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Migration management at the margins. Transnationalized and localized government of marginalized migrants in Denmark: Au pairs and destitute EU citizens.

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Migration management at the margins.
Transnationalized and localized government
of marginalized migrants in Denmark:
Au pairs and destitute EU citizens

by

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Table of contents

Acknowledgements

Chapter 1: Migration management – what is it all about?

Introduction and research question:

How are marginalized migrants with temporary or no residence permit governed – and how is government through migrant il/legality produced, performed and practiced?

This dissertation is about migration management. The management process will be analysed at two levels. Hence, at macro level, this study describes the institutionalized regional, global and nation state levels of political, administrative and governmental practice. At micro levels, this study focuses on localized social practices of living migration management. The dissertation studies how the complexity and interaction between the governing and the governed is practiced, how migrant legality and illegality is produced and governed at a national and transnational level, and how it is lived among two groups of marginalized migrants – au pairs and homeless EU-citizens – in Denmark.

The government of migrants with fragile or no legal residency has become a hot political issue in Europe. Migrant legality and illegality have become key elements in governing some of the migrants residing in Europe. I am interested in how this happened, how 'illegal migration' has been constructed as a problem and how it relates to the complex of migration management.

The government of migrants with fragile or no legal residence permit has taken the form of social practices involving both transnational and national networks and social hierarchies of gender, class, ethnicity and migrant status.

A key element in understanding migration management is state produced 'illegalization' and legalization of cross-border mobility, residency and work. I use the terms 'legality' and ' illegality' or' space of migrant il/legality' in the sense developed by de Genova (2005), much like citizenship, to describe a 'juridical status that entails a social relation to the state'.

My interest, however, is both in the institutional relationship between the migrant and the nation state(s) defined and produced through legislation, law enforcement, immigration policy, national entitlements, political discourse, social technologies, international arrangements, human rights etc. and how this relation is lived by migrants in everyday life as residents in an European country, Denmark.

Considered as a socio-political position, migrant il/legality has fluid boundaries containing possible and sometimes simultaneous positions e.g. legalized resident but illegalized employee.

In my empirical study, I have focused on third-country (outside the EU) au pairs in Denmark and on destitute homeless EU citizens in Copenhagen. Both these groups, despite their differences in citizenship and lifestyle, must negotiate a mixture of migrant legality and illegality, which as mechanisms of government seem crucial in contemporary migration management

Selection of the fittest?

Migration management has become a prominent and rather broad framework within recent years for developing, debating and analysing the governing of cross-border mobility between what are labelled 'receiving', 'transit' and 'sending' countries. Although there is a widespread acknowledgement that these categories are blurred, given that many nation states qualify for being in more than one category, it is clear, that management has something to do with regulating access to territories, privilege and status within relatively wealthy nation states, and the maintenance of native citizens' rights. In particular, migration management is a framework for producing knowledge and policy about non-Western mobility towards Western nation-states and regions. A large number of 'migration studies' are in fact descriptions or analyses of 'managing migration' be it from the perspective of labour market needs, the organization of border-crossing (human trafficking/smuggling etc.), nation-state legislation on citizenship, residence permits, access etc. Development of migration policies, strategies and initiatives in the EU are also framed as 'migration management' Such measures are predicated upon closer member state cooperation and standardization of migration regulations in a number of areas, such as the agreement on a common directive of the European Parliament and of the Council on 'Common standards and procedures in Member States for returning illegally staying third-country nationals.'[1]

A common interpretive framework in the migration research is to see migration management as a process whereby nation-states perform immigrant selection (Abella 2006, IOM, Berne Initiative 2004).

From this perspective, it is of interest to investigate how selections and choices are made in migration management. In spite of a rhetoric of migration management where mutual interests between sending, transit and receiving countries are continually emphasized (e.g. IOM 2003:53) it is most often the group of 'First World' countries who are interested in managing migration through regulating admission to and rights within these national and regional territories.

Migration management is often related to economic migration, both regular and irregular, and is often discursively constructed from the perspective of an affluent nation- state, in terms of 'solving' the need for sufficient labour (from migrants) without at the same time opening up the borders to 'undesirable' migrants. Migration management is therefore *geopolitically woven into the dynamics of inequality* (Sassen 1999:140).

The options in constructing a migration management scheme are based upon criteria that determine which types of persons should be included or excluded from a specific territory. The system of nation-states regulates mobility through the very existence of a recognized global organizational principle of dividing people around the globe into territorialized populations. The UN Convention on Protection of Refugees, from 1951, regulates mobility for humans fleeing from persecution. This Convention interferes with the sovereignty of the state by stipulating that people from on state can be admitted to the territory of another and be accorded protected status. However, the largest part of international migration is categorized as

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[1] COM(2005) 391 final, A6-0339/2007, P6_TA-PROV(2008)0293.

non-refugees (UN 2004). The largest part of migration flows is related to labour and economic migration (IOM 2003), both authorized and unauthorized. Economic migration is linked to national or regional labour markets, and although systems and mechanisms of selection differ, key elements of power are always reflected in the process of inclusion and exclusion. Nation-states like Canada and the UK, for example, have introduced specific selection systems which distinguish desirable migrants, i.e., those with skilled labour or specific types of skills, from undesirable migrants who lack desired skills (Papademetriou 2004, Boswell et al. 2004).

In the EU, The Blue Card for skilled migrants has been introduced together with common deportation rules for unwanted migrants. These regulations are important elements in a common European migration management strategy that seeks to sustain the sovereignty of the member states. Illegalizing migration can be seen as a process of selection, helping to create and reproduce a market for irregular labour, networks, resources, etc. (Guiraudon & Joppke 2001, Reyneri 2003).

Finally an overall, indirect selection process is also taking place through the mechanisms of regulation between 'the Rest' and the 'West' (Hall 1996), and through gender. Selection is often articulated through various structures of privilege and power that include factors of gender, ethnicity, education, development, post-colonialist relations and which often bring to the fore discussions of issues such as brain drain, remittances, feminization of migration, etc.

Politically, the control of admission to the territory and territorially-based rights lies with the nation state, although some researchers have concluded that sovereignty is being undermined, de-nationalized (Guiraudon 2001) or transnationalized (Sassen 2005). Despite a host of attempts to create an international system, such as the Berne Initiative and the Global Forum on International Migration, there is as yet no uniform and globally coordinated system of management of mobility.

Migration management has been an important battlefield for national, regional and global governments and non-government organizations and institutions. It is obvious that the concept of 'migration management' has evolved into a more complex substitute or supplement to migration control. The term 'migration governance' has also appeared as a possible substitute for 'management 'perhaps because of its more positive connotations with democracy and globalization.

This situation of 'management' seems to imply what some researchers have called 'control dilemmas' for the nation-states (Guiraudon & Joppke 2001). Borders between nation states can no longer be organised at point of entry, but rather as border zones activating control measures far into the 'hinterland' Two kinds of admission control have dominated in Europe and the US: *visible border control* and *remote control* such as visa regimes, airline fines, agreements and pressure on transit- and sending countries established with the purpose of creating a buffer zone.[2]

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[2] According to Pécoud & de Guchteneire (2005), 30-35 billion dollars were spent on these control measures in 2004.

Migration as a management problem

Migration in the contemporary understanding – the movement of people from one state entity to another – is unthinkable without nation states, borders and citizenship that separate the human population into collectives of citizens with 'statutory conditions of birth and place, its different sub-categories, spheres of activity, processes of formation' (Balibar 2004:4).

Even though internal migration (migration within the nation state) is discussed in policy and research, migration related to management is connected primarily to the issues of citizens moving from one nation-state, crossing borders and remaining and/or residing in a nation-state different from the one in which they have citizenship.

Migration related to management is often studied as an evaluation of how migrants respond to nation-state initiatives, legislations, inclusion/exclusion mechanisms. Typically, the research perspective is from within the nation-state framework, merging the gaze of the researcher with that of the state apparatus.

The 'management' in 'migration management' is most often about how to control flows of people and their composition from the perspective of the nation state. 'Management' is located at the level of the state apparatus, assisted, advised, and negotiated by academics and civil society, but being connected to the power of the nation state. It is legitimated and rationalized, practised and conceptualized through sovereignty as the sacralized right of the nation state to decide on inclusion and exclusion of non-citizen human beings at the border and on the territory. Migration management is about power and organization.

It is not sufficient, however, to understand 'migration management' only as 'selection of the fittest' or as a new institutional stage for exercising state-based privileges in affluent nation states at the expense on human rights and mobility for citizens in less affluent nation states.

While this approach can be relevant, it has its limitations. It is not able to grasp and analyse the complexity of the phenomena called migration management and the context in which it is operating. In broadening the perspective, it is relevant to ask how and where migration management, as a common understanding of a political space, of a solution to some kind of political problems, became relevant.

The making of migration management

'Migration management' as a concept, as a common point of reference, did not originate from one single core unit. Rather, it developed out of a more stable and durable political framework for presenting transnational solutions and programmes on migration as a problem.

'Migration management' has become a popular concept in the new millennium, especially in inter-governmental and regional organizations such as the EU and the IOM. In the social sciences, as well. The field of migration studies has increasingly gravitated toward 'migration management' as an analytical framework (Abella 2006, Morris 2002, Giroudon and Joppke 2001, Bosswell and Strabhauer 2004, Bommes and Geddes 2000,Brochman 2000, Doomernik and Jandl 2008, Spencer 2003).

'Migration management' as a concept actually relates to information technology, as the process of transforming data or software from one technical platform to another, and to control/governing of mobility of human beings.

That migration is to be managed regarding both software and human mobility indicates a deterministic, predictable 'nature' of both phenomena, and the existence of a capacity and an ability to manage this phenomenon with the means and techniques of reason and mathematics.

Until the late 1990s the concept 'migration management' was seldom used in social science literature. One of the few studies before the late 1990s, from 1985; 'Towards migration management; a field experiment in Thailand' (Fuller et al. 1985) was published in the journal *Development and Cultural Change* and presented results from an information project aimed at encouraging migration to nearby urban centres rather than to the capital; it was based on data collected in 1978-1979.

The popularity of the 'migration management' concept can be seen as related to the general popularity of 'management' during the 1990s and a retreat to a new concept, liberating the institutional users of the concept from the negative connotations of control and restrictions. 'Migration management' is often used to designate international, bilateral or multilateral initiatives, and some international or inter-governmental organizations have been particularly fond of the concept. The emergence of 'migration management' as a political and administrative concept is closely linked to intergovernmental organizations.

In 2001, the Swiss government together with the Swedish government, the IOM and other actors took the initiative to start a 'global consultative process for inter-state co-operation on migration management.' The stated intent was to resolve issues of increased migratory movements and lack of international coordination of migration regulations, so as to achieve 'a harmonised system regulating international migration' (Berne Initiative 2003:1). The aim of the Berne Initiative was to develop a non-binding 'International agenda on international migration' and it was underscored that national sovereignty was not to be questioned:

> The Berne Initiative does not focus on new international law, nor does it tell states how they should or must manage migration. Rather it focuses on developing flexible options for policy development in the field of migration on good practices [Berne Initiative 2003].

The Berne Initiative was stated to be not a law, not an obligation, but an invitation to flexible assistance. In an information note on the project in 2002, the respective responsibilities of the state and the Initiative regarding migration were highlighted:

> One aspect of a State's responsibility to protect its own population and territory is the authority to determine who may enter and remain in its territory, according to the constitutional provisions, national legislation and international obligations. In exercising this sovereign responsibility, most States have pursued a unilateral approach to migration, accompanied by bilateral arrangements or agreements on an ad hoc basis. They have sought to manage migration in the interest of their population and of maintaining friendly relations with other States. As a consequence, there is no comprehensive and harmonised system regulating international migration, and different national migration policies and practices have evolved autonomously.

However, due to the transnational nature of migration and its relationship to issues such as security, social, political and economic stability, trade, employment and health, governments increasingly recognise their shared migration interests and the value of strengthened co-operation and co-ordination to effectively manage migration. They are aware of the fact that migration cannot be managed effectively in the long- term through national measures alone and that collective efforts are required to strengthen national capacities in this area [Berne Initiative 2002].

In the last part of the explanation of why migration is relevant as an intergovernmental issue, the 'transnational nature' of migration is underscored and substantiated by the link to 'security', 'stability', trade, employment and health – issues within the government's obligation toward the population.

Transnational migration is presented as an urgent and increasing problem currently not being dealt with effectively because of absence of adequate intergovernmental co-operation, co-ordination and co-management. The motivation for national governments to participate is related to the benefits to their own national populations, which is still within the responsibility of the sovereign state. Transnational action, policies and initiatives are presented within the rationale of the nation state and with this, of national sovereignty.

A linkage between nation-states in establishing an intergovernmental space for some kind of joint political action is apparently part of the definition of migration management. The relation between the sovereign nation-state and this intergovernmental space is highlighted as the nexus around which migration management should operate.

The International Organization for Migration (IOM)[3], which had the task of hosting the secretariat for the Berne Initiative, has been one of the key proponents of migration management, including formulating the concept itself, operating in the practical field (projects on returning migrants to the country of origin ('resettlement', 'repatriation' programmes), facilitating labour programmes, establishing systems of border control, etc.) publishing reports and offering training ('capacity-building') on the subject of migration management, and manoeuvring at the global institutional level in the struggle to become the leading global organization for migration management.

The IOM website presents a 'Model for Comprehensive Migration Management' as a comprehensive set of guidelines for dealing with issues of 'migration management' directed towards politicians as well as officials charged with 'managing migration'.

The model – the image of 'migration management' – appearing and being created in the guidelines is shown below. The scheme, which resembles modelling of organizational pro-

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[3] The IOM was established in 1951 as an intergovernmental organisation by European and US governments as the Intergovernmental Committee for European Migration (ICEM).. The character of the organisation was primarily operational, aimed at dealing with displaced/economic migrants from Europe, but the organisation expanded in geographical operational range. In 1989, the ICEM was transformed into the IOM and the number of member states has increased from 40 in 1988 to 112 in 2004. The IOM is not established according to an international convention or agreement, such as with other UN organizations, such as the UNHCR's direct link to the Refugees' Convention, which has been criticized by NGOs.

cesses and corporate decision-making (it could actually be a model used in the IT meaning of migration management) depicts a top-down hierarchy of (management) decisions, separation of (migration) areas according to different kinds of problematizations and classification of separate themes, technologies or restrictions linked to different kinds of migrants and migration.

Managing Migration: A Conceptual Framework
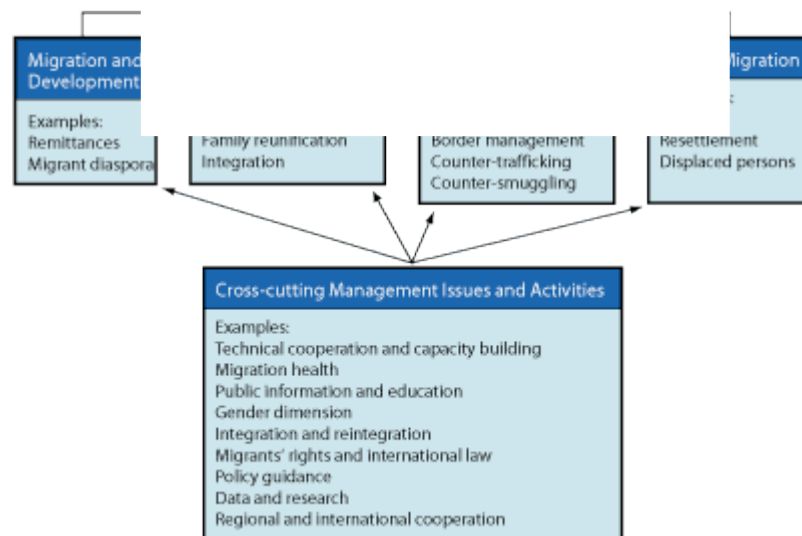
Source: IOM website on migration management: http://www.iom.int/jahia/Jahia/model-comprehensive-migration-management (accessed 02.02.2010).

The hierarchy of decisions, the necessary division of labour between policy, legislation and administration, and the depiction of migration as a manageable process is clear for the IOM in their guidelines:

> The top level refers to the policy, legislation, and administrative organization that make it possible to manage migration at a governmental level. These components of the model produce the principles, directions, and commitments that define the four main areas of migration management. While four key areas of migration management can be identified, they are linked by the numerous cross-cutting issues and activities that address one or more of the main management areas [ibid.].

What are called the 'Four Main Areas of Migration Management' can be read as the four main areas of problematization of migration. These will be discussed in turn.

Development

The first area, development, underlines the general sense of something out of control – something that needs to be 'harnessed' and points to an issue which emerged as a policy field

linked to migration parallel with the emergence of the concept of migration management. Hence: *The goal of managing migration and development is to help harness the development potential of migration for individual migrants and societies* (ibid.).

This formulation indicates that someone is apparently in need of help in order to maximize their 'development potential'. Without going further into to the discourse of 'development and migration nexus' it should be mentioned here that 'development' is framed around a specific understanding of global inequality and the opportunities of a globalized market and a globalized economy. Most often, development embraces both *the economic potential of the remittances* sent to families and networks in the Global South by migrants working in Global North countries, and *the transnational networks* and families of Global South citizens with their family members who are working outside their country of origin.

'Development' plays a crucial role in the construction of the migrant labour market as a 'win-win situation' for both the sending and receiving countries. The 'win' can be in terms of more income, increased skills, or of some other kind. The following three areas are about regular migration, irregular migration and 'return' or replacement of migrants:

A list of regular, legal, deserving migrants is presented in the area of 'facilitating' as those whose mobility is to be improved, safeguarded and taken care of:

Facilitating

> The goal of facilitating migration is to safeguard and improve the ability of workers, professionals, students, trainees, families, tourists, and others to move safely and efficiently between countries with minimal delay and with proper authorization'(ibid.).

The opposite of the regular migrant, the irregular, illegal, unauthorized migrant, is not specified in detail. Nevertheless, unauthorized migration is presented as something which is to be prevented. It is considered in the common interest for all governments to stop irregular migration:

Regulating

> The goal of regulating migration is to help governments and societies to know who is seeking access to their territories and to take measures that prevent access by those who are not authorized to enter. Replacing irregular flows with orderly, regular migration serves the interests of all governments [ibid.].

The last area of migration management is about governing population replacement, which originally was the core operation for the IOM,[4] and which remains a mixture of humanitarian assistance and policing assistance to governments who want (to assist) migrants to leave their territories:

Forced

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[4] The IOM was established in 1951 as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME) on the background of population displacement and refugee flows growing out of the aftermath of World War II. The IOM arranged resettlement for about 11 million people during the 1950s, and it operated in relation to natural disasters and refugee flows in the years that followed.

The goal of managing forced migration is to help people move out of danger during emergencies and to return afterwards. Refugees and displaced persons are a distinct category of 'people on the move' deserving special attention. Managing forced migration involves finding solutions for internally displaced persons (IDPs), refugees, former fighters, victims of ethnic engineering, and populations in transition and recovery environments [ibid.].

The language used to define management of migration is centred around a series of key ords and phrases: 'harness', 'safeguard and improve the ability of' (workers, etc.), 'help governments and societies', 'replacing irregular flows with orderly', 'help people move out of danger during emergencies and to return afterwards'.

From this description, it can be seen that migration management is about managing migrants in different capacities: as remitter to, and part of, a transnational network; as an authorized, regular migrant; as an unauthorized, irregular migrant; and as a returning, displaced migrant.

During the last decade, the IOM increased its training capacity and activities in order to facilitate and conduct the global educative process of making politicians and bureaucrats aware and competent in a shared vocabulary and shared knowledge of methods, problems and ethics of the IOM version of migration management. For example, the IOM published in 2004 a three-volume 'Guide for policy makers and practitioners' entitled *Essentials of Migration Management*, which most describes and explains norms, values, statements, policy directions and different social technologies etc. for operationalizing migration management (IOM 2004).

In the introduction to this manual 'migration' is presented as 'a multidimensional phenomenon' that needs to be understood properly by policy-makers and practitioners 'in order to manage it effectively'. The need for 'management' is described as a safeguard against migration 'pressures'. Hence: 'A comprehensive and cooperative approach to international migration management is required to deal with migration pressures of this century' (IOM 2004:3).

Both from the Berne Initiative and the IOM attempts to constitute the concept of migration management, it seems to be promoted as a new political and administrative device belonging to new times in a new century – new because it has to be intergovernmental and cooperative and not just a national migration control of entry and exit. The need for a new way to create solutions is attributed to the increasing migratory movements of people, which is again linked to the economic liberalization, the global labour market, push-pull factors and the free flow of capital and goods (IOM 2004:4).

The need for migration management, therefore, was promoted at the beginning of the century by international organizations from within the framework of globalization, which on the one hand was seen as creating the conditions and necessities for transnational flows of capital, goods and labour, and on the other hand was seen – from the perspective of affluent countries – as creating threats to their welfare and security.

The underlying nation state rationality of migration control entails including and excluding migrants according to a scale of economic cost benefits for the national population, and to a scale of international human rights for the benefit of the deserving migrants. This rationality is now transferred to the new understanding of migration management: 'properly managed migration can be beneficial for both individuals and societies' (IOM 2004:3).

Between 2002 and 2005, 'migration management' consolidated itself as a global policy and knowledge field. Numerous conferences and seminars were held, and reports and articles published under the auspicies of international and regional organizations, both governmental and non-governmental. Migration scholars produced research and policy analysis on various pressing issues. Comprehensive suggestions for the global governing of migration appeared, such as the New International Regime for Orderly Movements of People (Ghosh, 2000), the Global Agreement on Movement of People (Straubhaar 2003), Migration Without Borders (UNESCO 2005) and The Hague Declaration (2002).

'Migration management' was furthermore visible as a battlefield for organizational struggle of definition and positioning, primarily between the UN and the IOM, as to who should be the leading global institution for migration management initiatives. The UN claimed to itself the experience of the UNHCR and its legitimacy as a global international organization founded on conventions and rights-based obligations among member states. In contrast, the IOM, founded and operating as an intergovernmental organization with no human rights-based convention or obligations of transparency or reporting to the public, asserted their role as a leading organ of global migration management, paralleling the position of the WTO in international trade.

In a 400-page report entitled *Managing Migration, Challenges and Responses for People on the Move* (IOM 2003), the IOM presented itself as the response to the claimed need of a global organization that could capable 'tackle migration'. The word 'tackle' draws on a football metaphor of stopping the move of an opponent player:

> To plan and oversee these steps, governments may need a central global mechanism to tackle migration in its many complex manifestations. In the same way the WHO deals with health, WTO with trade, UNHCR with refugees, ILO with labour, a global migration organization such as IOM, could monitor, record, bring to light, comment on current practices against international precepts; and help to develop global standards and norms to regulate migration to the mutual benefit of countries of origin, transit and destination [IOM 2003:289].

Standardization and centralization are put forward as a goal of migration management. These 'global standards and norms' are necessary, and mutual benefit will be the result. However, these global standards and norms have not yet been established.

Around this same time other international organizations had positioned themselves on issues of human mobility. Hence, the ILO took up issues concerning the rights of migrant workers; the WTO's GATS 'mode 4' focused on mobility of service suppliers; and the UNHCR took up the rights and mobility of refugees.

In 2003, the UN Secretary-General set up the Global Commission on International Migration (GCIM), the mandate of which consisted of:

1. Placing international migration on the global agenda.

2. Analyzing gaps in current approaches to migration and examining inter-linkages with other issue-areas.

3.   Presenting recommendations to the UN Secretary-General and other stakeholders (GCIM 2003).

Whereas the previously mentioned initiatives had focused on 'migration management', the GCIM was mandated to 'provide the framework for the formulation of a coherent, comprehensive and global response to migration issues' (ibid.).

Throughout the process of the GCIM, the concept of 'migration management' was avoided. In the mandate, the talk is about 'governance', and in the specification of policy and research programme for the commission, 'managing migration' is absent. Another vocabulary is used:

The governance of international migration: processes, mechanisms and institutions

This Project:

- explores the concept of international governance and critically examines the specific ways in which the concept of governance has been applied in relation to international migration, including regional migration processes and other forms of regional inter-state dialogue and co-operation;

- analyses the value of global processes, including the potential implications of the Berne Initiative's 'International Agenda for Migration Management' aimed at establishing a framework of common understandings and best practices in relation to inter-state co-operation;

- examines the value of other global migration policy […]

- critically assesses recent proposals made by different individuals and institutions for the strengthening of *multilateral governance in relation to international migration* (including, for example, the notion of a 'World Migration Organization'), based on a realistic evaluation of the political viability, risks, cost and potential impact of such proposals;

- presents alternative policy options in relation to *multilateral governance of international migration*, drawing upon lessons learned from other policy domains (e.g. the environment, WTO, etc.), including a realistic assessment of the political viability, cost and potential impact of such policy options;

- examines other ways in which *multilateral governance of international migration* might usefully be enhanced[5] [emphasis added].

The struggle of conceptualizing in what kind of process the organizations are participating, seems here to have produced two different concepts: 'migration management' and 'multilateral governance of international migration'.

The turn to 'governance'

During the work of the Global Commission on International Migration, the concept of migration management was deliberately rejected and replaced by 'migration governance'. At a

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[5] See http://www.gcim.org/en/ir_parp.html: Policy Analysis and Research Programme (accessed 02.02.2009).

NGO consultation meeting in 2004, the competing concept 'governance' was explained in contrast to management:

> Jeff Crisp introduced the notion of 'governance' and explained why the Global Commission had chosen to make use of this concept rather than that of 'migration management'. Governance, he explained, is a broader, less technical and less operational concept, encompassing the different international instruments, agreements, standards, policy understandings, fora and institutions that exist in relation to international migration. He also suggested that the notion of 'migration management' was in some contexts used as a euphemism for migration control and restrictive asylum practices. NGO participants generally concurred with this explanation [GCIM 2004].

The struggle over definitions, terms and concepts is characteristic in the field of governing international migration. The partisans in this struggle are governments, organizations – governmental and non-governmental – and migration scholars. Most often the 'battle lines' are drawn between immigration-restrictive governments and pro-migration forces consisting of migrants and human rights NGOs.

Following the debate, there appears to be a struggle between narrow/broad coverage of the concept in terms of devices, participants and interests. There is a struggle between technical/operational issues on the one hand and more value based, 'soft' principles on the other. In addition, there is a controversy over whether 'governance' can be something that is *not* rooted in migration control and restrictive asylum practices.

When the Global Commission on International Migration published their final report in 2005, they maintained the 'governance' concept. The Commission's recommendations were thus entitled: 'Creating coherence: The governance of international migration' (GCIM 2005:65).

GCIM defines 'governance' in accordance with the Commission on Global Governance's definition of 1995[6]:

> The sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and cooperative action taken.' In the domain of international migration, governance assumes a variety of forms, including the migration polices and programmes of individual countries, interstate discussions and agreements, multilateral fora and consultative processes, the activities of international organizations, as well as the laws and norms [GCIM 2005:65].

Governance is thus promoted and defined as a means of conceptualizing a different perspective (compared to migration management) of what is to be governed and perhaps also of who is to be governed and in what way. However, management and governance seem to be necessary to both parties and viewpoints, and even though the two concepts apparently offer differ-

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[6] The Commission on Global Governance was established in 1992 by the UN and issued in 1995 a report *Our Global Neighbourhood*, which was criticised by the US for strengthening the UN at the expense of national sovereignty. The referred definition is stated in the report: The Commission on Global Governance, *Our Global Neighbourhood*, Oxford: Oxford University Press, 1995:4.

ent kinds solutions, they seem to agree on the need for a new, more 'rational' way of governing migration – or perhaps a new rationality of governing migration.

In any case, migration management is now re-defined as a politically motivated and politically rooted set of actions reaching beyond immigration restrictions of nation states, linking or constructing the rationality of linking together different levels of political powers (national, regional and global) into some kind of joint political process of governing migrants.

In this new rationality of governing migration, however, it is repeatedly emphasized in the international institutional debate on migration management that state sovereignty and the political inclusion/exclusion of migrating individuals remain the cornerstones of migration management. Moreover, the exclusion side of the system is crucial, formulated as fight against, prevention of 'illegal' or 'irregular' migration.

In 2008, the EU Commission presented the 'effective fight against illegal immigration' as crucial for government of migration as such. The Commission addressed solutions to the 'problem of illegal migration', such as reinforced border management: 'The prevention and reduction of illegal immigration in all its dimensions is critical for the credibility and public acceptance of the policies on legal immigration.'[7]

The Global Commission on International Migration also 'performed' the almost ritual tribute to nation-state sovereignty and the right to deport unwanted migrants. In a statement from 2006, the Global Commission comments on what they call 'the challenge of irregular migration':

> The challenge of irregular migration: State sovereignty and human security. States, exercising their sovereign right to determine who enters and remains on their territory, should fulfill their responsibility and obligation to protect the rights of migrants and to re-admit those citizens who wish or who are obliged to return to their country of origin. In stemming irregular migration, states should actively cooperate with one another, ensuring that their efforts do not jeopardize human rights, including the right of refugees to seek asylum. Governments should consult with employers, trade unions and civil society on this issue [Global Commission on International Migration 2006:33].

The 'migrant' in migration management is construed as a political category, defined first and foremost as a relation to a specific nation-state in a dichotomous relation with the political category of 'citizen'. 'Migrant' characterizes a political relation to a nation-state, defined as 'resident and not a citizen. As a resident of a particular nation-state, the migrant is therefore subjected to various political measures, some inclusive, others more exclusionary in character. The 'migrant' is constituted as a particular kind of political subject, targeted as object of management or governing and placed in a specific migrant relation to legality and illegality (the Law) of the nation state. The 'illegal migrant' is not a spill-over category from migration management. Rather the illegal migrant is at the very centre of the migration management

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[7] COM(2008) 359 final: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Common Immigration Policy for Europe: Principles, actions and tools {SEC(2008) 2026} {SEC(2008) 2027}:11.

project. As stated by the EU Commission; prevention and reduction of illegal migration is crucial in migration management. However 'the illegal migrant' comes into existence as a fluid, flexible and changing category to which variations of migrant illegality and legality are ascribed. As we shall see, 'migrant illegality' is divided into different mechanisms of regulating actions and behaviour of migrants. Boundaries between migrant legality and illegality are blurred, and in order to emphasize this, I have chosen in the following to label the two together as il/legality

Government and governing

Inspecting the conceptualizations of migration management, presented as a new way of governing, a new way of linking the national and the global power relations on issues of migration, and new ways of governing the migrants, brings me to my first theoretical discussion: how to understand and analyze power and political power.

Different versions of the world-system approach take their point of departure in human mobility related to a constantly restructuring capitalism (Harvey 2004, Sassen 1999 and others). The notion of 'migration management' as woven into a geopolitical dynamics (Sassen 1999:140) is relevant to the investigation of migration management as such, but in order to understand how government operates, how it changes and how it relates to the position of the marginalized migrant, this theoretical perspective needs to be supplemented with a more open and sensitive approach to analysing how power and governing operate as policy, technology and everyday life.

The governmentality perspective, based on Foucault's notion of governmentality and later developed into a broad research perspective on different issues, offers a productive intellectual framework for analysing migration management.

I use the concept of governmentality more inspired by post-Foucauldian theorists, such as Dean, Rose, Miller, Walters, Valverde and Inda. I will therefore not discuss the complexities and ambiguities in Foucault's work as such. Rather, I will draw primarily on the concepts and understandings that have informed the 'governmentality perspective' as Rose (1999) calls it.

Subjectification, relations between knowledge and power and between government and power are all central to Foucault's writing and to his understanding of the concept of governmentality. Let me, therefore, briefly present these key concepts.

Foucault himself, in his essay/lecture 'The Subject and Power' (Foucault 1982) denied that the goal of his work had been to analyze the phenomena of power, suggesting instead that it was the subject as such which had been the general theme of his research; 'My objective, instead, has been to create history of the different modes by which, our culture, human beings are made subjects' (ibid.:126). 'Subjectification', a key concept in Foucault's analysis of power, is the production of various perceptions, positions, constructions of individuality, subjects. For Foucault, subjectification included both the meaning as being subjected to others

through control and dependency and the perception, knowledge and self-reflection of being subject in/with a specific identity.[8]

In 'The Ethics of the Concern of the Self' (Foucault 1984), Foucault reiterates his main interest as 'the problem of the relationship between subject and the truth' 'I mean, how does the subject fit into a certain game of truth?'(ibid.:32). In investigating how the subject came to fit into a game of truth, Foucault realized the problem of knowledge and power, which is characterized not as a fundamental problem, but as an instrument making it possible to analyze the relationship between the subject and the truth.

As often referred to in his 'Preface' to *The History of Sexuality* (vol. 2) the system of thoughts (in the case of *Madness and Civilization*) organizes, produces and changes domains of recognitions into specific knowledge, construes normative systems built on technical, administrative, juridical and medical apparatus and defines a relation to oneself and to others (ibid.:61).

Knowledge production, institutionalized as science, plays an important role in the constitution of the self through the construction of the truth. Applying this self-reflexive perspective to a research study implies a critical lens or a distance in the process of analysing the process of subjectification.

In *La volunté de savoir* (Foucault 1976), power is described as relational, omnipresent and constantly reproducing itself;

> Power is everywhere; not because it embraces everything, but because it comes from everywhere. And 'Power', insofar as it is permanent, repetitious, inert, and self-reproducing, is simply the over-all effect that emerges from all these mobilities, the concatenation that rests on each of them and seeks to in turn to arrest their movements. One needs to be nominalistic, no doubt; power is not an institution, and not a structure; neither is it a certain strength we are endowed with; it is the name that one attributes to a complex strategical situation in a particular society (Foucault 1976 (1978):93).

For Foucault 'power' is not the issue; it is relations of power. Power can be understood in different analytical levels: as strategic relations, technique of government and states of domination (Foucault 1982) especially in terms of analyzing relations between the subject and authorized, institutionalized forms of power. For Foucault, in any human relationship,

> power is always present. I mean a relationship in which one person tries to control the conduct of the other. So I am speaking of relations that exist at different levels, in different forms; these power relations are mobile, they can be modified, they are not fixed once and for all [Foucault 1984: 34].

Power relations are tied to the concept of freedom: 'in order for power relations to come into play, there must be at least a certain degree of freedom on both sides.'(ibid.:34) 'Power is

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[8] In 'On the Genealogy of Ethics', Foucault reflects on three genealogical perspectives of the process of creating subjectivities, which describes the constitution of subjectivity: 'First a historical ontology of ourselves in relation to truth through which we constitute ourselves as subjects of knowledge; second a historical ontology of ourselves in relation to a field of power through which we constitute ourselves as acting on others; third a historical ontology in relation to ethics through which we constitute ourselves as moral agents' (Foucault 1983:110).

exercised over free subjects, and only insofar as they are 'free' (ibid.). Hence, 'slavery is not a power relationship when a man is in chains, only when he has some possible mobility, even a chance of escape' (Foucault 1982:138).

In the field of migration and power, this understanding of power rejects the notion of a more or less one-dimensional exercise of power emanating from the state or the government and directed (pointed) at the migrant. The notion of asymmetry of relations of power, however, remains within the framework.

Foucault uses the concept 'conduct' to specify power relations; 'To conduct' is at the same time to 'lead' others (according to mechanisms of coercion that are, to varying degrees, strict) and a way of behaving within more or less open fields of possibilities. The exercise of power is a 'conduct of conducts' and a management of possibilities. [...] *To govern, in this sense, is to structure the possible field of action of others*' (ibid., emphasis added).

The concept of governmentality is linked to the understanding of freedom as a precondition for establishing power relations. In this respect, governmentality is rooted in the analysis of the liberal constitution of modern capitalism (what Rose, as per the title of his book, calls 'the power of freedom') and to the notion of 'conduct of conducts'.

In 'The Ethics of the Concern of the Self', Foucault elaborates on the differences in analysing the subject depending on the perception or the understanding of power. This understanding is directly relevant to my discussion of the migrant as subject. Foucault states;

> I am saying that 'governmentality' implies the relationship of the self to itself, and I intend this concept of 'governmentality' to cover the whole range of practices that constitute, define, organize, and instrumentalize the strategies that individuals in their freedom can use in dealing with each other. Those who try to control, determine, and limit the freedom of others are themselves free individuals, who have at their disposal certain instruments they can use to govern others. Thus, the basis for all this is freedom, the relationship of the self to itself and the relationship to other. Whereas, if you try to analyze power not on the basis of freedom, strategies, and governmentality, but on the basis of the political institution, you can only conceive the subject as a subject of law. One then has a subject who has or does not have rights, who has had these rights either granted or removed by the institution of political society; and all this brings us back to the legal concept of the subject. On the other hand, I believe that the concept of governmentality makes it possible to bring out the freedom of the subject and its relationship to others [Foucault 1984:41].

The understanding of the relation between freedom and governmentality is central in the post Foucauldian development of the governmentality 'cluster' of research (Rose 1999).[9] In his lecture 'Governmentality', Foucault distinguishes between two kinds of governmental rationalities and practices of ruling linked to the state. One is based on the mechanism of sover-

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[9] Through the concept of governmentality, Foucault addresses the phenomenon of government. Government in Foucault's optic has been on the agenda since the 16th century as government of oneself, government of souls and lives in Christian churches, government of children – and also government of the state by the ruler.

eignty and the rationality of death; the other is based on government – the mechanism of governmentality and the rationality of life and population.

In contrast to sovereignty, where the aim of sovereign ruler is to exercise sovereignty and where sovereignty and law are inseparable, government or governmentality is characterised by installing the population as the ultimate end of government 'government has its purpose not the act of government itself, but the welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health and so on'(Foucault 1978:241). The population is governed through the 'conduct of conduct', in contrast to the sovereign direct exercise of power in taking the life of the subject or refraining from taking life. Power thus 'operates on the field of possibilities in which the behaviour of active subjects is able to inscribe itself' (Foucault 1982:138).

Biopolitics is also developed as a concept, again in contrast to sovereign types of power. As related to the governmentality complexity, biopolitics 'deals with the population, with the population as political problem, as a problem that is at once scientific and political, as a biological problem and as power's problem' (Foucault 1976:245).

In analysing political solutions and programmes presented as responses to political problems, it is the task of the analysis to 'rediscover at the root of these diverse solutions the general form of problematization that has made them possible' (Foucault 1984:24). A problematization does not mean

> the representation of a pre-existent object nor the creation through discourse of an object that did not exist. It is the ensemble of discursive and non-discursive practices that make something enter into play of true and false and constitute it as an object of thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.) [Foucault in Rabinow and Rose 2003:xviii].

Seeing 'migration management' as a political solution to certain kinds of problematizations is quite obvious in the examples mentioned earlier, even though the 'problems' draw on implicit understandings, that would have to be analyzed further.

One of the discussion of 'migration management' as a transnationalized political strategy and as governmentality is the question of the population. In the nation-state perspective, biopolitics and the conduct of conducts is most often conceived of as being related to a territorialized population that helps constitute the nation-state. In this light, migration control is often characterized as an act of exercising sovereignty by the nation-state through policing the border and the territory, seen from the inside of the nation-state. If new migration management is constructed as a new kind of governmentalized area of politics, who is it who is being governed? And how is the differentiation process between a territorialized and a de-territorialized population inside the nation state operating? Or rather, will it work differently from the existing transnational government which divides the globalized division of land and people into territories and populations according to the Westphalian system of nation-states and the heritage of European colonization?

Whereas governmentality studies are most often concerned with institutionalized political practices of government, this study ill focus on the government of the migrant, particularly

those migrants who are marginalized by their host society. Therefore, I would like to stretch the research paradigm to also include the social practice of governing the migrant at micro level and to include the personal relations between migrants and non- migrants. This, I believe, can contribute to the study of what Foucault termed 'the whole range of practices that constitute, define, organize, and instrumentalize the strategies that individuals in their freedom can use in dealing with each other' (Foucault 1984:41).

Marginalizing migration – the marginalized migrant

In my research perspective, migrant legality and illegality are seen as political produced states and conditions. The marginalized migrant, defined through a fluid or absent legality in relation to the state is first and foremost a political category or construct. Thus 'marginalized' or 'margin' is used here to describe the relation between the migrant and the nation-state. The state produces a fragile position of residence in the nation-state, by which the migrant is excluded from or considerably limited in exercising the rights and entitlements granted by the state to its citizens. 'Marginalized' is typically used to describe fragile positions produced through other hierarchies of power, other asymmetric relations of power such as class and race/ethnicity. Here I have chosen to link 'margin' to the more fragile parts of the space of non-citizenship in a politically defined migrant marginality, whereas classed and racialized marginality are seldom defined in liberal societies politically. Rather, classed and racialized marginality are defined in a broader social context, as social conditions and consequences.

'Margin' is related to the Latin word 'margo' which means edge or boundary and the word was from the middle age used to describe a 'boundary space'. It has several meanings dependant on context, but a key meaning is a space between a block of text and the edge of a page,[10] or the blank border on each side of the print on a page [11] Margin is defined as a space in a space of text and page, outside the letters that formulate meaning and structure the page but inside the page that contains the text. Applied to migrants and the space of the nation state, the margin is a boundary space or a zone within in the nationalized government of residents, between the block of the population and the edge of the nation state.

The *marginalized migrant* is defined through a political category of inclusion/exclusion related to citizenship of the nation-state of residence and through variations of migrant il/legality (for example illegalized residence and illegalized employment). *The marginalized migrant* comes into existence through lived experience and performed subjectification. Through this experience and subjectification, the marginalized migrant lives in an intersection with other (well known) relational socially constructed hierarchies and categorized positions of gender, class and race/ethnicity.

Legality and illegality are formally covered by the Law, defining the order of society and the boundaries of society. At the same time, the Law specifies a space of order separated from a

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[10] http://www.etymonline.com/index.php?term=margin accessed 06102010

[11] ('margin *noun*' *The Oxford Dictionary of English* (revised edition). Ed. Catherine Soanes and Angus Stevenson. Oxford University Press, 2005. *Oxford Reference Online*. Oxford University Press. Roskilde Universitetsbibliotek. 6 October 2010 http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t140.e46654

space of non-Law. Legality and illegality are normally defined within the space of the Law, but considering the basic form of migrant illegality – the rejection of residence on the territory of the nation state – this state of illegality excludes the individual from the space of the Law by means of expulsion from the territory.

Migration management is an institutionalized conceptualization of the governing and governmentality of nation-states and state co-operation in the field of human cross-national mobility and residency. The nation-states, as 'govenors', are the key to understanding the dynamic, power relations and constructs in the rationale of 'who goes where and why.' (Knowles 2001), even though government cannot be analysed as a one-dimensional exercising of power towards populations, groups or individuals. Government must include the complexity of governmentality.

I use the terms 'migrant legality' and 'illegality' in the sense developed by de Genova (2005), much like citizenship, to describe a 'juridical status that entails a social relation to the state'. The migrant position relevant in my perspective is defined through the relation to the nation-state by being marginalized versions of non-citizenship.[12] Although they are rough categories which can be criticized for being too rigid and static (Ong 2006), I use four kinds of relationships between individual subjects and the nation-state to clarify the various migrant positions and to incorporate the position external to the law (Bauman (1994, 2005, Agamben 1998). This is illustrated below.

Table 1.1

	The Law Insider	Non-law Outsider
Inclusion	*Citizen* - with complete rights *Resident* ***Not deportable***	*Immanent outsider* - the irregular migrant, the 'illegalized' migrant *Resident* ***Deportable***
Exclusion	*The excluded insider* - the 'legalized' regular migrant *Resident* ***Deportable***	*Alien* - outside the regional/national territory *Non-resident* ***No on the territory***

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[12] Hammar (1994) reintroduced, in 1994, the British 18th-century concept of 'denizen', earlier used to categorize an individual between citizenship and non-citizen, now used to categorise migrant workers in Western Europe who originally arrived as temporary labour migrants, but who remained for many years in the country of immigration without obtaining full citizenship.
Iris Marion Young (1989) suggested a concept of 'differentiated citizenship' to address group- based inequality inside the nation state, and Bosniak (1998) earlier suggested the concept of 'citizenship of the Alien'.

My interest is the juridical-political and social process of and conditions for migration and mobility *created by* nation-states and transnational, state-based structures/organizations, and as *lived by* marginalized migrants, rather than the study *of a specific group of migrants.*

In my understanding, marginalized migrants are a broad term characterizing migrants residing as non-citizens holding temporary or no residence permits in a specific nation- state, and who are excluded from many/most of the rights and entitlements granted by the nation-state to its citizens and/or those with legal, permanent residence, and who are not defined or included as national population in bio-political sense.

Dimensions structuring the scheme, The Law (insider/outsider) and social practice of inclusion/exclusion, illustrate the relationship between legal space and social practice. The positions created according to different relations to the nation state and in the social practice of everyday life produce different conditions and meaning to inside/inclusion and outside/exclusion for residents on the territory:

- The **Citizen,** as included insider, residing legally with full rights and entitlements;

- The migrant as **Excluded Insider** residing legally on the territory with limited rights and entitlements,

- The migrant as **Immanent Outsider**, residing illegally on the territory with no rights and entitlements, and

- The **Alien** who does not reside on the territory and has no relations of rights and entitlements to the nation state.

The migrant as Immanent Outsider, together with the Alien, reside as outsiders of the legal space of the nation state with no entitlements and rights granted by the nation state. However, contrary to the Alien, who is a non-resident, the illegalized migrant is participating in a social practice and is therefore included in the social practice of everyday life, labour market, family, etc. Thus s/he inhabits a position of an Immanent Outsider.

The Citizen and the Excluded Insider are both defined within the legal space of the nation state, both being legalized residents on the territory, but at the same time legally categorised separately according to a criteria of full inclusion in social and political practices for citizens and according to criteria of varying degrees of exclusion from social and political practices stemming from entitlements and rights granted by the nation-state to citizens.

The Citizen and the Alien are thus indirect categories that do not become relevant for migration management until they are transformed to or from one of the other categories. The categories of Alien and Citizen meet the traditional idea in state-produced nationalism of pure forms in orderly systems, whereas the other two categories connote disorder.

The Citizen category is the only one that cannot be deported from the territory and precisely the 'deportability' is crucial for understanding the social reality and political identity that are created in these specific relations between individual and the state. 'Illegality' signals a specifically spatialized socio-political condition. 'Illegality is lived through a palpable sense of deportability – the possibility of deportation' (de Genova 2004:161). The nation-state has the sovereign and recognized right to deport non-citizen individuals from the territory.

There are, however, different degrees of migrant legality and illegality, all of which (most obviously but not exclusively for the Immanent Outsider) are effective through the deportability to which migrants are exposed at different levels.

Positions and categorizations in migrant status can change due to legal production, recognition etc., and it is also possible for the migrant to take on different positions of legality/illegality dependent on social practice.

In my project, the positions of the marginalized non-citizen or the degree of 'alienage' (Bosniak 2006) are produced by nation-states exercising sovereignty and 'managing migration ', and framing conditions for mobility and residence of migrants. The positions of the *Excluded insider* and the *Immanent outsider*[13] and the transitions between categories are of the most relevance. For example, an asylum seeker in Denmark will have the position of excluded insider as a resident, but will transcend into migrant employment illegality if doing remunerated work. What is special about migrant illegality is that sanctions for violation of the law can (but not necessarily will) always imply the possibility of being deported outside the territory and outside the Law. Inside the Law, there are sanctions and penalties for working illegally and not paying tax, but these sanctions are first and foremost intended for non-deportable citizens.

Inclusion and exclusion from nation-state, therefore, is not only performed at the border. Both the global geometry of power and of the border are being carried into the national territory: 'alienage entails the introjection of borders' (Bosniak 2006:5). 'The internalization of the global is nowhere more vividly instantiated than in the case of cross-national migration' (ibid.:8).

Furthermore as Bosniak highlights, 'alienage' is a stratifying factor on a par with ethnicity, gender and class. Alienage or more correctly politically defined residence status ought to intersect with other positions of differentiation in the analysis of social relations, as the overall concept defining the political relation to the nation-state (citizenship, excluded insider, immanent outsider and alien) in order to also mark the dimension of exclusion instead of the category of 'citizenship', which has a long history of normative constructs and connotations of universality and inclusion.[14] The concept of 'alienage' (migrant status) entails the same distortion as citizenship, inasmuch as it emphasizes primarily one dimension of the political relation to the nation-state exclusion instead of the overarching concept of political-juridical inclusion AND exclusion from nation-state membership.

The political and legal distinction between 'illegal immigrants' and temporary 'legal immigrants' is blurred, and migrants in these positions are governed by the same kind of rationality and legal mechanisms, within which deportation and deportability play a decisive role.[15]

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[13] McNevin (2006) has characterised the irregular labour migrant as immanent outsider, given that the migrant is included at the labour market (even though in a vulnerable position) but excluded from participation and exercising rights in other areas of society.

[14] I prefer to mark or label 'white' and 'non-white' instead of marking ethnicity and race only as a minority/under-privileged capacity/category.

[15] In a report from the UWT project (2009), one of the observations is that the path from 'illegal' to 'legal' is very difficult whereas the path from 'legal' to 'illegal' is very easy.

In order to keep my own distance and alienation to the widespread and differentiated use of the term 'illegal', I use the terminology legality/illegality (il/legality) when related to marginalized migrants as a process of legalizing and illegalizing. The term 'il/legality', awkward as it is, underlines both the constructedness and the dimension of political action in the concepts of legalized and illegalized migrants.

I am aware that I cannot resign from the discursive reality of the catalogue of migrant labels, and due to the connotation of the concepts, I prefer some to others. Analytically, however, I do not think that there are pivotal differences.

Labels and categorizations such as irregular, undocumented, non-compliant, etc. are in a policy environment and dialogue more manageable and part of a common frame of reference, but not very precise in an analysis of the socio-political condition of migrant illegality.

However, I find Anderson/Ruhs' (2007) reflections on the concepts of 'compliance', 'non-compliance' and especially 'semi-compliance' ('the employment of migrants who are legally resident but working in violation of the employment restrictions attached to their immigration status') to be very valuable in making this space of illegality visible.

> It is a distinct and contested space of (il)legality that serves important functions. It allows employers and migrants to maximize economic benefits from employment while minimizing the threat of state sanctions for violations of immigration law. Semi-compliance exists, and is likely to persist because it constitutes an equilibrium which, we show, serves the interests of migrants and employers and in practice is difficult for the state to control[ibid.:1].

Semi-compliance reflects the fluidity of the position of illegality which is part of the governmentality in European migration management, and conceptualizes the condition of permanent insecurity (Balibar 2004:15).

The Filipina au pair taking extra jobs, the Polish construction worker residing for two years without regular jobs, the Chinese student working 40 hours instead of the allowed 15 hours a week in Denmark are situated in a migrant status of semi-compliance with immigration law.

This conceptualization of migrant illegality can be extended to other 'spaces' than the labour market and the relation between residence and employment permits, as we shall see in the analysis.

How to analyse governmentality in management of marginalized migration

The concept of governmentality can be seen as a broad diagnosis of the rationality and instruments of government in Western societies (Villadsen 2006:15). However, the governmentality cluster of scholarship (Rose 1999) offers various methods and strategies for analysing governmentality. I will make use of research produced in the governmentality cluster, both for its theoretical as well as its empirical contributions (Rose, Miller, Valverde, Walters, Inda, Huysman).

A prominent representative of the governmentality approach, Mitchell Dean, proposes an analytics of the *regime of practice*. Regimes of practices, according to Dean, are

> institutional practices, if the latter term means the routinized and ritualized ways we do things in certain places and at certain times. These regimes also include, moreover, the different ways in which institutional practices can be thought, made into objects of knowledge, and made subject to problematizations [Dean 1999:21].

Il/legality in management of marginalized migration is constituted within the greater migration management complex, which can be characterized as a regime of practices – the migration regime.

Dean points out that a regime of practices exists 'whenever there exists a relatively stable field of correlation of visibilities, mentalities, technologies and agencies, such that they constitute a kind of taken-for-granted point of reference for any form of problematization' (ibid.:27).

Although the migration regime of today can be seen as divided into different and not necessarily contingent layers of government, defined as national, regional and inter-/transnational (global) regulations, and although we can view these conflicts, developments and initiatives as part of a transformation of the migration regime that creates instability, we must still conclude that we identify 'migration management' as a particular field of national, regional and global institutional frameworks that have been consolidated and are implemented as concrete practices of governing migration. Taking its form as migration management, the current migration regime is populated with knowledge producers on migration issues, certain established truths are developed, existing policies and programmes are presented and evaluated and technologies of various forms are invented, distributed and adapted.

The current migration regime involves practices that have developed and been institutionalized nationally since the second half of the 19th century, when international migration became relevant as political issue. As shown earlier, however, the introduction of 'migration management' at the global institutional level can be seen as a new direction or a transformation in the migration regime. This transformation occurs through the explicit problematization of the government of migration.

The very practice of government of migration is problematized as an issue of absence of international/transnational cooperation, an absence of international/transnational government of migration. This lack of cooperation is considered as a political issue requiring 'solutions', and the urgency of solutions is linked to more or less specified threats of illegal, unregulated movement of peoples, threats to national security, welfare, and the labour market.

The gamut of threats is attached to, 'irregular' migration. The threats are explicitly stated in the IOM conceptualization cited earlier:

> The goal of regulating migration is to help governments and societies to know who is seeking access to their territories and to take measures that prevent access by those who are not authorized to enter. Replacing irregular flows with orderly, regular migration serves the interests of all governments.[16]

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[16] See the IOM website on migration management: http://www.iom.int/jahia/Jahia/model-comprehensive-migration-management (accessed 02.02.2010).

Separation of irregular migration from regular migration is presented as a given good, and 'management of irregular migration' seems increasingly to establish itself as a key area of government policy within the migration regime.

In order to analyze how migrant il/legality is produced, managed and lived, we therefore need a more comprehensive understanding of the migration regime as a regime of practices. We need to construct the genealogy of the migration regime and to carry out a more specific analysis of the subfield of 'management of marginalized migration' as a specific, possible work-in-progress, as a kind of government.

Mitchell Dean's analytics of the *regime of practice* consists of two parts. Part one is about the necessity to 'identify the emergence of that regime, examine the multiple sources of the elements that constitute it and follow the diverse processes and relations by which these elements are assembled into relatively stable forms of organization and institutional practice' (Dean 1999:21). This is the task of constructing the genealogy of the regime. The investigation has to be diagnostic in order to view the present as an open set of opportunities and limitations, rather than explaining it as an inevitable development. Such a genealogy should seek to be anti-anachronistic, in the sense of showing how the historical analyses are embedded in the experiences of the present (Dean 1999:91). It should try to describe the regimes of practices of the past by using concepts of the past which create a distance and alienation and on the other hand, reveal elements of similarities with the present.

Part two of Dean's 'analytics' is divided into four elements, focusing on the question of 'How':

1) Visibilities

'characteristic forms of visibility, ways of seeing and perceiving' (Dean 1999:23) and questions of which types of gazes and ways of recognizing are at stake?

2) Episteme

'distinctive ways of thinking and questioning, relying on definite vocabularies and procedures of truth (e.g. those derived from the social, human and behavioural sciences) (ibid.).

3) Techne

'specific ways of acting, intervening and directing, made up of particular types of practical rationality ("expertise' and "know how') and relying upon definite mechanisms, techniques and technologies' (ibid.).

4) Subjects

'characteristic ways of forming subjects, selves, persons, actors or agents' (ibid.).

Applied to the current migration management of marginalized and irregular migration, the analytical perspective on 'visibility' could include maps, (often with red arrows, indicating routes and mobility of irregular migrants from economically poor countries moving towards affluent countries), schemes (of differences between regular and irregular migrants), statistics (on illegal border-crossers), the architecture and physical layout of camps and prisons de-

signed or intended to house illegalized migrants, rejected asylum seekers or deportees, NGO campaigns for migrants' rights (e.g., depicting migrants being deported violently, media coverage of migrants living in terrible conditions or in hiding from the authorities, etc.).

For Rose (1999), visibility and the gaze of the governor is an important element in making populations or individuals governable, a point to be discussed below.

Episteme – the analysis of production of truths and rationality of government through thought, knowledge, expertise and strategies could include research reports, articles, evaluations of programmes, policies and programmes, etc.

Techne – the analysis of how means, mechanisms, procedures, instruments, tactics, techniques, technologies, vocabularies become authorized as elements of government could include border control practices, visa regulations, procedures of application, residence permits, passport, dispensing of identification papers, policing, hinterland policing, return procedures, penalties, taxonomies, classifications, terms, procedures of qualifying or denial of social benefits, marriage regulations, private shelters, soup kitchens, prisons and camps, border patrol equipment, etc.

Subjectification – investigating how subjectivities and identities are produced, facilitated, created and assigned capacities, abilities and privilege in the analysis could draw on material such as laws and provisions, human rights, media representations, NGO representations, terminologies, etc.

The governmentality analytics will be discussed further in relation to Rose, Inda and others. Special focus ill be on the challenges and discussions in applying the governmentality approach to management of the marginalized migrant.

The presentation of the 'migration management' field in the beginning of this chapter could be a starting point for analysing governmentality in an emerging transnational migration (management) regime.

The Berne Initiative statement on the role of the state, quoted earlier, is clearly expressing the bio-political obligations of the state and at the same time deconstructing the ability or even the existence of the 'old' international government of populations based on the Westphalian system of nation-states.

According to Dean (1999) the international grid of nation-states, can be said to operate in some kind of

> international bio-politics […] that governs the movements, transitions, settlement and repatriation of various populations – including refugees, migrants, guest workers, tourists and students. This international bio-politics is a condition of the assignment of populations to states and thus of social government of any form [Dean 1999:100].

Zolberg (e.g. 2006a) has pointed to the same rationality of the nation-state system.

According to the Berne Initiative, the government of migration is thus problematized indirectly by constructing governance as absent, presenting governance as such as the solution:

> They [states] have sought to manage migration in the interest of their population and of maintaining friendly relations with other States. As a consequence, there is no comprehensive and harmonised system regulating international migration, and different national migration policies and practices have evolved autonomously. […]

> They [states] are aware of the fact that migration cannot be managed effectively in the long-term through national measures alone and that collective efforts are required to strengthen national capacities in this area [Berne Initiative 2002].

The IOM scheme presented earlier can be analysed as an effort to make migration, as well as migration management, visible in a specific way. The scheme applies a structure, divisions and language to the phenomenon to be governed and the levels of authority in governing. The listing of different 'areas' of migration management could be analysed for the capacity to produce different migrant subjectivities, and the guidelines analysed as part of 'techne', the technology through which migration management is practiced.

The variation in rationalities between the IOM version and the UN version of governing migration can also be further analysed through the struggle over knowledge, positions and resources.

It is not my aim to carry out an analysis of migration management as such. My perspective is more narrow. Nor do I intend to analyse the management of marginalized migration as governmentality. But I will use the governmentality perspective to try to grasp how marginalized migrants are governed in Europe by focussing on elements of construction and genealogy of the 'migrant', and on 'migrant il/legality' and to establish an understanding of the construction of 'migrant' and 'migration' as a political issue relevant for governance or management.

Citizen and anti-citizens: Power and governmentality

As addressed earlier, Foucault understands modern 'government' as the shaping, directing and guiding of the conduct of others, what he calls 'the conduct of conduct'. In investigating this mode of government, it is necessary to broaden the focus from the state to also include the context of and development in theories, proposals, strategies and technologies as a way of analyzing the conduct of conduct. Within this perspective, the state becomes one important actor amongst other actors who produce and exercise authority over individuals and populations.

'Government' as the conduct of conduct is 'the more or less calculated and systematic ways of thinking and acting that propose to shape, regulate or manage the conduct of individuals and populations toward specific goals or ends' (Inda 2005:3). Therefore, the production of knowledge and the relationship between knowledge and power become central to the ability to 'govern at a distance' (ibid.)

Foucault distinguishes between 'government' and 'sovereignty' in the development/overlapping from the Machiavelli rationale of sovereignty to modern government. Sovereignty has a different and circular end than government: 'the end of sovereignty is exercise of sovereignty. The good is obedience to the law, hence the good for sovereignty is that people should obey it' (Foucault 1978236). According to Machiavelli, the aim of the Prince was to retain his prin-

cipality (ibid.). Hence, law and sovereignty were inseparable. With government, however, 'the finality of government resides in the things it manages and in the pursuit of the perfection and intensification of the processes it directs; and the instruments of government, instead of being laws, now come to be a range of multiform tactics' (ibid.: 237).

One of the benefits of the governmentality perspective for analyzing the migrant il/legality and marginality is that it can include the knowledge-power nexus. The knowledge-power nexus is implied in the concept of governmentality. Government was established in modern time as an independent activity and science integrated and developed within this kind of government. Knowledge of the state was linked to government. The emergence of a specific kind of 'statistics', meaning science of the state, and science of policing are two important areas in the development of science of government (ibid.:239). Furthermore, the notion of economy was re-centred from the level of the family to what we today characterize as 'the economy', and the problems of the population became possible to identify through economy. Science, statistics, 'political numbers' as Rose calls them, helped construct problems of and in the population. The numbers made the population a calculable element with regularities, birth rates, diseases, etc. The population came to appear as the ultimate end of government – governable through science (ibid.:241).

With what Foucault called the 'governmentalization of the state' (Foucault 1978:245, Rose 1999:18), the practice of government became the rationale for state activity and the definition and redefinition of state competences. Governmentalization was at the same time what has permitted the state to survive within the contemporary power relations. Instead of analysing the state in terms of power of a controlling, centralized and regulating state, Rose (1999:18) advances the concept of 'rationality' or 'political rationalization'.

Conceptually, political rationality embraces different kinds of historically situated governmentalities – a consistency around the legitimate, the problematic, subjectivity, etc. Rationalizations of regulations, laws, programmes, tactics, technology within a certain governmentality and according to a certain principle (The Market, The Social, The Liberty. etc.) Rationalizations are often established through struggles between opposing principles and positions. (Rose 1999:28).

Political rationalities, as Rose puts it, are 'discursive fields characterized by a shared vocabulary within which disputes can be organized by ethical principles that can communicate with one another, by mutually intelligible explanatory logics, by commonly accepted facts, by significant agreement on key political problems.' (ibid.:28). The political rationalities are regulated by a specificity of a 'distinctive moral form, epistemological character and a distinctive idiom/language' (ibid.:26).

'A distinctive moral form' 'embodies the conceptions of nature and scope of legitimate authority, the distribution of authority […] and the ideals or principles that should guide the exercise of authority,' whereas an 'epistemological character' describes an 'understanding of the spaces, persons, problems and objects to be governed'(ibid.:26).

For Rose, to govern is

to be condemned to seek an authority for one's authority. It is also that, in order to govern, one needs some 'intellectual technology' for trying to work out what on earth to do next [ibid.:28].

Political rationality is not just legitimization or ideology and not only a concept useful for understanding 'neoliberal' politics. Rose describes the rationality of Nazism in the following way

> Nazism fused together a number of distinct elements into a relatively systematic matrix of political thought and action: a eugenic, biologizing and statist racism, prioritizing the management of the population through interventions upon the individual and collective body in order to control lineages, reproduction, health and hygiene; a pastoralized dream of the multiplication of practices for the disciplinary regulation of the body politic in the name of the race; the instrumentalization of the micro-fascisms of everyday life – on the band, the gang, the sect, the family; and a redeployment of an older thematic of race, blood and earth[ibid.:26].[17]

The concept of political rationality embraces Dean's analytical dimensions of governmentality (visibilities, episteme, techne and subjects) within a 'relatively systematic matrix of political thought and action' and addresses what Foucault described as the task of governing: to govern is to 'structure the possible field of action of others' (Foucault 1982:138).

In discussing government and governmentality, Rose uses the terms 'governable spaces' and 'governable subjects'. The concept of 'governable spaces' includes the production and formation of governable fields as a process of spatialization of governmental thought through 'territorializing governmental thought' (the agreement of nation-states, international order, nation-states governing populations on their territories, controlling the borders of the nation-state, etc.).

The new EU Directive on return of irregular migrants can be seen as a new way of territorializing government of migrants residing in illegality, transcending the sovereignty of the nation-state and constructing a regionalized governmental concept of migrant illegality.

Spatialization of the 'gaze of the governors' is about visibility. 'To govern, it is necessary to render visible the space over which government is to be exercised' (Rose 1999:36) This visibility is created through representations such as maps, charts, pictures, diagrams, graphs, and these inscriptions produce, as intellectual techniques, objectivity. Using these instruments, '[the] spatialization of the gaze involves power relation between knowledge and its subjects (or objects)' (ibid.:37).

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[17] Rose mentions in a footnote that this characteristic of Nazism is a paraphrase on Foucault in *The History of Sexuality*, and that the issue here is one of rationalities in the plural, not a specific rationality of modernity (Bauman). The discussion of the different analysis of Nazism (Rose and Bauman) could be elaborated. This description of Nazism does not operate with different rationales for included and excluded. The notion of population could be a discussion, because how do you conceptualize – within this rationality – the non-population, the excluded and in the end exterminated? See Bauman on the development of a non-subject and Agamben on *homo sacer*.

Related to 'il/legality' and the ongoing efforts to problematize 'illegal' migration – and for that matter migration as such – a great deal of maps, pictures, maps with arrows [18] visualizing the 'flood' of migrants and their directions is a frequent graphic representation in migration studies.[19]

This can be seen as a proces of spatialization of the gaze of the governors, making the 'illegal immigrant' visible. However, the process is an ambiguous one, in that governors, when it comes to the 'non-population', might be interested in maintaining invisibility in order to exclude 'illegal immigrants' as subjects of government. The governors could therefore maintain the construct of non-existence of not-privileged residents/'illegal immigrants' on the territory. As Appadurai emphasizes in the discussion of the 'Fear of small numbers' and the understanding of majoritarianism: 'Minorities in a globalized world are a constant reminder of the incompleteness of national purity' (Appadurai 2006:84).

'Government' is therefore a broader optic for analyzing the production and reproduction of power relations, in which the role of the state is only a part of this process. This is not only important for the analysis of 'migration management' generally, but also to understanding 'illegal migration' which is defined rhetorically as crime, and the 'illegal migrant' as being outside the law. The fluidity of migrant legal status, which maintains the temporary migrant at the margins of the 'population', raises some questions about understanding government of marginalized populations generally and more specifically government of the 'non-population' residing on the territory.

Inda has criticised Rose and other scholars using governmentality perspectives for excluding the marginalized residents from the research optic (see below), and the critique seems partially justified. However, Rose's conceptualization of governmentality in political rationality, and his discussion of governable subjects and governable spaces is still very useful for analyzing the non-population, or those subjects at the margin of the population.

In Denmark, illegal migrants have until recently been constructed as non-existent (Hjarnø 2003, Sopemi, etc.) rather than being regarded as the major migration threat. This has prevented irregular migrants from being actively pursued by the police, but it has also made it imperative for irregular migrants to stay invisible.

For several years in Denmark, regular non-white non-Western migrants and non-white non-Western family members trying to legally re-unite with their family members in Denmark have discursively been constructed as the major 'migrant threat' to national economic, social and cultural privilege and unity. In this respect, migrants living in illegality have been relatively invisible. As part of the anti-immigration policy and legislation in Denmark in recent years, the production of migrant illegality has increased (reducing the possibility to gain asy-

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[18] See Schendel's (2005) analysis of maps and arrows in constructing and visualizing 'illicit' and 'illegal' bordercrossing.

[19] For example, maps: ICMPD updates regularly 'Irregular migration Routes from Africa to Europe: http://www.icmpd.org/index.php?eID=tx_cms_showpic&file=uploads%2Fpics%2Fposter_map.jpg&width=800m&height=600m&bodyTag=%3Cbody%20bgcolor%3D%22white%22%3E&wrap=%3Ca%20href%3D%22javascript%3Aclose%28%29%3B%22%3E%20%7C%20%3C%2Fa%3E&md5=7088d334af80c2bdcb077bfe891ba25e (accessed 07.09.2008).

lum, family reunification, etc.) and probably resulted in harsher living conditions, with an increase in the actual number of migrants living in illegality. For several years, migrants residing in illegality have been more or less outside the governable space and not governed as governable subjects.

Throughout history, human beings have been involved in a variety of practices of subjectification (Rose 1999:43), understood as the process whereby they are made capable of relating to themselves as subjects. Rose's ambition is to analyse contemporary subjectification. The task is one of 'identifying the ways in which human beings are individuated and addressed within the various practices that would govern them, the relations to themselves that they have taken up within the variety of practices within which they have come to govern themselves' (ibid.: 43).

Subjectification is not only an individualizing process, and this is important in understanding the dynamic of subjectification: 'Subjectification is simultaneously individualizing and collectivizing' (ibid.: 46).

Rose's analysis of political power and current governmentality does not explicitly deal with the semi- or non-population residing on the territory of the nation-state, whether as excluded insiders or integrated immanent outsiders or for that matter those detained in deportation camps on the territory. Rose reflects to a certain degree on the governmentality of the marginalized and the rationale of extreme exclusion, but his main focus is 'majority' governmentality.

Inda (2006) develops the governmentality perspective of Rose and others to specifically include government of those defined as not just marginalized, but defined outside society: human beings living in migrant illegality – anti citizens. Inda criticises scholars working with this notion of government for having been most concerned with exploring those practices that affect the wealth, health, security and happiness of populations.

Inda defines the key themes of 'governmentality' studies as 1) *political rationalities of government*, 'conceptualized as intellectual machineries that render reality thinkable in such a manner as to make it calculable and governable.'(Inda 2006:5) 2) *how government is conceptualized into existence in programmatic form* as 'Government […] assumes that the real can be programmed – that it can be made thinkable in such a manner as to make it amenable for diagnosis, reform and improvement.' (ibid:6) *and 3) technologies of government,* as ' practical mechanisms, devices, calculations, procedures, apparatuses, and documents through which authorities seeks to shape and instrumentalize human conduct' (ibid.:6).

Within these key themes, Inda seeks to explore the conjuncture between knowledge and governmental practice, both through investigating the kinds of knowledge, the specific problematizations and the various authorities that have constructed 'illegal' immigrants as a target for government, and specific tactics, techniques and programs that have been deployed to manage the population, particularly at the US-Mexican border (Inda 2006).

Inda's approach is certainly productive, but unlike him, my empirical focus is not on the il/legality analysed via borders and border management at the boundaries of the territory of the nation state, but rather conditions, legal productions, subjectivity concerning migrant

il/legality and marginalization of those already on the territory, the 'outsider within', so to speak.

Inda's perspective on governmentality, however, opens up the possibility of including all residents of the national and transnational space – in this case, citizens, regular migrants and irregular migrants – in the analysis of power and social relations in the field.

The position of the marginalized migrant is highly complex. It is weaved into different levels of government and different intersections with other subjectivities, other relations of power.

My interest in migration management is an interest in the production and reproduction of power relations concerning migration and migrants, linked to other systems of asymmetric power relations such as class, gender, ethnicity. The process of inclusion and exclusion, being so prominent in the national sovereignty of nation states, perhaps developing into new institutionalized forms in the geography of inequality, seems crucial to understanding the logic of migration management. However, but in order to understand the government (in the Foucauldian sense) of the marginalized migrant, we need to broaden and open for the complexities of migrant il/legality status. These complexities include those linked to the fluidity, the instability and perceived 'emptiness' of governing il/legalized migrants; the character of invisibilization of marginalized migrants and their government; the increased problematization of illegalized migration and of temporary migrants as potential illegalized migrants; and especially, the grey zone of migrant legality and illegality working together to produce subjectivities and frame conditions of everyday living and residency for marginalized migrants.

In my research process, I wanted to extend my knowledge of how subjectivity of the marginalized migrant can be inhabited locally. In a Danish context, I was not able to draw on previous research, neither of illegalized migrants in Denmark, nor on marginalized migrants living in the grey zone of il/legality, because none existed at the time. I had to produce my own knowledge on migrants, a task which I had refrained from at the start of my research. When I began, the only research on illegal migration produced in Denmark was that of Hjarnø (2003), who argued that illegal migration did not exist in Denmark. The au pair migration and destitute homeless migrants whom I chose as empirical case studies had not been researched prior to my studies.[20]

The governmentality approach, however, might seem a bit challenging concerning what one could call 'knowledge production through lived experience of the governing and the governed. In practical terms, my study entailed empirical research on lived migrant 'marginality' through fieldwork and qualitative interviews with migrants residing in Denmark in the space of migrant il/legality.

Furthermore, I found it necessary in my research to highlight a methodological transnational perspective and methodological reflections on the intersectionality of classed, gendered and

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[20] My empirical studies included originally rejected asylum seekers as well, and I conducted a number of interviews with this group of illegalized migrants. For several reasons, however, I chose to exclude these data from the dissertation and focus on the grey zone of migrant il/legality performed in government of the marginalized migrant.

racialized relations of power together with the issue of migrant status, 'alienage' or residence status, all of which will be discussed in the chapters that follow.

Power, governmentality, and migrant il/legality at the margins

Within the overall inclusion/exclusion dichotomy of migration management, my main focus is on those migrants in Europe who have a fragile residential status or no residence permit. Legality, and especially illegality in migration management, in governing migration and migrants, is the object of investigation. Hence, I am interested in how migrant il/legality is produced and governed in Europe, and how it is lived among marginalized migrants in Denmark.

My research question is therefore:

How are marginalized migrants with temporary or no residence permits governed – and how is government through migrant il/legality produced, performed and practiced?

Answering this question implies several analytical dimensions to my research (to be described and discussed in the following chapter). I have chosen the empirical study of a local practice of government as my main focus. Empirically, the study focuses on the government of au pair migrants and destitute EU migrants in Denmark. Each of these groups of migrants are marginalized but they are marginalized in different ways.

The local (national) practices are embedded in a broader political rationality of an emerging transnational regime of practices ('migration management'), and the local practice is part of an epistemological tradition and structure of truth and knowledge production. In this light, I will discuss the migrant legality and illegality from a more general EU perspective and from the perspective of migration studies as a research tradition.

The choice and challenge of adding a local, everyday dimension to the governmentality perspective in order to investigate the 'relatively systematic matrix of political thought and action' of migration management represents an attempt to approach the field of government as a context of multidimensional practices of political rationality and relations of power exercising, performing and opposing. It is to describe 'governing' in the Foucauldian sense: to 'structure the possible field of action of others' (Foucault 1982:138). As will be shown, this kind of governing takes places in multiple dimensions; at a micro level, a macro level, and from a discursive and a historicized perspective

Chapter 2: Studying migration and migrants. Theorizing migration: the production of governmental spaces and subjects

Introduction

This chapter outlines migration studies as a field of knowledge production. Migration studies are an intellectual framework around research and constructs of migration, the migrant and migrant il/legality. As such it is nexus between power and knowledge. It is not my purpose to provide a comprehensive description of migration studies. Rather, my goal here is to focus on those perspectives, concepts, constructs, continuities and discontinuities which can inform my own study of government of marginalized migrants.

'Migration studies' is a multidisciplinary field, well-known for bringing different scientific approaches, methods, traditions and dogma to the research 'table'. As a research field, migration studies often produces knowledge in close cooperation or partnerships with policy-makers and administrators in governmental, nation-state intergovernmental or international organizations.

Knowing that this is a difficult task – distancing oneself from the research field in which one is more or less embedded – my description, historicization, analysis of migration studies will focus principally on themes and concepts that I have used in my own research.

In order to try to understand how migration, the migrant and migrant il/legality is constructed and located in political rationality, problematization and solutions, I have chosen frameworks for a broad discussion of migration studies and for a more narrow focus. In the broad approach, I have surveyed the journal *International Migration Review* (IMR) as a de facto space of migration studies. The IMR has been the leading journal of migration studies for nearly 50 years. In the narrow approach, I will discuss more specifically the implications of the scientific/governmental process of counting the number of migrants residing illegality as it practiced in various cooperations between researchers and nation-states / intergovernmental organizations.

Let me begin, however, with some reflections on the historical development of migration studies.

Historical perspective on migration studies

Theories and research on migration did not appear as a specific field of knowledge until late in the 19th century. At the time, this research was linked to 'Western' colonial labour mobility and the development of nation-states. Labour migration politics and the emergence of the unity of population (nation), state and territory were reflected in the emergence of international migration as relevant to scientific knowledge production. In the 1880s, new social sciences, such as sociology, political economy, demography and political science began to show

interest in migration as a research field, or rather in immigration, as population mobility was viewed from inside the 'container' of a particular nation-state.[21]

In some of the early migration research, conducted in the late 19th century by the demographer E.G. Ravenstein, the task was a search for 'The Laws of Migration' (Ravenstein 1885, 1889), to use the title of one of his essays. Ravenstein operated in terms of countries of 'absorption' and 'dispersion', defining whether a population of a nation-state was declining or increasing. From census data in the UK (1885), Europe and North America (1989), Ravenstein sought to establish 'laws' of migration, so as to predict and explain human mobility. His fundamental premise, however, was that 'the origin of migration was economical' (Ravenstein 1889:305).

From the discussions of Ravenstein's work in the Royal Statistical Society, it can be seen that 'migration' is problematized somewhat differently than it is today. 'Absorption' and Dispersion' are discussed in such a way that either one or the other is the problem. One of the opponents states that 'France was a country of absorption to such an extent that the government there must take into consideration the changes in the social condition of its population'. Another opponent questions the assumption that a country of dispersion should be in a better position than one of absorption because of a still increasing birth rate.

'Migration' is implicitly defined as European/Western mobility from or between Europe and North America and 'into' the colonized regions of Asia, Africa and South America. The colonized populations of these regions do not exist as migrating subjects, whereas European citizens living in the colonies are counted. Africa is discussed as a region open to Western migration. Hence, we read about '[t]he theory that tropical Africa must be colonized from the old countries on its borders' (ibid.:303) or 'the peopling of Africa was likely to proceed' (ibid.).

Nationalism, migration, ethnicity and race were intertwined in the foundation of this sociology, which in the following years, would become a key knowledge producer in the field of migration.

A prominent representative of a certain mixture of these elements in sociology was Max Weber. In 1895, Max Weber held his inaugural academic address at Freiburg University as professor in political economy. The topic was the Polish agricultural labour in Germany, now considered a key document of Weber's political philosophy (Mommsen et al.: 37). Weber characterizes himself as an 'economic nationalist', defends 'nationalistic egoism' (ibid.) and argues for restrictions and closing of the German borders against the wave of culturally inferior Polish migrants, even though labour is needed in Germany.

The reasons invoked by Weber are the protection of national values and identity, and the prevention of the 'Polonization' of the German population. He calls the land worker question, which he had researched, 'a single example to make clear the role played by racial differences of a physical and psychological nature, as between nationalities, in the economic struggle for

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[21] History, however, despite its position as one of the sciences so essential in the process of constructing the nation-state, did not make migration, in the sense of non-national immigration, relevant in developing the national narrative (Harzig and Hoerder 2009).

existence' (Weber 1894 in Abraham 1991:46) and argues for rethinking the state social policy from the standpoint of ethnic German nationality (Abraham 1991). Ethnicity, embodied in the Polish Question, becomes the organizing principle for his analysis of migrant agricultural labour: from being viewed as an economic struggle, the Polish Question evolves into a struggle between two 'nationalities' or between two (non-biological, but culturally distinct) races. Weber has been characterized as an 'instinctive nationalist' (Mommsen 1984:48), and as a 'critical nationalist' (Fivelstad 2000). Abraham characterizes 'the landworker question' as a vehicle in the development of Weber's nationalist social philosophy (1991:39).

Gender, understood here as differentiation between women and men in data collection and analysis, was present from the earliest migration research. Ravenstein declared that 'woman is a greater migrant than man' (1885:196), and research on migration was also conducted by female researchers.

From the late 19th century, social reform-minded scholars in the UK, Canada and the US established 'settlement houses' in working class and immigrant communities. Along with their social work, they also gathered sociological data on the migrant population. Jane Addams, who established Hull House in Chicago, was a prominent representative of these female social workers and methodological pioneers, who often produced knowledge to be passed on to propose or support political initiatives to improve conditions for the poor. As pointed out by Harzig and Hoerder (2009), research was gendered, which was illustrated in Chicago, where 'the studies of women influence scholarship of the present as models of empirical research, and the university teachers, all men, debated immigrants' shortcomings and immigrant assimilation'. (Harzig and Hoerder 2009:57).[22]

Just as social science was born and intertwined in gendered constructions and dichotomies of inclusion/exclusion, social science was also born and intertwined in racialized constructions and dichotomies of inclusion/exclusion. In 1903, the American scholar W.E.B. DuBois, in *The Souls of Black Folks*, stated that 'the problem of the Twentieth Century is the problem of the color-line' (DuBois, 1903, 1990:3) and described the life of black America after the abolition of slavery, living in a 'world of the white man'. The 'Black Folk' were descendants of forced migrants from Africa, and the concept of race was decisive for their position.

DuBois was the first African-American to give academic voice to the people living in The US constructed as blacks. 'How does it feel to be a problem?' DuBois asked in the beginning of his book. 'I answer seldom a word. And yet being a problem is a strange experience – peculiar even for one who has never been anything else' (DuBois 1903:7). Categories of non-whiteness and migrant are deeply rooted in constructions of societal problems and subjectivities of displacement.

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[22] Donato et al. (2006:9) has pointed to the same difference in Chicago, and added that the remembrance of the female pioneers fell out of history, as did female migrants as visible agents in migration research.

In the late 19th and early 20th centuries, anthropology as well as sociology[23] were producing knowledge on migration and migrants which could not be separated from the racialized perspective on humanity, dominant in the Western/Europeanized part of the world. Anthropology was a key science preoccupied with classification of and knowledge production about the colonized Other. Anthropology emerged out of European colonization, delivering and developing methods, perspectives, taxonomies and measurements that supported the scientific racism of the time. The racial division was constructed and reconstructed since mid-18th century, also in philosophy (e.g. in Kant and Hegel),[24] such that race and migration became closely linked.

Both European and American anthropology were preoccupied with race as a decisive factor in dividing the population and an understanding of cultures as linked to different stages of evolution, stages of civilization, locating Europe/the Western world as the highest ranking culture. Hence, in 1912, Franz Boas, on the basis of a report he had produced on the request of the United States Immigration Commission, published an article entitled 'Changes in the Bodily Form of Descendants of Immigrants' (Boas 1912), which investigated head forms, eye colour and skin colour amongst 17,000 European immigrants and their descendants in the US. The article described statistical variations in head forms according to racial and social classifications. Boas' point was that the measurement of bodies did not follow the classifications of race as an inherited bodily feature but was more of an environmentally-dependent variable. This article, however, can be seen as an example of the symbiosis between anthropology and scientific racism, and as a step forward for Boas in deconstructing and rejecting physical anthropology as a frame of understanding and classification of 'the quality' of human beings deriving from bodily characteristics such as skin colour, head shape, etc. In 1915, following the start of World War I, Boas observes the rise of nationalism: 'It is clear that the term race is only a disguise of the idea of nationality, which has really very, very little to do with racial descent; and that the passions that have been let loose are those of national enmities, not of racial antipathies' (Boas 1915:8 in Liss 1998:141). Boas and Ruth Benedict in the 1920s, continued a critical revision of anthropology, and published extensively on the subject.

In the same period – late 19th century to World War II – race and ethnicity were fundamental elements in state regulations on migration, both in the United States and Europe (e.g., the U.S. Chinese Exclusion Act of 1882). Anthropology in general, however, did not put migration very high on the research agenda until the late 1950s and early 1960s (Brettell 2008) due to what Malkki (1995) calls the 'sedentarist bias' in the study of the Other.

During the 1920s and 1930s, race was significant in the development of the sociology and anthropology of the Chicago School, which was very much influenced by Boas (who, as professor at Columbia University, trained many of the Chicago School scholars). The imaginary of the assimilation of the immigrant into the (American) nation-state was very strong, as was the perception of the significance and difference in race and ethnicity in the study of immi-

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[23] In the words of Hylland Eriksen, Anthropology grew out of imperialism, and sociology was a product of the changing class relations brought about by industrialization of Europe itself (Hylland-Eriksen 2001).

[24] See Young and Braizeil (2006) and Bernasconi and Cook (2003).

grants. Incoming races or ethnic groups were perceived to be less developed than the majority white American society, but with the capacity to assimilate into the national community over three generations.

The intellectual production of social sciences and studies to interpret race and migration was based on a transnational network (Harzig and Hoerder 2009) and shared university residency, most often by American scholars studying in Europe. This was illustrated by Jane Addams' inspiration from Toynbee Hall in London and her network in Canada, Europe and Russia, and by Robert Park, from the Chicago School, who studied in Germany together with George Simmel and was inspired by Simmel's conceptualization of 'The Stranger' in 1908.[25]

Robert Park's notion of assimilation as the outcome of 'all the incidental collisions, conflicts and fusions of peoples and cultures' (Park, 1928, cf. Heisler 2000:77) remained a powerful imaginary in the process of immigration. The notion of assimilation as the end-stage of a 'race-relations cycle' of 'contact, competition, accommodation, and eventual assimilation,' was viewed as 'apparently progressive and irreversible' (Park, 1950:138; cf. Alba and Lee 1997: 228).

During the 1930s, scientific racism developed alongside fascism and increasing persecution of Jews, a trend that was also reflected in research and migration regulations, culminating in World War II and the Holocaust. After 1945, post-war migration studies was revived parallel with the condemnation and denunciation of scientific racism, understood as biological racism.

The Chicago School's conceptualization of the immigration process as a progressive assimilation remained very influential in American sociology until the late 1970s (Heisler 2000), as was the original ideas about relating immigration and social problems, even though the academic position of the Chicago School itself diminished.

The critique of migration studies

Since its 'revival' in the 1960s and 1970s, migration research has often been criticized. The critiques are several:

- that it is not very well theoretically founded (Portes 1997, Arango 2004);

- that it is a subfield of various scientific disciplines, and in need of an inter- or multidisciplinary perspective (Bommes and Morawska 2005, Brettel and Hollifield 2000);

- that it is biased by the methodological nationalism embedded in most social science disciplines, but often in need of transnationalized perspectives (Glick-Schiller and Wimmer 2003, Levit and Glick Schiller 2004, Vertovec 2004, Faist 2004);

- that the link between state policies and international migration has remained undertheorized and little studied (Massey et al. 1998:286, Guiraudon and Joppke 2001:1);

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[25] This interpretation of Simmel, however, has been contested, but it is also cited as a construct portraying the migrant as the 'marginal man', placed in a community, but not being of the community, and contributing directly to urban, social disorder (Silverstein 2005).

- that it is often too closely linked to the gaze of the governor (inside receiving nation-states/regions) (Geddes 2000, 2003, De Genova 2005);

- that it is dominated by economic/cost-benefit oriented analysis (Portes, DeWind 2004);

- that it overlooks intersectional perspectives of gender, ethnicity and class (Guitierrez-Rodriguez 2010).

Migration Studies as a multidisciplinary field of research is often located in between or one side of 'real' research traditions such as sociology, anthropology, demography, economy etc. This is often reflected in a limited institutionalization in Academia. Migration Studies, however, is located and institutionalized in journals, conferences, smaller research institutes funded by and placed at universities, NGOs, IGs, GOs, etc.

