Us and Them?

The Dangerous Politics of Immigration Control

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Introduction

Citizenship and the Community of Value: Exclusion, Failure, Tolerance

Once upon a time, a poor woodcutter, of no great skill, decided go in search of work. He left behind his family and his home in the forest, with promises that he would one day return with wealth and comfort. 'Here, food is scarce and life is hard', he told his wife, 'but I have heard tell of other places where there are chances for a man like me to make my fortune'. After much hardship and long days of travel, he reached the edge of the forest where he found the borders of a wealthy kingdom. There he found his way barred by guards. 'Who are you and why do you seek to enter?' they asked. 'Please let me in', he replied, 'I am a poor man, but I work hard. I promise through my labour I will make your kingdom even greater and richer than it already is'. The guards agreed to let him in saying that they would give him five years and a day to prove his worth. So the poor man entered and worked hard, digging, scrubbing, and labouring for the Kings' subjects. And the longer he stayed the more his affection for the kingdom and its people grew. After five years and one day, the guards acknowledged he had proved his worth and welcomed him as a true subject of the kingdom. 'But may I ask for one thing more?' said the man. 'I have a wife and children at home. They are poor and have nothing. If you value all I have done, would you permit them to come to your kingdom and make their life with me?' And the guards, being wise and fair, and recognizing his endeavours agreed. His family, overjoyed when he sent for them, came at once, and they all lived happily ever after.

This is the migration fairy story. There are important variations. Sometimes the woodcutter is escaping an evil tyrant, sometimes he is a silversmith of great skill, sometimes he is single, sometimes a woman. Ideally, the story follows the trajectory of survival to civilization with everybody benefitting, but there is not always a happy ending. The woodcutter can become lost in the forest or rejected at the border. He may not obey the guards, sneaking in or refusing to return, and sometimes he is not a woodcutter at all but a thief.

Moreover, a single woodcutter is one matter, but hordes of them might threaten the order or nature of the kingdom. However, the fundamentals are that the kingdom is a far more desirable place to live than the shack in the woods, and migration demonstrates this over and over again.

This book sets out to disrupt this story and the categories that underpin it: kingdom and forest, subject and foreigner. To do so, it foregrounds borders, not primarily those that are policed by the guards, which is how immigration controls are commonly imagined, but the borders between citizen and migrant, between us and them. International borders are commonly presented as filters, sorting out the desirable from the undesirable, the genuine from the bogus, the legal from the illegal, and permitting only the deserving to enter state territory. However, as has been observed ever more frequently in recent years, borders are not simply territorial, but they reach into the heart of political space. Together with their associated practices, and in particular, laws and practices of citizenship, they may be more usefully analysed as *producing* rather than reflecting status, as creating specific types of social, political, and economic relations. These relations are not solely the concern of migrants. The politics of immigration reveal the volatility of categories that are imagined as stable, including citizenship itself. Judgements about who is needed for the economy, who counts as skilled, what is and isn't work, what is a good marriage, who is suitable for citizenship, and what sort of state-backed enforcement is acceptable against 'illegals', affect citizens as well as migrants. The exclusion of migrants helps define the privileges and the limitations of citizenship, and close attention to the border (physical and metaphorical) reveals much about how we make sense of ourselves. This book will argue that rather than simple competitors for the privileges of membership, citizens and migrants define each other, and that they do so through sets of relations that shift and are not in straightforward binary opposition.

The Community of Value: Exclusion and Failure

Central to my argument is that modern states portray themselves not as arbitrary collections of people hung together by a common legal status but as a *community of value*, composed of people who share common ideals and (exemplary) patterns of behaviour expressed through ethnicity, religion, culture, or language—that is, its members have shared values. They partake in certain forms of social relations, in 'communities': 'bound by common experiences . . . forged by friendship and conversation . . . knitted together by all the rituals of the neighbourhood, from the school run to the chat down the pub'.[1]

[1] Cameron (2011).

