

## Chapter 2.1.

**‘TROUBLING’ MIGRANT FAMILIES:  
REPRESENTATIONS OF FAMILY AND MIGRATION  
IN OFFICIAL LITHUANIAN POLICY DOCUMENTS**

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**Introduction**

This chapter set up to examine the language of ‘family’ in key policy documents regulating family life in Lithuania. We look into the ways of framing of family life, identify scripts of ‘normal’ family, and analyze how these, in turn, sought to portray migrant families as ‘troubling’.

By now, it is widely acknowledged that a construct of ‘family’ is highly problematic and ideologically-charged (e.g. Bernardes, 1985; Ribbens McCarthy and Edwards, 2011; Ribbens McCarthy, 2012; Smart, 2007). Yet ‘the family’ persists in powerful ways through the language of ‘family’ utilized in official policy documents. This bias has strong implications for professional practices, everyday lives and identities (Edwards, Ribbens McCarthy and Gillies, 2012). The power of the term ‘family’ lies in evaluative scripts (Heaphy, 2011; Juozeliūnienė and Budginaitė, 2018), moral tales and moral imperatives (Ribbens McCarthy, Edwards and Gillies, 2000), idealized images supported by the key elements of functionalistic mode of theorizing (Morgan, 1996).

The language of ‘family’ utilized in official documents in itself may be a source of trouble for families undergoing change or engaged in diverse family practices. Families may be seen be ‘troubling’ when someone believes that ‘normal’ family life excludes ‘troubles’, consequently, they do not consider the boundary between ‘normal’ troubles and troubles that are troubling to family members or others (Ribbens McCarthy, Hooper and Gillies, 2013). Officially designating families as ‘troubling’ implies the need for an intervention, helping disadvantaged family members – for example, in the case of transnational families helping children and/ or elderly family members who stay living in the native land – to avoid harm. Lithuanian researchers have analyzed how ‘family’ is framed in Lithuanian social policy documents and what are the implications of this language for organizing social services and people’s daily lives, provoking social stigmas and forging individual identities (Juozeliūnienė and Martinkėnė,

2011; Žalimienė, 2011). For example, one of the studies has carried out a comparative analysis of key social legislation regulating family life in Lithuania and Sweden (Nygren, Naujanienė and Nygren, 2018). The international research team behind this study has examined the legislation drawn from three levels – constitutional, general family policy, and child welfare policy – to determine how the language of ‘family’ was embedded in legislation of a *re-familialized* (Lithuanian) and *de-familialized* (Swedish) welfare systems.

It is important to note that within the Lithuanian legislation<sup>9</sup> the significance of ‘family’ is explicit and ‘normal’ family is defined in terms of perceived ‘troubles’. Families where one (or both) of the parents suffer from addiction or engage in abuse of their children are deemed to be at risk and are labelled as ‘troubling’ due to the threat they pose to the security and wellbeing of the children. The analysis of the national legislation has revealed that the *re-familialized* (Lithuanian) legislation repeatedly uses terms like ‘family’, ‘mother’, ‘father’, ‘motherhood’, ‘fatherhood’, and ‘parent’. By contrast, the *de-familialized* (Swedish) legislation has replaced the terms ‘mother’ and ‘father’ with a ‘custodian’ and ‘guardian’ (Nygren et al., 2018: 655).

The study has demonstrated that the term ‘family’ and family-related roles utilized within the Lithuanian legislation exert a strong influence on defining, organizing, and controlling the intimate, inter-generational, child-bearing and care-giving relations among individuals. More recently, reforms in the family and child welfare policy in Lithuania have focused on creating a centralized, state-run system for protecting children’s rights (Ibid: 653) and targeting families with more preventive measures. Yet, the term ‘family’ to this day occupies a central place in the meaning-making fabric of the legislation. As a result, the language of ‘family’ remains a powerful instrument in framing and regulating human relations.

In another publication, Lithuanian researcher Žalimienė (2011) focused on the language utilized in the national legislation regulating social support and social services in Lithuania. Having examined the text of the legislation<sup>10</sup>, the author demonstrated that social policy discourse in Lithuania is inclined to put social groups into categories and utilizes terms

<sup>9</sup> Constitution of the Republic of Lithuania (1992); Civil Code of the Republic of Lithuania (2000); Republic of Lithuania Law on Social Services (2006); Social Services Act (2001); Republic of Lithuania Law on Fundamentals of Protection of the Rights of the Child (1996).