Alejandro Portes has for decades been a key contributor to the discussions on theory and methods in migration research. In a 1997 article, Portes criticizes the 'melting pot immigration research' in the US, which addressed superficial aspects such as cultural habits, language and very seldom the 'fundamentals of immigration' which 'were grounded in political economy' (Portes 1997:800):

Promising perspectives are now emerging, according to Portes, because some contemporary migration research and social scientists have taken these fundamentals of migration into account such as 'the sustained demand for an elastic supply of labor, the pressures and constraints of sending Third World economies, the dislocations wrought by struggles for the creation and control of nation-states in less developed regions, and the microstructures of support created by migrants themselves across political borders:' (ibid.:801).

Encouraged by this development, Portes' project in the article is to 'reflect on the course travelled so far' (ibid.:800), and he reflects on some of the major and common pitfalls in developing more powerful theoretical models:

1. 'Theories do not grow additively'

2. 'Theories do not necessarily correspond to people's perceptions'

3. 'Typologies are not theories'

4. 'There is no overall encompassing theory of migration' (ibid.:803-808).

Instead of pursuing the overall theory of migration, he suggests a range of themes to be elaborated in migration research and theory in the coming years: transnational communities, the new second generation, households and gender. This suggestion, thematic research on issues linked to migration, seems to have been performed in migration studies in the years that followed.

Migration, however, has been researched, debated and constructed differently after World War II, and current discussions are trying to bridge the gap between disciplines as well as deconstruct epistemological assumptions.

Contributions such as Hollifield and Brettel (2000) on Migration Theory allow representatives of academic disciplines of sociology, anthropology, history, demography, economics, geography, law and political science to define migration within their discipline and comment on the

interdisciplinary perspective suggested by the editors. Their aim is not the unifying theory of migration, as suggested by Massey (Massey1993 in Portes 1997), but rather as suggested by Castles and Miller (1993) 'a study of migration, as a social science in its own right … strongly multidisciplinary in its theory and methodology' (Castles and Miller 1993 in Hollifield and Brettel 2000:2).

The recognition of e.g. the huge gap between history and social science, as observed by Lucassen and Lucassen (1997) follows the path of 'bringing scientific disciplines into migration studies.

As much as the contributions are relevant and interesting, they often maintain the focus on the disciplinary boundaries and on the disciplines of which migration is a relatively new research area (such as migration history). The contributions do not offer a new interdisciplinary approach as such, but are more like a first step, each presenting different approaches to migration that should or might merge into something more promising.

Bommes and Morawska (2005) warn against assuming that an interdisciplinary approach can begin immediately with common questions.

> 'Rather than striving for a 'melting pot' that fuses different approaches, interests and methods into a comprehensive theoretical framework and research agenda, interdisciplinary efforts should aim, we believe, at the acquisition, exchange and expansion of mutual knowledge about particular disciplines' epistemological assumptions, theoretical positions, primary research concerns and methods of gathering and analysing evidence' (Bommes and Morawska 2005:3).

The rejection of the melting pot approach leads Bommes and Morawska to draw the attention to the constructed character of social science knowledge. It invites discussion of future interdisciplinary migration research to reflect on the epistemological implications in order to develop and strengthen the concept of international migration and migration research within the disciplines.

I find the attention on the constructed character of social sciences very important, and I sympathize with the academic efforts to construct and reconstruct migration research on the basis of a transparent epistemology. Interdisciplinary perspectives have been introduced in migration studies through multi-disciplinary and epistemological perspectives, especially of gender, intersections of social divisions and transnationalism, all of which offer new opportunities in migration studies.

From my perspective of 'migration management', the analysis and reflections of the de facto space of migration studies is lacking. This is not in the sense of Castles and Miller, 'a social science in its own right', but rather as a de facto space of migration studies populated with international networks, journals, conferences, co-operation between scholars, GOs, NGOs and governments. This space has not been fully recognized by academia, perhaps because of a belated interest in some disciplines and due to traditions of close cooperation between knowledge production and governmental institutions in other disciplines (sociology, economics, demography).

In the following, I will take my point of departure in this de facto space, which in itself represents an important element in migration management.

Constructing migration as an autonomous research field: the case of the *International Migration Review*

In this de facto space of migration studies, the *International Migration Review* (IMR) has held the key position as the multi-disciplinary, beacon for migration studies, although it has seldom been explicit about theoretical and epistemological issues. The IMR was first published in 1964 under the name of *International Migration Digest* by the Catholic 'Missionaries of Saint Charles', Province of Saint Charles, located at Saint Charles Seminary in Staten Island, New York.[26] The mission was established in New York in 1888 by Italian Catholic priests, and apparently, parishes and churches spread rapidly throughout the city, the country and the North American continent in the following years.

In 1964, the Missionaries of Saint Charles published the journal *International Migration Digest*, but as the Center for Migration Studies of New York was established as an independent not-for-profit organization in 1964, on the estate of the Saint Charles seminary, the CMS in 1966 became the publishers of the journal.

In the first issue in 1964, the ambition was to publish articles 'on social and especially geographic mobility ' The focus was on sociology, and migration was constructed *as a social issue.*. The editors end their introduction by stating that they hope 'that what is presented here may engender an intensified interest in one of the most telling social problems of our time' (IMD 1964: 5).

It is striking that the most important, field-defining journal of migration studies was actually founded by a globally operating transnational (emigrant) community and not a state institution. Equally important is that from its inception, the field of migration studies deals with migration as a social problem.

In the renamed version of the journal as *International Migration Review* in 1966, the ambition has shifted toward publishing more original studies, and the approach is being defined in a broader interdisciplinary perspective than two years earlier: 'If demography, economy, sociology, history, psychology may give us an insight concerning the origin and the development of the phenomenon of migration, statistics, ecology and human geography may complete the analysis of the significant variables of the same phenomenon' (IMR 1966:3).

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[26] The Missionaries of Saint Charles were actually a Catholic transnational initiative to maintain the Catholic faith amongst the considerably high number of Italian emigrants in North and South America in the late 18th and early 19th centuries. This congregation of missionary priests was supposed "to ensure as far as possible [Italian migrants'] moral, civil, and economical welfare"; it was to provide priests for the emigrants, as well as committees of persons who should give the good advice and practical direction needed by poor Italians newly arrived in foreign ports; to establish churches, schools, and missionary homes in the various Italian colonies in North and South America, and to train youths for the priesthood.' http://www.newadvent.org/cathen/ (The Catholic Encyclopedia).

It is debatable as to whether inter- or multidisciplinarity has unfolded itself in the journal. Has it been a common framework for parallel, but not integrated perspectives on migration? Which disciplines have been represented the most? The emphasis on interdisciplinary perspectives has been a part of the self construction and understanding of the research field for a very long time. However, theoretical discussions are not very common or frequent in IMR, especially as related to theory or philosophy of science.

IMR started out as a journal chiefly centred on issues confronting the U.S., North America and the Americas. It subsequently extended its 'coverage' to a Western-global perspective, and among its contributors have been the major scholars in migration research. In the current journal description, IMR present itself in the following way:

> *The International Migration Review* is a peer-reviewed quarterly journal on sociodemographic, economic, historical, political and legislative aspects of human migration and refugee movements. Each issue of IMR presents original articles, research and documentation notes, reports on key legislative developments – both national and international, an extensive bibliography and abstracting service, the International Sociological Association's International Newsletter on Migration, plus a scholarly review of new books in the field. IMR also offers annual special issues. Planned by the Editorial Board in conjunction with guest editors, each of these issues provides an extensive and comprehensive analysis of a single topic of emerging relevance in migration studies. Through an interdisciplinary approach and from an international perspective, IMR provides the single most comprehensive forum devoted exclusively to the analysis and review of international population movements [27]

The thematic issues of the IMR reflect the changing foci and fashions in international migration study: The US/North American orientation in the 1960s and 1970s has given way to a European and non-Western orientation, although the strong US orientation remains. In the 1980s, themes that remain relevant today begin to emerge as global issues: migration of refugees, gender aspects (or 'women'), illegalized migration (now labelled 'irregular'), and development issues. Human rights issues are constructed as relevant for groups such as refugees, migrant workers, women, civil rights and migrant political participation generally. Theory, methods and measurement are also brought to the fore, which can be seen as an increasing or re-shaping of governmentalization of migration.

In the 1990s, human rights are still related to migration relevance (migrant workers convention, ethics), but the emphasis is on incorporation of immigrants. European migration issues become more visible, and theory and methods are on the agenda.

In the first decade of the millennium, theory and methods are again debated, and the concept of transnationalism is defined and discussed. Transnationalism has captured a place in the de

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[27] Other academic journals dedicated to migration are most often linked to a specific scientific discipline, a specific region or to an international governmental organisation and are of a more recent date. The *European Journal of Migration and Law* (since 1999), *International Migration* (IOM, 1993), the *Journal of Ethnic and Migration Studies* (since 1998), *Journal of International Migration and Integration* (since 1999).

facto space of international migration studies. Assimilation and incorporation remain the main theme, however, which underscores the journal's perspective of migrants as immigrants.

The IMR is a forum for the production and dissemination of academic and semi-academic knowledge on migration and migration management. The journal has the capacity to construct, reconstruct and co-construct key concepts, methods and truths about migration, which makes it very interesting to further investigate some debates published in the journal.[28]

Relevance, disagreements and constructions in theory and methods from the early 1980s to late 2000s

In each decade since the 1980s, theory and methods in migration studies have been the theme of a special issue in the IMR. Although these special issues cannot suffice as a full representation of theoretical and methodological developments in migration studies, they provide some indicators about those issues that migration studies views as relevant in a journal that itself is both a reflection and a producer of knowledge, and of knowledge about this knowledge. The contributions and the way they are presented describe issues of relevance, problematizations, historical developments of concepts and perspectives in their presentation of truths in migration studies. In the following paragraphs, we will survey the thematic issues on theory and methods in each decade.

IMR 1982 – the big divide, problematizing illegal migration and limits in migration research

In the introduction to the 1982 IMR special issue, 'Theory and Methods in Migration and Ethnic Research', Portes laments the current state of migration studies, noting the increasing public awareness of the size of *undocumented* immigration and a rapidly growing research literature and number of conferences – most of them organized by government agencies and private organizations. This focus on the undocumented migration has created a 'growing imbalance between policy and scholarly perspectives in the study of immigration and ethnicity' (Portes 1982:292).

According to Portes the policy-focused perspective limits research to the study of predefined problems and provides answers to the question: 'What is the nature of the problem, and what can we do about it' (ibid.: 292).

For my approach, taking my point of departure in the governmentality perspective, Portes remarks are pertinent. On the one hand, he opposes an instrumental governmentalization of migration in research, while on the other, he claims the freedom to provide better, more true research results as a basis for policymaking and the advantage of incorporating research in assessing policy proposals in order to qualify policy decisions.

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[28] For example the 'irregular migration' can be traced to W.R. Bohning, from the ILO, who in his Foreword to the 1982 Special Issue on Migration and Development uses the term 'irregular migration'; the term is also used in the 1984 issue on irregular migration.

It should also be observed that one of the major disagreements is about the way undocumented, irregular, illegal immigration is constructed as a problem through government funding and limitations.

In his critique, Portes lists the assumptions which form the basis for policy-focused research:

1. the issue at hand – for example illegal immigration, is a 'problem' . History shows that phenomenon often are constructed differently in different periods of time.'

2. That public agencies can do something about the problem. Again, history shows failures of government agencies to solve the problems, exemplified by the US Department of Labor and Immigration and Naturalization Service, which could not stop illegal migration.

3. That government actions are performed in the common interest of society as a whole. History shows differently; certain groups and privileges are reproduced over and over again (ibid.:294).

Besides arguing indirectly against the actual version of governmentalization of migration, two other elements are relevant in Portes' critique. First, the actual process of governmentalization is linked to the problematization of illegalized migration; this creates pressure on research to provide foundations for or participate in the (political) process of problematization of illegalized migration, and deliver the basis for political solutions/proposals. The second element is Portes' indirect reference to history as a de-naturalizing perspective on current phenomenon, and to the constructedness of concepts and problems in social sciences.

Portes does not elaborate on these issues. In the context of the time, however, 1982, it is very interesting that the critique is framed in this way. It is a kind of problematization of governmental problematization.

This critique was the point of departure for organizing a conference, and the special IMR issue as an independent forum for discussions of theory and methods without predestined agendas and problems and solutions. So what is brought to the table in 1982?

The contributions in 1982 are centred on the divide between 'equilibrium', individualized, neo-classical economics, rational choice approach to migration on the one side and the collective, historical-structuralist, socio-economic, inequality-focused approach to migration on the other. The two sides are debated and described in the papers that define themselves according to this divide, or to the commitment of bridging this divide.

The significance and dominance of the neo-classical economics, rational choice approach in migration literature is characterized by Bach and Shcraml as

> fostered by the popularity of supply-side economics in general and coupled with the familiar restrictionist approach to immigration policy during recessions, interests in the individual characteristics of migrants has surged in both intellectual and policy circles. Human capital theorists, for examples have successfully reintroduced to migration literature the long abandoned theory of assimilation to explain the 'progress' of low wage migrant labourers to comparable status with their low income ethnic groups in the United States (Chiswick 1980).

With astonishing similarities to the generally denounced ethnocentrism of the immigration debates of the 1911 and the Dillingham Commission, this human capital assimilationist theory has revived the analytical importance of values, motivations and even intelligence of recent immigrants' [Bach and Schraml 1982:322].

The historical-struturalistic and Marxist approach is criticized as being too much on the macro level, offering a good understanding of macro economy, but not on individual and group behaviour and agency. Migrants are reduced to functions of economy and empty baskets to be filled by economic determinants, which are characterized as insufficient (Grasmuk 1982, Bash and Schraml 1982, Wood 1982, Pessar 1982).

In order to develop or incorporate the agency of migrants and non-migrants into the economic understanding of the structural processes which produce/embed migration, the concept of household is suggested by Bash and Shram (1982), Wood (1982) and Pessar (1982). Pessar applies the concept to her empirical research on migration from the Dominican Republic to the US. Pessar defines household in terms of 'a decision-making group that ensures its maintenance and reproduction by producing and disposing of a collective 'full income' (Wallerstein 1979, Pessar 1982:348). She underlines the mediating role of households between individual labourers and their dependents, and the organization of production in a specific social structure.

The household concept is here developed as a bridge between individual and structure, between macro- and micro-levels, but still based on class as a decisive social formation of capitalism.[29]

The suggestions for bridging the divide between micro- and macro-levels from the 'equilibrium' perspective are more in the direction of extending the assimilation approach by adding more variables in the study of immigrants. This is done in order to produce 'better' measurements (Hirshman 1982), extending the rational approach to include collective actions as an alternative to the concept of class (Hechter et al. 1982), and by developing predictions of human behaviour and designing advanced mathematical formulas to calculate the costs and benefits of various migration flows or groups (Hechter et al. 1982). The strategic answer to bridging this gap is to develop a broad range of variables to explain inequality among poor groups, and comparisons between poor groups ('immigrants' and 'ethnic minorities' such as 'blacks' (Hirshman 1982) and a broad range of determinants (Hechter et al.) to predict behaviour of migrants.

Cornelius' suggestion of bridging the gap between macro- and the micro-levels provides a series of detailed methodological reflections and experiences on empirical research on illegalized migrants (Cornelius 1982). He states that it is necessary to bridge the gap between world system theory and concrete situations, but he does not separate research interests from policy interests, and he opposes the recommendation of US government officials not to fund studies of illegal immigrants because of lack of methods that could 'provide total accurate information on the detailed characteristics of illegal aliens' (Cornelius 1982:380). Cornelius declares that the aim of his research on illegal migrants is to '[c]haracterize the undocumented popula-

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[29] The household concept is later developed into/within the transnational framework.

tion' (ibid.:384) and argues that it is possible, with some adjustments and inaccuracy, to provide knowledge about this population. Self-reflection on his own position or questioning the aim does not appear in the work, nor is there any problematization of the problematization itself. Cornelius' article could be seen as an element in the governmentalization process of illegalized migration in the United States. Here it is not the state demanding knowledge, but research providing the possibility to produce the knowledge and taking one step in the direction of governing illegalized migration.

In general, the contributions are preoccupied with the study of migrants more than a societal context. The household perspective, however (especially Pessar 1982), opens the way toward relational approaches, but only to a limited extent.

The state and the political dimension are touched upon only briefly and implicitly. Portes opposes unifying research and policy, and Cornelius advocates for unified aims in research and policy. The generator of power relations is located in capitalism, and the state is a diffuse element. Illegalized migration and the economic crisis are emphasized as factors affecting migration, migration research and migration policy, but this perspective is not taken further.

IMR 1997 – Race, ethnicity, undocumented migrants and Europe in theories and methods

In the 1997 issue, entitled 'Immigration Adaptation and Native Born Responses in the Making of Americans', assimilation, integration, incorporation and adaptation are again on the agenda, framing the United States, and the relations between new residents and old residents of the American nation-state. Although race and ethnicity are not cited as thematic issues, and on the background of a continuously debate and focus on constructions of ethnic differences, this is as close to a thematic issue on race as IMR has had so far.

An updated version of assimilation theory is presented (Alba and Lee 1997), a suggestion to bridge assimilation and pluralism approaches (Gans 1997) and a revision of the assimilation paradigm that takes it out of the ethnocentric frame of understanding and brings it into an adequate understanding of the reality of migration (Rumbaut 1997). Rumbaut's project is to

> test empirically the conception of assimilation as a linear process leading to improvements in immigrant outcomes over time and generation in the United States, to unmask underlying pre-theoretical ethnocentric pretensions, and to identify areas in need of conceptual, analytical and theoretical refinement. It is precisely through the examination of paradoxical cases – in effect, deviant case analyses – that fruitful reformulations can be stimulated, considered, and advanced [Rombaut 1997:927].

According to Rombaut and others, the assimilation paradigm can be revitalized in a more sensitive and non-racist way, but the intellectual persistence of the concept and the paradigm itself, even while viewed critically, remains very strong.

The contributions more or less explicitly reflect connotations and references to crisis concerning immigration, immigrants, national stability, ethnic and racial tensions. Johnson et al. (1997) define crisis and tensions as created by the influx of migrants:

Tensions, conflicts, and community instability associated with heightened immigration – especially of nonwhite immigrant groups – threaten to balkanize America. This article highlights the root causes of the growing opposition to both immigrants and U.S. immigration policy, the nativist backlash, presents a typology of the community-level conflicts that have arisen as a consequence of heightened immigration – legal and illegal – to the United States over the last 30 years' [Johnson et al. 1997:1055].

A few contributors (Sanchez 1997, Huber and Espenshade 1997), move from the perspective of studying the migrants to studying the societal context, which generally was quite unusual so far in the IMR thematic overview. Sanchez focuses his research gaze on the rise of nativism in the US and tries to discuss, define and deconstruct the concept of race as a central political and scientific battleground. Sanchez criticizes the lack of sociological clarification of the concept, citing Omi and Winant as 'shining exceptions':

Michael Omi and Howard Winant (1986:71) […] define racism as a historically situated project which 'creates or reproduces structures of domination based on essentialist categories of race.' Omi and Winant (1986:55) offer a definition of race which takes into account the instability of a social construction, yet does not see race as merely an illusion: 'race is a concept which signifies and symbolizes social conflicts and interests by referring to different types of human bodies [Sanchez 1997:1015].

In 1997, race and ethnicity were still predominant themes in migration research and immigration; they were referred to as a social construct, but also as a matter of skin color and prejudices (e.g. Johnson et al. 1997). Sanchez takes the debate on race out of the migrant, so to speak, and places it in a discussion and study of its own.

His perspective, however, does not offer a theoretical framework for analysing race, perhaps because his main aim is rather to conceptualize racism and discrimination taking place outside the black-white divide, locating 'brown' minorities in the space of discrimination.

For both Sanchez (1997)and Huber et al. (1997), the problematization and targeting of undocumented migrants is closely linked to nativism and to racial discrimination, as exemplified by Proposition 187 of 1994 in California (that excludes illegalized migrants from health care, social services and public education provisions). Nativism, or what Huber et al. (1997) call 'neo-isolationism', is seen as increasingly significant in political development and as a threat to America:

Signs, therefore, point to a resurgence of a nativism unparalleled in this country since the 1920s. From attacks on immigrants in urban unrest to legislative action attacking immigration policies to academic and media discussions resonating the familiar intellectualized examinations of racialized dissonance of the past, today's nativism is as virulent as any that has gone before. Yet this era's nativism, like this era's immigration, has unique characteristics which differentiate it from that which appeared in the early twentieth century at the height of European immigration to the United States. Traditional hostility towards new immigrants has taken on a new meaning when those immigrants are racially identifiable and fit established racial categories in the American psyche. With the increase of immigration from Asia and Latin America, a new American racism has emerged which has no political boundaries or ethnic categorizations [Sanchez 1997:1014].

Huber et al. (1997) extend their perspective beyond the United States and draw parallels to developments in Europe, where paths and rights for immigrants in order to obtain citizenship and social rights are being destabilized.

In general, the authors in this thematic issue offer historical perspectives and narratives, although the purpose and conclusions as regards history, interpretations, similarities and differences vary. Nevertheless, the process of narrating US immigration (and in some cases race) history (beginning with the '2nd wave' of Eastern and Southern Europeans migrating to the US between 1880 and 1920) is quite visible and interesting when viewed in light of the present situation. This can be compared to European migration research, which tends to put the starting point of immigration to the 'failure' of the guest worker programme in the 1960s and 1970s.

Crisis, conflicts, threats regarding ethnic relations now and in the future (Johnson et al., 1997) and a national community for all Americans, plus the rise of racism, nativism and anti-immigrant violence are depicted in the various contributions in a way that corresponds with the general perception in both Europe and the US, whereby migration is linked to, or even the cause of a multidimensional societal crisis.

The laws of migration; 'Crisis, pressure and state impotence' or 'Gates and doors shaped by global inequality'

Before moving to the last IMR thematic debate on theory and methods of migration studies, published in 2004, let me discuss the discourse of 'migration crisis' which has become a (renewed) construct in migration research and policy in the last two decades. The late 1970s, early 1980s were marked by a growing attention among researchers and policy-makers to migration as problematic, especially in Europe.

Migration studies was born out of an American context, but the Europenization of migration as a social science and policy issue began to be reflected in the IMR in the 1980s, distinguishing itself from the American framework of understanding, by its more explicit emphasis on the state and migration management perspectives.

Hammar (1989) reflects on Portes' (1989) positive view of labour migration as a process by which capital obtains cheap labour and the migrant workers are offered the opportunity of social integration and mobility. He sees this as a distinctly American point of view uses the rest of the article to characterize the necessities for Western Europe (welfare) states to carry out migration management. Hammar sees Americans as being preoccupied with short-term gains and Europeans with long-term costs.

It is striking how Hammar's interpretation of the 'failed' guest-worker programmes in Western Europe is the main narrative, almost a doxa. Hammar's account can be read as a very persistent welfarist and nativistic view, which 20 years later has become prominent in many Western European countries within state administration and which transcends the left-right political divide and also involves trade unions, media and other actors.

Hammar, as a researcher, is fully normatively united with the nation-state perspective of welfare states, and interprets labour immigration to affluent Western European countries in terms

of a failure of governing. Hammar's chain of argument is based on the view of immigrants producing problems and threats against the celebrated welfare state. When the temporary migrant workers did not return home from Western Europe in the mid-1970s, it became clear that mass deportation could not take place, as had occurred in the Gulf States and East Asia. Mass deportation, Hammar emphasizes, 'could not be applied for humanitarian reasons. Thanks to the development of human rights after World War II, foreign citizens have been entitled to basic rights expressed for instance in the European Convention of Human Rights' (1989:632). In his rationale, this inability to deport surplus migrants has undermined the European welfare state. Migration is thus problematized as a threat to the nation-state, and the political solution offered is closure/reduction of immigration.

The co-constructing of the migration crisis (as a 'heated' problematization of migration from poorer, non-Western countries to more affluent Western countries) was rather widespread in migration research during the 1990s. James Hollifield, for example, published an article in the *Harvard International Review* entitled 'The Migration Crisis in Western Europe: Causes and Consequences'. Hollifield begins by stating that 'Few issues have had a greater impact on the politics and society of contemporary Western Europe than immigration' (1994:1). He continues to narrate the historical path into this crisis by citing the 'origins of the migration crisis' which according to him lie in state mismanagement or loss of control with the huge influx of migrants. Migrants are thus constructed as the origin of the problem, which states have simply failed to 'solve'.

In Hollifield's historical narrative, three waves of migration caused the problems: mass migration due to decolonization (1945-1962/63), the guest-worker programmes and the 'myth of return' (1945-1973), and thirdly, the wave of refugees and asylum seekers (1945-present). These influxes of migrants are constructed as representing threats and dangers that have not been managed properly, ultimately leading to right-wing extremism, restrictions on immigrant inclusion, etc. The image and vocabulary of 'pressure will mount for states', 'failure of national policies to control immigration', the 'painful process' of migration, all underscore Hollifield's rhetoric of crisis, panic and catastrophe.

It is obvious that the historical narrative of migration and of how migration and migrants became a problem is central to the social science approach to migration and migration studies. From a critical perspective, it could be of value to try and study the process of problematization, the process that turned migration and migrants into a huge political issue. Very often, migration scholars participate actively and productively in the process of problematization of migration which links directly to 'seeing like a state' (Bigo 2002).

Conflicting approaches in migration studies are present as concerns perspectives of research and the construction of the past in a historical approach. In 1989, Aristide Zolberg published an article in *International Migration Review*, entitled 'The Next Waves: Migration Theory for a Changing World.' In this paper, Zolberg reflects on what he regards as new tendencies in migration research that can help migration research to participate 'in a broader project concerned with the elucidation of social and political conditions' (Zolberg 1989:403).

Zolberg sees these tendencies as a step forward from the old classical migration theory that goes back 100 years earlier, to Ravenstein's 'The Laws of migration' (Ravenstein 1885,

1889). In Ravenstein's optic, migration, both nationally and internationally was conceptualized as 'relocation of human beings across time and space', and as an individual process of relocation.

What unites the new theoretical tendencies, according to Zolberg, (1989:404) is that

- They are more historical, in the sense that they pay more attention to 'the changing specificities of time and space';

- They are structural rather than individualistic and focus on capitalism and the state

- They are generally globalist in the sense that 'they see national entities as social formations, as interactive units within an encompassing social field'

- They are generally critical 'sharing to some degree a commitment to social science as a process of demystification and rectification, and in particular are concerned with the consequences of international migration for the countries of origin and destination, as well as for the migrants themselves' (ibid.: 404).

Zolberg underscores the need for to historicize migration theory: 'The historicization of migration theory implies that theoretical concerns and emphases must be modified in the light of changing social realities' (ibid.).

Zolberg's project here is to predict future trends using elements from a modified world-systems approach and state theory. The evaluation and the discussion of the theoretical understandings within the world-systems or the globalized capitalist labour market highlight some key points which are relevant to my understanding of Europeanized migration management, to which I will return later, but unfortunately, the theoretical perspective on migration theory (not only the analysis of migration) fades in the background in the article.

In highlighting European immigration policies around 1973 as a mix of 'policies designed to import temporary alien labour [that] were cast against a background of strictly limited immigration.' (ibid.:408) Zolberg concludes that these seemingly contradictory policies are interrelated. He therefore suggests that it is necessary to study both 'the wall they have erected as well as the small doors they have provided in it.'

Two years later, Zolberg attempts to historicize U.S. immigration policy in an impressive time span, viewing it as an ongoing balance of opening different and often inconsistent kinds of doors (Zolberg 2006). Hence, U.S. immigration policy is segmented 'into a "main gate"' dealing with general immigration, a side door for refugees, and a "back door" dealing with the procurement of temporary agricultural workers' (ibid.:19).[30]

The recognition of different kinds of 'doors' and different degrees of intention and implicit intention could be a point of departure for understanding the political rationality of European migration management. This might replace the search for the overall consistent 'rational' rationality in migration management. The emphasis on different kinds of doors and gates is an approach that can open up the possibility to highlight inconsistencies and contradictions as

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[30] The metaphors describing immigration policy as 'gates' and 'doors' are also found in his 2006 article 'Managing a World on the Move', *Population and Development Review*, 32 :222-253.

essential characteristics of modern capitalist migration management rather than temporary aberrations..

Furthermore the persistent narrative of the weak Western state (e.g. Hollifield 1994, Hammar 1989) is challenged here by an understanding of the state, not as 'victim of immigration', but as a capacity to govern, make decisions about inclusion and exclusion and operating in the field of exercising power, impacting the social field of migration to produce intended, explicit effects along with unintended or implicit effects.

Whereas Zolberg analyzes migration within a conceptualization of transnational structural capitalist conditions for migration and global inequality, he points to the policies of nation-states of the potential receiving countries as those 'which determine whether movement can take place, and of what kind' (Zolberg 1989:406). In fact, the control that states exercise over borders is what 'defines international migration as a distinctive social process' (ibid.:405).

This perspective should be contrasted with the prevailing imagery of migrants as a 'force' that cannot be controlled by nation-states. In this metaphor, migrants behaviour and motivations of migrants must be studied in order to predict how this 'force' will act, whether movements will increase or decrease, etc.

Zolberg rejects the position of Ravenstein (who did not distinguish between national and international migration and did not focus very much on national borders) and the old school of migration theorists. He links migration management and international migration so that the first constitutes the latter as a distinctive social process. Accordingly, Zolberg defines the distinctive social process as a research field that justifies and calls for migration study as a distinctive research area. Thus, one could say that international migration cannot be understood without understanding how it is governed by nation-states and others with the institutional capacity to govern international mobility.

In his 2006 book Zolberg elaborates on the significance of the nation-state as a constitutive element in international migration and points to the specificity of the organization of the world according to the Westphalian system, as 'congeries of mutually exclusive sovereign states'(Zolberg 2006a:11). This implies that international migration is

> an inherently political process, and the relevant policies encompass not only the regulation of outward and inward movement across state borders – including of persons who are not, or declare that they are not, migrants – but also rules governing the acquisition, maintenance, loss, or voluntary relinquishment of 'membership' in all its aspects – political, social, economic, and cultural [Zolberg 2006a:11]

Furthermore this highlights the fact that borders are also social constructs of a specific time as well as border control (Torpey 2000, Cole 2001) and the assumption that increased border control, migration management and an increased preoccupation with international migration as a problem related to national sovereignty and identity are elements of contemporary migration management. As Zolberg observes, the international migration regime of today came into being around the beginning of the twentieth century, at the time when border control changed from forced return to remote control (Zolberg 2006b:223)

However Zolberg's view, that the complete determination of migratory movements can be referred to borders 'that will determine whether any international migration will take place at all' (1989:405) needs to be modified in order to conceptualize the complexity in the social process of international migration. Whereas Zolberg is preoccupied here with the question of the 'why', more reflections and theoretical developments on the 'how' will be needed.

The historical analysis of the American management of migration (Zolberg 2006a), however, is a very important contribution to contemporary migration research and points to the need to analyze European migration management since the birth of the nation-state in a similar way.

Nevertheless, the linkages between state, crisis, migration and the images of absent government, lack of control and authority have been reflected substantially in research as well as policy since the 1980s.

2004 IMR: Transnational perspectives, unauthorized migration and the absence of gender

In 2004, theory and methods are debated again in the IMR as a follow-up to the 1997 issue. A major focus in this special issue, entitled 'Conceptual and Methodological Developments and the Study of International Migration', is the concept of failed policy responses. The issue is presented as a cross-national dialogue on migration studies and divided into four themes of importance:

- States and modes of political incorporation. The state and the relation between the migrant and the state has been brought to the fore explicitly as intended and unintended consequences of migration policies (Castles 2004), management of migration from the perspective of the nation-state (Hollifield 2004), dual citizenship (Faist 2004) and integration (Freeman 2004).

- Transnational communities and immigrant enterprises as an emerging conceptual framework to replace the methodological nationalism, reiterating the. call for'a transnational social field perspective on migration' (Glick 2004, Levit 2004)

- Unauthorized immigration is reflected in contributions, especially on the measurement of illegalized migrants (Massey et al. 2004, Heckman2004), which can be seen as an indication of the increasing political interest to governmentalize the illegalized population in order to make the illegalized migrant manageable with respect to numbers and definitions.

- Religion and migrant incorporation are themes of academic reflection. 'Assimilation' becomes 'taboo', but the preoccupation with incorporation of immigrants is still substantial.

The recognition of transnational approaches and the role of the state is significant – and the discussions are important to the understanding of migration management – and also for the claim of global governance.

The state migration management is debated and analysed more explicitly in this issue than the preceding, so the 'state is brought back in' (Hollifield 2000), and together with it, the emphasis is on constructions such as sovereignty and territorialized rights.

Castles (2004) defines 'policy failure' which to a large extent is the framework that brings the state back into migration studies. Castles problematizes the capacity and ability of the nation-state to control, stop and manage (im)migration. Castles opposes this widespread notion that states have failed to manage migration. According to him, states influence migration through their policies, but states also fail to achieve their declared objectives. As examples, he mentions that in spite of the White Australian Policy in 1901, intended to encourage British white immigration,, Australia ended up with an ethnically very diverse population; while Germany, which recruited temporary migrant workers in 1955-1973 who were not considered potential citizens in a country based on citizenship by descent, nonetheless changed its citizenship regulation in 1999 from *ius sanguinis* to *ius soli* (Castles 2004:853). Hence, policy failure can be said to occur when a policy does not achieve its stated objectives – in the case of Australia, to remain white and monocultural; in the case of Germany, to import labor and not people. This leads to an analytical problem: it premises judgments about the success of policies on the existence of explicit and honest policy objectives. But policymakers may be reluctant to declare their true objectives for fear of arousing opposition. This makes it necessary to deconstruct official goals and look for hidden agendas' [ibid.:854].

I disagree with Castles' understanding of deconstruction as looking for hidden agendas. 'Hidden agendas' implies an explicit intention of hiding and disguising, which analytically is not very productive. A more valid approach would be to search for rationalizations and problematizations in order to establish, identify and understand the complex of governmentality.

Castles's narrative of the history of state migration management is nevertheless useful because of the choice of unit of analysis, which is quite different from that of Hollifield, who took his point of departure in a narrative whose thematic is 'waves of immigrants'. Castles' narrative draws on Zolberg, and he contests the 'long-standing orthodoxy' of especially US migration theorists that migration is determined by market forces.

According to Castles, migration control has a long history, in which prohibitions on emigration played an important role. Hence, in early 19th century Britain, the emigration of skilled workers was banned, and strict emigration controls were found in fascist regimes in Europe, Portugal and Spain and in the Soviet bloc states.

Organising migration controls around labour recruitment has a long history, as colonial slave trade, settler immigration to colonized areas and in relations between the West and the 'Rest'. Castles characterizes the 19th century as a century of experimentation in migration control, with extended mobility, extended registration and later, the separation of citizens and foreigners.

Migration management and policy within the last 50 years is characterized as becoming and being essentially about regulating North-South relations based upon global economic inequality (Castles 2004:862). Castles' approach, however, does not evolve into a general theoretical perspective. Rather, it is more a catalogue of issues.

The thematic issues of the IMR on theory and methods in the 1980s, 1990s and 2000s showed various trends and developments. However, before reflecting on these, I will include two theoretical discussions in migration studies and in IMR that are in illuminating the way forward in migration studies: gender and transnationalism:

Bringing women back in (1984)

As an element of significant importance in understanding international migration, gender was almost totally absent in migration studies for many years. This is despite the fact even Ravenstein (1885, 1889) in some sense operated with gender as an element of understanding migration:

> Woman is a greater migrant than man. This may surprise those who associate woman with domestic life, but the figures of the census clearly prove it. Nor do women migrate merely from the rural districts into the towns in search of domestic services, for they migrate quite as frequently into certain manufacturing districts, and the workshop is a formidable rival of the kitchen and scullery [Ravenstein 1885:196].

Further, Ravenstein notes that 'Women are greater migrants than men, but they go shorter distances' (1989:261). Ravenstein implicitly links a gendered labour market to gendered migration, which is remarkable, considering the subsequent 80 years of distinct gender blindness in migration studies. Not very many migration scholars followed the puzzle of the 'greater migrants'.

In 1984, 'Women and Migration' is on the agenda in the IMR. While it is obviously not an explicit discussion on gender and migration, the special issue nevertheless constitutes a recognition of 'the specificity and importance of women in international migration' as stated in the 'Introduction'.

The first article (Houston et al. 1984) is a historical follow-up to Ravenstein's observation that 'woman is a greater migrant than man' by showing statistically that women have dominated US immigration since the 1930s. The article laments the fact that women have been invisible in migration research. Even though Ravenstein acknowledged women in the study of migrants, this issue of IMR can be said to represent a discontinuity in migration studies in that women, and later gender, become agents in migration history, an effort largely by female researchers.

It is obvious that history is a battlefield for struggle and recognition of truths – and the truth to be canonised here is that women have an equal place in narrative of migration history. The explanations for the shift in female immigration to the US from 1930 is suggested to be a result of the immigration restrictions in the 1920s, that excluded Southern and Eastern European immigrants. Jackson (1984) presents a historical analysis of female emigration from Ireland in the 19th century, explaining the increase in female emigration in the latter half of the century; female emigrants outnumbered males and continued to do so in more than 100 years.

> For women, it was more than a flight from poverty. It was an escape from an increasingly patriarchal society, whose asymmetrical development as a colony generated insufficient social space for women, even as wife and mother [Jackson 1984:1018].

Gender inequality and social indignation are visible in many of the articles. One begins with a reference to an ILO statement on global gender inequality: 'Women comprise 50% of the world's population, contribute two-third of the world's work hours, receive 10% of the world's income and own less than 1% of the world's property' (Connell, 1984:964).

Empirical studies in this new research terrain are presented: these include a psychological study of stress reactions among Turkish female migrants in Denmark (Mirdal 1984), a comparative (inter-gender, inter-ethnic) statistical analysis of labour market occupations and employment (Tiendaet al. 1984) and other studies.

Saskia Sassen (1984) offers a macro-analytical perspective on migrant women in the global labour market, breaking the traditional household-family perspective on female migrants, and locates the immigrant woman as labour supply in a changing capitalism, where sectors in the economy are downgraded and upgraded due to capitalist restructuring, giving rise to a

> direct and indirect demand for low-wage labour generated by the expansion of management and control functions centred in these large cities and necessary for the regulation of the global economy. All this is contributing towards informalization in various sectors of the economy. The associated feminization of the jobs supply and the need to secure a politically adequate labor supply combine to create a demand for the type of worker represented by the immigrant woman [Sassen 1984:1162].

This understanding of the driving forces in female migration from South to North has been very influential ever since. The problematization here revolves around capitalism, and migration is included as determined by economic structures, but in a political process that differentiates according to gender.

Household-workplace, family-labour market relations are often made relevant in the articles. One section of the special issue is reserved for internal 'rural to urban migration in the third world'. Focus in the 1984 issue is on neglected information, lack of data on women, social inequality, labour market and methods and epistemology. The problem of women in migration studies is here defined as a non-presence in the migrant population.

From woman to gender (2006)

The IMR special issue in 2006 on gender and migration was published at the 40 years anniversary of IMR, more than 120 years after Ravenstein's implicit notion of gendered migration.

Portes, in IMR 1997, had noted gender as an important perspective of study: 'like class and race, gender represents a master dimension of social structure, and a focus on this dimension can yield novel insights into many phenomena' (Portes 1997:816).

In the 2004 IMR thematic issue, however, Portes and DeWind introduce 'Progress of Research and Theory in the Study of International Migration' without presenting any specific reflections on gender and households. Genders and households had become almost completely invisible as research focus, which can be an indication of the persistent marginalization observed by some of the contributors to the 2006 thematic issue.

In the 2006 IMR issue on gender and migration, entitled 'Gender Revisited', theory on gender issues has come into existence as a result of feminist theory, and focus has shifted conceptually from 'women' to 'gender'. The remarkable increase in research production on migration and gender is also underscored as a difference from the 1984 issue and characterised as bringing female migration out of the shadows.

An increased multidisciplinary approach in gender-and-migration studies is present in this special issue; anthropology, geography, psychology, sociology, history, law and society, political science, sexuality studies are included, and the and research is now conducted across the world. This trend is not restricted to gender-and-migration studies, of course, but is a trend of contemporary migration studies generally.

Whereas the 1984 issue narrated women in migration ('women were there, and sometimes they outnumbered men as migrants') the 2006 issue constructs the narrative of women or gender in migration studies (Sinke 2006) as a process of how women, both as migrants and researchers, were made invisible. Women as migrants (drawing on Ravenstein's statements as one prominent example) and female researchers were visible in late 19th century, early 20th century research and data production, but from the 1920s funding in the United States dropped when issues could be linked to social reforms (Donato et al. 2006). The historical narrative of gender-and-migration research' birth and development after 1965, linked to women's emancipation and participation in labour market, is also present (Sinke 2006).

Some contributors see the theoretical and methodological impact of including women and gender in migration studies through the notion of gender as a relational, spatially and temporally contextual concept; and of the presence of more female researchers and more research on gender differences and particularities.

The governing of migration as applied by states and policy is dealt with by Mahler and Pessar (2006), who warn against applying gender as an attribute to migrants, but rather understand gender as a constitutive element in migration and migration management. They link ethnographic research to the perspective of ethnic and cultural studies.

Mahler and Pessar conceptualize gender as a 'principal factor, that structures social life' (2006:29) and as a relational and situational construct. They complain about 'gender' still being marginalized in migration research and about the important change in paradigm concerning the transnational dimension within which they operate and see themselves. As an implicit reference to academia and as a social field structured by relations of power, they report on their own frustrated efforts to bring gender into debates on transnationalism by organizing panels and conferences on the subject. They also offer their theoretical framework, 'Gendered Geographies of Power' to conceptualize identities and relations in a transnational space and operating 'along and across many socio-spatial scales – from the body to the globe' (Mahler and Pessar 2006:42). They suggest refraining from using only strictly ethnographic methods, not least because it contributes to the marginalization of gender in migration scholarship. Instead, they propose an 'interdisciplinary and methodological pluralism', also because migration is one of the most cross-disciplinary fields in academia today. Parallel to their review of existing contributions on gender and migration issues – and suggestions for enhanced research on, for example, how gendered practices of recruitment structure migration, I find it interest-

ing that they are very explicit in their own strategies and interests in advocating the relevance of gender to knowledge production about migration.[31]

Calivati (2006) includes processes of racialization as well as gendering and migrant status in her review of the literature on law, migration and gender. Her emphasis on the importance of historical analyses of women's citizenship and exclusion plus the structural analyses of gender, globalization and citizenship in order to examine the role of the state and the way labour migration is (en)gendered (Calavati 2006:119) links to the overall analytical perspective of the complexity of intersections between gender, race, class and migrant status. Calavati ends her article by stating that the scholarship of gender and migration is especially valuable because 'it reveals not just the complex role gender plays in shaping our migratory lives […] but more generally, the limitations of any theory that *ignores the multiplicity of immigrant experiences and the variegated nature of the phenomenon*' (ibid.:125, emphasis added).

I agree with Calavita in her assessment of gender studies and its contribution to migration studies because it draws on a conceptualization and empirical research of social constructs (called for by Bommes and Morawska 2005) and differentiations. Gender studies of migration often have had the ambition to understand relations of power as a social space that includes both intersectionality of different social divisions and subjectifications, and also bringing in the state as a decisive element in producing and reproducing relations of power and conditions of migration (including also Mahler and Pessar [2006] on gendered geographies of power and Silvey [2006] on the social construction of scale, place and boundaries).

Calavati, in her analytical programme, rejects both the implicit white middle class perspective and the dichotomy of victim/villain. She points to the construct and position of masculinity as important in the study of gender, and she reflects an analytical sensitivity to both marginalization and de-marginalization in the gendered, racialized and classed migratory experience and positions.

This change marks a new possibility to reframe the study of migration and migration management as a practice situated in a 'certain regime of rationality', interlinked with power relations and structures of differentiation in transnational space, place and boundaries, thereby revealing international migration as a 'distinctive social field'.

Signs of the concept of 'gendering' travelling into migration studies are shown, for example, in historical studies: Zolberg (2006b) mentions a gendered dimension of temporary labour migration programmes in post-war OECD countries (guest-worker programmes) where the recruitment of exclusively foreign male workers was supposed to act as a deterrence to permanent settlement in the host country (Zolberg 2006b:230). Harzig and Hoerder (2009) apply a general gender sensitivity to their study of migration history while Schrover et al. (2008) focus on illegal migration and gender in global and historical perspective.

Another analysis, by Oishi, discusses the gendered dimension in emigration restrictions (Oishi 2005) as well as the body of literature and research on global care and migrant care labour, as we will see later.

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[31] Piper (2006) and Curran et al. (2006), writing from a more traditional political science and sociological perspective, point to the absence of gender in the social scientific production on migration.

Transnationalism

Transnationalism, or the concept of the transnational, has been promoted in migration research since early the early 1990s as a brand new approach. Actually, the idea of transcending the nation intellectually is linked to the earlier days of the nation-state. Randolph Bourne, an American writer and intellectual, wrote an article in 1916, in the *Atlantic Monthly* called 'Trans-national America' (Rumbaut 1997, Harzig and Hoerder 2009). His project of transnationalism was political, moral and conceptual:

> We act as if we wanted Americanization to take place only on our own terms, and not by the consent of the governed. All our elaborate machinery of settlement and school and union, of social and political naturalization, however, will move with friction just in so far as it neglects to take into account this strong and virile insistence that America shall be what the immigrant will have a hand in making it, and not what a ruling class, descendant of those British stocks which were the first permanent immigrants, decide that America shall be made' (Bourne 1916:3).

Bourne is suggesting the American national identity to 'take into account what the immigrants will have in hand' as opposed to the identity being constructed through the rule of the white British immigrants. In this respect, he is proposing democratization of identity construction so that Americanization can happen 'by the consent of all' and unify and reflect all immigrants.

Since Bourne wrote his appeal, the social sciences have produced a large number of studies aimed at defining, investigating, measuring, changing and differentiating the national population, while the humanities have been preoccupied with defining, investigating, differentiating language, identity, history, and narratives of the national imagined community.

The characterization of transnationalism in the early 1990s in migration studies meant that a groundbreaking new paradigm was suggested. This demanded a rethinking of social science. Prominent exponents such as Glick Schiller and Wimmer, with their critique of 'methodological nationalism' have contributed forcefully to the deconstruction of social science's embeddedness in the naturalized national container. They define 'methodological nationalism' as ' the naturalization of the nation-state by the social sciences' (Glick Schiller and Wimmer 2003:576). Glick Schiller elaborates: 'Methodological nationalism in an intellectual orientation that assumes national borders to be the natural unit of study, equates society with the nation-state and conflates national interests with the purposes of social science; (Glick Schiller 2005:440).

In the special IMR issue on transnationalism in 2003, Glick Schiller and Wimmer (2003) identify three variants of methodological nationalism:

> 1) ignoring or disregarding the fundamental importance of nationalism for modern societies; this is often combined with 2) naturalization, i.e., taking for granted that the boundaries of the nation-state delimit and define the unit of analysis; 3) territorial limitation which confines the study of social processes to the political and geographic boundaries of a particular nation-state. The three variants may intersect and mutually reinforce each other, forming a coherent epistemic structure, a self-reinforcing way of looking at and describing the social world. The three variants are more or less prominent in different fields of inquiry. Ignoring is the dominant modus of methodological nationalism in grand theory; naturalization of

'normal' empirical social science; territorial limitation of the study of nationalism and state building [Glick Schiller and Wimmer 2003:578].

As with gender, 'transnationalism' is connected to the deconstruction and de-naturalization of some key constructs in social science, of which the nation-state is a constitutive element. This marks a paradigmatic change in migration studies, although the theoretical considerations of the way forward are at a more premature state than gender studies. However, in Glick Schiller and Wimmer (2003) gender is practically absent in the deconstruction of the nation-state. Gender absence in transnational research is also criticised by Mahler and Pessar (2003) in the same issue of IMR.

The impressive critique led by Glick Schiller draws a lot on de-naturalization and deconstruction of race and ethnicity that had been seen previously in cultural studies in the word of Hall, Gilroy and others. Within the frame of de-naturalization of the nation-state, a theoretical and epistemological perspective on race in migration studies as a social construct can be equated with that of gender studies perspectives in migration studies. However, it is debatable whether deconstructions and de-naturalizations of gender, race and the nation-state can be said to influence migration studies substantially, or whether these approaches remain marginal. The appearance of these critiques in the major organ of migration studies, however, (especially as concerns gender and transnationalism) certainly indicates their increasing significance in contemporary migration studies.

Glick Schiller and Wimmer narrate the parallel history of nation-states and the social sciences since 1870 from their perspective of deconstructing the methodological nationalism. This is a very fruitful and productive approach, but it also inscribes itself in a recognizable academic exercise in producing truth and knowledge on intellectual contingency [32], not at least through historical 're-narratives'. The deconstruction of one universe of political and intellectual contingency creates another, not yet fixed, universe of contingency.

In this new narrative, the differentiation by race related to migration, the political resistance against racialization in general (especially in the US) and the intellectual focus on the connection between nation-building and normative whiteness play a crucial role in de-naturalizing the nation-state, as did the end of the cold war.[33]

In the IMR 2003 article, as well as in other contributions from the authors, they are themselves critical towards research trends in 'transnationalism'. In an article by Glick Schiller

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[32] Glick Schiller and Wimmer are fully aware of the effect of these 'methodological constructions': They write, 'While we are still striving for an adequate terminology not colored by methodological nationalism, we can already predict that emerging concepts will necessarily again limit and shape our perspective, again force us to overlook some developments and emphasize others. Every clear conceptual structure necessarily limits the range of possible interpretations, as well as the empirical domains that can be meaningfully interpreted.' Glick Schiller and Wimmer 2003:600).

[33] The extensive research on racialization (especially that based in the UK and the USA) has included historicization in de-naturalising and deconstructing race in the analysis of migration and nation-building since the late 190s, but it has not been very influential in de facto migration studies. However, the framework of transnationalism draws on and imports this body of critical research (e.g. Hall, Gilroy, Foner and Fredrickson Roediger, etc.).

(2005), she criticizes transnational studies for being too descriptive and neglecting the continuing power of the nation-state, and she suggests linking theories of power centred around the restructuring of capitalism (e.g. Harvey) to the understanding and research of transnational social life.

It is also clear, however, that although the critique was and is very productive, the theoretical and practical framing of the transnational beyond 'diaspora' and 'transnational (im)migrant communities' has a long way to go in migration studies. The IMR special issue of 2003 indicates that the critique of methodological nationalism has gained a foothold, but the contributions on how to move forward are dispersed among the various disciplines, fostering serious reflections on epistemology and inter-disciplinary approaches. Yet they are largely limited to analytical lenses directed (as usual) at the migrants, now seen as trans-migrants.

There is now a clear awareness of the need to extend migration research to a transnational perspective. Eva Morawska (2003) points to the need for joining the perspectives 'from below' and 'from above':

> Although both sociologists and anthropologists agree with political scientists' call to 'bring the state into' the study of immigrant transnationalism, this task has not yet been accomplished. It requires, of course, the elaboration of the micro-macro link, in this case the connection between translocal activities of immigrant actors and political processes 'from above.' Political scientists face a similar task, namely, to incorporate the immigrant transnational identities, economic pursuits, and politics 'from below' as conceptualized by sociologists and anthropologists into their state- or (global) economy-focused models. In both cases, the mutual examination of the concepts and their implications for the analytic strategies used by scholars in these different disciplines should help in these undertakings [Morawska 2003:630].

Morawska's call for linking trans-local activities and political processes is important for my own research, and I have tried precisely to elucidate the connections and contexts of translocal practice and the political practice.

Theorizing migration in IMR

The theoretical and methodological debate on migration in IMR shows both continuities and discontinuities. The perspective of 'seeing from the inside of a nation-state' is widespread, and the dominance of the US perspective is manifest. Migration or immigration has been constructed as a constitutive element of the American nation-state (especially Western European immigration), whereas the European immigration perspective reflected in migration studies has become relevant politically and in research after the closing of Western European borders to labour immigration in the early 1970s.

The articles in the IMR are both theoretical considerations and empirical studies on how migration takes place as a process of mobility and residence, and on how this process is to be understood, i.e., what is true and false in the interpretation of the migration.

The original aim for establishing the IMR, which became the de facto migration studies platform, centred on 'an intensified interest in one of the most telling social problems of our time' (IMD 1965:5). The IMR, as the intellectual framework of migration studies, was constructed

to deal with migration as a 'social problem', and various scientific disciplines could contribute to intelligibility of migration: 'If demography, economy, sociology, history, psychology may give us an insight concerning the origin and the development of the phenomenon of migration, statistics, ecology and human geography may complete the analysis of the significant variables of the same phenomenon' (IMR 1966:3).

Since then, other disciplines, such as anthropology and political science, have joined in the inter- and multidisciplinary exercise of producing knowledge and intelligibility of 'migration'. Questions concerning why and how migration is made an important policy and research area compared to policy and research on why the majority of people in the world do not migrate (Hobsbawn) are seldom addressed.

In 1966, international migration was generally problematized as a social issue, as a process linked to the development of the nation-state and immigration of poor people. In the United States, the Chicago School's conceptualizing of immigration as a progressive, calculable process of assimilation of racial and socially different (and inferior) immigrants into the (white) national community has been a persistent and fundamental imaginary of immigration as some kind of melting pot. Although this understanding has been questioned and rejected at certain times, it is definitely a continuous problematization and rationalization of the immigration process. Migrants' separation or marginalization in terms of language, social status and ethnic particularity have been the point of departure for a huge number of articles, and the assimilationist perspective has made its way into European 'integration research' as well.

Another continuity is the sometimes implicit and sometimes explicit mixing of migration issues with race and ethnicity issues. In some of the thematic contributions, it is difficult to distinguish between residents problematized as migrants and residents being problematized as ethnic/racial Others. 'White', highly skilled, employed immigrants are seldom targeted for migration research, so class is keeping some migrants invisible and not problematized. Other groups are maintained as visible targets for migration research.

In making sense of migration, in finding truths about migration, two major struggles take place over the years. Both constructions take their points of departure in labour market relations in the capitalist economy: first, the neo-classical, neo-liberal understanding of the market as the main and rational regulator of human life and labour, constructing migrants as making individual choices of moving according to supply and demand for the good of all; second, the Marxist, structuralist, world-system approach, understanding the market and the capitalist economy as producing coercive class relations and global social inequality, which forces migrants to move to find jobs to support themselves, but for the benefit of the powerful, the rich.

The neoliberal approach is focused on individual behaviour and characteristics, the Marxist/structuralist approach on collective relations. In between and among these approaches, there is a huge pile of empirical studies and most of them of migrants. The 'migrant' seems indeed to be the unit of analysis and research in migration studies. Only to a minor degree are relations between migrants and non-migrants, the state, the institutions etc. to be the focus, as well as the sedentary population. Migration studies are overall a knowledge production, producing and co-producing problematizations, rationalities and sometimes programs and technologies aimed at the government of the migrant population.

68

The governmentalization of migration, the practice of researching migration, is intertwined with other 'regimes of rationalities' (Foucault 2003: 251) which draw on positions/classifications of differentiation (race/ethnicity, class and gender etc.) and on conceptual dualistic rationalities of spaces of national/transnational, legality/illegality, urban/rural, modernity/tradition, etc.

Along with these continuities, there are also significant discontinuities revolving around the importance given to the concepts of the transnational and of gender, both introduced and debated in late 1990s and 2000s. The introduction and 'canonization' of the transnational and gender dimensions has brought a theoretical sophistication to migration studies and migration research, with a conspicuous influence of post-structuralist epistemology and perspectives. Gender, however, was not represented as a focus in the thematic issue of 1984, but in 2004, both transnationalism and gender had their own thematic issues, which can be seen as an indication of some kind of mainstreaming of these perspectives into migration studies.

Both gender and transnationalism (in the sense of being formulated as a critique of methodological nationalism) take their points of departure in a critical deconstruction and epistemological reflection on the kind of truths produced by the social sciences. Both perspectives include the element of relational power being socially constructed within previous notions of gender and nation.

Whereas gender is now foregrounded in migration studies, race and ethnicity have always been implied in migration studies, though more as a given and implicit than as a differentiating construct that needed explicit analysis beyond the level of attribute/describing.

The transnational paradigm contains the potential to establish a 'deconstructive' platform on the concept of race/ethnicity and the interlinkage between migration and race/ethnicity, drawing on established scholarship on race and ethnicity, but the race/ethnicity platform is not located with the same kind of explicitness as gender. On the other hand, those promoting the gender perspective perceive gender as marginalized in migration studies.

The transnational perspective enters indirectly into the construct of the intergovernmental organizations as an empty space of government. These organizations produce evidence of the governed (migrants and non-migrants) inventing new strategies to cope with different centres of government, different jurisdictions. This indicates a crisis of government for the nation-state and hereby offers the possibility to support the construct of the empty space of government that has to be filled with government.

In this light, the final section of this chapter discuss how the process of filling the perceived empty space of government with government in a specific area constructs political rationality through visibility, episteme, techne and subjects. The focus here is on a specific knowledge-producing relation between the state and academia: the conceptual process of making migrant illegality governable. In particular, the discussion will centre on the construction of 'the illegal migrant' as an explicitly problematized unit of research.

Making migrants governable: counting and defining the 'illegal migrant'

Statistics and estimates of migrants living in illegality have received increasing attention in the EU, and the trend is also present in the Scandinavian welfare states. This trend occurs alongside growing recognition of migrants actually living in illegality in these nation-states.

The question of 'How many are they' raises a number of philosophical as well as practical debates and additional questions: Why is it important? What kind of knowledge is requested? What are the means and methods in producing knowledge in answering the question? How is counting and the counted defined? Who wants to know? Who are the producers of that knowledge? Who will do what with an answer? What are the implications of framing a migration issue in this particular way? From a governmentality perspective, this section will investigate the epistemological and political implications of the question of terms and numbers related to the field of migrant illegality and the study of illegalized migration and residence.

Political numbers

On the occasion of a strike that started on April 15th 2008 among 600 irregular migrants in Paris, in what they claimed was regular employment primarily in restaurants, Brice Hortefeux, the French minister of Immigration and National Identity, was interviewed in *Le Figaro*, where he stated that 'In 2007, the number of clandestine migrants fell by 6%. This is something that has not happened in a generation'.[34] It is unknown on what basis the immigration minister produces these figures, given that the population to which he refers seeks to stay uncountable. But the link between numbers and politics and between evaluation and politics is obvious: illegal migrants are problematized, but they are governable (they are hidden, but countable and traceable). Solutions are put forward (deportation), programmes indicated (the plan of deportation), and policy evaluated (as successful, as demonstrated by statistics, the 6% drop).

In the same interview, the minister warned that employers who had hired employees (irregular migrants) without proper or genuine identity papers would not be spared, and he again cites demonstrative statistics: in 2007 1688 employers were caught for having employed migrants without the required permits, a 40% increase from the year before.[35]

The example is an illustration of what Rose (1999) characterizes as 'political numbers'. Rose cites political numbers as a specifically and generally important feature of the technology of government. 'Numbers, 'says Rose, 'make modern modes of government both possible and judgeable' (ibid.:197). They help make up the object domain. In constructing authority rates, tables and graphs, numerical comparisons are essential. '[N]umbers are crucial techniques for modern government' (ibid.), as exemplified in the tax return, population censuses, pension rates, etc.

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[34] *Le Figaro*, 24.04.08 in *Migration News Sheet* (May 2008).
[35] *Migration News Sheet* (May 2008).

As a general approach in modern liberal governmentality, this technology is essential and important for understanding processes of problematization and the relation between power and knowledge. According to this understanding, the government of migrant illegality will be dependent upon establishing numbers of migrants in illegality, and governing beyond the gaze of the governors is not possible or at least strictly inadequate. An attempt to govern without numbers could easily be judged weak and inadequate.

In recent years, a number of nation-states, the EU, international organizations and academic institutions in Europe have initiated different kinds of estimating exercises, measuring the size of migrants entering or residing on the territory of specific nation-states or regions.[36] One of these projects was commissioned by the Norwegian government. In the beginning of 2007, the Norwegian Directorate of Immigration (UDI) issued a study entitled 'Developing Methods for Determining the Numbers of Unauthorized Foreigners in Norway, and Description of the Nature and Extent of Illegal Immigration in Norway.' (UDI 2006)

As part of making 'illegal migration' a domain for government, the UDI had commissioned an earlier study on 'What happens to inhabitants leaving asylum reception without giving new address' (Friberg 2004). The new, 2007 study was supposed to refine and standardize the enumeration of human beings living in migrant illegality in Norway. More specifically the new study should: 'develop methods that can be used to estimate the number of foreigners living in Norway without proper authorization to do so, globally and/or for specific groups' (UDI 2006/7:3).

Thus the task was not directly to estimate the number of 'illegal migrants' in Norway, but to produce methods, based on the existing data, that could enable the authorities to undertake their own calculations.

What was striking was the absence of doubt as to whether it was possible to count a 'hidden' population. It was only a question of producing this kind of new knowledge in the best/ most knowledgeable way, which is apparently a criterion for producing truth.

Existing data and authorities in the field of enumeration seemed to be very important in the description of the project, and statistics – the old science of the state – is important:

> The point of departure for part (i) of the project should be existing data material from the UDI and the Police. This material can be supplemented with data available with other state agencies. Foremost among such other state agencies is Statistics Norway (SSB), as SSB has the authority as well as the professional skills and knowledge required to be able to harvest data from a number of public records for the purpose of research and production of statistics. SSB may also have knowledge of relevant methods for this project [UDI 2006/7:4]

Objectivity and depoliticization through political numbers

Rose (1999) makes two observations about political numbers: first, that politics, numbers and measurements are intimately connected; and second that the number-politics relation has a

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[36] For example, the ICMPD *Yearbook on Illegal Migratio*; EMN: Synthesis Report: 'Illegally Resident Third Country Nationals in EU Member States: State Approaches towards Them, Their Profile and Social Situation' (January 2007); Clandestino; and UWT.

depoliticizing effect. The relation between numbers and politics is reciprocal and mutually constitutive. Hence, 'political judgements are implicit in the choice of what to measure, how to measure it, how often to measure it and how to present and interpret the results' (Alonso and Starr 1987:3, cited in Rose 1999:198).

Political numbers and numerical technologies appear to reveal and disclose realities which must be dealt with politically, but 'it is not just that the domain of numbers is politically composed, but also that the domain of politics is made up numerically' (ibid.:198).

Numbers 'appear to depoliticize whole areas of political judgement. They redraw the boundaries between politics and objectivity by purporting to act as automatic technical mechanisms for making judgements, prioritizing problems and allocating scarce resources' (ibid.).

Jandl (2004), considered one of the leading European experts in the field of estimating 'illegal immigrants'[37] offers exactly this link between policy and numbers: rational policy making in the field of illegal migration needs to rely on serious estimation techniques, rather than simple guesswork, and that the methods for doing so are available and tested' (Jandl 2004:141).

The perspective of government is very clear, as is the close link between migration research and the state. Jandl articulates the familiar rhetoric of rationality and the common good:

> There are various rationales for estimating the size of the undocumented (illegally resident) population in European countries. In the public sphere, there is a general need to gather reliable information on important social phenomena, to determine whether or not the situation warrants any political action. Once that has been established, even more reliable information is needed to formulate rational policies and to guide the political measures to be taken. For governments, the perceived size of the phenomenon will have an important bearing on the justification for the expenditure of public resources on alternative uses. Finally, when evaluating the impact of political measures, more data on the developments over time would be needed [Jandl 2006:11].

In his construct of the political rationality, he operates with the implicit epistemological understanding of producing knowledge as 'seeing' like a state and the implicit problematization of 'illegal migration' as a governing problem of nation-states. In his identification of the target of problematization – the illegal migrants – and the intention of making this target group visible, he actually refers to them as a population, and also refers to the normalized biopolitical mechanism of social phenomena being investigated in preparation for political programmes. But this 'illegally residing' population is a problematized population, perhaps an anti-population, which may be dealt with through political solutions and technological programmes of government. Through problematization of the issue of 'illegal migration' the subjectivity constructed of the 'illegal migrant' is a position of disorder, potential liability and governable. Jandl offers a scientifically based rationality:

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[37]Jandl, as an ICMPD representative, has published several papers on the number of 'illegal' migrants and on quantification of 'illegal' migration in the EU. He currently edits the annual yearbook from the ICMPD and often presents his work at conferences and workshops within the 'migration management' community.

In the worst case, the lack of reliable information will lead to misguided policies that will aggravate the problem. In any case, there is a strong rationale for governments to engage their statistical services in developing and applying better estimation methods [ibid.:10].

Science is constructed as the neutral, objective production of 'reliable information', but the purpose of science is political government. He subscribes to an understanding of 'illegal' migrants existing 'out there' – beyond control. A first step to address the problem is to produce reliable information.[38]

This understanding of social science is embedded into modern political culture: numbers and figures are, in Rose's words 'integral to the problematization that shapes what is to be governed, to the programmes that seek to give effect to government and to the unrelenting evaluation of the performance for government that characterizes modern political culture' (Rose 1999:199). Numbers and counting make up 'calculable spaces'. They are fields of government at both macro- and micro-levels. Hence, 'such numbers do not merely inscribe a pre-existing reality. They constitute it '(Rose 1999: 212).

These governmentality reflections on numbers are valuable and useful in the field of governing migrant illegality and in the analysis of problematization and the production of knowledge on 'illegal immigration' and 'illegal immigrants' in Europe.[39]

Numbers and terms

A prerequisite for counting is defining the object to be counted, and in the field of enumerating 'illegal immigrants' in Europe, the process of definition and the useful of existing definitions are often addressed. The discussions are either typical as an argument for the unreliability of the numbers of 'illegal immigrants' or an example of the construct of 'illegal immigrant'. In the process of defining the countable objects, it is most often very difficult to distinguish between academics, state institutions and international organizations, although some academics and some NGOs try to establish government-independent platforms for addressing these issues.

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[38] Another example of the construct of 'illegal immigrants emerging and politicians having to do something is expressed in a OECD working paper (Passel 2007:7): 'As a result of the practically ubiquitous presence of unauthorized migrants and the obvious failure of attempts to control their numbers, immigration has again become a highly controversial political matter.'

[39] Whereas the Norwegian tender for the method developing project was rather cautious and implicit in formulating why it is important to count 'illegal immigrants', The EU Commission is somewhat more direct in complaining about lack of data as a foundation for policy: 'Asylum and migration have become matters of Community responsibility under the new Title IV of the amended Treaty establishing the European Community (Art. 63TEC). One significant element of the development of relevant policies in the field is policy on illegal immigration policy. As in all areas of policy, statistical data are needed to underpin the development of policy and to monitor its implementation. Unfortunately for policy-makers, illegal immigration is usually unrecorded, which means it is not possible to gather statistical data on the size and composition of this element of stocks and flows of international migration' (Singleton 2003:2).

Among academics, government institutions and international organizations, however, there is an ongoing process of making irregular migration a domain for government through enumeration and surveying. At the European level, the International Centre for Migration Policy Development (ICMPD) is a key organization for producing knowledge and truth in the field of 'illegal immigration'to the EU.[40] The ICMPD has facilitated a number of publications, projects and conferences on irregular or illegal migration. In a 2006 background paper entitled 'The Management of Irregular Transit Migration' several problems with 'measuring irregular migration' are addressed, such as

- hidden of nature;

- no universally accepted definition;

- existing data are unreliable, contradictory or unavailable;

- the lacking of comparability between nation-states.

Although the data is perceived of poor quality the paper nevertheless states that 'statistics related to irregular migration are important sources of information' (ICMPD 2006:5). The existing statistics, despite their quality, can indicate trends and, changes in migration intensity or geographic directions. The logic seems to be that, any numbers are better than no numbers at all.

The frustration on data quality ends up in a suggestion of 'further development of specific data-sets in the field of irregular migration on state/level, comprising predefined sets of data relevant to the topic, allowing for close monitoring and comparison over time and between states'(ibid.:5). This kind of statement is recognizable in most 'mainstream' migration management discussions on quantifying 'illegal immigration'.[41]

It appears here as if there is no (reasonable) alternative to political numbers as means of government; subjects and domains have to be made governable, and quantification into easily identifiable datasets is a prerequisite for this.

ICMPD is actually itself an institution publishing annual statistics on 'illegal immigration' (Futo and Jandl 2007). It therefore positions itself as an institution in what Rose calls the formation of centres of government. Rose points out that

> Events must be inscribed in standardized forms, the inscriptions must be transported from
> far and wide and accumulated in a central locale, where they can be aggregated, compared,

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[40] As an intergovernmental organisation, the ICMPD is preoccupied primarily with border migration issues linked to government of security, border control, illegal residence, trafficking, human smuggling, etc.

[41] Similar complaints: An IOM project, funded by the European Commission's Argo programme and with participants from EU member states, Europol and Frontex, aimed at 'improving EU cooperation on asylum, visas, immigration and external borders issues' concludes at the final event on 4 June 2008 that there is a 'need for increased data sharing and improved data tracking among EU members through a more harmonized system. Currently, data systems differ among member states, and a lack of inter-operability among the systems is hampering a more effective use and sharing of the information on databases' (IOM.int 060608).

compiled and the subject of calculation. Through the development of such complex relays of inscription and accumulation, new conduits of power are brought into being between those who wish to exercise power and those over whom they wish to exercise it [Rose 1999:211].

In analysis of governmental practice on gathering, producing and calculating numbers in this field, at national as well as at the EU level, this formation of government and new conduits of power can be compared to the Norwegian example, where the government – the national statistical bureau – endeavours to develop methods to calculate 'illegal' subjects and then becomes the centre of government in that field. The same process is occurring with several organizations and institutions at the EU level that are competing to produce useful knowledge for describing and governing 'illegal migration'. As Rose observes: 'Turning the objects of government into numerical inscriptions, then, enables a machinery of government to operate from centres that calculate' (1999:211). The position of defining the method could lead to formation of a centre of government, so having the capacity to standardize the definition of the 'illegal migrant' implies a huge potential for extending government.

These statements from ICMPD also refer to continual evaluation of government, which is an incorporated part of modern political governmentality, and to the frustration about the perceived lack of data, or 'lack of documentation' to use the common expression. Guestimates are what is available for the time being, so to say, but these are inadequate. Something has to be done.

We observe that one of the solutions to the frustration about inadequate quantification is the development of specific databases in the field. It is not mentioned what kind of database is being considered, but it could be the underlying biometric vision as a solution to the methodological challenges of problematization and quantification.

Quantification is about producing truth. It is about the formation of 'illegal migration' as a domain for government and 'illegal migrants' as governable and calculable subjects. In my investigation of these processes, the method is not to be judged on its capacity to reveal 'the true' number, the exact number of 'illegal migrants', although this is the notion of such quantifying agents. My point is to discuss the relations and production of power implied in the different scientific/political approaches to the enumeration of 'illegal migrants'.

Several suggestions have been put forward in migration studies on how to measure 'illegal', irregular', undocumented migration. In the following, I will try to analyse the content and constructs of some of these methods and suggestions. Various perspectives on quantification of illegal migration can be found in Jandl (2004) and (2007), Heckman (2004), Kaizen et al. (2007), Massey (2004). Passel (2007) and Passel et al. (2004).

These scholars all agree on the necessity of measuring migrants and migration: Jandl (2004:11) refers to consideration of the public sphere (which I assume is the public sphere of the Western/European nation-state/region) and their eventual claim of political actions concerning 'an important social phenomenon' (which I translate to non-Western '*im*migration). This information, according to Jandl, forms the basis of rational and well-guided policy and is usable for evaluating political initiatives. In Futo and Jandl (2007) and Jandl (2007), irregular

or illegal migration is constructed in a manner that nearly equates it with human smuggling and criminalized border activities.

Heckmann (2004) does not explicitly formulate any aim, but links quantification to the problem of human smuggling. Kaizen (2007) also links the relevance of quantification (in Germany) to human smuggling (as well as trafficking of women), but underlines that the intention in the paper is not to propose new estimates on irregular migration (in Belgium).

Massey (2004), in contrast to the previous contributions, takes his point of departure in a US context. His aim is to suggest an approach to measurement that differs from counting individuals on the territory of the (Western) nation-state.

Passel et al. (2004) expresses the purpose of producing knowledge in this field as that of to 'be there first' and closer to the truth; 'When social scientists fail to generate such estimates, the resulting void has been and will almost certainly be filled by persons supplying figures that are less defensible'(Passel et al. 2004:5).

Passel (2007) has produced the paper for the OECD on methods of measuring unauthorized migration to the United States. Passel compares the traditional methods of measuring migration into the US: the 'residual' method and surveying the total foreign-born population. He also presents estimates of the unauthorized population in the US.

What will they measure?

If we compare their strategy of defining the object of measurement, there are clearly differences: while Jandl (2004) and Heckman (2004) use the terminology of 'illegal migration', 'stocks of illegal migrants (illegal foreign residence and illegal foreign employment)', illegal migration flows (illegal entries)' without defining or discussing the terminology or concepts, Kaizen (2007) refers to international rights-related definitions:

> We define irregular or clandestine migration based on Convention no. 143 adopted by the 1975 International Labour Organization (ILO) Conference defining clandestine migration movements as those where migrants find themselves 'during their journey, on arrival or during their period of residence and employment [in] conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations [Kaizen 2007:122].

Finally, Massey (2004) uses the terminology 'undocumented' without further specification. These differences in terminology have contributed to different constructs of the migrant in question: Jandl and Heckman subscribe to the language of the EU administration[42] and certain

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[42] On the institutionalization of the concepts irregular/illegal see Khoser (2005): 'the term 'irregular' is nevertheless considered preferable to the other terms commonly used in this context, and as good as any alternative. Another reason why it is recommended that GCIM should use this as opposed to other terms in its final report is that it used by most organisations with a competence in migration, including the Council of Europe, International Labour Organisation (ILO), International Organisation for Migration (IOM), the Organisation for Security and Cooperation in Europe (OSCE) and UNHCR. Indeed, the European Union (EU) is the only significant international actor that persists in using the term 'illegal migration' (Khoser 2005:5).

EU member states. Kaizen uses the language of the international rights-based organizations, while Massey and Passel utilise various terms within the US context. Massey refers to 'un-documented', which connotes a rights-based, NGO discourse, but he makes little effort to define what he means by 'the undocumented migrant'. Passel refers to 'unauthorized' or 'il-legal aliens', which again reproduces the 'seeing like a state' perspective in soft and hard ver-sions, respectively.

For Passel, what is to be estimated and measured are 'foreign-born persons who are not in-cluded in the data used to construct the demographic estimate of legal residents' (Passel 2007: 10). The 'unauthorized' migrant in the Passel et al. paper is defined as a reverse demarcation:

> not a US citizen; not having been admitted for permanent residence; not in an authorized temporary status permitting longer-term residence and work (Passelet al. 2004:5).[43]

The disagreement on terms and definitions reflects the current process of constructing the illegal immigrants and the contemporary fragility of the concept.

Guild (2004) has analyzed the different concepts of the irregular migrant within the European Union as generally a residual category, such that those who are not 'legal' are 'illegal'. Guild found an impressive heterogeneity in the various definitions of 'irregularity', resulting in dif-ferent rights and legal positions that often left those categorized as illegal migrants in a legal grey zone. The current contradictory and unclear definitions do not mean that it is impossible to determine a definition. Determining the definition and category can very well be necessary for government of the 'illegal' migrant, and those participating in the quantification efforts need to decide how to define the irregular migrant and thereby also participate in demarcating the category of the 'illegal' migrant; this will most likely contribute to enforcing the produc-tion of migrant illegality as an element of political rationality and anti-citizenship technology. Nevertheless, the current contradictory and fluid categories can also provide indicators as to the on-going production and reproduction of a political fiction that may become operational.

The categorical fixation of migrant illegality is relevant to analysing 'non-citizen citizenship' or 'alienage' (Bosniak 2006) more broadly as a major factor in differentiation and subordina-tion in line with ethnicity, gender, class.

Quality of data: different degrees of truth and the significance of data production

Heckmann points out that in spite of existing data being of a poor quality in most countries, Germany has more reliable data:

> Comparing the United States and Great Britain on one side and Germany (and Austria or Switzerland) on the other, it can be stated that official statistics come closer to the true

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[43] The choice of 'unauthorized' is also substantiated in 'unauthorized migrant best encompasses the population we seek to estimate because many migrants now enter the country or work using counter-feit documents and thus are not really "undocumented", in the sense that they have documents, but not completely legal documents'(Passel et al. 2004:5).

numbers of illegal migrants in the latter case. This is due to the much greater density of internal controls by law enforcement agencies in the latter countries [Heckmann, 2004:1107].

Heckman insists that 'illegal immigrants are traceable'. Truth is linked to the quality of numbers and truth production to the combination of classification and control, put forward as important prerequisites for measurement.[44]

Passel (2007) states that compared to 20 years ago, there is much better evidence of the size of the 'unauthorized' migrant population. Today there is little disagreement about the size of the population. Rather, the current political discussions are about different stereotypes of the 'illegal alien'. '[The] estimate passed from a research result to 'accepted fact' and 'conventional wisdom' fairly quickly' (Passel 2007:9).

The number of approximately 12 million unauthorized immigrants is produced, he says, by the Pew Hispanic Center, which Passel himself represents, and developed and authorized through a number of years. In Passel's understanding, it seems that the Pew Hispanic Centre has become a 'centre of government'(Rose) in the field of enumeration of migrants residing in illegality in the US, and the figures produced are used and given authority by both pro- and anti-immigration organizations, which, according to Passel, strengthens the credibility and validity – the truth – of the figures.[45]

Massey directs our attention elsewhere. Instead of giving first priority to the 'illegal', Massey focuses on 'migrant' as the first priority. His ethno survey method is developed in order to study and produce knowledge on migration patterns. Massey defines a

> need for data that can identify undocumented migrants and their characteristics, measure trends over time, support longitudinal research, compare the characteristics of migrants before and after they enter, provide sufficient sample sizes for detailed analyses, study transitions between different legal statuses and movements back and forth, and monitor the effects of policy changes on a timely basis [Massey 2004:1075].

Massey seems more preoccupied with 'the laws of migration' in a transnational perspective than the 'laws of the nation-state' in problematizing and identifying the 'illegal migrant'.

Kaizen rejects existing data as unreliable, but in her paper, she still produces several graphs showing estimates of irregular migration. Irregular migrants are constructed as primarily victims, pushed and pulled by economic factors and as being vulnerable:

> On arrival, provided survival of the journey and getting through border controls, smuggled or trafficked persons often find themselves in a situation of irregularity and thus are extremely vulnerable. Some of them will be forced by their smugglers or traffickers into clandestine labor in order to pay back their smuggling debts [Kaizen 2007:137].

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[44]) Statistics are produced in national containers, which makes them differ and which maintains the national methodology in thinking of numbers.

[45] Passel mentions other quantifying organisations/institutions, such as the Department of Homeland Security (DHS), the American Community Survey (ACS), the U.S. Immigration and Naturalization Service (INS) and the Urban Institute (p. 9).

Measurement strategy – different foci

Strategies for actually measuring the 'illegal', 'irregular', 'undocumented', 'unauthorized' migrants differ as well. The residual estimate method, which is the most prominent and authorized in the United States, relies on the assumption that it is possible to calculate the total number of irregular/undocumented migrants residing in the country, assume this as being equal to the total number of all immigrants, and subtracting from this the total number of legal immigrants. This method is based primarily on census data (or survey-based figures), which is modified through various calculations and estimates. Discussions and differences in techniques will depend on choices related to various elements of the calculation: data sources, population covered, geographic and demographic details, methods used to estimate components of demographic change, assumptions about census/survey coverage, definitions and measurement of components of the legal population, etc. (Passel 2007:10).

In general the method of residual estimation is rejected in Europe, with reference to differences in census-traditions and systems of control. Heckman, for example, states that 'anyone without legal status detected in the census data collection would have to be reported to the authorities' (2004:1107).

In contrast to Heckman, Jandl cites Spain as an example of such estimates based on census data, rather than on state control of residence permit. For Heckman, the effects of control are very important:

> Unlike in the United States, long-term or even permanent illegal stay in the country is very difficult in Germany. The country is much smaller and controls are more effective and regarded as legitimate (ID cards, 'verdachtunabhängige Kontrollen' for example = 'Checking on a person who has not behaved in a suspicious way. Such controls are possible, for instance, in airports, railway or bus stations [Heckman 2004:1110].

For Heckamn, the level of control is a prerequisite for the quality of data. This can be interpreted as a rather obvious fusion of research and state in producing knowledge. Means of control, policing in Europe (Jandl, Heckman) is seen as producing qualified data because these data are based on registration of individuals. For Passel and Massey, however, policing is seen as a factor that lowers the quality of data and estimates. Passel criticizes estimates based on the number of illegal border-crossers apprehended by police as unreliable because 'a very high proportion of the apprehensions are repeat apprehensions of individuals who are making a second, third, or higher crossing after having been apprehended' (Passel 2007:12).

For both Jandl and Heckman, control procedures and crime statistics are basic to the exercise of estimating the number of irregular migrants. For Heckman, border police statistics on apprehensions for border crossing will indicate the size and development over time of unsuccessful illegal border crossing, and asylum statistics will indicate the number of successful illegal border crossers.

Other statistical information constructed as relevant, according to Heckman, are to be found in data sources with registered 'suspected criminal offences of foreigners without legal resident status' (Heckman 2004:1110), and from cases of document fraud by foreigners, including false marriage licenses, forged residence permits or forged working papers.

The display of governing through crime, as Inda conceptualizes it, is striking here. The interlacing of research, policing and state sovereignty in producing knowledge and truth is clear when it comes to enumerating irregular migrants and making migrants in illegality a domain for government.

Jandl (2004, 2007) follow the same lead on apprehensions and crime. In the 2006 ICMPD 2006 yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe, (Futo and Jandl 2007), the situation of illegal border crossing is described and estimated comprehensively as crime statistics and evaluated in relation to the efficiency of border 'management'. For Jandl (2007), this also produces conclusions focused mainly on dismantling smuggling organizations and combating trafficking strategies:

> More important than upgrading controls at the borders, however, are measures directed at 'deep' investigations against smugglers, ranging from the harmonization and sharpening of penal law against smugglers to cross-border investigations and the tackling of corruption. Moreover, upgrading document security and introducing biometric identifiers in travel documents will go some way toward combating document forgery [Jandl 2007:312].

Fraud, false documents, low penalties and corruption are made relevant in problematizing irregular migration. Solutions are produced within the same universe: biometric identifiers. Within a control regime based on individualized identification, a centralized state authority for issuing *the* required identifications and a high degree of state access to individualized, identifiable data, and the introduction of biometric systems all seem to be the dream of a bureaucracy. Borders are now patrolled, no matter whether these borders are placed at the perimeter of the nation-state or whether the patrolling and control takes place on the territory of the nation-state and through individual profiling and random inspections in bus stations or public parks.

The suggestion of biometric identifiers as reflecting the withdrawal from the principle of rights applied to human beings as an abstract of the universal individual all being equal, to the (re)introduction the concept of rights being engraved in your body, depended first and foremost on one's birth, kinship and geography. The acceptance or denial of access to Europe through governable information, embodied in fingerprints, eyeball profiles or DNA, separating citizens from anti-citizens through body-inscribed identification and managed through anti-citizenship technology, seems to be a growing imaginary in the government of migration.

Even though biometric borders can be characterized as a new kind of surveillance, Amoore (2006) emphasizes that biometric data in the process of governing mobility is hardly a new phenomenon; older forms of surveillance data are drawn upon.

Amoore points instead to 'the historical emergence of body counts to enumerate and account for colonial subjects' and she refers to Appadurai's (1996) discussion of systems of classifications in colonial India, where the enumeration and accounting

> disciplines the 'unruly body', bringing it back into a zone of calculation and manageability, recuperating it and accounting for it within 'normal' ranges of acceptability. Contemporary biometric body counts bare out much of what Appadurai signals for the creation of 'boundaries around homogeneous bodies' that 'performatively limits their extent', flattening differences and idiosyncrasies into calculable categories. New forms of biometric technology

extend this categorization and enumeration of the body via processes of risk profiling, such that they have themselves come to perform and represent a border that approves or denies access [Amoore 2006:342].

With these points in mind, we need to study the government of migrant illegality in social practice, and not limit our focus to techne as technology alone. We need to study how government is lived and performed.

Body counts: from 'Who?' to 'How?'

In the making of the 'illegal immigrant' terms and numbers are crucial in positioning the political subjectivity within the problematization process, and in the process of making the subjects governable and objects for government. Instead of asking, 'Who is the irregular migrant?', as if it were an entity to be discovered or revealed with attached or embodied features or attributes, one could ask. 'How is the irregular migrant constructed?' Numbers and terms can be made relevant in the production of knowledge and truth on migration and migrants in general, but these are be essential to the construct of the 'illegal migrant'. Numbers and terms constitute 'illegal migration' as a governable space and migrants as governable subjects.

The quantification process based on determining key terms and definitions, and developed and constructed within the political problematization of irregular migrants as social threats or victims of foreign criminals. Migration research sustains this rationality inside the nation-state or region. Migration research facilitates the process of seeing like a state, 'defending' the nation and a specific social order against irregular migrants constructed as outside the implicit (Western, white, privileged) 'we'. Migration research constructs the illegal migrant as being outside of what Gullestad (2006) calls the 'imagined sameness' of the nation.

The government of migrant illegality is often performed in different programmes. One kind of programme deals with irregular migrants who qualify as victims, such as anti-trafficking programmes. Other programmes deal with the identified 'villain' subjects residing on the territory – rejected asylum-seekers, overstayers, rejected family, ex-students, ex-regular migrant workers, etc. However, both categories are increasingly governed as anti-citizens through measures of determining what kind of 'crime' the migrant has committed, or what kind of risk the migrant poses, and then various administrative measures: detention, containment, deportation, etc.

Numbers tend to produce objectivity. They disguise how they operate as political numbers within a specific governmentality. Numbers – political numbers – make up calculable spaces, they do not merely inscribe a pre-existing reality – they constitute it, as observed by Rose, and we seem to be in the middle of that process of constitution. Objects are being made visible, being rendered into calculable and programmable forms (Inda 2006:7). Heckman and Jandl state that the shape of data is linked to a specific administration, law enforcement and governmental thought, implicitly declaring that more control is needed to enhance the quality of the data. Tightening up controls will likely increase the number of migrants being detained and deported, making residing on the territory more difficult. Body engraved profiles through biometric surveillance and profiling, selecting the privileged from the unprivileged on the territory, the desired from the unwanted, the non-deportable from the deportable seems to be a

realistic development, which is also linked to the ambition of enumeration and surveying irregular migrants.