The community of value is one of the ways states claim legitimacy, and in this way it often overlaps with ideas of the nation. The British people uphold the rule of law, reward hardworking families, respect human rights, etc. The notion of 'community' facilitates a seamless switch between scales, between the imagined national community and the imagined local community. This slippage of scale facilitates depictions of Britain as the land of 'long shadows on county cricket grounds, warm beer, invincible green suburbs, dog lovers and pools fillers and . . . old maids bicycling to holy communion' (Major 1993). Its localism not only captures a popular communitarianism but implies the importance of daily practice and suggests different parameters of inclusion to those indicated by the explicitly patriotic language of 'national identity'. In theory, 'we' could all belong to the community of value by appreciating the virtues of bicycling to Holy Communion or chatting down the pub, and by chatting and bicycling ourselves, although arguably this appeals to the more distinctively 'English' fantasy rather than the 'nations' of Ireland, Scotland, or Wales. It is certainly a far cry from the rain, high street chain stores, traffic jams, and daytime TV that might perhaps be more realistically conjured as common elements of many people's experiences of the United Kingdom.

The community of value is populated by 'good citizens', law-abiding and hard-working members of stable and respectable families. The policy maker and politician are often self-consciously 'good citizens', and so too, if less self-consciously, are the academic researcher and the anti-deportation campaigner. All may take different positions on different issues. There is not a single liberal tradition giving rise to a unified set of tick boxes about the specifics of the Good Citizen and his or her response to immigration, and the Good Citizen can argue for very different policies, but all draw on the individual as the key unit of analysis. The Good Citizen is the liberal sovereign self: rational, self-owning, and independent, with a moral compass that enables him to consider the interests of others. In this sense he is the product of a liberal history and culture, but it is a history and culture that does not acknowledge its own particularity. For the good citizen, culture is extrinsic rather than constitutive, a way of life, not power and rule (Brown 2006: 168). The Good Citizen is firmly anchored in liberal ideas about the individual, autonomy, freedom, belonging, and property. As Brace has demonstrated in her exploration of the politics of property, conservatives, socialists, and liberal individualists go on to offer differing visions of the good society and how the autonomous and separated self can connect with others (Brace 2004).

As well as manifesting values, the community of value *is* valued. In this sense, it needs protection, and increasingly it seems it needs protection from outsiders. At the national level, outsiders are equated with foreigners. The 'non-citizen (or the Migrant) may be defined legally as a person with a particular citizenship status, but the 'non-citizen', together with its associated

terms (foreigner, migrant, immigrant, etc.) is also normative. Part of being an outsider is not sharing the same values—which easily becomes not having the 'right' values. Terms like 'asylum seeker' are not simply descriptive of legal status, that is, formal membership, but they are value laden and negative.[2] Immigration and citizenship are not simply about legal status, but fundamentally about status in the sense of worth and honour—that is, membership of the community of value. The debates around immigration are about the contours of the community of value as much as they are about trade-offs and economic impacts. Bonnie Honig's (2001) exploration of the figure of the foreigner founder has shown how the foreigner, (the non-citizen) defines the nation and its citizenry from the outside. Foregrounding the community of value rather than the nation per se serves to emphasize that not all formal citizens are good citizens. The community of value is defined from the outside by the non-citizen, but also from the inside, by the 'Failed Citizen'.

'Failed citizens' as a term describes those individuals and groups who are imagined as incapable of, or fail to live up to, liberal ideals. It includes a wide range of people, folk devils like the Benefit Scrounger with too many children, the paedophile, the rioter, the Criminal, and others (Cohen 1972). The Failed Citizen is both a disappointment and threat to the local community and/or the nation. They have a problem of culture, fecklessness, and ill-discipline leading to them making the wrong choices and also to welfare dependence. The Failed Citizen, like the non-citizen, can be legally fixed, although again like the non-citizen, this by no means exhausts the category. The Failed Citizen may be defined as a person who has a criminal conviction—that is, through the sub-category of 'the Criminal'. Criminals may be formal citizens but they are strongly imagined as internal Others, who have proved themselves unworthy of membership of the community of value. A citizen criminal cannot be ejected from the state (although of course in the past they could be transported) but they can be excluded from membership in multiple other ways, including, in some states, through capital punishment. Even a minor conviction can result in a permanent loss of rights and these 'invisible punishments' can have grave consequences. In the US, for example, a felony conviction by anyone in a household may be grounds for the household's eviction from public housing, and in many states convicted drug felons lose the right to vote, to Medicaid, to food aid, public housing, and to any form of government education grant, *for life* (Brewer and Heitzeg 2008). For these people, the promise of formal citizenship

[2] To give just one example, the *Daily Mail* headline of 11 January 2011: 'Asylum seeker who claimed to have been gang-raped and witnessed family's murder in Somalia exposed as £250K benefit fraudster' (Seamark and Cohen 2011) situates the asylum seeker firmly outside the community of value. Later in the article it becomes apparent that 'she cannot be deported because she is a British citizen'—that is, she is not an asylum seeker in the legal sense of the term. The phrase was not used to describe her formal status, but her moral status.

is largely reduced to the bare toleration of their presence on state territory. Put like this, and purged of its moral claims, the distinction between some categories of non and failed citizens begins to look more hazy. The community of value is defined from outside by exclusion, and from inside by failure, but the excluded also fail, and the failed are also excluded.