<sup>10</sup> Methodology for Determining the Value of Property of a Poor Family and Persons Living Alone Applying for Social Assistance (2009); Support for Persons at Social Risk (2010); Law on Social Support for Poor Families and Persons Living Alone (2003); Social Services Act (2006); Social Support Conception (1994).

with negative meanings. For example, the author points out that terms like 'families at social risk', 'child at social risk', 'impoverished families' imply that individuals and families fail to comply with 'normative' demands. She draws a conclusion that by applying labels to families and their family members the legislation promotes a flawed practice of providing social support while reinforcing the image and identity of dependent and incapable individuals (Ibid: 54).

Since the term 'family' plays a key role in defining personal relations in the Lithuanian legislation, we sought to analyze the ways family life is framed in these documents, how these frames change over time, and how mobile families are portrayed. The terms 'frame' and 'script' suggested by Goffman in his seminal work 'Frame Analysis' (1974/ 1986) are employed to analyze how family life is imagined and ordered, how personal relations are guided. We draw on theoretical ideas of Ribbens McCarthy and colleagues (Ribbens McCarthy, Hooper and Gillies, 2013) to analyze the ways migrant families are officially designated as 'troubling'.

### **Research Methodology**

The study presented here was carried out in January-May 2018 and formed a sub-study of the project 'Global Migration and Lithuanian Family: Family practices, circulation of care and return strategies' (2017–2019) funded by the Lithuanian Research Council. The primary goal of the study was to analyze how Lithuanian national policy documents regulating family life utilize normative constructs of family and mobile family and how these social constructs evolve over time.

We have analyzed the selected legislation by focusing on two main themes: firstly, how 'normal' family life is imagined and ordered. Secondly, how do legislators define new family practices and family changes brought about by migration and what language is used to portray the divergence in mobile and transnational family life. We examined the legislation to identify key scripts utilized for family descriptions and analyzed how legislators justify defining migrant families as 'troubling'.

The following family policy drafts and programmatic documents regulating family life, passed from 1995–2018, were analyzed:

- The (Draft) Family Policy Concept, 1995.
- The Seimas Resolution 'On the Approval of the State Family Policy Concept' draft and concept, 2007 07 05, XP-2390.
- On the Approval of the State Family Policy Concept, 2008 06 03, X-1569.

- The Republic of Lithuania Law on the Return, 2017 09 21, XIIIIP-1130.
- The Republic of Lithuania Law on Strengthening the Family, 2017 10 19, XIII-700.
- On the Approval of Demographic, Migration and Integration Policy in 2018–2030. 2018 04 17, 18-4123 (2).

### **The ‘Normal’ Lithuanian family**

Since 1995, Lithuania has developed the family ideology of the independent period. The key document that went on to shape most policy documents developed in the newly independent Lithuania is ‘The Family Policy (Draft) Concept’ (Family, ..., 1995) (hereinafter the Draft). Originally drawn up by the researchers of the Philosophy, Sociology and Law Institute of the Academy of Sciences, the document defines family policy guidelines.

The Draft became the first programmatic document to focus on the concept of family, examine ‘its key features’ (Ibid: 6) and articulate a normative family model. For example, the Draft raises the issue of ‘what is a family (or what arrangements should be considered a family) and which family model should be considered normatively good (the best, most appropriate, acceptable, and so on)’ (Ibid: 6). In other words, by drafting a piece of legislation a group of researchers have addressed ‘the subject of defining a normal [typical], preferred [good] family model’ (Ibid: 6). The wording used in the Draft implies the existence of a ‘normal’, ‘good’ family, which is enunciated in later chapters by referencing key family functions. The Draft also affirms the state’s commitment to certain family life objectives that should be embraced by all Lithuanian citizens.

It should be noted that the Draft emphasizes the importance of family life on a national level (as a building block of a democratic society), that is, it affirms that family focus is universally important because the foundations of a democratic society are rooted in family: ‘...to restore society’s democratic foundations, whose origins and roots lie in the family...’ (Ibid: 7). This key provision persists in all the subsequently developed family policies.

‘The Family Policy (Draft) Concept’ provides the following definition of family: ‘Family is a community of people related by kinship, interdependence, responsibility and care ties validated by legal or socially accepted norms’ (Ibid: 6). Such definition frames the affinity of family members in terms of their interdependence and mutual responsibilities. The authors of the Draft opt for the structural-functional family interpretation and explain family affinity by referencing the performance of family functions.