Although programmes and technologies for governing migrants living in illegality vary considerably between the different nation-states of the EU, there tends to be a development towards replacing the universal understanding of humans with rights, to an understanding that distinguishes bodies with the right to have rights (Arendt) from bodies who do not have the right to have rights. We can trace a development from humans with documents to bodies captured by birth and geography, having the global geometry of power laid down in fingerprints, eyeballs, DNA, etc. and a possible transformation of the political rationality of problematizing and counting 'illegal migrants' to problematizing and counting 'illegal bodies'.

Chapter 3: Concepts and Construct in the European Union: The fluidity and firmness of the concepts of migration, migrant and migrant il/legality

Effective management of migratory flows is one of the greatest challenges facing the European Union in coming years
(The European Commission, June 2009)[46]

Introduction

As observed in Chapter One, the position of the marginalized migrant is highly complex and woven into different levels of government and different intersections of social divisions and relations of power.

The process of inclusion and exclusion, being so prominent in the national sovereignty of nation-states, especially in Europe, has developed into new institutionalized, regionalized and transnationalized forms of governing migration and migrants.

In the last decade, the EU has produced an increasing body of political rationality labelled 'migration management' and working as a regime of practice, weaving together the national and regional levels of government. A new space of government of mobility, territorialized as 'Schengenland', has appeared, and a regional level of inclusion and exclusion constructed, operating together with the existing national space of producing migrant il/legality.

In trying to understand the localized government of the marginalized migrant, located in a regional space of government, I will use the governmentality perspective to grasp how political rationality at EU level has constructed the 'migrant', and 'migrant il/legality' as political issues relevant for governance or management. I will use key texts, such as treaties, statements, communications, action plans, and reports from the EU Commission and Council.

My focus is still the government of marginalized migrants located in the fluid space of migrant il/legality, where statuses of and transitions between temporary legal and illegality is an ever-present condition. I will focus on the discursive construct of 'illegal migration' or the 'illegal migrant' in the EU, given that the construct of migrant illegality is both implied as a status or a potential status of the marginalized migrant, and crucial to the political production of categories and divisions.

Current policy and problematization in the European Union

In June 2009, The EU Commission published an evaluation of the migration management programme, known as the Hague Programme, under the heading; 'Justice, Freedom and Security in Europe since 2005'.[47]

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[46] COM (2009) 262/4:23.

[47] COM(2009) 263 final, Communication from The Commission to the Council, The

Illegalized migration and migrants were key topics in addressing the field of 'migration management'. Migration was phrased very much in the contexts of threats and dangers, and migrants were depicted as either burdens or victims:

> Illegal migration is not increasing in the EU as a whole, but Mediterranean Member States are shouldering an increasing share of the *burden*. Particularly worrying is the number of people arriving after *dangerous sea crossings*. The opportunity of illegal employment results in *exploitation of the individual* and *distorting effects on the EU economy* (ibid.:5, emphasis added).

Numbers and figures emphasized the relevance and problematic nature of the phenomenon:

> Managed migration requires secure borders. There are 1636 designated points of entry to the EU's territory. In 2006, there were an estimated 900 million external border crossings and 8 million illegal immigrants in the EU-25. In the same year 500,000 illegal immigrants were apprehended in the EU of whom 40% were subsequently returned [ibid.:6].

Initiatives to 'solve the problems' were evaluated as having been successful so far and pointing in the right direction towards more of the same kind in the coming programmes of EU migration management. These measures included border control technology, sanctions on illegalized employment and effective and efficient removal/returning of migrants: 'The Commission's proposal for a directive providing for sanctions against employers of illegally-staying third country nationals […] will send a clear signal that the EU will not tolerate illegal migration, especially where it is encouraged by unscrupulous employers (ibid.:5).[48]

Also, the European Council, in 2009, moved illegalized migration to the forefront of European policy-making. In the conclusions from the European Council's meeting the 18-19 June 2009, 'Illegal Immigration' was one of four headline areas, the other three being the Financial Crisis, Climate Change and External Relations to Pakistan and Afghanistan. This hit list of top issues at the political level in the EU may very well illustrate the degree of political problematization that was inscribed in illegalizing migration and illegalized migrants in the EU in 2009.

The European Council emphasised programmes of solutions of the problem of 'illegal immigration' as border control, return of migrants and cooperation with 'sending' states. The policy was phrased in a vocabulary of crisis and governing ('urgency of strengthening', 'combat illegal immigration', 'prevent future human tragedies', 'response based on firmness, solidarity'.[49]

European Parliament, The European Economic and Social Committee and The Committee of The Regions Justice, Freedom And Security In Europe Since 2005: An Evaluation of the Hague Programme and Action Plan. {Sec(2009) 765 final} {SEC(2009) 766 final} {SEC(2009) 767 final}.

[48] The directive on sanctions against employers was adopted on 18th June 2009: L 168/24 : 'Directive 2009/52/EC of The European Parliament and of the Council of 18 June 2009, providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.'

[49] Council of European Union: 10 July 2009: Brussels European Council 18/19 June 2009. Presidency conclusions. 11225/2/09 REV 2.

'Illegal migration' is not constructed as an unimportant or trivial matter in the EU. Rather, it is a very important subject, on a par with the financial crisis and the climate crisis or change.

The Council phrased the problematization of illegal migration as one of human tragedies, whereas the Commission constructed illegal migration as burdening the economy of the EU, creating dangers for the migrants themselves in the shape of risk at sea and the possibility of being exploited at the labour market. Both institutions mention means of solving these problems as strengthening border control, return and readmission and recognition of refugees.

Since the adoption of the Maastricht Treaty in 1993, migration policy has been a formalized cooperation within the EU through the establishment of Justice and Home Affairs as a 'third pillar'. In the Maastricht Treaty, migration issues are linked to the freedom of movement and security, or rather, criminality. On the backdrop of 'integrative' themes aimed at residents and legal third country nationals, illegal migrants render are made visible as targets of 'combat' and equalized with crime 'as we know it': the '*combatting* unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;' take place alongside '*combatting* drug addiction' and '*combatting* fraud on an international scale.'[50]

Although the Maastricht Treaty formalized migration policy as a political field of the EU, the period of time between the Maastricht Treaty and the Amsterdam Treaty in 1999 is characterized by blurred competences in the EU and varying political directions and ambitions amongst member states. The result was an EU migration and asylum policy that was rather confused and confusing (Geddes 2008:108). The Treaty, however, managed to introduce new technologies of differentiation linked to the EU space of government, such as the EU citizenship as a category of inclusion/exclusion based on member state citizenship.

With the Amsterdam Treaty entering into force in 1999, the EU space of government on migration issues was now conceptualized as an '*area* of freedom, security and justice' as a defining territorialising device in the process of integration of the EU (Walters and Haahr 2005), and the Schengen Convention was now incorporated into the treaty. This treaty introduced a time perspective through the five year programmes, and since the Amsterdam Treaty, the EU has operated in the field of migration government with five-year plans of which the 'Tampere Programme' was the first, running from 1999-2004, followed by the 'Hague Programme' (2005-2009) and the Stockholm Programme (2010-2014).

In the Tampere Council conclusions of October 1999,[51] the issues to be dealt with in migration policy were defined as: 'partnership with countries of origin', a common European asylum system; fair treatment of third country nationals', and 'management of migration flows'. *Migration management* has entered the EU political stage and is defined as a 'more efficient management of migration flows at all their stages' (ibid.:22). 'Illegal migration' is here linked to crime, with the possibilities of illegal migrants being victims and/or trafficked migrants. Hence,

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[50] Treaty on European Union, Official Journal C 191, 29 July 1992, Title VI.
[51] European Council 15-16 Oct 1999 Tampere European Council 15 and 16 October 1999 Presidency Conclusions.

The European Council is determined to tackle at its source illegal immigration, especially by combating those who engage in trafficking in human beings and economic exploitation of migrants. It urges the adoption of legislation foreseeing severe sanctions against this serious crime (ibid.).

Illegal migration is to be 'tackled' 'at the source', connoting 'root causes', 'roots of evil', externalization of initiatives, etc. Border control and sea patrols are devices mentioned, as well as readmission agreements.

In the action plan of the Tampere Programme,[52] devices of government of especially the legalized migrant (third country nationals) and the illegalized migrant (those linked to criminality) population are constructed as a sort of constitutional practice; 'through which the EU will become an area of freedom, security and justice'(ibid.).

Initiatives and actions to be taken within the next five years (or without deadline in some cases) are rationalized as measures 'to establish progressively an area of freedom, security and justice'(art 73i), and the 'illegal migrant' is continuously something to be solved. In title IIIa on 'Visas, asylum, immigration and other policies related to free movement of persons', it is stated that measures shall be taken on '(b) illegal immigration and illegal residence, including repatriation of illegal residents;' 'repatriation' is seen as a measure to target those persons guilty of 'illegal immigration' or 'illegal residence'.

The focus on crime prevention as prerequisite for free movement of the EU population is obvious and 'freedom' is described as a quality of the 'law-abiding':

It is also freedom to live in a law-abiding environment, in the knowledge that public authorities are using everything in their individual and collective power (nationally, at the level of the Union and beyond) to combat and contain those who seek to deny or abuse that freedom. Freedom must also be complemented by the full range of fundamental human rights, including protection from any form of discrimination [A.6].

Freedom is installed as a dividing element; as a quality reserved for the law-abiding persons or population for whom human rights and anti-discrimination shall exist, and as a value open to abuse and therefore in need of protection. The abusers of freedom are thus installed as a target of 'combat'.

There is a pervasive and repeated construction of the symbiosis of freedom of the chosen and deserving and combat of the abusive, 'illegal':

Particular priority needs to be attached to combating illegal immigration on the one hand, while on the other hand ensuring the integration and rights of those third country nationals legally present in the Union as well as the necessary protection for those in need of it even if they do not meet fully the criteria of the Geneva Convention [A.7].

The separation between the legal, the illegal and the deserving victim constitutes actions and initiatives. Somewhat peculiarly, the 'combat' against illegal immigration is placed under the

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[52] Action Plan of the Council and the Commission on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice – Text adopted by the Justice and Home Affairs Council of 3 December 1998. Official Journal C 019, 23/01/1999 P. 0001 – 0015.

heading of 'freedom', whereas the combat against more commonly classified crimes, such as drug trafficking, terrorism, trafficking in persons, fraud and corruption, is placed under the heading of 'security'.

The action plan calls for numbers and statistics as a foundation for further government, which is part of establishing the governmental space. Numerical knowledge has to be produced, and as a prerequisite for numbers, the necessary standardizations, taxonomies, categorizations and concepts have to be constructed and developed:

> An overall priority should be to improve the exchange of statistics and information on asylum and immigration. This exchange should include statistics on asylum and immigration, information on the status of third country nationals and national legislation and policy on the basis of the Commission's action plan [I.34].

Generally, the rationality followed in the action plan is that priorities attached to combating illegal immigration are closely linked to ensuring the integration and rights of those third country nationals legally present in the Union.

In 2000, the Commission issued a communication[53] as a 'new approach to immigration', which can be read as if a potential alternative problematization of the existence of illegalized migrant has emerged through a recognition of labour shortage:

> In addition, it is clear from an analysis of the economic and demographic context of the Union and of the countries of origin, that there is a growing recognition that the 'zero' immigration policies of the past 30 years are no longer appropriate. On the one hand, large numbers of third country nationals have entered the Union in recent years, and these migratory pressures are continuing with an accompanying increase in illegal immigration, smuggling and trafficking. On the other hand, as a result of growing shortages of labour at both skilled and unskilled levels, a number of Member States have already begun to actively recruit third country nationals from outside the Union. In this situation, a choice must be made between maintaining the view that the Union can continue to resist migratory pressures and accepting that immigration will continue and should be properly regulated, and working together to try to maximise its positive effects on the Union, for the migrants themselves and for the countries of origin.[54]

Zero-immigration policies of the past 30 years, prioritized since the immigration stop legislations in many European countries in the early 1970s are being contested and challenged. Demographic deficits and market needs are put forward as driving forces in proposing a reconstruction of EU migration policy: to 'take a fresh look' as it was stated. This implies an approach that accords more attention to human rights, equality, non discrimination, voluntariness, referring to the Commissions' communication of 1994, which recommended among other things the ratification of the Migrant Workers Convention (ibid.:13). Nevertheless, deportation is still a seemingly inevitable device in the 'migration management':

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[53] COM(2000) 757 final. Communication from the Commission to the Council and the European Parliament an a Community Immigration Policy

[54] Com(2000) 757 Final. Communication From The Commission to the Council tnd The European Parliament on a Community Immigration Policy.

One element in the regulatory process to which greater priority must be given is the voluntary return of persons who are refused admission to a Member State or who have no longer the right to remain in the EU. In cases when calls for voluntary return have no effect, the integrity of the European immigration policy has to be guaranteed in the end by forced return. The most valuable instrument to facilitate returns is by means of readmission agreements. In addition, the Commission will be bringing forward proposals for the development of common standards for expulsion decisions, detention and deportation, which should be both efficient and humane [ibid.:12].

The new notion of *balance* is introduced, as a relation between more possibilities of legal admission and less illegal migration. Labour shortage, the demands of the labour market, is what keeps the construction together: 'Bringing the issue of labour migration into the discussion on the development of economic and social policy for the EU, would also provide an opportunity to reinforce policies to combat irregular work and the economic exploitation of migrants which are at present fuelling unfair competition in the Union' (ibid.:16). In some respects, it could be understood as the market that is challenging constraints created by the centralized efforts of surveillance of Schengenland, thereby defining 'security' as a barrier to 'freedom'.

The new approach was being promoted parallel with the adoption of the Lisbon strategy, which aimed to develop the European labour market during the 10 years between 2000 and 2010 to become 'the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion.' The Lisbon strategy supported a less restrictive approach to immigration, rationalized in labour market needs.

The new approach was promoted as transparent and open, aiming at flexible and simple administrative means to facilitate the immediate adaptation of supply and demand on the labour market and based on equality and human rights; however, expulsion and deportation of anti-citizens, of illegal migrants was seemingly still the price to be paid in the game of inclusion, irrespective of a more soft and humanitarian approach as stated in a Communication on the follow-up of the Tampere Programme from 2001:

> With respect to illegal migration and the fight against smuggling and trafficking, Council Directives have been approved in the areas of mutual recognition of decisions on the expulsion of third country nationals, on harmonising financial penalties imposed on carriers transporting into the Member States third country nationals lacking the documents necessary for admission and on strengthening the penal framework to prevent the facilitation of unauthorised entry and residence of third country nationals. In addition, a Commission Communication on a common fight against illegal immigration, which will set out a wide-ranging action plan to coordinate and reinforce actions in this area, is currently being prepared. This will be followed by a Commission Communication on a Community Return Policy.[55]

At the Council meeting in Seville 2002, actions to be taken on illegal migration in the aftermath of 9/11 are again/still: visa coordination, standardization of visa system, speeding up the

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[55] Com(2001)387 Final, Communication from the Commission to the Council and The European Parliament on an Open Method of Coordination for The Community Immigration Policy.

readmission agreements, adoption of expulsion and repatriation policies, strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.[56]

In the Hague Programme, which followed the Tampere Programme and the adoption of the Nice Treaty in 2003, illegal migration has become more closely linked to the labour market:

> As the informal economy and illegal employment can act as a pull factor for illegal immigration and can lead to exploitation, the European Council calls on Member States to reach the targets for reducing the informal economy set out in the European employment strategy.[57]

Readmission agreements and capacity building at the external borders are still promoted as devices of government, as well as to 'combat illegal immigration, promote legal channels for migration, resolve refugee situations by providing better access to durable solutions, build border-control capacity, enhance document security and tackle the problem of return' (ibid.) The link to the illegal migrant as potential victim of crime, death at sea, etc. is a continuously present image, as well as technologies of border checks, systems of biometric identification and visa coordination. However the association between the illegal immigrant and crime is still promoted as the principle argument for establishing a system based on biometric identifiers:

> The management of migration flows, including the fight against illegal immigration should be strengthened by establishing a continuum of security measures that effectively links visa application procedures and entry and exit procedures at external border crossings. Such measures are also of importance for the prevention and control of crime, in particular terrorism. In order to achieve this, a coherent approach and harmonised solutions in the EU on biometric identifiers and data are necessary [Hague Programme:16 (1.7.2)].

In the period of time from the Hague Programme to the Stockholm Programme, a number of planned initiatives on illegal immigration and border control materialized into a social practice of government that differed from mere political statements and intentions. In the Commission's 2009 evaluation of the Hague Programme to the Council,[58] the Commission states as a success that 'illegal migration is not increasing in the EU as a whole' (ibid.:5), despite the fact that the Commission possesses no statistics that can support – or contest – such a statement. New technology of government is beginning to appear, as social practices supported by political decisions in the EU. Among these 'technologies' is the directive that penalizes employers who employ illegal migrants, the return directive, biometric identifiers, and the Frontex border program.

Problematization of illegal migration is parcelled and packaged as 'The opportunity of illegal employment results in exploitation of the individual and distorting effects on the EU econ-

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[56] Seville European council 13. June 2002 http://www.statewatch.org/news/2002/jun/14seville.htm.

[57] Council of The European Union Brussels, 15 October 2004, 13302/1/04, Rev 1, Limite Jai 370

[58] Com(2009) 263 Final, Brussels, 10.6.2009, Communication from The Commission to The Council, The European Parliament, The European Economic and Social Committee and The Committee of The Regions of Justice, Freedom and Security in Europe Since 2005: An Evaluation Of The Hague Programme and Action Plan.

omy' (ibid.), and the proposed directive on 'sanctions against employers of illegally-staying third country nationals' is described as a measure that sends 'a clear signal that the EU will not tolerate illegal migration, especially where it is encouraged by unscrupulous employers' (ibid.:6).

Technologies such as Frontex and the Schengen Border Code are positively evaluated, and the Return Directive is described as providing 'effective and humane standards in the return of illegal immigrants' (ibid.).

Biometric passports were introduced in 2006, the second generation of the Schengen Information System and the Visa Information System is under development, and their legal framework has been established, the implementation and operation of the Visa Information System (VIS).

At present, political ideas of the political rationality and problematizations have materialized into social technologies of governing illegal migrants in the EU.

Standardised, transnationalized penalties on illegal employment are bringing migrant illegality in the form of employment illegality into the labour market. We can observe a deployment of nationalized policing based on a kind of regional sovereignty, and as an instrument of division between inner and outer EU. 'Illegal employment' in the sense of 'migrant employment illegality' is an illegality reserved to 'anti-citizens', because employing a EU citizen cannot be illegalized, legal EU residents having the freedom of movement as labour in the EU space of labour market. This device is aimed at enforce exclusion of illegalized migrants from the labour market. Separation or division of residents according to migrant status is enforced as an essential technique of governing marginalized migrants with the effect of further merging the space of labour market and the space of state. This device is promoted as a protective initiative against 'exploitation' of the migrant worker and disorder at the market; see the above quotation.

The Return Directive is similarly a device for governing the anti-citizens of the EU through a standard procedure of 'removal' from the regionalized territory, i.e., deportation.

Biometric technology is a materialization of a political thought mutated from practices of government linked to the panoptical perspective of government and to colonial forms of governing through bodily control and identities. One of the current biometric identifiers is fingerprinting, which has been a social technology to measure and identify the criminal body, developed in colonial India and technologized in the era of IT into databases of criminals and suspects (Cole 2001). Fingerprinting is now gradually being replaced by databases of DNA. Biometric passports or databases contain extended and new possibilities of governing through the body (and not through representations such as ID cards, personal registration numbers, names, etc.) The opportunity of large scale databases, such as SIS II containing data of the unwanted – the expelled, the penalized, the overstaying etc. – gives the possibility to selecting and separate legals from illegals, the deserving from the non-deserving, citizens from excluded insiders and immanent outsiders. It is not only an idea anymore, but a reality, even though the future practice of the technology is yet unknown. The 'biometric passport' or identifier merges two mutated key technologies of the colonial nation-states; fingerprints and

passport (Cole 2001, Torpey 200) into a technical, depoliticised instrument targeting 'the Others'

Aspects of EU rationalizations of 'illegal migration' in migration studies

In migration studies, 'illegal migration' as a new phenomenon in Europe is often related to narratives of migratory pressures, migration 'crisis', failure of the nation-states to control economic crisis, and racist,/ xenophobic populism (e.g. Hollifield 1994, Hammar 1989).

Two recurring dimensions in critical approaches to migration management and management of illegalized migrants in the EU are constructed, as a conflict between 'reality' and 'perception'. One is the perceived conflict between 'real migration/migrants' and perceptions and constructions in migration policy; the other is the perceived conflict between the idea of 'liberal policy' or 'liberalism' constituting dilemmas and paradoxes of government through the conflict between the notion and the 'reality' of freedom; freedom of movement, freedom of choices, etc.

In 1994 Baldwin-Edwards and Schain wrote about the relatively new phenomenon of illegal migration as problematic: 'Illegal immigration has been widespread throughout Western Europe in the post war period, yet it is only recently that unanimous condemnation of the phenomenon has been voiced, in the context of increased immigratory pressures.' (1994:4). Baldwin-Edwards and Schain then added that 'illegal labour forms a significant part of almost all industrialized economies' (ibid.).

Dûvell 2006, Bosniak 2003, Glick Schiller 2005, Lucassen 2005, Schrover 2008 and others have also stressed the increased poblematization of illegalized migration in Europe in the late 1980s and early 1990s.

As reason for an increase in illegal immigration, Baldwin and Schain state that restrictions on legal immigration 'have had the inevitable consequence of promoting illegal migration.' (ibid.). It is mentioned that statistics and estimates are difficult to obtain, but an estimate from the ILO, 1990, has brought forward the number of 2,6 million illegal residents, representing 14% of the total foreign population, of which 1,950,000 have entered not as asylum seekers and 650,000 as asylum seekers (ibid.:5).

Two notable policy responses to the phenomenon of illegal migration are identified: regularization and deportation. 'Italy, France, UK, Belgium, the Netherlands, Austria, Spain and Sweden have all enacted various regularization programmes in the period 1971-91' (ibid.: 6). As political responses to a perceived danger or threat, these programmes – regularization and/or deportation – can be understood as a two strategies of governmental restoration of order in the mechanisms of governing populations; the one is about inclusion into the nationalized and territorialized population through legalizing residency, and the other about exclusion from the territory of the nationalized population through deportation.

Balwin-Edwards and Schain use the term 'migration crisis', as others do, to characterize what takes place in the 1989-1990, but they define the crisis not as an invasion of Western Europe,

or of cross-border flow, but rather as a 'political crisis of the elite and mass reaction to for-eign-born people, only some of whom have arrived in recent years.

They do not see 'illegal migration' being problematized until around the late 1980s – early 1990s. However, even though Baldwin-Edwards touches upon elements of political constructs and state that meaning is put to illegal migration in a different way in the 1990s than earlier, the explanation for this, in their understanding, is migration – not the interpretation of migra-tion. In their understanding, the chain of causes is as follows: the economic crisis followed by a prohibition on legal labour migration, which unintentionally, by means of human rights, caused the situation of temporary workers and refugees who had already arrived to obtain rights to permanent residence and family unification. This chain is constructed as the explan-ation for migration becoming problematic. The phenomenon in itself changed character into something problematic, which created various policy responses.

Geddes (2008) presents a different analysis which points to a greater extent to the character of the constructedness of the illegalized migrant. His analysis is concentrated on the analytical framework of securitarization of migration and constructed illegal migration as a security threat during the last decades in EU, invoking the work of Foucault, Bigo and Huysman. Geddes offers a conceptualization of borders that departs from Zolberg's statement that

> it is precisely the control that states exercise over borders that defines international migra-tion as a distinctive social process. This arises from their irreducible political element, in that the process entails not only physical relocation, but a change of jurisdiction and mem-bership [Zolberg 1989:406].

Geddes' combination of the notion of border (Geddes 2008:24-28) on the one hand, and the relocation of the territorial border concepts and constructions in international migration to also include constructions of organizational and conceptual borders is a useful approach in focusing on the inclusion/exclusion processes of migration management. Applied to the phe-nomenon of 'illegal migration' in my version, all three kinds of borders construct the irregular migrants as targeted in the current EU migration management:

- Territorial borders: in operative policing at the territorialized borders regardless of bor-ders constructed as border lines or border zones, in surveillance, in collecting and defin-ing data concerning 'illegal migration';

- Organizational borders: in excluding irregular migrants at the territory from welfare provisions and legal protection etc., defining routes between illegality and legality through e.g. regularization procedures;

- Conceptual borders: being produced in national/regional identity terms, welfaristic, se-curitized rationality, the irregular migrant is constructed very often in terms of being a threat, embodying a phenomenon that is the be 'combated'.

In order to understand the politically charged concept of illegal migration in the EU, I will try to establish a historicized investigation of the concept in key EU documents, policies and technologies in order to investigate the constructed character, the processes of selections and de-selections and the fluidity of the concept so influential for present governmental practice in the EU and in Member States and for the production of migrant subjectivities.

When did illegal migration enter the political scene of the EU?

'Migration' has been on the agenda in EU from its very beginning (Niessen and Guild 1996). It was not originally labelled 'migration', however, but 'free movement for persons'. Article 3 in the 1957 Rome Treaty[59] declared that 'the activities of the Community shall include: […] the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital.' In article 48-58, however, specifying free movement, 'persons' are translated into 'workers', self-employed persons and service providers. Market thinking is crucial in rationalizing free movement, and future technologies of facilitating the market are described by the Rome Treaty in terms of balance between supply and demand:

> by setting up appropriate machinery to bring offers of employment into touch with applications for employment to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.'[60]

Workers are describes as 'workers of member states', indicating that workers of member states are equated to nationals of member states, but this is not made explicit. The articles on service providers, however, mention that by unanimous decision in the Council, those rules can be extended to third country nationals (article 59), which indicates that they are not included in the previous chapters on free movement of persons.

However since my focus is 'illegal migration', we need to ask, 'How is the contemporary status of 'illegal migration' in the EU to be understood as a historicized concept in the EU?'

Migration as a policy issue in the EU appears in the first half of the 1970s as an issue of social policy in the 'Council Resolution of 21 January 1974 concerning a Social Action Programme'. This resolution refers to article 2 in the Rome treaty, on the purpose of the EEC as both economic development and as an instrument to increase the standard of living: 'harmonious development of economic activities, a continuous and balanced expansion, an increase in stability and an accelerated raising of the standard of living' [61] (ibid.) and to the Heads of State of the member states Governments, who at a conference in October 1972 declared that 'economic expansion is not an end in itself but should result in an improvement of the quality of life as well as of the standard of living.'

Full employment is the over all key aim in the Resolution. Full employment is a means of achieving other goals, which reflects the implicit threat to the economy phrased as a threat to employment. In order to achieve full employment, a range of initiatives are listed: better co-operation between national employment agencies, implementation of a common vocational training policy, improving equality between men and women on the labour market, including recognition of family responsibilities for all workers, training and integration of 'handicapped' and other vulnerable groups of persons, improving safety at work, enhancing social security benefits, protection of workers' rights under conditions of rationalization and mergers

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[59]EC-treaty/ Rome treaty, Treaty establishing the European Economic Community (1957)

[60] Ibid. Article 49.

[61] Article 2 of the Rome Treaty 1957, quoted in The Council of The European Communities: Council Resolution of 21 January 1974 concerning a Social Action Programme.

and combating poverty, strengthening a regularized labour market (collective agreements, etc.).

The focus on migration, or rather migrant workers, is on par with the other issues intended to facilitate the common market and the common goals of improving quality of life and living standards for Community inhabitants through achieving full employment. The goals were stated as:

- to establish an action programme for migrant workers and members of their families which shall aim in particular:

- to improve the conditions of free movement within the Community of workers from Member States, including social security, and the social infrastructure of the Member States, the latter being an indispensable condition for solving the specific problems of migrant workers and members of their families, especially problems of reception, housing, social services, training and education of children;

- to humanize the free movement of Community workers and members of their families by providing effective assistance during the various phases, it being understood that the prime objective is still to enable workers to find employment in their own regions;

- to achieve equality of treatment for Community and non-Community workers and members of their families in respect of living and working conditions, wages and economic rights, taking into account the Community provisions in force;

- to promote consultation on immigration policies vis-à-vis third countries.[62]

The rationality of the construct of the migrant worker is 'free movement of labour', and how to facilitate the possibility of labour to be available where it is needed. The combination of regulating the market and improving the community population as such is promoted through what is understood as social policies of both mobility and settlement and the equality of treatment between Community workers and non-Community worker. The subject constructed is the *worker*, and the *worker* can have a family, can be a Community citizen or not, etc.

In the text, social policies are closely linked to labour and labour market. People outside the labour market are almost invisible. However, a distinction is made between Community and 'non-Community' workers regarding 'humanizing' free movement, which is only aimed at Community workers. The explicit differentiation of Community versus 'non-Community' worker is absent, and migrant workers are not divided into legal/illegal. Furthermore, the only objective which is to be 'combatted' – the only issue to which a metaphor of war is applied – is poverty.

Parallel to the first social action programme (Neal 2002:92) which was based on this resolution, 'The Action Programme in Favour of Migrant Workers and Their Families'[63] was issued by the Commission later in 1974. A significant change or interpretation of the 1974 Council

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[62] The Council of The European Communities: Council Resolution of 21 January 1974 concerning a Social Action Programme/

[63] COM(74) 2250 14 December 1974: The Action Programme in Favour of Migrant Workers and Their Families.

Resolution had now occurred, and a remarkable number of elements of later problematizations of migration were present in the action plan concerning migration.

Although labour migration in the EU in the Action Programme is described as having been an advantage for the EU in terms of having 'contributed to a faster rate of economic growth' and 'a greater degree of flexibility' (ibid.:11)[64] migration as a current phenomenon is related to 'dramatic changes' caused by a huge 'influx' of migrants and their families. This was envisioned in numbers and categories as the *composition* of migrants and their *total number.* In terms of composition, from 1959, when migrants were three-fourths Community member nationals and one-third third country nationals, by 1973 the proportion of third country nationals had risen to two-thirds of all migrants. In terms of *total number,* the six million labour migrants and the total migrant population of ten million people, were now four percent of the Community population as a whole, 'while in the industrialized areas the concentration is much higher' (ibid.). *Concentration* is obviously also indicative of problems such as regional imbalance, where some (sending) regions have financed education for labour moving out of the region with the result that ' the poorer regions have to some extent been subsidizing the richer' (ibid.). Concentration becomes 'aggravated over-concentration' accelerating the problematization and defining another key problematic; overloading of the social infrastructure; 'the constant influx of migrants has aggravated over-concentration, particular in relation to the *overloading of the social infrastructure* and adverse environmental effects.'(ibid.).

Migration is further constructed in opposition to the said assumption that labour migration is benefitting migrants and their countries of origin. Third countries are now constructed to be *suffering* (ibid.:12) 'a growing loss of manpower'.

Freedom and force are brought forward as migration motives, and although Community migrants are separated from the third country migrant by underlining their right of free movement, both categories are constructed as primarily making forced movements caused by social conditions:

> While sometimes migration results from a free decision to seek better living conditions – Community workers have the right of free movement under the Treaty of Rome – the majority of migrations, both by Community and third country workers, are forced through unemployment and economic pressures [ibid.:12].

The unassimilated migrants are constructed as a threat to the community because of their exclusion and unequal position:

> In fact, after more than a decade of benefit from migrant labour, the Community finds itself with a large *unassimilated group of foreign workers*, who share almost all the obligations of the society in which they live and work but, more often than not, have a less than equal share in its benefits and rights. This situation is in the long term intolerable-degrading for the migrant and dangerous for the Community [ibid., emphasis added].

Equality and anti-discrimination measures are envisioned as means to reduce tension and establish and maintain social order (Walters and Haahr 2005), as third country migrants do not

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[64] Even though 'availability of a relatively cheap source of unskilled manpower has retarded the search for greater productivity in Community industries' (COM74(2250).

have the same protection against discrimination as member states nationals. This brings the Commission to state that 'elimination of all discrimination' must be one of the main objectives in the action programme 'once, in the case of third country migrants, they have been legally admitted to employment in the Community' (ibid.:13). In a statement on equality and anti-discrimination, the Action Programme establishes fundamental and constitutive criteria of exclusion: elimination of discrimination is applied to those 'legally admitted', which implies that inequality and discrimination concerning those not legally admitted is implemented in the construction of the emerging political rationality of governing a problematized migrant subject. Hence, the goal is 'the progressive elimination of all discriminations against them in living and working conditions, once, in the case of third country migrants, they have been legally admitted to employment in the Community' (ibid.:13).

Within this framework of the legal migrants and the legal residents, a social state rationality unfolds in a welfarist biopolitical concern for the population of 'legal' residents listing issues such as vocational training, housing (*concentration* being the problematic key word), family reunification, exclusion from social security, family benefits, unemployment insurance, education of children of migrants, health problems and linguistic barriers.

'Illegal immigration' has its own paragraph in the text, as the last on the list of problematic issues related to migrants and migration. National government of migrants is problematized on the issue of illegal migration and deportation. Several times it is stated that third country migrants are 'liable to deportation, too often at the discretion of the host country authorities' (ibid.:14), and in general, national unequal treatment of migrants is problematized.

Statistical evidence is emphasized as indicative of the relevance of the problem: illegal migration is said to have 'been growing in recent years and is now estimated to amount to 10% of the total volume of immigration' (ibid.:21). Numbers are crucial in the problematization, even though the reliability of numbers is questioned due to the nature of 'illegal migration'. However, numbers are obviously needed, so by invoking phrases such as 'there are grounds for believing', the number of illegal migrants is set to 600,000 in the 'Community' and relativised to a percentage (10%) of the 'legally admitted' migrants, and not to the whole population of the Community (which according to the figures in the beginning of the document would have amounted to 0.24%) (ibid.:21).

The subject position of the 'clandestine migrant' is constructed clearly as a victim, being vulnerable to exploitation, trafficking (the villains being manpower traffickers, with trafficking understood as a labour market exploitation) and health risks, which can affect local (implicitly understood as legal) populations. Clandestine migration is constructed as a threat, but primarily a threat to the order, regularity and social improvement of the legalized migrant community. The only explicit means put forward in the action programme to avoid the threats of illegal migration is 'strong legal sanction against exploiters of immigrant labour'.

The action plan can be seen as a Europeanization of governmentalization of migration, making it an area for Community policy and rationalising migration as a phenomenon rooted in economic and labour market needs, and constructing labour migration as a necessity for developing the Common Market. The subject of government is conceptualized as the social citizen (Rose 1999), that needs protection (the vulnerable illegally admitted migrants) or equality

and integration (legally admitted migrants). The social citizen is constructed as 'a social being whose security was guaranteed through collective dependencies and solidarities […] and to be governed through society – within a nexus of collective responsibility' (Inda 2006:11).

Migrants are differentiated between Community migrants and third country migrants, where the latter, if 'legally admitted', are seen as a potential Community citizen (through integration and inclusion). The Community citizen and the potential Community citizen are constructed in terms of improving living standards, solidarity and welfare.

Social government as the political rationality of welfarism prioritizes collective security in order to safeguard the life of members of the population and ensure collective security through curtailing risks to individuals and families that result from economic insecurity (unemployment benefits, health insurance, etc.) in order to promote the betterment of social life of individuals (Inda 2006:10).

This political rationalization about a kind of welfarism or social state approach is obvious in the problematization of working and living conditions of migrants, focussing on basic domains of social/welfare: social services, housing, education and health. In terms of programmes, however, the difference between governing as a state and as an intergovernmental organization directs solutions in different directions. The action plan suggests solutions to make the community area a unit of government, through establishing structures of gathering and producing information and data as a central (knowledge) centre of government and through coordination and cooperation internal in the EEC and through standardization of member states' bilateral cooperation with third countries on migration.

Problematization of government is very explicit and weighs heavily on the programmatic formulations. Lack of coordination, common standards, and common policies are problematized equally for labour market and migration perspective, such that migration becomes a subfield of the labour market, and solutions presented with the intention of 'solving' the 'empty space' of government in the Community:

> The absence of coordination has also left unresolved the conflicting interests of migrants and their employers and of the economies of the Member States using migrant labour and those exporting workers. All this points to the need for the Member States and the Commission to consider the question together with a view to adopting a common strategy to meet the problem [Action Plan 1974:22].

It is interesting to compare this discussion with that of international organizations 30 years later, where the government of migration is also problematized in order to suggest solutions implying institutional programmes of organizational coordination, even though the point of departure for the present problematization is differently construed than that of the 1970s EEC.

Two programmatic statements or plans are especially interesting regarding illegalized migrant: One statement is about 'return', which could be read as contrasting with 'deportation'. In the text, return is linked to a nation-state practice that produces vulnerability. Hence, the return provisions will also

> [provide], during the stages of return to and reintegration into the country of origin, as part of the collaboration between the host country and the country of origin, appropriate assist-

ance to those migrant workers and members of their families wishing to resettle in their country of origin [Action Plan1974:8].

Return is linked to the wish to return – to the choice of the migrant to return – and deportation and forced return are not mentioned. However, return or facilitating return is defined as a relevant social technology in governing migration.

The second statement is explicit on illegal migration:

> strengthen cooperation between Member States in the campaign against illegal immigrationof workers, who are nationals of third countries, and ensure that appropriate sanctions are laid down to repress trafficking and abuses linked with illegal immigration and that the obligations of employers are fulfilled and the rights of workers relating to the work they have carried out safeguarded without prejudice to other consequences of the unlawful nature of their residence and employment[ibid.:8].

It is again obvious that illegal migration is only made visible as a labour market phenomenon and that the illegal migrant is constructed as a potential victim, exploited by traffickers and employers and being deprived of rights. The subjectivity of 'worker' is separated from the subjectivity of 'migrant', in order to highlight that employer obligations towards the migrant worker must be fulfilled irrespective of the migrant illegality.

Walters and Haahr, who analyse European integration from a governmentality perspective, read the Rome Treat as a 'site of programmatic refection concerning the possibility of European governance' (2005:23) targeting the European economy as a governable entity, and constructing freedom as nurture of 'economic processes, to establish the conditions for certain economic mechanisms to play themselves out' (ibid.:46). In these processes, freedom of movement is an element of instrumental reason or rationality, linked to the labour market, and to the individual as worker and migrant worker. It is not a political rationalization of subjectivity, as a universal human being equipped with rights in the capacity of being a universal human being, but as a subjectivity of being a participant on the labour market.

The focus on regulations both concerning the labour market and bio-political issues in the Action Programme establishes both the empty space of governance in Europe on migration in general and illegal migration in particular, and the point of departure for means to establish this particular kind of order through Community governance.

The EEC Action Plan and the Resolutions on migration from the early 1970s reflect the same governmentality as that highlighted by Walters and Haahr. The combination of the market/economy approach with a social state approach, according to Walters and Haahr, is constitutive of the European community and present in the early treaties as an underlying reflection of the 'ordo-liberalism', which, in contrast to the fear of classic liberalism of state regulations and concentration of political power, 'replace the conception of the economy as a domain of autonomous rules and laws by a concept of economic order'(ibid.:50) and sees social policy, 'not as an activity to redistribute income or compensate the anti-social effects of the market but to 'multiply entrepreneurial forms within the body social' (Foucault in Lemke 2001). In other words, it departs from what we might call the welfarist view of social policy and moves towards a market rationality' (Walters and Haahr 2005:51).

In the 1970s, migration was occurring during an economic downturn, governmentalized as a sub-field of social policy, and understood as programmes of facilitating labour markets and populations as labour.

Problematization of migration and governance of migration were introduced as an 'influx crisis', backed up by statistics on the 'size' of the influx, expressed as a total number and a relative proportion, but not as an absolute unit saying this size or this share is per definition too much. *Imbalance* is a frequently used image as something causing migration, (pull and push factors) and being caused by immigration (overloaded social infrastructure, overconcentration in housing, etc.).

The momentum of problematization is visible at this time: there is an '*urgent need*' to improve conditions for migrants, especially for third country nationals without community protection, a need to rely on restrictive, exclusionary national legislation, the migrants' sense of exclusion and poverty as a barrier to integration, all of which creates social instability and xenophobia.

Between the first Council resolution in 1974 and the second in 1976, there occurs a problematizing language on illegal migrants. A categorization of illegal migrants as different from legal migrants and as genuinely problematic has established itself, defining illegal migrants as vulnerable victims and exploitative, potentially contagious individuals threatening the integration, improvements and regulations of the future community labour market/economic order.

Programmes and solutions suggested in the Action Programme and the 1976 Council resolution[65] are aimed mostly at consolidating the Community as a future centre of governance and constructing the EEC as a governable space. A number of suggestions, some programmatic, others technological are made to fill the empty space of government: cooperation with third countries, cooperation and coordination among member states, developing community employment policies (which is noted to be outside this programme, but migrants will be among the first to benefit (ibid.:14), supporting a 'Global approach' regarding migration, supporting statistic production and standards, establishing community protection of third country migrants through inclusion/assimilation, establishing equal social rights for (legal) migrant workers, equal rights concerning trade unions, right to family reunion and a campaign against illegal immigration which included a stance against traffickers and exploitation and sanctioning of employers.

A migrants' charter, specifying migrants rights and requested by the European Parliament, is also mentioned.[66] Seen as technologies, the employers' sanction initiative seems to be the most specific legal means to govern 'illegal' migration, whereas other initiatives seem to be of a more general nature and more concerned about establishing the EEC as governing authority.

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[65] Council Resolution of 9 February 1976 on an action programme for migrant workers and members of their families. Action Programme in Favour of Migrant Workers and Their Families COM(74) 2250 14 December 1974. (Bulletin of the European Communities. Supplement 3/76).
[66] The Commission had to back down from a more extensive understanding of migrants rights when the action plan was to be adopted in the Council (Geddes 2008:57).

Council Resolution of 9 February 1976 adopted the Action Plan, but in a less binding version than requested by the Commission. Focus was on common policies and co-operation, and encouraging rather than legislating for securing equal treatment. Also abandoned was the proposal to extend social provisions to include third country nationals (Geddes 2008:55).

Single European Act and Schengenland

Huysman analyses developments in the EU as 'spill-over of a socio-economic project of the internal market into an internal security project'(Huysman 2006:70), characterizing the Single European Act of 1986 as a programme of free movement of goods, capital and persons through abolition of internal borders, and the Schengen agreement of 1985 as a programme to strengthen external border control to protect the internally open European Community, as stated in the 1985 Schengen agreement, article 7: 'The parties shall endeavour to approximate as soon as possible their visa policies in order to avoid any adverse consequences that may result from the easing of controls at the common frontiers in the field of immigration and security' (cited from Huysman 2006:70).

It is self-evident, and many scholars have done (e.g. Schierup et al. 2006, Huysman 2006, Bigo 2005) to link the establishment of the Single European Market as an area of internal free mobility with the Schengen agreement as a programme of increased and focussed border control at the EU external borders, paving the way to the construction of a Fortress Europe, with the result that freedom and security became more closely connected in the late 1980s (Geddes 2008:68).

While I recognize the overall pattern and increased constructed mutual dependency between an internal market and external borders, my intention is not to address the EU integration/exclusion process, or the process of construction of the EU as such. What I want to focus on are the continuities and discontinuities in the political rationality on migration, in the programmes and technologies proposed and implemented in order to govern migration, and in the subjectivities, knowledge and tactics produced.

In the Single European Act, the health and safety of the worker and improvement of working environment (Article 21) remain in focus alongside a regulated labour market constructed as the possibility to 'develop the dialogue between management and labour at European level, which could, if the two sides consider it desirable, lead to relations based on agreements' (Article 22) and strengthen economic and social cohesion (Article 130a). However, reading the white paper from the Commission to the European Council (1985),[67] there emerge differences from the programmatic 'common market' of the 1957 Rome Treaty.

First of all 'barriers' seem to be the overall problematizing theme, which implies the solution of something to be removed or eliminated, whereas 'borders' or frontiers, as mentioned by Walters and Haahr (2005) are proper and legitimate technologies of order from the perspective of Common Market rationality. The White Paper operates with different kinds of barriers:

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[67] Commission of the European Communities: COM(85)310 final Brussels, 14 June 1985. Completing the Internal Market. White Paper from the Commission to the European Council (Milan 28-29 June 1985).

physical, technical and fiscal, of which the physical barriers are those that (among others) relate to 'immigration'.

'Barriers', however, are a concept in the preamble of the Rome treaty: 'Determined to lay the foundations of an ever closer union among the peoples of Europe, resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe.'. However, 'barriers' seem to be extended or interpreted, translated in the White Paper into a new political idea that implicitly, in the process of elimination of some borders, creates and construes other borders.

The 'physical barriers' are defined as custom posts, immigration controls, passports, the occasional search of personal baggage, which to the 'ordinary citizen' are the obvious manifestation of the continued division of the Community, and problematized as 'unnecessary burden of industry', 'adding costs', 'damaging competitiveness' (COM 1985: (310):11). 'The ordinary citizen' is constructed as a subjectivity of the EU-citizen.

The elimination of these barriers is the initial step in a neo-liberal political rationality replacing or mutating from the ordo-liberal rationality upon which the EU project, according to Walters and Haahr, was founded. However, the implementation of neo-liberal thought challenges the concept of 'frontier control', claiming an alternative strategy to be 'removing the underlying causes which give rise to the controls' or 'finding ways and means other than controls and the internal frontiers to achieve comparable levels of protection and/or information': (ibid.:11).

In two areas though, the Commission expresses understanding for continuous control by nation-state: when it come to drugs and terrorism. Existing border control as physical spot checks are problematized as a symbol of non-integration of the Community and the 'arbitrary administrative power over individuals' (ibid.:18), which contrasts with the notion of freedom of movement in the Community. Drugs and terrorism are seemingly the only barriers to the elimination the border controls, and new technologies that can enhance the process of elimination of physical barriers have already been adopted, such as a common EU passport and the proposal of separation of EU passengers for self-identity checks. The 'combat' mentioned here is the combat against terrorism (ibid.:17).

Travel by non-Community citizens and nationals is emphasized as something that will become much easier, though problems can arise due to visa regulations not being harmonised; hence, new visa and extradition policies are suggested.

A prerequisite for the elimination of internal frontiers is constructed in article 56 as: 'the redeployment of resources to strengthen controls at the external frontiers, and enhanced cooperation between police and the other relevant agencies within the Member States' (ibid.:18).

Free movement of labour is constructed as mobility for 'Community citizens', employee and self employed, and is characterised as being 'almost entirely complete' (ibid.:27), although unspecified problems remain: 'Certain problems still exist, however, and the Commission intends to make necessary proposals which will eliminate the last obstacles standing in the way of the free movement and residence of migrant Community workers' (ibid.:27). Generally, the recession and the economic crisis is mentioned as something that must not delay the

process of integration; the protectionist measures taken up by some Member states are criticized (ibid.:38).

Although the Schengen agreement originated as an agreement outside the European Community and was signed in 1985 originally between Belgium, Germany, France, Luxemburg and the Netherlands, the number of members soon grew, and the Schengen aquis (the body of legal and administrative norms) was incorporated into the Treaty of Amsterdam. The Schengen Implementation Convention, however, did not take effect until 1996.

The Schengen Convention is a regional migration management technology, specifying in detail how external borders and 'aliens' shall be governed and controlled in order to abolish internal border checks and facilitate free movement of 'persons who are nationals of a Member State'. The convention operates with definitions (internal/external borders, alien (defined as not being persons who are nationals of a member state), third state, asylum seeker etc.) and technologies such as penalties for the unauthorised crossing of external borders (Art. 3); entry check and departure check of identity, documents and baggage at external borders (Art. 3); criteria for entry of 'aliens' (Art. 5); list of exemption of exclusions at the border, such as humanitarian grounds, grounds of national interest or international obligations; procedure for checks of cross- border movement – uniform principles and an equal degree of control (Art. 6); mobile units to carry out external border surveillance between crossing points; visa – uniform procedures and rules; SIS – information, database and procedures of control, carrier responsibility and return of aliens, penalties imposed on any person who, for financial gain, assists or tries to assist an alien to enter or reside within the territory.

The term used to describe such controls is 'governing the movements of aliens' (Chapter 4); not 'control', but 'governing', and not the 'migrant' but the 'alien'. 'Alert' is another keyword, naming the action of registering a reason for non-entry. Alerts are grounds for exclusion, but also devices in a common language, a common taxonomy and communication, materialized in a system, the SIS, and enabling coordinated exclusion.

Although 'illegal immigration' may be implicit in much of the detailed descriptions of policing borders and territories in the Convention, the concept is only mentioned once, at the end of the Convention, as part of a declaration from the signatory of the Convention:

> In view of the risks in the fields of security and illegal immigration, the Ministers and State Secretaries underline the need for effective external border controls in accordance with the uniform principles laid down in Article 6. With a view to implementing those uniform principles, the Contracting Parties must, in particular, promote the harmonization of working methods for border control and surveillance. [ibid]

While the White Paper was preoccupied with categorizations such as Community citizen, Ordinary citizen, Non-Community national, Employee, self employed, Migrant Community worker and problematizations of market restrictions suggesting solutions of stimulating the market via the elimination of borders, the Schengen agreement is almost solely preoccupied with 'the Alien' linked to various situations of legality or illegality. Hence, it specifies measures for aliens who have legally entered the Community, aliens who do not fulfil conditions, aliens who hold valid residence permits, aliens who have not left voluntarily, aliens who may be expelled, aliens as potential asylum-seeker, asylum-seeker and rejected asylum-seeker, and

alien with or without 'alert'. Problematizations are embedded given that the Schengen Convention is constructed as a solution, a technology to solve an underlying problematization of cross-border influx of people related to transnational crime, 'threat to public policy, national security or the international relations' or as asylum-seekers. Techniques of government are presented and prescribed as a horizontal effort aimed at ensuring more uniform procedures, penalties, documents, data and at the vertical level strengthening and increasing surveillance and control based on well-known devices such as visa, border checks (especially in airports) and newer devices such as privatization of border control in carrier responsibility and development of a centralized data base system of shared information so as to better facilitate exclusion of 'aliens with alerts'.

There are obvious differences in terminology between the two perspectives, but there is also a consistency in recognition of the interdependency between the political rationality of the 'inner', of government of the 'ordinary citizen' and the political rationally of the 'outer', the government of the 'Alien'.

Both The Single European Act and the Schengen Convention should be seen more as joined efforts in a political rationality of establishing a protected zone of economic prosperity, excluding what might weaken a future wealth and stabile government of populations.

Aliens who are potential refugees are implicitly constructed as such potential threats, but 'illegal immigration' has not yet become a 'major threat' or a target for 'combat'.

The EC development was intertwined with political tendencies in Europe at the time defining e.g. asylum seekers as a major problem:

> Thus, how an issue is defined is central to an analysis of the policy responses generated to 'solve' the 'problem'. If immigrants and asylum-seekers (particular the number of them) are construed as the problem, then groups which advocate firm control (and,often linked to such a stance, racist ideologies) are drawn closer to mainstream political debates [Geddes 1995: 207, 200].

According to Geddes (1995, 2008), the development of EU's Immigration policy has close links to the Single European Act of 1986, which emphasized immigration control (Geddes 1995:205-210). From the very outset, the development of a free single EU internal market had was to restrictions on immigration. Geddes connects the pressure for tighter border controls and restrictive immigration policy to national political agendas of anti-immigration and racism, which co-construct immigration as a problem. 'So, at the same time as internal barriers are reduced, external ones are tightened within a coordinated policy framework at EU-level. As Livi-Bacci notes, the 'positive ideology' of Europeanness contrasts with the 'negative ideology' of immigration. It is this disjunction between these two ideologies that has helped generate the EU's immigration policy paradigm.' (1993:205). Livi-Bacci calls this a policy paradox: 'single market liberalization prompting tighter control at its border' (ibid.:206).

Development of an EC Immigration policy

At the outset, the development of EC immigration policy was characterised by an informal intergovernmentalism (Geddes 1995:206, Niessen and Guild 1996, Walters 2005). The estab-

lishment of the Ad Hoc Group on Immigration, at a meeting of EC Interior Ministers in London in 1986 marks the first political decisions made in the development of EC immigration policy (Geddes 1995, 2008). The themes around which this group should work were defined as 'terrorism, policing, customs, drugs, immigration and asylum, and legal cooperation.'[68] All these linked migration to issues handled by control, law and penal systems. Immigration and crime were connected and to be governed within a political rationality and a form of power which in the years to come developed into governing through crime (Walters)and Haahr 2005, Inda 2006). I prefer conceptualizing the government of the increasingly illegalized migrants as being centred around crime rather than security. While the securitization approach within' (e.g. Waever, Buzan, etc.) is productive in denaturalizating security in international relations and in political science, I find the approach to be too limited in elevating security as the overarching societal construction.

From the 'Ad Hoc Group on Immigration', the Belgian presidency, in April 1987, reported on the 'Problem of Immigration in General'. A peculiar aspect of the report is that although the headline is entitled 'Problem of Immigration', the text deals with solutions and technologies of government of immigration. One gains the impression that solutions are being presented before the problem is actually defined. However, several 'problems' are listed: extended border control, carrier responsibility and sanctions, common visa policy, controls at ports and airports in order to meet 'the necessity to improve the comfort of 'Community travellers', who must not 'suffer from the strengthening of control' that has to be carried out in connection with 'the fight against illegal immigration from third countries'. In addition, the question of migrant 'return' is mentioned, though not given the most prominent importance. Hence:

> The work of the group will focus on the following question: the means to repatriate third country nationals who are illegally residing in the Community … the procedures for controls of the territories of the Member States of illegal third country nationals should be strengthened and procedures for sending back illegal immigrants should be effectively implemented.' [Declaration of the Belgian Presidency 1987]

> The political rationality is one of safeguard free society, by examining in particular how to further intensify cooperation in the fight against terrorism, illegal immigration and drug trafficking. The problems are essential from the perspectives of the realization of free movement within the Community as the Single European Act provides for [ibid.].

In 1988, the informal intergovernmentalism that characterised Community government of migration was supplemented by the Coordinators Group, which was charged with coordinating initiatives of the Trevi group and the Ad Hoc group. My focus here is not to carry out an exhaustive analysis of the institutional development, but to follow the processes of establishing government of migration in the Community. In this process, the informal cooperation amongst government officials, Community agencies, and the Commission played a significant role as e.g. Bigo (2005) has investigated.

In 1989, the 'Palma document, Free movement of persons' a report from the Coordinators Group, was presented to and adopted by the European Council defining inner/outer separation

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[68] Statewatch Key texts on justice and home affairs 1976-1993:9.

of issues to be dealt with and a priority of asylum policy and external frontiers control as the most urgent for the Community.

In 1990, The Dublin Convention was agreed upon (but not ratified by all member states until 1997) and agreements and devices aimed at governing asylum-seekers and potential asylum-seekers followed (e.g., the 'Resolution on manifestly unfounded applications for asylum', 30.11.1992, the 'Resolution on a harmonised approach concerning host third countries', 30.11.92, which deals with the possibility of returning refugees and asylum seekers to third countries deemed safe).

As Geddes emphasizes 'the establishment of tighter controls makes the number of immigrants the 'problem', with unfortunate repercussions for both legally resident third-country nationals and citizens of immigrant or ethnic origin. The 'construction' of policy problems clearly affects attempts to resolve them' (Geddes 1995:207).

Remembering that the 'illegal migrant' in the 1970s was portrayed as a potential victim, the deconstruction or reconstruction of the category of the 'refugee', who had been politically situated in the shock of post-World War II horror and later inhabiting the cold war victimization, now reconfigured as a threat, a potential abusive individual and a target of policing, control and exclusion, is likely to have cleared the way for a similar reconstruction of the illegal migrant and the migrant as a potential illegal, alongside development of legality and illegality as means of governing migrants.

The construction of the rejected asylum-seeker contested the image of the deserving refugee and transformed this type of migrant from a position of non-rejectable, to one of potential rejection. Return and deportation increased in relevance as a political solution to political problems.

In June 1991, at the European Council summit, German Chancellor Kohl suggested communitarizing immigration policy, and six months later, the Ad Hoc group was laying out three priorities in the field of immigration:

- 'policy harmonization on admission for reasons of family reunion, entering into gainful employment, or on humanitarian grounds;

- A common policy on illegal immigration, including a common policy on expulsion;

- Policy harmonization on national policies admitting third country nationals for work purposes' [Geddes 1995:208].

In the work programme of the Belgian Presidency in 1993, the separation of inner from outer and the still more focussed problematization of illegalized migration are clearly visible:

> The European Community (…) guarantees measures are adopted in order to avoid the elimination of controls at borders between Member States being a source of abuse, facilitating crime, terrorism or drug trafficking, or increasing illegal immigration […]

> The actual deportation of people who are living illegally on the territory of the Member States should, according to the Presidency, be the subject of particular attention in as far as national efforts must be complemented by a European approach. In the view of the Presidency, this credible and transparent European approach is essential. In effect, the increase in

migratory pressure goes hand in hand with the economic crisis. Uncontrolled immigration could in the end destabilise our societies and undermine the integration of third country nationals who are legally resident in the Member States'[69]

The problem is constructed as potential migratory pressure, caused by lack of control, causing de-stability and disintegration, identifying an empty space of government and suggesting solutions filling the empty space with (complementing) EU enforcement of deportation.

In the Trevi aquis,[70] a list of actions agreed upon by the European Council in Madrid in 1989, Rome 1990 and Maastricht 1991 includes expulsion, an indication of the increased efforts to operationalize return of illegalized migrants.[71]

The early 1990s marked a significant point regarding the government of the 'illegal migrant'. With the establishment of Justice and Home affairs through the Maastricht Treaty, the Community also established itself as a pre-institutionalized centre of government in the field of migration, based upon the separation between Community and third country nationals; dividing third country nationals into legal/illegal residents, potential asylum-seekers, criminals, migrant workers etc.; operating on production of government technologies of the anti-citizen, the illegalized migrant; and increasing focus on implementing one of the devices, namely, expulsion.

At the same time, migration policy changed in the aftermath of the 'unwalling' of Europe in 1989, through the symbolic and physical destruction of the Berlin Wall and the political breakdown of the Soviet Union and end of the Cold War. The opening of borders and increased mobility was initially celebrated as a sign of a new Europe with more freedom and justice. However, it did not take long before the existing immigration from countries outside West Europe and the expected immigration from the Eastern neighbours were brought up as problematic issues to be put on the political agenda throughout the EU countries.

> disturbing episodes of anti-immigrant behaviour have been reported. There is, as yet, no clear agreement on how many immigrants Western Europe can sensibly admit and absorb without undue social tension' [Collins 1992]

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[69]'Group of Coordinators 'Free Movement of people' – work programme of the Belgian Presidency, CIRC 3653/93, Confidential, Brussels, 28 June 1993 (Statewatch key texts:12).

[70] The draft 'acquis' covering justice and home affairs drawn up for the accession to the EU by Sweden, Finland and Austria. The final version sent by the K4 Committee on 2 November 1993 to the Permanent Representatives Committee was incorporated in the Treaty concerning the accession of these three states signed on 24 June 1994 and entered into force on 1 January 1995 (Cm 2887, HMSO, June 1995).

[71] Recommendation concerning Member States' practices regarding removal (London, 30 November to 1 December 1992) [WGI 1266].Recommendation concerning transit for the purposes of expulsion (London, 30 November to 1 December 1992) [WGI 1266]. [Editor's note: error; the correct reference is: WGI 1275] Recommendation concerning checks on and expulsion of third-country nationals residing or working without authorization (Copenhagen, 1 to 2 June 1993) [WGI 1516]. Conclusion concerning greater flexibility in application of the provisions on transit for the purposes of expulsion (Copenhagen, 1 to 2 June 1993) [WGI 1310 REV 3]. (Statewatch keytexts :27).

106

According to a Eurobarometer survey from 1991[72] public opinion in the EU on migration shifted in favour of a stricter immigration control. Several EU countries (Spain, France, Germany) began to operate with quotas intheir immigration policy (Baldwin 1992). In France, the leader of the opposition, Giscard d'Estaing, called for zero immigration and denounced regularization initiatives using a very strong anti-immigration rhetoric. The Communist Party followed and demanded that family re-unification be kept under strict control (ibid.).

Several countries tightened their visa restrictions. Italy introduced entry visas for the Maghreb countries from September 1990. Spain followed in 1991 and Portugal was regarded as the most difficult EC country for Moroccans to acquire visas. The UK instituted visa requirements for Ugandans, as the eleventh country added to the visa list since 1986 (ibid).

Austria's government, in 1990, decided to send military troops to its eastern borders to stop the expected mass influx of Romanians and other eastern European nationals (Ronge 1991).

Migrant illegality was present in the legal production and political problematization in the 190s, both nationally and in the Community, but not within a uniform political rationality of problematization and solutions.

In 1991, 14,000 rejected asylum seekers were legalized in France, at the same time as the government proposed new measures to combat illegal immigration. These measures included transit visas, stricter control of entry visas, and a new procedure for the certificate of accommodation (Baldwin 1992).

Regularization and deportation of irregular migrants took place to an increasing degree, especially in several Southern European nation-states.

Spain instituted a full regularization programme which was expected to benefit some 100,000 irregular immigrants, mainly Moroccans. Portugal, in 1991, regulated 150,000 illegal workers, mainly from former colonies and Brazil. Belgium formulated an accord with Morocco for the return of illegal immigrants, probably inspired by the Schengen arrangements with Poland (Baldwin 1991).

The year 1990 was also the year of implementation of the Schengen agreement on free internal mobility between Germany, France, the Benelux, Italy (1990), Spain and Portugal (1991).

The protection of common borders implied an extended list of countries for which visas were required. Poland succeeded in getting off this list because of a deal negotiated with the Schengen countries about returning 'illegal Polish migrants' from the Schengen territory.

In the same year, 1990, the UN Convention on the Protection of the Rights of All Migrant Workers and Their Families was adopted, and in 1994, the European Commission recommended ratification of the Convention.

Conclusion

Investigating current government of migrants in the EU as political rationality and constructs compelled me to ask questions about how the 'illegal migrant' and government of migration

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[72] Eurobarometer no. 35 1991 (in Baldwin 1992).

became politically relevant in the EU. Current constructs of migrant illegality reflect a subjectivity as illegal migrant of being villain, social burden, 'abusible', abuser of freedom, potential criminal and terrorist and in rare cases, a victim. This responds to the anti-citizen (Inda 2005) technology suggested and practiced, emphasizing externalization of border control and deportation as key devices. The EU as a space of government of migration is now only being discretely debated, and is more reflected as a given than a possibility.

Inspecting the past of EU in search of the time and context for making migrant illegality relevant as practice of government, and installing EU in a space of government of migration and the migrant, show that migration as mobility was always politically relevant, almost a constitutive element of the EU. Until the 1970s, however, migrant illegality was problematized as a social problem comprising social disadvantages facing the migrants. The illegal migrant at the time was portrayed as a victim of abuse on the labour market.

Times have changed. The 'innocent' migrant is now a potential threat to the labour market, the social system, to the nation itself. Compared to the 1970s, EC documents where migration was problematized in terms of non-integration and social inequality and where empty spaces of government were identified, the Single European Act and the White Paper problematize restricted mobility and the absence of an external gate, defining the territory of the Single Market. The development from the common market that should be governed as a single market that should be set free reflects the change from ordo-liberalism to neo-liberalism, but it does not determine as such the political rationality of migration management. Problematizing 'illegal migration' was one of the productive ways of filling the empty space of government.

Deportation, return or removal, however, has been inscribed since the 1970s as a solution to a variation of problematizations of the migrant as illegal. Deportation seems to be a constitutive element of the illegal immigrant, as observed by Ngai (2004:58).

If the rationality of inclusion/exclusion is analyzed as a production and reproduction of power relations and positions, I do not think that paradoxes or dilemmas between 'liberal' and 'control' ideas in migration management are relevant. I would rather see the governing performance of inclusion/exclusion in 'migration management' as one of the trajectories of from the constitution of the European Community as a community, not founded on the idea of the individual as 'human being' as in the US constitution (Walters and Haahr 2005), but in the individual as situated in a market, related as citizen of a Community member state: the Community worker citizen.

Whereas paradoxes and exemptions throughout the history of the US have been constructed in the inclusion in *humanity,* most obvious through racialized exclusion, the framework of the European Community holds the possibility of constantly altering the borders between inclusion and exclusion in the *community*, mutating forms of powers related to the nation-state (establishing borders, control, visa) and the market (entry and residency linked to labour).

The political rationality of the gated community is a rationalization of power relations, of government, not a logical discussion. Even though The Single European Act can be regarded primarily as an instrument of inclusion and the Schengen Convention primarily as an instrument of exclusion, they were both instruments of inclusion and exclusion.

This does not necessarily contradict the widespread notion of freedom and security being the foundation of the immigration policy of the EU. However, it contests the notion of the two being each others contradictions. The political rationality of the gated community is also reflected in national legal and political differentiations of the population residing on the territory of the EU.

The founding subjectivity of the Community individual, derived from national citizenship and labour market relation instead of the human individual derived from biological existence, can be observed in inner differentiations in member state nationals, third country nationals with different rights and entitlements and 'illegal migrants'. The establishment of free movement for Community nationals established an exclusive community, producing external borderlines to keep aliens outside the community territory, and internal borderlines which differentiated the population inside the 'communitarized' territory through mechanisms of in-/exclusion of national citizenship. Class, ethnicity/race, gender and normality, which in the early days of the nation-state constructed citizenship through exclusion of the poor, the women, the non-white, the insane and the criminal, are silenced in modern nation-states and in the political rationality. Instead, the unwanted migrants, those targeted as villains, social burdens, criminals etc. typically happen to be globally positioned as the poor and the racial Other. One could ask whether alongside the removal of explicit exclusion according to class and ethnicity after World War II, whether the formerly classed and racialized exclusion from European nation-states has simply mutated into exclusion by alienage and migrant status. An old type of exclusion has now been moved over from one axis of differentiation (class, race, ethnicity) into migrant status/alienage.

Current constructs of governing migrant illegality are formulated in terms of war. Illegal migration is to be combated on a par with criminal activities, equating migrant illegality with a crime committed against the national community. Drawing on the political rationality of the ordo-liberalism, restoring or regulating social order through initiatives of non-discrimination and equality were more likely to be the solutions of the early constructs of illegal migration, not bearing the political significance and weight of the current neo-liberal construct of the gated EU community in danger of being overrun by an influx of poor migrants.

How the construction and government of the illegal migrant, and the governing through the fluidity of migrant il/legality, operate in the process of the 'conduct of conduct' of the marginalized migrants will be analysed further in the two empirical studies.

Chapter 4: Methodological reflections

In this chapter, I will address methodological reflections on how to produce and analyse empirical data in order to answer my research question about governing the marginalized migrant and how migrant il/legality is produced, performed and lived.

Given the interest in the position of the marginalized migrant, categorized through alienage or migrant status, I have chosen two empirical studies in Denmark: an exhaustive study on au pair migration and a limited study on migrant il/legality among destitute, homeless migrants. I will not approach these studies as studies of specific groups of migrants in their capacity as ethnic others, but as studies of social processes of how people live and experience the government of migration, as a relational practice of producing, negotiating, strategizing, categorizing, and contesting social, juridical and politically constructed positions.

Au pair migration and 'destitute migration' are two areas in the grey zone between migrant legality and illegality, a zone located in the margin of the nation-state or 'society', and involving elements of governmental practice targeting both processes of legalization and illegalization. Investigating social practices in the grey zone has the possibility to shed light on the dynamic quality of migrant il/legality as technology of government. Choosing two different social fields for research reflects an interest in the position of migrants more than an interest in a specific group of migrants as such. Choosing two different social fields is a means of focusing my research attention on government, given that the empirical study will include several interesting and relevant opportunities of analysis.

Marginalized migrant and migrant il/legality as political constructs, positions and identities

As described in Chapter One, I define the marginalized migrant as a political category or construct, and migrant legality and illegality as politically produced states and conditions. The *marginalized migrant* is defined through a political rationality of inclusion/exclusion related to citizenship of the nation-state of residence and through different variations of migrant il/legality. The choice of the governmentality approach stems from my research interest in government and the political rationality of migration.

The governmentality approach, as described earlier, entails a genealogy perspective on the practice of government of the migrant and migration and an analytics that includes four dimensions of political rationality: visibility, episteme, techne, and subject. The four dimensions can help clarify how subjects and spaces are made governable and how the social practice of government unfolds.

Governmentality studies are most often performed as qualitative studies, usually based on the analysis of documents and other textual material (Dean, Walters, Rose, Inda, Huyesman). However, governmentality analyses have also been carried out using interview data (e.g. Gutierrez-Rodriguez 2010).

Having the ambition to broaden the governmentality approach to include the lived experience of government and to link the state level with people's lived experience and the multifaceted social practice of being governed and governing (in locations and social spaces of the household, the shelter, the street, the immigration service, the media, etc.), I have chosen to use a combination of interviews, observation and documents.

The governmentality approach is a point of departure, but in order to refine the analysis, it needs to be supplemented by a transnational perspective and an intersectionality perspective.

Transnational perspective

According to several social scientists (Wimmer and Glick-Schiller 2002, Beck 2006, among others), it is necessary to break with the 'methodological nationalism' that has been so influential in the social sciences since the birth of the nation state.

> We need to study and popularize concepts of the migration process that is part of global forces experienced by people who move and who do not move. This means migration scholars must enter into public debate about social cohesion by identifying the forces of globalization that are restructuring lives of migrants and non-migrants alike and speaking of the common struggle of most of the people of the world for social and economic justice and equality [Glick Schiller 2007:65].

In particular, migration studies are often linked to the perspective of the nation-state, transforming migration studies to knowledge production of seeing like a state and unifying with the perspective of the nation-state (De Genova 2005, Goldberg 2002).

The study of the migration process as lived experience is one way to open up a transnationalized perspective on human mobility and residency. In addition, state management of migration needs to be analyzed as both a national and transnational process.

In this sense, there is a tendency in research to reserve the transnational space or perspective to that of immigrants living in transnational families and networks. In contrast to this tendency, I prefer to use 'transnationalism' as a reflection and perspective in understanding and analysing social and governmental processes.

Another reason for subscribing to a transnationalized perspective in research of migration is the tendency in nationalized research to produce and reproduce naturalizations and socially rigid categories of individuals positioned as migrants, especially those constructed as 'illegal' migrants.

Naturalization of different kinds of alienage/migrant status, especially regarding 'illegal' migrants as almost a property of the migrants, developed or applied independently of the nation state, is not unusual in the field of migration research. Such naturalization processes can be seen as a symptom of methodological nationalism and an implicit rejection of the idea of the nation-state as an imagined community and a socio-political construct. Migrants are socially constructed through their relations and position both inside and outside the nation-state.

In the article 'The Social Construction of Illegality and Criminality', for example, Engbersen (2001) is critical of the political discourse and legal restrictions in the Netherlands based on the assumptions and social constructs of 'illegal' migrants as more criminal than average. Yet

at the same time, he constructs the 'illegal' migrant as something – or someone – who has existed in all times, the difference being that previously, the illegal migrant was tolerated.

First of all this way of analysing the past transfers the 'illegality' discourse of the present into the interpretation or construction of the historical past. Moreover, migrant 'illegality' as something produced through legislation, administration etc. by the nation-state is dislocated to being an essential, innate feature of the migrant.

De Genova (2002, 2005) criticizes the large amount of research on 'illegal' migration as being intertwined in research perspectives with the nation-state, with decision-makers in public bureaucracies and therefore seeing and defining 'illegal' migration first and foremost as a problem for the nation-states and 'illegal' migrants as a more or less homogenous category. De Genova thus observes that this research assumes 'that undocumented migration is indeed a 'problem', that the state genuinely seeks to remedy this situation on behalf of the majority of citizenry and that the state is capable of actually affecting the recommendations of such studies' (2002:422).

Research embedded in an implicit point of departure and perspective of the sovereignty and citizenry of the nation-state will thus tend to produce research of an ethnocentric character and to be positioned within a particular perspective of power and privilege.

Intersectionality

Without going very deep into the theoretical discussion of intersectionality (McCall 2005, Staunæs 2003, Yuval-Davis 2006), I will highlight the importance of an analytical perspective of intersections of social divisions.

The concept of intersectionality originates from black feminist thinking and was introduced as a by Kimberlé Crenshaw (1989). Crenshaw was a key personality in forming the critical race theory movement that was preoccupied with the relationship between race, the legal system and society.

Within the last decade, intersectionality has become a much debated concept in gender studies. However, as Yuval Davis (2006:195) observes, the central debate still revolves around 'whether to interpret the sectionality of social divisions as an additive or a constitutive process.'

Social divisions and differences are at the centre of intersectionality, and it raises the question of the character of differences and social categories of difference. Categories as well as differences are relational phenomenon, with varying degrees of flexibility. As Staunæs (2003) emphasizes, social categories are not something that one 'has'; rather, they are performed, something one 'does'. Hence: 'People can populate social categories and social categories can acquire people and make certain traits visible' (Staunæs2003:104).

An additive analytical approach to intersectionality, described in images of one category 'travelling' the others, is rejected in favor of a non-additional approach which can intercept different kinds of differences, relations between categories and the 'interlock' of several categories (Staunæs 2003, Yuval-Davis 2006, McCall 2005).

Difference in kinds of difference points to the situation of 'The ontological basis of each of these divisions is autonomous, and each prioritizes different spheres of social relations '(Yuval Davis:201). Hence, social divisions such as class, race, ethnicity tend to be naturalized, as are gender, sexuality, ability and age. Discourses of naturalizations tend to homogenize social categories, which calls for an analytical sensitivity to both processes of culturalization and naturalization in intersections of differences.

Lutz (2002b) argues for defining 'difference' as a scientific concept. In her intersectionality approach, Lutz operates with the concept of 'lines of differences':

> Inter-sectionality is a concept for understanding the context of social positionings as well as identities emerging from it, in which in addition to gender, class or race, other lines of difference are in operation. No matter whether they are visible or invisible, these are the lines along which social inequality, exclusion, marginalization and discrimination are articulated [Lutz 2002b:67].

Emphasizing lines of differences as being both visible and invisible is important, for it opens the possibility to include the majority or the dominant position of the category in intersectionality analytics, which have tended to focus only on intersectionality of the oppressed, marginalized and discriminated. As Staunæs (2003) states it leads to a 'majority-inclusive approach, in which social categories such as ethnicity and gender are not perceived as special minority issues' (Staunæs 2003:105). One of the qualities/privileges of doing the dominant position in categorized relations of power is often the privilege of silence and 'unmarkedness', which is typically performed around categories of masculinity and whiteness. However, this does not mean that subjectivities of male gender and racial superiority are not performed according to social categories.

Lutz lists 14 categories of differences, constructed in 'basic dualisms' (2002b:67):

Category	Basic dualisms
Gender	Male/female, masculine/feminine
Sexuality	Heterosexual/homosexual
'Race'/skin color	White/black
Ethnicity	Dominant groups/ethnic minorities
	Non-ethnic/ethnic
Nation/state	Member/non member
Class	High/low
Culture	Civilised/uncivilised
Age	Adult/Children, Old/young
Ability	Able-bodied/handicapped
Sedentary/Origin	Sedentary/nomadic
	Settled/established/immigrated
Wealth	Wealthy/poor
North/South	The West/The Rest
Religion	Religious/secular
Stage of social development	Modern/traditional
	(Progressive/backward)
	Developed/underdeveloped

These binary categories are a good starting point for the differentiation of analytical tools. Lutz emphasizes that the list is incomplete, and that by presenting the binaries, they are themselves constructed as such. Lutz underscores that working with these lines of differences does not mean that all of them must be considered at the same time. Instead, they operate as 'the other question' in analytics of one of the categories, which 'may help us to detect layers of underlying meaning' (Lutz 2002b:68).

Using the intersectionality perspective in this project is a fruitful approach because 'intersectionality' in a social field is an inevitable part of analysing power relations in the government of migration. Furthermore, applying the intersectionality perspective to the category of legalized/illegalized migrant is a useful analytical tool for viewing citizenship and alienage. Both Lutz and Stausnæs (2003:105) state that 'analytically you must choose your perspective', and my perspective is the political category of citizenship/alienage.

Methods and meetings in researching government of migration and migrants at the margin

The poststructuralist constructivist epistemological understanding implies a broader discussion of context and knowledge production in research methodology, rejecting the notion of objectivity and naturalistic approaches in social science, and the search for 'true truths' and the essence of things, people and social interaction. Truths in scientific production result from ways of seeing, ways of analysing, ways of choosing and ways of making things, people and social processes relevant, true, problems etc.

Methods are not neutral. Methods operate on the basis of ontological and epistemological assumptions. They are part of the process of producing knowledge. Methods of scientific research, to use De Genova's words, can be equated to 'social practice that has to follow certain rules or conventions in order to be officially recognized as legitimate. These rules and conventions, as well as that legitimation, emanate from disciplinary institutions' (De Genova 2005:20) Although De Genova's point could be understood as a rather one-dimensional perception of power, the perspective of institutionalized knowledge production at universities and faculties of social science as a position of privileged power is important and is often underplayed in research reflections.

De Genova emphasizes that 'the methodological questions – always concerned with the means of producing knowledge – are at once pre-eminently epistemological *and* political' (2005:21). In my governmentality optic, focussing on political rationality and government and considering episteme as a decisive space of constructing political rationality and government, the epistemology of social science methodology is political. Conversely, politics is inextricable from episteme in social science methodology.

Position of the researcher

The position of the researcher within this epistemological understanding is not as a neutral observer of a social process. The researcher is positioned, interacting in a social field while producing meaning and knowledge. The researcher using qualitative methods, such as inter-

views and observation, is not the 'blank-face' (Frankenberg 1993) who stands outside the social process. Similarly, interpretation of the social process is a choice among others and embedded in multiple social constructs.

In her study of the social construction of white women, Ruth Frankenberg reflects on how racialization affects the social meeting of interviewing white women, she herself being constructed as a white woman. She attempts to develop a 'dialogical' (Frankenberg 1993:30) approach instead of the blank-face-researcher approach, acknowledging that 'in a social context where privilege and particular discourses on race construct zones of silence, repression and taboo, it served to democratize the research process, reducing the extent to which I was positioned as an invisible presence' (ibid.).

Although my research interest was not primarily focused on whiteness, the discussions of whiteness are pertinent to much social research because of the typically unmarked significance of the typical researcher's position as a 'global white'. Frankenberg's reflections are particularly relevant in my interviews with Danish host families. While I did not explicitly bring race into the conversation with the host families (something I would like to do in future research), race 'popped up' in several of my interviews conversations. The interviews produced a basis for understanding and locating the Danish version of what Frankenberg describes as discourses of race, zones of silence, repression and taboo.

De Genova as well also addresses the research position as woven into positions of privilege and as 'the politics of my social location':

> From the very inception of my attempt to conduct ethnographic research, then, it was abundantly manifest that my 'anthropological' aspirations were inextricable from the politics of my social location – as U.S. citizen, as someone racialized as white, as an intellectual educated in elite schools, with the luxury of having the pretension to write books, and thus regardless of my working class family background or my radical politics, as an objectively privileged and effectively middle-class person [De Genova 2005:14].

De Genova contributes to the important process of emphasizing the relationship between the nation-state and the individual as a decisive position in social practice, power relations and hierarchies (as do Bosniak 1998, 2006, Anderson 2000, Parrenas 2001) combined with other racialized, gendered and classed positions. Nevertheless, it is striking that for De Genova, the gendered position as male is not reflected at the same level of significance as his classed and racialized positions of privilege.

Conducting interviews in different social settings and with people positioned according to citizenship/alienage (residence status), gender, ethnicity/race, class, I was positioned differently dependent on how and which positions of power and privilege were made relevant.

Interviewing au pair host families was a meeting of socially simultaneous positions in the intersection between residence status (citizenship), class and ethnicity. Both they and I were Danish citizens, middle-class, well-educated, white and we spoke our mother tongue. The varying category was gender. I was also positioned both as a potential host mother/female employer and as a potential critic or controller.

116

Interviewing the au pairs was a meeting of asymmetric positions. The asymmetries were on three key dimensions:

- residence status – I was a full-fledged citizen, and they were positioned as temporary au pair migrants almost all excluded from rights and entitlements of a Danish citizen

- class – on a global scale and in terms of global social inequality and colonial geography of wealth, there was a class difference, although several of my informants were well-educated or had been positioned as middle-class prior to a social 'deroute' often caused by parents death, sudden unemployment or other life-changing event.

- ethnicity/race – I was positioned as white, they were as non-white.

According to gender positions, we were the same, but gender does not 'come alone'. My gender position as a Danish woman was inextricable from my position as citizen, white, middle-class, well-educated etc., as well as from their position as women in Denmark. Their position was as excluded insider, non-white, under-class, etc. My coming into existence as woman, citizen, white and middle class also activated my position as a potential host mother/female employer, potential public servant at the Immigration Service and not a position of me as potential au pair.

The positions of simultaneousness in gender often created a dialogical space, typically initiated by the au pair asking about my family, children and husband, whereupon I, of course respond. In one interview, for example, a dialogue on men and marriage led to a conversation on race, where the au pair put down her arm beside mine at the table and said: 'your skin is so white' and then told me about the strategy of marrying a 'white' man: 'I promised my boyfriend not to find a white man,' she said.

I cannot say that I brought my own personal narratives into the interviews the way Frankenberg is suggesting. Nevertheless, I t tried to share the goals of my research with the au pairs and to be open to questions and dialogue about my persona and lived experiences.

Moreover, I tried to reduce distance created by uncertainty of what the researcher position was about and whether I was an immigration authority in disguise. I also had to distance myself from being embedded in other organizational settings, such as churches and various NGOs, and I emphasized the anonymity and confidential character of the interviews. Informing the interview persons that I was familiar with the corruption going on in the Philippines when emigrating as an au pair, and mentioning that I had been to the Philippines myself made a difference, as well as my participation in the au pair network and attendance at several events, meetings, religious services and gatherings among Filipinos and au pairs, all of which served to create a starting point of credibility as a serious researcher interested in their lives.

Interviewing the various people involved in au pair issues – people working in the church, the organizations or the public authorities – was different from meeting the au pairs and the host families. The interviews were conducted from a different perspective, given that the agenda was to explore their capacity as gatekeepers, as people doing and knowing in a space significant for my main focus – the au pair relation. Those positioned as citizens, however, were both white and non-white, middle class and working in organizations and institutions of au-

authority in the Danish society. Those interviewed who were not citizens were non-white and positioned in less influential organizations.

In my field work at the homeless shelter, I was positioned as a citizen, white, woman, middle-class and 'helper'/volunteer, in addition to being a researcher. On various occasions, several of the users of the shelter challenged me as to the purpose and effect of my research. One said 'What will you do with it… you just go back to your nice job at the university... and we will still be here.' Another informant, one of the regular users of the shelter, spoke to me at night, but as soon as I asked him if we could meet the following day at a café and 'make an interview' he refused vehemently. 'I don't like interviews' he said, and he made no distinction between a journalist interviewing and me as a researcher. In some way, the word 'interview' was a term at the shelter connoting exposure of poverty, of failure, of deroute, and this was felt every time a journalist or a television network has visited the shelter to 'make a story'.[73]

Nevertheless, a number of users of the shelter agreed to a meeting to talk about experiences with life in Denmark and prior to Denmark. Some interviews were conducted at the shelter (at a separated corridor), some at a restaurant, but all settings emphasized the position of the researcher, paying the bill for the meal, etc. and the asymmetrical social situation. Gender positions were most often different, but in a 'reversed' gender hierarchy, given that my gender position came into existence through my decisive position as citizen and secondly as middle class. However, gender positions were also from time to time discretely performed as invitations to intimacy.[74] Class differences were asymmetrical, as they were most often positioned as 'under class' or as failed working class, and contrary to some of the au pairs who activated class 'simultaneousness' through positions of education and being Philippine middle class.

The potential simultaneous positions as EU citizens were made relevant in a number of interviews and late night conversations – formulated especially in terms of having or not having access to social welfare provisions in Denmark and positioned securely or marginalized at the labour market – but often in a narrative of disappointment of the experience of the imagined equality turning into experienced exclusion, and a reference to and discussion of the differences between the interview person and myself.[75]

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[73] Some contradictory stories, however, also appeared in terms of media exposure: In the beginning of the opening period of the shelter, a newspaper made an anonymized interview with one of the users, which made a 12-year-old boy write a letter to the particular user at the shelter, send it to the newspaper, and the journalist passed it on the user. The letter was one of compassion, and the user and his friends asked several times to have it read and translated. The letter became a shared anecdote of the existence of 'nice people out there'.

[74] It was reflected in my interviews and conversations that housing or a one night place to sleep was from time to time woven into or exchanged with intimate, sexual relations to persons with a home for both male and female users of the shelter.

[75] The alienage and EU positions also emerged in stories among social workers of changed positions of the nationalized homeless people; accounts on people socially marginalized and ethnically minoritized as Greenlanders proclaiming in the street and in other shelters that 'we Scandinavians have to stick together', meaning that they were no longer positioned at the bottom of the social hierarchy of homeless people in Denmark. This opened up the possibility of participating in the social process of exclusion instead of only being targeted. Hence, there are stories of non-EU homeless people being

At the shelter, the situated extreme poverty and destitution coming into existence in gendered, racialized versions together with low or no education and barriers of languages created considerable distance. My position as 'helper' and volunteer enforced the distance in performing the asymmetry as literally being the 'hand that was feeding'. On the other hand, my position as 'helper' and volunteer reduced the distance because it made me a part of a common social practice, created a possibility to consider my 'doing' this position and a time span for negotiating, changing and opposing positions in our relation. The latter dimension in my position also offered others the possibility of forming a strategic relation to me as a potential helper or as someone with access to employment, housing or networks outside the shelter, as business partner, employer, roommate, etc.

On one occasion, the interview person showed up at the meeting place, a restaurant, with a gift for me stating that 'You are my friend'. The gift was a rather expensive bracelet in the original box, which really did not correspond with his situation of having no money. The bracelet had likely been stolen. Rejecting the gift, and the potential relation of e.g. business (buying or receiving stolen goods) and friendship (exchange of emotions, gifts, favours, etc.) without ruining the meeting as an interview, took some effort.

De Genova emphasizes positions of class, whiteness and citizen and being part of an institutionalized production of knowledge – universities – which implies reflections on how 'university studies of racially oppressed communities were inevitably linked to white power' (De Genova 2005:17). De Genova problematizes the practice of ethnographic research as intractable given that this type of social research on the one hand 'enables a production of textured knowledge of human perspectives' and on the other hand 'seems to be simultaneously and inherently objectifying methodology' (ibid.:18). The status of the researcher as such is 'both a discursive fiction and a social practice' (ibid.:19).

The challenge for me is to combine the perspective of researching as a discursive fiction and as a participant in a concrete social practice. This requires an iterative process of reflection and self-reflection about the production and analysis of empirical data and for a sensitive attention and presence in the social field of research.

Research ethics

In this field of research and researcher being discursive fiction and social practice, the question of research ethics seems more ambiguous than is often discussed.