Acknowledgement of the minimal legal rights of the Failed Citizen may be through gritted teeth, as is evident from the reluctance with which some states take in their returning ex-prisoners. In the UK, there is often press antipathy to British nationals who are returned to the UK after serving sentences for criminal convictions abroad: 'A career criminal . . . was yesterday returned to Britain as a free man. The taxpayer now faces spending tens of thousands providing housing and benefits to CT even though he has spent most of his life in Australia' (Doyle and Slack 2011). The tone of this and many similar articles suggest that it is not right that citizens with criminal records cannot be excluded from British territory. As Goldberg (1993) has put it, the Good Citizen has rights because he has values, and has values because he has rights. The Failed Citizen does not have rights because he does not have values, and he does not have values because he does not have rights. The Failed Citizen typically lacks both values AND value, as the virtue of the community of value may be priceless but is also about economic worth, independence, self-sufficiency, and hard work. Lack of values and value is the hallmark of the undeserving poor, and this book will argue that the non-citizen and the Failed Citizen are both categories of the undeserving poor: one global, the other national.

The Tolerated Citizen and the Politics of Citizenship

The borders of the community of value are permeable. The following chapters will demonstrate how easy it is for the non-citizen, whatever their immigration or citizenship status, to be imagined as the 'illegal' and thereby associated with the Criminal. In the same way the category of the 'deserving' benefit dependent is at continual risk of sliding into the benefit scrounger. For example, in April 2011, Prime Minister David Cameron stated that:

> We are finding a large number of people who are on incapacity benefits because of drug problems, alcohol problems or problems with weight and diet and I think a lot of people who pay their taxes and work hard will think, 'That's not what I pay my taxes for. I pay taxes for people who were incapacitated through no fault of their own'. (*Daily Mail* 2011).

The welfare claimant, not having the self-mastery to control her consumption, effortlessly becomes the Benefit Scrounger, and once again, it is easy to move from there to criminality.

Different groups and individuals can slip in and out of the community of value: sometimes accepted, sometimes marginal, sometimes examples of Britain's fine institutions, generosity, and tolerance, and other times a threat to British identity and themselves intolerant. That is, as well as Good, non-, and Failed Citizens, there are also (not-quite-)good-enough citizens. These are 'tolerated citizens'. The fragility of hold of the Tolerated Citizen, the contingently accepted, permeates the politics of citizenship. Those at risk of failure or of not belonging seek to dissociate themselves, one from another. Migrants and their supporters are usually eager to differentiate themselves from failed citizens with whom they are often associated. Assertions that refugees are not criminals, or that migrants do not claim benefits, are attempts to counter these associations by affirming the community of value. Migrants and refugees are fit to belong because they have the right kinds of values, unlike criminals and benefit scroungers. Similarly, citizens at risk of failure may seek to dissociate themselves from non-citizens in order to bolster their claim to rights. For example, in 2010, the papers splashed the headline 'British grandmother returns home after twenty three years in Spain and is branded an asylum seeker' (Levy 2010a). The woman in question was a white British national who had been living and working in Spain but had fallen on hard times. She had returned to the UK to find that she was ineligible for housing benefits having lived for a long time abroad. Unlike CT deported from Australia, her right to enter the UK ('return home') is not questioned, and neither is her right to claim housing benefit. The explicit comparison with asylum seekers is a repeat of a recurrent trope that the government treats asylum seekers better than its 'own', resulting in injustice and resentment (Millington 2010). Feeling like a 'refugee in my own country' was not an invitation to reflect on the commonality of exclusion, on either side—the woman claimed an asylum seekers' association 'just laughed at me', and for her part, it served to assert a prior claim over the rights of asylum seekers.

