast not directly perceptible. The actions in question here indicate the varied microprocesses that are fragmented and distributed over the operations that Meme undertakes to overcome the different types obstacle to his educational progress, as became clear in the individual episodes of his story. These microprocesses, which are essentially characterized by not being obvious, since they relate to particular occasions and hidden details scattered over the subversive actions, slot into the effectively repressive system that asylum law represents, but in a transgressive manner. I have attempted to make them more visible by subsuming them into categories that are formulated as subtitles in the final assessment, as shown in the following incomplete list⁹:

- Encountering external difficulties as challenges
- Making optimal use of the period of schooling or the art of making the most of opportunity
- The art of pushing on despite the uncertainty of the outcome
- Social contacts as a (re-)stabilizing factor on days of despair
- Subordinating trust to caution
- The dialectics of the closed and open or the art of planning a future in absolute uncertainty
- Setting realistic goals or: subordinating dreams to plans
- Defying the adversities of life

⁹ See also the subtitles formulated in italics.

The approaches subsumed under these categories crystallize the types of operation that the interplay of particular circumstances generated for Meme. These approaches implement a whole array of tactics that represent just as many ways of circumventing repressive measures. These microprocesses as an impressive subversive 'manual' for dealing with the repressive technologies of power, characterize the subtle, determined activity, the resistance of a subject, the subject of his own will and action, but not of his own ability, who, because he has neither a place nor the proper means, must 'find his own way in the network of the established powers and ideas. You have to make it work by working with it. Amongst these ruses there is also something like the art of landing a coup, something like finding pleasure in turning the rules of an imposed environment upside down' (translated from de Certeau 1988, S. 60).

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