Reading different reflections on research ethics (e.g. Plattner 2003), there are often two striking constructs. First, there is an assumption of a mutual normative understanding of ethics and thereby also an implicit assumption that social science should operate according to this ethics. Second, there is the presence of an assumed 'society', which is most often equated with the nation-state, thus implying an understanding of the overall linkage between the aim of social science and the common good of 'society'/nation-states.

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beaten up by other 'indigenous' homeless people who shouted that this was a risk-free beating because 'you have no rights', referring to the illegalized position of the migrants, who would normally refrain from complaining to the police.

Researching migrant il/legality implies working with issues and persons defined at the margins or outside the Law of the nation-state, but still residing on the territory of the nation-state. Furthermore, migration is a transnational phenomenon not suited to be understood solely from the inside of the methodological nation-state 'container'.

As a starting point for discussing the ambiguities in research ethics as a social practice, the U.S. system will be briefly described. In the US, research practice related to approval of and compliance with institutionalized ethical research codes are being discussed intensely (e.g. Plattner 2003, Mattingly 2005) with a special focus on the administration of 'informed consent'.

The American institutionalized ethical code model is highly influenced by the break with natural science practice during World War II and the experiences of uncontrolled, unethical medical research involving Jews and other prisoners in concentration camps.

The U.S. state regulation (IRB)[76] entails that when the research institution has approved the ethical review system and is doing research using public funds, the research design must be reviewed by a committee that will decide if this kind of research can be allowed.

This regulating mechanism has developed on the backdrop of The Belmont Report, produced in 1979 by 'The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.' The Belmont Report had its point of departure in the Nürnberg trials and medical research during WWII and lists principles for future research: 'Respect for persons, benefience and justice' (Plattner 2003). 'Respect for persons' is first and foremost about informed consent of potential research subjects, and the purpose of this research ethical review procedure is to protect the involved 'human subjects' against harm and damage.

The question of the nature of social science is brought to the fore in the discussion on ethics. Fassin (2001) criticizes the concept of 'human subjects' as being inherited and inappropriate natural science mindset, and Plattner (2003) emphasizes that biomedical research implies a larger risk for people involved than does social science. This should exclude social research from these strict reviews. Plattner therefore advocates a more pragmatic approach (2003:289).

Plattner (2003:291-292) suggests elements of a new pragmatic research ethics, which illustrates a range of typical assumptions about research ethics and which performs a specific normativity about the relation between the nation-state and research:

- 'All actors in the research system (funding agencies, institutions, researchers and their staffs) must work hard to avoid the dreaded outcome of harm to a human participant in research. No one should ever be hurt just because they were involved in a research project, if at all possible. […]

- Research is a national good. The advance of knowledge in all fields improves the world by enriching people's lives; so research should not be impeded without a good reason. […]

- Doing research with human subjects is a privilege, not a right. An institutional identity legitimizes the research of university-based researchers. […]

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[76] http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.htm#46.116

120

- It is in everyone's interest (researchers, funding agencies, institutional administrators, students) to foster an 'Ethical Climate of Research' over and above the narrow requirement to minimize harm and maximize informed consent.

While acknowledging the moral value of protecting people involved in research, and the emphasis on research as a privilege rather than a right, it remains striking how the interests of institutionalized research and the notion the interests of the nation-state are assumed to overlap.

The assumption that research is a national good excludes the possibility of contradictory aims and interests of research institutions/researchers and the nation-state, and the claim of 'the common interest' of fostering an ethical climate of research is also a perspective of assumed homology of ethical choices and limitations in research. Researching the area of migrant il/legality will often raise ethical dilemmas and questions e.g. involving the state in the capacity of the Law and sovereign power to exclude non-citizens.

The various national interests in research ethics are a discussion most relevant in the field of migration studies. Fassin (2001), being both a physician and an anthropologist and engaged in both medical and anthropological research, compares his experiences in state-administered ethical assessments of research in France and South as Africa. In France,

> Ethics was considered to be embodied in the anthropologist or sociologist, whose moral integrity and scientific rigor was sufficient guarantees of respect for ethics. Social scientists were the best judges of the rules and limits they had to impose themselves. This self-defined and self-referential accountability was their ethical code, which did not have to be written, certified and assessed (Fassin 2001: 521).

South Africa, at the other end, is described as being very bureaucratic and preoccupied with control and review.

'National cultures of ethics in social science may be very different' (Fassin 2001:522). This difference can be understood as a general feature of national differences, but also as an inscription in the global geometry of power, in which anthropological research has been developed, and as Chatterjee (1996) has formulated as 'the epistemic privilege'. Hence:

> the scientist is always one of 'us': he is a Western anthropologist, modern, enlightened and self-conscious. […]No one has raised the possibility […] of let's say, a Kalabari anthropology of the white man [Chatterjee 1996:17].

In the colonial scheme, France has the position as 'us' and the researcher, whereas South Africa is positioned as 'Other', the researched, which may influence the political post-colonial perspective of the 1990s South Africa on the need to control anthropological research conducted by French researchers in South Africa.

Fassin (2001) rejects the idea of an institutional research ethical committee as the answer to the need of ethical reflections and reviews in social sciences, emphasizing the lack of applicability in models developed for bio-medical research. However, this does not solve the need for an ethical build-up and the counteraction of ethical laziness:

> Ethnography is not about human subjects in clinical experiments. It is about social beings in historical circumstances – including the ethnographer. It took social scientists over a century to free themselves from the natural science paradigm. It might take them some time to get rid of the biomedical model of ethics. But rather than merely criticizing it, sociologists and anthropologists should – and some are working on it – invent their own model [Fassin 2001:524].

Supplementing what I have already stated on research ethics in the relation between the researcher and the researched, it is essential that certain elements should be part of any social research. These elements should include:

- transparency and openness about research aims;

- voluntary participation, such that the interview person/informant has the possibility to refuse to answer, to stop the interview and allow the interview/observation to be technically documented (tape/video recorded);

- ensuring that the research does not harm the persons involved;

- ensuring anonymity.

Objectivity and neutrality are illusions, as 'no presentation of self is neutral' (Frankenberg 1996:31). However, my experience in this research process brought me into a repeated search for a research position of being, on the one hand, explicit and visible and, on the other, also setting boundaries. It is especially in research contexts of exclusion and marginality that these boundaries become relevant because social relations to insiders are more sporadic, or the need for relations to insiders more urgent.

Boundaries in my 'doing' research and strategies for referring people to NGOs, social workers can be and has been part of my preparation of both observation and interviews.

From time to time, both au pairs and users of the shelter asked me for advice on situations relating to themselves or others. My strategy was to refer them to others and to take up concrete cases of abuse, misuse, administrative problems, social conflicts or the like. However, on a few occasions I became unintentionally involved in everyday life. For example, an au pair sent me the e-mail address and password of a Danish-Filipino woman who had apparently tricked the au pair into giving her money – and now 'I could see for myself how she did it' as the au pair wrote. I had no wish to delve further into the issue, and instead referred her to a lawyer. During another interview, a former au pair suddenly told me about her giving birth to a child in Denmark in another woman's name, which ruptured the social construct of the interview as research and transformed it into something different, in which case general research ethics was not of much help.

As concerns issues of criminality, guidelines on social work among marginalized groups can be helpful. For example, ethical guidelines from the NGO PICUM, who work with undocumented migrants in Europe, have an explicit approach to criminality and secrecy, stating that:

> if the social worker happens to obtain information on real, ongoing or planned serious criminal acts, the civic responsibility overrules the professional duty of confidentiality. […] 'If and when the provider obtains information on crimes by third parties during the course of

of his/her duties (e.g. trafficking of women and children, exploitation, misuse, forced prostitution, domestic violence, blackmailing of undocumented migrants) s/he should try to find ways and means to put an end to these practices. Problem solving strategies could include informing the public and authorities, without doing any harm to client(s) who provided the information [PICUM 2002, vol. 1: 98].

The concern of not doing any harm to the 'client' but at the same time practicing a norm of collective concern and care for human beings is the dilemma addressed here, but not formulated in a rigid form.

Some might find it inappropriate to bring in NGO guidelines into research ethics, but to me it makes sense in practicing and discussing what Jacobsen and Kristiansen (2006) have called the 'morality of the moment' referring to Levinas and Bauman:

> The morality of the moment is empathetic because it asserts that we all share the same humanity and the need for humane treatment. In a research context, it operates such that the distinction between researcher and object of research is maintained, but that this is but a temporary and artificial separation between two people and not an abysmal and omnipresent gap [Jacobsen and Kristiansen 2006:115, my translation).

Jacobsen and Kristiansen, as a contrast to the 'bureaucratic and authoritative guidelines, which ethical codes impose on the definitions of good and bad science' suggests a research ethical programme which I also find fruitful:

The 'professional ethics of intimacy' (*professionel nærhedsetik*) defined as a professional context-dependent, situational ethic of closeness, based on a fundamental respect for other humans and an interest in their well-being:

> The main concepts we will use to characterize the professional ethics of intimacy is: that it is situationally conditioned and context dependent, that ethics becomes an independent variable in every fieldwork; that it is of an everyday character and builds upon a common sense understanding of what it means to act in relation to people in general; that it is empathetic; that it is a form of social co-behavioural etiquette, an unwritten and necessarily unarticulated taking of a position to a specific context and that it builds upon a fundamental respect for other people and an interest in their welfare (ibid. 117; my translation).

Interactionistic-constructivisitic perspective

As a pragmatic attempt to develop a methodological framework for qualitative studies inspired by post-structuralist and contructionist theories, the interactionsitic-constructivistic approach is suggested by Mik-Meyer and Järvinen, who summarize research based upon symbolic interactionism (e.g. George Herbert Mead, Herbert Blumer and Erwing Goffman), ethno methodological and post-structuralist inspired research (e.g. Bruno Latour and Norman Fairclough), structuralist constructivism (Pierre Bourdieu) and classic American constructivism (Peter Berger and Thomas Luckman) (Mik-Meyer and Järvinen 2005:10)

Interactionism is to be understood not as a philosophy but as a research perspective in empirical studies. Common for these research traditions is the assumption that meaning of an action or a phenomenon is created in interaction between people or between people and things, and

that meaning is relational, dependent on situation and of context. They agree upon an anti-essentialist understanding of phenomena, even though they emphasize different research strategies. While acknowledging that scientific boundaries, methods and doctrine are socially constructed themselves, and that the hermeneutic, phenomenological and constructivistic, post-structuralistic methods do not appear in pure forms, it is possible to separate them through the understanding of the research object and the rejection of a naturalistic research perspective that assumes that qualitative research can reveal 'pure' knowledge about the social field; that the researcher can study the world as it 'really is' without 'contaminating' the analysis with pre-understanding, and that the researcher, in order to ensure quality of research, must get as close to the research object as possible (ibid.: 10-15). Finally, a common perspective in the interactionistic-contructivistic approaches is their emphasis on power and relations of power (ibid.:14).

Production and analysis of empirical material

According to the interactionistic-constructivistic approach, the production and analysis of qualitative interviews, observations and documents must incorporate reflections and self-reflections about the interaction between researcher and researched, the ambiguity of observations and interpretations and the dependency of situations and context.

An interview will therefore be an investigation of the production of meaning in a socially constructed world rather than an exercise of revealing life-worlds. An observation will be an investigation of the production of meaning through concrete visible processes of interaction rather than an objective registration of the true reality. The analysis of documents will focus on the productions of meaning, the context of production and the appearance and relation between document and actors rather than understanding documents as reflections of a true reality.

Interviews

As described in (Kvale 1997), the research interview can be designed and conducted in various forms. My interviews were mostly face-to-face, one-to-one interviews. The interview is a social encounter, where discursive practices and positionings take place (Davies and Harré 1990, Staunæs and Søndergaard 2005).

As described earlier in the discussion of the research position, the interview as a social encounter positions the researcher and the interviewee in an intersection of subject positions made available within a discourse (Davies and Harré 1990).

In reflecting on this social encounter, I have considered the following elements:

- *Language* – regarding especially au pairs and users of the shelter. I assumed most au pairs spoke English, but I did not know whether English and German would be sufficient at the shelter, and I did not have any budget for a professional interpreter. I therefore decided that conversations had to take place within the circumstances as they presented themselves. This meant that if language barriers were too great, I refrained from asking for an interview.

- **Contact** – how to contact potential interview persons and make appointments. Regarding au pairs and those working in the au pair field (associations to assist them, church leaders, authorities), I attended church services in churches frequented by Filipinos and other non-Europeans, information meetings organized by the Immigration Service, various cultural events and meetings and debate in the au pair network which evolved during my period of research into an informal network of NGO, trade union and church, language school representatives together with a number of individuals. I did what Staunæs and Søndergaard refer to as 'deep hanging out' (Staunæs and Søndergaard 2005:58) in order to refine my interviews and analysis. The host families were contacted primarily in the periphery of my existing personal network, and there was no direct 'deep hanging out' (except for a few public meetings and one information arrangement at the Immigration Service) was conducted in that context. This was partially because I am positioned in everyday life the way I am, (more unreflected) hanging out in circles of white, well educated middleclass and partly because no organizational setting apart from those few mentioned above provided any specific setting where 'host families' came together. Early on in my research, I tried to walk the streets of the affluent neighbourhoods where the au pairs lived, perused the local newspapers, and other methods to see if I could find any points of gathering of host families, but this proved unsuccessful.

- I decided on a principle of not interviewing both employer and employed who were in the same au pair relation in order to reduce anxiety on both sides as to the possibility of me breaking the confidentiality and in order to prevent any kind of suspicion (in the mind and conversation of all of us) that I was some kind of judge in two versions of truth.

- Interview persons at the shelter were contacted during my night shifts and my frequent evening visits to the shelter.

- Having the ambition to contact people in different social circles, each of which demands quite different social networks and gatekeepers in order to produce interviews, and carrying out the interviews in an area of migration which has been under-researched, is a time-consuming task. I expended considerable time and energy, especially in the early stages, trying to make appointments, rescheduling appointments and waiting for interviewees who never showed up.

- **Place to meet** – for both au pairs and users of the shelter, they did not have a place defined as their 'home', so the options would be 'on location' at the shelter, in the churches or common public arenas such as cafes and restaurants. Finally, I could invite the interview persons to come to my office at the centre of Copenhagen. It turned out that all locations were used depending on situations and contexts. Settings for interviewing host families were my office, their homes, their working place; settings for au pair interviews were my office, restaurants and cafes, a bench in a park, and at an NGO; the settings for interviewing actors involved in au pair migration were my office, churches, the NGO offices and the office of the public official being interviewed. Users of the shelter settings were interviewed in the shelter and nearby restaurant/café.

- ***Questions and dialogue*** – In my interviews, I tried to open the dialogue through the appeal to narratives or storytelling and tried to be concrete and specific in the beginning, asking questions about special occasions, changes and transitions, as also discussed by Staunæs/Søndergaard (2005). My interviews were semi-structured, and I had structured all interview guides along a dimension of time: past, present and future (of course, this can only be an intention, and the interview can develop another order of time.) When I asked the au pairs to tell me about their life before coming to Denmark, they tended to respond with a story of their life in the Philippines. I would then proceed to inquire about their situation in Denmark, and the last part of the interview focused on the future.

- Having carried out 'deep hanging out' in the au pair field before conducting interviews made me familiar with the collective Filipino narrative of women migrating. I assumed that during the interview, they would be participating in a conversation of migration and agency –they choose to migrate as au pairs.

- At the shelter, I chose to begin with the present situation, then proceed to the past and at the end, the future. The reason for changing the order was that stories at the shelter seemed to be more chaotic and arbitrary, creating a need for me to establish a starting point for the conversation. Reflecting on this now, I think that my own narrative of agency of the shelter migrants influenced the perspective from which I interviewed those in the shelter.

- At the shelter, the 'real time' presence was shorter, the environment was a mixture of individual social situations and strategies, the life at the shelter presented a limited range of choices, and there was no collective narrative of being there among the users, who differed by nationality, ethnicity/race, gender, age, etc. Thus, I needed a 'hook' or 'lever' with which to ask meaningful questions. However, this way of starting the interviews might have enforced the positioning of users of the shelter as locked in a form of destitute exclusion.

- In the interviews with host families, I tried to follow the time line in their position as host families – with an emphasis on family life as currently lived (with the au pair) versus family life without an au pair (past and imagined future).

Observations

The observations I made in the au pair field and at the shelter were differently constructed and practiced. According to Järvinen and Mik-Meyer, 'interactionist ethnography does not have the task of researching the world "from the perspective of those studied" but seeks instead, on the basis of a specific research perspective, to study the social activities, through which everyday actors produce recognizable patterns in their social worlds' (Gubrium and Holstein 1997, cited Järvinen and Mik-Meyer 2005c:98; my translation).

Observations, as empirical material within the interactionistic-constructivist perspective, are constructed as a range of different kind of research presences in a social field with the purpose of studying social activities, and thus distancing from the classic anthropological definitions of fieldwork according to time of presence, techniques of documenting, etc. Observations can range from 'deep hanging out' to monthly or yearly presence within a particular field.

Whereas the observations made in the au pair field can be characterized as deep hanging out in several different settings over a long period of time – years – the field work of observation at the shelter was more concentrated, taking place at a single location over a short period of three months. The observation at the shelter provided the possibility to observe changes and transitions in the period of time, where the shelter acted as a physical gestalt around a socially routinized practice. When the shelter closed, at the same time as several other day shelters were excluding homeless migrants, the social organization became very fluid, and in order to follow the atomised social practice, it would have demanded time and methods not available to me at the time.

Acknowledging the difference in proportion in the research field in this dissertation – the au pair migration has been researched in more detail than the dimension of destitute homeless migrants – underscores the importance and necessary recognition of time (length and intensity) as an important factor in designing and conducting empirical social research.

Another difference in the two kinds of observations was that my position as a researcher at the shelter was combined with the position of volunteer, which was not the case in the au pair field. While some social scientists would question the validity of mixing positions, I could not imagine another approach, given that I try to practice the 'professional ethics of intimacy', which in this particular case implied contributing to the practical organizing of the shelter; this organizing activity depended on (not always available) voluntary assistance in night shifts from 10:00 pm until 8:00 am the following day. I do not see the mixing of these positions as having created any fundamental problem; on the contrary, my volunteering opened some doors, while also complicating some relations. Nevertheless, having rejected the idea of the researcher as 'invisible presence', one must recognize and adjust to the complications and positioning that takes place in any social field of research.

Documents

Empirical data in governmentality analysis consists most often of textual materials such as policy documents, administrative guidelines, parliamentary debates, scientific products, laws and regulations, surveys, statistical methodology, architectural plans, charts, graphs etc., all of which are also included in my discussions of governmentality in the EU (see especially Chapter 3).

Documents are given social meaning and made relevant in specific contexts, generating various meanings depending on which discourses are activated. In my analysis of au pair migration and migration of destitute homeless EU citizens, I used documents related to the production of migrant illegality and the government of migrants: The Alien Act, the au pair contract and the au pair application by the Immigration Service, passport, residence permit, work permit, application procedure for work permit, the EU directive on residence, media material, guidelines on the website, notes and letters from host families, invitations to meetings, parliamentary debates and questions, etc.

Analysis: four analytical 'handles'

In the analysis of the social practice of government of marginalized migrants in Denmark I use four analytical perspectives or 'handles', which reflect the four dimensions of government of migration as social practice and political rationality. The data will be analysed using all four perspective,

A. Households – micro government

Focus in this analytical perspective will be on everyday life as practiced and narrated in households where there are pair relations and in the night shelter. The primary data for analysis is interviews, but observations and documents will also be included.

B. (Trans-)Nation states – macro government

Focus in this analytical perspective will be the government of migration by nation-states and in transnational chains of migration management. The primary data source will be documents, but interviews are also included.

C. Rationalizing of government

Focus on how government of migration and governing migrants are rationalized in private and public performances. Interviews and documents will be the primary data to be analyzed.

D. Genealogy/historicized optic on government

Focus on the 'history of the present', on mutations, reminiscences of previous forms of government that through the effect of *Verfremdung* might open up new insights in present governmentality.

The analysis is divided according to the two case studies, of which the first – the study of au pair migration – is the most exhaustive and therefore also structured separately according to the four analytical 'handles', whereas the analysis of the homeless, destitute migrants, as a more limited empirical study, includes all four analytical dimensions in one chapter.

Within all of the analytical handles, the governmentality analytical focus on political rationality, governable subjects and spaces, the transnationalized perspective on social processes and relations and the intersectionality perspective on positions are all of importance.

Genealogy/historicized optic

As mentioned, the investigation has to be diagnostic in order to view the present as an open set of opportunities and limitations. Rather than explaining an inevitable development, it should seek to be anti-anachronistic in the sense of showing how the historical analyses are embedded in the experiences of the present (Dean 1999:91). Focus is on the regimes of practices of the past by using concepts of the past which create a distance and alienation, while also revealing elements of similarities with the present.

De Genova, although not subscribing to the governmentality perspective, emphasizes that in studying migrant illegality,

it is insufficient to examine the 'illegality' of undocumented migration just in terms of its consequences and that it is necessary also to produce historically informed accounts of the socio-political processes of 'illegalization' themselves, which can be characterized as the legal production of migrant 'illegality' [De Genova 2005:419].

The historicized investigations related to government of au pair migration and destitute EU citizens are based on historical accounts, analysis, interpretations and legal documents, and the analyses have been conducted on the backdrop of the analysis of current social practice.

Analysis of data

In order to answer my research question using the analytical handles of Households, Transnation states and Rationalities I acknowledge that all the material produce context dependant meaning, positions and identities.

In analyzing the interviews, it is important not to perceive the interview as

> a draining of the subjective experiences and meaning, but a social encounter where experience is interpreted and meaning created. […]Interviews are not only about experience, attitude and actions, […] but also always about the social identity and social strategies of the persons interviewed [Järvinen 2005:30 my translation].

In analyzing the interviews, analytical tools such as accounts, categorizations and narratives are useful, while the perception of the interview person as a performer can clarify how positions and rationalities are constructed.

Accounts, in the sense of explanations and justification of agency and decisions and narratives, are obvious in the interviews with many of the migrants. Migrating will often entail accounts about the decision to migrate and migrating as a decisive event and moment, indicating transition into a different position. Furthermore, as for the Filipino au pairs, 'migration' as a narrative is clearly a combined narrative of collective imagination and individual narrated experiences, positioning the migrant according to subjectivities offered by the state and relations to family in the Philippines. The storylines are understood as 'condensed versions of a naturalized and conventional cultural narrative, one that is often used as the explanatory framework of one's own and others' practices or sequences of action' (Søndergaard 2002:191).

Linking to collective, national imaginations and created/changed by subjects in their own narratives can produce a grand narrative of the Philippines as a country of emigration and related smaller fragmented narratives of the nice host family as constructed in the au pair contract, personal social mobility going from East to West or being the responsible mother.

Statements in interviews illustrate 'an interweaving of biography, history and society' (Mills 1959 in Järvinen 2005:37) and opens a 'window to collective thought processes' (Smith 2003 in Järvinen 2005:37).

Categorizing is a decisive element in analyzing social encounters. As Søndergaard states,

> every category has its discursive boundaries and its core, and it is in the process whereby these boundaries and this core are reassessed and challenged that make up the focus of this

analytical approach. […] In addition, there will be gray zones, where the subjects who use the concepts from their interpretive frames negotiate whether this or that aspect should be considered relevant for the delimitation of the category, and, if it is relevant on which side of the boundaries it should then be placed [Søndergaard 2002:190].

Processes of categorizing are practiced by everyone constantly in the data – including/excluding self or others as au pair/maid/student, Homeless/EU citizen/foreigner/Eastern, host mother/host/employer/master of the household, etc.

The social practice also comes into existence as institutionalization, which can shed light also on how government is practiced. Institutionalization is understood as organization, collective terms of the way we act, a tradition, a ritual. The night shelter, physically existent only at night because it was defined and run as a day-time social club for poor pensioners, became almost immediately an institutionalization with a time scheme and routinized predictability. The volunteers arrived at 10:00 pm, often encountering a crowd who waited for the shelter to open at 10:30. They let themselves in, leaving the homeless people standing outside while they set up the mattresses and sleeping bags and prepared soup. At 10:30, the door was opened and there was a 5-10 minutes of struggle among the homeless persons to obtain the best madras and the 'usual' space on the floor, for those who had a usual space. The volunteers very often settled themselves in the kitchen area, which was separated from the sleeping area by a kitchen desk, and the floor behind the desk was off limits for users of the shelter.

'Meaning is process rather than stability' (Järvinen 2005:39), and an analysis is a choice of points of interest or relevance. My ambition in the analysis is not to cover every possible angle in my material, but to shed light on dimensions of government of migration through the study of two different social arenas for government of marginalized migrants.

However, the analytical practice itself is a relational, context- and situation-dependent process. As Søndergaard states:

Post structuralist-inspired empirical analysis is not something that can be acquired as a sort of technique. It cannot be repeated too often that there are no recipes for creative analysis [Søndergaard 2002:188].

Chapter 5: Au pair migration: governing migrant domestic workers

The choice of au pair migration in Denmark as case study for investigating 'how marginalized migrants with temporary or no residence permit are governed-, especially concerning migrant legality and illegality' was made for several reasons.

As managed migration regulation, including the migration of people holding temporary residence permits, there are specific limitations and exclusions from the labour market and from social and political rights. Au pairs, as temporary migrants, have a specific space of migrant legality and illegality that requires them to live with the employer and a residence permit tied to the employer/host family. The au pair scheme was a fruitful case for researching how 'contemporary migrant legality and illegality is lived' by marginalized migrants in Europe. The dynamics of au pair migration management reflect a social relation of power. The experiences of au pairs, as framed by this relationship, can thus be viewed as 'living migration policies'.

Au pair migration is performed as the practices and rules governing the relation between nation states and migrants. However, au pair migration also takes place at the privatized, personal level, performed and experienced as a relation between the citizen/temporary migrant, the employer/employee, (most often) white female/non-white female in the household and globally rich/globally poor.

It was difficult not to relate the recent migration of Filipino women coming to Denmark to work as au pairs to the wider global and European phenomenon of feminized migrant labour from poorer countries taking up employment in middle- and upper class families in more affluent countries. A widespread tendency in this feminized migration was the presence of an almost 'institutionalized migrant illegality' in some parts of Europe and the US for the migrant domestic and care workers. The au pair scheme, however, is a legalized framework that structures migration to Denmark. However, there remain relevant questions of how the au pair system relates to the increasing market for private paid domestic labour and how the organization of the Danish au pair system affects how this particular type of migration is performed and experienced.

Finally, no research on au pair migration in Denmark existed when I began my research, which posed a challenge in itself, but also made the research more interesting,

In my investigations of positions and spaces of the au pairs in Denmark as marginalized migrants, I have chosen four different analytical perspectives. The purpose as to shed light on how power relations are performed, experienced and mutating at (1) the micro-level, (2) at macro-level, (3) in private strategies among host families and in the media and popular discourse and (4) in a historicized perspective.

The Philippines-Danish au pair migration is analyzed in light of the legality and illegality produced by the nation states involved, as migration management regulations lived by Filipino domestic workers in Denmark, who are socially constructed as au pairs, and reflected in social and historical interpretations of social power relations. The four analytical perspectives

are used to gain a fuller picture of the complexity of a social reality and process involving gendered, racialized, classed, geopolitical and 'citizenized' relations of power.

The analysis will be divided into the following parts;

- Chapter 6: Micro-level study of the au pair system in Denmark

- Chapter 7: Macro-level study: legality and illegality in Philippine-Danish au pair migration

- Chapter 8: The au pair system in private strategies and public discourse

- Chapter 9: Historicization of the live-in migrant domestic worker phenomenon in Denmark

Global Care Chains, migrant domestic workers and au pairs in Europe

Feminized migration for domestic and care work is growing in Europe (Lutz 2008) generally, as well as in the Nordic countries as well (Isaksen 2010). In Denmark and Norway, a growing market for private domestic and child care work is increasingly organised and socially constructed as au pair migration.

During the last decade, a key concept in research on the link between migration and the work of care and domestic work has been that of the 'global care chain' as developed by Arlie Hochschild (1983). Hochschild has further developed her 'global care chain' concept on the basis of research by Parrenas (2002) on Filipina migrant domestic workers and also elaborated by numerous scholars, among them Yeates (2009) and Isaksen (2010).[77] The global care chain is described as 'a series of personal links between people across the globe based on the paid and unpaid work of caring. Usually women make up these chains, though it is possible that some chains are made up by both women and men, or, in rare cases, made up of just men' (Hochschild 2000:131). The globalization of care operates through migration from poor countries to rich countries (ibid.).

Hochshild wrote her article in 2000, posing the question of whether this phenomenon, created by global capitalism, would grow, and how globalization of care was to be understood. 'If more global care chains form, will their motivation and effect be marked by kindness or unkindness?' (Hochshild 2000:132).

Ten years after Hochschild's question, we must conclude that the phenomenon is now institutionalized in rich countries, including those of Europe, as a means of meeting the demand for care and domestic work in private homes, although different strategies of managing this kind of migrant labour and different social constructions are brought into play.

The concept of 'global care chain' reflects and includes both personal and global relations in the migration of women from the global South to the developed North as care and domestic household workers, leaving their own families behind to be taken care of by either paid or

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[77] Other scholars, such as Hondagneu-Sotelo, developed a similar concept of 'transnational motherhood' (Hondagneu-Sotelo 2001:22).

unpaid women (Williams 2010). It is often argued that in exploiting an emotional surplus value in global care chains through globalized capitalism and the marketization of care, a drain from poor countries and families is created and hereby a deficit of care (Hochschild 2000, Parrenas 2001).

Hondagneu-Sotelo (2001) also underscores the transnationalization of mothering and the effects of globalization: 'Inequalities of race, class and gender have long characterized private, paid domestic work and as we have seen, globalization is creating new regimes of inequality' Hondegenue-Sotelo (2001:24).

Whereas feminist theorists since the 1970s had discussed and analyzed the specific gendered nature of care and domestic work and how it related to capitalism as reproductive labour, this approach has been criticized in the last decade for excluding race and ethnicity. The relationship between domestic/care work and migration and race/ethnicity generally, and especially in Europe, was viewed as under-researched. As Bridget Anderson wrote in 2000: 'In Europe, the relationship between paid domestic work, immigration status, 'race' and ethnicity has received relatively little attention' (Anderson 2000:11).[78]

In the US, however, Rollins (1985), Romero (1992) and Glenn (1992) had earlier pointed to the intersection of class, gender and race/ethnicity in the field of domestic work. As Rollins writes, the relationship between black female domestics and their white female employers 'afford[s] an extraordinary opportunity; the exploration of a situation in which three structures of power in the United States today – that is, the capitalist class structure, the patriarchal sex hierarchy, and the racial division of labour – interact' (1985:7). In her *Maid in the US*, Romero focussed among other thing on how race/ethnicity and class positioned migrant Latina women as domestic worker and on the relation between female employer and employee. She forcefully criticized the dominant narrative of the maid being 'one of the family' (Romero 1992 [2002]). Also, Bakan and Stasiulis (1995) analyzed the relationship between domestic work, race gender and class in North America, particularly Canada, as defined by both classed and gendered social structures, state policy on migration and historically rooted stereotypes being performed in the social practices of recruiting and employing migrant domestic workers in agencies. Nicole Constable's study (1997) focused on Filipina migrant domestic workers in Hong Kong. While the dominant ethnic group of employers was Chinese, Constable also focused on power relations in various gendered, classed and racialized expressions.

Significant about the global care chain concept (Hochschild, Parrenas) and the emphasis on immigration status (Anderson 2000) as it is explicated in 2000 is the dynamics linked to transnational, feminized migration and activities and the importance of the migrant position of (some of) the participants in the global care chain. The concept offers a perspective reaching beyond the methodological nationalism (Wimmer and Glick-Schiller 2002), which had formerly characterized so much sociological and gender/welfare research on care/domestic work.

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[78] Gregson and Lowe's study (1994) of the reconstitution of paid domestic work by British middle-class families acknowledges the presence of a racial/ethnic or migratory dimensions in paid domestic work (for example referring to Rollins, Romero and Glenn (Gregson and Lowe 1994:56), but does not make it into a dynamic element in the analysis, focussing instead on class and gender.

The analytical framework for developing the global care chain concept has been the international division of reproductive labour (Hochscild 2000, Parrenas 2001, Anderson 2000, Hondagneu-Sotelo 2001, Yeates 2009, Williams 2010) building especially upon insights such as Glenn's the 'Historical Continuities in the Racial Division of Paid Reproductive Labor' (1992) and upon Saskia Sassen's macro-analytical perspective on migrant women in the global labour market (Sassen 1984). Sassen's analysis of migrant women offered a new perspective within migration research, which had typically linked female migration almost solely to migrating men, defining their position as secondary and dependent on their husbands.

Sassen challenged the traditional household-family perspective on female migrants, and located the immigrant woman as labour supply in a changing capitalist system, where sectors in economy are downgraded and upgraded due to capitalist restructuring, giving rise to a 'direct and indirect demand for low-wage labour generated by the expansion of management and control functions centred in these large cities and necessary for the regulation of the global economy. All this is contributing towards informalization in various sectors of the economy. The associated feminization of the jobs supply and the need to secure a politically adequate labor supply combine to create a demand for the type of worker represented by the immigrant woman' (Sassen 1984: 1162).

Hochshild formulates the dynamics of global capitalism as a relational, interlinked process 'Just as global capitalism helps create a Third World supply of mothering, so it creates a First World demand for it' (Hochschild 2000:140).

In different ways, both Glenn and Sassen operate with intersections of race (ethnicity), gender and class, though the emphasis on class and geopolitical position is stronger in Sassen and race/ethnicity stronger in Glenn. Both discuss how gender is classed and racialized, given the fact that women are positioned at different levels of class and ethnic/racial divisions, weaving them into a web where they are employers/employee, exploiters/exploited, citizens/immigrants, North/South etc.. Race and gender are socially constructed categories and 'interlocking systems' (Glenn 1992:33) that are given their existence within structural economic conditions (Sassen 1984).

As noted by Hochschild (2000:37): 'Paid care fits a racial pattern.' White Americans have historically passed down care according to the race/ethnicity hierarchy, but today this transmission of care increasingly have been transnationalized, through the demand for migrant domestic workers from the Global South

Anderson (2000), like Glenn (1992) invokes Marx and Engels' separation of productive and reproductive labour and the development of the concept of social reproduction. She emphasizes the broader content of social reproduction as being more than reproduction of humans as 'units of work' (Anderson 2000:13). Reproductive work is not limited to the 'maintenance of physical bodies' but with the creation and recreation of people – mentally, physically and emotionally. Social reproduction can be performed within the family and outside the family and through paid or unpaid labour. Domestic work is reproductive work. It is also the producing and reproducing of order in our immediate space, whether it is about organising dignity and space of the family, reproducing gender and ethnicity constructs, or performing class status and life-style. 'Domestic work as social reproduction is profoundly rooted in

134

community. Through doing of domestic work, we literally reproduce our communities and our place within them' (ibid.:14).

This approach to domestic work continues with research of Glenn and others, and contributes to Anderson's analytical sensibility to the relational character of live-in domestic workers and their working and living conditions. The servicing of life-styles and the domestic work become expressions and reproductions of social relations (Anderson 2000:17).

Parrenas (2001) explicitly refers to the combination of Glenn's (1992) concept of racial division of reproductive labour and Sassen's (1984) analysis of the incorporation of women from developing countries in the global economy as the framework for understanding the transnationalized division of reproductive labour. Hence, 'global capitalism is forging the creation of links among distinct systems of gender inequality in both sending and receiving countries' (Parrenas 2001:72). Parrenas describes a three-tier hierarchy of the international transfer of caretaking, with the middle-/upper class woman in receiving countries at the top, the migrant Filipna domestic worker at the middle and the Filipina domestic worker in the Philippines who cannot afford to migrate at the bottom.

The migrant Filipina domestic worker, the target of Parrenas' research, is described as 'escaping' gender roles in the Philippines, 'easing' gender constraints of the women who employ them and 'relegating' their gender roles to women left in the Philippines (Parrenas 2001:73).

Together with the emphasis on emotional loss and displacement of mothering which is central to both Hochschild and Parrenas, Parrenas here inscribes a potential and partial project of liberation for the migrant Filipina, implied in the international division of reproductive labour, though undermined by other social mechanisms of degradation. Hence, '[c]ommodified reproductive labour is not only low paid work but declines in market value as it gets passed down the international transfer of caretaking'(ibid.:73). In addition, there is the need to remit money, and the insecurity stemming from her migrant status (ibid.).

Yeates (2009) has criticized the concept of 'global care chain' as being solely the result of labour markets in what she refers to as 'core' countries; migrant women in the chain are portrayed as 'immiserated', and the emphasis is on the transfer of care rather than the transformation of care (Yeates 2009:49). The first critique is related to the claimed ignorance of non-labour market factors, such as maintenance of life-style and social status. Justified or not, it is important to pay attention to these factors and not just assume that the demand for care and domestic work is related only to relieving the female employer of a domestic worker from her double shift. However, Anderson (2000), has emphasized the importance of life-style and class in migrant domestic labour. The second critique is a bit misplaced, given that both Hochschild and Parrenas distance themselves from identifying migrant women as the poorest. On the contrary, Parrenas actually develops the fruitful concept of 'contradictory class mobility' (2001).

The third critique about focussing on the transfer of care rather than the transformation of care is the most interesting, because it involves both the emotional dimension of care and domestic work and the normative, highly gendered ideas of family. It links to the conceptualization of the transnational family.

135

The concept of the global care chain describes the social process in which a family member – often a mother – negotiates and/or hires another person – usually a woman – to take care of her home and children. This woman, also often a mother herself, will leave behind her own children or dependent family members to be taken care of by members of her extended family, or by a hired care worker in her neighbourhood.

When leaving behind children, husbands, elders or siblings, the migrating care worker changes her position in the transnational family from close to distant, from a local, physical presence to a global, virtual absence, from huggable to memorable and from an everyday-life member of the family to a Skype member. Emotional and social relations are not necessarily destroyed or broken, but they are transformed. Doing, acting, sensing and hugging becomes missing, trusting, imagining – and sending money. The daily hug becomes the weekly money transfer from Western Union.

Refraining from going deeper into the comprehensive discussion on the concept of domestic and care work (cf. Zechner 2007), I will nevertheless touch briefly upon the concept of domestic 'duties' and care.

Yeates makes 'care' the overall concept for the wide range of activities 'to promote and maintain the personal health and welfare of people who cannot, or who are not inclined to, perform these activities themselves' (2009:5) including a wide range of different activities from intimate social and sexual services to less intimate domestic tasks such as cooking and cleaning. Similar to Hochshild, Parrenas, Anderson and others, Yeates defines care in relation to a particular type of labour; social reproductive labour, drawing on Marxist categories which distinguish between productive labour (on things, commodities) and reproductive labour (on human life, beings). Furthermore, she divides reproductive labour into three types: (1) labour necessary for biological reproduction, (2) maintenance of individuals through out their life cycle, and (3) systemic reproduction such as education and social services.

The social relations in performing care as paid/unpaid, gendered, classed, racialized labour and the political, state-based decisions of defining care as private/public including the relations between care and the welfare state, reflect some of the dimensions researched in care studies in Europe. The 'methodological nationalism', however, has often been dominant in welfare and care studies. Transnational and cross- border dimensions of social relations and labour market organization have been overlooked (Yeates 2009, Williams 2010).

I will use a broad concept of care and domestic work. I will not separate the activities of domestic and care work, but rather define the concept broadly in the way Anderson and Yeates have done. I will consider paid care and domestic work in accordance with Kilkey et al. (2010) 'paid domestic and care labour, that is, work performed for pay in private households, such as household cleaning and maintenance and care for elders/disabled/children (Kilkey, Lutz, Palenga-Möllenbeck 2010)

Gutierrez-Rodriguez (2010) also refuses to distinguish between personal care and domestic work. Both types of labour concern sustaining personal well-being (Gutierrez-Rodriques 2010:4). Instead Gutierrez-Rodriquez offers a perspective on care and the power relations in private, paid domestic and care work prioritizing the affective dimension of care. As affective

labour, domestic work will 'always engage with the production of well-being, livability, amiability and comfort', even if it is not intended (ibid.:4). Affect differs from emotions. In suggesting a closer conceptualization of how power relations are produced and reproduced in the complexity of class, gender, race/ethnicity and migrant status, Gutierrez-Rodriguez offers affects as a framework. Affects are 'intensities, sensations and bodily reactions disturbing but also stretching and reaffirming power relations.' (ibid.:9).

Acknowledging the affective dimension of domestic and care work and the possibilities of getting closer and deeper into the field of the 'local face of the gendered and racialized division of work of the modern/colonial world system' (Gutierrez-Rodriges 2010:3), researchers such as Parrenas, Anderson, Constable and others have investigated in similar directions. However, in a 'local' European context, this optic has been overlooked, and my research on au pairs in Denmark can hopefully contribute to expanding our knowledge in this area. Though the discussion on distinguishing between emotions and affects is interesting, I will settle on the overall recognition of paid domestic and care work as embedded in an emotional sphere that distinguishes it from other kinds of wage labour.[79]

Thus, although domestic and care work may be said to be work in a labour market, domestic work cannot be equated with any other job. Care work differs from other kinds of work according to Hochschild (2000) because 'it touches one's emotions' (Hochschild 2000) According to Lutz (2008:1), care work is not 'just another labour market'. It is emotional labour.

Special conditions characterize the sphere of domestic work:

- The intimate character of the social sphere in which the work is carried out;

- The social construction of domestic chores (and childcare) as 'women's work';

- The emotional and personal relationship between employee and employer, and a frequently high degree of mutual dependency;

- The logic and character of the specific work that is performed (Lutz 2008).

In historical perspective, migrant domestic workers are not a new phenomenon in Europe. Nevertheless, researchers agree that the present migration of domestic helpers or workers has historically specific characteristics (Lutz 2008):

> A growing demand for domestic help, that has led to rising feminization of the migration into Europe – particularly into Italy, Spain, Greece, Turkey and Poland.

> The pattern of migration is from East to West, South and North Europe – and from South to North, meaning from Asia, South America and Africa into the EU countries.

> The migrant women are more well-educated than their predecessors; they are older when they migrate, have attained a certain level of skills, they migrate alone – meaning that they leave a family in their home country (Lutz 2008).

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[79] At the policy level, there is no universally agreed upon definition internationally (Galotti 2009:1) and national legislations in the EU countries reflect different conceptualizations of domestic work. The ILO published a definition of domestic work in 1951, but no international regulations as yet operate from the perspective of a common definition

Within the European Union area, there are great variations in the scope and nature of migrant domestic worker arrangements. The organization of welfare in the child/social care area and women's participation in the labour market play a significant role. In addition, migration policy is of substantial importance for the development and extent of migrant domestic help/worker arrangements.

The organization and practice in the area of domestic work and childcare in the family may thus be viewed, generally, as the point of intersection of the welfare regime,[80] labour market organization, distribution of work and the degree of gender equality and racial/ethnic social stratification.

Denmark has for many years had a very high rate of children in daycare outside the home, primarily in day care centres operated by public authorities and to a lesser extent in the private homes of child-minders. In addition, the participation of Danish women in the workforce has been very high, and gender equality in the domestic sphere has been discussed intensely.[81] Special measures have also been taken to ensure the continued participation of parents of young children in the labour market: maternity and paternity leave, personal days, etc. are viewed as measures for ensuring gender equality programmes. The framework within which gender equality is implemented is shaped by specific Danish social standards and ideals, and the concrete practice and legislation of the Danish welfare state.

In the countries in Southern Europe, these intersections have moved differently; women's rate of participation in the labour market has been lower, the number of day care centres is not as high and the standards and legislation relating to gender division of labour and equality are different from those of the Nordic countries.

A trend that has emerged in Europe in the past few years is a rising degree of market driven services in the social care area and a decline in public-sector provision of care. Great Britain, Spain, Finland and France have introduced subsidies or tax allowances for the employment of nannies and care helpers in private homes (Williams et al. 2008), and over through the past 10 years, The Netherlands has introduced a high degree of individualization of care obligations and marketization of the availability of such services (Knijn 2001), which has resulted in a distinct coupling of income levels (and/or social network) and the rate of care services available (Lutz 2008).

For many years, one of the ways to organise care in the family in Southern Europe, when women had paid work outside the home, has been to employ migrant domestic workers with or without a work and residence permit. However, Germany, Austria and other West European countries have experienced a growing demand for migrant domestic labour. Migrant domestic workers in Europe typically come fromcountries as varied as the Ukraine, Romania,

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[80] 'Regime' is viewed here as the way the state or states organise institutional frameworks and policies (e.g. in relation to labour market, market and family) – under a certain understanding of society and politics.

[81] A study by the Danish Social Research Institute (SFI 08:16 'Daily life and well-being of 11-year-old children'), however, shows that the traditional gender roles around domestic work have been fixed around the age of 11 in Denmark.

the Philippines, Ecuador, Peru, and Russia.. etc. The participation of non-EU citizens in Danish domestic work and child care, in this case au pairs from the Philippines, means that the this field will be influenced by the the way immigration is organised in Denmark, i.e., the migration regime.

A survey of several northern European countries (Scandinavia, Germany and the Netherlands) shows that domestic workers are not included in the migration regulation that has otherwise been introduced, whereas skilled care workers such as nurses have been privileged in Nordic migration regulations (Lutz 2008, Isaksen 2010. Migrant domestic workers certainly live in these countries, but they reside there on a different basis. In Germany, migrant domestic workers are frequently irregular migrants without any residence or work permit (Lutz 2008), while in Denmark and Norway the au pair scheme is the preferred way to organise migrant domestic labour.

In Great Britain, the au pair programme is a widely used channel for recruitment of domestic labour (Anderson 2000, 2006, 2009, Cox and Narula 3002, Newcombe 2004, Cox 2007) as well as in other European countries (Hess and Puckhaber 2004, Platzer 2006, Mellini et al. 2007). In the UK, however, the au pair scheme is restricted to 17-27 year old citizens from the EU and applicant countries.

In Sweden, the demand for domestic help is also rising, often relying on intra-EU (plus Ukrainian and Russian) au pairs, but also with young (Swedish) girls taking domestic jobs. In 2006, Sweden had passionate public debate in the public on the moral appropriateness of having domestic help (Gavenas 2006).

With the rising academic interest in global care chains and migrant domestic workers during the past decade, au pair schemes have been discussed as variations of migrant domestic and care work, both generally, and in more detailed studies of specific au pair schemes (see for example Hochschild 2000:135; Anderson 2000, 2007; Cox 2003, 2007; Hess and Puckhaber 2004; Newcombe 2004; Lutz 2002, 2008; Mellini et al. 2007; Morokvasic 2004; Datta et al. 2010; Platzer 2002, 2006; Hovdan 2005; Isaksen 2004); Birkova 2008; Oosterbeek-Latoza 2007; Gavanas 2006; McDowell 2006; Williams and Gavanas 2008; Lister, Williams et al. 2007; Stenum 2008).

In Norway and Denmark, governments have requested studies on au pair schemes (Oien 2009, Mygind-Korsby 2010), while a recent study (Búrikova and Miller 2010) investigates specifically Slovak au pairs in the London area.

Au pair in Denmark

Formally, Danish regulations are based on the Council of Europe's 'European Agreement on Au Pair Placement of 24. November 1969'. The agreement establishes au pair (equal terms) as not being an employee but taking part in a cultural exchange. The concept of au pair is highly gendered, being historically rooted in a mixture of domestic work, family control and cultural education. Officially, the au pair arrangement is supposed to be a means of cultural exchange. Danish Au Pair regulations of 2008 were as follows:

Requirements for obtaining a residence permit as au pair is: age between 17 and 29, not married, not bringing any children, completion of nine years of schooling, working knowledge of Danish, Norwegian, Swedish, German or English, and signing of a contract with a host family.

Requirements for the host family are: minimum one parent, one child in the home, minimum one parent Danish citizen, and the family must not be receiving social welfare benefits.

The conditions of stay as 'member of the family' are that the au pair should 'contribute to the household by carrying out chores related to the family's daily housekeeping, such as baby sitting, cleaning and washing clothes', minimum monthly allowance of 2500 kr,[82] own room in family home, be the only au pair; the daily 'chores' can be of 3-5 hours duration per day, six days per week, and 'chores must comprise 18 to 30 hours per week'; the au pair receives one full day off every week, and the family is responsible for coverage by national health insurance.

Conditions of residence in Denmark are: duration of maximum 18 months, residence permit tied to the contracting family, and obligation to live-in with the employer.[83]

The Danish au pair programme is based on an Executive Order from 1972[84] which marks Denmark's ratification of the convention usually referred to as the Council of Europe Au Pair Convention or, more correctly, the European Agreement of 24 November 1969 on Au Pair Work.

Au pair actually means 'on an equal footing' and the concept was used in the late 19th century to denote, for example, young English women who went to France to study the language and, would often reciprocate by teaching English. Over time, the programme developed into some sort of 'older sister'/nanny/housewife trainee system, typically for young women who had just completed secondary or upper secondary school.

As reflected in the Council of Europe Convention of 1969, the au pair was intended to offer various forms of legal protection, considering that

> Increasing numbers of young persons in Europe, young women in particular, travel abroad in order to work in an 'au pair' position (European Agreement of 24 November 1969 on Au pair Work)

And that

> Many of these young persons are minors, who have to do without the support of their family for long periods of time and, therefore, should be ensured special protection in respect of their practical conditions and the moral code of conduct of the host country (ibid.).

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[82] On 1 January 2010, the monthly allowance was raised to 3000 DKK.

[83] Hence, in a widely publicized case of the Danish minister of development in early 2010, the au pair of the minister, who is divorced and shares custody of his children with his ex-wife who lives close by, was compelled to actually move her residence between the two homes in order to fulfil the residence requirement.

[84] Bekendtgørelse af europæisk overenskomst af 24. november 1969 om 'au pair'-ansættelse, Ministry of Foreign Affairs, 20 January 1972.

Now as then, the au pair concept is strongly feminised. It appears from both written documentation and practice that this is an arrangement primarily for young women, and it is in fact also mentioned in the Convention that the states parties may choose to define an au pair exclusively as a woman.

Several countries find that this Convention does not afford au pairs sufficient and up-to-date protection. Sweden has not ratified the Convention, for example, finding that the Swedish regulations – under which the au pair is regarded as an employee – offer better protection.[85]

After several years during which interest in the au pair system was receding, there was, as mentioned above, a steep increase from around the year 2000 in the number of au pair residence permits, particularly to applicants from countries outside Europe and in particular from the Philippines. This rise in au pair traffic coincided with a general increase in restrictions on migration by Third World citizens into Denmark.

As a basis for an au pair residence permit in Denmark, the prospective au pair must have found a host family and the host family and the au pair[86] must apply for the residence permit together.

The Danish residence permit does not include a work permit. For the au pair, the permit is tied to her stay with the family who has applied.

In connection with and as a prior condition for an application for a residence permit, the au pair and host family/employer must enter into a contract on the living allowance and working conditions by filling in a standard agreement to be attached to the application.

The maximum au pair stay is normally 18 months.[87] Other conditions related to payment, employment and accommodation of the au pair will be illustrated in the analysis below.

The large number of Philippine nationals among au pair applicants is indicated on the website of the Immigration Service, which brings a service message aimed particularly at applicants from the Philippines:

> The applicant must file the application with a Danish representation in the country of the applicant's residence. If an applicant stays legally in Denmark, the application may be filed with the local police or the Service Centre of the Immigration Service.
>
> *Please note*: If the applicant lives in the Philippines, the application must be filed with the Norwegian Embassy in Manila.[88]

This underscores the fact that, in practice, there is a special relation between Denmark and the Philippines in this area, for which reason it is relevant to widen the national perspective so as

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[85] Answer to question no. 169 addressed by the Parliamentary Labour Market Committee to the Minister for Refugee, Immigration and Integration Affairs on 20 May 2008.

[86] As regards terminology, I use the terms 'au pair', 'au pair employee' and 'au pair person' as well as 'host family' and 'host employer'.

[87] Up until 2004, the maximum permitted duration of au pair residence was two years. In 2004, this was reduced to 18 months.

[88] Udlændingeservice: http://www.nyidanmark.dk/da-dk/Ophold/au_pair (accessed 20.09.2008)

to include the transnational connections between Denmark and the Philippines, especially as concerns the respective government regulations.

The contemporary au pair arrangement in Denmark, which mostly includes Filipino migrants, contains a range of ambiguities and contradictions in the transnational and national space of organizing and positioning au pair migrants. These ambiguities, contradictions and discomforts are part of the social construct and organization.

The following chapters will analyse au pair migration in Denmark from different perspectives. First, at the micro level, we will focus on the au pair in the household; the household is both her home and her workplace, which means a special relationship between the au pair and her host family. Second, at the macro level, we will discuss how national regulation and administrative practice in the Philippines, the 'sending' country, and the regulatory framework in Denmark – the 'receiving' country – produce specific chains of transnationalized migration management and a specific space of migration and labour for au pairs and families in which they act. Third, we will examine the discursive dimension of the au pair system: the rationalization of the relation between au pair and host family and of the position of the au pair in Denmark in private and public discourse. Finally, the fourth perspective will be that of historization of domestic work and migrant domestic work in Denmark in order to investigate the 'history of the present' as clarifying relations and positions of power and subjectifications in social settings of paid domestic work in private households.

Chapter 6: Micro level study of the au pair system in Denmark. Au pair in Denmark: Cheap labour or cultural exchange? "We just decided to come here"

The study

This micro-level study of au pair migration in Denmark seeks to investigate how the au pair relation is lived and experienced, and how it operates within the framework of Danish government regulation.

The empirical study was carried out using several documents, such as government acts, executive orders, guidance notes, etc. concerned with the au pair system in Denmark as well as other relevant Danish and foreign reports, statistics, etc. In addition, I have conducted interviews with au pairs, host families and actors around au pairs in Denmark.

This part of the analysis will focus primarily on results from the qualitative study, based on 38 semi-structured interviews, conducted during the period October 2007-June 2008. The interview subjects consisted of three groups:

- Twenty-four au pairs in the Greater Copenhagen Area, 21 from the Philippines, one from Russia, one from Uganda and one from Nepal. Of the 24 au pairs, three had ended their stay as au pairs but were still in Denmark, one of them without a residence permit and two with other (non-au pair) residence permits. All the au pairs interviewed were women. The interviewees had been contacted through many different channels: the internet, at flea markets, in language school classes, churches, etc.

- Six host families in the Greater Copenhagen Area, who had had between two and eight au pairs employed in their homes.

- Eight key informants who had been in touch with au pairs in Denmark, either as representatives of public authorities or as active in civil society groups (associations, churches, etc.); i.e. a civil servant in the Immigration Service, two priests and four centrally placed persons who were active in the Philippine and church-based club environment and one language teacher.

In addition, the study includes many informal conversations with and enquiries to other people in the above-mentioned three categories, and they have naturally contributed to qualifying the analysis though they have not been a direct part of it.

The interviews have in most cases been tape recorded and transcribed, though some participants did not want the interview to be recorded. The interviews lasted from 30 minutes to 2¾ hours, and some persons were interviewed several times. Some informants also wrote e-mails before and/or after the first interview, describing stories and experiences. All interviewees have been anonymized.

As part of answering the question of how marginalized migrants are governed the objective of the study was not to present a representative account on a quantitative basis of the au pair

situation in Denmark but rather, through in-depth interviews with both au pairs and families and also persons with knowledge about the au pairs, to describe and analyse how the au pair relation is lived and experienced and how it works against the background of the official rules on which the relation between the au pair employee and the host family/employer is based.

Given the fact that the Danish au pair scheme is legally defined as a cultural exchange arrangement and that no local research had explored this field prior to my investigations, the point of departure has been how activities, relations, perceptions and positions on the one hand related to the social construct of au pair, and on the other hand, to gain a deeper understanding of the experiences, relations and positions within the field of migrant domestic and care work.

In addition to the descriptions above concerning the interviews carried out for this study, the following data is pertinent regarding the interviewed au pairs, as they constitute the primary material of the study:

- The age distribution of the interviewed au pairs and former au pairs was about half in the range 21-24 years and the other half in the range 25-29 years.

- The 21 Philippine au pairs were from many different regions of the Philippines. Some were from rural areas, others are from urban areas.

- Of all 24 au pairs interviewed, 17 had partly or fully completed higher education. The qualifications covered a broad span, including university degrees in literature and languages, veterinary science, a graduate engineer, an accountant, a biologist, a midwife, a nurse, a teacher, a bookkeeper, etc.

- Five (all Filipinos) of the 24 interviewed au pairs had children aged 1-4 years.

Is the au pair program concerned primarily with cultural exchange?

The Danish au pair programme is officially defined as a cultural exchange programme. The following definition of an au pair is posted on the website of the Danish Immigration Service:

> A person who stays with a host family for the purpose of improving his/her language skills and possible academic knowledge and insight into the host country [89]

One way of viewing the arrangement's consistence with this description, if any, may be to describe the stated motivations and informants' own description of practices that are acted out in specific au pair relations in host families.

In the interviews conducted with both au pairs and host families, a consistent theme was that the au pair relation was viewed principally as a work for pay arrangement and only secondarily as a cultural exchange.

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[89] www.nyidanmark.dk (10.09.2008).

Lynn, aged 27, a high school graduate with a two-year-old daughter, was from a family of eight children, of whom she was the second. Her younger siblings were still in school. About her situation in the Philippines and the reason she went to Denmark as an au pair, she said:

> My father is a farmer and my mother is a plain housewife. My brother is studying in secondary [school]. I have a daughter, but I'm not yet married to her father, but we are still having communication. When I already have a daughter, I work of course for my daughter (…) that's why I planned to go to Denmark

Lynn sent money home to both her child and to her child's father, who lived with his family, and to her parents and siblings. The possibility of earning money had been decisive for her decision to go abroad, particularly after she had her baby:

> I cannot find a job in the province, because there is no company. It's really hard. I can't ask my mother: 'Can you buy this and that for my daughter', because they also need help from me.

About her expectations for being an au pair in Denmark, she said that she expected that she would be working hard and receive the minimum wage. Nevertheless, she was favourably surprised:

> I expected that I had to work, I expected that they will only pay me the minimum salary, but when I came here they paid me more than I expected, so it's not so hard for me here.

> Interviewer (H.S.): So you knew about the salary?

> Yes, of course I read it the contract, it's 2,500. So I only expected that amount. I read the agreement, so I'm aware. When I came to my host family, they were also aware of it.

Yvonne, who was 21 years old at the time she was au pair, had to interrupt her nurse's training to help support her family.

> I came here to earn money for my studies and also for my family (…)

> My mother is a teacher, but her salary wasn't enough for us, so we must sacrifice everything to have money for me to continue my studies. And my father is a politician, but he is only in the local [government]. We are very poor there in the Philippines.

Eve, who was 23 years old, had also interrupted her nurse's training in order to help her family. She was the youngest child of 11 siblings. One of her brothers had helped her financially, but she had apparently felt guilty about accepting money when other members of the family did not receive any:

> I have only my mother because my father died a long time ago. I'm interested in coming here so I can help my family, my mom and my grandmother. Because I would like to make them happy, because in the Philippines it's complicated. All my sisters married at a young age; fourteen, sixteen, so they make a lot of kids, so I feel guilty to their kids because they can't afford, so I want to help my nephews and nieces.

Naomi, aged 29, had decided to give up her job as a veterinarian in the Philippines because her father became badly ill and died some years earlier. In connection with his illness, her mother had taken out an expensive mortgage on their house and, in addition, two sisters were

still studying at college. Naomi and two of her sisters decided to go overseas to make money: 'We just decided to come here to pay the mortgage of our house, and the education.'

Of the 24 au pairs who were interviewed, two mentioned that they used the au pair programme to travel in Europe, which is otherwise difficult for third-country citizens, and to improve their qualifications for the job market in their home country.

The remaining 22 interviewees indicated that working to earn money – for themselves and/or their family – was the main reason they came to Denmark as au pairs. The decision to go overseas was made most frequently, in the case of the majority, because of difficulties with finding a well-paying job in the Philippines.

The host families were not blind to the fact that the au pairs were here to earn money. In the narrative of the host families, however, culture and cultural differences were elevated in importance, but were not articulated as a cultural exchange element. Rather, culture was articulated as a series of obstacles or needs to which the au pairs had to adjust in order to learn or improve their practical domestic labour skills.

As Rasmus, a male employer who has had two au pairs, explains:

> And I also think that these Filipinos get something out of it. In that there lies in the regulation that [you have to] learn something about culture, and they both [of our au pairs] have been very eager to learn how to cook. They didn't know anything when they arrived, but they write it down. They didn't know anything about cooking when they came. What number 2 knows today is basically what we have taught her. And she writes it down in detail. And then she can make that meal the next time.

In Rasmus' interpretation, cooking is a skill that he and his wife need to teach the au pairs, and obviously the task concerns cooking in modern Danish style though he phrases it as the general skill 'cooking'. Thus, learning to cook (Danish style) is equated with learning to adjust to the (local) culture, and is a task by which the au pair must compensate for cultural shortcomings. Any notion of 'exchange' in this interpretation of cultural exchange is absent. It is only the au pairs who need to learn new cultural skills.

Anne, a Danish employer emphasised that the au pair in question was a 'very, very sweet and nice girl' and that her children loved her. Nevertheless, the au pair was lacking in certain domestic labour skills, and here, explanations of cultural differences were employed:

> But she is not like that … it sounds so … it's not meant in the way I say it now, but she really comes from – I had almost said a hut with a thatched roof … I mean … you know, she doesn't know how a refrigerator works, she didn't know how a washing machine worked … I still haven't been able to teach her to empty the filter in a drier, and it has nothing to do with that she doesn't want to, but it has something to do with the world she comes from being so different.

A counsellor to au pairs whom I interviewed, someone who estimated that she had advised about 100 au pairs over six months, believed that 80-90 per cent of the Filipino au pairs remitted money to their families.

Several of the interviewees talked about the Danes' lack of understanding of why they remitted money to their family. For the au pairs, this was an important part of being a member of an extended family, whether it was presented as 'culture' or financial necessity.

All of the interviewees who aided the au pairs (civil servant, priest, head of the association) said consistently that the Filipino au pairs come to Denmark primarily to work and earn money.

The host families also weighed the amount and quality of the au pair's domestic work in relation to the salary they paid.

One au pair employer, Rasmus, mentioned that the expense for an au pair may be compared to the money the family had formerly spent on outside cleaning help and childcare and that they now got more for their money. In addition, they obtained more reliability and logistical convenience by replacing changing domestic helpers with an au pair:

> You have to say that its close to a brilliant arrangement. Compared to young girls who were unstable and cleaning help who were problematic and problems in keeping it up long term and finding a babysitter for a Saturday night, this is a solution which I don't have a guilty conscience about.

All the host families interviewed mentioned the work that the au pair carried out, be it domestic work or childcare, as the reason they have taken on an au pair. She takes some of the pressure of their daily life. None of them mentioned cultural exchange as their primary reason employing an au pair.

Is the au pair arrangement primarily concerned with domestic work?

The au pair's activities carried out in the home were generally structured as if it was a normal job. There were scheduled activities: cleaning, washing clothes, cooking, shopping and caring for children, which were defined as work in more regular domestic worker arrangements. The work tasks of an au pair are described in the official contract, issued by the Immigration Service. These are:

> carry out chores such as a limited amount of domestic chores and caring for children.[90]

> The au pair must carry out chores between 3 and 5 hours a day, i.e. between 18 and 30 hours a week, and the au pair must be granted at least one day off every week. Examples of domestic chores are: doing the laundry, tidying up and cleaning.[91]

In connection with the signing of the contract, a weekly schedule must be submitted. The table should show the work tasks to be carried out and on what days:

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[90] Immigration Service: AU1 Application for residence permit for au pairs (2008).
[91] Ibid.

Ugedag / Aktivitet	Mandag / Monday	Tirsdag / Tuesday	Onsdag / Wednesday	Torsdag / Thursday	Fredag / Friday	Lørdag / Saturday	Søndag / Sunday
Huslige pligter (antal timer) / Domestic chores (state the number of hours)							
Børnepasning (antal timer) / Caring for the children (state the number of hours)							
Fridag(e) (sæt kryds) / Day(s) off (check box)							
I alt (antal timer) / Total number of hours							
	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours	Max. 5 timer / hours

_____ Max. 30 timer ugentlig / Maximum 30 hours per week _____

Hvilke typer af huslige pligter skal au pair-personen udføre hos værtsfamilien? / Which types of chores will the au pair be responsible for? (sæt gerne flere kryds / mark as many as necessary)

☐ Tøjvask m.v. / Laundry   ☐ Madlavning / Cooking

☐ Oprydning og rengøring / Tidying up and household cleaning   ☐ Andre, hvilke? / Other, please state which:

☐ Børnepasning / Caring for children

_____

_____

Comparing the definition of au pair tasks with a similar au pair system, the Norwegian, shows in the au pair 'standard work contract' handed out in connection with the au pair work permit (in which the au pair stay is defined as work), that the tasks are described as 'light domestic work', 'caring for children', 'looking after pets', etc.[92]

Comparing these au pair definitions with a standard contract issued by the authorities to migrant domestic workers and their employers – here in Hong Kong – as a requirement for applying for residence permit, it resembles in many respects the Danish au pair contract. Similar to Denmark, the 2-year residence permit as a domestic worker is tied to a specific employer/family. In Hong Kong, the work tasks are described in the standard contract as follows:

Domestic chores; cooking, looking after elderly family members, baby sitting, child care, other tasks [93] In Hong Kong these domestic chores are defined as paid work.

Thus, it is difficult to disregard the fact that domestic chores may be and indeed are defined as paid work in the au pair contract.

As it is the case in other employment relationships, in which new employees may be hired successively as long as the job exists, the trend in host families was indeed that one au pair

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[92] Utlendingsdirektoratet, www.udi.no (accessed 19.10.2008)
[93] Human Rights Watch (2005:115)

replaced the other. The interviews with both au pairs and host families presented a picture of the au pair stays as part of a series of caregivers in the families. Two of the interviewed families had had eight and six au pairs, respectively, and planned to continue taking in au pairs until their children are older. One host family explained that the children in the family could not remember family life without an au pair in the home. Among the interviewed au pairs the majority was 'one of a series' of au pairs in the host family.

As in other employment relationships, in which the employee may decide to change to a different job, there was also a highly prevalent trend among au pairs to plan to move on to a new family, whereas others had come from working as au pair elsewhere.

Taken together, these data underscore the fact that for both host families and au pairs, the au pair stay in Denmark is essentially an employment relationship rather than a one-time experience of a cultural nature.

The families organised au pairs as paid domestic labour within their homes, while the au pairs work as domestic labour in order to earn money for themselves and their family. The domestic activities were described and defined as scheduled work performed in accordance with an agreed upon remuneration and a set of rules governing what was essentially a contract between the household and the worker, supervised by the state immigration agency.

As shown by Anderson (2000), Constable (1997) Rollins (1985), Cox and Narula (2003), Lutz 2008) the condition of residence in the migrant domestic worker arrangement is crucial for the domestic worker in defining boundaries between home and workplace. The workplace is the home – the host family's home – but the workplace is also the au pair's own home, which means that the separation of working life and private life becomes difficult. In addition, the analysis will also consider how pay and working conditions are managed, implemented and perceived by the au pairs and the host families.

The discussion of home as a workplace will concentrate on the au pair's position as paid worker in the home. Focus will be on: Work tasks, work planning, management, increasing work loads, the possibilities of doing something about one's situation, definition of childcare as work or not-work, floating and interrupted time and no work-mates.

The workplace as a home will concentrate on the relation between being a live-in domestic worker and being a person who is 'off duty'. The focus here will be on: physical framework, privacy, the host family's privacy, the fight about time, food, meals and baths, house rules, and the construct of being part of the family.

The second factor to be discussed, payment and working conditions, will concentrate on more formal and regulated areas of paid live-in domestic work related to the au pair's employment status and their conditions of residence in Denmark as temporary migrant. The issues to be discussed here are: employment, work and pocket money, pay, hourly rates and tax, transport to Denmark, work beyond and alongside the rules, termination, dismissal, vacuum, holidays and days off and holiday pay and possibility to file complaints

The home as a workplace

A home is most frequently associated with private life – something non-public. When the home must also serve as a workplace, this private life character will typically dominate. The home is an enclosed space, divided into further enclosed spaces – living rooms, kitchen, 'family room', bedrooms, 'home office', the au pair's room, etc. – and is thus also an enclosed workplace. What goes on within the home (and in Denmark, in the garden or outdoor terrace) is supposed to be of a private nature. In principle, the public has no access to the home and can thereby not monitor how the home functions as a workplace for those who are employed in the home. Public authorities – whether police or social welfare inspectors – normally need special permission to enter someone's home.

For the person working in some else's home as live-in, domestic worker, this position is often characterized by isolation and lack of privacy (Anderson 2000:42-43). The live-in domestic worker is not simply a lodger. They are subjected to the family's rules for living in the home (Constable1997). It is most often a single workplace and a place filled with feelings and special traditions.

The experience of 'home' can vary a lot for people living under the same roof, as expressed by Becker-Schmidt 'The meaning of home for wealthy white women is a completely different one than for their employees, for whom it is social alienation and the site of exploitation' (Becker-Schmidt 1992 in Lutz 2008:43

Work tasks

In a workplace, the employee is expected to carry out a more or less specified piece of work in return for an agreed remuneration. In the au pair contract, the work in the home is referred to as 'domestic chores' and the pay is called 'pocket money' (Danish: *lommepenge*). The interpretation of this framework will be described below.

The au pair's work is, as described above, specified as follows:

- Doing laundry etc.

- Cooking

- Caring for children

- Tidying and cleaning

- Other tasks

Most families in the study used a schedule, setting out concrete tasks specified for each day.

> And they'll give me a schedule of what I should do in that day, for example Monday I'll clean the bathroom upstairs and vacuum downstairs, and then I can do ironing at night [Nelly].

> The first time we met, they gave me a schedule about what time I should [be in] the house, and the schedule for cleaning. They also told me that it is up to you if you want to clean the cabins [closets], it is up to you, but in the whole week you have to do what is written in the schedule[Naomi].

Work planning

One of the interviewed au pairs, Lynn, explained that her role was more like that of a house-keeper, as she was the one who was in control of what was to be done in the house. The only daily task was shopping and cooking in the evening, when she and the family ate together. When asked whether she had been given a work schedule when she started her stay with the family, she said:

> No, he told me: 'You can do what you want, because I know you can manage.' The first day he saw I cleaned the house well. He will never say; 'Can you do this?' I can make my own schedule; I can take rest any time I want.
>
> (…)
>
> In the morning I make them breakfast, they wake up 6:30, so I have to wake up 6 or 6:10, after I have made breakfast for them, I go to bed or watch TV, because I will not start cleaning while they are still in the house. When they are gone, I will start to clean the house. It's a big house but it's not so dirty. (…) In the evening I will make dinner for the three of us. They have dogs, but I never walk the dogs, I just let them out in the garden. But I feed the dogs, the birds and the chickens [Lynn]

Lynn emphasized spontaneously that she thought it is a great advantage that she could control her work routine, otherwise she was very happy with her family, which consisted of a single father and his son. She thought that the absence of a woman employer in the house was what gave her a degree of self-determination and relative freedom.

The workload imposed upon the au pairs varied substantially as the types of work tasks also differed.

> I have a schedule as an au pair. Monday, Tuesday ... Tuesday I have to work five hours in the afternoon only, I have to work from two to seven o'clock. For me it's not very difficult because I just have to go to the market and cook for them, that is my work Tuesday and Thursday. And Monday, just vacuum and washing. Then Friday is general cleaning; dusting and everything.
>
> But sometimes if they are busy they ask me a favour, that is okay. They ask me in my duty time, so it's okay [Nancy].

Nancy was happy with her family and stated that she did not work any more than the stipulated five hours per day, while other au pairs had a workload and a type of work that was significantly longer.

Ellain, for example, cleaned, did the laundry, ironed, was a babysitter on and off, cleaned windows and generally worked a good deal more than the five hours a day. She was also asked to work outdoors:

> I have the list ... but I don't know, because yesterday she [said to] me to please clean outside the house. The terrace is too dirty ... I want to answer her; No, it's really cold outside, and it's not my job, but you know she is telling me, Ellain, can you please clean outside and you need to wash it and brush it ... I am just staring at her ... and I know I will do it, but it is not a part of the job anymore.

Management

The day-to-day management of the au pair's work was handled in the far greater number of cases by the female employer /the 'mistress of the house' – if there was one in the home.

As mentioned, Lynn, who worked in a family consisting of a single father and his son, considered her work freedom as a result of the fact that there was no female employer in the home.

Several of the interviewed host families explained that it was the male part of the couple who had recommended having an au pair in the house, while it was the wife who obtained or handled day-to-day management of the au pair's duties. However, two of the interviewed host families explained that in one of the cases, the husband had the primary daily contact, while in the other case the couple stated that there they divided the communication tasks with the au pair with 40% to the husband and 60% to the wife.

One of the husbands, Anders, said that the au pair

> prefers to approach my wife, which I think is a bit frustrating for I'm used to viewing myself as an equal member of the household. But I think it is culturally determined.

From the au pairs' descriptions, it might appear as if, in many homes, the management style is relatively detail-oriented and controlling.

The gendered character of domestic work in Denmark did not seem to change significantly when a paid domestic helper came into the picture. The work was maintained as primarily the woman's work and responsibility – domestic chores were now carried out by the migrant woman, while the mistress managed and controlled it.

In addition, there was also a tendency that, in situations of conflict, the husband served either as a conciliator/mediator or as the one who raised the level of conflict – giving orders.

Another element related to administering the au pair's work was the situation in which the Danish husband and wife issued different or conflicting instructions to the au pair, making her work situation unclear or difficult.

Increasing the work load

An issue which several of the interviewed au pairs emphasized as problematic was when they were given additional work tasks.

Evelyn's experience describes how the work burden could increase:

> In the beginning it's just the same, it's to clean the house in the morning when the children already leave the house at nine o'clock, so I will start to clean the house, and then wash their clothes while I'm cleaning the house. I'm supposed to finish all those things before the children come. So I have from 9 to 14:30.
>
> Interviewer (H.S.): Should you clean the house every day?
>
> Evelyn: Yes, every day, because every day the children make a mess.
>
> Interviewer: What should you do?

…

Evelyn: […] wash the floor, every day you have to vacuum, every day you have to clean all the rooms, every day change the bed sheets, do the dusting ... and also they have a special table that gets fingerprints… it's a glass table. So it's very difficult because all the time the kids are there you have to clean… so the fingerprints aren't there anymore.

Interviewer: Bathroom?

Evelyn: Yes, bathroom, toilet, the bath, and the shower and fix all their things. Putting back their clothes because sometimes she is in a hurry, so the clothes are everywhere ... the children … the shoes … everything. They have a mouse, so the mouse also makes a lot of pooh. So I really need to wash the floor and vacuum the floor.

Interviewer: Every day the same procedure?

Evelyn: Yes, but every week I have a general cleaning … also the things should be … and wash there everywhere, and also the frames.

(…)

And also twice a week I do gardening.

Interviewer: Gardening?

Evenlyn: Yes, because they said, that they are going to pay my tax and the school.

Interviewer: Okay, so gardening was one of the things they added to your plan?

Evelyn: Yes, after three months.

Interviewer: Then came gardening and…?

Evelyn: And the window from outside – before, I just do every day just inside.

Interviewer: Every day?

Evelyn: Every day, because the fingers of the children, because the children they play really, really just like: 'arghhh'.

Evelyn must tidy up and clean the whole house every day plus a more thorough cleaning once a week. After three months, gardening and outside cleaning of windows were added to a list of tasks that was already very comprehensive.

In the case of Evelyn and other au pairs, it seemed be that the level of cleanliness in the home was very closely associated with access to au pair manpower in the home and that the domestic standards, with daily cleaning of all rooms, window cleaning, floor wash, etc. plus gardening a couple of times a week, were ratcheted up due to the availability of cheap labour on the premises.

Susan's work situation – far too much work

In the case of one of the interviewed au pairs, Susan, the extra work situation, combination with additional scheduled extra cleaning (for cash) for other homes in the neighbourhood, developed into a work day that could run into 12-14 hours. According to her own reports, the au pair in question lost 10 kg the year she stayed with the family, and she seemed clearly se-

verely affected by both the hard work and the psychological strain of the overwork she had experienced

To illustrate the rising pressure of work on the au pair, the table below shows two days of the work schedule she was given when she arrived and the same two days from the schedule to which she worked after 10 months (and which was written by the au pair's employer):

Work schedule 1	Work schedule 2
Monday at start	Monday after 10 months (changes are underscored)
Breakfast Clean 2 bathrooms, ground and 1. floor Vacuum clean ground floors Wash ground floor Clean both living rooms - dust off - wash white shelves + furniture - wash window frames plastic and wooden - wash doors, door frames and skirting boards Pick up (child nr 1) 15.00 – 16.00 Bring (child nr 2) to swim lesson at 17.00	All days start at 9.00 am with doing the beds and tidy up the house Clean 2 bathrooms, ground and 1. floor, including skirting boards Vacuum clean ground floors Wash ground floor Clean both living rooms (look for spider webs) - dust off - wash white shelves + furniture - wash window frames plastic and wooden - wash doors, door frames and skirting boards - the laundry and ironing Do the shopping in Netto and pick up (child 1) Prepare dinner 18.30, make orange juice for next morning. And do the dishes
Tuesday at start	Tuesday after 10 months
Breakfast Clean kitchen - wash shelves - wash cupboard outside - wash sink - wash microwave - wash gas cooker hood - wash fridge inside and outside - wash dustbin	All days start at 9.00 am with doing the beds and tidy up the house Clean kitchen - wash shelves - wash cupboard outside - wash sink - wash microwave - wash gas cooker hood - wash fridge inside and outside - wash dustbin inside and outside - scrub kitchen floor Do the laundry and ironing Do the shopping in Netto and pick up (child 1) Prepare dinner 18.30, make orange juice for next morning. And do the dishes

In work schedule 2, the estimated time had been added for each of the work tasks, which added up to 7.5 hours in all, within a time frame which begins at 9:00 am, ending time around 9:00 pm.

The host family had made a calculation in work schedule no. 2 of the au pair's total number of hours, which was intended to illustrate that the family received (only) 54 hours of work in two weeks, 'even though' the au pair worked one or two times a week cleaning for another family. This was the argument used to show that the host employer kept within the official regulations that the au pair's work chores must not exceed 30 hours a week. However, they also wrote that, by the way, caring for children had not been included: 'We cannot put time on your helping the kids during the day, as you are, of course, a part of the family and therefore all hours are not filled out.'[94]

In this case, there had been a substantial increase in the burden of work – and the common breakfast had been removed from the programme. The host family said that the au pair worked from 9 to 5, but with all the tasks listed, she was unable to get them all done within the allotted time (which was otherwise already 2.5 hours in excess). Lacking a standard for what the tasks involved and the time allocated to them meant that the hours were in fact arbitrary and ultimately fixed by the employer.

Eventually, Susan stopped eating breakfast with the family, and following an incident where the au pair had cooked a meal for the family and some guests and the employer had failed to put a plate for her at the dinner table, she ceased eating supper with them as well.

'I cook, I serve them. It's like a restaurant,' she said in the interview, adding that her host mistress.

> called me "the maid". She said to some of her friends: 'My maid is from the Philippines.' When I read in the papers, an au pair is not a maid.

Doing something about one's situation?

When the work load is increased or intensified,, it often led to deep frustration, strain and bewilderment on the part of the au pairs. In the case described, Susan tried for a long period to keep up with the employer's demands. She earned DKK 2,500 from the family and an extra 1,000 from the extra work. She had a child to support in the Philippines and remitted the greater part of her wages to her mother, who cared for her daughter. She was fully aware that she was not permitted to work outside the family, but she had chosen this means of supplementing her income. She had chosen extra work instead of taking Danish language classes

But it was primarily the fact that she knew that she had acted contrary to the regulations, actions that could put her residence permit at risk, that made her decide not to try and change her situation

She was afraid that the host family would report her for having taken undeclared work, and that she would be expelled and thereby lose the basis on which she provided for herself, her

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[94] Susan gave me a copy of her schedules, along with some notes written to her by her host family employer.

daughter and her mother. The situation eventually became so conflict-laden and she felt under so much pressure, that she chose to seek help in her – not very extensive – network. She finally stopped working for the family and sought to make them pay money they had withheld. Instead, she received an angry letter from the family, in which they threatened to report her to the authorities for having taken undeclared work. This threat contributed significantly to causing her to apologize to the family, by letter as well as by phone for her 'bad behaviour'

Is childcare work?

In another case, it was the au pair's responsibility to care for six children at the same time as she cleaned, folded laundry and ironed. In families with such large workloads, there was a tendency to make childcare invisible in work schedules, as something that was done at the same time as the 'real' duties

In contrast to this tendency, Amy described the only rule in her host family: that the children should always come before cleaning tasks:

> The rules are that I must prioritise the children. If I'm cleaning and the children cry, I don't have to continue cleaning, the special rule is that we prioritise the children, not the cleaning [Amy].

Floating and interrupted time, no workmates, difficult to protest

Several other aspects of the au pair's work were reflected in the au pair interviews.

- Working time and free time often glided into each other as long as the au pair was in the home. If, in the evening, as told by an au pair, after supper, the employer asked if she would like to participate in baking bread – then was it work or free time

- The work was often organised in a time-staggered pattern, with breaks of a couple of hours' duration, but without this time being real time 'off' for the au pair. One reason for this liminal situation was that she was often expected or felt expected to be in the home to be able to step in should the need arise – for example, if a child was ill.

- The absence of workmates in one's daily work is of importance for the working environment, particularly in a situation where loneliness may already be felt to be a problem (loneliness was emphasised by several of the au pair counsellors as a substantial problem for the group of au pairs as a whole).

- The au pairs felt that it was difficult to object to the employer's planning of the work, not least in light of the au pair's fragile residence basis, with her stay being tied to one particular family.

The workplace as a home

Except for the voluntary choice of working at home most people in the Danish labour market prefer a physical separation of their working life and private life. To the au pair the choice of a home-based work place does not exist. A condition for obtaining a residence permit is that the au pair reside with the host family, i.e., that they live at the workplace. An au pair in

Denmark is required to work as live-in and not allowed to work as a live-out worker (Anderson 2000; Constable 1997, Arnado 2003).

The physical framework

The physical framework of the au pair's private dwelling varied considerably, but the vast majority of interviewees had had, in all their stays, a room of their own. Two of the au pairs had chosen to live with a relative somewhere else than in the family's house, and two more had asked the family if it was possible to live outside the home. A few had been placed involuntarily with another au pair.

The quality of the dwelling ranged from the small room of 10 m2 or a small room with glass walls adjacent to an office area, separated only by glass and curtains, to the au pair's own flat with a bathroom and kitchen and a separate entrance door. Most of the rooms were placed in the basement of the houses, which in a country like Denmark, may be subject to dampness, mildew, and are often close to the humming sound of home heating systems, automatic washers and clothes driers.

The rooms/dwellings were fitted out in different ways, but a benefit of great importance was access to a computer and the internet. The internet was of great importance, particularly to the Filipino au pairs when they had to maintain contact with their family and friends. The au pairs who had no internet access – and therefore no Skype connection – would obviously have a bigger telephone bill, which would often be a strain on a budget that is tight already. The web was used for telephony (Skyping), writing e-mail and surfing – to maintain social contact, to search for new families and to keep informed about rights and opportunities – particularly in relation to what would happen and what would be possible after the au pair stay in Denmark ended.

Privacy

A home and the feeling of having a home have a lot to do with privacy and intimacy. This applies to the private space, the possibility to decide on who to let in and who to keep out, it applies to the possibility of choosing the food one eats and having access to privacy in connection with personal hygiene, and it applies to the possibility to create one's own social space with whomever one wants, receiving guests, and having the chance to be left in peace at predictable, fixed times of the day or week (Constable 1997, Rollins 1985, Ardano 2003).

To those who work on a 'live-in' basis in their employers' home creating this kind of separation between work and private life proved difficult. Au pairs found it difficult to obtain that feeling of being truly 'off duty', truly 'free', even when they were in their rooms. It required establishing a set of clear boundaries, physical and psychological, between the au pairs' workplace and their home, between their work tasks and their free time.

The nature of live-in domestic work made it highly difficult to establish a clear-cut boundary between activities that wee work and activities that are 'voluntary'. This is because au pair work, involved certain features tied to emotional relations between the employer and employee, and because the au pair was excluded from leaving the home to gain privacy, or be-

cause the au pair found it difficult to gain privacy simply by retreating to their own dwelling area.

As the au pair scheme is regulated, the au pair was tied by her residence permit, which required that she lived with her employer, and only the employer with whom she had a contract. Her possibility to select an alternative living arrangement was non-existent, and her chances of switching to a different employer would depend on her ability to find a new one within a certain time limit, as well as the renewed approval procedure by the Danish Immigration Service.

A baby's cot in the au pair room

In Angela's room there was a cot next to her bed. She had a very close relationship with the family's two-year old son, so close that she was the one he talked to when they were eating; she was the one he wanted to play with, even when his parents were home. But Angela also had the feeling that she was available to the family constantly – particularly in connection with child care.

Up to her weekly day off, Angela had several times experience that the parents would place the baby in her room in the evening so that she would end up being the one to bring the child to his daycare nursery in the morning. This arrangement applied even if it was her day off, which was also the day she went to school.

Angela described a situation in which the parents sent her a text message at one o'clock in the morning, to ask her if she could drop off their son the following morning. When she did not answer, there was a knock on her door after a while. The father brought the sleeping baby into her room with a remark that his son had now found her.

> Even at 1:00 am he brings the boy into my room, knocks on my door, yes how many nights he does that, knock on my door: 'Oh he is finding you'. I'm very, very angry, but I don't want to get angry. They are disturbing my… I'm sleeping and they are disturbing me…
>
> (…)
>
> But in the middle of the night, when he brings him to my room: 'Oh he finds you', O.K. I can't do any more, I can't do anything, just lay down. And sometimes when he sleeps in my room, of course, he wakes up in the middle of the night: 'I want water'. But it's okay, it's not a big deal for me, I like to look after him, because he is the only one. But they are disturbing my rest time, my privacy [Angela].

In Angela's case, the host employer showed a distinct lack of respect for Angela as a private person. The host not only transgressed the boundary of her physical space – her room – but also at a time – one o'clock in the morning – when she was in bed, which aggravated his transgression of her privacy. That the baby's cot was placed in the au pair's room merely made this violation of the au pair's right to privacy into a physical manifestation of this being a normal situation.

Several of the interviewed au pair employees stressed that it was difficult to maintain the boundaries of their private life – for example when the employer asked for a favour outside

the normal working hours – when there was no key in the door to the au pair's room, and when the employer entered the room when she was not there.