Contingent acceptance turns tolerated citizens, who must often struggle for acceptance into the community of value, into the guardians of good citizenship. Because these categories and boundaries are constructed, even though they are often imagined as real, they easily collapse into one another, legally and metaphorically. Those who are not firmly established in the community of value, must endlessly prove themselves, marking the borders, particularly of course by decrying each other to prove that they have the right values. For example, the Migrant (hardworking, legal, and a taxpayer) must distance herself from the Illegal Immigrant, and her impressive 'work ethic' (disciplined by deportability and the figure of the illegal) is a reproach to the lazy and lacklustre benefit dependent (Anderson and Ruhs 2010). On the other hand, the Illegal Immigrant is a foil to British folk who are not getting jobs because they are being undercut by people prepared to flout the rules. This is the white

working class as 'beleaguered native', let down by a government that failed to provide British jobs for British workers (Rogaly and Taylor 2010). Both claimants and scroungers may manifest their resentment in racism—which of course is never endorsed, though it is explained through reference to illegality, and is implicitly set in contrast to the 'multiculturally sophisticated middle classes', including those designing and writing the policy documents (Rogaly and Taylor 2011). But in the end, both hardworking immigrant and deserving claimant are only tolerated members of the community of value, and neither are good citizens. The Illegal Immigrant, the Benefit Scrounger, and the Criminal are not just parallels but they are intricately related both to each other, and to their shadows, the Migrant and the Claimant.

In contrast to the Good Citizen, neither the non-citizen nor the Failed Citizen is properly modern. The Failed Citizen is not the flexible neoliberal subject, with a portfolio career, making the most of every opportunity, improving skills, and selling his labour to the highest bidder. Moreover, tellingly, the depiction is often one of 'uncivilized' gender relations of oppressive masculinity and excessive femininity (Webster 2008). Similarly the non-citizen is often depicted as subject to slave-labour and feudal obligations. Non-citizens too comprise a site of oppressive gender relations. Poverty, deservingness, and citizenship are highly gendered. The Good Citizen, the non-citizen, and the Failed Citizen are male. Women's citizenship has always been mediated, essential yet indirect, and this is also true of citizenship's Others. In the same way that the 'wife' is necessary but subordinated to the Good Citizen, so the Others of the Good Citizen are male, but space is made for the female as a victim of trafficking and as the Benefit Scrounger. In the latter case, women can be depicted as instrumental single mothers, having children not out of love and proper maternal feeling but in order to claim benefits and housing. This is similar to the portrayal of migrant mothers as having what are called in the USA and in Ireland 'anchor babies', in order to claim settlement and citizenship. The relation of women to membership of the community of value is not only about race and class, but also about the right kind of motherhood.

There is a strong tendency to naturalize the categories of migrant, benefit dependent, and criminal which are racialized as well as gendered. People typically continue to be designated as migrants or asylum seekers even when they have attained formal citizenship. The (racialized) foreign born are often only contingently accepted into the community of value, and their children and grandchildren are second- and third-generation migrants. For migrant, claimant, and criminal, exclusion and failure can have strong 'genetic' versions, or weak 'cultural' versions with claims of generations of family dysfunction, bad motherhood, and poor attitudes to employment. The book explores how the politics of immigration must engage with this messy business, and

complicate narratives that set up a homogenized 'migrant' in conflict with a homogenized 'white working class'.

Outline

In recent years there has been a remarkable consensus on immigration policy in the UK but also elsewhere. Right and left all want the 'brightest and the best', all want 'sensible policy'. The question is reduced to how many? This overlooks the ways in which the Migrant and the Citizen are normative as well as legal constructs. This is a fundamental challenge to immigration policy, which often seeks to appeal to a vein of populist politics where the Migrant is a folk devil, but at the same time draws the sting of politics through appeal to technocratic experts who advise on 'sensible' policy. The problem is that because of their normative content, like crime, immigration statistics have always been too high. From the reign of Elizabeth I, who famously expelled 'blackamoors' because there were too many in the kingdom, to the complaints of 1621 that aliens 'causeth the enhancing of the price of vittels and houserents' (Dummett and Nicol 1990: 43), to the mid-eighteenth century fears that an influx of Jews would result in St Paul's becoming a synagogue, to contemporary claims about jobs, welfare, and births, there have always been too many foreigners. Making visible the role of the Good Citizen and the community of value and using the same lens to analyse the non-citizen and the Failed Citizen opens up a far more interesting and productive agenda that helps us think about when and why migration matters, and centralizes the community of value.