There follows a list of key family functions: the psycho-social, economic, reproductive-caring, socializing, and cultural function (Ibid: 7). It is important to note that the structural-functional theoretical background of family conceptualization attaches normative meanings to the performance of the mentioned functions. As a result, the Draft introduces a provision that family lives are subject to 'norms' and clarifies what is considered to be a 'normally' functioning family and what is viewed as a divergence from the 'norm', in other words, a dysfunction.

Although the definition of family primarily focuses on family functions, it also contains a reference to a structural organization of family units. This type of organization is not strictly regulated, besides, the document states that family structure requirements shall be invoked constructively: 'Functions performed by a family constitute a substantive and specific feature of the family institution. This Concept upholds the principles of the functional family definition but does not exclude constructively invoked assumptions of the structural family interpretation either' (Ibid: 6).

We see that the authors of the Draft concept seek to construct an outline of a 'normal', 'typical', 'good', 'preferred', 'appropriate' family and endow it with normative meanings.

### **The 'Harmonious Family' and 'Troubled' Migrant Family**

On July 5th, 2007, the working group has prepared and submitted for consideration to the Lithuanian Parliament the draft version of the State Family Policy Concept (The Parliament Resolution 'On the State ...', 2008), and on June 3rd, 2008 – almost a year after the original submission – the Lithuanian Parliament has adopted the resolution On the Approval of the State Family Policy Concept (On the approval..., 2008) (hereinafter – the Concept).

The 2008 version of the document contains the concept of 'harmonious family' that was absent in the 2007 draft of the Concept. Harmonious family is a family which performs typical family functions ensuring the physical, psychic and spiritual wellbeing of all its members. Based on the assertion that 'the Concept draws upon historically evolved family values and family welfare defining ideas' (Section 1.3) and cites such family functions (Section 1.9) as development of a personal community, procreation, education and socialization, care and recreation, household creation, one can assume that traditionally interpreted educational, care-giving, household management and other activities become the indicators of family harmony, while alternative performances of family

functions are labelled as 'troubled' family. When conveying the meaning of 'harmony', the Concept references 'problem-free' family arrangements: responsible spouses who responsibly raise their children. The authors of the document assert that children in such families do not see themselves as orphans and are free from mental health and behavioral issues linked to 'improper' organization of family life.

Another important feature of the Concept is its reliance on the notion of the 'essential public good' invoked to define the concept of family: 'The family is the principal good of the society, arising from human nature' (Section 1.4). The assertion that the family holds a unique value is qualified by the statement that it is a 'harmonious family' that meets individual's 'intrinsic needs', 'innate sociability' and guarantees that one reaches his/her 'full potential' ('Harmonious family is the good in itself, as it meets the person's natural needs and sociability and allows them to fully satisfy themselves', Section 1.8.1). The Concept establishes the idea of 'harmonious family' as a 'public good', while family life forms and practices that fail to reflect the definition of 'harmony' included in the document are labeled as 'troubled'. This dichotomy can be clearly seen in the section covering key terms of the family policy concept which contrasts 'harmonious family' with 'families in crisis' (Section 1.6.5), 'incomplete families' (Section 1.6.6), and 'socially vulnerable families' (Section 1.6.8).

The Concept draws on newly emerging family practices to define transnational families as a 'new type of family': 'Lithuania sees a rise in a new type of family, where one or both parents temporarily reside abroad, while their children – left in the home country – often develop the orphan's syndrome' (Section 2.2.10). The 2008 Concept frames the 'novelty' or 'otherness' of such families as 'trouble', while transnational families are pitted against 'harmonious families' who are seemingly 'problem-free', 'responsible families'. 'Family in crisis is a family going through a rough phase of life due to certain psychological, social, health, economic or other hardships (family going through a divorce; family where one or both parents temporarily reside abroad, while their children remain in the home country often develop the orphan's syndrome, that is they experience the trauma of separation resulting in mental health and behavioral issues; family caring for a patient, experiencing loss or violence, or facing other hardships' (Section 1.6.5).