> Interviewer: How do you feel about them going into your room?

> Ellain: It is really unconvincing, it is my privacy actually. Why? That is really the question why they enter my room without letting me know.

> Interviewer: Can you lock the door?

> Ellain: There is no lock, it is just a handle.

Other au pairs explained that they were at home so much that they could as well take part in the work in the family in their free time anyway.

Those au pairs who had the disposal of a separately located room or flat (only a few), for example with a separate entrance door, bathroom and kitchen and with the opportunity of an independent private life, expressed great satisfaction with their living arrangements.

The host family's private life

Private life for an au pair has two sides: the ability to disengage with others, and the possibility to be included in the everyday life of one's host family.

Ana, who lives in a room of about 10 m2 in a small house in a provincial town said:

> I can't say I feel like part of the family. Not because they are bad. (…) I don't want to ruin their spare time. He is doing so much. (…) He works, he cooks… Maybe he and they want to be with his son, not the au pair.

In Ellain's case, there was a rule that she must be in her room after 8 p.m. and thus not in the living room, for the reason that the host couple needed some privacy.

One of the interviewed host families also explained that they had concerns before their first au pair arrangement as to the implications in terms of responsibility and the family's daily life. However, the interviewed host said that it was 'much easier than she had imagined.' Nevertheless, she was aware that it was important to have a rule that the au pair and the family must eat supper together every evening. However, her experience was that it was very difficult to get the au pair to join them in the sitting room at night. She would only be there when there were TV programmes about the Philippines, pointing out that it was important for the family to get to know something about her cultural background – learning something about her native country. The host family also invited her to join a skiing holiday, to which she declined. The au pair in question had both family and a network in Denmark and apparently chose to spend her free time with them.

Another family had organised things in such a way that the au pair lived in a separate part of the family's house and therefore also lived a separate life in her free time in her flat – often with many visitors. As the host Anders described it, 'She has a big circle of Filipino acquaintances, who invade her flat every weekend, and then there are four girls sleeping on top of each other, having a really nice time, I believe.'

Apparently, this arrangement pleased both the family and the au pair. However, the children in the house often crossed these boundaries and would visit the au pair in her flat.

One of the interviewed au pairs lived with her sister's host family in the area in which she was herself employed. She was very satisfied with the arrangement and stressed especially the great quality involved in having time off 'outside'.

Proximity to the host family's/couple's private life could also be perceived as damaging to one's own privacy. The au pair Amelia explained that she refrained from inviting guests because the host couple quarrelled frequently:

> Yes they are always fighting, so I don't want my friends to go there and hear, for me it's okay, but if my friends come and visit me, and they are doing like that... I don't want... I get embarrassed about them also.

'They are holding my time'

One of the interviewed au pairs described how difficult it was for her to keep the host family from intervening in her own free time. She did not have Sunday as a regular day off. Instead, she was off from Friday at 6 pm to Saturday at 5 pm, which meant that on Saturdays, she could only see her friends on Saturdays until 5 p.m.

> Amelia: 'Yes until five, then I need to go back and baby-sit, give the child a bath, sometimes they are going out and I'm still at home, they are not in, but I'm still at home, I'm not to go anywhere because I'm already back, but sometimes they will say to me: 'Okay you can go out but you need to come back by this time'. They are like holding my time. It's my privacy, but even when I'm out they will call me: 'Where are you?' It's my off day, I know they are concerned about me, but it's too much. 'Where are you?' 'Okay I'm at my friend's'. And sometimes: 'I'm going out now' 'Where are you going?' 'I'm going to my friend' 'Okay give me the address'.
>
> Interviewer: 'The address?'
>
> Amelia: 'Yes, they are asking for the address. Are they caring about me? Yes, I know, they are concerned about me, they are concerned wherever I go and whatever happens to me, at least they will know. But it's too much, I don't like it.'

'They are holding my time' she said. In her experience, the employers took her time and her privacy.

Another interviewee said that she preferred to go out when she was off:

> Nelly: I go out
>
> Interviewer: You prefer to go out?
>
> Nelly: Yes
>
> Interviewer: Why is that?
>
> Nelly: Because I need to rest, and I want to do what I want to do. Because when I'm in the house, I'll not just sit there and watch the mess in the house, so I have to pick it up or clean it up. I want some free time.

160

It is obvious here that the overlap of home and workplace resulted in the au pairs feeling that they are not really free unless she moves completely outside the host family's house.

Food, meals and baths

Another aspect of the workplace also being one's home that showed itself in the interviews concerned basic daily needs such as access to food, the setting for meals – and the access to the bathroom.

Some of the interviewed au pairs talked about food as a problem and about going to bed hungry and waking up hungry at night for various reasons. Food traditions in the Philippines and Denmark differ, and the Filipino au pairs felt that it was difficult to get access to the food they like. Raw vegetables, salads and Danish dark rye bread were mentioned as some of the inedible foods in Denmark, whereas rice, chicken, fried vegetables, noodles, etc. were the foods they demanded. It seemed as if communication around food was troubled in many cases:

Angela: But the thing is, I didn't eat well, because it's a salad, for me it is more important with the rice, because I came from Asia, it's very different. Now I said to myself; I need to get this and this. Sometimes I buy for myself, because now they never put any money there, never again. Now I buy for myself, and they said: 'I saw you had some noodles, how much is that?' Okay sometimes they pay me.

> Interviewer: Are you often hungry?
>
> Angela: Yes, you see we are so skinny.
>
> Interviewer: Did you lose weight after you came here?
>
> Angela: I think so, (…) I always get hungry in the middle of the night, I can't just go out because they are still awake, and I'm very shy to take the food, I always think that sometimes it's my fault, because I always think negative, because I don't want them to take advantage of what I'm doing, because I know already that I'm very careful about what I do.

Angela continued reflecting on food in connection with the host employers' holidays:

> Angela: When they go overseas for a holiday for two weeks, I'm alone, he bought for me like for salad, he knows that I don't eat that.
>
> Interviewer: You told him?
>
> Angela: Because he said: 'Before we go do you want me to leave money?' 'Of course, you don't need to ask me, of course you need to'. 'Never mind, I'll buy for you, what do you want?' 'I want rice, chicken and some vegetables', I didn't specify what I wanted, I just said some vegetables. He bought rice, bread, carrots, onion, mushrooms … that's it.
>
> Interviewer: No meat, no chicken?
>
> Angela: No, but there is meat in the freezer, but they never ask me to eat that, I don't touch it if they don't tell me. When they left: 'This food will last for a week', when they left they leave 350 kr. They never ask me to get that. But before, of course, they were on holiday, and I understood that I could use that, so I used it. Then they came back, and they never ask me, so it means that it is for my food.

161

Interviewer: You didn't spend it?

Angela: I spent 250 and the 100 I left there with the receipt

For another au pair, Ellain, the food was also of great importance. She said she felt she did not get the food she needed or could eat and had asked if she could get money for meals to buy her own food:

And one time I really approached the guy, because I said, 'Can you please allow me ... maybe it's not too much for you to give me a food allowance?' They said 'Why?' I said, 'You know I am almost here in the house all the time. I can't imagine the day where I eat breakfast, lunch and dinner.' I said to them, 'You know what,,, I can only recall that I eat only dinner' I said to them ... 'Why? The fridge is open to you, everything in the fridge. 'Come on,' I said, 'What should I eat from there? a cheese? a chocolate, the square ones What do you want me to eat from there? I am a Filipino,' I said to them. And she said to me, 'Maybe I can buy you something.' ... 'So what is the best thing to do,' I said, 'because every now and then you are not here in the house. I am just the only one here, what do you expect me to eat? I am just alone.' And I said to them, 'Maybe you can buy me a food per-mit or you can buy me some rice,' and they are always telling me there is food in the fridge [Ellain]

Thus, the host employers – who were the ones who did the shopping in many cases – seemed to think there was enough food in the refrigerator, while the au pair felt, firstly, that she could eat only a little of the food in the refrigerator, and secondly, that the food in the refrigerator was closely monitored by the female host employer, who checked how much the au pair was eating.

You know I have the attitude – I will not touch her food in there ... I don't know the attitude of such a girl ... woman ... I don't know if she has memorized everything inside her house [Ellain].

Meals as social space were another issue. The interview data reveal a tendency that in those families where the au pair did not feel at ease or in which there were conflicts, that the prac-tice around the meals and the way they were experienced would also be problematic. How-ever, the shyness or restraint, which some of the Filipino au pairs ascribed to their cultural background, seemed to prevent some of them from negotiating about their food situation, both the kind of food and the family meal as such. Hazel provides an example:

Sometimes I don't like the food, but I need to eat because I'm shy to complain. But some-times I'm the one to decide what to cook …

I'm free to get something, but sometimes I don't like the dinner, so sometimes I go to bed really hungry, because I just eat a little bit. I have my own food like chocolate.

Aside from the actual food that was served, another issue was the communication that took place in connection with the meal. In some homes, the conversation at the dinner table was in English, in other homes it was in Danish. Naturally enough, the au pair would typically feel socially excluded if the conversation took place in Danish and would be sitting very quietly, as one of them expressed it. She might, for example, hear her own name being mentioned without being able to understand the conversation and the context.

Eating is not just a basic need for all human beings. It is also a field associated with many feelings and with sociality. One aspect is the cultural style – what a person is used to eating and what kinds of food a person likes – and the other is the social dimension – the setting in which people eat their meals, how they are used to eating, the way they feel at ease when eating and the importance it has. The au pairs who expressed most satisfaction with their meals were those who felt they had influence on both the food that was served and the social space in which the meals took place.

Access to a bathroom was another area associated with privacy and intimacy. When asked, many au pairs said that it could be nice to have a bathroom of their own, which would allow them to decide for themselves when they wanted to take a bath without having to adjust to the family's needs.

In one case, the au pair was barred from the bathroom after 8 p.m., which caused frustration because she liked to take a bath at night, as she had in the Philippines.

> Even though I want to use the bathroom in the night I can't make it really, but in the Philippines we are used to that, because when practising such a thing that is because I go to take a bath for me to feel fresh or something like that, and in the morning I want to take a bath again, but here in Denmark I can't make it, I just only take a bath after they have left already, I'm just using the bathroom because I'm the only one there, so that is the time I can use the bathroom [Ellain].

House rules

When the workplace is one's home, there may also frequently be a confusion of rules regarding the au pair's conduct at the workplace and in her private life. Some of the interviewed au pairs experienced house rules that determined where in the home the au pair may be at certain times, when the bathroom may be used, how the au pair may spend her free hours, whether guests may visit her room, that it must be reported to the host family if the au pair has a boyfriend and where the au pair will be staying over weekends. As mentioned, Amelia felt heavily administered and controlled by her host family, who insisted – according to Amelia – that the rules were based on their concern for her welfare. In another case, the female host employer reacted with considerable anger when she realized that the au pair had a Danish boyfriend.

Part of the family?

In the social construction of the au pair arrangement, it is an important element that the au pair is in Denmark as 'a part of the family' – on an equal footing with the family. In addition, it is stated in the au pair contract:

> The idea of an au pair stay is for young people to stay with a host family with children under 18 'on equal terms' with the other members of the family. During his or her stay, the au pair must be regarded as a part of the family.[95]

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[95] Udlændingeservice: A5 Au Pair kontrakt, Au pair agreement (accessed 03.09.2007).

Slightly fewer than half the interviewed au pairs said that they had been in at least one family in Denmark in which they viewed themselves or felt like part of the family. A single au pair had a host family who were actually relatives. Some of the au pairs explained that they were very happy with their host families, feeling included in the family.

For example, one of the au pairs replied to the question of whether she felt like part of the family, as follows:

> Yes of course. They join me to the weddings (…) So they always show me when they are to attend a wedding, and they will ask me if I want to attend. If they have some family re-unions I also go, and if they have a birthday I also go. (…) All the family knows me, even the cousins and their auntie, they already meet me also. When they call, they know that I'm the one who answers the phone.
>
> (…) I was very thankful, because I have a good family [Amy]

In addition to the social integration into the family, Amy's host family had also sought to help her apply for jobs so that she could seek a regular work permit. Other au pairs, families and those working with the au pairs as counsellors also mentioned their own or someone else's experience with families who helped or were planning to help the au pair with finding an alternative basis on which to remain in Denmark – as a student for example.

Ellen expressed a very positive feeling, viewing herself as included in the family:

> Interviewer: If you should describe your relationship with the family what would that be?
>
> Ellen: The way they treat me is like totally family
>
> Interviewer: So you feel like a member of the family?
>
> Ellen: Yes. I like them, the way they do when there are guests they are introducing: 'Oh this is Ellen, she is studying Danish'. It's very cool; they don't treat me like a servant or like a slave.

In Ellen's understanding of the meaning of being part of the family, it was not so much a matter of her being 'similar' to the family or being 'like' the family but rather of the respect the family showed for her and their recognition of her. She was not a servant or a slave – she was recognised as 'Ellen who was studying Danish', which in the social hierarchy brought her on a par with the family. Her host family had an ethnic minority background and were one of the few host families living in an ethnically diverse, working class/lower middle class environment in the suburbs of Copenhagen.

Lynn mentioned that her host family had checked out the possibility of Ellen being able to bring her child to Denmark, which was not possible, and that the family now used its network to find a new au pair stay for her in Norway.

Other au pairs explained that their host family had helped assist fellow au pairs who had problems – either by contacting the family concerned or by offering accommodation and helping with finding a new host family. Three of the interviewed host families also referred to continued contact with the au pairs after they had left.

However, several au pairs did not feel like part of the family, even after having made the effort:

>Interviewer: How would you describe your role or your position in your host family?

>Hazel: I think I care for everything. Inside the house, there is a lot of mess, for example the money can be everywhere, so I need to take all that away. I care for it, because I want them to feel what I'm doing inside the house, I want them to feel they have also to care for me.

>Interviewer: Do you feel that they care for you?

>Hazel: I don't think so. Just like the kids… I feel just like also my family for the kids, because I have been taking care of them for eight...seven months. I feel care or love for the kids because we are always together.

Other au pairs felt directly that they had been exploited or treated like servants and slaves:

>They're taking advantage of the au pairs' weaknesses, because they know that we cannot do anything just say 'Yes' to what they say. It's not right or it's not fair to treat us like slaves. That's why we're here just to work and not be treated as slaves [Susan].

Certain other au pairs dissociated themselves from the family relation, seeking recognition in alternative ways.

Pay and working conditions

Pay, hourly rates and taxes

Even though the domestic work is not defined as wage work (see below) and the payment they receive is called 'pocket money' rather than salary, the au pair's income is taxable as if it were wages

According to the tax authorities[96] the au pair must pay tax on both pocket money and the value of free room and board.

At the minimum rate of DKK 2,500 a month, the calculation for 2007 was as follows:[97]

- Payment received (pocket money) DKK 30,000

- Value of board: 365 days at 65.00 = DKK 23,725

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[96] Reported from an information meeting held by the Immigration Service on 27.11.2007, Kim Splidsboel, International Tax Centre, Copenhagen. According to the Danish taxation authorities and www.skat.dk (accessed 09.08.2008), au pairs are liable to tax on their pocket money and the value of the free room, but in principle they are not liable to tax on free board, as described in section 16(11) of the Tax Assessment Act. 'The reason is that the place of work of an au pair must normally be considered as a temporary place of work. The value of a free room is fixed by a specific estimate, since au pairs are not covered by the directions of Executive Order No. 1357 of 20 November 2007'. The calculation examples are based on inclusion of the value of both room and board.

[97] The minimum pay –'pocket money' – was increased on1 January 2010 from 2500 DKK (333 Euros) to 3000 DKK (400 Euros). The calculation would thus in an updated version follow from value of board and room; DKK 2888.75 per month (BEK nr 1487 af 10/11/2009) which yields a taxable monthly income of DKK 5888.75.

- Value of room for 12 months DKK 7,

- With a personal tax deductible of DKK 39,500 this meant that the au pair who received DKK 2,500 a month must pay social security contributions at a rate of 8 per cent, corresponding to DKK 2,400 a year.

- In addition, the employer must pay a contribution to supplementary labour market pension (ATP).

Based on these calculations, the value of the total monthly minimum goods and wages received by the au pair was DKK 5,117 per month. Converted to an hourly rate including the value of room and board, and with a working week of 30 hours, this resulted in an hourly rate of approximately DKK 42. By contrast, the average hourly wage for unskilled work is round DKK 120 per hour.

In addition, the host family must pay for the transport to and from Denmark (for au pairs from outside Europe) and the cost of Danish language classes, etc. For the au pair from the Philippines there were expenses for bribes to obtain exit permits and an intermediary, if any.

At a working week of 18 hours, which is the minimum number of hours, the net (after tax) hourly wage including value of room and board was approx. DKK 70.

At a monthly pocket money rate of DKK 5,000, which was the highest amount among the interviewed au pairs, and with weekly working hours of 30 hours, the hourly pay was DKK 63. For 18 hours it was DKK 105 an hour. The following table summarizes these calculations.

An alternative way to calculate the pay could be to convert the total payment received plus the calculated value of room and board into working hours, assuming a minimum hourly rate of DKK 90 and DKK 100, respectively:

Assuming a minimum pay of DKK 2,500 + the value of room and board, totalling DKK 5117, the calculation would be as follows:

- At a minimum hourly rate of DKK 90, the au pair can work 14 hours a week at most.

- At a minimum hourly rate of DKK 100, the au pair can work 12.7 hours a week at most.

Assuming monthly pocket money of DKK 5,000 and including room and board, the maximum weekly working hours calculated on the basis of a minimum hourly rate of DKK 90 and 100 would be 21 hours and 19 hours, respectively.

Among the interviewed au pairs there was broad consensus that the amount of pocket money received was low, especially because Danish prices were high.

> Ana: 'I like children, but it wasn't because I like children I came here. I came to earn money – not much, but I earn money. (…) But I was disappointed. (…) I didn't realize that the prices were so high.

> Interviewer: Do you work with other families? Cleaning?

> Ellen: No, I'd like to, but it's not allowed here. (…) I'm quite scared, but some of the girls, maybe they are not content with the salary, especially if they have children, they have no choice. The salary is not so good.

Interviewer: How much is your allowance?

Amy: It's only 2,500, that is not much.

Amelia echoes Amy in her complaint about salary: 'I already know how difficult life is. Now I'm here and I'm earning not much.'

The majority of the interviewed au pairs received the minimum payment of DKK 2,500 with varying extra payment by the host family of expenses like their bus travel card, telephone subscription, tax, Danish language classes, compulsory pension (ATP) and winter clothes.

The highest amount of 'pocket money' paid was DKK 5,000.

When asked whether they would still employ an au pair in their home if the 'pocket money' was raised to DKK 5,000, most of the interviewed host families replied that it would probably be too expensive. One mentioned that if the stipulated pocket money were increased, there should also be the possibility to extend the period in which the au pair employee is allowed to stay.

The payment of the labour market pension contributions (ATP) which, based on the interviews, there was only little focus on.

Transport to Denmark

For almost all of the interviewed au pairs, the applicant's host family had paid for the flight ticket to Denmark. In one case, the host families had subsequently thought they were entitled to deduct the price of the ticket from the au pair's pay.

In addition to transport, the au pairs who had travelled from the Philippines had all paid bribes to the Philippine immigration authorities and/or airport officers. The bribe payments were a means of avoiding the Philippine government's prohibition against going to Europe to serve as an au pair. The au pairs explain:

> Because in the Philippines ... This programme really depends ... The Philippine government doesn't allow the citizens to go out as an au pair. Except for overseas workers (…)

> Yes it's a lot of money, because au pairs also ... it's also bad because [she] doesn't have papers from the POW – The Philippines Overseas Workers, because you should also apply or else you can't go out of the country…. so instead of not leaving the Philippines, most people rather need money to get out. Because it is also difficult to get a visa, and it is also difficult to travel on a tourist visa if you don't have much money. And if you need help, there is nothing to do there [Evelyn].

The amounts paid to bribe officials vary considerably. Several au pairs had pointed out the implications of the level at which au pairs knew the officials, because the logic was that if they started bribing at a low level in the organization (and thus do not have good connections) it was expensive, because in that case the 'corruption chain' would be long.

With the data available, it is not possible to assess the mechanisms in the Philippine practice of bribery, but it is not unknown that corruption is pervasive in the Philippines. According to

'Transparency International'[98], which ranks countries by the prevalence of perceived corruption, the Philippines ranked no. 131 of 180 in 2007 and no. 141 of 180 in 2008. In 2008, Denmark was ranked as no. 1 and Somalia as no. 180. The lowest amount of a bribe was 8,000 pesos, equivalent to DKK 910, while the highest was 80,000 pesos, i.e. the equivalent of DKK 9,100. In the majority of cases, the bribery expense was 15,000-25,000 pesos for each stay, i.e. between about DKK 1,700 kr. and 2,900.

In the far greater number of the cases, the au pair had borrowed this money as an investment in travelling out, and in a few cases the host family had paid. Few host families were aware of this added 'exit tax'. Some of the interviewed families said they had paid a 'fee' in connection with the fare to Denmark but were surprised to hear that this fee was a bribe. The au pairs rarely told them anything about this bribe, fearing that it would bring focus on the fact that Filipinos were not permitted to travel to Europe as au pairs.

Evelyn, however, tried to make her host family pay the bribery 'fee' by telling them about it, but the family refused:

> They said it is really not their problem (…) because usually they got an au pair from Lithuania and she doesn't need to pay anything, only for the bus. They just took a bus, and it's just very cheap compared with the plane ticket. So they said that the plane ticket cost a lot of money, and the immigration also need to pay a lot of money, and fixing a lot of papers. So I think that some families use the advantage of that problem. So they see the opportunity that people want to go here [Evelyn].

The au pairs borrowed money mainly from their close parents, siblings or cousins, but might also approach persons further out in their social network – often at higher interest rates than those charged when the lenders were family.

Most frequently, the borrowing meant that the Filipino au pairs must prioritise repayment of their debts along with remittances to family or supporting their own children back home. Thus, the debt must be repaid out of their Danish pocket money allowance, which in most cases was DKK 2,500 a month.

One of the au pairs had to interrupt her nurse's training because her family could not afford for her to continue and complete the final two semesters of study. The tuition fee amounted to 20,000 pesos per semester. The family lent her 15,000 pesos for the bribery 'fee' in the airport, enabling her to travel to Denmark as au pair. She now supported her family while also trying to save up to complete her nurse training.

The au pairs interviewed were generally dissatisfied with the Philippine government's prohibition on Filipinos going to Europe as au pairs.

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[98] 'Transparency International, the global civil society organisation leading the fight against corruption, brings people together in a powerful worldwide coalition to end the devastating impact of corruption on men, women and children around the world. TI's mission is to create change towards a world free of corruption.' http://www.transparency.org (accessed 09.09.2008) See also http://www.business-anti-corruption.com/country-profiles/east-asia-the-pacific/philippines/corruption-levels/ (accessed 24.09.2010)

Among the interviewed host families, there was general surprise that this type of bribery was necessary to leave the Philippines as an au pair. The transport from the Philippines to Denmark might become particularly expensive if an intermediary was hired to help arrange a contact with a Danish family, as the intermediaries often charged exorbitant prices.

Amy's account of how she came to Denmark was typical in my interviews. Amy had contacted a Filipino woman living in Denmark, who offered to get her domestic work. Amy had a job at the time, but she was lured by the prospect of making a lot of money. She was told that the salary was at least DKK 5,000 and that the wording of the contract was just a formality. She did not know any au pairs in Denmark, and she allowed herself to be persuaded to pay 120,000 pesos (xxx DKK) to the intermediary to find a family for her and to handle the paperwork. In addition, she also paid her own flight ticket, i.e. 44,000 pesos, and 20,000 pesos as an exit bribe to leave the Philippines.

Thus, she started her life as an au pair in Denmark with debts of 184,000 pesos, or about DKK 21,200. Amy expected that she would need 12-14 months as au pair in Denmark to pay off the have paid off the debt. Of the interviewed au pairs Amy was the only one who told she had paid an intermediary, but the phenomenon is not unknown, neither to several of those interviewees who help counsel au pairs nor to the Filipino au pairs themselves.

Work beyond and alongside the rules

Working beyond the rules is defined by the Immigration Service as illegal work, which is punishable and may lead to withdrawal of a residence permit and expulsion of the au pair.

> The participation of the au pair in the family household is not the type of work which requires a work permit. As a result, an au pair is solely granted a residence permit. This means that the au pair may not carry out chores for more than 30 hours a week in the home of the host family, even if the family offers the au pair a higher allowance. Likewise, the au pair may not carry out paid or unpaid work outside of the host family's home, e.g. in the home of neighbours or friends, or in a business belonging to the host family. Such work is against the law – not just for the au pair, but also for the party that has ordered the work.

> Illegal work is punishable by fine or imprisonment. Au pairs engaging in illegal work risk having their residence permits revoked as well as being expelled from Denmark and forbidden entry for at least one year.[99]

In practice, this means for example that domestic chores in the home for 30 hours a week at a (calculated) rate of about DKK 42 per hour (the minimum pay including computed value of room and board) is legal work, while babysitting for a neighbour at DKK 100 per hour – the going rate for unskilled household labour on the Danish informal market --is illegal work. In addition, not only is the work itself illegal, but since no tax is paid, there is also the further issue of tax evasion.

The definition of 'undeclared work', according to the EU commission [100] assumes that undeclared work is legal work which has not been declared to the tax authorities. Here, however domestic work itself – work beyond 30 hours in the same family – is criminalized.

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[99] Udlændingeservice: A5 Au Pair kontrakt, Au pair agreement (accessed 03.09.2007).

Generally, in Denmark there is a wide tolerance for undeclared work of the household cleaning/home repair variety. A Eurobarometer survey in 2007[101] showed that the general prevalence and acceptance of undeclared work, interpreted as 'paid activities that are legal per se' is relatively high in Denmark. On average, 9 per cent of the population of the EU admitted having purchased clandestine services (e.g., child care, cleaning, home or car repair, etc.), while one in four persons in Denmark admitted that they had purchased clandestine services within the past year.

In this connection, the European Commission voiced concern over the general trend in the EU towards rising possibilities to obtain or carry out undeclared work, in particular due to 'the increasing demand for domestic, child-minding and care services as a result of the socio-demographic changes, perhaps in combination with shorter working hours.'[102] The findings also suggest that 'there is a big market for undeclared work throughout the European Union, particularly in the area of domestic services.'[103]

The general prevalence of undeclared work in Denmark means the existence of a structure and practice for arranging the clandestine services, including the domestic labour provided by au pairs. Of the 24 interviewed au pairs, six stated that they had organised or worked as paid labour outside the family during their employment period. An additional eight interviewees mentioned spontaneously, when asked the question of whether they worked outside their families, that they would like to work more, meaning make some more money, but that they did not dare or that their host families had prohibited them from doing so.

Several of the interviewed host families knew or have a presumption that the au pair had carried out work outside the family. However, several host families also underscored that this was something they talk about with the au pairs more directly now than they did previously (particularly after media coverage of the phenomenon). This meant that they now forbade their au pairs to take work on the side, where previously they would have turned a blind eye to it.

In about half the au pair stays that the interviewed au pairs had completed or were currently involved in, the au pair would be working more than 30 hours a week, more than five hours a day, and/or doing work outside the family.

The nature of the employment in the home and with the host family might contribute to making it difficult to make the distinction between time when the au pair was 'part of the family' and time when the au pair was 'on the job'. A few interviewees for example, mentioned that they still took part in the domestic duties of their own free will and even despite the family's reminder – on weekends, for instance-- that they should take time off.

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[100] 'Undeclared work' means paid activities that are per se legal but not reported to public authorities,' COM(98)-219: Communication from the Commission on Undeclared Work.

[101] Special Eurobarometer 248, October 2007.

[102] COM (2007) 628 final: Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. 'Stepping up the fight against undeclared work'.

[103] Ibid.

170

There were also au pair relationships that could be clearly characterised as gross exploitation of the au pair's work and her inability to take a job outside the home. Lucy's case provides an example.

Lucy's experience: many changes, unstable conditions

Lucy described a stay in Denmark that had been characterised by changing and unstable working conditions:

The first stay lasted only two weeks with a family in the provinces. Lucy said herself that she was sad when she arrived in Denmark and felt terribly homesick. She cried often. At the same time, she was asked to start on a comprehensive work programme the day after she had arrived in the family. She had to clean, make lunchboxes, tidy up and wash clothes in a family with three children and a big house. Her working hours were scheduled from 7:00 in the morning until 14:00 or 15:00 in the afternoon, with a lunch break of half an hour.

The female employer and Lucy never got along well together. The employer complained because Lucy cried. According to Lucy, the employer could not understand why Lucy was crying constantly. When Lucy wanted to take language classes, she was told that she had to pay for it herself, which she did not think she could afford because she had to send money back to her family.

At one point, Lucy was accused of having stolen the daughter's cell phone and, on that basis, she was given notice. The employer helped her pack and thereby had the opportunity to check out Lucy's things. She drove her to the train station.

The employer refused to give her any payment for the two weeks Lucy had stayed with the family – and for her remaining money, Lucy bought a ticket that could bring her to Copenhagen, where her cousin was living as an au pair.

After a month, Lucy had found a new host family through her network, and things had apparently fallen into place. However, she did not live with the host family; she had been installed in a room in Copenhagen. After two weeks, Lucy's former employer telephoned host family no. 2, speaking unfavourably of Lucy, which led to this second family also dismissing her.

The family agreed to pay for the room for her while she looked for a new family. She shared the room with another au pair, in a 'pension' where 10 rooms shared one bathroom.

Host family no. 2 did not pay Lucy anything for the two weeks she had been with them, so Lucy had to continue to borrow money from her cousin and her friends to buy food.

Nevertheless, Lucy succeeded in finding a third host family, but this stay was made complicated by the fact that, in a period immediately after the start of her stay, the family was to vacate their house while it was repaired. Therefore, it was arranged that Lucy stay with another au pair in a different house, receive money for meals and go to work when the family's stay in the temporary home had fallen into place. The work tasks were not fixed and, the contact between Lucy and the employer had apparently also been uncertain. After a trip to Spain with this third family,on which Lucy came along, they moved in with another family. Lucy now had to work for both families – cleaning, washing clothes, ironing, etc. . She worked for two

families from 7:00 am to 5:00 pm, but still lived in a different house. She received no money for meals, and she was asked to extend her stay in the other house herself, through an agreement with the landlord.

After some months, Lucy's third family moved again, and Lucy came along as a domestic help. At that point, she worked from 8 am until around 6:00 or 7:00 pm. The last thing she had to do before she left in the evening was set the table for dinner, but usually she was not supposed to be there during mealtimes. She remembers only three times when the family invited her to join the meal, apart from the weekly evening when she had to babysit. The landlord in the house where she lived intervened at one point, asking the host employer to give Lucy money for meals, and through the final month of her contract, she received money for meals, but not for the preceding four months.

At the end of that month, it became clear that the repairs of the host family's home would be protracted, and Lucy was asked if it would not be better if she found another family. She found the fourth family via the web site www.ung-i-huset.dk, but was unlucky there too. She also had to work a lot in that family and clean another home as well This time, her room was in the basement of one of the houses, squeezed in between old furniture and storage.

Each time, a new contract was established and approved without leading to intervention by the authorities. Lucy tried with a varying degree of success, at any rate in relation to the last family, to insist on her right not to work as long as the case was being dealt with by the Immigration Service.

Lucy also tried to call the Immigration Service to obtain advice on how to proceed. This required, in the first place, that she could obtain access to a telephone, for she could not afford to buy a telephone to make calls from. When she succeeded in making the call, the advice she was given from the Immigration Service was to find another family.

Termination and dismissal

In the au pair contract, the provisions concerned with termination and dismissal are worded as follows:

> Each of the parties is entitled to terminate this agreement with a two weeks' notice. Furthermore, each of the parties is entitled to terminate the agreement with immediate effect in case of serious breach of contract on the part of one of the parties, or if other serious circumstances make necessary immediate termination.[104]

The authorities had not set up a body that can deal with breach of an au pair contract, nor have they indicated any body to which the parties may turn in case of disagreements, about payment, for instance. A critical element in the au pair's residence permit to carry out their 'domestic chores' was that the residence permit was tied to one specific family. Thus, termination and dismissal would automatically involve loss of the residence permit. If the au pair had not succeeded in finding a new host family who could apply for a renewed residence permit for the au pair in 14 days, she would, formally speaking, no longer be residing legally in Denmark.

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[104] Udlændingeservice: A5 Au Pair kontrakt, Au pair agreement (accessed 03.09.2007).

In addition, the residence permit is conditional upon the au pair's living with the host family. As Lucy's story illustrates, however, the host family might choose to 'evict' the au pair at the same time as the dismissal, and the au pair could do nothing about this.

At the same time, apparently, the immigration authorities recommended a change of family as a solution to conflicts and contraventions of the rules and, in addition, this approach – a change of family – was also the strategy and recommendation used among au pairs and their counsellors in the church and association. Seeking another family rather than taking any legal action was the strategy, reflecting the au pairs weak legal position in general

Responsibility for finding another family was left to the au pair. There was no entity, neither public nor private, that was automatically available to offer help with finding a new family or temporary accommodation for a period, if this should be necessary.

One of the interviewed host families preferred to recruit au pairs who were ready to change family, in order to conduct a 'job interview' at which both parties, the host explained, might obtain an impression of each other and discuss the employment. This family had had the experience, after taking on a Filipino au pair, of receiving a call from her previous host family who spoke unfavourably about her, remarks which they ignored, however.

Sometimes the 'chemistry' just did not work. Beatriz, for example, was with her host family for only five days. She described how her employer dismissed her without any notice. Upon being dismissed, she was totally dependent on her having a network of other Filipinas in Denmark who could help her. Beatriz explains:

> The first day after dinner they asked me to clean the bathroom upstairs. I said, 'Yes, O.K.' After that, in the morning she asked me to clean the whole house. After she came home from work, she was angry with me – she yelled at me. I cried. She said she didn't want a sad au pair. (…) Thursday she asked me to babysit her son, who was sick... something's wrong with his head. She asked me to look after the child while cleaning the whole house. I'm not a superwoman…

> At three in the afternoon, I was still cleaning, the child was crying and shouting… he went into my room and was throwing my clothes into the living room, and he banged his head to the floor. I didn't know what to do, so I just hugged him. And then she called and she could hear him cry … 'What are you doing to him, did you hit him?' No, why should I do that? And then she came home, she talked to her son, but she didn't come to me.

> I was really afraid that she would call the police and say that I hit the child. I was crying and walking out of the house ... She drove in her car and found me and she said that it would be best if I found another family …

> A friend of my sister helped me.

> (…)

> What should I do if I had no friends here? I don't know where I should have turned. Where would I go … of course, I don't know who should help me.

Holidays and days off

In terms of days off, it is in fact provided in the Notice to Promulgate the Council of Europe Convention, on page 43, that at least once a month the au pair must have a Sunday off and must be given 'full access to satisfying her religious needs'. This free Sunday is not mentioned in the guidelines issued by the Danish Immigration Service. It uses a softer wording instead:

> The domestic chores and child care should be scheduled in a way that allows the au pair sufficient time to follow language courses and pursuing cultural and professional interests, including participating in religious activities.(ibid)

In addition, it is provided that 'the au pair person must have at least one day off every week' (ibid). Basically, most of the interviewed au pairs had every weekend off – some from Friday morning until Monday morning, while others were off from Friday night until Sunday night. Some of the interviewees, however, received other scheduled days off – for instance, every Wednesday and Sunday. Some would work anyway, even if it was their designated day off, as mentioned above, either voluntarily or at the request of the host family.

Finally, there was the group of au pairs who worked outside the family on their days off. The Sunday day off is particularly important for the au pairs. It was the day when they could meet their friends and could also attend church – at any rate if they were part of a Christian religious community. Many Filipino au pairs also wished to attend the parties and cultural events organised in the Philippine community in Denmark, which took place typically on either a Saturday or a Sunday. A few of the interviewed au pairs did not have Sundays off:

> Amelia: So my off days are Tuesdays or sometimes Friday night until five pm in the Saturday, that is my day off.
>
> Interviewer: You don't have Sunday off?
>
> Amelia: Sometimes I have, but it is only seldom, not always. Mostly it is Friday from six o' clock until five pm on Saturday.
>
> Interviewer: When do you see your friends?
>
> Amelia: Only Saturday
>
> Interviewer: Until five?
>
> Amelia: Yes, until five, so I need to go back and babysit, give the boy a bath, sometimes they are going out and I'm still at home, they are not in but I'm still at home.

Amelia feels like she is missing something when cannot see her friends or attend church:

> Interviewer: Do you want to go to the church?
>
> Amelia: I want to go to the church because I have been here seven months now, I have never been to the church, I want to. They know that I'm a Catholic, they know that I want to go to the church but it's not necessary, if they need me, I understand, but sometimes I think that they need to cooperate with me also: 'Okay I think you need to go to' and then give me some extra time. I have already asked my hosts: 'Why?' I'm not comparing to my friends,

but why do they have Saturdays, Friday night, Saturday and Sunday off, why don't I have it?

Interviewer: What did they say?

Amelia: I said that it is in the contract. They said, 'It's not in the contract'. They said that it is not … Okay, that's okay for me, I don't want to argue anymore, at least I let you know what I want, but they said: 'It's not in the contract that you have Saturdays and Sundays off'.

The host employer had according to Amelia referred to the wording in the contract, saying that the au pair was only entitled to one day off per week and that it was not specified that this day must be a Sunday. They did not take into account the provision concerned with participation in religious activity, nor had Amelia pointed it out to them. Amelia explains further:

I have lots of friends, but they are all free Saturday and Sunday: 'Okay let's go to the church, let's hang out, or watch a Filipino concert', I can't. The last time I asked for a Christmas party: 'Can I go out Saturday, because we are having a Filipino Christmas party?' And they said: 'Okay'. They are always saying: 'If you are having an appointment, you must tell us earlier.' I told them earlier, and when I told them, in a minute only they changed their mind: 'You can't go, it's a Christmas party, you can't go because we are having one too.

After having described the Christmas party incident, Amelia lamented, 'it is very tough also, a very tough job. But its okay, I still can take it, I just told myself: be happy, stay cool, be more patient.'

In several families, it seemed to be a problem that the au pair was not sufficiently informed of Danish religious and public holidays so that she could plan ahead. Sometimes the au pair only found out too late that it had been a holiday or public day off which might mean more work for her.

Holidays and holiday pay

The application guidelines of the Immigration Service contained the following, somewhat cryptic rules concerning holidays:

Before the au pair arrives, the host family must decide whether the au pair will be covered by the Holidays Act or the Act on Certain Employment Relationships in Agriculture. The host family must determine if the applicant is entitled to holiday pay and inform him/her in writing. More information is available from the National Directorate of Labour (www.adir.dk) (ibid)

The two sets of regulations referred to in the guidelines – which the host family must choose between – meant that:

- The au pair is entitled to five weeks of paid holidays every year.

- The au pair may demand to take a certain part of the holidays in sequence in the period from 1 May to 30 September (if the period of employment makes it possible).

175

- The host family cannot decide that the au pair must take her holidays after the expiry of her employment period.

- The au pair takes holidays with pay and with a holiday allowance of 1 per cent of the au pair's monthly pay.

The basic difference between the two holiday models is whether the 'paid holidays' must finance the holidays taken during the au pair's stay, or whether it has to be paid out at the end of the au pair stay against the au pair's own payment for his/her holidays during the stay.

In addition, the two models differ as to the length of the period of holidays the au pair is entitled to take in sequence in the summer period.

The general impression left by the interviews with all parties concerned – au pairs, host families and counsellors – was that holiday pay was administered in a manner quite independently of whatever rules might exist.

Some of the interviewed au pairs did not experience problems with obtaining holidays:

> Interviewer: What about vacations?
>
> Ellen: Yes, they also give me vacation; their holiday is my holiday also.
>
> Interviewer: But you don't go with them on your holiday?
>
> Ellen: I have my own holiday, if I ask 'I want to go on holiday'. And then they say, 'Sure, no problem', and they buy me a ticket.

The general impression was that the au pair was expected to take time off primarily while her family was also on their holiday. For some au pairs, this was a satisfactory arrangement, while for others it was frustrating. Hazel provides an example:

> The holiday? Yes that is something I also can't understand, because I asked them about that. For example, the family has a holiday for two weeks, so they say it's also my holiday. But what if I want to visit my family in the Philippines for three weeks, how can I get that? So I don't understand that situation. They said if we have a holiday, it's also your holiday, but they didn't say in advance, so how can you prepare also for yourself? They didn't say in advance so that you can plan your own vacation and where you want to go.

Other au pairs were asked to give the home a thorough cleaning or to take care of other practical issues, or they would have only limited possibility to take real holidays during the family's vacation:

> They said when they are on their holiday, it's also my holiday that time – Is it a holiday, if they will leave a list of what I will do in their house when they are on the holyday. I will clean, I will feed the rabbits, I will clean the glass windows. Will you call that a holiday? [Susan].

In relation to paid holidays, the general impression among the interviewed au pairs was that the payments they received continued unchanged during the time when she and the family took their respective holidays.

In one case, however, the au pair, Susan, after the end of a stay with a host family, attempted to get them to pay her holiday allowance. Susan's account is as follows:

And then I wrote them a letter asking for my holiday allowance, because before they said that there are no rules about the holiday allowance of an au pair. And the guy wrote me a very long letter that 'I should be ashamed of myself' because the guy said that I will not earn the money I earned here in the Philippines. And with the things that I've done, that's why I went to Denmark, because it's not easy to earn money in the Philippines, I went here just to work and to support my family, it's a big sacrifice to go here and leave my family in the Philippines. It's not easy to work with a family, it's hard, so I sacrificed a lot and maybe I deserve to have a holiday allowance, not only me but also the other au pairs.

Susan also explained that she had concluded an agreement with the family, in which she felt cheated:

When I was still in the Philippines, we agreed that after one year of stay in Denmark, they will allow me to have a vacation in the Philippines and they will pay for the ticket, but when we knew that the contract of the au pair is only one year and a half, I told them that I will not have a vacation and they can just give me the money so I can save it.

In conclusion, in this as in most other areas of the employment relationship, the au pair was at the mercy of the particular family and the way they decided to interpret the rules and exercise their role as employers.

Possibility to file complaints

The possibilities to file complaints about conditions in the au pair employment were in practice nonexistent. The only formalized way to complain for an au pair was to contact the Immigration Service which could not or did not have the power to compel a host family to change its practice, settle unpaid pay or holiday pay or resolve other disputes that might arise. The Immigration Service might help an au pair in difficulty a little extra time to find a new family and might also report a family to the police, but it would rarely result in the payment of damages or compensation to the aggrieved party.

The possibility of bringing an action before the courts existed as well, but no precedents suggested that it was a realistic or effective way for an au pair to obtain compensation, rehabilitation, recognition of rights, etc.

A non-governmental counselling body, manned by volunteers or professional advisors to support au pairs in distress, does not exist in Denmark. When asked whether the Filipino au pairs could imagine that they might contact the Embassy of the Philippines, the vast majority answered that they did not consider it a possibility. Amy's remarks are typical:

I don't think so, because we came out and that is something that they don't recognize, so I don't know if the Philippine Embassy can help us because we are going out of the country illegally and they are not accepting it. If they are not accepting it, how can we consult somebody who before had said no?

While there was no formally established system to deal with complaints or to offer counselling, there were private efforts to assist au pairs. One host family might take contact with another, or a a family member already living in Denmark might intervene,, or it could be a lawyer, a trade union or another network.

Conclusion: the 'au pair trap'

The analysis of how the au pair relation is lived and experienced in Denmark shows that migration regulations are decisive for the way the au pair scheme is practiced as a domestic worker arrangement.

The combination of a live-in obligation, the tying of the residence permit to one specific employer and the lack of a work permit turns the au pair into a marginalized temporary migrant with few possibilities to challenge, much less alter, unsatisfactory conditions, or to organize or or participate in a political process in Denmark. The au pair irrespective of whether she acts according to rules in a pleasant domestic atmosphere or is ruthlessly exploited, is trapped in this triangle of migration management.

Due to this 'au pair trap', work life and everyday life for au pairs is organised as live-in, making it difficult to separate a private sphere from the work sphere. The home becomes workplace and the workplace is also her home. However, the au pair's home is fundamentally someone else' home, her employer who has the capacity to revise her workload and to even expel the au pair from her workplace, from her home at a moment's notice, and without any consequences.

The power relation between the au pair and the host family is highly asymmetrical. The interviews with au pairs showed a variety of experiences from living and working in the au pair trap. Some of these experiences were those of exploitation and others were viewed by the au pairs as fair treatment. However there was a consistent pattern of organising everyday life of the au pair as a paid domestic labour arrangement with specified domestic tasks to be done, scheduled in hours and days. Supervision and management of the labour performed by the au pair was typically organised between the au pair and the female part of the host couple. The au pairs experienced close, intimidating control over their time, work performance and personal behaviour by the female host employer. Some of the au pairs had experienced heavy and increasing work loads and being treated explicitly as maids. The temporal structure of the au pair's daily work was often unclear or interrupted due to the expectation by the host of the au pair being flexible and at their constant disposal – even in the late evening or on her days off days.

Living as an au pair in the host family is formally subject to regulations whereby the au pair is given her own private room. This room is very often situated in the basement, and the interviews showed big differences in the quality of the room that is offered the au pair. Privacy can be very difficult to obtain when living in the home of the employer, and some au pairs experienced a distinct lack of respect of their personal boundaries regarding leisure and sleeping time, being expected to be at the disposal of the host family twenty-four hours a day, especially regarding child care, as child care was not regarded as work. Thus, time and who is structuring and intervening in (leisure) time were of importance.

The social intimacy in the live-in arrangement resulted in some au pairs feeling that they were subject to too much control in how much they ate, in feelings of exclusion from conversation at the dinner table when the rest of the family spoke Danish, in what they saw as perfidious

house rules on when to use the bathroom, and their obligation to inform the host family of their every move outside the house.

Regarding the more formal side of working conditions, the interviews generally revealed that the Danish government's definition, although ambiguous, of au pair labour not being work and employment, but as some kind of household chores in exchange for pocket money, resulted in a poor level of meeting normal Danish labour market rights and levels of payment. Au pairs were paid very low wages for their work, experienced unreasonable insecurity regarding dismissal, difficulties in being informed about national holidays and holiday pay, and they had no possibilities to file a complaint. Furthermore, the au pairs paid bribes in the Philippines to migrate as au pairs, which was an additional cost, and they were most often the providers of a family in the Philippines. In need of extra income, many au pairs worked or wanted to work illegally for other families in addition to the host family.

Legality and illegality included in the au pair trap produces a fragile position of the au pair as marginalized, temporary labour migrant in Denmark, and the analysis sheds light on how this specific relation between legality and illegality was filled out and lived as social practice.

The empirical data showed that even if the au pair arrangement is constructed as a legal cultural exchange migration scheme, the experiences of the au pair still resemble the experiences of migrant domestic workers elsewhere (Parrenas, Constable, Anderson, Romero, Rollins, Hondagneu-Sotelo and others). Moreover, research results focusing on undocumented migrant domestic workers in many respects coincide with the experiences of the au pairs: their dependency on the employer, the lack of possibilities to complain and organize, the low level of wages, the long or 'stretched' working hours, the lack of national labour rights, etc.

The use of au pair scheme as a migrant domestic workers programme is still a relatively new phenomenon in Denmark. However, one of the explanations of why Filipinos are being so massively incorporated into the scheme could be the general labour export from the Philippines of domestic workers, producing transnational classed, gendered and racialized expectations and subjectifications of the docile, hardworking, child loving domestic worker. Filipino women migrating to Denmark seem by and large to be aware of the expectations to fit into this framework – not taking the cultural exchange rhetoric for more than a polite intention.

Chapter 7: Macro-study – legality and illegality in Philippines-Danish au pair migration

The contemporary au pair arrangement in Denmark, which involves largely Filipino women, contains several ambiguities and contradictions in the transnational and national space of organizing and positioning au pair migrants. Ambiguities, contradictions and discomforts are part of the organization of the au pair system.

Au pair migration is managed and regulated migration, but migration management is not only about nation states claiming their sovereign right to admit/refuse non-citizens at the border. Migration management, especially concerning migration from economically poor to economically rich countries, also operates in transnational chains. Legalising and illegalising different types of migration and migrant statuses are important tools in governing the non-citizen population and in separating out the desired from the unwanted migrants.

Based on my empirical study of the lived experience of Filipino live-in domestic workers (who have formal status as au pairs in Denmark) as well as an analysis of national and transnational practices of the Danish and the Philippine governments on management of this particular kind of migration, this chapter analyzes au pair migration from Philippines to Denmark in light of the legality and illegality produced by the nation states involved.

The Danish Context

Remarkable increase in the number of Filipino au pairs.

Formally, Danish regulations are based on Council of Europe's European Agreement on Au Pair Placement of 24 November 1969. Under the Agreement, au pair (equal terms) are classified as not being an employee but taking part in a cultural exchange. The concept of au pair is highly gendered, as it is historically rooted in a mixture of domestic work, family control and cultural education.

The au pair system is a managed migration arrangement, which has been overlooked in Scandinavia in recent years. Over the past ten years, Denmark has experienced a remarkable increase in the number of au pairs.

Statistics show a relatively large number of au pairs coming to Denmark: In 2007, 2205 persons were granted residence permits as au pair. Of these, 1509 came from the Philippines, 105 from the Ukraine, 80 from Russia, 49 from Brazil, 34 from Thailand and 429 from other countries. In 2008, 2939 persons were granted au pair permits, of which 2165 were from the Philippines, 104 from the Ukraine, 75 from Russia, 57 from Brazil 40 from Thailand and 498 from other countries.[105]

The increase in the number of Filipino au pairs in Denmark during the last decade has been remarkable: In 1999 21 residence permits for au pairs were issued for Filipinos, and in 2007 the number was 1509 Filipinos out of 2205, i.e. 68%. In 2008, 2165 out of 2939 (73%) au

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[105] The Danish Immigration Service (2009).

pairs came from The Philippines.[106] Although some male au pairs came to Denmark as well, the vast majority are female. Table 1 shows the evolution of au pair residence permits issued to Filipinos since 1996.

Table 7.1. Au pair residence permits issued to Filipinos as a proportion of all permits 1996-2008

	1996	1996	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Au pair – Filipino				21	45	83	157	246	490	612	979	1509	2165
All au pairs	318	438	478	528	865	1018	1156	1233	1500	1471	1793	2205	2939
Filipino %				4	5	8	14	20	33	42	55	68	73

Source: Immigration Service 2009.

In Norway, there seems to be a parallel development as in Denmark, with a significant increase from 2006 to 2007 (see Table 2).

Table 7.2. Au pair permits to Norway; Filipinos as a proportion of all au pair permits, 1996-2007

Au Pairs	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Filipino	77	88	74	39	38	54	69	138	235	423	587	1103
Total	202	261	293	382	277	666	743	948	1019	1209	1243	1760
Filipino %	38	34	25	10	14	8	9	15	23	35	47	63

Source: Directorate for Foreigners (UDI) (2008).

A report from 2009 (Oien 2009) lists the number of residence permits as higher than the figures provided to me by the Norwegian foreign ministry in 2008, possibly due to difference between the number of identified persons and the number of residence permits. According to Oien (2009), 2090 Filipinos were granted au pair residence permits in Norway in 2008.

Tightening immigration legislation

In Denmark 'migration management' during the past decade has focused on preventing entry by non-white, non-Western, low-skilled immigrants, especially from Middle Eastern and 'Muslim' countries, through the restrictions on asylum permits and family unification regulations, supplemented by a strictly selective labour immigration policy and new requirements for obtaining permanent residence status and Danish citizenship.

In Denmark several election campaigns have revolved around the 'toughness' of anti-immigration policy and sentiments. In the latest election campaign, November 2007, a key theme was fear of 'the influx of refugees' because of a proposal by the (left-wing) opposition parties to allow asylum seekers to work while awaiting a decision.

The government has proclaimed this restriction on new refugees to be a success and a fulfilment of their aim:

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[106] Compared with the numbers of asylum-seekers granted permanent status as 'refugees' 2005: 1.147, 2006: 1.095, 2007: 1278, 2008: 1441 (The Danish Immigration Service 2009).

> The government's firm and fair immigration policy has created a better balance of immigration. Today, the number of foreigners coming to Denmark to work and study far exceeds the number of foreigners applying for asylum and family reunification (A New chance for everyone – the Danish Government's Integration Plan, 2005).

Population control and the nation state's ability to govern the composition of the population are here illustrated clearly and with a strong emphasis on managing family creation and reproduction (Yuval Davis 1997).

Gullestad (2006) has analyzed neo-nationalism, racialization and ethnification of immigration issues in Norway, which to a certain extent can also help explain general developments in Denmark. Gullestad argues that 'ideas about family life, kinship, ancestry and descent are central to the political tendencies popularly termed 'neo-nationalism' and that the ideas are more widespread that their expression in right-wing politics.' (p. 299).

Gullestad speaks of neo-ethnification in the face of extra-European immigration in order to emphasize aspects of both continuity and change when old ideas are rearticulated and gain importance as social imaginaries in a new situation (ibid.:300).

Gullestad's concept of 'Imagined Sameness'[107] as a key element in the construction of Norwegian nationalism, where skin colour overrides biological descent and social kinship, is fruitful. In the Norwegian neo-nationalistic discourse, skin colour is translated into biological descent and through metaphors of family and kinship linked to national belonging. Imagined sameness expresses the unquestioned assumption that 'people need to be more or less similar in order to get along well' (ibid.:304). Ethnic minorities and immigrants thus embody 'difference' and thereby problems.

When descent is the crucial principle by which one is connected to the territory, it could mean that the idea of the political nation is receding ideologically, making way for the biologization of ideas about social relationships and ethno-nationalistic and racial ideas about national communities (Goldberg 2002). Hence, according to the principle of 'imagined sameness', achieving the right to permanent residence and full citizenship must be protected by mechanisms of selective exclusion of those perceived as different, as 'others', as non-'white', non-'Western', etc.

In this political climate, it would seem to be a paradox that the Filipino immigration to Denmark has increased during the same period, along with a slight increase in the number of family unifications (marriage).[108]

This discussion of the relationship between nationalism and immigration discourse in Norway hardly explains the nuances of the Filipino au pair paradox in Denmark. Filipino au pairs seems rather to be socially constructed as an exception to the general representation of ethnic minority migrants through racialization of a particular kind, combined with a fragile migrant

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[107] 'Equality' is the key concept in the construction of the Scandinavian welfare state, and related to Gullestad's notion of 'imagined sameness', it should be noted that the word 'lighed'/'likhet' in the Danish/Norwegian languages has two meanings: sameness and equality.

[108] It should be observed, however, that this family immigration is between Danish citizens (mostly men) and Filipino women.

status: A racialization of Filipinos as a group of poor, docile, grateful, as endowed with a distinct 'care gene', Asian kindness, etc., serves to exempt them from being the otherwise distinctly unwanted non-Western migrant.

Family welfare and equality

In the same period as Denmark experienced a tightening of migration legislation, middle- and upper-class families in Denmark have experienced a very prosperous period with increases in home equity values, increasing salaries, low inflation, cheap borrowing possibilities and increasing consumption (AE 2008). The idea of the welfare state and the egalitarian society, despite increasing inequality, is still a central imaginary of the Danish nation.[109]

Gender equality, while often labelled a 'Danish value' – especially when linked to immigration issues, is assumed to be a reality in Denmark. Men with immigrant backgrounds are frequently singled out as one of the few problems left to be dealt with in the area of gender equality and respect for women's rights.[110] Responding to criticism repeatedly from the EU Commission for not meeting the requirements in the EU equality directive, the Danish Minister for Equality, Inger Støjberg, stated in 2009 that: 'Yes, by and large I think we have gender equality in Denmark, but there is one area lagging enormously behind, and that is around immigrant women.'[111] However, research studies and the Government's own White Paper on gender equality (SFI 2004) both conclude that gender equality has not been achieved in Denmark.[112]

Furthermore, the Danish labour market is heavily gender divided. In the World Economic Forum's Gender Gap Index 2007 (World Economic Forum 2007), Denmark ranked 8th, well behind the other Nordic countries (Sweden, Norway, Finland and Iceland ranked, respectively, 1st, 2nd, 3rd, and 4th.

One statistic relevant to the study of au pair arrangements is the general increase in domestic work. Hence, in 1987, 281 minutes per day were spent on domestic work, with women accounting for 65% of this time. By 2001, the amount of daily domestic work had increased to 356 minutes, with women carrying out 59% of this work (SFI 2002:53).

At the same time, another study by the Danish Social Research Institute (SFI) from 2006 (Deding et al. 2006) showed that in almost half of families with children – 44 per cent of the

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[109] See Petersen et al. (2007).

[110] The Minister for Gender Equality (2007). Annual Report (2006) / Perspective and Action Plan for (2007). The section on actions regarding 'Employment, participation and equal opportunities' suggests several initiatives towards changing attitudes within the ethnic minority group.

[111] *Dagbladet Information,* 9 September 2009.

[112] Examples: The difference between male and female salaries is 12-19%; in 2005, 80-82% of top executives in public administration were men (Minister for Equal Opportunity 2007). Until end 2009, Denmark had been one of the few EU countries without an institutionalized monitoring of gender equality.

women and 39 per cent of the men – find their daily life stressful and in eight of ten families, both parents have a job.[113]

Although The Danish labour market during 1997-2006 period developed in the direction of being less gender segregated than earlier (Emerek & Holt 2008), gender segregation, both horizontal and vertical, is still manifest, being reflected in social constructions and expectations that affect both paid work at the labour market and unpaid work in the private household (Deding & Lausten 2008, Bloksgaard 2008) The gender division of labour on the labour market is closely connected to the division of labour within the household. Men still spend more time on wage work on the labour market, and women still spend more time on unpaid work in the household (Deding & Lausten 2008).

The outsourcing of housework to low paid, (migrant) domestic workers has not been reflected in the Danish research or public discussions on gender equality. This had led to an 'invisibility' of private paid domestic work.

Ethnic equality is a difficult subject in Denmark. Legislation has been tightened to live up to the EU equality directive of 2002 but only as a minimum solution. The Danish Government has been repeatedly criticized by international institutions for ethnic discrimination and ethnic inequality.[114]

The Philippine context

Systematic export of (female) migrants

The Philippines has more than 25 years of comprehensive migration management. The country has systematically been exporting labour to North America, the Middle East, Europe and Southeast Asia. In 2001, Filipinos abroad sent home more than six billion dollars via formal channels, equivalent to 8.4% of the Philippines GDP (O'Neil 2004). In 2005, remittances increased 25% over 2004, to more than 10 billion dollars (POEA: 2005).

Between 1979-2009, more than 30 million Filipinos have left the Philippines as labour migrants, most of them being women (Parrenas 2001, Yamanka and Piper 2005, Oishi 2005). Census data from 2000 showed that more than 800,000 households in the Philippines, equivalent to 5.2% of all households, had at least one family member who migrated abroad to work (IOM:2009).

The Philippines has turned itself into a 'labor-brokering nation' (Ong 2006:199) dependent on remittances and promoting 'the great Filipino worker' who is 'born with a natural ability to adapt to many cultures' (government quote in Ong 2006:200). Filipino women are especially promoted as flexible, docile workers.

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[113] Rasmussen and Nielsen: Familie- og Arbejdslivskommissionen: Chance for Balance – Et Fælles Ansvar. Hovedrapport, May, 2007.

[114] ECRI 2001, 2005, UN Committee on the Rights of the Child 2001, Council of Europe Committee of Ministers 2001, UN Committee on the Elimination of Racial Discrimination 2002, UN ECOSOC 2004, Council of Europe, Officer of the Commissioner for Human Rights 2004 and others.

In 2004, around eight million Filipinos were working abroad. Of these, 3.2 million were permanent residents abroad, 3.6 million temporary workers and 1.2 million irregular residents (O'Neil 2004). The government tries to manage and keep track of irregular migrants as well as regular migrants.

The regulated temporary labour migration is organised through the POEA (Philippines Overseas Employment Administration). This government agency provides labour directly to foreign employers, agencies and governments.[115] When migrating by official channels, migrants obtain a number of benefits, such as pre-migration training, life insurance and pension plans, medical insurance. The government also tries to manage irregular migration by prohibiting its citizens from overstaying visas and keeping a list of workers banned from future contracts.

A considerable number of female migrants are hired for household jobs. Some of these migrant workers are on formal contracts, but a large number also migrate irregularly..

Working mothers and organizing care

This significant part of the Filipino population working abroad has obvious effects on the structure and conditions of family life. Due to the feminization of migration, many Filipino transnational families subsist with the help of a mother who works abroad and sends money home. Many female Filipino migrants work as domestic workers, taking care of children and elderly in affluent families abroad while leaving their own children and family behind. However, as Parrenas (2002:49) notes, this care deficit is assigned to women: 'While a great number of children with migrant fathers receive full-time care from stay-at-home mothers, those with migrant mothers do not receive the same amount of care'. The Philippines is thus exporting care and is dependent on remittances from migrant (care) workers. The situation has been characterised as a veritable 'care crisis'.

In the World Economic Forum's Gender Gap Index 2007, The Philippines was ranked sixth, and there is a significant parallel to the situation in Denmark, where women are still expected to be the primary caregiver in the family at the same time as they are expected to take an active part in the labour market and contribute to the economic support of the family. According to Parrenas (2008:23), laws in the Philippines '[maintain] the gender ideology of women's domesticity even as the economy promotes the labour market participation'.

In 1996, the Philippine government ratified the UN Convention for Protection the Rights of Migrant Workers and Their Families.[116]

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[115] For examples in February 2007, the Philippine Government concluded an agreement with the French Government on migration of highly skilled labour to France (Manila Bulletin 12 February 2008). Nurses are a highly sought after group in many parts of the world and often dealt with within bilateral agreements. Between 1992 and 1999, more than 45.000 Filipino nurses were working abroad (Parrenas 2002).

[116] No receiving Western countries have yet ratified this convention, despite its position as one of seven UN core conventions

National and transnational spaces of migration and migrant residency

According to several social scientists (e.g. Wimmer and Glick-Schiller 2002, Beck 2006), it is necessary to break with the 'methodological nationalism' that has been so influential in social sciences since the birth of the nation-state. Migration studies has often been linked with this nation-state perspective, transforming migration studies into knowledge production of seeing like a state and overlapping with the perspective of the nation-state (De Genova 2005, Goldberg 2002).

Studying the migration process as lived experience is one way of elucidating a transnationalized perspective on human mobility and residency. However, state management of migration needs also to be analyzed as both a national and transnational process. Nina Glick-Schiller observes:

> We need to study and popularize concepts of the migration process that are part of global forces experienced by people who move and who do not move. This means migration scholars must enter into public debate about social cohesion by identifying the forces of globalization that are restructuring lives of migrants and non-migrants alike and speaking of the common struggle of most of the people of the world for social and economic justice and equality (Glick Schiller 2007:65).

Just as chain migration is a well known concept of transnationalized social mobility, spaces of government now operate in chains of national and transnationalized government of human mobility and residence, connected in chains of (migration) management.

A key element of nation-state migration management is the capacity to legalize and illegalize certain types of migration. Migration regulations are not the only determining conditions of migration, however, Family policy, welfare arrangements, labour market structure and policies of the sending, transit and receiving countries are interconnected. All these elements form the 'space of migration'.

To simplify the transnational space of the au pair migration, we analytically reduce it to relations between Denmark and the Philippines, which is the focus of this analysis. This perspective establishes the framework for the production and co-production of migrant legality and illegality. However, the perspective of analysing transnationalized government of au pair migration could be expanded to other spaces of government – e.g. nation-states that 'export' au pair migrants and other nation states who 'import' au pair migrants, or to the regionalized spaces of government, such as the EU, Council of Europe, etc.

The position of the Filipino au pair migrant can be fruitfully illustrated by figure 1 below, which brings together the combination of national and transnational spaces of migration:
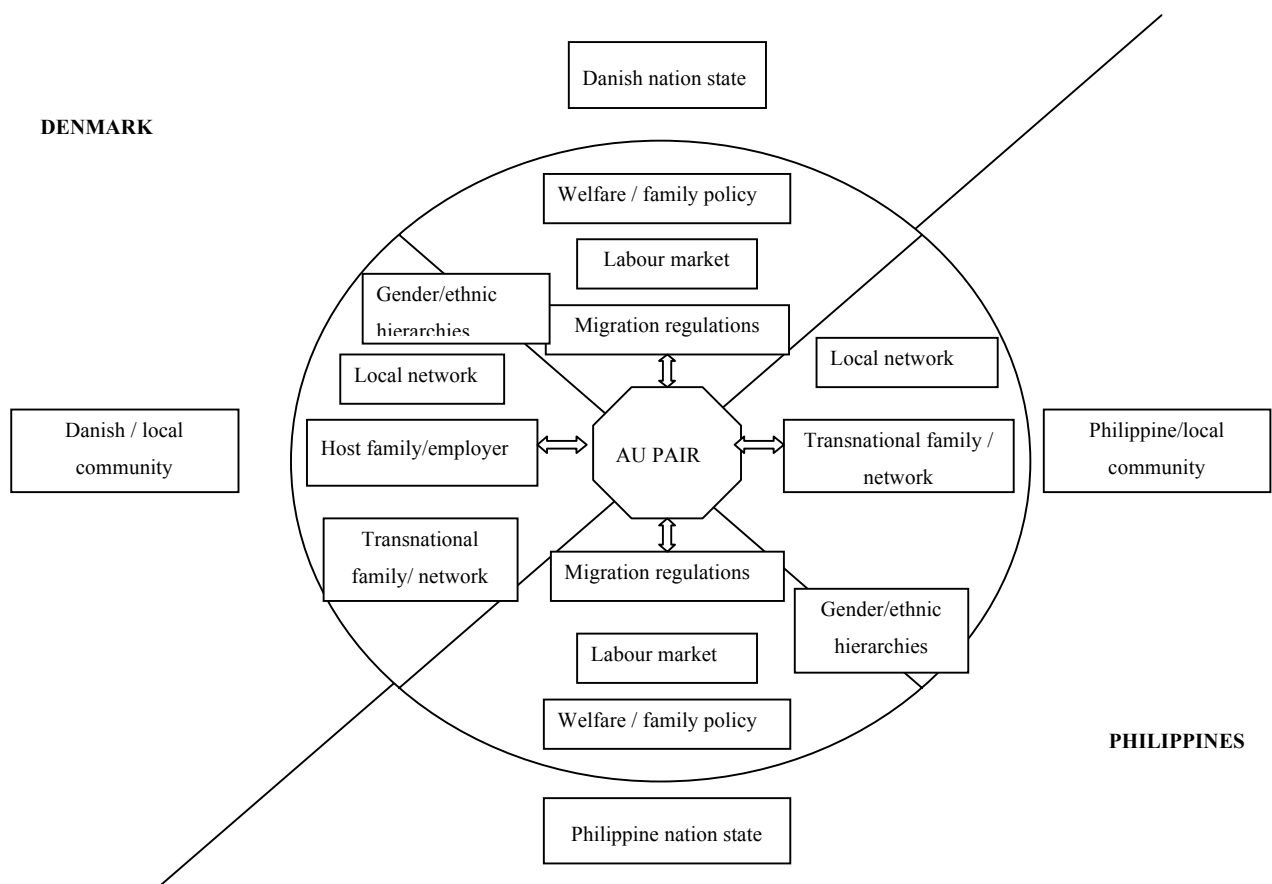
The au pair is dependent on social structures and practices linked to the nation state:

1. migration regulations in sending and receiving countries; the conditions for emigrating (Philippines) and immigrating (Denmark)

2. labour market regulations and conditions in sending and receiving countries, i.e., employment situation, employee rights, working conditions etc.; and

3. welfare/family policy in the two countries, i.e., the existence of a care deficit and a market for working as au pair/domestic worker (Denmark), how the care deficit organised, private/public (Philippines). Likewise, the migrant's social position and transnational mobility are linked to social relations and networks of family, kinship, au pair agencies, host families in the receiving countries and care of the au pair's children in their home communities. In both sending and receiving countries, there are specific gender and ethnic hierarchies which permeate formal regulations, policies and social practice.

The au pair is placed within the transnational social reality of different – coherent and non-coherent – but often reflecting societal spaces and social relations, framed by nation-states and local communities.

The au pair arrangement

The Philippine state: Illegalizing emigration

In 1998, the Philippine government enacted a ban on the employment of Filipino migrant workers under the so-called au pair program in Europe. The media had reported on cases in Europe of exploitation, working excessive hours, abuse, discrimination and prostitution. The Philippine reacted by diminishing 'domestic insecurities' (Robyn 2004) so as to prevent Filipino youth from migrating as au pairs.[117]

As a form of migration regulation, this ban is highly gendered, being aimed primarily at women who migrate to carry out domestic, care-giving labour. Other sending countries (e.g., Bangladesh) have also implemented explicit or implicit gendered emigration restrictions (Oishi 2005, Piper 2009).

The Philippines Embassy in The Netherlands stated in 1999 that 'the au pair, as far as Filipinos are concerned, has been understood to mean domestic helper – not cultural exchange visitor as originally envisaged by the 1969 agreement' (Anderson 2000: 25).

The implications for Filipinos who chose to migrate as au pairs to Europe are that they are not covered by the administrative umbrella of the POEA and that they are migrating illegally. Such 'illegal emigrants' cannot appeal to their embassies abroad in case of abuse without risking being placed on the list of workers banned from migration via POEA. If they overstay or for other reasons are deported from Europe to the Philippines, they risk facing difficulties in obtaining new travel documents by the Philippine authorities.

In my empirical research on au pair life among primarily Filipino migrant workers in Denmark, the women were acutely aware of their situation as 'illegal emigrants'. One of my informants, Evelyn, expressed the situation in the following way:

> Because in the Philippines ... This program it really depends … the Philippines government doesn't allow the citizens to go out as an au pair. Except for overseas workers (…) Yes, it's a lot of money, because au pairs also … it's also bad because [you don't] have papers from the POEA – The Philippines Overseas Workers, because you should also apply or else you can't go out of the country … So instead of not leaving the Philippines, most people rather need money to get out. Because it is also difficult to get a visa, and it is also difficult to travel with a tourist visa if you don't have much money. And if you need help, there is nothing to do there.

In spite of this ban and the Philippine government's expressed concern for abuse of Filipino au pairs, it is an ambiguous agenda. The Philippine state is aware of and in reality accepts the au pair traffic to Scandinavia, certainly for the sake of the remittances sent home from labour migrants, regardless of their status.

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[117] The ban was issued by the Philippine Embassy in The Hague. The reported cases of abuse apparently took place in The Netherlands and other European countries 'in particular Scandinavia' (Anderson 2000). The Philippine Embassy reported that 'the concomitant irregularities and complaints have come about, such as under-compensation, excessive hours, over-work, culture shock, etc. There have been reported cases of abuse, discrimination, runaways and even prostitution' (ibid.:24).

The **_production and enforcement of emigrant illegality_** create specific burdens and expenses for the migrants. In addition, emigrant illegality produces corruption among Philippine officials.

Financing the bribe will often be a problem for au pairs coming to Denmark, in view of the modest 'pocket money' of minimum 2500 DKK (335 Euros).[118] All of my au pair informants travelling from the Philippines had paid an exit bribe, although for some the host family covered the expense prior to their departure. Others had borrowed the money and had to repay the loan out of their monthly 'pocket money'. The bribe can be regarded as an investment in the au pair stay.

One host family told me that they had sent the au pair to Manila for Christmas holiday when they discovered that she had a child in the Philippines. They had paid her air ticket, not realizing that part of the travel costs was also the exit bribe. The family knew nothing about the ban.

An obvious consequence of living in a state of emigrant illegality is the knowledge that no support will be forthcoming from the embassy in case of abuse, detention or any other problem. In case of overstaying the residence permit, criminality, sickness and death, no assistance can be expected from the Philippine state.

The Filipino migrants' possibility to complain about their situation or demand improvements in their conditions are greatly inhibited by their 'irregular' emigrant status. 'Amy' explains her situation in this way: 'because we came out and that is something that they don't recognize, so I don't know if the Philippine embassy can help us because we are going out of the country illegally and they are not accepting it.'

Dying in emigrant illegality

An incident in late 2007 shows that emigrant illegality can also influence circumstances of death. On the 26th of November 2007, a young female Filipino au pair died in a car accident in Northern Sealand, in the affluent suburbs of Copenhagen. No procedures or agreements aimed at this situation exist between Denmark and the Philippines.

As a result, neither the Danish state, nor the host family nor the Philippine state wanted to take responsibility for transporting the woman's remains back to her family in the Philippines. Ultimately, the insurance company of the man involved in the crash paid for the transportation. This interstate conflict on the responsibilities of a dead citizen exemplifies the vulnerability in this particular au pair position of Filipino migrants – dead or alive. In those regulated migration agreements that are approved by the POEA, responsibility for bringing the body home would normally be set out with the appropriate party.

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[118] Since 1 January 2010, the minimum 'pocket money' allowance has been raised to DKK 3000.

The Danish and Norwegian state: Transnational production of corruption and co-production of illegality

The Philippine ban on au pair migration to Europe is not highlighted in Denmark.[119] It is certainly not a topic of public discussion. Although all the Filipino au pairs I interviewed were clearly aware of the ban, having paid a bribe to depart from the Philippines, none of the host families I have interviewed knew about the ban.

Sweden and Finland[120] have chosen to respect the ban and therefore do not grant residence permits to Filipina au pairs. This regulation is clearly indicated on their immigration websites. This is a kind of migration management chain where emigration restrictions or illegalized emigration in one ('sending') country produce immigration restrictions or illegalize immigration in another ('receiving') country directed specifically towards nationals of the sending country.

The Netherlands (Oosterbek-Latoza 2007) permits Filipina au pairs,[121] while Germany apparently does not. In Norway, authorities have discussed this conflict. In a report published after a media debate on fair conditions for au pairs in Norway, the Norwegian Directorate for Immigration (UDI) concludes that as regards Filipina au pairs, this area needs to be more regulated. Furthermore the UDI state that

> it could be desirable that the group be excluded until the outward journey situation is handled due to domestic legislation. This would be in line with what other countries do e.g. Sweden, that does not grant permits to Philippine au pairs because this is regarded as against the laws of the home country. However it has been decided to continue with the previous arrangement (UDI: 2006).

At the Norwegian Embassy in Manila, which is also the embassy serving the Filipinos who go to Denmark, au pairs are alerted to the fact that if they run into problems when leaving the Philippines, the Norwegian Embassy is unable to assist them.

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[119] During 2010, the public debate on the bribe dimension of Filipino au pair migration has increased both in Norway and in Denmark, making it a political issue and resulting in bilateral agreements between Norway/Denmark and the Philippines as to lifting the ban on certain conditions. Related to these negotiations host families in Denmark are 1 September 2010 required to take out an insurance policy that will cover expenses in case a dead au pair has to be transferred back to the country of origin.

[120] The Swedish Migrationsverket advises:'Philippine citizens may not apply The Philippines do not allow its citizens to travel to Europe to work as au pairs. There is therefore no point submitting an application for a work permit for this purpose' (http://www.migrationsverket.se/info/172_en.html 010210, (accessed 1 Feb. 2010) Finnish Immigration Service, under its site on 'Entry into Finland as an au pair', states 'Citizens of the Philippines: The Philippines does not permit its citizens to travel to Europe as au pairs, and they are advised not to apply for a residence permit for this purpose' (http://www.migri.fi/netcomm/content.asp?article=3557&search=true, accessed 1 Feb. 2010).

[121] The Netherlands also permit Filipino au pairs and after a decline around 1999-2000, when the ban entered into force, has seen an increase again: In 2006, 154 of 720 au pairs were Filipino, and in 2007, 248 of 965 au pairs were Filipino (E-mail from IND: Immigration and Naturalisation Service 28.03.2008).

Au-pair: IMPORTANT NOTICE TO AU PAIRS

The Royal Norwegian Embassy is drawing your attention to the fact that the Republic of the Philippines thru the Department of Foreign Affairs enforced a ban on the deployment of Filipino female migrant workers under the Au-Pair program. This was enforced effective 5 November 1997 per DFA Circular Note Number 981289 dated 20 April 1998. Consequently, the Philippine Overseas Employment Agency (POEA) will not authenticate work contracts under Au-Pair program.

In case a work permit is granted and a visa issued, the Embassy is not in a position to assist if you will not be allowed exit by the Philippine immigration authorities at the airport. The Embassy is also not in a position to certify or authenticate any employment contract.

The Embassy is encouraging you to inform your prospective employer of the above mentioned facts.[122]

The Philippine state, by banning au pair migration to Europe, compels potential emigrants to use illicit or illegal methods to emigrate. Denmark, Norway and The Netherlands, by ignoring the ban and offering Filipinos the au pair visa, provide a niche for Filipina au pair migrants to obtain the visa through corrupt means. Many migration careers are marked by an individual who leaves their country of origin legally, but enters the receiving country illegally. The situation in Denmark is the reverse: Filipinos enter Denmark legally, but have left illegally: illegal exit, legal entry.

Illegalized emigration (by the sending state, the Philippines) is here linked or chained to legalized immigration (by the receiving states, Denmark and Norway) in a transnational space whereby corrupt practices are sustained and a market for private care and cleaning produced. The corruption and this irregularized market provide a framework for the limited rights, precarious living conditions and uncertain migration circumstances for Filipino au pair migrants.

In the transnationalized social space, host families hire au pairs in the Philippines. The hiring contract is a requirement for the au pair being able to obtain a residence permit in Denmark (and Norway). Officials at the Norwegian Embassy in Manila issue the residence permit knowing about the necessary bribe to travel out of the Philippines. Family and friends,, agents or money-lenders lend the au pairs the money to pay the bribe, and immigration officers and officials at the airport are paid by the au pairs. After having arrived in Denmark and Norway, the au pairs then start to pay down their debt – a debt generated by the transnationalized production of corruption and keep it as a secret to the host family because of the illegitimacy of corruption and the experience as illegalized emigrant.

States as well as individuals take part in this transnationalized social process of corruption. Despite the severe tightening of restrictions on non-EU immigration to Denmark, the 'import' of Filipina au pairs to Denmark has increased significantly since the ban was implemented. In addition, both the total number and the proportion of Filipinas among all au pairs is larger in Denmark than Norway and The Netherlands.

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[122] http://www.norway.ph/info/dkinfo/work/work.htm (01.06.2008).

In Denmark, managing this conflict seems to be rather unproblematic, handled as it is through the ambiguous construct of au pair work being defined as 'cultural exchange' rather than employment. In a response to Parliament in 2008, the Danish minister for immigration stated that the ministry

> is aware that Philippine citizens are denied departure from the Philippines, when it is found at the border control, that the citizen concerned is going to work as an au pair abroad. (…) The background for these rules (…) is to protect Philippines citizens and to ensure the best possible working conditions. (…) I find that the concerns of the Government of the Philippines are dealt with according to the parliamentary decision of 28. March 2007, by which, for example a period of suspension for abusive host families was introduced.[123]

The Danish state: illegalizing employment

Danish ambiguities and paradoxes concerning the au pair arrangement.

According to Danish immigration policy and discourse, the Filipino au pair might actually be the ideal global South migrant: temporary, highly skilled,[124] low paid, limited rights, Christian, English speaking and through illegalization and the cultural representations, relegated to a status of social invisibility.

The rules formulated by the Danish immigration authorities tie the au pair's residence permit to a specific family. The domestic work is rephrased as 'chores' within the household. The au pair arrangement is constructed as something other than 'employment', as not-employment. In an explanatory text to the family au pair contract it states: 'It should be noted that an au pair in not an inexpensive maid. The participation of the au pair in the family household is not the type of work which requires a work permit.'

An amibiguity is also present in the Executive Order from 1972, which is the foundation of the current au pair rules and based on Denmark's accession to 'the Council of Europe Convention on Au Pair Employment' of 24 November 1969. The au pair is referred to as an 'au pair employee', and the relationship described as 'au pair employment'. Au pair employment is defined as: 'temporary reception into a family in return for certain services of young foreign nationals, who have come to improve their linguistic and possibly also their education background and widen their cultural horizon by obtaining better insight into the host country.'[125]

As concerns remuneration, the Executive Order stipulates that 'An "au pair" employee must be given free room and board by the host family and, if possible, have a room of her own.[126]

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[123] Besvarelse af spørgsmål 171 stillet af Folketingets arbejdsmarkedsudvalg til ministeren for flygtninge, indvandrere og integration den 20. maj 2008 (Answer to Question 171 of the Folketinget's labour market committee to the Minister for Refugees, Immigrants and Integration, 20 May 2008).

[124] In my study, 17 out of 24 au pair informants had a full or interrupted higher education; BA in literature, veterinarian, engineer, accountant, biologist, midwife, nurse, teacher, etc.

[125] Bekendtgørelse af Europæisk Overenskomst af 24. november 1969 om 'au pair'-ansættelse. Ministry of Foreign Affairs, 20 January 1972.

[126] Ibid., article 8(1).

The 'au pair' employee must be given a certain amount of pocket money. The size of this amount and the frequency of payments must be fixed in the agreement referred to in Article 6'.[127] Thus, the Executive Order refers to an employment relationship, which is not an ordinary employment relationship after all, but operates with an amount of pay that is proportionate to 'certain services'.

The present au pair guidelines and contract,[128] express the same duality:

> In relation to insurance, the au pair relationship is referred to as employment: (Host families *employing* au pairs for more than 400 hours/year must have a relevant insurance policy), but in relation to pay, this is referred to as pocket money and the employment as domestic duties.
>
> • 'The au pair must be paid a minimum monthly *allowance* of DKK 2,500 by the host family.
>
> • The au pair may carry out *daily chores* between 3 and 5 hours a day, i.e. 18 to 30 hours a week. The au pair must be granted at least one day off every week ' [emphasis added].

In addition, it is underscored that the au pair does not work – or that the au pair's work is not work – and that working outside the home is a illegal and will result in a fine or prison sentence and expulsion.

According to the regulations, the au pair must not carry out *domestic duties* for more than 30 hours a week with the host family, not even if the family would offer extra pocket money. In addition, the au pair must not carry out paid or unpaid work elsewhere than in the host family's home, for example for neighbours or friends or in a host family's business. Such work is illegal – not only for the au pair but also for anyone offering to pay for such work.

In the government website aimed at au pairs 'illegal work' is defined as 'working for the host family before being granted a residence permit, working more than 30 hours for the host family and any kind of work for others than the host family'.

The same website mentions that the domestic duties are not work; nevertheless, the relation between the au pair and the host family is still defined as a relationship between an employee and employer. The au pair's 'pocket money' is taxable income:

An au pair is granted a residence permit but not a work permit because the duties the au pair carries out for the host family are not considered as work. However, the employment as an au pair is considered as an employee/employer relationship and it is therefore subject to Danish holiday legislation and the Danish tax rules

Thus, there is considerable intrinsic contradiction and inconsistency in the way the au pair employment and the work carried out are designated and defined. It could suggest that in the areas of tax liability, holiday rights and employers' liability insurance, the domestic worker is performing work in the sense of paid domestic work, while in the areas of pay, regulation of working conditions, conflict resolution through the labour law system, etc. and, in particular,

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127 Ibid., article 8(4)44

128 Udlændingeservice: A5 Au Pair kontrakt, Au pair agreement (accessed 03.09.2007).

work permits (that would make it possible to change to a different job), the domestic work is not-work.

The Danish state has defined domestic work as non-work and non-employment. At the same time, another kind of (domestic) work is defined as 'illegal work' and highlighted on the Immigration web site in the guideline section for au pairs:

> Consequences of illegal work: If you work illegally in Denmark, you risk deportation, and may be banned from re-entering the country again for a set period of time (usually one year). If you are an EU citizen, however, you cannot be deported for working illegally in Denmark. You also risk fine or imprisonment, as does your employer.[129]

The link between illegalized work and deportation of non-EU citizens only is clearly expressed.

Living migrant employment illegality

Migrant illegality has two main dimensions, which we can call 'residence illegality' and 'employment illegality'. The migrant employment illegality for au pair migrants is unambiguous: exceeding working hours at the family, working outside the family and working without reporting income to the tax authorities are all violations. In my findings, the au pairs are typically the breadwinners for their families back home; they often have some kind of education and often migrate as au pair due to a social event with economic consequences (becoming a single parent, death/illness in the family, unemployment, bankruptcy in the family, etc.) They are frequently interested in earning additional income than their au pair allowance and thus willing to work extra hours, some times as low paid, but often well paid domestic helpers for families other than their host family.

Around half the au pairs I interviewed worked in non-compliance with immigration rules (overtime and working outside the home), while others sought out extra jobs but were either prohibited by their employer or had not (yet) been able to find extra jobs.

The comparison between the conditions and wages for legalized and illegalized work reveals a paradoxical situation linked to the Danish au pair arrangement. Normally, illegalized work is associated with low pay and hard working conditions, but in the case of the au pairs who work 'extra' in the informal household economy, there seems to be a tendency to receive better hourly wages and at times even better working conditions in the illegal work than in the legalized work under their formal, in-family au pair arrangement. The net hourly wage for cleaning in private homes is often close to or above minimum wage of round DKK 120 per hour, whereas the hourly wage calculated from 30 hours work a week for 2500 DKK (335 Euros) a month brings the au pair below any kind of regulated wage-hour on the labour market.

Being defined as a non-worker, without formal rights as a wage-earner, au pairs find it difficult to organize, complain, contact labour unions, or go public with stories of abuse. The illegalizing of work maintains the fragile discursive framework around the au pair arrangement

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[129] Danish Immigration Service: 'New to Denmark. Au pairs'. http://www.nyidanmark.dk/en-us/coming_to_dk/au_pairs/au_pairs.htm (accessed 10 Oct. 2008).

as 'cultural exchange', making the 'working au pair' very vulnerable. The vulnerability lies in the fact that by working illegally, she can lose her residence permit and thereby her ability to provide for her family if she were to publicly complain about her working conditions

My research has also revealed recent experiences of migrant residence illegality among au pairs who, having either an expired residence permit or having violated the rules for residence. Here I will focus only on the illegalization as technology of government and the threat of losing the residence permit and subsequent deportation as a disciplining element in au pair life in Denmark.

Conclusion: the production of illegality

Filipino women[130] migrate to Denmark despite the Philippine government's measures to make them into illegal emigrants. They migrate as indebted because they need to bribe Philippine authorities to get out of the Philippines. Some au pairs need to work for the equivalent of several months in Denmark just to pay off the bribe.

They migrate to Denmark to work as domestic *workers*, earning a *wage*, but they work in a discursive regime by which they are part of a cultural exchange programme, receiving 'pocket money' to do 'household chores', as 'guests' in a 'host family', a family which at any time can breach their conflict and even evict them.

Migration management, as shown here, is intimately tied to transnational chains of regulations and governmental practices which produce specific conditions for migrant workers, including different kinds of illegality and legality. These transnational chains emerge in intersections of positions of gender, ethnicity and class. The gender dimension of illegalizing au pair emigration to Europe inscribes itself in the Philippines' narrative of the patriarchal protection of the women of the nation as mothers and daughters. Migrant labour, and illegalising migrant domestic work in au pair schemes, inscribes itself in the ambiguous construct of protection of women of the nation as mothers and praising them as heroines of migrant labour.

Illegalizing migration through emigration illegality, residence illegality and employment illegality are key elements in the governing of migrants. Migrants are governed through their relation to the nation-state – sending and receiving – and the nature of this relation is decisive for their ability to assert or exercise rights. Illegalizing migration, residence and employment produces and maintains the permanent insecurity and the fluidity of the migrant worker position in Europe

The au pair arrangement in Denmark is a specific version of the fluidity, between legalization and illegalization, which frames the position of migrant domestic worker. Both Denmark and The Philippines appear to be preoccupied with au pair welfare. The Philippine state acts as if it is trying to protect migrant workers from potential abuse, while allowing the migrants to bribe police for exit permits. The Danish state gives lip service to the 'culture exchange, not employment' construct, well aware that au pairs are working more hours than permitted – some by choice, others not – and are choosing to take additional jobs on the side. The au pairs' project is certainly not one of 'cultural exchange'. It is a remittance project.

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[130] Although some male au pairs are coming to Denmark, the overwhelming majority are female.

196

In both Denmark and the Philippines, the reproduction of the population (in the Philippines through remittances and in Denmark through reproduction of a family lifestyle of middle- and upper-class citizens) is a central element in maintaining au pair migration and the ambiguous Danish political construct whereby gender equality and dual careers are achieved by having an au pair 'girl' living in the basement.

All in all these transnational state arrangements make the working and living situation of au pairs extremely vulnerable in Denmark, creating a position of the marginalized temporary migrant. In Denmark, the *temporality* dimension of the whole construct is crucial. Temporality produces a range of insecurities and offers a strictly limited right to have rights in Denmark.

This specific management of migration reveals the combination of two elements in the socio-political technology of government of extra-European migrants: the one is the crucial significance of legalising/illegalising emigration, employment and residence; the other is 'fixing' or securing the temporality of the labour migrant's position on the territory of the nation-state.

This kind of governing produces a situation of legalized absolute and relative poverty for the au pair labour migrant, given the extremely low wages and poor working conditions of au pairs., and it disconnects the migrant worker residing in Denmark from almost every right other than full access to the health system.

Chapter 8: The au pair arrangement in private strategies and public discourse

In practicing and discursively constructing the au pair relation in Denmark, rationalities and subjectivities are produced, negotiated and reproduced. This process occurs in the private space of the household and in the public space of the media. Analysis of rationalization and subjectification can help clarify how (this category of) the extra-EU marginalized migrant is governed, including how au pair migration is linked to moral questions. According to Dean, government is 'intensely moral in that it seeks to engage with how both the governed and governors regulate themselves' (Dean 1999:12).

In previous sections, the au pair relation has been analyzed from both micro- and macro- perspectives. From the micro perspective, the focus has been on the lived practice and experience amongst au pair migrants in Danish host families. From the macro perspective, focus was on how national and transnational practices of government – as state regulations of migration – affect au pair migration from the Philippines.

In this section, the aim is to shed light on rationalities and subjectivities performed in strategies characterizing the relations between au pair employer and employee. This relationship is performed in the private space of the family household, in the host families, and in parts of the public media space preoccupied with au pair migration.

To sum up previous analysis of the ambiguous legal construct of the au pair, the immigration authorities in Denmark ('Udlændingeservice'), in their guidelines for signing the au pair contract, emphasize that

> an au pair is not an inexpensive maid. The participation of the au pair in the family household is not the type of work which requires a work permit.'[131]

It thus appears to be important to define the au pair as what she must *not* be*:* cheap domestic labour. She must not be *cheap,* which points toward the circumstances that she receives a salary, which cannot be defended if her 'helping around the house', were defined as work. Nor must she be expensive household help, i.e., salaried on a scale that according to what in other contexts would be considered acceptable or reasonable, for her household labour must *not be defined as labour* – neither cheap nor expensive labour – for then she would be able to sell her labour in other places than in the private home and be entitled to a real work permit.

'Work' and labour market, on the one hand, are not present in the formal legal frameworks. On the other hand, they are practiced, and in certain cases the au pair employment is nevertheless administered as if it were a work relation.

The au pair's residence permit rests upon the notion of a 'cultural exchange residence'[132] and of being a 'part of the family'. The family as a social framework of understanding is essential.

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[131] Udlændingeservice: AU1: Ansøgningsskema/Application Form. Ansøgning om opholdstilladelse som au pair, side 12/20.
[132] Udlændingeservice AU1: 12/20

'During the entire period of au pair residence, the au pair person must take on a domestic position within the family.[133] Hence, it is not a case of a guest, or an employee, but of a person with a family role, which in the guidelines of the Danish Immigration Service (Udlændingservice, lit. Foreigner service) entails that she should carry out 'household chores' and that she must live with her host family, that she is 'live-in'.

The key mechanisms of governing related to migration regulation in this special labour market for paid private domestic labour are firstly, that the au pair household worker must live together with her family/employer, which reinforces the dependency and complicates making a clear distinction between her work and free time, between work and home. Second, her workplace – the private home – is characterized as being a non-public place, a closed space and which often forms the framework around a one-person workplace; this isolates her from colleagues and any connections to the public space (Constable 1997, Anderson 2000). She is not equipped with a work permit and can therefore not seek work on the normal labour market. She is thereby 'locked in' as au pair labour.

Finally, the residence permit is temporary, and moreover, bound to a specific host family. The au pair may not change host families without also seeking a renewal of her residence permit, which entails a strong dependency on the employer.

In extension of this understanding of the au pair's position, I will in the following discussion examine more closely which ideas and rationalizations are expressed in the relationship between the au pair and the host family, as indicated in my study of the 24 au pairs and the six host families (four women and two men), whom I interviewed in 2008. Furthermore, I will then examine which rationalizations and subjectification are articulated in the public media space, and how the au pair arrangement enters into a political rationality as a solution to different problematizations.

Governing in the host family household

In my empirical study, it was usually the women in the host family who took on the task of 'work leader' and had the closest contact with the female household worker/au pair . The most significant and predominate relation in the work relationship thus frequently occurs as a woman-to-woman relation in a field of private gendered household and care work. Furthermore, it is most often a case of relations between 'white' ethnic majority women/host families and 'brown' ethnic minority women/au pairs.

The research literature contains descriptions of strategies which often characterize the relation between the female employer and her hired domestic help. In order to get closer to the rationalization of the au pair relationship among the host family, I have chosen to apply conceptualizations of two different main strategies which are analyzed in other national contexts than the Danish: the 'like labour' strategy (Solund 2010) and the 'like family' or 'part of the family' strategy, which is contained in concepts around 'emotional labour' and maternalism (Rollins 1985, Anderson 2002, Parrenas 2001, Ardano 2003, Romero1992/2001, Gutierrez-Rogriguez 2010, Glenn 1992, Hondagneu-Sotelo 2001). On first sight, one might assume that

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[133] Ibid. 14/20

200

the national or regional context for migrant domestic work plays a role for which strategies are used in the relationship between the employer and the domestic worker. I therefore also pose the question of whether these strategies are fruitful as ways of conceptualizing the relation between the au pair and the host family in a Danish context, on the background of an analysis of qualitative interviews with the au pairs and the host families.

The private home as a special workplace for gendered labour

That the au pair's work takes place in the private home is not without significance in the social construction of the au pair. Also significant is the fact that the au pair most often comes from the economically poorest part of the world and belongs to a non-Western minority ethnic group. That the work performed by the au pair is still gendered as 'women's work' is also significant.

Lutz (2008) and Anderson (2000) have emphasized paid household work as a special labour market for gendered, racialized and migrant household work, while others (Romero 1992, Glenn 1992, Parrenas 2002, Guitterez-Rodriguez 2010) have analyzed migrant household work[134] with a point of departure in Hochschild's (1983) concept of 'emotional labour' which initially did not include privately paid household work. Emotional labour, in contrast to physical work, entails that feelings, personal contacts and care become a part of the labour relationship, typically as concerns work that is gendered and female. Paid work in the home – especially as live-in – will entail elements of emotional labour, and in the idea of being a part of the family there lies an expectation of an emotional relationship and investment. At the same time, the power relationship in the labour relation is veiled, woven as it is with references of family and intimacy.

Maternalism, as a sort of gendered, class-related and racialized 'emotional labour', offers an analytical conceptualization of the relation between the female employer and the female hired household labourer. According to Rollins (1985), maternalism is grounded in the personal relation of paternalism between the master and the servants, which is continued in anachronistic form in the relationship between the employer and the domestic worker. For Rollins, it is of decisive importance that the labour relationship is practiced between women. The relation, according to Rollins, is based on a relationship of super-/subordination situated in a domestic framework, which draws on elements such as care, one-way gift-giving, disciplining, etc. Hence:

> The maternalism dynamic is based on the assumption of a superordinate-subordinate relationship. While maternalism may protect and nurture, it also degrades and insults [Rollins 1985:186].

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[134] The international research on care migration and migrant domestic workers outside Denmark has been relatively comprehensive in recent years, and it has focused on many aspects of this type of migration (see Anderson 2000, 2002, 2007; Hondagneu-Soleto 2001; Lutz 2002, 2004, 2008; Hochschild and Ehrenreich 2002; Parrenas 2001, 2002, 2008; Constable 1997, Romero 1992, Glenn 1992, Isaksen et al. 2008). En mindre del af denne forskning har beskæftiget sig mere eksplicit med au pair migration A smaller part of this research has focused more specifically on au pair migration (Cox 2007 Williams and Gavanas 2008, Anderson 2002, Hess and Puckhaber 2004).

While Rollins views paternalism and maternalism as different types of power relations in the reproduction of class and racialized hierarchies, Anderson (2000) sees maternalism as a power relation which primarily reproduces the patriarchate, and only secondarily produces differences between women.

Ardano (2003), who has researched domestic workers and their employers among families in the Philippines, where both parties are of the same ethnic group, characterizes maternalism as 'embodied in the mistress-maid relations, reproduce[ing] the inequitable, class-gender structure, in which middle class women subordinated by their gender, delegate the unglamorous domestic work to poor women for low wages' (Ardano 2003:154). Ardano labels maternalism as 'false generosity', which hides the exploitation of labour and the appropriation by the employer of the domestic worker's control over her time, space and relationships (ibid.).

Elements in the maternalistically-inscribed relations, for example, can be expectations that the household worker will invest in the mothering of the employer's children, that she will enter into non-reciprocal relations of care to the employer, such as listening to personal accounts and not contradicting the employer, and being willing to relate personal details about her own life and receive advice and guidance, showing gratitude in the one-way gift-giving which often replaces wages or salary increases, and being willing to satisfy the employer's need – via these personal relations (often their only ones) to a person with an ethnic minority background, marginalized migrant status and globalized class difference – so that the employer can enhance their self-image as good anti-racists (Romero 1992) or concerned world citizens/donors to developing countries.

My use of the 'maternalism' concept draws on 'familized' and gendered personal relations and on the idea of the gendered household and care work in the practice of especially racialized live-in paid housework. This creates the framework for a comprehensive repertoire of behavioural codes and emotional investments in the asymmetrical power relationship.

Emotional labour and maternalism studies have focused largely on migrant household work in the United States and parts of Western Europe, where colonial, gender related and class relations and traditions have been quite different than those found in the Nordic countries. But at a time when migrant household labour has also become visible in the Nordic countries, it is relevant to investigate the special intersection between gender, class, ethnicity and migrant status as it is lived and experienced in the au pair relationship.

Another strategy for the management of the concrete au pair relationship in the private home is for the family/employer to focus primarily on the labour relationship and thereby attempt to establish a distance to the reciprocal emotional investment in a family relationship. I call this the 'just like labour' strategy.

In analyzing what she calls 'ways of legitimating household labour' among Norwegian au pair host families on the background of qualitative interviews, Sollund (2010) has found a pervasive tendency to define the au pair to a greater degree as labour, a grown person, than a part of the family, which apparently functions better for Norwegian host families in distancing themselves from viewing the au pair as simply a cheap household servant. It is apparently easier to establish an idea of equality with the au pair, which seems important in Norway.

This helps maintain legitimacy around the arrangement and makes the employer's role less complicated. The host family can now make demands and expect that they be fulfilled in a buying-selling / commodified transaction, without having to invest in a more comprehensive emotional 'family package'.

The 'just like labour' strategy: distance and equality

One of the two men among my host family informants expressed a strategy which resembles the Norwegian 'just like labour' strategy. For him and his wife, it was important to signal that the au pair should not be a part of the family. Hence, they preferred to hold initial job interviews with aspiring au pairs who had already been in Denmark, i.e., with au pairs who wanted to leave their current host families.

> So it also reflects the opposite that we are really not looking for a new member of the family. It is something we make very clear from the beginning when we talk to the potential au pair girls, it is that we eat together perhaps once a week, of course we see each other all the time, but it is not that she is a really integrated part of the family [Anders].

Here we see an explicit distancing from the idea that the au pair should be a new member of family, which is reflected in the norm of interaction between the host family and the au pair: a single weekly meal, i.e., limited emotional investment between the adults. The extent to which the host families expects a suitable emotional investment from the au pair toward the children is not explicitly mentioned, but implicitly, this relationship is also defined if not excluding, at least by an overt distancing from the notion of her being a 'part of the family'. One can thus have an assumption that 'part of the family' or 'just like family', primarily concerns the relationship between the involved adults, between the host employer and the au pair. It is possible that the gender equality practice in the home and the fact that both parents endeavoured to have an equitable distribution in responsibility about 'managing' the au pair ('I regard myself as an equal part of the household', as Anders expressed it) has played a role in their choice of how to construct their relationship to the au pair. Nevertheless, it resembles the patterns of self-experienced gender equality and legitimation strategies which Sollund has described for Norway.

In the host family described above, the layout of the house was such that the au pair had a separate apartment with her own entrance, kitchen, bath, etc., so that she in fact had the possibility to live independently of the rest of the family when she had time off. Furthermore, the family accepted that the various au pairs they had had would have extra employment on the side, cleaning the houses of other families.

Hence, a physical distance was created between the au pair and the employing family which breached the implicit intimacy of the live-in concept. A subjectification of the au pair's position was created as being outside and separate from the host family, as an employee of the family, a service worker living in the house and with her own life outside her domestic service work. With the job interviews, a labour market rationality is utilized: the labour power is negotiated, bought and sold for a specified amount of time. There is no demand for an emotional full time investment in a personal relationship.

Without encouragement, Anders moved into the moral economy in the arrangement and again rationalized on the basis of a labour market understanding, supporting his argument by invoking Denmark's high income taxes as a justification for the au pair's low wages:

> Is it the correct balance we have struck, and the way we use this arrangement, is it morally defensible? […] [W]hat does it mean that their wage lies at a level of one-third of what a minimum wage would be here in Denmark, is it unacceptable? […] [i]t is clear that taxes on labour and thereby the price of labour, has become too high here in Denmark, and we lack the kind of intermediate arrangement which makes it that you can meet the need for practical help and at the same time the need for some people to earn some money. She doesn't earn much, of course, but both relatively speaking and as such also being here in Denmark, I think that it is an O.K. arrangement [Anders].

That the au pair's wages are low is acknowledged by Anders and is related first to the high rate of income taxes in the understanding, 'We pay so much in taxes, [i.e., we have so little disposable net income left], so we cannot afford to pay a higher wage,' and in the next sentence, vaguely, to something 'relative' and to being in Denmark, which apparently refers to the au pair's status as a migrant from a poor country; i.e., relatively speaking, she gets something out of her salary, and it is therefore she is here. The global inequality is thus also visible as rationalization and justification of the low wages, in that the rationalization of the au pair's position as labour does not allow itself to be implemented entirely, partly because of the low salary and the limitations on the au pair working on the labour market as set by the migration legislation.

That the family, despite the illegality of extra housecleaning work for other families, does not attempt to intervene in the au pair's decision to take on this extra work can be seen as a further prioritization of the labour market understanding, and possibly also as a compensatory measure in order to increase the au pair's total income.

In my interviews, there are numerous examples that the au pair position in the private home can clearly be characterized directly as a servant relationship. In some cases the female employer, when speaking to others, refers to the au pair as her 'maid' (using the English word). Nevertheless, the interview data with the Danish host families and au pairs indicates that they rationalize or legitimate this asymmetrical relation by placing inordinate emphasis on the 'she's part of the family' construction.

This family-centred rhetoric could indicate a difference between the types of rationalizations used in Norway (Sollund 2010) and those in Denmark. One of my host family informants, Hanne, refers explicitly to the difference between Denmark and Norway, using the experience of her former Filipino au pair who had first worked for her, and who then, thanks to Hanne's contacts, obtained a job with a new host family in Norway. Hanne invited her former au pair to celebrate Christmas with her in Denmark. Hanne explains:

> So she came down here and we had Christmas Eve dinner, and my parents were here, and then my mother asked, 'Well, how is it going, are you happy about it, is it good?' Then she said 'It's a nice family, but I'm not really the same the part of the family' [as I was with you] That is, it really meant a lot to her.

In this way, Hanne is also able to tell the story that an au pair ought to be a part of the family, and in the proper way, especially because, she says, it means so much for the au pair. The care element in the 'host mother' role and the norm of integration into the family is emphasized as meaningful.

The 'just like family' strategy: closeness and unity

Some of the interviewed host-employers emphasized that the au pair should be a part of the family. Hanne, who has had several au pairs over the years, placed great emphasis on the au pair being integrated into family life and subsequently attempted to maintain her connections with the au pairs after they had ended their stay with her. Some of the au pairs had married in Denmark, and she became the godmother to their children. She emphasized the importance of care for the au pair, and of eating together in the evening.

On the other hand, she was explicitly not very fond of too much employer-employee aspects of the relationship. Regarding the first au pair, who had lived together with her sister nearby and therefore came in the morning and left in the late afternoon, Hanne said:

> She came in the morning, and then when we came home she had already left, and so we practically never saw her. And I think it is important that you take meals together, that you have a kind of 'coming and going' and you are together in various contexts. It becomes a bit too much of a worker who comes and goes, and not someone who is at all integrated into the family.

In contrast to Anders, Hanne's ideas about the au pair relationship are that it is not sufficient that the au pair carries out the household work during working hours and then leaves the home. The au pair about whom she spoke had breached the live-in contract and was 'coming and going'. No criticism was made of her work. What was criticized was her lack of willingness to integrate into the family, the unwillingness to make an emotional investment in 'being a part of the family'. Asked whether she recalled having had conflicts with some of her au pairs, Hanne mentioned conflicts concerning wages with the same au pair who was 'coming and going'.

> I had with the first one [au pair]. I had a few conflicts then. I think that it came from it being such a strange employer-employee relationship […] I was a bit irritated because she came over every second day and confronted me with now there was a friend who had received 100 kroner extra to buy something or other. That is, she always wanted to negotiate salary. And so I have made a big deal about this with those who I've taken on later and said, 'This is the salary, and that's what you are getting, and do you want it or not? Because you should know, like, if you're not interested, then you should find something else. Because I don't want, that when you should be a part of the family here, to sit here every other evening and hear that now you've heard about someone over at another street who gets 200 kroner more.'

The undesired relationship between the female employer and the au pair is regarded here as a 'strange employer-employee relationship'; i.e., these roles are disturbing for the family relations and create conflicts. The relationship to the au pair is defined explicitly in opposition to

the employer-employee relationship, where for Anders it was a question of defining the au pair relationship in contrast to the 'part of the family' relation.

It also seems as if Hanne, through the first au pair relationship, had become aware of which role she herself would play – and it should not be that of employer. Rather, she sees herself as a host, a person who invites the au pair into the family, but on very specific conditions.

Another female host family informant, Ida, considered the au pair's place in the family as that of a big sister. Ida explains:

> At that level called 'help', I think that it is a convenience. That is, we have a little house, and we are not under financial pressure . It is like having a big sister in the family, who can lend a hand and help out. I think it is a really big help… So I really like this arrangement.

The au pair here is installed into the big sister role (Hess and Puckhaber 2004, Cox and Narula 2004). She is someone who is still subordinated to the family hierarchy with the subordinated power relations to mother and father, and as someone who helps with the gendered housework and is therefore also herself of a suitable gender. It is not the position as 'big brother' which is offered.

The second male informant, Rasmus, had, quite unusually, taken on the role of directing the au pair in her work tasks. Rasmus summarized the situation thusly: 'It is a person who is part of the family'. But he agreed with Hanne and Ida agreed about wanting to extend the family to include the au pair.

Becoming a part of the family can entail rules for the au pair's time off, rules which resemble those imposed on the teenagers of the house. Au pair informants described rules such as the host family wanting to know when the au pair is going out, who she is with, possible prohibitions on staying overnight outside the house, etc. It can be an expectation of a special intimacy and confidence between the female employer and the au pair, especially concerning the au pair's personal life back home, her family and boyfriends, but also running accounts from the female employer about problems with her own husband, pregnancies, illness, problems at her job, etc.

Constructing the au pair as being part of the family can also be reflected in forms of address (Rollins 1985), and avoidance of articulating the relation to the au pair as a relation of subordination. And it also applies to what terms the host family uses when they address the au pair and how the au pair addresses the host family.

Hanne commented on the au pair's form of address:

> When we got Bridget from Singapore, one of the first things she asked me about was whether she could call me 'Ma'm'. So I had to explain, 'No, you can't. We don't do that here, my name is Hanne, and your name is Bridget, and this is the way it is in Denmark, and if this is misunderstood, then they think I am a white slave-driver if you go around and call me 'Ma'm', so you have to promise me that you will never do that.'

Hanne thus distances herself from the labels 'white slave-driver' and 'Ma'm' about herself, terms which express the asymmetrical power relations in the relationship. Hanne relates how she instructs the au pair to use first names, which signals equality and intimacy. That she does

not view herself as a Ma'm or white slave-driver is implicit. It is also interesting that she articulates her own 'whiteness', albeit in negative terms. This indicates that the colonial connotation of the white mistress and the brown maid is included in her ideas of the relation that she practices on a daily basis with her paid migrant domestic worker.

Rasmus emphasized that he 'not ashamed to have an au pair'. On the other hand, he had refrained from telling about the au pair at his workplace about and he accounted for how his children had called the au pair servant and how he had to tell them that this was not acceptable. Rasmus comments:

> We say that, 'This is our au pair girl.' We have made a big deal about it. Our youngest child, for a time, had the view that 'it is my servant'. We are very aware of this. […]. We still want the children to help out. […] So the way we talk about her is that it is our au pair who we are lucky to have. That she can help so that our family works.

Whereas Hanne's efforts concerned controlling the labeling of herself and the position she held through the delimitation of what she was *not* – a white slave-driver – for Rasmus it was about controlling the labeling of the au pair, and again about something she was *not* or should not be called: 'servant'. In both cases, the opposing pole to that of servant and slave-driver in the family was constructed as unity and equal footing, being on par with; the au pair is a part of the family, someone who helps out the family, or acts as a big sister.

But within this interpretation of equality, which more resembles 'closeness' and 'loyalty', there is at the same time a practice of ethnic selection of the au pair. Rasmus explains: 'There is no doubt that these Filipinos are popular because they are hard working. […] [You] escape some of the other problems that I have heard about from others who have had other nationalities.'

Hanne has much the same view: 'I expected someone who [could take the burden off me], so we chose a Filipino, someone who could get a close relationship to the children.'

Used here, 'Filipino' connotes someone who is 'industrious', who has a 'close relationship to the children' and the individual Filipino migrant is thus offered a racialized subjectivity as an ideal assisting family substitute – or a serving, lovable spirit who provides the emotional labour, especially by virtue of their ethnicity.

The efforts to maintain a form of interaction which signals equality and family-type relations instead of domination and subordination is seen here as important for the families. The au pairs whom I interviewed frequently called the female employer 'host mother', which again underscores the family construction.

The term 'au pair girl' also maintains the au pair in a domestic, infantilized position, as a child to be watched over. When this 'girl', is then revealed to have her own children, to be a mother herself, the roles become complicated. One of the employer informants had given the au pair a ticket to a trip to the Philippines, when she realized that the au pair had left her one-year-old child, which can be seen as a maternalist one-way gift-giving and an attempt to force their way through the uncomfortable symmetry of two mothers in the same house. The fact that some Filipino women leave their children in order to work as au pairs in Denmark was characterized by several of the host families as 'a part of their culture', which can be seen as

another way of undermining the symmetry of motherhood, which obviously often seems to create discomfort among female employers.

Other forms of one-way gift-giving that could be mentioned are airplane tickets for weekend trips around Europe, expensive Christmas gifts, old clothes, toys, etc., all of which draw on emotional and family relations as a substitute for a potential demand-based and rights-based payment.

Different rationalities, different subjectivities

In general terms, the two different strategies position the employer and the au pair differently. Whereas Anders, in his employer--wage-earner relationship, places himself as the employer role more than as the 'host father', Hanne, her priority on 'familizing' the relationship, places herself as 'host mother'. Both relations express asymmetrical power relations, but where the one position downgrades the emotional investment and prioritizes the relation as one of labour services with associated separation of work/private life and negotiations about working and salary conditions on the basis of a labour consideration, the other position is characterized by a taboo on the discussion of wages and working conditions, with a larger emotional investment expected in the relation between the two adults, at the same time as the au pair is placed in a domestic space where she can take on the role of 'big sister.'

In the host family's representation of the au pair relation, both the 'just like labour' strategy and 'just like family' strategy seldom operate in isolation. Rather, they operate in a complex with other cross-cutting rationalization strategies: 'othering', 'gender equality' and 'win-win' ideas. For example, the idea of an au pair as the one who ensures gender equality is popular with Hanne but not with Anders, who on several occasions referred to the fact that both he and his wife were relieved of daily housework by an au pair, but not that the au pair was the prerequisite for his wife's participation in the labour market.

Hanne described the importance of 'having an au pair' in terms of gender imbalance, being able to stay flexible in her working life and as a means of preventing divorce:

> It is a great flexibility in your working life. I work part time – 30 hours – but can stay fully flexible. If I am told that we are having a meeting tomorrow at 5 pm, well, that's OK.
>
> [...]
>
> If we didn't have an au pair girl to help us, then I would just be grumpy all the time. We have chosen to buy some extra help, and this is the way we are compensating for [my husband's] lack of helping out around the house. We do it to avoid fighting about who should do the dishes, and who didn't do the shopping. All those things are banalities, but really also frequent causes of the high rate of divorce in Denmark. And it is this giant luxury of placing so much [responsibility] into the hands of someone else; it is her and me, and then I don't need to walk around every day getting angry about having a husband who is always working.

The female-female relation is underscored here, but the au pair is not constructed and included within a gender imbalance rationality.

The implicit ethnification of the Filipino woman as especially suited to domestic and care work can be seen most clearly in the strategy which subjectifies the au pair as a 'part of the family' and which is linked to a maternalistic control practice.

Even though the strategies for practicing the au pair relationship are different in the host families, there is an unambiguous coincidence in the understanding that the au pair is primarily a solution to a problem of work-life imbalance in the family and of the host family's felt need to reduce their workload and time used on household and care tasks in the family In this way, the au pair is subjectified in both relations as someone who is primarily employed – takes the burden from – household and care work in the family.. The au pair performs the domestic worker in the 'like labour' rationalization and the domestic helper in 'just like family' rationalization.

On the background of the empirical data about the au pair-host family relations in a Danish context, it is fruitful, at the outset, to conceptualize the relations and positions with the help of these two strategies. However, especially concerning the concept of maternalism, there is a need for a further adaptation which can make it sensitive toward the local context, where, the interpretation is enhanced, for example, by the idea of 'equality' as 'sameness', the pursued and experienced gender equality around domestic work and the significance of having to avoid connotations of white slave-driver and coloured servant.

Data indicate that the strategies used by Norwegian and Danish host families differ.

Nevertheless, despite the fact that the strategies operate with different variants of rationalization of the au pair scheme and different ways of subjectifying the au pair and the host family, the class relation – understood as global inequality converted into a concrete relation of (relatively extreme) local social inequality in combination with the au pair's temporary residence – seems to produce an underlying experience among the host families of an extremely asymmetrical power relation. This experience of extraordinary power asymmetry is present, on the one hand, within both strategies and threatens the stability of the other ideas about equality and free choice on a labour market in the 'just like labour' rationalization, and the proximity and loyalty in the 'just like family' rationalization. On the other hand, this uncomfortably experienced asymmetry is articulated by the employers as something which lies outside the host family's control, as a determinant condition that is articulated in terms of 'global inequality', 'cultural difference' and 'high taxes in Denmark'. In the same way, the ethnic hierarchy seems to function as an underlying determinant that exists outside the host family's influence. The explicit ethnification of the Filipino au pair as industrious, good with children, caring, culturally suited to abandon her own children, etc. is articulated as 'a given' but at the same time produces this ethnification. The ethnification can also in a larger perspetive on the construct of immigrants in Denmark be seen as the construction of the good (temporary) immigrant in contrast to the bad (permanent) immigrant..

The authorities' definition of the au pair is characterized by several indications of what the au pair is *not*: she does not work, she is not a worker, she does not receive a real wage, she is not a labour migrant. She is, rather, 'a part of the family'.

This does not automatically position the au pair as a victim, and she has the possibility to act and negotiate her position within the frameworks,but it certainly positions her on the weaker end of an asymmetrical power relationship, and with few possibilities to alter her conditions.

When the relationship within the host families is acted out as 'just like family', the maternalistic micro-management will help to maintain and stabilize the privileges in this established social hierarchy, thereby paving the way for a continued expansion of the legal, non-recognized labour market for non-recognized, paid, private migrant household and care work in Denmark; whereas a 'like labour' practice might be more easily pushed toward a change of the conditions, recognition of the au pair employment as a relation of labour and thereby more possibilities to act for the migrant worker.

Governing the household / host family

Danish real estate agents selling exclusive homes have found a new way to describe unused basement space in their advertisements: An 'Au pair room'. In one advert[135] the first few lines of the description of a EUR 2 million (DKK 15 million) house in Copenhagen run as follows; 'Townhouse of 5 stories, 362 m2, dining area in high-ceilinged cellar and exit door to the garden, au pair girl[136] bedroom, bathroom …'. In another ad, the description of a EUR 900,000 (DKK 6 mill.) house includes 'In the basement there is a lot of space for teenagers, the au pair girl or the guests from abroad.'

The ads reflect two new trends of modern Danish life. Firstly, 'the au pair girl' living with middle- and upper-class families is an increasingly common situation. It is also depicted in popular media coverage of middle class lifestyle.[137] Secondly, 'the au pair girl' is situated in the basement, reflecting the upstairs-downstairs position as not being a part of the family, but rather someone serving or helping the family from a subordinate position, physically spatialized in the basement area.[138]

In this part of the analysis, however, I will focus upon selected articles which express the rationalization of prominent politicians regarding au pair migration and the raitonalization of au pair migration as expressed in selected interviews with and statements by what are called 'business women' or career women, who discuss their own experiences with au pair migration, i.e., from persons who find themselves in the typical target group for host families.

Through these selected media contributions, I will thus seek to analyze the rationality or the rationalities which are presented in the public space concerning au pair migration. Primary

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[135] *Berlingske Tidende*, 15 November 2009.

[136] In Danish, the au pair is most often referred to as 'au pair girl' (*au pair pige*). The connotations are obvious.

[137] 'The au pair', represented very often as a Filipina, tends to become still more normalized in popular media culture; references to the 'au pair' in stand-up comedy routines, TV dramas, portraits of successful female business women, and also in advertisements, such as the real etstate advertisement mentioned here.

[138] As described in my study of au pair life in Denmark, the basement was also the most common place for the au pair to live – to have her room. Generally, most basements in Denmark, which has a cool, rainy climate, do not meet legal requirements for human habitation.

focus will be on articles and texts which present au pair migration as a solution to various problems. I have therefore chosen to exclude articles and texts which criticize the au pair scheme as such, i.e., texts which see the au pair scheme as exploitation, where the solution consists of eliminating the au pair system entirely.

This analysis is not a discourse analysis, as its focus is too narrow and the empirical data too limited. It is, rather, a perspective exploration of rationalizations and subjectifications in the public media discourse and a subsequent reflection about whether and how rationalizations of au pair migration in governing in the host family connect with the governing of the family. In the analysis of the various media representations, I will investigate the perspective from where it is discursively constructed and for what problem is au pair migration seen as a solution? And finally, what kinds of subjectification are produced?

Au pair amongst ministers and mayors

During the period between March 2007 and April 2008, 'the au pair' and 'having an au pair' was promoted by several (female) ministers and the mayor of Copenhagen as a political and private solution to urgent and politicized problems.

Biological reproduction of the nation and equality

In a prominently displayed newspaper interview in March 2007,[139] the Danish Minister of Family Affairs, Carina Christensen, commented very explicitly on the relationship between biological reproduction of the nation and the position of women in families:

> C.C.:'There are too many expectations to families these days. Many have the image of the perfect mother, who bakes bread rolls and always attends to everything. Why isn't it OK to hire an au pair? Or to a greater extent, let the husband take over and be responsible for a larger share of the household?'
>
> Interviewer: But are you saying that mum and dad should relax more? What is it that they should stop doing?
>
> C.C: 'You could, for instance, buy the bread rolls instead of baking them. You could pay for some cleaning help. It should be OK to have an au pair. There can be many reasons for choosing not to have children, because you don't feel that you live up to the ideal. I think that especially women are good at pushing expectations too high. We have to break that [pattern] down.'

The interview promoted the overall message that women in Denmark should raise three children because the current reproduction rate of 1.8 was too low. Thus, inadequate national biological reproduction was made the overall problematization, and women's exaggerated domestic ambitions – women being the potential mothers of new national subjects (Yuval-Davis 1997) – were constructed as a contributing factor to the decline in biological, national reproduction. Solutions were presented by the minister, such as paid cleaning help and 'having' an au pair which links to a neoliberal governmentality appealing to the prudentialism (Rose

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[139] Bjarne Steenbeck, 'Familieministeren har selv for travlt til børn – andre skal have tre.' *Berlingske Tidende*, 7 March 2007.

1999) of the individual and the family taking care of themselves, and pointing to privatized solutions. At the same time, the minister operated with a secondary problematization of the current moral economy related to 'au pair'. 'Why isn't it O.K. to hire an au pair?' she asked, suggesting later on that this has to be changed; 'It should be O.K. to have an au pair.'

Making the male member of the household, 'the husband' take more of his share of the domestic work is also addressed as a solution, but implicitly as a more difficult challenge than hiring an au pair for whom the only barrier is diffuse moral obstacles.

The interview started a huge public discussion in the media and among politicians, but it took the form of a critique of the state ordering people to reproduce on a specific scale. There were no comments about the au pair proposals of the interview.

Women are often constructed as symbolic border guards of ethnic and national collectives (Yuval-Davis 2005), and the future national collective is here defined as depending solely on the birth rate of the nation. If the issue were only about the national dependency ratio, an extended 'influx' of permanent immigrants could solve the problem, and other solutions to domestic drudgery, within other political governmentalities, could have suggested expanding public day care, cleaning, reduced working hours, etc. A more politically gender conservative solution to the problem of low birth rates could have been that of removing women from the labour market and installing them full time in the household.

This interview reflected the fact that an increasing number of middle-class families were employing or 'having' an au pair as a strategy to pursue a dual-career life style, and as a tool to achieve gender equality within the family. The minister was not talking about 'having' an au pair because of the cultural exchange perspective, but exclusively as hired help for doing domestic work, primarily to 'liberate' the mother of the family from household chores, and enabling her to bear more children while maintaining her position on the labour market.

The interview revealed the element of moral disciplining of women in Denmark for not reproducing adequately. Parallel to the Philippines (and illustrated in many studies on hired domestic work), biological and social reproduction becomes a feminized problem. The au pair solution lets men off the hook, as it maintains the gender imbalance. Domestic chores in Danish middle-class households are still carried out by the 'woman of the house'. The difference today is that now that woman is 'the au pair girl' living in the basement.

The connection between liberating the Danish career woman by employing an au pair was also visible in an interview with the former minister of social affairs, then minister of food and agriculture[140] in October 2007, in which she was asked how she managed her job as minister and being the mother of small children : 'Where many mothers take a pride in kissing their children goodnight, Eva Kjer Hansen has to leave this to her husband and the au pair girl, because her working days are in Copenhagen, far away from her family in South Jutland, where she only returns on weekends.'[141]

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[140] Minister of Social Affairs until 12.09.2007, and then Minister of Food and Agriculture.
[141] Nicola Voss: 'Jeg ville gerne spise morgenmad med mine børn' *BT*, 14 October 2007.

Framing the interview through a description of her role as both mother of small children and minister in the Danish government reproduces the link between domesticity and female gender – minister or not. Being absent from the family and not being able to 'kiss the children goodnight', highlights an emotional sacrifice in performing a (female) career, having to solve or compensate the lack of presence by installing an au pair in the household with her husband.

The minister, however, distanced herself from supporting this construct as a fundamental problematization, claiming in the interview, that her family 'had a good life. We are a modern family that makes it work.' Nevertheless, she "admitted" at times that she sometimes felt that she was 'letting the family down, but not feeling guilty'. The minister presented herself as a role model for both her daughters and other career women, emphasizing the urgent need for women to assert themselves in leading positions on the labour market.

In the interview with the minister, the question of gender equality and liberation from domestic chores excludes any mention of the gender position of the au pair in this context. The gender equality issue is limited to equality within the Danish career family and its reproduction as a well-functioning unit, where household duties can be carried out effectively while career goals are achieved. The basic link between domesticity and female gender is not challenged. Rather domestic chores are simply outsourced, and the possibility of the au pair being a mother herself, 'missing kissing her children goodnight' is 100% excluded and absent in constructing 'gender' as white/Danish gender.

An institutionalized version of this type of relationship between the Danish career woman and the (non-European) au pair was performed in the efforts of the City of Copenhagen in 2007 to increase the number of high-level female administrators. It was promised that the City would help its female executives by subsidizing the expenses of an au pair.

Under the headline 'Diversity in every corner', The Social Democratic mayor of Copenhagen, Ritt Bjerregaard, wrote the following commentary in the leading magazine for municipality policy and administration:

> But it is not even necessary that modern women are put in the dilemma between family and career. (…) In special cases, the municipality can even offer a subsidy for au pair and home cleaning services as part of the salary package. We will create good possibilities for more female executives. We simply have to make it possible for women to make it to the top. [142]

As suggested in the interviews with the two ministers 'modern women' can escape the so called 'dilemma' between career and family by paying unspecified others to do the housework. However, whereas for the Minister of Family Affairs Carina Christensen it was an issue of promoting potential motherhood, for the social democratic mayor it was an issue of supporting potential female leadership.

In the two minister interviews, emphasis was placed upon family consequences of female career/practice of gender equality on the labour market, whereas the mayor was more interested in helping promising female administrators to advance in their careers while fulfilling their family obligations.

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[142] Danmarks Radio, 13 August 2007, 10:42 Copenhagen, and *Danske Kommuner* 14/2008 (17 April 2008).

The ministers and the mayor all addressed the public from a political position. The two ministers, however, were portrayed in the interviews according to gendered perceptions of the 'female minister' as opposed to the 'minister', the latter being male and seldom questioned about personal family issues. In the article about the family minister, she is initially portrayed as a woman with no children, whereas the former minister of social affairs is portrayed initially as a hardworking, often absent mother of three children.

The mayor was not speaking through an interview but performing her own political speech, addressing the issue of 'diversity' on the labour market.

Potential expansion of paid care

A month after publication of the interview about her as absent mother 'missing kissing her children', the above mentioned minister, Eva Kjer Hansen, suggested that the au pair arrangement should be extended to include elderly care:

> Many families with young children appreciate the au pair arrangement, because it means a helping hand in a busy working day. Why shouldn't elderly people have the same opportunity?' she says, being a mother of small children herself and having had an au pair girl at home.

> The arrangement is meant as a cultural encounter for both the elderly Danish person as well as the young person from abroad, and of course, it must in no way replace public home-care assistance. But there are tasks that the public home-care help cannot carry out', she says (*Jyllandsposten*, 9 November 2007).

This illustrates the tendency toward the rapid transnationalization of domestic care (Lutz 2004) and even the extreme right-wing, anti-immigration Danish Peoples' Party (*Dansk Folkeparti*) spoke positively about the au pair proposal. Nevertheless, the proposal was never transformed into a fully proposed law or regulation.

Governing the household: Nation, Family and Labour Market

In the first interview with Carina Christensen, the biological reproduction of the nation is the main issue. The *nation* is the main focus and the frame for policy. In the two contributions, from Eva Kjer Hansen, the one describing her personal absence from her family and in her interest in using au pairs to help care for the elderly, the main issue taken iup is the *family*, especially the emotional needs of the family, the care deficit in the core family and later on, an extended version of the family including elderly people. The third article, with the Copenhagen mayor, places most emphasis on the absence of female executives, and the emphasis here is on *labour market* problematizations. One could say that the issues raised link female gender to three specific areas: female gender and the nation, female gender and the family and female gender and the labour market.

Although the au pair is promoted as a partial solution to these problematizations, she herself is offered different versions of the au pair subjectivitiy. The au pair is promoted as an instrument to liberate the woman as potential mother of additional children (no. 1) or (no. 3) as a potential executive who can climb the career ladder with the help of her au pair on the home front.

The au pair is instrumental and disposable, almost like a new kind of vacuum cleaner. She has no face, no identity is represented, subjectivating her almost like that of a commodity.

In the family statements, (no. 2), the au pair subjectivity is closer to a practical and emotional substitute (for absent mothers) in the family or a 'helping hand' for elderly people, so to speak outside the family. In this respect, the au pair is also a substitute for the absent grown children or relatives, who are too busy or too far away to care for their aged parents or kin.

Articles such as these tend to mention 'au pair' in generic terms. No specific reference is made to Filipinos. However, politicians have been praising Filipino au pairs as devoted heroines in busy family life. As a (female) priest and prominent member of the liberal (free-market oriented) think tank CEPOS wrote in 2006 'Au pair girls are the heroines of our time. The world's most effective development aid'[143] and Filipinos have appeared in the media as au pairs. 'Au pair' is becoming a translation for 'Filipina.' Phrases such as 'my Filipina' or 'my Fili' are used among host families, and the Filipino woman is constructed as endowed with 'care genes', docility, always in good humour, etc.[144]

Subjectivities produced and reproduced regarding the national/Danish woman in these articles are primarily the competent career employee struggling to find the time to fulfil her gendered obligations to national and biological reproduction, or the mother struggling and paying an emotional price to fulfil her obligations to participate in the labour market. These subjectivities are both heavily gendered – as female – and classed as middle-/ and upper class supported by the references to career paths, executive jobs and to the positions from where the ministers and mayor speak. They are implicitly racialized as white, as 'Danish'.

The three politicians all suggested the au pair as a solution to an issue involving the link between women, family and labour market. Their statements however, differ considerably, producing different subjectivities. Their rationalities display both a general and consistent imaginary of the (national) female gender while they make the foreign au pair invisible, locating her and constructing her at the absolute margin of political agency – and nation, family and labour market.

Conclusion: Governing in and governing of the household.

In 2007/2008 when the interviews with au pairs and host families were conducted and the political interviews and articles were published, the political promotion of the au pair as solution centred on the situation of the Danish woman. There was no discussion of the situation and position of the au pair. She is invisibilized and in that respect not in the 'gaze of the governor', although a place as 'part of the family' is left in periphery of the discourse. The au pair

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[143] See for example, comments by Edith Tingstrup, priest and politician, (translated as:) 'Au pair girls are the heroines of our time. The world's most effective development aid', *Berlingske Tidende* 14 May 2006; and Malene Lei Raben, lawyer and commentator, 'Hands off my au pair', *Politiken,* 1 November 2008.

[144] The Filipino migrant domestic workers are racialized within a hierarchy of constructions of non-whiteness, as analyzed, for example, by Andall (2003), Anderson (2000), Hondagneu-Soleto (2001) and Parrenas (2001).

was the means by which certain policy goals could be achieved: increasing the birth rate, achieving gender equality for Danish women, and supporting the middle-class dual career life style by adding an extra caregiver into the family.

The legal construct of the au pair as one party in a cultural exchange is largely absent in the remarks of the ministers and the mayor. The concrete, practised relation between the au pair and the host family is not made into a relevant issue.

In the private strategies for rationalizing and interpreting au pair migration, it is the relationship between the au pair and the host family that is brought to the fore. Now more visible, the au pair is constructed as occupying a certain position, ranging from cheap labour to 'big sister' or 'teenage daughter'. The two strategies of practicing the relation between host family and au pair, one focussing on labour market rationality, the other on family membership, create different subjectivities for both employer and employee as shown earlier, but whereas the 'like family' strategy is vaguely present in perceptions suggested by one of the ministers ('helping hand in the family', 'helping elderly people'), the 'like labour market' strategy is non existent in the political discourse.

The labour market strategy is a rationality which seems to challenge both the legal and the family construct by performing a relation of imagined free subjects and individuals at a free labour market. In a Scandinavian context, the idea of 'labour market' still connotes collective agreements, significant influence by trade unions and ideals of equitable policies in resolving conflicts of gender and class.

In the private rationalization of practicing the au pair relation, maternalist strategies and sense-making become tools for interpreting the legal construct of the au pair as part of the family and maintaining and justifying the extraordinary asymmetric relation of power, as well as overcoming implicit perceptions of colonial class hierarchies and pre-welfare state classed hierarchies.

Yet neither the 'like-labour market' nor the 'like family' strategies can 'stand alone' in the rationalization of government of the au pair in the family.

In both the 'like labour' and 'like family' strategies, the existence of global inequalities and poverty are crucial for maintaining stability in the host family rationalization of au pair migration and their own position in the heavy end of the asymmetric relation. In the 'like labour' performance, for example, it seems as if a paradoxical interpretation of global inequality and local equality help justify the extraordinary low payment of the au pair: global social and economic inequality and the level of poverty in the Philippines construct the imagination of a win-win situation, transforming the Danish concept of 'pocket money' into a Philippine labour market wage. In addition, the perceived tax burden on the Danish middle and upper classes, rooted in national efforts to reduce social and economic inequality, is used as an argument for not being able to pay a regular salary to the au pair. Global inequality as well as national or local equality (for those who are citizens or permanent residents) are depicted as givens, unchangeable conditions outside individual choices. In the 'like family' strategy, the question of salary is defined as non-negotiable and tabooed. Au pairs received 'pocket money', like children.

Reflection 1: The households speak publicly

Two years after the above empirical study, a debate in the spring of 2010 suggested that the private rationalization expressed in my interviews was now 'going public'. This occurred along with a more visible political discussion of au pair migration.

In the spring of 2010, several female au pair employers spoke out in interviews and their own op-ed pieces in what can be characterized as public defence of the au pair arrangement, engaging in an increasing struggle over definitions and constructions of the au pair. This kind of visibility occurred alongside a growing normalization of the au pair system, but also with the exposure of abusive employers and (a few) political hints about the elimination of the au pair scheme.

In the following I will briefly discuss some of the positions of these female au pair employers who publicly expressed their satisfaction with the au pair system.

In the Danish daily newspaper *Information,* in connection of the 8 March 2010 International Day of Women's Struggle, several Danish middle- and upper-class women, in interviews, expressed their enthusiasm for the au pair scheme and offered various views on how they coped with the unequal relationship between themselves and the au pair.

The interviewed employers rejected the view that the au pair carried out 'real work' and expressed themselves using a maternalistic family rationality, which placed the au pair in a subordinate position. One example of this kind of rhetoric is a woman, who explained,

> Our au pair is like a teenage daughter. There are also some duties which come with having a grown teenage daughter. As host family, you are, for example, responsible for what they do in their free time.

In this way, the au pair is subjectified as a big sister, a teenager over whom they have to exercise control.

Another interviewed woman used the same 'teenage daughter' rhetoric and explicitly distanced herself from the view that the au pair carried out wage work:

> I don't feel like we have a young girl in the house, but a teenage daughter. It is, after all, not work in the same way as with someone who stands and inspects the bottles [on the production line] at [the] Tuborg [bottling plant]. Our au pair girl flexes out and in [*flekser ud og ind;* i.e., has a flexible schedule, comes and goes as she pleases].

The maternalistic understanding of the au pair in the family also contained colonial attitudes to the effect that the au pair, by obtaining access to the family, can be civilized to a higher stage within the family. Hence: 'The girls we have had have obtained en enhanced self-esteem and used their stay here to make some changes in their lives which they would otherwise not have obtained.'

The instrumentalization of the au pair in relation to the emancipation of the white Danish woman on the labour market was also present:

Danish women achieve a more unhindered and equal access to the labour market and career by hiring an au pair as household help. Whether this is equality, I don't know. It is about purchasing freedom on the home front.

The rationalization of global inequality obtains en edge in relation to formerly described private strategies, in that global inequality still functions as a determinant in the relationship, 'I am rich, she is poor. That is the essential thing.' (…) 'She obtains a better [life] working for me than in her home country,' said one Danish woman in the interview. However, an additional dimension was added to the backdrop of global inequality and poverty: the gratitude that the au pair and her own family back home should feel about the Danish au pair arrangement as 'the world's most effective development aid', as another employer expressed it (the 'effective development aid' rhetoric was given prominence in mid-2010 by Denmark's minister for development, who himself has an au pair caring of his children). No men were interviewed in this series of articles. The women saw themselves as pioneers within the 'career woman's struggle'.

The same newspaper, *Information,* (otherwise known as a leftist/intellectual daily) also carried a defense of the au pair scheme by one of its own journalists, with the title 'In praise of the au pair' (3 April 2010). The journalist writes: 'The intent of the au pair scheme is not to function as a real job'. Regarding the low salaries, the journalist rationalizes it as;

30 kroner per hour is better than no kroner per hour. And with the tax rates we have in Denmark, Danish families, as we know, cannot afford to hire household help on [normal wage labour] collective agreement terms. We have to face up to this. No one beyond the very rich can afford nannies or household help.

The low salary is here linked to the au pair's work not being real work, to the Danish middle class's heavy tax burden and to the same class' so to speak 'democratic demand' that 'everyone has the right to an au pair'.[145] The association between global inequality and the high Danish income tax rates can be recognized here, whereas the rejection of the idea that the au pair works is argued very aggressively and in a manner which breaks radically with the traditional labour market rationality. Little wonder that it becomes necessary to semantically exclude the au pair as being part of the labour market.

The women in the aforementioned interview expressed discomfort at having to relate to the outside world's interpretation of the au pair relation in a master-servant perspective. 'I have become used to being criticized as the middle-class woman who exploits poor women,' as one of them said.

It was clearly evident that the woman being interviewed, an attorney, did not view herself as someone who exploited poor women, and that she found it unreasonable to be the object of this accusation.

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[145] Similarly, a lifestyle article in the newspaper supplement *Børsen Pleasure* (12 November 2009) is headlined, 'We need a butler'. The article describes the increase in the number of (male) expensive butlers in Danish upper class homes, but it also describes the alternative for the middle class family: the (female, Filipino) au pair.

The presentation of the relationship as primarily an unequal power relation between the au pair and the female employer was also attacked by the journalist in the aforementioned article:

> The real discussion should concern something else. It should be, as an intelligent woman wrote to me this week, about 'how much it means for a family's balance and happiness and the parents' respective chances for both of them to maintain a career, even while the children are very young, that you allow yourself to have an au pair.'

One 'should allow oneself' to 'have' an au pair in order for 'both' to be able to pursue a career. The perspective from which this is written is that of the Danish, white, middle-class woman who is to be entitled to 'have' – not to 'employ' – 'household help'. It is clear that there is something at work and that a struggle is being waged among au pair host families/employers about positioning themselves in a rationalization of the relation, which makes it legitimate and reasonable – also outside the four walls of the home and in the public sphere.

Their representation of the au pair's position reflects the authorities' definitions in the form of several suspensions or exclusions. These take the form of signals about what an au pair is not: she does not work, she is not a worker, she does not receive a real wage, she is not a labour migrant. In their rationalization, focus is on the Danish woman in the family as totally dominant. The au pair has a subordinate position, and subjectified such that her global poverty is decisive for her (being kept in) local poverty. She offered the position as cheap household labour and secondarily, as a temporary part of the family.

Reflection 2: Intersections of suspended categorizations as the excluded insider

As shown in previous sections, one of the social mechanisms governing the au pair is the invisibilization of the categories which typically inform subjectivities in an intersection between gender, class and race. In the following, I will reflect briefly on the categorization of the au pair related to a general categorical context in Denmark on class, gender and ethnicity.

Suspension of gender

In a Danish context, 'gender equality' has often been turned into an exclusionary and othering mechanism directed towards non-white, non-Western immigrants. 'Gender equality', as used in the nativistic, nationalistic discourse, can operate as a tool for managing the 'racial threat' (Goldberg 2004: 4), maintaining the social-ethno hierarchy and reproducing the underprivileged position of the non-Western immigrant

In Danish immigration policy in general 'gender equality' produces national white sameness (Gullestad 2006) and constructs cultural homogeneity towards 'others'. 'Gender equality' unites white women, white men and white classes, connected as it is to national identity and sameness

In the case of the Filipina women coming to work in Danish households, 'gender' is normally not an explicit issue, either as inclusive or exclusive strategy. Gender related to female au pairs is rather suspended, which puts them outside or 'under' the 'space of gender'

The term 'au pair *girl*', which is the concept most commonly used in Denmark, supports the suspension of gender as in 'woman' or grown-up citizen (human being). The infantilization of the migrant as 'girl' draws both on the colonial subjectification (the colonised subject linked to the coloniser as parent) and maintains her position within a family context.

Until spring 2010, gender equality of Filipino women in Denmark and their positions in Denmark as migrating single mothers and providers for a whole family were seldom issues in public and political debate.

In Denmark, gender equality is invoked frequently against ethnic (Muslim) minorities in Denmark (no hijab, the image of the patriarchal (Muslim) man oppressing the ethnic (victimized) woman (who is isolated, with hijab, unemployed, etc.).

Ethnic minority women are most often not included in gender equality debates, except as victims who need to be rescued. Ethnic minority women are primarily defined by their position as cultural/ethnic 'others').

Filipina domestic workers are placed outside the (white) gender discourse, but racialized differently than 'Muslim women. They are associated with the 'care gene', the capacity to care and love children. The Danish host families, public servants and average middle class Danes often highlight the positive attributes of the Filipina au pair. 'They are not Muslims', 'they love their church', etc.

Filipinas are thus excluded from 'gender' discussions. In practice, they are defined outside gender, as a kind of sub-gender while residing in Denmark.

Gender and gender equality are made irrelevant regarding the life of the au pairs. Gender is relevant only for the employers whom they are serving, especially the aspiring Danish career women who are their 'hosts'.

The position of (Filipina) migrant domestic workers as 'under-gender' is constructed through the ethnic categorization in combination with their degree of 'alienage' (migrant status) and their geopolitical social position as coming from a poor developing country.

Outside ethnic minorities

Filipina au pairs are clearly defined as the ethnic others. What makes the position of the au pair special – what pushes her outside the general debate on ethnic minorities in Denmark is the temporariness of their stay. Filipinas, unlike other migrants, are guests – guests who happen to work in Denmark, and when their 'stay' is completed, they are supposed to depart.

The au pair, while in Denmark, is offered Danish lessons, but whereas ethnic minorities in Denmark are problematized in relation to 'integration', as difficult/impossible to 'integrate', the au pairs are not a subject of the integration discourse precisely because they are leaving again.

In one way this lack of integration pressure can also ease everyday work pressures on the Filipina au pairs. In another way, however, it is a sign of excluding the au pairs – who are

residents on the territory of the nation state – from being defined as an ethnic minority and from having the possibility to act and speak up as ethnic minority.[146]

In my research, ethnic discrimination and categorizations whereby Filipinas are equated with servants was experienced by the Filipina au pairs, as well as by permanent Filipino-Danish residents. However, not even the position as 'the ethnic Other within' seems realistic for au pairs. Their position can only be the 'ethnic Other from outside', or as a a victim, of unscrupulous employers or poverty, which connects to the docility-expectations and the racialization of the au pairs as naive femininity.

From my interviews, it was clear that many of the au pairs find it very difficult to break with the position of docility that is offered them. At the same time, most of them are very precise in their analysis of their own position and their relations to their employer; they are acutely aware of their vulnerable position – loss of residence permit, deportation – if they break with their family.

Underclass

The au pairs' class position is also defined as outside class relations as well.[147] In Denmark, class and social position are so heavily tied to the national narrative of the welfare state and social justice that the political rationalization about au pairs is forced to draw on intersections of other rationalizations of inequalities.

Whereas ensuring equal pay and minimum wages have been major issues in the political debate and within trade unions concerning (mostly male) migrant workers from Eastern Europe – and framed as a defence of working conditions for Danish workers (citizens and immigrants) – it is generally accepted that au pairs do not receive a proper salary.

Minoritized ethnicity is a common, well known argument for low(er) pay in public debate in Denmark, although not very strongly implemented and formalized. However, lower pay for 'ethnicized' work operates to rationalize the au pair salary/allowance as suitable.

Au pairs are defined as an underclass through the position of both outside/under-gender and doing gendered work in a gendered workplace. Their position is defined as being outside the sphere of 'work' proper, in the same way that gendered work was defined prior to the establishment of the Scandinavian welfare state, and organized in a way that partly resembles pre-welfare state live-in house maid arrangements.

Categorizing au pairs as being outside class relations draws upon social positions from pre-welfare state organizations. In this way, they are judged as being outside the real world, as

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[146] In Denmark, a trade union has spoken out in the debate on the conditions for au pairs. With very few exceptions (visiting activists from the Philippines, the occasional newspaper interview, where she is anonymous), the au pairs themselves have preferred not to speak out about their living and working conditions.

[147] Which also blurs the phenomenon of what Parrenas (2001) has characterized as 'contradictory class mobility', describing the reality of middle-class, educated Filipino women who migrate as domestic workers to serve families who are below middle class.

something old-fashion, but also in that sense connected to a perceived lack of development in their (Third world) countries of origin.

The rationalizations of house work as not being 'work' both collides with and co-exists with the strong Danish gender / welfare discourse, where the gendered care of children, the aged and the sick – including state-subsidized household cleaning for pensioners – has developed from unpaid domestic labour to paid work, overseen by trade unions and the welfare state.

Even though salary is (exceptionally) low compared to Danish minimum wages (even when free room and board are calculated), a re-direction of scale/measure of salaries to the level of Philippine wages operates to stabilize the rationalization of the low salary. Given that the 'allowance' is more than an average salary in the Philippines, the employment of an au pair can be perceived as 'aid to the Third World' persons or countries. The geopolitical inequality thus operates to suspend the 'inside'-class-relations logic.

The au pair ends up in an intersected position of under-class, under-gender, under-ethnicity, created by existing class, gender and ethnicity relations of power and hierarchies, but re-emerging in and through her position and degree of 'alienage'.

Chapter 9: Historical perspectives on current au pair migration in Denmark

Today the domestic servant profession of the past is 'dead'

(Vammen 1987:260).

Historization of the live-in migrant domestic worker phenomenon in Denmark

This statement ends a comprehensive study of female masters and servants in households in Copenhagen between 1880 and 1920 (Vammen 1987).

Tine Vammen characterizes 'the death' of the domestic servant profession and the growing exit of domestic workers into other types of wage labour, as 'one of the most important transitions in women's working life, which took place in the transition process from agricultural to industrial society' (Vammen 1987:254, my translation).

The Norwegian historian Sølvi Sogner also characterizes the current perception of the service institution as the result of a development, where 'service was seen as a dependent position, and as such, unacceptable in an egalitarian society. To serve – once a highly evaluated undertaking – has over time lost its appeal, concomitant with an upgrading of personal freedom' (Sogner 2004: 175).

It would seem, however, as if the profession or rather the position of live-in domestic servant has re-appeared in the shape of the au pair. Signs of a normalization of the au pairs as domestic servants or 'helpers' compete with legal-political constructs of the au pair being a participant in an enrich 'cultural exchange' between the Phillipines and Denmark. Consulting the word 'servants' in the web version of The Great Danish Encyclopedia[148] shows references to au pair – just as the word 'au pair' refers the reader to 'servants'

Aaccording to the official guidelines from Danish Immigration Service 'It should be noted that an au pair in not an inexpensive maid. The participation of the au pair in the family household is not the type of work which requires a work permit.'[149] The au pair is in the official discourse not a housemaid, and she is not working for payment.

The two real estate adds cited in the previous chapter illustrate in their own way both the connection between former social practices of paid, live-in domestic work and the presence of the political rationality of 'an egalitarian society' where the idea of 'service' has become undesirable, if not unacceptable.

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[148] Den store Danske Encyklopædi, Gyldendal.

[149] Udlændingeservice: AU1: Ansøgningsskema/Application Form. Ansøgning om opholdstilladelse som au pair, p. 12/20

In one advertisement,[150] the first few lines describing a two million Euro home (DKK 15 million) home in Copenhagen run as follows; 'Townhouse of 5 stories, 362 m2, dining area in high-ceilinged cellar and exit door to the garden, au pair girl[151] bedroom, bathroom' In another ad, the description of a 900,000 Euro home (DKK 6 mill.) includes: 'In the basement there is a lot of space for teenagers, the au pair girl or the guests from abroad.'

The more expensive house, the old English townhouse in Copenhagen, was built for a wealthy family around 1870 and spatializes the positions of the then live-in domestic servants captured in the architectural layout, placing the kitchen and rooms for the servants in the basement.

The other, newer 210 m2 house, from 1970, is described as having a basement, but not likely thought of in architectural design as spatialization of non-familial domestic services.

It is striking that whereas the 'English townhouse' is a physical space referring directly to historical relations of power of both colonial, class and gender hierarchies, the 1970 single-family house, built in the 'golden age of welfare', publicizes its increasing material standards of living for to the working and middle class rather than a private space for a relation between employer and employee. This house apparently operates within the same mental space, reminding us that domestic servants belong in the basement – or at least separated from the 'genuine' family.

This could indicate that some historical forms or mechanisms of organising and governing the paid, live-in domestic worker from late nineteenth century remain embedded in the contemporary construction and organization of the au pair arrangement, despite obvious differences in scale and recruitment of servants.

In the late nineteenth century, paid domestic work constituted the main occupation for women in employment. The period from late the 1880s to the 1920s represents a European (Sarti 2006) as well as Danish trend (Vammen 1987) of the rise and beginning decline in the number of women working in domestic services in urban/bourgeois middle and upper class families.

In 1880, 14,000 people – virtually all women – worked as domestic servants in Copenhagen. About half of all working women in Copenhagen were working as servants, or about 11% of all women in Copenhagen (Vammen 1987:49). In the following 40 years, the number of women entering the labour market increased significantly, parallel to a growing population in Copenhagen. In 1920, the number of domestic workers had increased to 19.000, but they comprised only 20% of the female work force in Copenhagen and about 7% of the female population (ibid.). In 1880, 11,585 of Copenhagen's 81,539 private households had servants. Of these 11,585 households, 9346 had one girl servant, 1747 households had two, and in 271

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[150] *Berlingske Tidende,* 15 November 2009.

[151] In Danish, the au pair is most often referred to as 'au pair girl' (*au pair pige*). The connotations are obvious.

households there were three or more servants. Male servants were found in only 59 of these 11,585 households.[152]

Domestic employment was widespread among both Danish and foreign women. The employers of these servants – thousands of them – were from the lower middle, upper middle- and upper classes. Compared in scale to the situation in late nineteenth century, current au pair work is (still) a marginal phenomenon. Another obvious difference is that the current au pair recruitment in Denmark relies almost exclusively on recruiting labour from abroad.

Taking my point of departure in the government of marginalized migrant domestic workers, I will discuss 'history of the present' (Foucault 1975 [2002]:45) in two historical perspectives on domestic work in order to elucidate the similarities and differences between 'now' and 'then' in the government and position of domestic workers: I will discuss the legal regulations of spaces of domestic work and migrant domestic workers and the experiences of masters and servants in the sphere of live-in domestic work.

In my study of 'the new au pair' phenomenon in contemporary Denmark, it is relevant to investigate at least two phenomena from a historical perspective: the governing of the paid reproductive work in private homes, and the concept and position of the 'migrant'.

Even though on first sight there may seem to be great differences in societal context, material level and social norms, the 'journey back' has given me new perspectives on both the servant girl in the current migrant domestic workers, but also new perspectives on the migrant when examining the lives of servant girls in the past.

The servant girls of the past became visible while I studied the migrant household workers of today, the au pairs; and the migrant household workers of today have become visible in looking at the lives of the servant girls of the past. It was especially the latter that proved to be a surprise for me, when I studied accounts of Danish migrant domestic workers who migrated to work as domestic workers abroad.

My focus as a migration researcher is the 'government' of migration and therefore, my study of servant girls in the past, will concern primarily the conditions and practices related to their work, residence and mobility. However, in so far as the social practice unfolds within the space which is defined by the family and which concerns (paid) reproductive labour, I will also investigate the experiences in household work, followed by an examination of the frameworks and practice in the paid reproductive work, and finally, the frameworks and practices of paid migrant household work.

My historical perspective begins around the end of the 19th century and the beginning of the 20th century, when household labour constituted a principle occupation for women on the labour market. It ends in the early 1950s, when privately paid and organized household work in private home began to disappear with the rise of the welfare state and women's increased entry into the labour market.

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[152] Ellen Damgaard and Poul H. Moustgaard (1970): Et hjem – en familie. Nationalmuseet, p. 91. With the available statistical information, it is not possible to generate a similar statistic about au pairs. They can only be analysed by nationality. Neither geographic origin, age nor gender are accessible, which may be a reflection of the current ambivalent choice of not 'governmentalizing' temporary migrants.

Migration research and history

As a migration researcher (and non-historian) attempting to historicize the government of migration, it has been extremely interesting to carry out a study of au pair migration in Denmark and then move backwards to investigate the extent to which forms of government and practice from the period 1870-1920, being characterised by the 'invention' of the international migrant and the 'rise and fall' of paid, live-in household labour in Denmark, may also be found in today's wage-earning, gendered, live-in household arrangement which is the au pair system.

The focus for this chapter will be to investigate the utility of comparing contemporary laws, discourses and experiences for wage-earning, live-in household workers with conditions for wage-earning live-in household workers a century ago. We will also examine how possible historical presences of power- and government mechanisms, relations and productions can elucidate the conditions we find today.

This task will be carried out by attempting to hold together today's experiences and conditions with the social practice and legislative frameworks of paid, live-in household work in the period 1870-1920, based on historical analyses, legal texts, historical accounts, memoires, etiquette manuals, newspaper articles and the like.

Governmentality

In theoretical terms, the 'governmentality' perspective is a recurring element in my research on 'migration management', or the government of migration. In his genealogical analysis of 'government', Foucault, in his famous lecture on Governmentality,[153] asserts that there arises a new government practice in Europe in the 16th century which includes questions of who can govern, how best to govern, how government should be carried out, and how one governs oneself and others. According to Foucault, this entails a decisive shift in the way in which we conceptualize political control.

In the developmental process of modern society, there occurs a development (although neither linear nor uniform) of the state's position as instance for governmental practice which can be called 'governmentality', and which distinguishes itself from the sovereign governing principle by having as its governing principle the population's and the nation's maintenance, health, quality and the 'governing of behaviour' (what Foucault calls 'conduct of conduct'). This new principle contrasts with the prince's, king's, emperor's continued power position as object and direct exercise of power – characterized by a governmental practice of explicit punishment, rewards, prohibitions, permissions, etc. This is not to be understood as one government practice historically replacing the other in a continuing process. Rather, the power regimes in the 19th century that begin to take on the governmental principles around sovereignty, discipline and biopolitics were all present within the field which can be called governmentality. Rose 1999:23.

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[153] Michel Foucault: 'Governmentality' (1978), reprinted in Rabinow and Rose (1994), *The Essential Foucault*, p. 229ff.

Some of the characteristics of governmentality are, firstly, the way in which the rationalization of government is created through a complexity of institutions, organizations and actors within and outside the state apparatus. This complexity produces knowledge, truth and language. It can include areas and individuals as 'governable', and is to a great degree a problematizing activity.[154] Second, it is the form of political programs which respond to the problematizations and develop techniques or technologies which can include various versions of practical mechanisms, calculations, methods, procedures, apparatuses and documents for implementing government, e.g., in the form of ways to investigate and evaluate, guidelines for conduct in organizations, pedagogical prescriptions, identifications, persons, counting procedures, reports, statistics, etc.

Third, different forms of individual and collective identities, positions and subjectivities are produced. Modern government is connected to the production of these identities and subject positions, and it is also a part of the analysis of government to investigate how these subjects are created and offered to the governed and how these subject positions are negotiated, refined or rejected (Inda 2006).

In modern, Western capitalist society, the rationalization of government, of power, of politics has revolved largely around the concept of freedom in an infinite number of versions and interpretations, and within which the individual subject and allocation of rights to all has been rationalized.

At the same time, however, there exists a marked inertia in this development or in the interpretation of who could inhabit the construction of the the political, individual subject. More than 100 years will pass in Denmark from the ratification of the constitution in 1849, which allocated political rights to a small minority – men with wealth – until the passage of the 1961 law ensuring that the right to vote could no longer be taken from citizens because of economic, social or other conditions; the colonized populations in the West Indies and Greenland were not allocated rights parallel with the rest of the residents of Denmark. Thus, the individualization of rights and subjectivity follows class-based, gendered and racialized power relations.

The paid, private reproductive labour in the family has a long history within a subject unit which comprises the patriarchal household with a male head, and an accompanying social hierarchy of subordinates, including the wife and family members as well as servants. As Annette Faye Jacobsen[155] shows, this social and juridical unit exists alongside the development of an individualized legal subject which we know from our own time, giving way to the individual being accorded rights independently of their gender, class, criminal history, mental illness, etc.

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[154] See Dean, Michael (1999): Governmentality. Power and rule in Modern Society. London Sage PublicationsNikolas Rose (1999), *Powers of Freedom* (Cambridge:Cambridge Univerity Press). Jonathan Xavier Inda (2006), *Targeting Immigrants* (London: Blackwell Publishing).

[155] Annette Faye Jacobsen (2008),*Husbondret. Rettighedskulturer i Danmark 1750-1920*. Copenhagen: Museum Tusculanums Forlag.

In this developmental process from logics of the feudal government and power relations to a democratic welfare state version of the capitalist market economy, there occurs a governmentalization of the reproductive labour within the family. This governmentalization obtains decisive importance for the division of labour in the welfare state that emerges after the Second World War, and for the paid, live-in household workers in private homes. Governmentalization occurs as an element in the development of social state rationalization, which prioritizes and programs social protection that is of both paternalistic and maternalistic character (Rose 1999:129).

This historical dimension is essential to understanding how concepts and policy areas are made relevant and obtain political importance and for how political rationalizations arise, evolve, change and are related to specific programs, technologies and subjectifications. This applies especially within migration research, where the historical dimension has generally been under-prioritized, or has extended itself no further than the end of the Second World War.

At the same time, historical research has under-prioritized the migration dimension, perhaps because of what Ulrik Beck and Nina Glick Schiller call 'methodological nationalism', which creates a research perspective that limits itself to the 'inner sides' of the national 'container'.

Legal regulations of spaces: employment, residence and mobility

A precondition for understanding the legal framework for domestic workers in the late nineteenth and early twentieth centuries is the radical development of capitalist industrialization of European societies. Industrialization stimulated rural migration to expanding cities, changes in class relations and class based control of mobility and the strengthening of nation-states. At the time, the government of the citizen as an individual part of a population was exercising external and internalized control and restrictions while also entering a process of expansion of individual political and human rights. A class-based and gendered dimension is inscribed in the narrative of liberation of the 'free man'.

In Denmark, the abolition of serfdom in 1788 discursively marked the emancipation of human beings as individual and free labour, and the Constitution of 1848 discursively marked the point in time for introducing democracy and political rights for 'all'. 'All' in this sense constituted wealthy men over 30 years of age who were entitled to have democratic rights, or about 15% of the population. The five Fs,[156] in Danish 'fruentimmere, folkehold, forbrydere, fjolser og fattige' – women, workers, criminals, idiots and poor people – did not have political rights until well into the next century.

Women did not have complete control over themselves as independent subjects until 1899, living with their husbands who acted as guardians. In 1903, women were given voting right for parochial church councils, in 1908 for municipality councils and in 1915 for parliament. Servants were also granted voting rights for parliament in 1915.

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[156] Sometimes it is '7F' fruentimmere, folkehold, fattige, fallenter, forbrydere, fremmede og fjolser, the two new words being 'the bankrupt' (fallenter) And foreigners (fremmed). See Knudsen (2007).

Several groups of inhabitants lived in what became the Danish nation-state. The colonized populations of the West Indies and Greenland, however, were not given any political rights.

The right to corporal punishment of children and servants was included in both the male and female master-position in the household For servants, the right of the master/parent to exercise corporal punishment was not abolished until 1921, and for children not until 1997. The linking of children and servant as subjected to corporal punishment indicates a historical trend of their joint position within the household (Sogner 2004). One is the subordinated child, the other is infantilized subject.

According to Zip Sane (1999:48) the transition to democracy (for wealthy male individuals) in 1848 did not have any immediate effect on conditions for mobile workers, which included the domestic servant category. Servants were governed legally by the domestic servants' legislation, and by the growing regulations aimed at foreign mobile workers.

Today, the government of live-in migrant domestic work is included in immigration regulations only. One hundred-fifty years ago, domestic workers – including foreign domestic workers – were governed only by labour market legislation. A hundred years ago, we see the division between legislation aimed at live-in domestic workers as citizens and legislation aimed at live-in domestic workers as foreigners. Fifty years ago, private live-in domestic workers more or less disappeared from legislation and from the labour market.

Trying to analyze the complexity of class, gender and alienage positions of the domestic worker, I will carry out a sociological reading of the legal texts, focussing on position and relations within the household (the space of employment), in the locality (the space of residence) and between households and localities (the space of mobility).

The Servants' Act of 1854

The legal space for domestic servants in the late 1880s was defined primarily by the '(Domestic) Servant Act'[157] of 1854. The target group of the legislation were servants, who were most often poor and unmarried and an important source of labour both in the countryside and in the cities. In some respects, the Servants' Act meant recognition of servants as legal subjects, although their rights were very limited and social position very weak.

According to Jacobsen (2008), the Servants' Act was revised relatively quickly after the 1848 June Constitution's ratification as a replacement for the old police decree of 1791.[158] This police decree had the main purpose of controlling the movement of servant labour in the countryside, with several explicit disciplinary mechanisms, such as compulsory service for the landless and craftsmen, prohibition on taking free days for festivals, fines or pillory for the housemaster if children and servants did not attend church frequently, detailed rules for dismissal and cessation of service and expanded competencies given to the state through, for example, the expropriation of the farmer in case of inadequate wages to the servants (ibid.:130-132).

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[157] Tyendelov for Kongeriget Danmark. 10 May 1854.

[158] Annette Faye Jacobsen (2008), *Husbondret. Rettighedskulturer i Danmark 1750-1920* Copenhagen: Museums Tusculanums Forlag.

The Servants' Act of 1854 can be seen as an element in both greater state influence on and control over household work, and an increasing emancipation of the individual as a legal subject. The service obligations were eliminated with reference to consideration to personal freedom (ibid.: 312).

The minimum service time was reduced to one month, and the farmer's legal right to exert discipline over the family (*hustugten*) or the right to exercise corporal punishment over his household (*revselsesretten*) was limited to girls below age 16 and boys below age 18. (Ibid.: 321). Instead of the housemaster's right to exercise general corporal punishment, the possibility to enact fines and prison sentences was introduced.

The Book of Character (*Skudsmålsbogen*) occupies a central place in the Servants' legislation. It was a further development of the combined labour- and residential and mobility control, which had been present in the law since the Danish Law of 1683. According to the police decree of 1791, the priest had to stamp a passport and indicate a character assessment for servants who left the parish, and the housemaster had the possibility to make a notation of the servants' character if the servant had been absent for more than three days (ibid.: 254) The rationale for these regulations was to ensure that labour was present when it was needed and to combat vagrancy. The connection of control with vagrancy and the servants' mobility had been prominent for several centuries (ibid.:258), but from the mid-1800s, this association was eased.

In 1832, character *books* were introduced, which collected the various character assessments and had to be officially stamped. In addition, fines were now introduced if the character book was lost.[159]

The Servants' Act of 1854 reiterates these provisions, but what is new is that it is now the police who must issue and stamp the character books. Out of 78 paragraphs in the law, more than 10 paragraphs concern the character books. Until their elimination in 1921, the character books were a hated entity among servants, and they came to regulate mobility for servants as a group, far exceeding what was applied to other members of the working class.

The law presented an extensive means for house masters and mistresses to exercise class-based social control of the servants, of whom many were not only positioned as children, but who often were children by age (Knudsen 2002).

This can be seen as an expression of the conflicting legal paradigms of the time, with the embedding of an explicit and fundamental inequality between the housemaster servant in housemaster law (*husbondretten*), with its feudal, patriarchal household unit, and the power relations of modern capitalism, relations embedded in a paradigm of the individual as unit, free purchase and sale of labour power, and equality before the law as a part of its governing practice.

In spite of changes in mechanisms of discipline and specific limitations in exercise of force, servants were controlled *in the household* through the rights of the housemaster (*husbond*) to

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[159] Ibid.:465; Henrik Zip Sane (1999), *Billige og villige. Fremmedarbejdere I fædrelandet ca. 1800-1970* (Farum:Farums Arkiver og Museum).

make use of their labour without restrictions other than preventing starvation, abuse or leading the servant morally astray (§ 21) plus a range of rules of behaviour and a strict bond between employee and employer. *In the locality,* defined as the local territory, servants were governed as part of the household, but leaving the household transformed them into local individuals (citizen or foreigner) with equal access to poor relief until 1891 after three years of residence (subsequently increased to five years) – or otherwise deportation out of the local territory .

Between localities, mobility was governed through the duty to report to the police when changing address, linking state administration/policing and employers in a practice of controlling the mobility of the workers and the poor. Finally, *between households,* mobility, residence and employment were governed through the 'Book of Character' (*skudsmålsbog*) which was mandatory in order to obtain a new place of employment, and a powerful threat in the process of being employed, as statements in the book from one employer could heavily influence the possibilities of employment in other households. In 1867, however, only length of employment and name of employer were registered in the Book of Character.[160]

Control over the mobility of servant labour is the central feature of the Servants' Act. Among other things, in the Servants' Commission's report of 1910, the need for mobility control (the Character Books) is rationalized by a plurality of justifications: 'a means of safeguarding of different special interests'; 'for the security police for prevention and tracing of crimes', for the municipalities because of the duty to pay family support, for the legislative powers in order to 'create a certain organization of the great servant class' and to ensure the servant labour's reliability and capacity toward the employer.[161] The direct association between the general control over mobility and control of the servant's mobility existed at the time in a more effective manner in Germany, with central registers, in less comprehensive versions in Norway and Sweden, while character books did not exist in France, England, Switzerland and Holland, all of which are also mentioned in the report. In some of these countries, there exists in 1906, when the report to the Servants' Commission is written, the right of servants to obtain a recommendation/reference, but not a demand from the authorities.

The law exercised control over servants in their classed position as servant-workers and in their gendered position, especially as women in this combined private-public space of subordination. The text of the law creates a highly regulated space of controlling domestic workers at the time. It is outside the scope of this study to assess the enforcement of the law, but according to Vammen (1987) and others (Christensen 1923, Berg 1916, Knudsen 2002, Thomsen 1991, Possing 1980), the Servants Act was very unpopular among domestic servants for restricting their working and private life extensively, which indicates that the enforcement of the law was not insignificant.

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[160] One of the historical accounts is from a domestic servant (Berg 1916) who migrates to England in the beginning of the twentieth century. Here she experiences the British system of control between households – 'the reference', which she characterizes as 'almost even worse' than 'our infamous Book of Character'. 'The one madam recommends the girl to the other, and no girl obtains a good place unless the master she is currently serving says a good word for her' (Berg 1916:153).

[161] Jensen Stevns (1906): Tyenderetten efter dansk lovgivning, udarbejdet for Tyendekommissionen. Schultz.

The battle to abolish the Servants Act of 1854 and the 'Book of Character' was very high on the agenda for the Copenhagen Housemaid Association (Københavns Tjenestepigeforening), established in 1899 subsequently part of the Social Democratic labour movement.

The Assistant Act of 1921

The Servants' Act was replaced in 1921 by the Assistant Act (Medhjælperloven).[162] The Assistant Act was a more liberal, though still very restrictive legislation governing the relationship between domestic/agricultural worker and their private employers.

In 1921, women and workers had become political subjects, the labour movement had a growing influence on the development of society, and a fundamental nationalization of social and labour market policy had occurred.

The adoption of the new Assistant Act was characterized by Marie Christensen, founder of Copenhagen Housemaids Association, as a halfway abolition of the Servants' Act – half a victory, whereas the abolition of the Book of Character in the Assistant Act was a full victory. (Christensen 1923). In the textbook from the Social Democratic Educational Association (AOF) in 1934 titled 'Denmark for the people' (*Danmark for Folket*) – the Assistant Law is similarly referred to as a 'immense progress' (AOF 1934:74). Nevertheless, the female servants/housemaids go unmentioned in the political programme, which focuses almost exclusively on the male, agricultural servants/assistents/workers as subjects to the law. 'The hated Character Books, the agricultural worker's mark of slavery, which he had carried since 1779, nine years before the dissolution of serfdom, and the right of punishment [*tugtelsesretten*], which in 1787 was dissolved with respect to the peasant and in 1848 for the small peasant (*husmand*), was now finally fully dissolved for the agricultural worker' (ibid., p.75).

In the third edition of the legal text book on the Assistant Act from 1950, it is quite interesting to read the commentary on the 1921 law, written as it from the perspective of the late 1940s. The law is about 'the legal relationship between the master of the house and the assistant/agricultural worker' but the law does not define what an assistant is – other than referring to the old Servants' Act (Frost and Holm 1950), which indicates a collision between different judicial-political rationalities. In the comments, Frost and Holm take their point of departure in the old definition, but they also reflect on changes in perceptions and foresee further changes in class relations:

> The traditional view is then based on the domestic assistant (*medhjælper*) contract as a contract whereby the person serving, for a payment, obliges himself for a longer time period to place his labour as a whole at the disposal of another, that is, for the execution of general bodily work, especially within the area of agriculture and housekeeping, and thus, that the servant places himself in a general relation of subordination to the person offering service. The social conditions and society's view of the domestic assistant relation have changed significantly in the final years, and the previously mentioned definition is hereafter not as complete as earlier, but it nevertheless contains so many precise characteristics of the condition that it should be maintained for the time being. Developments will certainly entail that

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[162] Medhjælperloven. Lov nr 343 af 6 May 1921.

different servants who have hitherto been considered as belonging to the assistant class will no more be considered as belonging to it' [ibid.: 14].

Despite changes in 'The view of society' and the view of the 'assistant class', Frost and Holm maintain in 1950 that the household worker is still a servant and subordinate.

The Assistant Act of 1921 defines a relationship between employer and employed based on a specified written contract. In the contract, the length of employment, payment, designation of occupation, working conditions, resignation/dismissal are defined and signed by the two parties. It is however still a private, non-unionised relationship between employer and employed, which contrasts with the tendency in Denmark at the time of organising the labour market through collective agreements.

Besides the right to proper food and lodging, the assistant was also entitled to one Sunday off per month, and children under 16 are given some protection to ensure they can participate in schooling. According to Knudsen (2002), this was only a formal right and did not operate in practice. The fines for breaking the law were so small that the employer could disregard it.

The employer was required to insure the domestic assistant's possessions against fire. Detailed criteria are outlined for the assistant's resignation or dismissal, and a forum for conflict solving, besides court procedures, is defined, replacing the mediator of the old Servants' Act.

The law continues to subordinate the domestic assistant, but the domestic worker is no more considered a formal member of the household. 'The servand is no more to be considered as a dependent appendage to the master's household, but as an independent personality who has even obtained municipal voting rights' (Servant Commission Report 1919:28, cited in Jakobson:407).

The domestic worker is still subordinated to the rules and standards of behaviour in the household. The possibility of live-out arrangements exists in the law, and standards of the quality of food, lodging and treatment in case of illness reflect a growing social state governmentality with priorities on improving the level of health and hygiene in the population.

Pregnancy, illnesses, immoral and violent behaviour, prostitution, criminal record, disobedience, drunkenness and negligence were among the criteria for legal rejection or dismissal of the domestic worker by the employer, and the gendered content of these criteria is obvious.

The process of increasing division of labour and categories of labour according to gender, class and skills is visible in the law, which divides and defines different forms of gendered domestic and care work in order to determine whether these functions are regulated by this law or by other regulations, leaving the 'bottom tier' (just above children and relatives performing unpaid work in the household) to be subjected to the Assistant Law. Professionalized nurses, governesses and housekeepers are exempted from the law, whereas maids are included.

The range of explicit disciplinary demands and sanctions directed towards the domestic worker in this law resembles the old law in several areas. The right to corporal punishment and to detain the worker, however, is abolished, but according to the verdicts referred to in Frost and Holm (1950), violent behaviour by the employer is not necessarily illegal.

From 1854 to 1921

In the household, the domestic worker is still subjected to the subordinated position as 'assistant' – paid domestic help. However, she is not exposed to the same degree of arbitrary exercise of power and has been granted more rights. In this law, the domestic worker is finally separated from the household and is now defined as an independent legal subject.

Despite the relaxation of restrictions and sanctions, an asymmetric dependency remains, and the domestic worker was not represented formally by any organization which could transform her individual position into a collective basis of class, gender or nationality.

In the locality and between localities, due to a general extended legal mobility for national workers and the separation between labour market laws and immigration laws, the Assistant Act lacks the mandatory control of the domestic worker to report to the police when taking up a place in a new household and obtaining the required stamp in the Book of Character (Servants Act §60) and the police authority is not any longer directly involved in deciding issues such as payment in case of conflict (§7) The legal unit of class based mobility control and a specific employment had been broken, replaced by mobility control over non-Danish domestic workers (Dûbeck 1987, Zip Sane 1999, Vedsted-Hansen 1997).

Whereas both the 'Book of Migration', which was made obligatory in 1828 for all travelling workers (craftsmen), and the 'Book of Character', made obligatory in 1854, were required for all servants, a change in mobility control was implemented in 1875 with the the Alien Act. The Alien Act introduced police-administered Book of Residence only for foreign workers, abolishing the Book of Migration formerly carried by all workers.