By diverging from 'normal' family life, transnational families earn the label of a 'family in crisis' and are equated with families 'going through a divorce', 'caring for a patient', 'experiencing loss or violence'. To be clear, what underpins this juxtaposition of transnational and 'going through a

divorce' families are negatively qualified separation of parents and children. The description of parents and children living apart, separated by national borders contravenes the notion of 'harmonious family' as a public good, leading the authors of the policy document to label transnational family as 'troubling' (Chapter 2 'The Challenges of Family Evolution and Family Living Conditions').

Equating transnational families with families caring for the sick establishes the deviation from the 'normal' performance of basic functions attributed to 'harmonious family' – 'education and socialization' (1.9.3), 'care and recreation' (1.9.4) – when one/ both parents depart to work abroad. Furthermore, by drawing the comparison between transnational family and family 'experiencing loss or violence', the Concept regards cross-border family-making as a family breakdown and, accordingly, labels such family life as 'discordant', causing negative experiences.

A child living in a transnational family is defined as a child experiencing hardships. The Concept draws an analogy with the orphan's syndrome (for example, 1.6.5; 2.2.10) leaving the child with mental health and behavioral issues. Chapter 2.5 'The Challenges of Educating Children and Ensuring Comprehensive Security' emphasizes childbearing problems caused by emigrating parents. The legislators see a whole range of problems stem from 'inappropriate' legal representation of children, their emotional and moral state, peculiarities of their upbringing and learning processes, living conditions endangering the children: 'In the wake of parents' emigration, we see a lot of children being left behind without a parental supervision.' Problems set off by emigration are complex and encompass child's legal representation, his/ her emotional and moral state, his upbringing and learning process, appropriate living conditions. Around half of emigrating people had children, but only every second emigrant left the home country with them. The results of the emigration survey indicate that every second emigrant has left his/ her children in Lithuania with one of the parents, grandparents or other relatives' (Section 2.5.1). Establishing a direct link between parents' mobility and negative consequences faced by children promotes negative attitudes towards migration practices and labels migrant families as 'discordant'.

### **The 'Sovereign, but Silenced' Migrant Family**

The Draft Return Law (September 21, 2017) and The Law on Strengthening of the Family (October 19, 2017) signal a shift in the rhetoric used to describe family life. Firstly, the documents include attempts to

define the family as an active and sovereign subject. By adopting a broad interpretation of family life 'norms', these draft laws give families more rights to decide independently on how to manage their family life. When enumerating policy measures, these documents chose to de-emphasize the divergence from 'harmonious' family arrangement (and associated negative judgments) and instead focus on ways of assisting families as sovereign subjects. For example, the glossary includes the following concept of 'basic package of family services': 'The basic package of family services is a set of services that comprises training and maintenance of psycho-social and social skills as well as provisioning of child care and upbringing, health, education, socio-cultural services developed with the aim of equipping families with an ability to independently resolve arising challenges and paving a way for creating a safe, healthy, and harmonious environment within the family' (The Law on Strengthening of the Family, Chapter 2, Section 1).

The law goes on to articulate the principles guiding the provision of assistance and support to the family: 'The main principles guiding the implementation of the family strengthening measures are the following:

- 1) *subsidiarity* – the primary responsibility for proper functioning of a family lies with the family itself. If the family itself cannot ensure proper functioning of the family, the State shall provide the family with assistance and support in a way deemed to be the most effective;
- 2) *expediency* – assistance and support to the family are provided in a targeted manner, taking into account its needs and encouraging family's efforts to act independently;
- 3) *inviolability of private life* – when implementing measures for strengthening the family and providing assistance and support to the family, it is ensured that the family shall not be exposed to an unlawful, unnecessary and disproportionate interference in its private life, and information about its private life shall not be disclosed to third parties;
- 4) *participation* – family-related issues are addressed by collaborating with families and consulting with the representatives of family organizations;
- 5) *parents' rights to educate children according to their convictions* – parents and guardians decide on the religious and moral education of their children and foster children, choose the form of education according to their own convictions, provided that these do not contravene the legitimate interests of the child' (The Law on Strengthening of the Family, Chapter 3).

Further, the draft laws define participants of the migration process. They introduce the concepts of a *départee* (the person who left Lithuania), a returnee (the person who came back after a working stint abroad) and a member of the returnee family. 'Returnee is a person of the Lithuanian descent and/ or historically related to Lithuania' (The Return Act, Article 2, Paragraph 1); 'Members of the returnee family include parents, spouse, children (step children) under 18 years old, also children over 18 years old, provided they are not married and enrolled in formal educational institutions, and continue living together with the returnee' (The Return Act, Article 2, Paragraph 4).

Notably, the draft laws do not use concepts labeling the practices of migrant families as deviating from the practices of 'harmonious family'. In other words, the transnational family is no longer equated with 'undergoing a divorce', 'families caring for the sick', etc.; also gone are the claims that such families do not conform to the idea of 'harmonious family' as was the case in the National Family Policy Concept approved in 2008. While these documents utilize concepts with multiple meanings, such as 'families facing social hardships', 'families lacking social skills', 'families in critical situations', their exact definitions are missing, and they are not used to depict directly migrant families.

In summary, while the Draft Return Law (September 21, 2017) and the Law on Strengthening of the Family (October 19, 2017) usher a new type of rhetoric to describe migrant families, the existing policy documents covering migration policy and family policy continue to fall short of articulating of the diversification of family arrangements and practices due to migration; migrant families are still confined to the 'zone of silence', and are not defined in their own right, even if they are no longer labeled using negative designations.

### **The 'Important, but Mysterious' Migrant Family**

The latest national strategy paper 2018–2030 Strategy on Demographic, Migration and Integration Policy (April 17, 2018) aims to highlight intersections between demographic, migration and integration processes. The strategy paper – for the first time in Lithuania's legislation history – officially recognizes the role family ties play in migration processes and proposes a research-backed conclusion that migrant families cannot be ignored, for they are important actors in the processes of emigration and return migration. For example, the second goal of the strategy – to ensure that migration flows are managed in accordance with national needs –

presents data (Paragraph 73, p. 17) that reveals family relations to be a precipitating 'push/ pull' factor behind an individual's decision to leave the country or return to Lithuania. The data is drawn from three studies: 2016 study by the State Chancellery of the Republic of Lithuania, 2016 *Vilmorus* study commissioned by the Ministry of Foreign Affairs, and 2017 *Sprinter Tyrimai* study.

The increased focus on migratory family practices also manifests itself in the two priority areas the Strategy identifies: 'To ensure that returnees and their family members integrate in Lithuania' (Paragraph 77.3) and 'To create an environment conducive to attracting, hosting, integrating and communicating with human resources, continuously improve the system of attracting human resources'.

However, it's worth noting that the strategy paper retains only a limited interest in the role families play in the processes of migration and fails to demonstrate the challenges migration poses to families. This goes to show that family and migration issues are still being considered in isolation: family issues are usually associated with a birth rate, while coping with migration processes is analyzed using economic categories. The highlighted provisions of the strategy paper are necessary but not sufficient conditions for establishing the transnational family discourse. From now on the legislators regard migrant families as 'important, but mysterious'.

## Conclusion

This chapter examines the language of 'family' in strategic policy documents regulating family life in Lithuania in the period from 1995 to 2018. We have identified the ways of portraying Lithuanian 'family' as 'normal', 'harmonious', and 'sovereign', and examined how legislators 'troubled' migrant families or – in a long run – depicted them as 'sovereign, but silenced' and as 'important, but mysterious'.

Our analysis of the legislation has revealed that the imagined orders of family life evolve over time, which explains the changes in the language used to describe family lives we observed in the official policy documents. Changing family descriptions show that, over time, the framing of family life becomes more flexible. Official documents relax their emphasis on family life norms and welcome the view of family as a sovereign agent capable of resolving encountered problems. The analysis of official policy documents showed that – as migration flows increase and migratory family practices become a commonplace reality – the migrant family discourse evolves as well. For example, the most recent national strategy paper refrains

from calling migrant families 'families in crisis' or 'vulnerable families' and abandons the direct analogy between migrant families and families 'experiencing social exclusion' or 'lacking social skills'. Lithuania has already made the first step to 'normalize troubles' of migrant families: the official policy documents no longer label these families as 'troublesome' and avoid imposing moral imperatives to adopt the 'normal' familial strategies.

It is encouraging to note that policy-makers can no longer ignore the existence of migrant family practices and that the role of these practices in the migration process is now being officially recognized. Still, the Lithuanian national family and migration policy continues to be dominated by the low-mobility family discourse and official policy measures still fail to consider migrant family practices in their own right, namely, their unique character continues to be overlooked and lacks the official recognition.

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