Nonetheless it seems as if – parallel to the Constitution – that 'all' in this respect did not include (female) servant workers, given the fact that the Book of Character was not abolished until 1921. One could say that in the case of domestic work, gendered mobility control overruled abolition of mobility control for Danish nationals. For foreign-born migrants, such as the Swedish domestic workers, this meant that they were obliged to have both the Character and the Residence Book.[163]

The abolition of the Book of Character in 1921 removed a formal and powerful means of long-term control over the domestic worker *between households*. The social control with the labour force now operated more in a more fluid manner, in the existing space of professional recruiters, organizational recruiting offices (e.g. Danish Woman's Society/Dansk Kvindesamfund, Jensen 2001) and social networks of both domestic workers and mistresses of the house, who acted as facilitators in the domestic and care labour market.

The domestic worker as governable subject

According to the Servants' Act of 1854, the servant, being a legal but not a political subject, subordinate to a legal system with a limited individual rule of law for non-political subjects, lived and worked in a space filled with potential forms of illegality; employment illegality if

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[163] The Swedish immigration did however decrease significantly from 1920 and onwards because of improved economic conditions in Sweden.

she failed to meet all the requirements and demands of subordination or lost her Book of Character; and residential illegality if she did not report to the police when she changed place of residence.

With the Assistant Act, the Assistant was now both a legal and political subject of her own, though still not yet defined as worker in the sense of the labour unions. She was still subordinated to the blurred position of an employee in the private household performing gendered work, depending solely on the individualized, asymmetric relation of power between her and the housemaster or mistress.

This special control over mobility was eliminated in 1921 for those Danish servants with citizenship, and the domestic worker was thereby extracted from the household and became a political, juridical and governable subject, and less a subject subordinated to strong direct control as a legal part of the household unit. She was now to be included in the general social development, where the political rationalization, problematization, programming and technological development increasingly came to include domestic labour, care work, the family's position and the assistant herself as female labour in the coming decades, all occurring alongside the development of the welfare state.

At the same time, since the Aliens Law from 1875, there now occurs a separation of the non-national labour in terms of poor relief, control over mobility and rights of residence, all of which obtained importance for the relatively large group of foreign-born servants who worked in Denmark, a topic which will not be discussed here. In 1926, the state introduced required work- and residence permits for foreigners. This can be seen as a fundamental technology of government, a phase in the governmentalization which, over the past hundred years or so, has defined 'immigration' as a special political area with special problems, special solutions, and special subjectifications.

Household and care work as governable space: the end of live-in

The report by the Commission on Domestic Assistants from 1943,[164] defines the 'Domestic Assistant Question' through problematizations of household work in private homes and investigation of the assumed (potential) shortage of home assistants with reference to proposing measures to relieve this shortage. The report distinguishes itself considerably from the Servant Commission's report thirty years earlier. Its membership composition is predominantly female, and it uses scientific knowledge in the form of sociological studies and statistics, adds a social perspective on household work, which is also defined outside the family, and includes issues of wages and working conditions as they exist on the labour market generally. Especially notable is the critical view of the live-in arrangement, and the recognition of the special position which this entails:

> The domestic assistants' working conditions have in a very different degree than what is the case of other wage workers a personal character, partly because the house mistress and the domestic assistant cooperate throughout the day, and partly because the domestic assistant

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[164] Betænkning afgivet af den af Arbejds- og Socialministeriet nedsatte Husassistentkommission. Copenhagen: Schultz, 1943.

in general has her residence with the employer. In many cases, this creates a patriarchal attitude on the part of the employer, which one is normally not used to in other working conditions.(Ibid.:28)

The domestic assistants' working conditions are described as being characterised by 'uncertainty with reference to the length of the working time and the position of free time', isolation from their age-mates and colleagues, lack of trade union organization, inadequate future prospects after 35 years of age, lower status, lack of formal education, and lower wages than other unskilled women.

The commission did not find it appropriate to force the unemployed women into domestic assistant jobs or limit the women's possibility to take work in trade and industry, etc. but it found household work to be necessary, also in terms of the health and well-being of society and of the population:

> Housekeeping in our day, however, is strongly differentiated work, which one cannot pursue without the necessary knowledge. In order to be able to undertake cooking as occupational work, one must thus have knowledge of the nature and composition of foodstuffs, and it is of great health and economic significance, not only for the individual home, that the person who cares for the house has intimate knowledge of this and of the preservation and preparation of food. But also for society as a whole it is of great economic and hygienic importance that the persons who are responsible for housekeeping in the individual homes are able, within the home's economic framework, to compose and prepare a healthy and nourishing meal. In addition, the technique in the kitchen is in continual development, but if applied without sufficient understanding, it will prove costly.

> Here it must be said to be of societal importance that all young women can obtain the best possible practical and theoretical education in housekeeping, not only those who intend to seek employment in the occupation as domestic assistants but also those who become housewives of their own homes (Ibid:59).

Household labour, the execution of such labour and who was to carry it out has become a social issue which not only concerns the production of the individual family and society's morals, but also the population's health, hygiene and level of knowledge. Household labour is still unambiguously gendered as female, but the previous years' class-based division of labour between the middle class/bourgeoisie's wives and servant girls is breaking up. However in a critical commentary on the report published in the *Nationaløkonomisk Tidsskrift* from 1944, Erik Schmidt writes that the commission has 'exclusively immersed themselves in the fact that some thousand economically well-off families in recent years have found it difficult to procure a domestic assistant on the usual conditions', and he later expresses puzzlement about what the purpose of the report has been:

> Has the purpose, brutally expressed, been that of helping the better-off part of the population to halt the strong increase in the wages of the home assistants, or has the purpose been to help a population group, the domestic assistants, out of a dire situation.[165]

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[165] Erik Schmidt: Anmeldelse af Betænkning afgivet af den af Arbejds- og Socialministeriet nedsatte Husassistentkommission. 1942, *Nationaløkonomisk Tidsskrift*, vol. 82 (1944), p. 118.

In the commission's report, housework and the domestic worker appear as an area which can and ought to be governed in the interest of society and of the nation, a political field ripe for government, especially through and with the help of the knowledge generated about this area. Housework has become 'governable space'.

Systems of replacing the housewife

In extension of the private 'housewife replacement' (husmoderafløsning) offers, which were established by the National Council of Danish Women in 1941 and are also mentioned by the Domestic Assistant Commission as a possible model for extraordinary assistance to less well-off families, a committee was established in 1946. The committee had housewife replacement on its agenda, and in 1949 the Law on Housewife Replacement was enacted as a new standard for paid housework in private homes. The scheme does not break with the gendered character of housework, but it places household work within a social and societal rationality based upon access by all and the offer of free household help to families without means. The law stipulates inspections in connection with the provision of housewife replacement and training of the housewife replacements as a combination of social worker and domestic assistant, etc.[166]

Hiring conditions are thus moved out of the private family sphere and left to the private organizations/municipalities. The work itself is rationalized as a societal measure and as a means of improving social conditions. The housewife replacement is to be equipped with competencies or expectations of competencies linked to her gender, but also due to education and learning.

Household work has thus become governable space, with expectations that all (women) participate for the sake of the family and society. The women who continue to work in private homes are formalized primarily collectively as social workers and redefined as participants on the normal labour market. This is reflected in the fact that the housewife replacement jobs in 1953 were integrated into the collective labour agreement and later evolved into what are now called 'home helper' jobs.

The extent of de-privatization and de-individualization of paid household labour in private homes had a fundamental importance for a break with the asymmetrical and privatized power relations that had characterized the live-in arrangements over the centuries.

Domestic and care work was generally redefined and re-organized as state governed, institutionalized welfare, placing employer-employee relations outside private homes / households and assigning working conditions to collective labour market agreements between state/municipality as employer representatives and trade unions as employee representatives. The scale of de-privatization and de-individualizing of domestic work – even though some domestic and care work still took place in private households (publicly-financed home care for elderly people, etc.) was of fundamental significance for breaking the crucial asymmetric and privatized power relation between master and servant in the household.

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[166] Jørn Henrik Petersen (2008) *Hjemmehjælpens historie, ideer, holdninger, handlinger* (Odense: Syddansk Universitetsforlag).

The servant girl, the maid as live-in labour largely disappeared, but the gendered character of household and care work continued both in private homes and in the publicly financed household and care work.

Migrant domestic workers: The Alien Act 1875, Danish-Swedish Treaty 1888 and the Poor Law 1891

International migration of domestic workers is not a new phenomenon (Sarti 2008, 2006, Sogner 2004), but what Sarti calls the '"Modern Pattern" of international migration of domestic workers, according to which countries which have an economically inferior standing send domestic workers to countries better off' (Sarti 2008:80) establishes itself from the mid- to late nineteenth century into the early twentieth century. During this period, Scandinavia was a region of both labour emigration and immigration of both male and female workers.

Domestic service was common in Northern Europe at the time. Thus, for European-born immigrants in the United States, domestic service could serve as a cultural bridge, sometimes opening up entries into the middle class. In the U.S., for example, 61.4% of foreign born Scandinavian women in employment worked as servants or laundresses (ibid.: 80), and in 1920, the percentage of Norwegian- and Swedish-born women in employment working as servants was, respectively, 87% and 86%.

In Europe at the turn of the twentieth century, the recruitment base of domestic workers often came from rural women migrating to urban areas. The position as domestic worker was often a life-cycle position, work carried out by young, poor women prior to marriage.

Between 1880 and 1920, most of the servants in Copenhagen were between 15 and 30 years of age (Vammen 1987:51). Recruitment of domestic workers between neighbouring countries also became common due to an increasing demand for servants in the cities. In Denmark in 1895, 80% of the domestic workers in Copenhagen were either internal migrants or international migrants (Vammen 1987:49). In 1895, 37% of these workers had migrated to Copenhagen from rural areas and 17% had come from Sweden.

Around 1900, Sweden was the largest sending country of domestic workers to Copenhagen, due to severe economic problems for the rural population in Southern Sweden. Germany and the U.S. were also countries of destination for many Swedes at the time. Denmark was actually called the 'poor people's America' ('*fattigmands Amerika*)' (Jensen 2001:12, Willerslev 1987, Zip Sane 1999). In 1915, 33% of the domestic workers came from rural areas in Denmark and additional 10% from Sweden (Vammen 1987:49). Immigration from Sweden boomed between 1870 and 1916 due to the expanding city and labour market of Copenhagen and the economic crisis in Southern Sweden.[167] The share of Swedes in Copenhagen in 1870 was 2.3% corresponding to 4293 residents. By 1880 this had increased to 3.8%, and in 1885 to 4.1%, corresponding to 11,545 persons in the city's population (Bloch 2000:38). In 1901,

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[167] This coincides with the establishment of national statistics in Denmark. This gives us the opportunity to study numbers of migrants, but it is also an indicator of how the nation state attempts to governmentalize migration.

the number of Swedish- born people in Denmark was 35,600, more than half of whom living in the Copenhagen and Northern Sealand area (Willerslev 1987:123).

The share of Swedish women in the group of Swedish migrants increased. During the 1870-1917 period, women comprised the majority of immigrants and around 1900, two-thirds of the Swedish immigrants were women (Bloch 2000:140).[168] Copenhagen in the late nineteenth century had a surplus of women. In 1890, there were 858 male for every 1000 female inhabitants, while the population of Swedes in Copenhagen that year consisted of 4638 men and 8234 women (Jensen 2000:59).

According to Vammen, Danish households preferred rural and Swedish women because of their reputation as docile and obedient.[169] Nevertheless, large numbers of Swedish women also worked in industry, trades and crafts. In 1895, 38.5% of the Swedishemployed women in Denmark worked in industry, exceeding the 28% of women in general. In addition, 31.5% of the Swedish employed women were employed as domestic workers compared to 23.6 of all women (Bloch 2000:140).

Both urban households and rural farmers recruited Swedish domestic workers, often through agencies such as the *fæstekontorer*. These agencies often had a bad reputation for cheating and also operated as recruiters in prostitution, which led female bourgeois organizations (such as Dansk Kvindesamfund) to establish their own agencies to ensure a high moral standard and propriety in the relationship between servant and mistress of the house (Jensen 2001).

Female bourgeois organizations in Copenhagen also established schools and courses on housekeeping, nutrition and hygiene, but domestic work remained defined as unskilled labour, despite some efforts from these organizations to establish housekeeping and cooking as a craft (Broch et al. 1982, Haastrup 1984). The domestic workers' own organization – the House Maids Association continuously tried to re-define housekeeping as a craft.

Working conditions and salary, however, were very often so inadequate that prostitution often became a supplement or alternative to domestic work (Possing 1980, Jensen 2001, Vammen 1987). A large percentage of registered prostitutes were former house maids.[170]

Until 1875, Swedish domestic workers were legally subjected to the same labour regulations as the native population and in that respect they were controlled and governed as mobile

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[168] Only around 1/3 of the Swedish female migrants were domestic workers, there is a remarkable silence in the historical literature (Willerslev 1983, 1987, Zip Sane 1999, Bent Jensen 2000) on migrant domestic workers, which might have to do with the gendered character of the work and the women's isolated position within the private household. There seems also to be mental gap between feminist historians such as Vammen, who focus on domestic workers and the immigration historians (above), who focus on migrant workers outside urban households.

[169] It is a general phenomenon that migrant domestic workers, due to the immigration process, lack of network, local and legal knowledge etc. might also be more attracted to live-in positions that offer them residence and a relative degree of security at the beginning of their process of settlement.

[170] Relatively many Swedish women were registered as prostitutes in late 1880s, which reflected both their former position as house maids, but also a structural element, which excluded them (according to the Alien Act of 1888) from poverty relief until having resided in Denmark for 12 years and which made them deportable. Prostitution was one possibility to sustain a living.

workers. With the Alien Act, native and foreign workers were governed under separate administrative regimes. The Alien Act of 1875 compelled foreign workers to obtain a Book of Residence by the Police in order to improve the control of migrants in case they remained unemployed for more than six weeks. According to the law, remaining unemployed for more than six weeks meant deportation, and the political rationalization was the need to limit the expenses of poor relief and prevent the state/municipality from being obliged to grant poor relief to foreigners. According to Willerslev (1987), it is estimated that 4000 persons were deported to Sweden between 1881 and 1890, and according to Zip Sane (1999b) as many as 31,000 foreigners were expelled between 1875 and 1920 (Zip Sane 1999b:84).

This mechanism of controlling foreign labour by expulsion was tightend in 1888 with the adoption of the Treaty between Denmark and Sweden, 'Concerning the one kingdom's subjects who become a burden to the poor office in the other kingdom' The requirement for obtaining the right to poor relief was increased from five to 12 years of unsupported residence.

In 1891, the poor law abolished social rights for all non-citizens, requiring naturalization for the right to relief. In principle, the right to relief for Swedes remained valid after 12 years, but administration of the two laws was rather arbitrary.

Until 1881, deportation had been operating as a universal mechanism of governing the mobile poor – sending them back to the municipality of birth in order to address the expenses of poor relief. In 1888 and 1891, however, deportability and deportation were introduced as a technique of primarily governing the foreign/non national poor. At the same time, the number of deported foreigners increased (Willerslev 1987, Zip Sane 1999a), which likely strengthened the social effect of deportability. Consequences for migrant domestic workers in case of dismissal or resignation could thus be deportation, which might also have enforced their ability to perform docility in the household.

As a large group of poor migrants, Swedes were targeted in public and political discourse as a threat to the national wealth. As Willerslev observes: 'The fear of this group [the Swedes] being a burden to the local poor law system runs like a red thread through the numerous laws concerning foreigners' (Willerslev 1987:133).

In Europe generally, there is an increased control of foreigners' mobility after World War I. This can be regarded as a result, as Lucassen et al. (2009) write, of

> a rise in political participation and the extension of social rights. Workers urged that the labour market be protected from foreign labourers. The extension of voting rights made politicians sensitive to these demands. The preferential treatment of non-migrant workers was only possible, however, if they could be distinguished from the foreigners. As a result, workers and their unions started to press for more registration [Schroever, Lucassen et al. 2009: 18].

The combination of regulating, policing and registering of problematized mobility/migration and implementing social technologies of identification and differentiation was further developed in the Danish version of governmentalization of labour migration. The following developments occurred;

- A number of laws were enacted to govern mobility and residence of migrants (beyond the above mentioned, the Polish Act was adopted in 1908 regulating contracts for seasonal labour, the revised Polish Act in 1912, mandatory passport and visa for foreign nationals from corresponding nation states demanding passports and visas from travelling Danes, introduction of working and residence permit in 1926 (implemented by a Social Democratic prime minister).

- Increased importance given to policing migration. In 1911, the State Police was established to administer the Polish Act and carry out expulsions/deportations, and surveillance of tourists; in 1919, this unit was extended by establishing a special department in the State Police for visas and foreigners.

- Increased ID registration and statistics – National statistics were established around 1870, and 1924 saw the establishment of the National Register of Persons (*Folkeregister*), with the main task of registering residence and mobility/migration within Denmark (Zip Sane 1999b:81).

Social technologies such as labour- and residence permits were introduced in 1926, as was institutionalized immigration control in the form that also exists today. In the period of time between the 1854 Servants Act and the introduction of working and residence permits 72 years later, the governmentalization of immigration can be said to have taken shape, and subjectification of alienage or migrant status consolidated.

After World War I, the number of migrant domestic workers from Sweden declined significantly and by the post-war years, private paid domestic work had largely disappeared, to be replaced by public welfare arrangements. Thus, Northern Europe – or Scandinavia – which had had a substantial tradition for paid domestic work, a social relationship between the master/mistress and the servant in the live-in system, virtually disappeared, as it did in most European countries (Sarti 2008). This occurred most rapidly in nation states that developed extensive welfare systems. In Sweden, for example, only 2.9% of the work force were employed as domestic workers in 1950, dropping to just 0.5% in 1980 (ibid.).

Historical similarities and differences in the legal position of the au pair

Comparing the legal position of the non-EU (Filipino) au pair with the position of domestic servants in the 1880-1920s might broaden our understanding of the position of au pairs today and the understanding of the social mechanisms and rationalizations of the relation between the host family and the au pair.

As described earlier, the au pair scheme is a migration arrangement, formally based on the construct of cultural exchange. In effect, it operates as a domestic employment relation, although defined in terms of household 'membership' rather than employment.

The regulations imply a written contract specifying working hours, 'pocket money', accommodation, etc. The au pair is solely dependent on the employer because the residence permit is tied to a specific family, and she performs gendered house work in a highly asymmetric relation with the host family employer.

The au pair is a legal subject, a foreign citizen, but she has no political rights and only limited social rights (access to health care).

In the household she is not subjected to the level of specified moral and physical codes of conduct and penalties, as both the old and the new Servants' Act prescribed. Actually, there is no explicit regulation of conduct other than not taking up any 'illegal employment', although the family in the private space of the household can specify all kinds of rules of conduct as shown earlier.

There is however an overall dependency on the host family which can be compared with the position of earlier servants position – not regulated by labour law, but by immigration law. The au pair is not free to work or change employment on the labour market, and without employment in a specific household, she is deportable, as were the Swedish and other migrant domestic workers a century ago, having no social rights beyond the household.

Domestic servants disappeared with the opening other job opportunities to women, which they preferred. On the basis of my empirical studies, the same social process is likely to occur if the au pairs were allowed to take up employment of their own choice and opportunities on the Danish labour market. Whereas previous exclusion of women from the labour market in 1880-1920s occurred as a combination of legal and normative obstacles, the present day exclusion of Filipino women from the Danish labour market operates as a precondition for maintaining and expanding this market of paid, private domestic care work and as an effective impediment to higher salaries and better working conditions for these foreign (mostly) female workers.

In the locality and between localities, the Filipino au pair is totally dependent on the host family and she is obliged to report to the authorities in the municipality where the host family live – in order to obtain health care and to become a legal resident in the locality. She may not herself choose to reside anywhere else than in the household, technically speaking, not even down the street. In this respect, her position is more 'part of the family'/included in the household as in the Servants Act, despite the differences in consequences and living conditions.

Regarding her citizen/alienage position as mentioned earlier, the Filipino au pair is not a political subject and only to a limited degree granted social rights, and not recognized as a labour subject, though she is obliged – like all foreigners earning income in Denmark – to pay tax.

Between households, she is dependent on finding a new host family in order to obtain a new residence permit in case she changes her host family/employer. Alternatively she depends on the new host family to co-apply for a new residence permit, and eventually to allowing her to stay in the household not working until the contract has been approved, as prescribed in the rules.

Unlike migrant domestic workers around 1900, her residence and working conditions are legally solely (although ambiguously) regulated by immigration legislation. She is given the formal status as 'part of the family', as 'not employed', and this construct of equalizing the position of servants and children in the household is not a new phenomenon.

Experiences of the position of domestic worker – now and then

Historical accounts from domestic workers, mistresses and others involved in the area of housekeeping, reflected in collections of sources (Broch et al. 1982, Skovbjerg 1983), in historical accounts (Vammen 1987, Possing 1980, Haastrup 1984, Jensen 2001, Knudsen 2002, Bardenfleth 2004, Bloch 2000, Møller 2000, Damgaard and Moustgaard 1970), descriptions of court cases (Frost and Holm 1950) and in literature (Strange 1924) and memoirs (Berg 1916) indicate a consistent pattern of subjectification of the live-in domestic worker around 1900. Different rationalizations and constructions come to the fore, however, and the struggle between truths and positions is quite obvious. In fact, the experiences of 19th century Danish-domestic workers are in several respects comparable with the experiences of the Filipino au pairs in the 21st century.

Possing, Haastrup and Vammen have collected many accounts of domestic workers. They descriptions and recollections show how much the experiences of the live-in position in a private household and of the asymmetric gendered and female relations of power correspond to the experiences of the Filipino au pair currently present in Denmark, even if physical and material conditions have changed substantially. In particular, the accounts highlight:

- The feeling of loneliness in the household, separated from family and network, isolated with the mistress and children as the sole-maid (*enepige,* the most common situation; Broch et al. 1982:91, Vammen 1987);

The significance (often disappointing) of the room, and sometimes with the children placed in the room, disturbing what was left of privacy (Vammen 1987:71, Christensen 1923:57, Berg 1916);

- The physical structuring of the servant girl's position, placed in small rooms close to the kitchen and toilet (Damgaard og Moustgaard1970);

- The heavy work load and long working hours (Vammen 1987, Possing 1980, Christensen 1923, Knudsen 2002, Haastrup 1984, Berg 1916);

In 1895, the House Maids Association adopted a programme of demands limiting working hours and specifying separation between working hours and spare time/leisure time. The demands were:

- Abolishment of night work – no work between 6/7 am and 6/7 pm

- Payment for overtime work

- Adequate food and lodging

Free time every second Sunday at the latest from 3pm; a half hour of free time every day before 7 pm

- Free time from 7pm one weekday night pr week (House Maids Association, annual report 1899-1904, cited in Skovbjerg 1983:61).

Given these demands, one can conclude that the actual situation was likely that of working hours that were longer than 12 hours, limited free time and problems with sufficient food and adequate lodging. Furthermore, the association struggled to eliminate the concept of 'servant

girl'/maid' (*tjenestepige)* and have the occupation recognized and professionalized (Christensen 1923). It is thought-provoking that in the very term for today's domestic worker, the word 'girl' and crept in – au pair 'girl' (*au pair pige*) – even though most of the women are adults and many have children of their own.

Structuring of the domestic work into specified tasks to be done at specific times, specific invervals, and in specified ways is present in the writings of the mistress Louise Nimb, who was employing domestic workers in late nineteenth century in Copenhagen. Nimb wrote a novel which made clear to domestic workers how domestic duties are to be organized, and her prose resembles a work schedule, with a few more adjectives than normally inserted into this kind of management;

> I begin my weekly cleaning Wednesday in the captain's room after having done the usual morning work. The windows have been opened, the plants are carried to the kitchen as well as lamps' […] Curtains I shake carefully, whereupon I dust them. […].

> For window shelves, panels and doors, which are now to be washed I must whip up soapy water [Nimb 1894, cited in Broch et al. 1982: 68-69]

The significance of organising and scheduling domestic work was underlined as a quality and demand in paid domestic work, and the novel operated as an edifying communication from the house mistress to the domestic worker.

Based on historical accounts, interviews, literature, magazines, books of etiquette etc., Haastrup (1984) describes experiences of the internal division of labour in the household, the ambiguous emotional relations between the domestic workers and the urban mistress, the degradation of hard, dirty, physically exhausting housework and the different strategies used by employers and employees to perform their gendered and classed positions. The description of power relations, especially concerning status and emotional relations, contains surprisingly many similarities to the accounts of my Filipino au pairs and their host families in present day Copenhagen, although the overall governmental set up is different.

Sophie Helsted (Broch et al. 1982), an ex-domestic worker, wrote a guidebook for domestic workers in 1893. The book was intended to help them act in the proper way as the subordinated domestic worker, who always smiles, never argues, never intervenes in conversations without invitation and serves the family discretely.

Vammen (1987) mentions a tendency in the memoires of domestic workers to accept with resignation the conditions offered them. Another strategy was to convince themselves that they carried out their jobs properly, despite poor working conditions, an unfair mistress, etc.

Vammen also uses the concept of internal/external homelessness to describe the experience of the domestic worker, both as separated from family and local network, given that many domestic workers had left their home communities in the countryside. It was not uncommon for domestic workers to send money home to their families from their wages (Vammen 1987:74). The feelings of homeless were intensified because the domestic worker was a class stranger, living in a middle- or upper class household, while they themselves came from working class, or poor farmer households.

Even though The House Maids Association was established and worked hard to change legislation on domestic work, to raise the status and prestige of house work, change both the definition and then 're-brand' the profession – from maid or the Danish 'servant-girl' to domestic assistant – it was difficult to recruit members to the association among the domestic workers themselves. Most of the servant girls left their occupation when they were married.

In everyday life, it was difficult for a domestic worker to change the situation in a specific household. Changing to a better household seemed to be the most effective way of changing their conditions. According to Vammen,

> Frequent changes of households were the maid's and the house assistant's most important attempt of liberation. Often it was the only realistic opportunity when it was about placing oneself as a subject against too strong control by the employer and unsatisfactory working and living conditions [Vammen 1987:75].

In many respects, there seem to be major differences compared to the conditions of the au pairs I interviewed in 2007/2008, but issues parallel to those of the list of demands from the House Maids Association still remain on the au pairs' personal agenda, even though the scale has changed. Some of my informants told me about inadequate lodging (basement rooms unsuitable for living, a glass annex in an office area, two au pairs living together in a small room, etc.), problems with food (because of cultural habits, control mechanisms, financing their own food from their pocket money), working too hard or working more than 12 hours a day with no overtime payment, working at night to take care of children, not having the possibility to have Sunday off, etc.

Of course, today's housework is conducted quite differently from the house work of 100 years ago. More machines facilitate the tasks, and it is not as physically arduous as it was a century ago. Nevertheless, the basic substance of the household tasks remains: cleaning, cooking and caring; and these tasks are most often organised and scheduled by the female employer of the house.

Organising house work through a work schedule produced by the female employer of the house is still a common procedure in au pair life in Copenhagen. The asymmetric relationship – most often with the female employer – is as recognizable today as it was back then, even if rhetorical innovations such as 'cultural exchange' or 'part of the family' have been added.

A number of my informants talked about the smile which should always be in place and the fear of arguing their employers. Many referred to cultural differences, such as: We Filipinos always say, 'Yes'. We don't like to say, 'No'. It is difficult to say, 'I disagree'.

Thus, the conduct of docility might be expected from both sides of the employment relation. This does not mean, however, that the Filipino au pairs accept or agree with the order of things – the strategy might rather be generated by their weak position in the power relation.

The au pairs of today have no association of their own, that can voice demands and work to improve conditions. The strategy for them is entirely parallel to that of the domestic workers in the past. The only realistic possibility they have to alter their situation is to find a new host family. However, this is more complicated that it was for the servant girls of the past because management of this kind of private live-in domestic labour occurs primarily via migration

regulations. The servant girl of the past did not automatically lose their right of residence if she did not have work.[171]

Whereas the feeling of homelessness is recognizable among my informants, the class differences might be reversed in the case of an highly educated Filipino au pair taking up au pair employment in a working class, lower middle class family in Denmark – which is what Parrenas calls contradictory class mobility (Parrenas 2002), and Weiss (2005) links to the transnationalization of social inequality and the concept of spatial autonomy. In a globalized world, spatial autonomy becomes a factor structuring class relations. 'Those who are able to choose optimal environments for themselves and their resources are in a superior position to those who are limited by a nation state frame' (Weiss 2005:714).

Mobility control is always a factor for Filipino au pairs, especially when she wants to change host family, or when her residence permit expires. The au pairs of today are subordinated to a comprehensive control over their mobility and residence by virtue of their position as temporary migrants. Their temporary status is the point of departure for their au pair work, and control over their mobility is absolutely decisive for their lives, rights and working position in Denmark.

Rosa Berg – the transnational domestic worker

The significance of mobility control is not very visible in the historical accounts. What is visible is, rather, the servants' contempt for the Book of Character, which was an instrument of mobility control. Mobility control of international migrants in Denmark is not very visible, as the sources used are mostly from Danish citizens.

Rosa Berg, who according to her book 'A house maid's memories'('En Tjenestepige erindringer'/Berg 1916), took up her first employment as house maid in 1902, when she was 15 years old, was one of the few direct voices of domestic workers at the time. Her book and essays in the newspaper *Politiken* contain many attacks on the middle and upper class in general and specifically on her employers, who are accused of being degrading, unfair, hypocritical, harassing, and exploitative towards the domestic worker. Her class consciousness is distinct, and her reflections on gender positions are also fully revealed in her writing. Her recollections begin in 1902, when she journeys from from the harbour town of Korsør, the Western coast of Sealand, to Copenhagen. She leaves her poor family and experiences life in different households as maid. After several years of domestic work in Copenhagen, she decided to migrate as maid to Scotland, later London and afterwards to the United States. After six years abroad, she returned to Copenhagen.

As a non-historian, it was fantastic to rediscover the migrant household worker in the servant girl of the past, and also a bit frightening that this historical experience has largely been ignored in the literature that I have consulted. However, as so much else, it is but an indication of our general methodological nationalism, where transnational processes have been inter-

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[171] Selvom dette kunne ske hvis hun søgte om fattighjælp i et sogn hun ikke havde boet i en vis årrække.

preted as not relevant and phased out of the collective national memory. [172] Therefore, it was fantastic to read Rosa Berg's memoires and to be reminded that the transnational practice is not a new phenomenon.

It is striking to read her experiences both from the position as (internal migrant) domestic worker doing gendered live-in domestic work in the household and from the position as (international) migrant domestic worker. The experiences of domestic work in the household do not differ substantially between national locations, although the experiences in the U.S. are characterized by a generally higher level of material wealth in the households and a period of time when her position on the labour market is very weak due to her poor English. The heavy work load, the management and social control by the mistresses, occasional sexual harassment, the degrading and humiliating treatment by the employers, the hypocritical conduct of middle and upper class people concerning social norms of decency and sexuality, changing employers as the only real possibility to change working and living conditions, the significance of the room, all figure prominently in her account, and have echoes in present day situations of au pairs in many parts of the world.

The room as spatialization of the position and subjectivity of the maid/domestic worker is also used in Rosa Berg's polemic dispute in *Politiken*.[173] The discussion inscribes itself in what at the time was called the 'housemaids question'. Emma Gad, the editor of the *Politiken* Sunday section 'Dametidende' (Lady's news), which introduced and became a forum for domestic and consumer material aimed at women,, commented on the 'burning issue' several times. In 1911, Gad described the situation as follows:

> In the meantime, the question [of servant girls] has certainly taken on a more burning character in our day than ever before, firstly because the working classes, with their rapid march forward, have drawn all the proximate classes with them and their mighty procession and second, because women's increased participation in the development has entailed that now so many other occupations other than the domestic occupation now stand open to them' (Gad 1911).

In Rosa Berg's first essay on the 'housemaids question'', she responds to a 'not very flattering review of my book, 'The Memoires of a House Maid', and defends the right of and advantages for women in choosing factory work over domestic work. As an example of the maltreatment of domestic workers by bourgeois households/mistresses, she mentions the location of her first maids' room next to the toilet and separated by only a thin wall with a frosted window. From her book, we know that she was not allowed to use this toilet, but had to use the primitive toilet in the courtyard. In some detail, she describes the sounds, noises and smells created during the day by the different members of the master households, undoubtedly pro-

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[172] See Ulrich Bdeck (2006) *Cosmopolitan Vision* (London: Polity); and Nina Glick Schiller and Andreas Wimmer (2003), 'Methodological Nationalism, the Social Sciences, and the Study of Migration: An Essay in Historical Epistemology'*International Migration Review*, 37(3).

[173] *Politikens Dametidende*. The quotationss from her contributions are taken from handwritten undated manuscripts. The dispute is referred to n *Illustrerede Tidende* no 47 and given that discussions take place after the publication of her memoires in 1916 and on issues related to World War I, the date is assumed to be 1916-1917.

voking norms of bodily taboo among *Politiken*'sreaders. In Foucauldian terms, she beautifully expresses and opposes the production of a domestic worker subjectivity disciplined by techniques of delimiting space and codifying conduct of the body.

Subsequently, the well-known Danish writer Thit Jensen addresses Berg's essay, and attacks the example of the room by stating that 'That the maids room is placed next to the toilet will in the mind of a logically thinking person be ascribed to the architect, not the mistress of the house.' (Jensen 1916). Rosa Berg responds to this argument by saying that

Yes it would indeed be easier to blame the architect! But that is too naieve. No, the location of the maid's room in the houses are the decisions of the hosts, that is, of the tenants, that is of Regulation of Society. And Regulation of Society is once and for all about (the fact that) the poorest room in the house is good enough for the house maid [Berg, 1916-17].That the architects were men and operated within the same overall pattern of gendered and class based spatial regulations and designed maids' rooms that were separate from the rest of the family and located close to toilet and kitchen (Vammen 1987:40, Damgaard et Moustgaard 1970) seems not to be relevant for Rosa Berg.

In a retrospect in her book, she describes her time as a maid in different households:

> When I think back of the years which followed, I don't know whether I should laugh or cry. I see this 17-18-year-old kid, this poor little creature [*pjus af et menneske*], romping around in the big city, from the one place to the other, from master to master, […] I had gotten the good iea that I wanted to be 'treated right'. And for this baroque and alien thought, I fought stubbornly and eagerly like a lion, or should I say a goat-kid, for when I now, so many years afterwards, recall those times, I see myself going up against all these high-ranking officials and their wives [*etatsraader*] and the entire grand bourgeoisie, I think of myself undeniably almost of a goat-kid who with new horns, attempts to topple a haystack [Berg 1916:90].

> These endless rows of bedroom windows with the down comforters to airing! These garbage barrels with waste flowing out all over their rims! […] Dear Madam, I would invite you to view all this for a year, no, a month, no, just a week, seven days in a row, and I am certain that you will have other thoughts. […] Or what is a young servant girl viewed as, since one believes that all this courtyard filth should slide past her without leaving traces in her soul (ibid.: 92).

What is even more striking[174] is her experience of migration, which in many respects resembles the experiences and practices of the Filipino au pairs. For a number of years, Rosa Berg remits money – like the Filipinas – to her mother in Korsør. She is part of a migrants' network both as internal migrant, keeping in touch with other domestic workers from Korsør in Copenhagen, and extending the network with new fellow domestic workers she meets in Copenhagen (like the Filipinas today). In the UK and US, Berg is also connected to what be-

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[174] It is also striking that this dimension of migration – emigration – of domestic workers is not mentioned in any of the Danish historical studies I have come across. The only references are international studies such as Sarti (2004), who refers to a Scandinavian trend in migrant domestic workers in the US. This is indeed a yet unwritten chapter of Danish transnational history of domestic workers, and an example of how the methodological nationalism in social sciences excludes the study of practices that reaching beyond or transcend the nation state's boundaries.

comes a transnational network. In London she helps a friend from Korsør obtain employment in the same hotel as she works, and in New York, an address of a brother to a fellow domestic workers at the hotel in London helps her get her through immigration control at Ellis Island. In her migration process, Rosa Berg migrates as a domestic worker, not being explicit about settlement or circulation in the process, but passing through and staying in different countries of destination, and finally returning home as a circular migrant. The parallels with present-day Filipino migration are striking.

Transnationalized recruitment and moral disciplining is present in her account. When she goes to Scotland – her debut as an international migrant – she reflects on an ad from 'an international wormen's protection association called 'Safeguard of young girls' (Unge pigers værn) (Berg 1916:108) that offers employment with a Baron Sinclair. When she accepts the position, she receives a booklet with religious quotes and is warned very much against 'White slave trade' (which she retrospectively regards as a stupidity – that is not where the dangers are – and she characterizes the women's protection associations as hysterical. Dangers and exploitation are located in the households and in the relation to the employer, according to Rosa Berg.) When Rosa arrived in Edinburgh, another woman from the same women's protection association collected her at the ferry and brought her to the train. Transnational facilitation of labour migration was already common at the time. The moral disciplining of domestic workers in general was closely linked to the national narrative of women being responsible for reproducing the nation, the arena of reproduction, the home and moral standards. Middle- and upper-class women themselves were very active in these efforts, both in public and through various organizations, schools and courses that sought to educate lower class women and train them as proper housewives and servants.

Rosa Berg expresses her excitement before leaving for the Britain and later the United States. She is thrilled by the fact that as a domestic worker, she can travel and work everywhere (ibid.:108), that 'the world' will be much better that 'home'. She has expectations of equality in the U.S. (ibid.:101), but then experiences disillusionment at Ellis Island, finding herself among rejected immigrants (ibid.: 193). She describes differences in basic labour and gender relations of domestic work, in private households and in commercialized workplaces such as hotels, observing with a clear, ironic and unsentimental pen. Her writing could represent an important starting point for studying the yet unexplored history of Danish domestic workers abroad and the re-discovery of Danish women as part of a transnationalized practice on both the sending and receiving end of migration chains.

On her sojourn as migrant worker, Rosa Berg also experiences the de-skilling effects of labour migration:

> In the kitchen sat two German engineers and peeled potatoes. In this manner, they began their glorious career in the new world. A Norwegian journalist was the gardener and pulled the whole day through a barrow full of vegetables. An impoverished grocer turned the mangle (wringer) for the girls, and a lieutenant was a bellboy, hauling the bags for the guests. [The migrants were] a bunch of brilliant people educated/trained in every other life skill than the one by which they for the moment earned their living [Berg 1916:211].

Some of her fellow migrant workers succumb to the pressure of the harsh working and living conditions. Arvid, a young Swedish son of a priest, migrated to the U.S. after his father died. He wanted to to earn money so that he could buy a house for his mother, who was now in distress and living in poverty. Arvid worked very hard, was paid very low, and when he realized that he would never be able to save money to buy the house for his mother, he mentally collapsed (ibid.:214).

By the time Rosa Berg had returned to Denmark, Danish women had obtained political rights, domestic workers were organized into unions (although in small numbers) and house maids were now re-labelled 'house assistants'. But Rosa Berg did not believe that this will mean change. 'I knew that the same old treadmill will be expecting me from the moment I apply for a position/employment here in Denmark' (ibid.:229).

The same resignation is felt in her final debate essay, which ends by addressing the writer Thit Jensen:

> I do not have much faith that much will be achieved by public discussions. But when (in a few days) our little servant girl debate is forgotten, someone or other will, however, perhaps recall in the memory the image of a young modern girl – one of the best, by the way – who in a hot-tempered and indignant way defends the 'offended' bourgeois women against the servants, these 'masters' with 3-4000 kroner in annual income, who have their travails in getting their money to suffice because they must 'represesent a position' (poor things!), keep the children in schools (the 'free schools' are of course not good enough), etc. etc. And all this in the midst of a time when three- fourths of the country's population (of which its thousands of servants are included) struggle desperately to procure their daily bread and a reasonably humane existence. The picture is not cheerful[175]

The writer Thit Jensen, in 1917, founded the first housewife's organization and continued her career as key middle class intellectual. Today, Thit Jensen is celebrated as one of the first great Danish feminists. Rosa Berg is long forgotten.

Positions and government of migrant domestic workers then and now

We have seen how class struggle between women took form in the beginning of the twentieth century. The description recalls some of the positions seen in current discourse, especially the then middle/upper class housewives who express their absolute need of domestic workers to be able to reproduce family life style and enforce middle class female autonomy, while the domestic workers of the time were trying to ensure a minimum level of human working conditions for themselves.

Some of the major similarities and differences in the position and experience of domestic workers – in the past and today – are summarized in Table 9.1:

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[175] [Berg 1916-1917] see previous note on Politikens Dametidende.

Table 9.1. Elements in positions and government of domestic workers in the past and present

Area	Past 1854-1921	Present 2000->
	Emigrant, immigrant, non-migrant domestic workers	'New au pair immigration' Filipino au pairs in DK
Class/skills	Working class Unskilled Possible upward class mobility	Middle or working class Uneducated – highly educated Possible contradictory class mobility
Residence / mobility:		
Migrant Stay	Unlimited as long as employed Free to stay	Temporary, limited to 1.5 years Obliged to leave
Mobility control	Primarily class-based	Migrant status-based – linked to working restrictions
Deportability	Migrants only In case of need of poor relief	All, (all being migrants) Deported if employment contract ends, when residence permit expires, or if working illegally
Work characteristics:		
Live-in	No private space Isolation, loneliness Significance of the room	No private space Isolation, loneliness Significance of the room
Working conditions	Semi-regulated Hard physical work	Semi-regulated Less hard physical work
Employer-employee relation	Asymmetric – enforced by live-in Constructed as familial Formal – uniform, behaviour, titles	Asymmetric – enforced by live-in Constructed as familial Informal
Label, discursive construction	Maid – live-in worker 'Girl' (maid, servant girl)	'Cultural exchange' – live-in not-worker 'Girl' (au pair girl)
Trade	Multifuntional (*ene piger*) Defined as unskilled Bourgeios courses Trade union courses	Multifunctional Defined as unskilled POEA (tradeunion) courses
Scale	Large female working place	Marginal (though growing) working place
Gendered female housework	Only female workers Low status Fluid and structured	Mostly female workers Low status Fluid and structured
Management	Inter-female Non-verbal techniques of domination	Mostly inter-female Non-verbal techniques of domination
Work place	Female employer and children at home, while housewives pursue other social tasks (going out, women's clubs, etc.)	Female employer at work Children part-time at home and in daycare/school

Recruitment	National and transnationalized	Transnationalized
	Regulated and unregulated	Unregulated (network-based)
	Fraud/exploitation	Fraud/exploitation
	Agencies	Agencies
	Associations	
	Personal networks	Personal networks
Migrant/migration characteristics:		
Language	Class differences,	Major language difference
	Language difference Swedish English	Courses in Danish language offered
Family position	Life cycle	Not life cycle, but often young age due to immigration restrictions
	Until marriage and motherhood	Beyond marriage and motherhood
	Often providers for siblings, parents	Mostly providers for siblings, parents or own children
Migrant nationality in DK	(Preferred) Swedish	(Preferred) Filipinos
Agency/change:		
'Doing something'	Individual solutions: changing employers as strategy to improve conditions	Individual solutions: changing employers as strategy to improve conditions;
Organizing	Difficult – short-term positions	Difficult – short-term positions and short term residency
	Organization(s) of domestic workers	No organization of au pairs

While the table above describes only schematic differences, I will emphasize here some key points of interest as regards the government (in Foucault's sense) of migrant domestic workers as it was exercised in Denmark a century ago and with Filipino au pair workers today.

Legal frameworks produce conditions by which practices of paid domestic work appear. Both migration and live-in paid domestic work (in private households) as social practices seem to show some surprising similarities across time.

Migration and migrant domestic work are social practices of both emigration and immigration that were present in Denmark a hundred years ago, a certainly earlier. This is hardly surprising,, given the fact that the world at the time was highly globalized and migration a large scale process. Yet this is a symptom of the pervasiveness of methodological nationalism in social science and history in Denmark.

Migration processes, then and now, have been organized through personal transnationalized networks, and feminization of migration was a reality at the time. Normally, the feminization of migration is regarded as a recent tendency, but statistics and accounts show that most of the migrants coming from Sweden to Denmark were women. This seems to reflect a gendered production of academic history writing, which has excluded women as irrelevant, other than as spouses to men in the history of migration.

The process of working as nomads and circular migrants, remitting money, being disciplined by transnational moral institutions, etc., are also familiar elements during both periods. In the Philippines, media debates from time to time appear concerning female overseas migrants. The media debate that led to the ban on au pair migration to Europe was a debate about the exploitation of Filipino women abroad and the moral standards (prostitution) of these au pairs. It can be compared to the Swedish middle class initiatives in late nineteenth century (Jensen 2001), which tried to protect and discipline the Swedish migrant workers through organising recruitment and investigating the number and pattern of pregnancy and prostitution among Swedish migrants.

In the Philippines the 'Great Filipino worker' is promoted by the governmental Philippine Overseas Employment Administration (POEA). POEA conducts a number of pre-migration courses and tests migrants in order that they meet the requirement of the receiving country or employer. The testing covers health issues. Diverging statements are thus put the fore in the moral economy of migrant domestic workers, but gender and mother construct however is most often in the centre of the approaches (Parrenas 2002)

Whereas domestic workers and migrant domestic workers were primarily governed as class and gender in the past, present day domestic workers are governed by their residential status as temporary migrants (and gender). In comparison with domestic workers of 1900, who were free to reside in Denmark and to change employers, the present-day domestic worker (au pair) is obliged to stay with her employer in order to keep the residence permit; otherwise she must leave.

In the old Servants' Act, the domestic worker was a legalized subject within the household, and in a position of dependency to the mistress of the household. She was not a political subject until 1916. As domestic worker or woman, she did not have the constitutional possibility to address and influence the political process that produced the legal framework that was regulating her life.

Conclusion

With certain reservations, we can compare the maid of the past with the au pair. The position of the au pair of today, due to her migrant status, is not that of a political subject, and her status as legalized subject exists only within the household, as a non-worker. Outside the household – if she works or resides outside the house's four walls -— she is illegalized. In this respect, the early capitalist – late feudal unit of the household as integrated space of production and reproduction is re-established for the au pair in the legal dependency of the household.

What makes this zone of exemption (from residing as a legal 'free' subject outside the household of the employer) is the fragile migrant status as a marginalized, non-working excluded insider.

From a historical perspective, what broke the level of asymmetry for nineteenth century domestic workers were rights and political constructs that defined them as them as free individuals, subjects of their own with right to work, reside and decide.

Due to migration management of today one of the major differences (Sarti 2004) in migration patterns compared to that of the past is the increasing number of migrant domestic workers who are mothers and are leaving their children behind (Parrenas, Hocshield, Sarti). Domestic workers in the past got pregnant, of course, and were married, but having children usually marked the end of their possibilities to work in private households. Today, mothers often migrate alone to provide for a family, taking care of other people's homes and families thousands of kilometres from home, and creating a care chain and a care deficit. This dimension makes the au pair's positioning in Denmark as 'teenager' and 'part of the family' rather absurd, given her own family status.

Another major difference (Sarti 2004, Parrenas 2002) is the possible contradictory class mobility of the au pairs, which can be seen as a localising development in global inequality (Weiss 2005).

The occupation 'domestic worker' has died, as stated by Vammen (1987) if we think of the poor Danish/Swedish women who served in the bourgeois mansions. But today it has been revived with the help of Danish 'cultural change' programs taken up by poor Filipino women (and men).

Domestic and care work in private households is still organized according to a gendered division of labour, and the private household, with the introduction of the 'new' au pairs is again becoming a gendered workplace for paid live-in work.

The time of the peak in domestic services, a hundred years ago coincides with the what Rose (1999) calls 'prudentialism', appealing to the citizens to act prudent in order to secure their health, life, family. Prudentialism subsequently fades in the golden age of welfare, which places increasing responsibility for the well-being of the population on the state, and in that respect, also seeks to ensure universal citizenship. This universal citizenship provides people in need with domestic work and care: a municipal 'home helper', a public employee, assists them in their homes, or in a state-run (or subsidized) institutional for the aged or the infirm. The universality and the criteria of 'need' creates the professionalized effort to endow paid domestic work with dignity and a decent salary, even if it perpetuates the gendered construct of domestic and care work (the male home helper is still an exception).

The present era is characterized by an individualized, neo-liberal prudentialism rewarding those who act responsibly (not drinking or smoking, but exercising, working hard, engaging in parenthood, buying private health insurance, etc.) and who can manage their dual-career families (with the help of an au pair). Individual responsibility has to a certain extent replaced collective responsibility, and the field for middle- and upper-class families to pursue private solutions has broadened. In this space, it is hardly surprising that gendered domestic and care work is now being re-privatized and re-individualized.

The historization of (migrant) domestic work and of the migrant can contribute to denationalizing the perspective on mobility and residence and bringing into consideration the transnational element that has followed the 'invention' of the international migrant, an invention that coincided with the establishment of the nation-state and border regimes. Denaturalizing the international migrant through historical accounts and analysis can produce a

more profound understanding of governmentalization of migration and various forms of power relations.

Helma Lutz has argued that

> domestic work 'is not just another labour market' … because of the intimate character of the social sphere where the work is performed; the social construction of this work as a female, gendered area; the special relationship between employer and employee which is highly emotional, personalized and characterized by mutual dependency: and the logics of care work which is clearly different from that of other employment areas (2008:1).

Lutz' argument seems to be valid as much for the period of time about 1900 and for current times as well. Similarly, the historical perspective lends support to her statement that 'domestic work cannot just be analysed using the terminology of migration theories following the rationale of a global push-pull model in which demand in one part of the world leads to supply form less developed areas with surplus labour' (ibid).

The historical and current accounts on the experience of being a live-in paid domestic worker show a remarkable consistency in the performance and emotional implications of the incorporated, labour market-based asymmetric power relation between basic positions of master and servant a century ago and that of host family and au pair today.

In future suggestions and discussions on the organization and changes in the nature of domestic and care work, this very fundamental element in live-in paid domestic work in private household should be taken into consideration.

Chapter 10: Governing the foreign poor: homeless migrants in Denmark

Introduction

In December 2007, migrants without residence permits in Denmark were explicitly banned from publically subsidized homeless shelters and drop-in centre by the – then Minister of Welfare of the Liberal and Conservative government, Karen Jespersen. Municipalities and NGOs in charge of homeless institutions were told that the presence of non-Danes without Danish residence permit could jeopardize public funding of their activities.[176]

A number of Christian and non-religious NGOs responded to the measure by joining in an autonomously financed initiative,[177] where, from January to March 2009, they opened and ran an 'Emergency Shelter' in Copenhagen with a capacity of 30 persons per night.

Based on an empirical study of homelessness/destitution and migrant illegality, including a field study in Copenhagen at the 'Emergency Shelter' ('Nødherberget') between early January 2009 and end of March 2009, this chapter focuses on the relationship between migrant illegality, poverty and extreme poverty – destitution. The focus here is on 1) the lived experience and governmental practice localized in Denmark; 2) analysis of the transnationalized positions of the destitute migrant within the governmental space of national, regional (EU) and international sovereignties, jurisdictions and regulations; and 3) the historcization of governmental patterns and dynamics in governing the foreign poor in Europe and Denmark of relevance to the current 'government' of foreign poverty.

This approach to the situation of the foreign poor in Denmark reflects my four analytical dimensions in investigating the government of the marginalized migrant: micro analysis of localized government as it unfolds itself at the level of 'home' or 'home substitutes', macro analysis of government of migrants as a transnationalized state-based process, ways of rationalising the marginalized migrant, and the genealogical investigation of earlier forms of government. The analysis is based on interviews, observations and documents which can shed light on the past and current government of the foreign poor in Denmark and on how knowledge about the foreign poor has bee produced and utilized.

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[176] The Danish Minister of Welfare (2007-2009) Karen Jespersen: It is this absolutely necessary rule (ed: that EU citizen 'must not burden social welfare systems in their new countries') which makes it a violation of regulations, if Eastern Europeans stay overnight at publically subsidised shelters.' That is also why these shelters can lose the part of their funding which is spent on overnight stays going against the rules' (*Politiken* 04.01.2008 'Misunderstood humanism concerning the Eastern European homeless').

[177] Foreningen Natnød; Kirkens Korshær, Kofoeds Kælder, SAND, Projekt Udenfor, Missionen Blandt Hjemløse, Domkirken i København. The shelter was funded by the Oak Foundation and small private donations, and organized primarily by volunteers.

Migrant illegality and governing

This chapter uses the 'governmentality' framework to show how the power relations that constitute migrant il/legality operate 'on the field of possibilities in which the behaviour of active subjects is able to inscribe itself' (Foucault 1982:138). My focus will be primarily on the process of constructing and living migrant illegality or illegalized migration and less on the legal end of the legality-illegality continuum.

Migrant illegality, or the 'illegal migrant', who has increasingly become politically problematized in Europe, is neither a fixed juridical concept nor an established sociological position (e.g. Guild 2004).

In the following analysis, I distinguish between different positions and situations of illegality, which (can) imply different possibilities, different power relations and settings, and to make clear the intersections between legality and illegality and the transitions between different kinds of migrant illegality. In this chapter, the following positions and situations are specifically residence illegality, employment illegality, and destitution illegality. All three of these types of illegality imply the possibility of the migrant being returned, expelled or deported.

The EU immigrant threat?

Within the framework of migration management, the production of truth and knowledge often takes place in very obvious co-operation between social scientists, policy-makers and at times NGOs. This production is situated in 'methodological nationalisms' and 'regionalisms', uniting the gaze of the researcher with perspective of the nation-state or regional organization. This overlapping gaze – threats or problems that cross our borders or enter our territory, and about which we must 'do something', – produce both problematizations of phenomena rendered visible (Dean, 1999, Rose 1999) and subjectivities of the *im*migrant seen from within the container of the nation-state (de Genova 2005).

Perspectives on the poor East Europeans: 1989 and 2009

The post-1989 debate on East-West migration in Europe was both academically and politically predominated by discussions on distribution of wealth in the future. 'Current immigration – which has already made up one important source and category of poverty in the well-off Western Europe countries […] will be "fed" and furthermore complicated by large numbers of poverty immigrants expected from Eastern Europe' (Ronge 1991). Similarly, the post-guest-worker period after 1973 was generally debated and concluded within a specific welfarist rationale at the time. Guest-workers did not return to their countries of origin. They instead became permanent residents and brought their families, with political and social costs as results (Hammar 1989).

The academic and political debate was not surprisingly most often centred on the Westernized perspective and joined the perspective of the receiving, West European nation-state. The migration discussion was now linked to implicit or explicit problematizations of cultural and ethnic differences between the migrants and host societies. According to Hammar, outbursts of racism and xenophobia in Europe had created a negative attitude towards immigrants – an

attitude founded upon fear of change, fear of being outnumbered as 'white', fear of not being Christian/secularized in the future (Hammar 1989:633).Hammar recommends that non-European immigration should be reduced and labour migration avoided: 'A period of low immigration is therefore needed to settle some of the unrest caused by large immigration in the past' (ibid.: 633). The rationale of explanation seems to be either that immigrants will always create fear/racism so that 'we' have to avoid immigration, or since these immigrants have created resistance and racism 'we' have to avoid letting more of 'them' in. In this perspective,

> immigration of foreign workers […] could in the social welfare state damage the security system […]. Since those admitted have to be full members of the system and cannot be left out, immigration must be strictly regulated in the fully developed welfare state [ibid.: 634].

Ronge (1991) also mixes the perspective of poverty threat to Western (white) welfare with the constructions of cultural difference, but here he includes most East Europeans as 'white', and therefore non- problematic, with the exception of the Roma peoples:

> compared to refugees or other immigrants from Third World countries, people from Eastern Europe appear to be in a comparably advantageous position as far as their individual qualifications, competences, values and attitudes are concerned. With the potential exception of the Gypsies, they are more likely to be able to adapt to Western ways of life [Ronge 1991:55].

'Gypsies' are here constructed and problematized as culturally different and non-adaptable to 'Western ways of life', whereas their centuries of exclusion from 'Western ways of life' in European nation-states remain unmentioned.

Two decades have passed since the predictions above, including a period of reorganizing immigration restrictions separating intra-EU mobility from extra-EU migration; the 2004 enlargement of the EU with ten new European countries and additional two in 2007; a period of economic growth and increased neoliberal government of economy and society; the growth of east-to-west labour migration; and the present economic crisis which is affecting labour market conditions and social realities for EU residents.

According to Ronge (1991), the West European nation-states, including Denmark, would have experienced an influx of poor eastern European migrants if 'the main problem of this immigration from Eastern Europe is not the individual immigrant but the sheer numbers which will create problems of poverty' (ibid.).

My interest is to study migrant il/legality as a social and political condition lived by migrants, and in this respect, I focus on the homeless migrants at the shelter. However, one could just as well frame the question according to the prospects in 1991: How is poverty now governed in Western Europe when the poor people in question are migrants from Eastern Europe? Or more precisely: how are the foreign poor governed?

In December 2009, the Danish media ran a story about the emergency homeless shelter that was to open again in January 2010 for the 'East Europeans'. On that occasion, the newly appointed Minister for Social Affairs, Karen Elleman, reiterated the political rationale for excluding non-resident homeless people from state-financed public shelters:

Europeans must be able to provide for themselves in order to be here in Denmark, and if they do not have that capacity, well *then they are here illegally*. And shelters subsidised with public funding are not allowed to receive funding for persons residing here illegally' [Danish television, DR-TV, news, 30 December 2009, my translation, emphasis added]

A few months earlier, at a conference in the Danish Parliament on poor 'East Europeans', a government representative, Karsten Lauritzen[178] had stated the government position that 'Denmark shall not become drop-in centre for the whole of Europe'.[179] The impression given was that the problems of masses of poor people in Europe cannot be handled by a small country like Denmark, and certainly not without a serious loss of Danish wealth and resources. Therefore, the poor East Europeans must be discouraged, or prevented, from coming, staying and applying for social benefits.

The statement by Lauritzen suggests how poverty and homelessness among those who are without legal residence in Denmark is very often linked to the conception of 'East Europeans', despite the fact that there are also non-EU migrants living in homelessness and poverty in Denmark. Other scholarly studies (cf. Schrover et al. 2008:12) have shown how East European migrant women are generally portrayed as victims, whereas Eastern European men are often associated with criminality. Somehow differently in Denmark, the Eastern European man has been portrayed in Danish trade union campaigns as a kind of scab, undermining collective agreements at the labour market by accepting low wages, outcompeting Danish workers, and as a victim of ruthless employers. The East European woman has been represented in media coverage as the trafficked sex-worker (though this image has now been gradually replaced by the trafficked African/Nigerian woman), or the mail-order bride, but also as the au-pair, the student and the wife. Recently, however, the image of the East European as the destitute, criminal, unwanted poor has gained terrain.

This relates to the fact that migration regulations and migrant status for 'East Europeans' have changed considerably during the past two decades from non-EU immigrant to a mobile EU citizen, subjected to general EU rules for migrant status, mobility and rights.

Current internal mobility in the EU is organized around the EU citizen being a worker or a potential worker. Given that labour market position is decisive for exercising social rights in the EU and outside the state where one is citizen, the question of conditions and positions for those migrants who are not defined as labour market participants (working or seeking work) becomes relevant; how does the failed worker, the homeless, destitute migrant live? How do these people live and move in the transnationalized space of the mobile poor? How are the mobile poor governed?

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[178] Karsten Lauritsen, Venstre, spokesman on integration at the Conference 12.11.2009, Kirkens Korshær: Socialt udsatte Østeuropæere (Socially vulnerable East Europeans).

[179] In *Korshæren* November 2009, published prior to the conference, he is quoted: 'If we introduce special offers for Eastern European homeless, then Denmark will become a magnet for those staying in Germany, Norway and Sweden. Then they will travel to Denmark. I cannot justify to Danish taxpayers that they must pay for homeless people from Poland or Romania. If we do so, only more will come' (p. 14).

The emergency shelter – a safe place in space of exclusion

The 'emergency shelter' for 'foreign homeless' people, established by Christian and non-religious NGOs from the traditional civil society network on social assistance to homeless people in Denmark, was located in Nørrebro, the ethnically most diverse part of Copenhagen and a former working class area, and now a socially mixed district with students, young families and people with immigrant background.

My empirical data consist of participant-observation from the shelter, where I interacted with residents, staff and attended meetings before, during and after the shelter was closed down.[180] I conducted thirteen interviews with migrant users during the period from January to March 2009, mostly in the daylight hours outside the shelter, at a restaurant or drop-in centre. I also had many informal conversations with additional users and social workers, and I collected statistics based on voluntary, self-registered user-information.[181]

While some of the users of the shelter were extra-EU citizens, this chapter focuses on the experience and the government of those illegalized poor, homeless, destitute of citizens who come from other EU member countries.[182]

During the three months of sheltering, 365 different persons registered themselves at the shelter, with an increasing number of new users every month. The shelter was announced in the homeless social work network in Copenhagen, and the information passed by word of mouth. Over the three month period of the shelter's life the average occupancy increased each month from 16 in January to 28 in February to 29 in March. These figures are to be considered as minimum numbers, because not everybody registered. There were a high number of people who slept less than 9 nights during the whole period of time. Only three persons slept 70 nights or more, which is more or less a permanent stay during the three months; 321 persons slept less than 9 nights. The high number of short-term stays would indicate that the shelter was a last resort for homeless migrants who could not find anywhere else to sleep; however, it could also indicate that it was a transitory accommodation for people on their way to other parts of Denmark or other parts of Europe.

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[180] I worked as a volunteer for two different organisations in scheduled nightshifts from 10:00 pm to 8:00 am and came other nights from opening time at 22:30 until around 1:00 am, when most of the users were sleeping. In some weeks, I was in the shelter 4-5 days, in others less. I presented myself as both volunteer and researcher.

[181] The users gave information on a daily and voluntary basis on name, sex, nationality. The validity of data can have limitations due to absence of a unique identifier, unreadable handwriting, people registering for each other, resulting in different name spelling, age information and mistakes due to similar personal information. Furthermore, at the end centre's life, still more people did not bother to register, but generally it was the impression that the information were given in accordance with reality.

[182] By 'destitute' I mean extreme level of poverty, where one lacks even the fundamentals in order to survive physically: food, shelter, clothes, safety, access to health care, etc. Homelessness is one indicator of destitution. Those at the shelter, with all their belongings in a rucksack, gathering discarded bottles in the streets or begging to get money to get something to eat and having no resources in their personal network, were absolute destitute. However, levels and periods of destitution could vary.

Diversity

The age composition at the shelter was quite broad: of the 365 registered users, 40% (147) were 30 years or below and 8% (30) over 50 years of age. At least two of the men around 50 years were disabled. One had a mental disorder which placed him in a vulnerable position, and the other was blind. They came from the same country and were together at the shelter and during the days. When the shelter closed, the social workers in the official system actually succeeded in finding them a 'secret' place in a state-financed shelter, where conditions were better and their situation safer. This was not the only example of social and health workers bending the rules in order to meet the needs of some of the migrants.

In terms of gender, there were 42 registered women out of the 365 users of the shelter, and both men and women were in all age groups. Some of the women came as part of a family, couple or network, while and others came on their own.

One on my informants, Anna, arrived at the shelter as a new homeless, together with two Polish men, who were regular users of the shelter. She explained how she and her husband had been working in Denmark to support their children in Poland. He had been working in construction, and she as a private cleaner. Through the Polish network – both on the internet and in Denmark – she had found the job and the apartment in which she and her husband had been living. However, her husband lost his job, and he returned to Poland to care for their children. They could not continue paying rent for the apartment with only her salary, especially when she lost some of her private home cleaning jobs. Evicted from the apartment, she was put on the streets with no money, but she was focused on returning to Poland and to her children. Her husband was on his way to Denmark again, and she wanted to return. She described spending the night at the shelter and living as a homeless woman as a shocking experience. During the time she was at the shelter, she teamed up with the two men who had originally told her about the shelter, and they took upon themselves to protect her and introduce her to 'homeless life'. A couple of weeks later, she had succeeded in getting the Polish embassy to issue her a ticket to Poland, and she departed.

Another Polish woman, Maria, who came regularly to the shelter, told a similar story about being homeless 'yesterday' – and it was always yesterday. Maria had apparently adjusted herself to a homeless position as a drug abuser, and she was probably also exchanging sex for shelter, drugs etc., and had been living like that for quite a while, whether in Denmark or elsewhere. Judging by her immediate health situation, she had been living on the streets for a long period and was in dire need of health care.

Based on the self-registration data, the majority of users came from EU countries in the eastern part of Europe: 218 from Romania, 66 from Poland, 68 from other countries and 13 unknown. The 68 'others' came from Denmark, Bulgaria, Finland, Lithuania, Italy, Latvia, Estonia, Ukraine, Czech Republic, Netherlands, Hungary, Moldova, Serbia, Algeria, Iraq, Pakistan, Mongolia, Morocco, USA, Liberia, Russia, Sweden, Egypt, Island, France, Oceania, Australia, Belarus, Senegal, Togo, Somalia, Palestine, Rwanda, Ghana and Spain. Many users, however, used more than one nationality in the registration, as they had citizenship in a non-EU country and a (valid or expired) temporary residence permit in a EU country. Some residents came as refugees and had obtained permanent residence permit in an EU country.

Numbers and (in)visibility

Counting and 'numbering' populations and groups according to various changing classifications has been an integral part of the bio-political knowledge production of the social state. Numbers and statistics are used to produce knowledge for the state and to decipher trends within the population in order to improve health care, reduce costs, raise average age for entitlements as well as to control populations or parts of populations. One could characterize the numbers and statistics above produced in my research to be in that tradition of bio-political knowledge production, or more precisely, as knowledge production about those defined outside the population.

The absence of numbers can also constitute an element in governmental processes that keeps individuals/groups outside the 'gaze of the governor' (Rose 1999).

As in other European countries, Denmark has also introduced counting procedures to determine the number of homeless people. In the national survey of 'Homelessness in Denmark' carried out by the Danish National Centre for Social Research (SFI) it is stated that 'During the survey week (in early February 2009) approximately 5,000 homeless people were counted in both 2007 and 2009' (Benjaminsen 2009a).[183] The SFI report operates with categories of 'ethnic minority' (nationality, first and second immigrant generation) which can be applied to both legalized and illegalized migrants – and to ethnic minorities amongst citizens. Even if the actual number of users from the emergency shelter had been reported to the researchers, and despite the fact that the report mentions only a small number (3%) of homeless with East European nationality, migrant status (legalized or illegalized residence) is not reflected in the report, neither in numbers, implicit assumptions of homeless living conditions and social rights, nor in descriptions of welfare provisions for homeless people.

Given the fact that public welfare institutions and private institutions with public funding have been prohibited from caring for the illegalized migrants, these do not automatically figure in the official census of the homeless in Denmark. As a result, this will reproduce the perception of homeless people as legalized (deserving) objects of welfare – 'Danish homeless' or 'our homeless', versus 'homelessness in Denmark'. In this way, the invisibilization of the group of destitute homeless migrants in Denmark is reproduced, and the separation of the deserving poor from the undeserving destitute on a basis of migrant status or 'alienage' (Bosniak 2006, Sassen 2006) is enforced.

Illegalized employment and (in)visibility.

Many of the migrants I met mentioned a history of illegalized employment in other parts of West Europe, often in the status as an extra-EU citizen, i.e. prior to the EU enlargement (residence and employment illegality) and after the enlargement, as a transformed EU citizen, but

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[183] The census was conducted during one week in February and the reporters/census-takers were social workers in the shelter, on the street, at drop-in centre, etc. 'The survey is carried out in week no. 6, 2009, when social institutions and authorities in the field of homelessness have filled out a questionnaire on each homeless person, with whom they had contact or knowledge about during the week in question' (Benjaminsen (2009: 9).

continuing illegal residence and employment because of they were working in the informal sector, which does not ensure residence and social rights.

Illegalization of the migrant worker – employment illegality – produces invisibilization of the EU citizen as a worker, the basis for legal EU mobility, and exclusion from any rights granted by the working condition and employment status. Illegalization of destitution for EU citizens (see later in this chapter) suspends their legalized residency as mobile workers and transforms them into illegal residents. Destitution illegality can be defined as one of the governing mechanisms in intra-EU management of migration.

One of my informants, a Romanian named V., had worked illegally for several years in Italy prior to Romania's entry into the EU, and he had continued working informally after his transition into an EU-citizen. The economic crisis affected Italian construction industry and V. lost his job with no right to social services in Italy, because his new status as a mobile EU-worker could not be transformed into that of a visible EU-worker with social rights. . His stay in Italy was illegalized because his employment – in the informal market – went unrecognized. Coming to Denmark and looking for a job actually, turned him into a legalized EU worker looking for employment. However, V. had spent his money on travelling and on supporting his mother in Romania. He was now destitute and therefore unable to meet the criteria for being self-supporting, which again made his residency illegal.

Slawek – worker, vagrant and victim of violence

Slawek's story highlights some key elements in understanding the position of the illegalized EU citizen/migrant in Denmark. Slawek was a frequent sleeper at the shelter. He turned up at the shelter early in January and kept coming almost every day until the shelter was closed down at the end of March. Slawek, from Poland, was 40 years old when I met him, divorced, with two sons of 9 and 15 in Poland.

'That's why it is so important for me to find a job in Denmark, because I want to help – send money to my children, not my wife' he said. He had been living in Denmark for about three years. Before coming to Denmark he had worked five years in Germany as an undocumented construction worker, followed by five years in Sweden, also as undocumented migrant worker in construction, three years in Malmö and two years in Lund. In Lund, Slawek worked for an Iranian man who ran a building firm, and through the Iranian's network, Slawek was offered a cleaning job in Denmark – with formal papers and tax registered. This job could transform Slawek from illegalized undocumented migrant worker to a legalized mobile worker and legitimate EU citizen. By the time he left Sweden, Slawek had been sending home 10,000 Swedish Kronor a month back to his sons, also after his wife divorced him.

He left for Copenhagen with a bag and 20,000 SKR in his wallet, and when he arrived at the railway station he phoned the man with the job, who told him to call back in an hour, and then he would come and pick him up. Unfortunately, for Slawek, someone spotted the money in his wallet when he bought a hamburger, and Slawek was knocked and his money, bag and cell phone were stolen. He woke up at the hospital with a severe concussion and loss of hearing in one ear.

Slawek could not phone anyone without the numbers in the mobile phone, he had no money, no passport, and no ID. Four days later, he was discharged from hospital, feeling dizzy and in a bad shape.

He returned to the railway station and met other homeless people, who rather quickly introduced him to homeless institutions and shelters in Copenhagen. ' I had some cigarettes – one packet of cigarettes and I gave them some, and they showed me how to live in the streets, where I could sleep, take a shower, get something to eat,' he explained.

In the years that followed, Slawek lived as homeless in Copenhagen alternating with heavy consumption of alcohol and recurring attacks of epilepsy – which according to Slawek was caused by the drinking and by the brain damage he had suffered after being assaulted on his arrival in Denmark. Twice he succeeded in finding short term jobs, but most of the time he supported himself selling the magazine published by and for the Danish homeless, called *Hus Forbi*, or by collecting empty bottles and redeeming them for cash in supermarkets, as determined by the Danish bottle deposit system,

Slawek appeared very conscious about the logic in EU internal mobility, asserting that 'I don't have a CPR [ID number and health card], so I cannot work'. Slawek insisted that 'I will do any job. The most important is that it is legal.' This desire for legality was often repeated: 'When I get a legal job, paying my tax and live like you, then I have the right to get some more from the kommune [municipality]. But now I have no rights', 'Legal job is key to everything.'

Slawek expresses a position for himself located in a space of no rights and exclusion, the legal job being the key to the locked door. Legality and illegality, as concrete social mechanisms for exclusion and inclusion, are obvious in his statements, but in addressing the Law and il/legality, Slawek also offers a rather clear version of the political rationality of which the EU internal mobility is part: having a legal job leads to legal residence, paying taxes defines you as working legally and contributing to 'society', and that makes you a deserving individual if you need to exercize your rights. Typically, this kind of rationality is expressed from within the nation-state or the privileged region, constructed as a defence against outsiders. In the words of Slawek the rationality is constructed as a condition for living and residing, and it is narrated from the perspective of the outsider looking in, instead of the included insider looking out.

Due to his health condition and the hard life as homeless, Slawek had been ill many times. When I interviewed him, he told me that he had been hospitalized sixteen times; a couple of months later, this figure had increased. He had been hospitalized because of drinking, epilepsy and other illnesses, and in January 2009, he described his experiences with the Danish health care system in positive terms:

> Denmark is very good if you are dying, you can go to a hospital without paying […] I never paid – sometimes when I come to the hospital, I ask them if it is a problem that I don't have a CPR [ID number and health card] but they say, 'No problem'.

Slawek's medical problems had always been treated under emergency conditions, so he never received the proper follow-up care for his poor physical and mental state. He commented by

saying 'I am happy that I am alive', or 'Maybe in the future, when I get a job and pay tax, I can go to a doctor and say, "Can you help me with this". But now, nothing.'

Later on, Slawek lost his optimistic views on his position: 'I feel like a *gast* [guest]. It is not my country' […] 'I have no rights. I have to *ask*. In Poland, I can say I *must have.*'

In late March, when the Emergency Shelter was being closed down, street sellers of the homeless paper *Hus Forbi* were now to be limited only to those with legal residence. Some of the public drop-in centres had prohibited 'East Europeans' from being admitted during the day. Slawek had become more somber in attitude, and his mental condition had deteriorated. He began to talk about suicide and the hopeless future.

> Everything is closed, we are shit because we are '*Østeuropæere*' [East Europeans].

> I don't have anything in Poland. I don't have anything here. No job. No apartment.

> If I get a heart attack I might be finished. They only want Danes.

The subject position as 'East Europeans', contrasted with the category 'Danes', has changed in Slawek's statement from 'guest' in January to 'shit' in March. Furthermore, during the period of sheltering, he explained to me several times the difference between Poles and Romanians, constructing the Poles as the reliable, hard working, civilised, good 'East European' and Romanians as the criminal, unreliable, violent, uncivilised 'East Europeans'. By March, however, it seems that this distinction had lost its potential of positioning.

Transnational chain of migration management – transnationalized chains of governing the poor vagrant

While chain migration is a well understood concept of transnationalized social mobility, spaces of government are today also operating in chains of national and transnationalized government of human mobility and residency, chains of (migration) management.

A very important element in nation-state migration management is the capacity to legalize and illegalize certain types of migration. Not only do migration regulations determine conditions of migration: family policy, welfare arrangements, social policy, labour market structure and policy, and gender/ethnic constructions in the sending, transit and receiving countries all work to form the space of migration. Furthermore, the 'binational space' is working within and is connected to the European space of EU mobility rights and complex of human rights that operates under the auspices of the Council of Europe and the United Nations.

The migration position and transnational mobility are linked to social relations and networks of family, kinship, employers, agencies, etc. Specific gender and ethnic hierarchies will permeate regulations, policy and social practice. The now homeless (destitute, irregular) migrant is placed within the transnational social reality of different – coherent and non-coherent – societal spaces and social relations, framed by nation-states and local authorities, placed within regional and international co-operations and commitments.

According to the transnational perspective on the 'chain of management', the labour market position for EU citizens in Denmark is crucial for access to social rights and residence.[184] EU citizens who are on the labour market are given the right to equal treatment, access to employment institutions and exercise of trade union rights regardless of which EU country in which they reside.[185]

Residence in an EU country is conditional on economic self-support for three months if one is a visitor/tourist and for six months if one is seeking employment. Normally, ten weeks of employment will grant the mobile EU worker employee status[186], which places the migrant on an equal footing with nationals concerning employment rights and working conditions, social and taxation benefits, vocational training, re-education and rehabilitation.[187]

Social benefits (*kontanthjælp*) in Denmark can be obtained in case of unemployment after 10 weeks of employment. The cash benefit is granted for a period of six months, within which the EU citizen is expected to apply for a new job. After that period. the foreign EU citizen must return to his or her native country. Nordic citizens are not required to return home after three years of legal residence, and the same applies to EU citizens after five years of legal residence.

Following the 2004 EU enlargement, Denmark implemented specific restrictions on East European immigration for the subsequent five years. The restrictions, known as 'The East agreement'[188] – entailed that EU citizens from new EU countries had to apply for an employment permit, and that the job had to be regulated according to the Danish collective agreement system. The magazine of The Danish Confederation of Trade Unions (LO) wrote in 2007 that 'the East Agreement, that was intended to ensure that the Danish labour market was not swamped with underpaid workers from new EU countries.' A year later, the magazine comments that 'politicians wanted to avoid social tourism. That is why the residence permit was tied to the employment permit, which again was tied to a specific job'.[189]

In other words; the basic migration management mechanism of linking residence permit to an employment permit, and in turn to a specific job, is a well known restriction for temporary migrant workers. Obviously, it leaves little room for migrant agency after taking up residence other than to hold onto the job they have, as this is what allows them to reside legally on the

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[184] Ketcher (2008): 'EU-law is the most tangible expression of the de-nationalization of sources of law' (p. 237).

[185] Forordning (EØF) nr 1612/68 om arbejdskraftens frie bevægelighed indenfor fællesskabet. Artikel 7. (Generally 'Lov om Aktiv Socialpolitik' in Denmark apply to anyone with a legal residence permit, not distinguishing between citizenship – § 3. This reflects EU social policy and also mirrors the Polish Act on Social Assistance).

[186] Beskæftigelsesministeriet: Ministerialtidende, 10 April 2008, p. 2.

[187] See Ketcher (2008: 237-278).

[188] The Danish arrangement, the 'East Agreement' of 2 December 2003, on access to Danish labour market for migrants from new EU-countries was adopted as an agreement between several Danish political parties from both Left and Right: Venstre, Det Konservative Folkeparti, Socialdemokraterne, Det Radikale Venstre, Socialistisk Folkeparti og Kristendemokraterne.

[189] *Ugebrevet A4*, 2008: http://www.ugebreveta4.dk/2008/200818/Baggrundoganalyse/Oestarbejdere-KanFaaDagpengeEfterFoersteUge/Oestaftalen.aspx 08 January 2010.

territory. The result of this fragile situation is more dependency of the employer, and docility in deciding whether to complain about working or wage conditions. The worker does what one is told without complaint (Stenum 2008) so to avoid putting the residence permit in jeopardy.

The East Agreement was constructed primarily to protect the Danish labour market, and the collective agreements negotiated between trade unions and employers.

If the migrant EU citizens (such as homeless people), who are categorized as non-labour and not covered by EU social policy regulations on social and health care (Ketcher 2008:251), seek to transform their position and become workers, homelessness can be a barrier to changing one's position, especially under Danish administrative practice.

Experiences from the shelter showed that having a legitimate address was important in obtaining the status of a legalized mobile worker under the East Agreement restrictions. One of the informants at the shelter had citizenship in an African country but a residence permit in Italy, where he had been working prior to entering Denmark. He wanted to apply for a Danish working permit, having been promised a legal job in a restaurant. Being homeless, he could not present an adequate address. Instead, he was advised to use the address of a homeless drop-in centre on his application, but this was rejected by the immigration authorities as inappropriate. His prospective employer would not hire him without a working permit, so the job was given to someone else. The African man was frustrated, being trapped in a Catch-22 and left with no other possibility than to try and find a job in the informal labour market.[190]

Danish residence requirements for EU citizens[191] were liberalized on the 1st of May 2009. The transitional regulations for the new East European member states (Romania and Bulgaria) were lifted.

Claudiu and Monica, two Romanians whom I interviewed, were well aware of the oncoming lifting of the restrictions. They explained that they had been working in Spain for a number of years and supported four children back home in Romania. It was six years since Claudiu had seen his son, and Monica had not seen her three daughters, who were living their their grandmother, in over two years. After having lost both their jobs in Spain, Claudiu and Monica were trying to find jobs in Denmark but had not succeeded. They planned to remain, collect

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[190] Whether this administrative practice is general or arbitrary, in compliance with non-discrimination principles in EU social rights or not is not to be concluded here, but in general, EU law is not very well implemented in national Danish social law (Ketcher 2008:242): 'The level of attention on social rights tied to the EU, is generally not high with the Danish executive authorities'. A magazine survey in May 2008 amongst social offices in the 15 largest municipalities showed an arbitrary and contradictory administration concerning social cash benefits for formerly employed EU citizens in Denmark. See Katrine Birkedal Christensen: Kommuner snyder Østarbejdere. 23 May 2008 *Ugebrevet A4*

[191] 'Union citizens/EEA nationals may stay freely in Denmark for up to three months. If Union citizens/EEA nationals are seeking employment during their stay, they may stay in Denmark for up to six months. A registration certificate (for Union citizens/EEA nationals) or a residence card (for third-country nationals) is required to stay in Denmark for more than three or six months. http://www.nyidanmark.dk/en-us/coming_to_dk/eu_and_nordic_citizens/eu-eea_citizens 10 January 2010.

empty bottles for cash in order to support themselves, to sleep in shelters and to wait for 1 May, 'where job open'. A Ukrainian man had promised to find work for them.

Announced changes in migrant il/legality are seen here as affecting the strategic perspective of the migrants as adjustments of social practice and to impart meaning to collecting bottles beyond mere survival. The anticipated change in migrant il/legality is constructed in an open/close optic, changing their positions from excluded from the labour market to included. Compared to Slawek, they do not articulate the jobs as being legal, but given that they refer to a change in legal conditions on the labour market it is most likely that 'job open' implies some kind of legality.

Restrictions were lifted 1 May 2009, but the position of the homeless migrants on the labour market – their capacity to find a job or remain employed – still determines access to social rights and welfare benefits. One could say that exclusion of the foreign poor is a general key principle in EU welfare/social policy.

A comparison of Danish and Polish welfare benefits is instructive here for understanding the kinds of decisions a homeless Polish migrant might make. In Poland, social benefits are granted to persons who qualify as unemployed, the disabled, to dependents, the poor, the elderly, and to families and children; the category of 'homeless' is excluded from such benefits, but the homeless can be given 'assistance in form of providing shelters, meals, clothes.'[192] Social assistance in Poland for the returning, unemployed mobile/migrant worker can be granted if he or she has, within the foregoing 18-month period for at least 365 days, has paid contributions into the social insurance and the Labour Fund (Fundusz Pracy) on at least the minimum remuneration for work.

Hence, when Slawek says he has nothing to return to, he refers not only to his long absence from family and network and his new position as failed, homeless migrant but also to his assessment that he will receive only the bare minimum of homeless services when he returns to Poland.

According to the European Federation of National Organisations Working with the Homeless (FEANTSA)[193] the official number of homeless people in Polish governmental statistics is estimated at 200,000, 'but can be multiplied by three due to the strict eviction laws from both rental houses and apartments. Only 10-15% of persons are able to find accommodation provided by those organizations working with the homeless. The homeless often find themselves with no options for shelter or social services'.[194] So it seems to be a plausible scenario that were he to return to Poland, Slawek would join the ranks of the destitute homeless in his own country.

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[192] Ministry of Labour and Social Policy: http://www.mpips.gov.pl/index.php?gid=1311, 10 January 2010.

[193] FEANTSA was established in 1989 as a European non-governmental organisation to prevent and alleviate the poverty and social exclusion of people threatened by or living in homelessness. FEANTSA currently has more than 100 member organisations, working in close to 30 European countries, including 25 EU Member States. www.feantsa.org.

[194] Feantsa: http://www.feantsa.org/code/en/country.asp?ID=18&Page=22 accessed 8 January 2010.

One of the social workers told me that Slawek had actually returned to Poland through a Copenhagen Municipality project assisting the voluntary return of the poor, but that he rather quickly appeared again on the streets of Copenhagen, underscoring his capacity to act strategically when the need arises.

The transnational management of the poor implies that different criteria for being a non-deserving welfare recipient will lock poor migrants, vagrants into homelessness and poverty, both in Denmark and in their home country. In Denmark, regulations exclude the homeless EU migrant from social welfare provisions because of his/her unemployment and poverty (not being able to support him/herself); this conditions generates political illegalization of the residence, Because of their illegalized status, the migrant is categorized outside the national welfare community, as undeserving of Danish welfare services.

In Poland, the returning citizen who comes home unemployed, homeless, poor and uninsured (if you live on the streets of Copenhagen, gathering bottles, you are most likely not capable of paying your social insurances) will most likely be categorized as being within the national welfare community but outside class-relations, as underclass (Morris 1994) and as undeserving poor except for minimum survival. Transnational government of the poor seems to reflect an increasing tendency to separating the deserving from the undeserving poor, irrespective of degree of universalistic social rights within the national welfare state.

Social technologies within the EU of 'selection, expulsion and immobilization, specific to the late modern state' (Webber and Bowling, 2008) are operating here. The former citizen is now replaced by the citizen-worker; the working population is now distinguished from the non-working population. This privileges the EU citizen-worker through social and mobility rights, and excludes the 'returning' failed worker, the poor EU citizen. Expulsion and immobilization however seem more a rationality of power in Denmark, governing the behaviour of the poor, than an effective concrete social practice of expulsion and immobilization.

It seems as if for the time being, the Danish Alien Act is not very clear on expulsion of EU-citizens on non-criminal grounds.[195] The law allows for the expulsion of foreigners on the grounds of potential illegal residence and the absence of an adequate amount of money, but exempts EU-citizens (Aliens Act § 25) from this provision. In § 25, it also states that a foreigner can be expelled for not obtaining the required residence permission. In §59, unauthorized entry or stay, however, is criminalized with a penalty of a fine or prison up to 6 months, which according to §24(2) is grounds for expulsion.

EU citizens are exempted from rules of expulsion if the the grounds are solely that of not being able to sustain her/himself. EU citizens can be expelled for other reasons, such as posing a threat to public order, security or health situation. Case law shows that a wide spectrum of national interpretations of 'threat to public order' are used as grounds for expulsion, but that expulsion must be substantiated in individual judgements. Morever, expulsion of EU citizens cannot take place on grounds of prevention or nationality (Barnow 2010; a situation now be-

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[195] Barnow(2010) also underlined the uncertainty in the juridical system on grounds and rules of expulsion.

ing tested following the 2010 expulsions of Roma people from Denmark, Italy and France in the summer of 2010).

Interpretation of legislation is open and is also an issue among some of the NGOs working with homeless support. They claim that poor EU citizens should not be considered illegal according to EU legislation. Taken from the informants in my study, those who were EU citizens did not perceive themselves under imminent threat of deportation,, but they perceived themselves as being in a situation of residing in illegality. This feeling of residing in illegality was not restricted to the homeless at the shelter.

A Portuguese homeless man I met in the centre of Copenhagen, and who had been authorised to sell the homeless magazine *Hus Forbi*, told me how happy he was to see the 'illegals' excluded from selling the magazine because they destroyed the opportunities and the image of the magazine. Later in our conversation, he lowered his voice and explained that he had to sell the magazine because he had been living 'illegally' in Sweden and Denmark for six years, so he did not think he could go anywhere to get financial help. My point is that inhabiting a subjectivity as 'illegal migrant' takes place with the fluidity as a constitutive element of the position as 'illegal migrant' and the exclusion as a given. Both the Portuguese man and the Pole Slawek lived 'illegalized' lives with strategies for coping and surviving the exclusion. Giving up the survival on one's own and applying for public assistance, however, seemed to be linked to the possibility of being deported and returned, which they wanted to avoid, and in that respect deportability of the destitute migrant maintains the strategy of staying socially invisible.

In this space of homelessness the shelter to some of the users very quickly became institutionalized through the social practice and routinization of the time of late evening till early morning, and was in some respects constructed as a kind of home. For example, one of the users asked a volunteer if it was OK if he could bring some some friends 'home' on the following day (which also indicated to the volunteers that they acted in the a kind of patriarchial or matriarchal family position of deciding who to exclude and who to include, which contradicted the formal basis of the shelter as 'open to all'). The next day, the man appeared with two friends, and they played some music together the following evening. Another routine was around personal hygiene, performed in the line to the toilet (no bath) every evening, and the collective discipline of keeping the one toilet clean, and the varying personal routines by many of the users to appear clean. One user applied a perfumed cream every morning in order to smell clean, others were very careful with clothes apparently to distance themselves from the category of the homeless outside the shelter in their search for job opportunities. The routinized social practice constructed a kind of 'domestic' attitude in a space characterized by involuntary intimacy and vulnerability of sleeping 30 persons close to each other on the same floor.

Human rights and destitution – laws without significance for the foreign poor?

The regulations and rights, both in Denmark and the EU, exclude the homeless illegalized migrant from exercising any social right. But what about the international human rights sys-

tem? Could the homeless person claim protection or welfare under the rubric of human rights while being an irregular migrant in Denmark?

The literature on human rights and irregular, undocumented, illegalized migrants is found in descriptions, interpretations and analysis of the body of international law on migrants rights and human rights of migrants (Guild 2004, Cholewinski 2005, 2004, 2000, Ghosh 2003, Taran 2000, 2004), in empirical sociological and anthropological studies of illegalized migrants (Khosravi 2005), and in studies and reports on migrant illegality from IGOs and NGOs (IOM, GCIM, PICUM, Medicin Sans Frontiers, Amnesty, Human Rights Watch, Migrants Rights Network, etc.). I shall leave out here the theoretical discussion on human rights but will still refer to some of the concepts emerging from these discussions.

Much writing on human rights and illegalized migrants whether it be research or NGO reports, ends up in normative claims of nation-states being obliged to fulfill their international obligations concerning basic human rights. However, protection of the rights of migrant categories such as refugees, migrant workers and children is more common than those rights focussing on destitution and homelessness, on the vagrants and vagabonds (although the first categories do not necessarily conflict with the latter).

'I have no rights.' Slawek stated, diagnosing his position of not being in the state of working. The package of rights he was referring to were those according him social assistance from the Danish state. When asked about exercising other rights, such as freedom of speech, religion or political beliefs, he obviously did not find much relevance or current need to exercise these human rights. His position as a destitute homeless illegalized migrant in Denmark was his point of departure in feeling 'rightsless'. This is quite understandable, given the fact that he actually had to struggle everyday for survival – finding bottles in order to have enough money to buy food, depending on the emergency shelter for a safe place to sleep and not staying the night outside during the winter, carrying everything he possessed in a small rucksack etc. The transnational perspective on his situation includes a human rights perspective. Do human rights address his situation, and does he have the possibility of exercising potential human rights?

My intention here is not to make a legal judgement on whether or how human rights entitlements are justified in international law or whether these entitlements are dispensed properly by the Danish authorities. Rather, I will make a rather brief sociological characterization of Slawek's situation as illegalized, destitute EU-migrant in Denmark in order to elucidate to extent to which human rights are elements in governing the foreign poor, destitute illegalized migrant. Given his situation, I will focus on social rights related to economical destitution (housing, food etc.)

A number of international human rights conventions, treaties and soft law apply in general to administration of social legislation in Denmark (Ketcher 2008). These include the European Convention on Human Rights (ECHR), UN International Covenant on Economic, Social and Cultural Rights (ICESCR), UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), UN Convention on the Rights of the Child (CRC), UN International Convention on the Elimination of All Forms of Racial Discrimination(ICERD) and the European Social Charter.

In Denmark, legal/non-legal residence forms the overall dividing line between individuals who are entitled to welfare provisions and individuals who are not. Social legislation in Denmark (Serviceloven and Aktivloven) explicitly excludes persons without a legal residence (Ketcher 2008:196) from receiving any subsistence support. However, Ketcher argues that this exclusion might not be 'upheld in the long run' (Ketcher 2008:197) because of human rights obligations, which according to her mean that as long as the foreigner residing illegally is not physically expelled from the country but is still on the territory, the state must provide for his/her stay.

Ryszard Cholewinski has written extensively on social rights and irregular migrants (Cholewinski (2005) (2004, (2000) criticizing EU immigration policy for not implementing human rights for irregular migrants and arguing that the legal human rights obligations found in international laws, such as those mentioned above should include at least a minimum of social protection of irregular migrants. Cholewinski recommends that

> [h]ousing provisions should not be denied irregular migrants on the grounds of their unauthorised status [and that] no person (nationals or migrants regardless of legal status) should be denied access to minimum social protection, which is usually defined in terms of basic and emergency medical treatment and the provision of social assistance to prevent destitution and to enable the person concerned to live in dignity [Cholewinski 2005:75,76].

A resolution on the 'Human rights of irregular migrants' passed by the Parliamentary Assembly of the Council of Europe in 2006 also states, that 'adequate housing and shelter guaranteeing human dignity should be afforded to irregular migrants' and 'social protection through social security should not be denied to irregular migrants where it is necessary to alleviate poverty and preserve human dignity' (Council of Europe 2006:13).

A report from the Northern Ireland Human Rights Commission; 'No home from Home' (Devlin and McKenna 2009), deals specifically with homelessness for 'People with no or limited access to public Funds', which in a Danish context also defines the position of Slawek.

The report contains an analysis of the relationship between human rights and destitution, and claims that 'Laws that place an absolute prohibition to public funds in circumstances where the individual is destitute, or at risk of destitution, are unlikely to be justifiable on human rights grounds' (Devlin and McKenna 2009). They refer to the ICESCR, which defines its rights for 'all people'. Article 2(10) states that ' a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each rights is incumbent upon every State party,' while Article 2(11) states that 'The State parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing..' A number of articles and paragraphs are put forward in the analysis documenting the legal obligations for the nation-states. Other NGOs, such as the Platform for International Cooperation on Undocumented Migrants (PICUM) have produced similar legal analyses asserting the human rights of undocumented migrants (PICUM 2007, Caritas 2006).

In the interpretation of these organizations, destitution is a human rights issue, obliging the state to protect the life and dignity of any individual irrespective of his/her migrant status.

273

Apparently, the Danish state is aware of the obligations to keep people alive and not denying the formal opportunities to obtain public funds for subsistence. The Aliens Act, Article 42(2)[196] is about 'aliens with illegal residence' who can apply to the Immigration Authorities for health and subsistence aid. This provision might compensate for the problem of totally excluding illegalized migrants in social legislation, as cited by Ketcher.

However, a range of conditions are linked to this opportunity, among others that the residence of the migrant must be given to the authorities, and the recipient must be installed in an asylum camp while receiving help, (in order to be available for eventual return). However, since return is seldom desired by the migrants, this leads them to make themselves socially invisible and to avoid the gaze of the governor.

So what is the practical significance of human rights for illegalized EU migrants in Denmark? From a theoretical point of view, the reflections on the rights/human rights position of the illegalized migrant point in several directions. Sassen (2007) presents a rather optimistic view of the political and social potential of the undocumented migrants. Referring to Coutin (2005) and others, Sassen links it to the alternative global city space of pragmatic social integration, an increasing recognition of the human rights institutions and migrant community practices that lead to recognition of their residence and transformation of status through informal and civic participation. According to Sassen, this leads to a more blurred distinction between alienage and citizenship and is a symptom of the development of a denationalized citizenship. Opposing Sassen, Joppke (2007) argues that the improvement of human rights for migrants over the last 3o years (including marginalized migrants), has occurred not because of social actions by the group itself but due to 'an independent legal system in combination with civic pressure from non-immigrant sources such as liberal media, academics, and intellectuals' (Joppke 2007:208). Furthermore, Joppke ascribes the extended rights for migrants to a reverse development concerning citizens' rights, in that reduction in welfare rights means limitation in citizens' rights.

Both Sassen and Joppke agree, however, that the significance of human rights has increased considerably and improved the 'rights-position' of migrants or aliens. Joppke states that 'Hanna Arendt's despair over the lot of the stateless as utterly devoid of rights is no longer justified' (Joppke 2007:206).

Human rights and the undocumented migrant or the 'stateless refugee', have been lively debated in recent years, reviving or re-reading Hanna Arendt's problematization of 'the Rights of Man' especially Arendt's discussion of the 'Decline of Nation-state : End of Rights of Man' in her *The Origins of Totalitarianism* (Arendt 1951) (See also Agamben 1998, 2000, Butler and Spivak 2007, Ingram 2008, Gündogbu 2003, Bauman 1989, Hall/Held and others).

Despite the fact that Arendt wrote her critique of human rights before human rights were transformed into the international law complex we know of today, her main critique of nation-states being the key to protecting – or excluding – human rights for certain groups of people is also valid today. Her focus was the situation of stateless refugees, excluded from the space of

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[196] Aliens Act, §42a, *Stk. 2.*

law and the community of humanity constructed by the nation-state – with no 'right to have rights' (Arendt 1951:296).

Agamben does not dwell on the concept of the 'right to have rights', but focuses instead on the human rights as participants in the production of bare life (Gündogdu 2003) by on the one hand granting 'man' rights as human being, i.e., born with these rights, and on the other hand by defining 'man' as a political being living in a nation-state, which also reflects the separation of the two in natural life and political life and the foundation of the nation-state in what Agamben conceptualizes as the inclusive exclusion. Agamben's conclusions seem to go 'beyond human rights', because human rights

> represent first of all the original, the inscription of natural naked life in the political-juridical order of the nation-state. Naked life (the human being), which in antiquity belonged to God and in the classical world was clearly distinct (as *zoé*) from political life (*bios*), comes to the forefront in the management of the state and becomes, so to speak, its earthly foundation. Nation-state means a state that makes nativity or birth (*nascita*) (that is, the naked human life) the foundation of its own sovereignty [Agamben 2000:20].

As Gündogdu (2003) points out, Agamben ends up stating that thinking politics in terms of human rights 'is doomed to reproduce the logic of sovereignty' (ibid.:14). Butler (Butler and Spivak 2007) also comments on Arendt's concept of the stateless refugees and the human rights' dependency on the nation-state, and on Agamben's reading of Arendt.[197] She finds that the overall significance put on the concept of sovereignty may create blindness and differentiated understandings of different settings:

> The focus on the theoretical apparatus of sovereignty risks impoverishing our conceptual framework and vocabulary, so that we become unable to take on the representational challenge of saying what life is like for the deported, what life is like for those who fear deportation, who are deported, what life is like for those who live as gastarbeiters in Germany […] These are not undifferentiated instances of 'bare life', but highly juridified states of dispossession. […] I think we must describe destitution and indeed, we ought to, but if the language by which we describe that destitution presumes time and again, that the key terms are sovereignty and bare life, we deprive ourselves of the lexicon we need to understand the other networks of power to which it belongs, or how power is recast in that place or even saturated in that place. [Butler and Spivak 2007:43].

I agree with Butler's observation of the need to describe the various 'juridified states of dispossession' and destitution not merely in language and concepts of bare life and sovereignty, but as inscribed and situated in different relations of power.

Butler reads Arendt as emphazising the contradictions and ambiguities of human rights, tied as they are to the nation-state, but also very importantly, the potential agency of the 'rightsless' to claim human rights and belonging to the nation-state, referring to street demonstrations in California by undocumented migrants, singing the US national anthem in Spanish,

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[197] She contests the concept of bare life (Butler and Spivak 2007:37-43).

claiming a place in the national 'we' (ibid.:58). Thereof the title of the book: *Who Sings the Nation-state*.[198]

Judged by the immediate situation of illegalized destitute homeless migrants in Denmark, no human right seems in practice to 'alleviate' poverty and protect human dignity through providing shelter and subsistence. Formally, migrants are included in entitlements to basic human rights, but deportability and destitution seem to suspend these rights and turn them into what Agamben (1998,2005) refers to as the law 'being in force without significance':

> the law is not absent, but it is emptied of positive content or meaning, and suspended in its own application. It is not that the law no longer applies as in a state of lawlessness; rather, while applying, the law cannot do so in any concrete or immediate sense since it has lost any apparent meaning or intelligibility [Mills 2008:63].

I find Agamben's concept useful to characterize the immediate situation, but I do not subscribe to his total rejection of human rights as a space of opportunity simply because they are bound to the nation-state and sovereignty. Nor do I agree with his disregard of political agency that could destabilize the social construct of sovereignty and open up and negotiate spaces of actually exercising human rights.

Ongoing efforts by NGOs and political organizations together with initiatives and campaigns from illegalized migrants in Europe and the US have put pressure on the moral economy of Europe. The privatized civil society initiative in Denmark is part of that development, opening up a space for political problematization from a human rights perspective.

Historicization of governing the foreign poor in DK

To understand the present government of marginalized migrants, I have chosen to try to historicize the emergence of social welfare in Denmark in order to study traditions, patterns of power concerning the poor and maintenance of social order. Most research on migration management and illegalized migration is not framed within a historical perspective, and most analysis of these topics begins with the situation only from the end of World War II or the end of the Cold War. This short historical horizon directs the analysis towards social phenomenon constructed and perceived as brand new and modern/post-modern. Historicization can clarify patterns of government and of the social constructs which have evolved over longer periods of time, and have influenced ongoing societal developments (Lucassen:2003, Zolberg 2006, Lucassen and Lucassen 2005, Schrover et al. 2008). It is not my intention to provide a profound account of 'history' at a specific time, nor do I intend to explain the present as an inevitable result of a development in the past. I give myself the freedom to scan through various constructions and representations of government of the foreign poor in the past, especially using legal history in search of diagnostic knowledge on government and power relation that can help inform, denaturalize and denationalize present forms and dynamics of government of migration.

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[198] Gündogbu (2006) interprets Arendt's emphasis on human agency as linked to the significance of human rights.

Territoriality, deportability, differentiating and rights

The Poor Laws are one of the historical cornerstones of welfare provision in most European countries. In early modern times (16th-17th centuries), poor laws in Western Europe were typically structured to provide limited support to local poor and denial of such rights to 'foreign' poor. This division entailed that the parish had the obligation to support their own poor and to deport the foreign poor to his/her 'home' parish.[199] Expulsion and deportation of the foreign poor have been social practices of power for hundreds of years.[200] In Denmark, deportation out of the nation-state was known in 18th century legislation (Homan 2006:631), but deportation was primarily a matter of forced migration within the territory, and deportation measures targeted the poor.

My primary interest in historization of the government of the foreign poor is to study the process and time when identifying the foreign poor becomes relevant and when their exclusion from the population becomes political rationalized as a means of social policy, including the relation between social rights and individuals.

According to the first poor law of Copenhagen in 1708, persons who have stayed in the city for a minimum of three years (five years in 1839) were entitled to relief, regardless of their nationality. If the persons applying for support had not resided for three (five) years, they were returned to the municipality/city of their previous residence and if that were not possible, to their municipality of birth. The non-national person not meeting the required duration of residence would/could likewise be returned to country of birth/origin (Bloch 1999) or imprisoned.

Several preceding legal provisions had sought to restrict mobility of the poor. In 1536, the death penalty was enforced for vagrancy, but later replaced with whip and deportation and forced labour. In 1587, registration and marking of beggars were introduced, and local beggars were marketed with a seal or identity letters of the parish to be worn around the neck; if they moved outside the parish, they could be penalized with whipping. In 1621 the first– 'house of discipline' (*tugthust*) was established, designed for forced labour and discipline of the poor. In 1643 'poor houses' were built in every town.

Two other aspects are interesting in the 1708 law: the division between the deserving an undeserving poor, and the loss of rights because of receiving support and until the support was paid back; not marrying without permission, not allowed property, surveillance by the authorities, imprisonment in labour institution, etc. (Bloch 2000).

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[199]In the UK, according to The Settlement Act of 1622, the poor should be returned after 40 days unless a settlement certificate was issued.

[200] Historically, expulsion and deportation in Danish law is linked to the status of 'outlaw'. Both nationals and non-nationals could be 'outlawed', which meant that their rights were suspended and that they could be subjected to arbitrary killings; therefore, those who were 'outlawed' were often referred to as having fled the territory.

In 1828 a decree (*forordning*) was adopted[201] to control the mobility of craftsmen/workmen. This decree formed the basis for what would later be the first Foreigners Act, in 1875. One of the measures of control was making a '*Vandrebog*', a 'migration or wandering book', a domestic passport that mobile craftsmen/workmen were obliged to carry with them. The motivation for this decree was the control of poor relief and maintenance of public order through ensuring that the migrant (regardless of nationality) had enough money for travelling and residence for a limited period of time (Vedsted 1997:21).

In 1849, the support of the poor was constituted as a right in the Danish Constitution (*Grundloven*), but supplemented with the loss of voting rights in case the individual was receiving relief (Vilby 1978).

In the preparatory work for the 1875 Foreigners Act, it was discussed whether control measures should cover both nationals and non-nationals (Vedsted 1997). However, class perspectives carried more weight as illustrated in this quotation:

> It is given that the mobile working class in recent years has been increasingly numerous, together with the occurrence of a cautionary relaxation in the condition of servant and lack of desire to work, and complaints about the disadvantages to which the inhabitants are exposed by vagabonds are not seldom being heard in connection with complaints that police surveillance over such persons is not sufficiently effective.[202]

In 1875, the Law on Surveillance of Foreigners and Travellers (the first foreigners' law in Denmark) was adopted and here the right to support (five years of self-support and unbroken residence in the same municipality) was installed as a crucial element for the protection against deportation (Vedsted-Hansen 1987:188). In addition, the actual possession of an amount of money would allow for subsistence was required, for eight days (not meeting this level resulted in deportation) or for six weeks (mandatory deportation not meeting this level) (Vedsted 1997).

As Vedsted shows, foreigners' legal position was established through the Poor Law, not the Foreigners Act. The legal effect of the Foreigners Act was linked to the right to support (*forsørgelsesret)*, which protected against deportation and exempted mobile workers from control. One measure here was the introduction of the book of residence where foreigners were to be registered at the local police on arrival and departure (Vedsted 1997:24).

The 1875 law also contains a provision for the administrative expulsion by the police, which according to lawyers at the time was criticized for jeopardizing the rights of foreigners (Dübeck 1987:23).

Regulations on deportation were based on regulating mobility for poor people and workers, no matter which nationality, and linking the financial (and moral) burden of poverty and social support to the local community as the decisive element in policy development. As a result, restrictions on mobility and residence for non-nationals were divided according to class:

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[201] Forordning af 10.12.1828 for Danmark, angående foranstaltninger, der blive at træffe for at hindre håndværksvendes omflakken i landet m.m.' (Decree concerning measures for preventing the craftsmen's vagrancy around the country) (Vedsted 1997:21).

[202] RT 1874-75, tillæg B sp 112-13 I Vedsted (1997:23).

a high degree of mobility and protection from expulsion for rich foreigners[203] and restrictions on poor foreigners parallel to native poor and workers.[204]

The burden of social support and disruption of order were the main political arguments for regulating and controlling foreigners, even though migration control also implied direct exclusion from access and rights of groups defined along racialized or religious markers, such as Jews, Roma, *taters* (Scandinavian term for Roma/Gypsy/Traveller, from the word Tartar), Catholics, Jesuits, and certain professions linked to vagrancy.

In the 1875 Foreigners Act, the explicitly excluded were defined as 'foreign 'tater', musicians, animal performers and other occupations, circus/gymnastics performers artists and similar persons (Dübeck 1987:38).

Walters (2002) observes how the spectrum of enemies of the state around the end of the nineteenth century in Britain and the US is expanded from politically undesirable persons to socially undesirable persons defined as a threat to the welfare/wealth/racial composition of the population (2002: 278). In 1891, for example, the United States expanded the Chinese Exclusion Act to also exclude poor immigrants and those with contagious diseases.

Whereas the 1875 Danish Foreigners Act can be seen as continuation of a general illegalizing of vagrancy and begging among poor non-working foreigners, the 1891 Poor Law introduced foreign-ness – nationality – as a defining category for exclusion of the right to poor relief.

The 1891 Poor Law stipulated that non-nationals could no longer be entitled to support, which can be seen as an element of nationalization of social policy and the population. It parallels the change of principle of citizenship from *ius soli* to a combination of *ius soli* and *ius sanguinis* (Ersbøl 2004).

Non-nationals could only obtain the right to support if they were in possession of national citizenship,[205] and this was possible only if they were German with Danish citizenship or were married to Danes (i.e., foreign women married to a Danish man) (Vedsted-Hansen 1987). This exemplifies how migrant illegality/inclusion into the nation-state can be highly gendered (Schrover et al. 2008).

This idea of exclusive citizenship access to social welfare in Denmark was what most Danish national political and scientific constructs have defined as the founding welfare principle of 'universalism' (e.g. Petersen 2004). As much as this might rest upon the idea of inclusion of all citizens, it is equally founded upon the exclusion of all others and can therefore be said to be universal only in a limited sense and not as a general principle. It is universalism within the national container, resting upon exclusion of all others.

During the debates in parliament on the proposed legislation of the Poor Law of 1891, the Social Democrats in general as well as the trade unions were sceptical towards 'foreigners'

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[203] Sometimes, rights were extended to hold onto wealthy foreigners (Dübeck).

[204] A striking resemblance in rationale with the present 'hierarchy of mobility' (Bauman 2001).

[205] Danish citizenship operates with two levels: statsborgerskab and indfødsret – citizenship and birthright (Dübeck:23).

and foreign workers, fearing dumping of wages and unfair competition. However, one Social Democratic member of Parliament spoke up for the rights and situation of foreign workers:

> Immigration of foreign labour is being promoted and encouraged and it is utilized, but when they have become poor, they are no longer wanted. As long as they could work and support themselves, and as long as they are profitable, no one objects to them competing with native workers, but when, perhaps due to illness or accident, they cannot support themselves, they are expelled, even though they might have resided here for a long time [P.Th. Holm i Bloch 2000].[206]

As stated by Schrover et al. 2008, the increased number of restrictions and control after World War I resulted from

> a rise in political participation and the extension of social rights. Workers urged that the labour market be protected from foreign labourers. The extension of voting rights made politicians sensitive to these demands, [and] workers and their unions started to press for more registration [Schrover et al. 2008:18].

In Denmark, the first direct restriction on mobility for foreign workers was introduced in 1926, when residence permits were required for anyone wanting to reside for more than three months (Vedsted-Hansen 1987:204).

The 1891 Poor Law maintained the principle that receiving poor relief led to loss of political and social rights.[207] Lützen (1998 and 2003) offers an interesting perspective on the relationship between social charity organizations and poor people trying to avoid receiving poor relief and losing rights. The poor targeted by the social charity organizations were defined as 'deserving poor', and according to Lützen, private charity had an important role in establishing the welfare model.

In the 'Social Reform' of 1933, it was still possible to lose political rights because of 'poverty support'. The close connection in governing the poor, between loss of political and social rights in case of receiving 'poverty' support, survived the revision of the Constitution in 1953. Not until 1961 were the legal penalties for receiving this social relief finally abolished together, with the obligation to repay the support (Vilby 1978).[208]

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[206] 'man fremmer og fremskynder Indvandringen af fremmed Arbejdskraft og benytter den, men når de ere blevne fattige, vil man ikke have dem længere. Så længe de kunne arbejde og ernære sig selv, og saa længe man har Fortjeneste af dem, har man ikke noget imod, at de konkurrerer med de indenlandske Arbejdere; men naar de maaske ved Sygdom eller tilstødende Uheld ikke kunne ernære dem længere, viser man dem ud af Landet, skønt de maaske have opholdt sig her i meget lang Tid.'

[207] Due to the Marriage Act from 1824, those who received poor relief could not marry without the approval of the local poverty commission. This law was not abolished until 1961 (Johansen 2005)

[208] A current re-introduction of localizing/restricting mobility of the poor within the national territory are the provisions adopted in 1998 restricting the choice of residency for newcomers with residence permits as refugees. This provision entails that refugees desiring social welfare must reside in a municipality chosen by the state authorities and reside there for at least three years unless the municipalities involved in an eventual relocation accept the move. Combined with an especially reduced amount of social welfare designed to target new refugees coming to Denmark, social policy re-emerged in a eth-

The Social Reform of 1933[209] introduced an explicit division between the deserving and undeserving poor (Christensen 2005:86) and stipulated loss of rights for a smaller group of undeserving poor. Social support was divided into 'municipality-support' for the deserving, but uninsured poor (being poor because of illnesses, many children, unemployment, etc.) and 'poverty-support' for the uninsured, undeserving poor. The poverty-support aimed at supporting those poor who did not participate in collective social insurance systems.

The legislation on poverty support allowed for the detaining of people in forced labour institutions[210], and was not abolished until 1961.[211] The undeserving poor were defined as persons who deliberately avoided work, gross negligent providers, wasters of money, professional vagrants and women in prostitution[212] and alcoholics (Vilby 1978:82,113).

The law allowed for the forced internment of alcoholics, vagrants and prostitutes in labour institutions, institutions for alcoholics, for women, etc. These institutions were permitted to impose disciplinary penalties of extra incarceration for three additional months without trial.[213]

'Mobility' or 'drifting'as vagrants maintained presence in penal law until 1999, with imprisonment of maximum one year.[214]

'Alienage' or migrant status, as a defining differentiating categorization, was made significant during the establishment of the nationalized welfare state. The typical political Danish construct of national and ethnic homogeneity up until the guest workers programmes of the 1960s feeds the perception that the foreigner did not exist in Denmark prior to that time, and Denmark was therefore taken by surprise by all the immigrants and their various problems.

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nicized version, but still withholds the element of territoriality as a part of social policy for the poor – and as part of a strategy to manage migration (in a rationality of 'deterrence').

[209] In many respects, the Social Reform continued the logic of the Poverty Law of 1891, which the social democrats campaigned against, and made it ironic, that the basic principle of humiliation of the poor and deprivation of rights remained intact (Vilby 1978:111). An important element for the founding father of the Social Reform – K.K. Steincke, minister of social affairs from 1929 to 1935 – was the relation between eugenics and social policy (Christensen 2005, Christiansen 2009).

[210] Labour camps/institutions were expanded during World War II with youth camps for unemployed youth between 18 and 24 years old being sent to labour camps if they applied for social support (Vilby1978:128). The building in which the 2009 homeless shelter was established functioned as a Christian labour facility for poor people in the 1930s; the residents worked for their food and shelter.

[211] Lov om offentlig forsorg 1961.

[212] 'Groft forsømmelige forsørgere, solderister, professionelle vagabonder, prostituerede kvinder' (Vilby 1978:83).

[213] 4500 received poor relief in 1958 and had no voting rights (*Jyllandsposten* 16 December 2009, Svendborg Museum).

[214] '§ 199. Hengiver nogen sig til lediggang under sådanne forhold, at der er grund til at antage, at han ikke søger at ernære sig på lovlig vis, skal der af politiet gives ham pålæg om at søge lovligt erhverv inden en fastsat rimelig frist og så vidt muligt anvises ham sådant erhverv. Efterkommes pålægget ikke, straffes den pågældende med hæfte eller med fængsel indtil 1 år. Pålægget har gyldighed for 5 år. **Stk. 2.** Som lovligt erhverv anses ikke spil, utugt eller understøttelse fra kvinder, der ernærer sig ved utugt.

There seems to be reason for re-writing history of immigration as a historical process of human mobility within and across borders since the Vikings, and as a governmental process since early modernity/the medieval times of class as the main regulator shifting around late 19th century to nationality as the main societal regulator, which transform the perspective from *government of the poor* to *government of the foreign poor* in the area of mobility and migration policy. Thus, governmentalization of migration seems to be born together with nationalising social policy, and ensuring exclusion for non-nationals in the making of 'universal welfare'.

What began as social policy, as government of mobility and poverty and the poor – preventing the poor from starving and policing the poor; protecting non-poor classes of social disturbance and setting a principle of financing financial support to the poor – was transformed along the increasing significance of the nation-state, nationalism and internationalism – and the Scandinavian welfare state constructing different branches of government, one of which was the government of international mobility (migration), global inequality and the foreign poor.

Conclusion

The experiences lived by destitute homeless migrants in Copenhagen establish the governmental space in which these migrants act and rationalize. The empirical study describes the various paths into migrant illegality and different strategies for surviving or transforming migrant illegality into a legalized position or transforming the position of a destitute individual into a non-destitute individual. Furthermore, we have seen the fluidity of migrant illegality within the EU, and how it affects citizen positions in new EU countries, the consequences of working in the informal labour market and of losing the right to be defined as EU worker, which is the critical category for obtaining entitlements to social rights.

The destitute homeless EU citizen migrant is caught within a social space devoid of rights, where the silent compromise between the illegalized migrant and the state is social invisibility. As long as the migrant remains out of public visibility, not disturbing public order or claiming any rights or social benefits from the state, the state can ignore this group of people, acting as if they were not present, continuing to exclude the destitute human beings from social research and social policy.

The conduct of conduct of the foreign poor, or the 'capacity to structure the field of actions of others', seems to operate through migrant illegality, which for the poor homeless EU migrant functions as an interplay between deportability and destitution, producing the subjectivity of the 'illegal migrant' as one of multidimensional exclusion and invisibility.

Zolberg analyses migration in a context of conceptualization of transnational structural capitalist conditions for migration, and of global inequality as a given. In order to understand international migration, he describes the policies of nation-states of the potential receiving countries as those 'which determine whether movement can take place, and of what kind.' (Zolberg 1989:406).

In his 2006 version of this perspective, Zolberg elaborates on the significance of the nation-state as a constitutive element in international migration, citing the specificity of the organiza-

tion of the world according to the Westphalian system, as 'congeries of mutually exclusive sovereign states'. This means that international migration is 'an inherently political process, and the relevant policies encompass not only the regulation outward and inward movement across state borders – including of persons who are not, or declare that they are not, migrants – but also rules governing the acquisition, maintenance, loss, or voluntary relinquishment of 'membership' in all its aspects – political, social, economic, and cultural (Zolberg 2006:11).

In an EU context, however, a transnationalized, regionalized space of management or government of mobility might be emerging in or as a mixture of EU nation-states refraining from exercising the sovereign right to exclude EU citizens at the border by giving them the right to enter, in the capacity as labour, and subjecting them to be governed as responsible, ethical citizens (Rose 1999) through governmentality and the 'conduct of conduct' (Foucault 1978). On the other hand, the same EU nation-states exercise national sovereignty towards the failed foreign worker, the 'irresponsible' citizen (Rose 1999) or the anti-citizen (Inda 2006) through the possibility of expulsion and forced migration.

Transnational government of the transnationalized poor is being politically and juridically constructed in the EU maybe challenging nationalized welfarism[215] or working parallel to nationalized welfarism in the affluent EU nation-states.

The historicization of the government of the poor in Denmark shows patterns of governing the poor relying very much on deportation or threat of deportation as social technology in case of destitution and need of poor relief. This distribution mechanism was rationalized around cost/burden sharing between local authorities, between local and state authorities and between country and city, but also exercised as a disciplinary, immobilizing social mechanism to govern the mobile poor, distinguishing the poor individual from the mobile worker. This pattern of government and a political rationalization, is not unfamiliar in the present governing of the foreign poor.

As Schrover et al. state: 'Over time and space, migrants in general have been perceived as poor. The likelihood that they will become a public charge […] has always been an important argument in the call for restriction and control' (Schrover et al. 2008: 29).

In obtaining the goal of reducing the cost spent on poor relief, deterrence has been an obvious strategy, e.g. enforcing deportation or loss of rights (Lützen 1998, 2003) as a consequence of granting poor relief. Feldman (2003), in his historical analysis of migration and poor laws, shows the relationship between expulsion and the threat of expulsion concerning the non-local poor under the Old Poor Law/ Law on Settlement in 18th century Britain. Far from all unsettled or non-local poor were actually expelled back to their home parishes, as the rationale of

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[215] Collective security in order to safeguard the life of each and every member of the population – ensuring collective security through curtailing risks to individuals and families, promote the betterment of social life of individuals (Inda,2006:10). Experts produce bodies of social knowledge concerning normality, pathology, urban unrest, social stability, strategies to secure the population. Social insurance is a key element aiming at securing the populations from risks such as poverty, old age, unemployment, accidents, crime and ill health (Dean 1999:11).

the law was to deter them from seeking poor relief [216], which 'placed the migrant within a structure of uncertainty' (Feldman 2003:89). Hence, the greatest effect of the Law of Settlement was to force the unsettled poor to survive without support from the poor law' (Feldman 2003:90). This mechanism is strikingly recognizable among destitute homeless migrants in Denmark and the concept 'structure of uncertainty' is very precise.

State formation was significant in constructing the distinguishing mechanisms between the non-migrant workers and migrant workers (Schrover 2008:18) as well as in constructing migrant illegality as national laws on entry, exit and residence. However, restrictions on mobility are not new (ibid., Lucassen 2005, Webber 2008).

As John Clarke argues, we need to move to a 'constitutive view of welfare and the nation-state' (2005:412) instead of perceiving national welfare states as containers of developed forms of welfare capitalism. We must reject viewing the welfare state as 'an assemblage that presented itself as natural and normal, and as the highest point of social development' (ibid. 410).[217]

The exclusion of the foreign poor is a constitutive element in the Danish welfare state, as has Vedsted shown. The decisive principle of organizing welfare was established in 1891, and it rests upon the exclusion of the foreign poor. Migrant status, as a defining category differentiating the deserving from undeserving poor, was given significance during establishment of the nationalized welfare state, and this principle has remained unchallenged through the transnationalization of social rights within the EU. The EU foreign poor are not included in the Danish welfare system, only the EU foreign worker.

With the enlargement of the EU and the enforcement of EU internal mobility for EU citizens, national sovereignty over EU and third country nationals has been diminished, leaving the restrictions on mobility to the regulatory framework of labour market and social policy.

The merging of national and EU social policy is currently designed primarily to avoid social burdens of affluent welfare states concerning foreign poor.

The homeless migrants in the shelter cost the Danish welfare system only the acute health care costs, and the users did not expect the Danish state to offer them any help. They relied on earning cash by collecting the discarded beer bottles of the Danish society, which is the most extensive and the most stabile alternative system of survival for foreign poor in Denmark, and they slept on the streets or in private shelters.

The dire predictions that impoverished Eastern European migrants would economically undermine the affluent EU welfare states have not come true.

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[216] Another reason was that an increasing group of unsettled poor were classified as irremovable (Feldman 2003:90).

[217] 'So rather than a view of a shift form closed/unitary to open/diverse societies, we might think more carefully about the history of forms of openness and patterns of interrelationship on the one hand and forms of closure and models of integration on the other' (Clark 2005:411).

Chapter 11: Conclusions: Migrant il/legality and temporality in government of the marginalized migrant

Having discussed my research question in the preceding chapters, I will limit the discussion in this chapter to a few concluding observations on government of marginalized migrants and the character of migrant il/legality.

Marginalized migrants in Denmark reside as non-citizens. They hold temporary or no residence permits, are excluded from most of the rights and entitlements granted by the nation-state to citizens and permanent residents, and are not defined or included as national population in a bio-political sense. Marginalized migrants are governed according to their political categorization as migrants and in a space of various kinds and enforcements of migrant il/legality – of legality, illegality and semi-compliance with rules and regulations.

The 'deportable illegal migrant' as backdrop in the grey zone

A key element in governing marginalized migrants is the imagination of the migrant as a displaced person, or the migrant as outside the imagined community of the nation-state. This construction of the migrant is linked to the construction of the nation-state, and in much migration research and policy has been turned into a naturalized category of not-belonging and in a binary relationship on the territory to citizen. Exclusion is a constitutive feature of the concept of international 'migrant'. Construction of the migrant implies the possibility of exclusion from the territory of the nation-state. Since the mid-1970s, and escalating in the 1990s in Europe, this potential for exclusion has intensified through the formation of the image of the 'illegal migrant' on the territory. The 'illegal migrant' has been increasingly problematized, and this has brought with it the justified exclusion of migrants, i.e., the possibility of exclusion and expulsion of the migrant. It has also brought it the definition of 'illegal migrants' as comprising several threats to the population: threats to wealth, welfare, social order, security, labour market regulations, tax systems, equality etc. All of these problematizations are related to bio-political issues and therefore politically relevant for state governing and programmes of government to implement as solutions.

In the EU, these programmes of governing the illegal migrant on the territory primarily through various programmes (e.g. the Return Directive), technologies (e.g. joint actions on deportation, increased control of residence legality) and knowledge production (e.g. counting and estimating the illegalized residents) have increasingly been given political relevance and importance and now occupy the forefront of EU governmental priority. The field of migration, and especially that of the management or governing of illegalized migration and migrants, offers a productive platform for regional and global (inter)governmental centres of government. Migration and illegalized migration has become an empty space of government to be filled with regionalized or globalized government. Entering this perceived vacuum are organizations such as the IOM, the EU Commission and the European Council. Programmes and technologies are operating to make illegal migration a governable space for nation-states and intergovernmental organizations and to produce 'illegal migrants' as governable subjects,

based on a construct of protection of national sovereignty and the regional community through the capacity to include or exclude non-nationals.

The political rationality of governing the illegal migrant, both nationally and at the regional (EU) level, contains a variety of inconsistencies and ambiguities (the absence of a clear juridical and statistical definition of 'illegal migrant', the different strategies of policing and deportation, the absence of political and bureaucratic confidence that illegalized residents can be completely removed from the territory, etc.). Hence, there is a tendency in the political rationality in the EU and in EU member states toward increased visibility of the illegal migrant as a problem, the almost unquestionable understanding of the illegal migrant as displaced, relatively without rights and deportable, the support and acknowledgment of juridical and bureaucratic technological means of sanctions and discipline and the subjectivity offered the migrant as criminal, poor, underclass, displaced, unwanted, marginalized Other. This rationality operates as a backdrop for everyday social life in the grey zone of migrant il/legality – installing 'the illegal migrant' as a potential in the position of the marginalized temporary migrant in Denmark.

Having said this, everyday social practice in the space of migrant il/legality reflects the institutionalized political rationality, while also revealing a complexity of both social relations and interactions and intersections of different social hierarchies and power relations in which migrant status – alienage – becomes visible as a crucial factor in subject positions.

Being positioned outside the population removes or dislocates the political relevance of the state to represent these migrants in capacities that are different than their migrant status, As shown in this study, the au pairs were invisible in political discourse in 2007/2008, not portrayed as subjectivities of the population (mother, woman, worker, etc), but as a means of improving the conditions of the (Danish middle class) population. The destitute homeless migrants were invisible in social research on homelessness, excluded from the subjectivity of the national poor, mentally ill, unemployed, etc. They were relegated to a status of invisibility and the position of the displaced destitute in transit, irrelevant for the population.

However, there are signs in the EU and in EU member states of an increased visibilization of 'the illegal migrant', which could be interpreted as efforts to make the space of illegalized residents governable and to make illegalized migrants governable subjects. Concurrently, EU and EU member states, especially Denmark, have prioritized temporary over permanent migration and have set up increasingly difficult obstacles to extra-EU migrants attempting to become permanent residents or citizens.

Acknowledging the symbiosis between social science and the state in political rationality of problematization of migration, social science still has the possibility to contribute in research and to enter the public debate on the growing problematization and visibilization of marginalized migrants. E.g. counting exercises of illegalized migrants, can be supplemented with a general concept of positions based on the constitution of power relations through the relationship between the nation-state and residence. The status of being a resident can be divided into four political categories; citizen resident, permanent resident, temporary resident and illegalized resident. The categories reflect differences in residents' juridical-political positions, i.e. the package of rights and entitlements, the potential for deportability. Only the citizen resident

has full access to all rights and is not deportable. The permanent resident, together with citizen resident, will constitute the population and is therefore included as a kind of denizen with a broad range of rights, and being difficult to deport. The temporary migrant and the illegalized migrant are residents of conditionality .The residence conditions of temporary migrants are most often linked to their position on the labour market as employed, or to conditions of marriage or as refugees. For illegalized migrants, their conditionality is most often linked to the avoidance of being detected.

It could seem as if an emerging political rationality includes different kinds of governmentalities in order to govern a new or transformed space of government, in which the separate, but simultaneous governing of both the population and the non-population on the territory becomes relevant. From a governable space based on the construction of a nationalized territory as a space of in-/exclusion, the governable space has been increasingly transformed into the construct of a de-territorialized space of in-/exclusion which continues to sustain ideas and performances of (Scandinavian/Danish) national equality, welfare, etc. within a juridical-political gated community, separated from the juridical-political space of the migrant community or 'ex-community' in the sense of being politically defined outside the community or the population. This makes it possible to 'have an au pair' as a means to improve the bio-political qualities of the population, a strategy constructed in terms of improving gender equality and Danish national birth rates; and to make the destitute migrant standing outside the offices of the welfare state ineligible for even the minimum social benefits. The 'ex-community' of migrants on the territory is not relevant as population, only as a non-population and should be governed accordingly.

Migrant il/legality and temporality are important technologies in the governmentality of the non-population on the national territory. In this political rationality, subjectivities of the 'non-population residents' will always include the potential of the deportable illegal migrant. The governmentality of governing the non-population - similar to governing the population – is obviously also woven into global and local social, ethnic/racial and gender hierarchies and divisions.

Residence status should thus be included within the analytical intersectionality perspective in social science as a relevant defining position not only for the excluded, but also for the included. In terms of residence status, the status of the citizen resident, understood as an exclusive position of privilege and not only in the sense of an individual of the population, resembles those other 'unmarked' statuses operating in other hierarchies of difference – e.g. the male position of gender and the position of white in ethnicity/race – statuses where the privileged position is often an unmarked category.

Residence status seems likely to increase as a political construct related to rights, entitlements, deportability, privileges of residents on a nationalized territory. It should therefore be intersected with other social hierarchies and not simply kept within the field of migration studies.

Governing through migrant il/legality

Migrant il/legality is characterized as a specifically spatialized socio-political condition of government and social practice. The political and legal distinction between 'illegal immigrants'/immanent outsiders and temporary 'legal immigrants'/excluded insiders is blurred. Migrants in these positions, despite varying degrees of meaning and effect, are governed by a political rationality and legal production, within which deportation and deportability play a decisive role.

Although migrant il/legality is a fluid and flexible concept, with no yet coordinated and consistent political and statistical definition in the EU, the space of migrant il/legality operates as a mechanism of government. In my studies, I soon found it necessary to separate different forms of migrant illegality and link them to the specific situations or activities that are illegalized in order to understand how they work and affect strategies of the governing and the governed.

Migrant il/legality constructs a parallel understanding of legality and illegality not based on a relation between the state and the population but upon an understanding of the relation between the state, the population on the one side and the residing non-population on the other. This understanding, defines the situations and activities that are illegal for migrants and are tied to the position of being a migrant. Such activities could be tied to residence, employment, destitution or emigration. Some of these illegalities are invoked through national government of migration, others through transnational government.

Crucial for the parallel universe of migrant legality and illegality is that the primary sanction for violating legality is the political technology of expulsion and deportation, which produces the social mechanism of deportability (and also detainability if nation-states incarcerate illegalized migrants until their expulsion). Deportation is a disciplinary technology that operates both as concrete deportation and as the possibility of being deported. This has an obvious effect on the conduct of illegalized migrants, whose everyday life strategies are focused on avoiding detection and deportation (de Genova 2005).

In the grey zone of government of marginalized migrants, therefore, a zone containing different kinds of migrant illegalities, the imagination of the illegal migrant and the enclosed deportability play a key role in strategies of both the governing and the governed.

Residence illegality is the crucial field of illegality, because the potential for deportation becomes very high, and it is impossible to remain in migrant legality in other fields. *Time* is often a constitutive element in transition from legality to illegality. An au pair is granted a residence permit for a limited time; this period cannot be extended, and residing beyond this limited time turns her into an illegalized migrant. The EU citizen is legalized for three months, if he can sustain himself, but applying for social benefits for reasons of destitution and exceeding the three months as unemployed illegalizes his stay.

Furthermore *place* can also be constitutive for the transition from legal to illegal, and vice-versa.. For the au pair, her residence permit as an extra-EU citizen is tied to the physical household of her employer. If she leaves or is dismissed, and does not find a new host family, her position is transformed to one of illegalized residency. For the homeless EU citizen, not

being able to apply for a work permit without a suitable physical address illustrates the significance of place in the transition to employment legality.

Two other kinds of migrant illegalities, employment and destitution illegality are sanctioned by illegalising residence, thereby legitimating the possibility of expulsion and deportation. Employment illegality is defined as working without a working permit, and in this respect, it should be distinguished from the illegality of doing undeclared work. However, both the au pairs and the homeless migrants carried out illegal and thereby undeclared employment from time to time, thereby jeopardizing their residence legality.

Destitution illegality is relevant as a governing mechanism in two ways. It serves in governing of the population as a political insurance of the exclusion the foreign, undeserving poor from the national budget, and in governing the non-population as an internal conduct of conduct of the foreign poor, linking the possibility of applying or asking for social support with the likelihood of being expelled or deported.

Emigration illegality, which in the case of the Filipina au pair was a gendered ambiguous and not new mechanism of government, created a position of migrant insecurity that came into existence on the territory of the country of immigration. For the Filipina au pair, it meant participating in a practice of corruption produced in a transnational social field of government. For EU citizens, emigration illegality is a governing mechanism from the Cold War era.

Au pairs and poor EU citizens are governed in a space of migrant il/legality, but they are positioned differently. Temporality plays a decisive role although in different manifestations.

Migrant domestic workers in Denmark, constructed as au pairs, are governed as temporary residents with a residence permit of limited duration. The temporality of their residence helps construct them as non-population residents, belonging in an orderly, legal way to the 'ex-community' of migrants in Denmark, who will leave again according to the juridical-political order.

Temporality operates differently for the foreign poor. The homeless EU citizens are constructed as displaced, unwanted Others, belonging in a disorderly way to the 'ex-community' of marginalized migrants in Denmark, who should leave the territory again according to the juridical-political order. Excluding them from public shelter and survival support is politically linked to a rationality of their disorderly temporary residence, which may be prolonged if minimal social welfare, such as a night shelter, is granted; in this way, the situation of juridical-political disorder is prolonged. Temporary residence is a key device in governing foreign economically poor migrants in Europe.

A Filipina au pair in Denmark is offered resident positions of being docile servant, grateful poor, abused victim, holder of culture and genes for care – but not as freely contracting migrant worker, an independent woman, or a political subject.

A poor unemployed EU citizen is not offered any resident position other than a position of displacement, staying out of sight or leaving the territory.

Gender also operates in these political constructs. Somehow, it seems more politically acceptable that (foreign) women are exploited as labour and (foreign) men left to destitution and minimal survival, than the other way around.

Fluidity and zones of blurred concepts and flexible categorizations

Investigating the grey zone of migrant il/legality in order to understand the government of the marginalized migrants, I have observed a complex space or a 'space boundary' characterized by an ambiguous, yet coherent political rationality of government of migration and migrants framing the conduct of conduct of both citizens and marginalized migrants in both my empirical localities, i.e., the au pair households and the shelter. Political rationality is not only a matter of the state. Political rationality is also produced, reproduced, performed and acted upon in everyday life and in the relations between citizens as included insiders and marginalized migrants as excluded insiders and immanent outsiders. Political rationality as applied to migration is inseparable from social hierarchies based on gender, class and ethnicity. Government, in Deans words is 'intensely moral in that it seeks to engage with how both the 'governed' and the governors regulate themselves' (Dean 1999:12).

Government of au pair migration

In an overall present day political rationality of a new increasing neo-liberal prudentialsm, rewarding those who act as responsible individuals and who can manage a busy dual-career family life, hiring an au pair offers a useful and legal possibility to organize a private solution to maximizing women's labour power on the market, based on a perceived need for extra domestic help to care for the children, clean the house or elevate the family's level of comfort and status.

In public political discourse, the au pair system has been rationalized in accordance with this perceived need for domestic help and especially as a solution to increase national birth rate and change gender inequality, relieving the Danish woman in the house of domestic duties and outsourcing them to an au pair. In 2007/8, however, the au pair was almost invisible in these discussions. She was neither woman, migrant or extra-EU. She was positioned more like a means than an individual. In recent years, the au pair has become more visible; in public discourse, she is now represented as a victim of host families who abuse the system and as a poor migrant from the Philippines. The au pair is seldom depicted as a political subject of her own situation, claiming rights, demanding changes, etc.

Parallel to her visibility in public discourse and discussions questioning the construct of the au pair system as 'cultural exchange', the government has enhanced the au pair system as a legal construct and reproduced it as a cultural exchange programme in order to maintain low costs, legality and temporality. This maintains the au pair system as an area of government, as a space of government populated by governable subjects, in contrast to the possibility of this kind of labour becoming illegalized migrant domestic work.

The rationalization of the au pair as a solution to Danish middle-class families' work-life imbalance occurs in both public political discourse and in private social practice. However, the private households perform different strategies and implementations of the political ration-

ality, with different constructs of the relation between the host family and the au pair. The 'like-labour' strategy prioritizes equality and distance in the household and thus appears to challenge both the legal and the family construct in the au pair system by performing a relation of imagined free subjects and individuals at a free labour market. In contrast, the 'like-family' strategy prioritizes proximity and unity in the household, interpreting the legal construct of the au pair as part of the family, thus obviating the extraordinary asymmetrical relation of power between the middle class Danish family and the Third World household servant living in the basement; 'like family' overcomes the connotations of colonial class hierarchies, pre-welfare state classed hierarchies, and Danish guilt in a society that understands itself as profoundly open and humanist.

Other social hierarchies are necessary to stabilize both the 'like-labour market' and the 'like family' strategy in the rationalization of government of the au pair in the family.

Global inequalities, poverty and a racialized and gendered perceptions of Filipina women as being especially suited for migrant domestic work are crucial for maintaining stability in the host family rationalization of au pair migration and their own position. In the 'like labour' performance, the interpretation of global inequality and local equality help justify the extra-ordinarily low payment of the au pair: global social and economic inequality and the level of poverty in the Philippines construct the imagination of a win-win situation, transforming the Danish concept of 'pocket money' into a Philippine labour market wage, while the perceived tax burden on the Danish middle and upper classes, is used as an argument for not being able to pay a 'Danish' salary to the au pair. Global inequality as well as national or local equality (for those who are citizens or permanent residents) are depicted as givens, unchangeable conditions outside individual choices.

In the 'like family' strategy, the question of salary is defined as non-negotiable and tabooed. The au pair's position, in so far as it is constructed as 'temporary part of the family', operates to suspend her from participating in society beyond the household. She is suspended as an individual resident on the territory and like Mary Poppins, the au pair flies in from the East and leaves again into the air, after having restored peace in the family of the suffragette mother and the troubled bank director father. She is, like Mary Poppins, not really part of this world.

Compared to the position of the maid of the past, the position of the au pair of today, due to her migrant status, is that of a non-political subject. Her only legal subject status is that of a member of the family within the household, living in the basement room, receiving 'pocket money'. For her to reside outside the household makes her illegal. In this respect, late feudal and early capitalist household unit as integrated space of production and reproduction is replicated by the legal dependency of the au pair of the household. She is, like the early modern servant, 'bound to the household' and has no legal existence outside the household in which she serves. In early modern times, the maid who left her household could be declared 'outlaw', while today's au pair who leaves her household – or who is discharged – is an illegal resident and subject to deportation.

Analysing the transnational government of migration of Filipina au pairs to Denmark shows a chain of migration management, linking the Philippines' ban on au pair emigration to Europe

with the increased au pair immigration of Filipina domestic workers to Denmark. The transnational chains of regulations and governmental practices produce specific kinds of illegality and legality for migrant workers. Emigration illegality produced by the Philippine state is linked to legalized immigration in Denmark in a transnational space whereby corrupt practices are sustained and a market for private care and cleaning produced. The corruption of emigration and the position of residing in Denmark as 'illegal emigrant' limit the rights of the Filipinas vis-à-vis their homeland, increase the risk of precarious living conditions in Denmark and create uncertain migration circumstances for the Filipino au pair migrants.

In Denmark, employment outside the au pair system is tied to one family and conditioned on live-in. The sanction for violating these conditions is the abrogation of the residence permit, whereby the au pair's presence on Danish soil is made illegal.

The au pair system leaves few possibilities for the migrant workers to change working and living conditions, complain about their working conditions or express themselves politically. This does not mean that the women and few men working as au pairs in Danish host families do not analyse, strategize, negotiate and act upon their situation. However, agency is most often performed as individual strategies in the household, in their networks, in their transnational families, in churches, etc. The au pair system is interpreted by the Filipinas as one of several possibilities to earn money abroad, and the actual social practice in the host family and the position of the au pair is again interpreted as a lived version of migrant domestic work or au pairing. As such, it is compared and discussed with other au pairs in networks in churches, NGOs and social networks, in a similar way that host families compare their au pairs to previous au pairs they have had, or with other host families. The au pairs develop an increasing institutionalized practice on how it is to 'be' an au pair in a Danish household, and the households a discourse of what it's like to 'have' an au pair. Au pairs are attentive to the risks of losing the residence permit in case of having extra employment, dismissal or moving out, and such risks are considered and acted upon.

In the positioning of oneself as an au pair, my interviews have indicated two issues that the host families were kept unaware of: the bribe paid by the au pair enabling her to leave the Philippines and the fact that the au pair had her own children back home. Their failure to tell the families these crucial facts – or the families' failure to inquire – can be seen as a strategic choice of not involving the host family in knowledge that might increase the vulnerability of the au pairs. Whereas the bribe at the time of my interviews was a Philippines' 'public secret', the knowledge of the au pair being a mother seemed in some cases to be revealed to the host family later in the au pair stay.

In my field work, I have observed how characteristic experiences of 'being' au pair in the household construct collective references among au pairs and were often reproduced by an atmosphere of in-jokes. For example, at a Sunday meeting before church services, several au pairs were gathered together, and one talked about her difficult relations with her employer. She asked the crowd if they recognised how it was when asked to do a faaavvoouurr, she sneered. The audience roared with laughter and sneered back 'FAA-vvoouurr, Oh, yes.'

In my au pair interviews, I also heard many analytical and critical remarks about the au pair position and the au pair system, remarks which exceeding the typical narrative of the docile,

happy big sister in the family. However, talk of collective action to change or improve their situation seems to be assessed as irrelevant and unrealistic. Rather, they focus on individual opportunities to improve their personal life situation (finding cash-in hand cleaning jobs, finding a husband in Denmark, finding a new host family, negotiating better conditions in the host family, negotiating conditions for care of the family in the Philippines, etc.). They practice both the political rationality of the Philippine state of migrating to work for the sake of the family and the nation, and the constant assessment of their future limited opportunities in order to provide for family in the Philippines. In this respect, the au pairs can also be said to be governed by a political prudentialism and a conduct of conduct, prioritizing social action of individualized and privatised taking care of oneself and loved ones.

Government of poor homeless EU-migrants

The political rationality in Denmark of governing poor homeless EU migrants interprets the general EU definition of the deserving mobile EU citizen as the working citizen. This entails an unambiguous practical and rhetorical exclusion of the foreign poor EU citizen from almost any kind of publicly financed welfare. The political problematization in Denmark is articulated as a fear of Denmark becoming the social dumping ground for huge numbers of poor EU citizens availing themselves of generous Danish social benefits. The proposed solutions are those of deterrence (send 'signals' that residence in Denmark will not get you social benefits) and when that fails, exclusion or deportation. The political rationality is founded upon a construct of protecting the wealth and welfare of the Danish nation-state, a construct also reflected in the 'East agreement' on the labour market, implemented in order to avoid a scenario where Denmark would be 'swamped with underpaid workers from new EU countries' as stated by the trade unions. The rationality on the poor, unemployed, failed workers is the same; avoid being 'swamped' by poor workers and vagrants from the new EU countries.

In the country of Hans Christian Andersen and the fairy tale of the 'The Little Match Girl' as part of the imagined national identity, it nonetheless seems unproblematic politically to keep foreign poor outside in the street, cold and hungry, while the Welfare party goes on inside in a warm house.

Migrant illegality, or the 'illegal migrant', has become increasingly politically problematized in Europe. However, 'illegal migrant' is neither a fixed juridical concept (e.g. Guild 2004), nor an established sociological position, and the fluidity of the 'illegal migrant' concept is precisely its utility as a device of government. Legal definitions of migrant illegality and legality are often changed[218] and this contributes to reproducing a 'structure of uncertainty' (Feldman 2003) not only for migrants but also for public officials in the immigration bureaucracy, NGOs, police and other institutional actors. However, this fluidity and uncertainty can be seen as a key device in the 'conduct of conduct' of the excluded, the foreign poor.

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[218] The EU enlargement meant a change in the position of formerly illegalised East European labour migrants into legalised mobile labour migrants. The Danish Alien Act has been revised 14 times in parliament since 2001, the tendency being to enact additional conditions and restrictions for what constitutes illegality for migrants, both temporary and permanent.

Destitute migrants in my study were preoccupied with navigating the migration regulations, changes in rules and paths into legality of residency as the EU citizen worker. Parallel to the au pairs, their strategies were performed as individual efforts to find jobs, apply for residence permits, search out free Danish classes to improve their job opportunities, gathering bottles in order to buy food and cigarettes, or saving money for the family. Agency was focussed on individual strategies, but the everyday life as destitute homeless excluded migrant was a social situation. The process of substantial stress and burden, which for some migrants transformed their strategies of finding jobs into strategies of mere survival, social downward spiral, drug and alcoholic abuse and alternative strategies such as criminality.

Transnational mechanisms of governing the poor in the EU mean that the mobile poor exist in a lock of destitution here and there: both as an illegalized foreign poor and as a returning, excluded domestic poor. The EU and the national member states produce various categories of 'deserving' and 'non-deserving' poor based primarily on criteria of citizenship/alienage and labour market position. Destitution inhabited in Denmark by a foreign poor person becomes an illegalized situation, influencing the legality of residence. The deportability of the 'illegal migrant' is enforced both in the political rhetoric and as backdrop of the social practice of the marginalized migrants. The recent expulsion of hundreds Roma EU citizens during the summer of 2010, in Denmark, France and other EU countries, indicates that deportability in a particular racialized version targeting Roma, was activated more explicitly as political technology of governing the mobility of EU poor. This resembles the increased deportation practice imposed upon illegalized extra-EU citizens in a number of EU countries. Deportation seems to increase in political relevance as a solution to the problematized poverty of the Others within the EU community. The gated EU community, characterized as the flexible border zones on the territory and the capacity to deport people outside the national territory to neighbouring EU countries seems to be the way forward. Destitution illegality could be a practical means in this direction, as it avoids explicit references to racialized exclusions and embarrassing accusations of racism.

Internalization of migration management

Illegalizing migration through emigration illegality, residence illegality, employment illegality and destitution illegality are key elements in migration management, in the governing of marginalized migrants.

Migrants are governed through their relation to the nation-state, and the nature of this relation is decisive for their ability to assert or exercise rights. Illegalizing migration, residence, employment and destitution produces and maintains the permanent insecurity and fluidity of the marginalized migrant position in Europe. The au pair system and the 'system of exclusion' of destitute EU citizens in Denmark are specific versions of the fluidity, between legalization and illegalization, which frames the position of marginalized migrant.

Migrant il/legality creates a 'boundary space' on the national territory of a parallel labour market for private paid migrant domestic work which is devoid of rights; it also creates a parallel system of welfare exclusion for destitution and homelessness of (migrant) residents who are without basic rights.

Migrant il/legality in Denmark produces a conduct of conduct of marginalized migrants that ensures that au pairs remain in the household and that the destitute migrants are kept out of public shelters remain on the street.

Main results:

- Contemporary bio-political rationality seems increasingly to include the government of all residents on the territory. Governing marginalized migrants in the capacity of temporary, low-wage labour and destitute foreigners – seems to develop in Denmark as a new area of government, implicitly constructing a separation between the gated community of the population (citizens and permanent residents) and the excluded community of marginalized migrants.

- Governing of migrants operates often in transnationalized chains of migration management connecting different nation-states' governmentalizations of migration. This affects strategies and practices of the migrants and e.g. produces new kinds of migrant illegality, as seen in emigration illegality produced the Philippines nation state and linked to legalized immigration by the Danish nation-state.

- Deportation and deportability are crucial in governing the marginalized migrants. Migrant il/legality operates closely interlinked with the imaginary of the deportable illegal migrant, and the state's capacity to expel and deport marginalized migrants, but other rationalities and conducts of conduct are also working in the social practice of everyday life of marginalized migrants.

- The rationality of government of marginalized migrants entails both new and old principles or mechanisms of government. The governing of au pair migrants draws upon early modern rationality of the household as unit of society instead of the individual as unit of legality and society. The government of the poor EU destitute migrant draws upon pre-welfare state rationality of exclusion and return of poor persons to their place of origin. But also neo-liberal prudentialism and interpretations of freedom operate in governing the marginalized migrants and 'structure the possible field of actions of others'

- The transformation of the au pair system in Denmark began "from below" in a mutual transnationalized social practice between Filipina women in Denmark and Danish families primarily in the Northern affluent suburbs of Copenhagen. In one perspective this can be seen as a social performance of the national governmentalities prioritizing prudent individual and private solutions to poverty and unemployment (the Philippines) and work-life imbalance, gender inequality and low national birth rates (Denmark).

- The subjectification of the migrant domestic worker as au pair is interpreted in the household and performed as different versions of conduct of conduct – as free subjects on a labour market or as part of the family – but stabilized by other social construct of difference such as global inequality and ethnicity/race.

- The element of gendered cheap labour may be embedded in the au pair construct as a cultural exchange programme between primarily for European middle class families.

However transforming the au pair system into primarily a migrant domestic worker system changed the intersections of inequality in the household from one of gender, generation (age) and nationality coming into existence in the position of the young female middle class student in transit to studies and marriage in her home country, to one of global inequality intersecting positions of class, ethnicity/race, gender and residence/migrant status, coming into existence in the position of the Filipina woman working and migrating to support family members in her home country.

- The live-in obligation in the au pair system is crucial for residence status and for every day life of the au pair, and the live-in obligation is core in the construct of the au pair as a temporary part of the family. Combined with the tying of the residence permit to one specific family and the lack of a work permit, the au pair is turned into a marginalized, temporary migrant with few possibilities to challenge, much less alter unsatisfactory conditions or participate in a political process in Denmark.

- The element of 'live-outside' is crucial for the government of the destitute EU citizen in Denmark. The destitute EU migrant is in the capacity of non-worker, of unemployed and poor referred to a position outside what is perceived as society including welfare arrangements aimed at the poorest part of the population. The mechanism of illegalizing destitution is a key device in governing the foreign poor in the EU.

- Exclusion of the foreign poor from minimal basic help such as shelter and food is constructed as bio-political concern of the national wealth and security. The presence of the foreign poor is constructed as a threat to the population and as a possibility of a huge influx of foreign poor if providing present destitute migrants with minimal basic help such as shelter and food.

- The political rationality of governing the foreign poor is interpreted constantly in public or semi public welfare arrangements, and is developing into an increased exclusion – e.g. from drop-in centre and from the sale of the homeless magazine Hus Forbi.

- The political rationality of exclusion is contested or opposed by the NGOs who organized the night shelter, drawing on a different rationality than that of the state claiming the right of or the taking care of the individual in the capacity as human being, as a representative of the universal idea of humanity and not as a representative of a specific nation-state or in the capacity of a labour market position. This alternate rationality is founded in both religious and political constructs of humanity.

- The position of the destitute EU-migrant reflects the exclusion from the founding notion of the EU-citizen as an EU-worker, and the position of the au pair in Denmark reflects the exclusion from the labour market. The destitute EU-citizen is excluded from social benefit because of unemployment and the au pair is excluded from labour rights and a more solid residence (migrant) status because of employment on a non-recognized labour market.

- The connection and dynamics between the state's conduct of conduct and the practice and relations of everyday social life of the governed and the governing is important and reveals complexities and ambiguities of present government of migration – and also in-

dicates the inertia of change in the asymmetric relations of power between the privileged and the marginalized.

I have in this dissertation hopefully contributed to the understanding of the present government of migration and marginalized migrants. My research in new and un-researched fields of migrant il/legality can represent a basis for further studies in this area, developing and challenging the theoretical approach, concepts and notions, and the empirical knowledge on government of migrants and lived migrant il/legality.

Suggestions for future research:

My research has been focused on the micro and the macro level of government of migration concerning au pairs and poor foreigners, and a suggestion for future research is to investigate the rationality and social practice of *the meso-level of government*. Especially trade unions and migrant and ethnic NGO's and religious organizations nationally and globally could contribute to the understanding of governmental practise, but also examine the concrete articulation of political opposition, advocacy and suggestions of political changes.

A comparative study of the political rationality of government of au pairs and destitute EU-citizens would contribute to a broader discussion of different interpretations of the governmental rationality of the EU – especially regarding the destitute Roma migrants, who seem to be subjected to an increasing visibility and problematization in the EU.

The examination of international rights and national obligations should be examined in order to fully understand the significance and development of human rights in political rationality in the EU and in various EU member states. Empirically the process of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the process of the ILO Convention on Domestic Work, which is being negotiated and is scheduled to be adopted in summer of 2011 and of which the au pair system for now seems to be exempted.

Further empirical studies in government and everyday life experiences of migrants residing in Denmark in other *positions of migrant il/legality and especially as illegalized extra EU migrants with no residence permit such as rejected asylum, ex au pairs and children* residing in migrant illegality in Denmark would be important. Having produced empirical data on these groups, which I excluded from this dissertation, makes it almost an obligation for me to finish this part of my research.

Deportation as a social practice of state government of the illegalized residents or migrants would contribute very much to the visibilization of an un-researched area of governmental practice, including a more thorough examination of the rationality of conduct of the public officials (police, prison guards, doctors, nurses) and employees in NGOs and IGs, all preoccupied with the task of deporting migrants, or apprehending or detaining them for deportation.

Summary

This dissertation is about migration management and how marginalized migrants with temporary or no residence permit are governed – and how government through migrant il/ legality is produced, performed and practiced.

The dissertation studies how the complexity and interaction between the governing and the governed is practiced, how migrant legality and illegality is produced and governed at a national and transnational level, and how it is lived among two groups of marginalized migrants – au pairs and homeless EU-citizens – in Denmark.

The contemporary introduction of 'migration management' at the global institutional level can be seen as a new direction or a transformation in the migration regime. This transformation occurs through the explicit problematization of the government of migration. The very practice of government of migration is problematized as an issue of absence of international cooperation, an absence of international government of migration. This lack of cooperation is considered as a political issue requiring 'solutions', and the urgency of solutions is linked to more or less specified threats of illegal, unregulated movement of peoples, threats to national security, welfare and the labour market.

I take my theoretical point of departure in the governmentality perspective (especially Dean 1999, Rose 1999, Inda 2006) founded in Foucault's concept of government. Foucault understands modern 'government' as the shaping, directing and guiding of the conduct of others, what he calls 'the conduct of conduct'. In investigating this mode of government, it is necessary to broaden the focus from the state to also include the context of and development in theories, proposals, strategies and technologies as a way of analyzing the conduct of conduct. Within this perspective, the state becomes one important actor amongst other actors who produce and exercise authority over individuals and populations.

I define the marginalized migrant as a political category or construct, and migrant legality and illegality as politically produced states and conditions. The *marginalized migrant* is defined through a political rationality of inclusion/exclusion related to citizenship of the nation-state of residence and through different variations of migrant il/legality. The choice of the governmentality approach stems from my research interest in government and the political rationality of migration.

The governmentality approach entails a genealogy perspective on the practice of government of the migrant and migration and an analytics that includes four dimensions of political rationality: visibility, episteme, techne, and subject. The four dimensions can help clarify how subjects and spaces are made governable and how the social practice of government unfolds.

The position of the marginalized migrant is highly complex. It is weaved into different levels of government and different intersections with other subjectivities, other relations of power. My interest in migration management is an interest in the production and reproduction of power relations concerning migration and migrants, linked to other systems of asymmetric power relations such as class, gender and ethnicity. The process of inclusion and exclusion, being so prominent in the national sovereignty of nation states, perhaps developing into new

institutionalized forms in the geography of inequality, seems crucial to understanding the rationality of migration management. However, but in order to understand the government (in the Foucauldian sense) of the marginalized migrant, we need to broaden and open for the complexities of migrant il/legality status. These complexities include those linked to the fluidity, the instability and perceived 'emptiness' of governing il/legalized migrants; the character of invisibilization of marginalized migrants and their government; the increased problematization of illegalized migration and of temporary migrants as potential illegalized migrants; and especially, the grey zone of migrant legality and illegality working together to produce subjectivities and frame conditions of everyday living and residency for marginalized migrants.

The governmentality approach, however, might seem a bit challenging concerning what one could call 'knowledge production through lived experience of the governing and the governed. In practical terms, my study entailed empirical research on lived migrant 'marginality' through fieldwork and qualitative interviews with migrants residing in Denmark in the space of migrant il/legality

Chapter 2 outlines migration studies as a field of knowledge production. Migration studies is an intellectual framework around research and constructs of migration, the migrant and migrant il/legality. As such it is nexus between power and knowledge. The goal is to focus on those perspectives, concepts, constructs, continuities and discontinuities which can inform my own study of government of marginalized migrants.

'Migration studies' is a multidisciplinary field, well-known for bringing different scientific approaches, methods, traditions and dogma to the research 'table'. As a research field, migration studies often produces knowledge in close cooperation or partnerships with policy-makers and administrators in governmental, nation-state intergovernmental or international organizations.

The process of inclusion and exclusion, being so prominent in the national sovereignty of nation-states, especially in Europe, has developed into new institutionalized, regionalized and transnationalized forms of governing migration and migrants, which is the focus of chapter 3.

In the last decade, the EU has produced an increasing body of political rationality labelled 'migration management' and working as a regime of practice, weaving together the national and regional levels of government. A new space of government of mobility, territorialized as 'Schengenland', has appeared, and a regional level of inclusion and exclusion constructed, operating together with the existing national space of producing migrant il/legality.

In trying to understand the localized government of the marginalized migrant, located in a regional space of government, I use the governmentality perspective to grasp how political rationality at EU level has constructed the 'migrant', and 'migrant il/legality' as political issues relevant for governance or management.

Given the interest in the position of the marginalized migrant, I have chosen two empirical studies in Denmark: an exhaustive study on au pair migration and a limited study on migrant il/legality among destitute, homeless migrants. These studies are not studies of specific groups of migrants in their capacity as ethnic others, but studies of social processes of how people live and experience the government of migration, as a relational practice of producing, negoti-

ating, strategizing, categorizing, and contesting social, juridical and politically constructed positions.

Au pair migration and 'destitute migration' are two areas in the grey zone between migrant legality and illegality, a zone located in the margin of the nation-state or 'society', and involving elements of governmental practice targeting both processes of legalization and illegalization. Investigating social practices in the grey zone has the possibility to shed light on the dynamic quality of migrant il/legality as technology of government. Choosing two different social fields for research reflects an interest in the position of migrants more than an interest in a specific group of migrants as such.

Having the ambition to broaden the governmentality approach to include the lived experience of government and to link the state level with people's lived experience and the multifaceted social practice of being governed and governing (in locations and social spaces of the household, the shelter, the street, the immigration service, the media, etc.), I have chosen to use a combination of interviews, observation and documents. The governmentality approach is a point of departure, but in order to refine the analysis, it needs to be supplemented by a transnational perspective and an intersectionality perspective.

In the analysis of the social practice of government of marginalized migrants in Denmark I use four analytical perspectives or 'handles' , which reflect the four dimensions of government of migration as social practice and political rationality.

A. Households – micro government

Focus in this analytical perspective will be on everyday life as practiced and narrated in households where there are pair relations and in the night shelter.

B. (Trans-)Nation states – macro government

Focus in this analytical perspective will be the government of migration by nation-states and in transnational chains of migration management.

C. Rationalizing of government

Focus on how government of migration and governing migrants are rationalized in private and public performances.

D. Genealogy/historicized optic on government

Focus on the 'history of the present', on mutations, reminiscences of previous forms of government that through the effect of *Verfremdung* might open up new insights in present governmentality.

The analysis is divided according to the two case studies, of which the first – the study of au pair migration – is the most exhaustive and therefore also structured separately according to the four analytical 'handles', whereas the analysis of the homeless, destitute migrants, as a more limited empirical study, includes all four analytical dimensions in one chapter.

Within all of the analytical handles, the governmentality analytical focus on political rationality, governable subjects and spaces, the transnationalized perspective on social processes and relations and the intersectionality perspective on positions are all of importance

Au pairs, as temporary migrants, have a specific space of migrant legality and illegality that requires them to live with the employer and a residence permit tied to the employer/host family. The au pair scheme was a fruitful case for researching how 'contemporary migrant legality and illegality is lived' by marginalized migrants in Europe. The dynamics of au pair migration management reflect a social relation of power. The experiences of au pairs, as framed by this relationship, can thus be viewed as 'living migration policies'.

Au pair migration is performed as the practices and rules governing the relation between nation states and migrants. However, au pair migration also takes place at the privatized, personal level, performed and experienced as a relation between the citizen/temporary migrant, the employer/employee.

Chapter 5 discusses the research on global care chains and migrant domestic work, and the analysis is divided into the following parts;

- Chapter 6: Micro-level study of the au pair system in Denmark

- Chapter 7: Macro-level study: legality and illegality in Philippine-Danish au pair migration

- Chapter 8: The au pair system in private strategies and public discourse

- Chapter 9: Historization of the live-in migrant domestic worker phenomenon in Denmark

The empirical study was carried out using several documents, such as government acts, executive orders, guidance notes, etc. concerned with the au pair system in Denmark as well as other relevant Danish and foreign reports, statistics, media coverage etc. In addition, I have conducted 38 semi-structured interviews with au pairs, host families and various actors in the field of au pairing, during the period October 2007-June 2008.

Chapter 10 focuses on **destitute EU migrants** living as homeless in Denmark. In December 2007, migrants without residence permits in Denmark were explicitly banned from publically subsidised homeless shelters and drop-in centre. A number of Christian and non-religious NGOs responded to the measure by joining in an autonomously financed initiative, where, from January to March 2009, they opened and ran an 'Emergency Shelter' in Copenhagen with a capacity of 30 persons per night.

Based on an empirical study of homelessness/destitution and migrant illegality, including a field study and 13 interviews with users in Copenhagen at the 'Emergency Shelter' ('Nødherberget') between early January 2009 and end of March 2009, this chapter focuses on the relationship between migrant illegality, poverty and extreme poverty – destitution. The focus here is on 1) the lived experience and governmental practice localized in Denmark; 2) analysis of the transnationalized positions of the destitute migrant within the governmental space of national, regional (EU) and international sovereignties, jurisdictions and regulations; and 3 the historicization of governmental patterns and dynamics in governing the foreign poor in Europe and Denmark of relevance to the current 'government' of foreign poverty.

Resumé

Denne afhandling handler om migration management og om hvordan marginaliserede migranter med midlertidig eller ingen opholdstilladelse styres – og hvordan styring gennem migrant il/legalitet produceres, udføres og praktiseres.

Afhandlingen undersøger hvordan det komplekse felt af interaktion mellem de styrede og de styrende praktiseres, hvordan migrant il/legalitet produceres og styres på nationalt og transnationalt niveau, og hvordan det leves blandt to grupper af marginaliserede migranter i Danmark; au pairs og hjemløse EU borgere.

Den aktuelle introduktion af "migration management" på det globale institutionelle niveau kan anskues som en ny retning eller en transformationen af migrationsregimet. Denne transformation sker gennem en eksplicit problematisering af styring af migration.

Selve styringspraksis omkring migration er problematiseret som et spørgsmål om fravær af internationalt samarbejde, et fravær af international styring af migration. Denne mangel på samarbejde bliver betragtet som et politikområde, der kræver 'løsninger' og det påtrængende behov for løsninger kædes sammen med mere eller mindre specifikke trusler om illegale, uregulerede folkevandringer, der vil være trusler imod sikkerheden, velfærden og arbejdsmarkedet.

Jeg tager teoretisk udgangspunkt i et governmentality perspektiv (særligt Dean 1999, Rose 1999 og Inda 2006), som er funderet i Foucaults forståelse af og begreber omkring styring. Foucault forstår moderne styring (government) som formning, udpegning og anvisning af andres (adfærds)styring, det han kalder 'conduct of conduct'. I undersøgelse af denne form for styring er det nødvendigt at brede fokus ud til at omfatte mere end staten, men også inkludere konteksten og udviklingen i teorier, forslag, strategier og teknologier som en måde at analysere 'conduct of conduct'. Indenfor dette perspektiv bliver staten en vigtig aktør blandt andre, som producerer og udøver autoritet over individer og befolkninger.

Jeg definerer den marginaliserede migrant som en politisk kategori eller konstruktion, og migrant legalitet og illegalitet (il/legalitet) som politisk producerede tilstande og betingelser. Den marginaliserede migrant er defineret ved hjælp af en politiske rationalitet baseret på inklusion og eksklusion relateret til statsborgerskab i den national stat man bor i, og gennem forskellige varianter af migrant il/legalitet. Valget af governmentality tilgangen skyldes ikke mindst mit forskningsinteresse i styring af og politisk rationalitet i migration.

Governmentality tilgangen indeholder i min version et genealogisk perspektiv på styringspraksis omkring migrant og migration og en analyse optik, der afspejler fire dimensioner af den politiske rationalitet; synlighed, episteme, techne og subjekt. De fire dimensioner kan belyse hvordan 'spaces' og subjekter bliver 'styrbare' og hvordan den sociale praksis omkring styring foregår.

Den marginaliserede migrants position er meget kompleks. Den er vævet ind på forskellige niveauer af styring og på forskellige snitflader til andre subjektiviteter, andre former for magtrelationer. Min interesse i migration management er først og fremmest en interesse i produkti-

on og reproduktion af magt relationer omkring migration og migranter, forbundet med andre systemer af asymmetriske magt relationer som klasse, køn og etnicitet. Processen omkring inklusion og eksklusion, der i den nationale suværenitets forståelse fremstår som afgørende for at forstå rationaliteten i migration management. Men hvis vi skal forstå styring (i den Foucault'ske forståelse) af den marginaliserede migrant, bliver vi nødt til at brede perspektivet ud og åbne for kompleksiteten i status vedrørende migrant il/legalitet. Disse kompleksiteter inkluderer dem der er relateret til 'fluidity', ustabilitet og det forestillede styringstomrum i forhold til styring af den il/legaliserede migrant; den tiltagende problematisering af illegaliseret migration og midlertidige migranter som potentielle illegaliserede migranter; og specielt den gråzone af migrant legalitet og illegalitet, som sammen producerer subjekt positioner og sætter rammerne for marginaliserede migranters hverdagsliv og ophold på territoriet.

Governmentality tilgangen er dog også en udfordring når det handler om at analysere hvad der kunne kaldes 'vidensproduktion gennem de styrede og styrendes erfaringer'.

I praksis har mine empiriske studier af levet migrant marginalitet omfattet feltarbejde og kvalitative interviews med migranter, der opholder sig i Danmark i et 'space' af migrant il/legalitet.

Kapitel 2 undersøger migration studier som et vidensproducerende felt. Migration studier er en intellektuel ramme omkring forskning og konstruktion af migration, migrant og migrant il/legalitet og som sådan former de en sammenhæng mellem magt og viden. I kapitlet fokuseres på perspektiver, konstruktioner, begreber, kontinuiteter og diskontinuiteter som kan sige noget om styring af den marginaliserede migrant.

'Migrationsstudier' er et tværvidenskabeligt felt, der er velkendt for at bringe forskellige videnskabelige tilgange, metoder, traditioner og dogmer til bordet. Som forskningsfelt producerer migrationsstudier ofte viden i tæt samarbejde eller partnerskab med politiske instanser og embedsværk i regeringer, regeringssamarbejder eller internationale organisationer.

Inklusion og eksklusion i den national suværenitets forståelse, har specielt i Europa udviklet sig til nye institutionelle regionaliserede og transnationaliserede former for styring af migration og migranter, hvilket er i fokus i kapitel 3. Indenfor det sidste årti har EU produceret en omfattende politisk rationalitet omkring 'migration management', der fungerer som et praksis regime og forbinder nationale og regionale styringsniveauer. Et nyt 'styringsrum' omkring mobilitet, territorialiseret som 'Schengenland' er opstået og et regionalt niveau for inklusion og eksklusion er blevet konstrueret og virker sammen med det nationale styringsrum for produktion af migrant il/legalitet.

I forsøget på at forstå den lokale, nationale styring af den marginaliserede migrant, lokaliseret i et regionaliseret styringsrum bruger jeg governmentality tilgangen til at forstå hvordan politisk rationalitet på EU niveau har konstrueret 'migranten' og 'migrant il/legalitet' som styringsrelevante politiske størrelser.

I forlængelse af min interesse i positionen som marginaliseret migrant har jeg valgt to empiriske studier in Danmark: en omfattende undersøgelse af au pair migration og en mere begrænset undersøgelse af migrant il/legalitet blandt hjemløse, fattige EU borgere. Disse undersøgelser er ikke studier i specifikke grupper af migranter i deres egenskab af at være 'etniske an-

dre', men studier af sociale processer og af hvordan mennesker lever og erfarer styringen af migration, som en relationel social proces, hvor der produceres, forhandles, udformes strategier, kategorier og udfordres sociale, juridiske og politisk konstruerede positioner.

Au pair migration og 'hjemløse/fattigdoms migration' er to områder i gråzonen mellem migrant legalitet og illegalitet, en zone placeret i margin af nationalstaten eller 'samfundet', og som involverer elementer af styring, som både handler om legalisering og illegalisering. Ved at undersøge social praksis i gråzonen åbnes mulighed for at belyse dynamikken i migrant il/legaliteten som styringsteknologi. Valget af to socialt forskellige områder af migrant marginalitet skærper opmærksomheden på og afspejler forskningsinteressen i migrant positionen mere end i en specifik gruppe af migranter.

I forlængelse af ambitionen om at udvide governmentality tilgangen til også at omfatte analyse af styring til den levede erfaring, og at forbinde stats niveau med menneskers oplevede erfaringer og dermed belyse den mange facetterede sociale praksis i at være styret og styrende (i hjemmet /husholdningen, i herberget, i offentlige kontorer, i medier etc.), har jeg metodisk valgt en kombination af interviews, observationer og dokumenter som grundlag for analysen.

Governementality tilgangen er et afsæt, og det er nødvendigt at supplere den med et transnationalt perspektiv og et inter-sektionalitets perspektiv.

I analysen af den den sociale praksis omkring styring af marginaliserede migranter I Danmark bruger jeg fire greb, som afspejler fire dimensioner af styring af migration som social praksis og som politisk rationalitet.

A. Hjemmet/husholdningen – mikro styring

Fokus på hverdagslivet som det praktiseres og fortælles i au pair hjemmene og i nødherberget.

B. (Trans-)National stater – makro styring

Fokus I dette analytiske perspektiv er national staters styring af migration og transnationale styringskæder i 'migration management'..

C. Rationalisering af styring

Fokus på hvordan styring af migration og migranter rationaliseres det private og i det offentlige rum.

D. Genealogi og historisering af styring

Fokus på 'history of the present', på mutationer og reminisencer af tidligere former for styring som gennem 'Verfremdungs effekt' måske kan åbne for ny indsigt i den aktuelle styring af migration..

Analysen er opdelt i de to case studier, hvoraf det første om au pair migration er det mest omfattende og derfor også struktureret I kapitler der følger de fire analytiske greb, hvor analysen af de hjemløse fattige EU borgere, som et mere begrænset studie, indeholde alle fire analytiske dimensioner i det samme kapitel.

Indenfor alle fire analytiske vinkler fokuseres der på politisk rationalitet og på styrbare rum og subjekter samt det transnationale perspektiv på sociale processer og intersektionalitets perspektivet på positioner.

Au pairs er som midlertidige migranter placeret i et specifikt 'rum' af migrant legalitet og illegalitet, som kræver at de lever sammen med deres arbejdsgiver, og som binder deres opholdstilladelse til én værtsfamilie. Au pair systemet er et velegnet felt for udforskning af, hvordan den aktuelle migrant il/legalitet leves af marginaliserede migranter i Europa. Dynamikken i styring af au pair migration afspejler en social magt relation og erfaringerne i au pair relationerne kan betragtes som 'levet migrations politik'.

Au pair migration udfolder sig som den praksis og de regler der styrer relationen mellem national staten og migrantet. Men au pair relationen udspiller sig også på det private, personlige niveau og erfares som en relation mellem statsborger/midlertidig migrant og arbejdsgiver/arbejdstager.

Kapitel 5 diskuterer forskningen omkring global care chains og migrant husarbejde og au pair analysen er inddelt i følgende kapitler:

Kapitel 6: Micro-level study of the au pair system in Denmark

Kapitel 7: Macro-level study: legality and illegality in Philippine-Danish au pair migration

Kapitel 8: The au pair system in private strategies and public discourse

Kapitel 9: Historization of the live-in migrant domestic worker phenomenon in Denmark

Den empiriske undersøgelse baserer sig på documenter som regerings dokuementer, bekendtgørelser, vejledninger, administrative procedurer etc. som omhandler au pair systemet i Danmark, såvel som andre danske og udenlandske rapporter, statistikker, mediedækning etc. Derudover er der gennemført 38 semi-strukturerede interviews med au pairs, værtsfamilier og aktører med tilknytning til au pair området i perioden oktober 2007 til juni 2008.

Kapitel 10 fokuserer på fattige EU borgere, der lever som hjemløse i Danmark. I December 2007 blev hjemløse migranter uden opholdstilladelse eksplicit af regeringen udelukket fra offentligt støttede hjemløse herberger og væresteder. En gruppe religiøse og ikke-religiøse NGOere besvarede forbuddet ved at oprette et privat finansieret 'nødherberg' med plads til 30 brugere i København i perioden fra januar 2009 og til marts 2009.

Baseret på en empirisk undersøgelse af af hjemløshed/fattigdom og migrant il/legalitet, inklusiv feltarbejde og 13 interviews med brugere af nødherberget i København i perioden januar 2009 til marts 2009, omhandler dette kapitel relationen mellem migrant illegalitet, fattigdom og ekstrem fattigdom (desitution) som 1) de levede erfaringer og styringspraksis lokaliseret i Danmark, 2) analyse af den fattige migrants transnationale positioner indenfor dette 'styringsrum' bestemt af national, regional og international suverænitet, jurisdiktioner og reguleringer, og 3) historiseringen af styringsmønstre og dynamik i styringen af den fattige fremmede i Europa og Danmark, som er relevante for forståelsen af den aktuelle styring af 'fremmed fattigdom'.

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