Us and Them? theorizes immigration debates in order to re-politicize them and reveal what is at stake, not only for migrants, but also for citizens. It is multidisciplinary, drawing on insights from sociology, history, politics, law, economics, geography, and normative political theory. The study of migration needs to cut across traditional boundaries of knowledge making (Brettell and Hollifield 2000). As an articulation of social transformations that has received increasing public and political attention, migration transcends disciplinary boundaries. Yet there are risks attendant on multidisciplinarity: different disciplines have different epistemologies, methodologies, and research agendas, and there is always the risk that to erase these differences may erase the strengths of their insights even as it pushes at their limitations. What is common is the centrality of subject making in the study of the Migrant and the Citizen, and this is manifest across disciplines: when does the use of the category 'migrant' obscure more than it reveals, and what does it tell us about the status of 'the Citizen'?

There is an opportunistic element to this book in that it makes use of examples, particularly of press and media coverage, that have been picked

up by chance rather than uncovered by database searches. The community of value is hard to avoid once you start noticing it. Engagement with the detail of law, policy, media coverage, and public debate, and the relation between them means that the book necessarily has a national specificity, and the focus is very much on the UK. It often uses examples from TV and radio coverage, and the national and local press to illustrate how migration is framed and discussed. However, the examination of the relationship between migration, citizenship, work, and belonging in theory and practice, has a more general application, as does the central argument: that immigration is not just about 'them' but is fundamentally about 'us'.

Us and Them? begins with two historical chapters tracing the origins of the figure of the Migrant. Global immigration is often presented as a distinctly contemporary phenomenon with more people on the move than ever before, but human beings always have moved. Chapter 1 will locate contemporary immigration within the long historical concern of rulers with the mobility of the ruled, the relation between geographical and labour mobility, and settlement and claims on the community. It examines the attempts to control the mobility of the poor in England from the fourteenth century onwards and how this was related to labour and an anxiety about social order. For centuries, it was the vagrant rather than the immigrant who was seen as a threat to social cohesion, the breeding ground for an anti-society of rogues and witches. The chapter explores the contemporary relevance of insights derived from this history of mobility in which control of movement which would now be characterized as 'internal' eventually became displaced on to national borders.

Chapter 2 examines the hardening of borders from the 'outside', the differentiation between subjects, foreigners, and aliens, and the emergence of the Migrant via the alien and the subject, set in contrast to the British citizen. It makes the argument for a more nuanced account of race, racism, and immigration controls that explores the relation between race, the community of value, and 'the poor'. The return to a historical 'Year Zero' which erases the history of colonialism and its legacies, in particular the imposition of particular forms of statehood, government, and nationalisms, and the lasting impact of global inequalities, combines with an affected 'racelessness' to construct the immigrant as the poor and the desperate.

The following three chapters map and interrogate UK immigration controls, citizenship policies, and public debate. Public debate tends to homogenize the figure of 'the Migrant' but the law creates a multiplicity of differentiations, and this tension, between homogeneity and heterogeneity, further complicates the question, who counts as a migrant? Chapter 3 gives an overview of contemporary migration controls in the UK. It argues that these are structured in a way that imagines the political, the social, and the economic as fundamentally separate spheres. Each imagines certain types of ideals, so in the same

way as asylum policy promotes the doing of a certain kind of liberal politics (an ideal that has become increasingly difficult to sustain in a post-Cold War world), policy on migrant workers promotes certain ideas about skills and employment relations, and policy on family and dependants promote a certain type of family and family life.

Labour markets are a key site for the construction of us and them, and foreigners taking jobs has been a trope of concerns about aliens and immigrants for generations. This is contemporaneously framed as also being about the lazy 'white underclass' overprotected by state benefits who allow themselves to be displaced by migrant labour. Chapter 4 examines the interplay between institutions, systems, policies, and politics, and argues that immigration controls are not necessarily labour protectionist but rather can create a group of workers who are more attractive to employers and who are particularly vulnerable to precarious labour. The temporalities of immigration controls and migratory processes work with and against each other to shape the relations of migrants to labour markets in very particular ways.

Economic migrants are unashamedly cast in terms of the value that they bring, but the emphasis moves from value to values when migrants apply for citizenship. Chapter 5 examines naturalization and the processes of citizenship acquisition. It is through naturalization that the Migrant who has entered as a political activist, economic actor, or family member becomes integrated, both as a full person, and into the national community. Naturalization procedures are the gateway to formal state membership, but they also strongly assert the nation as a community of value. An examination of the changing laws governing citizenship acquisition are set within the context of British debates on citizenship from the 1990s onwards which have seen mobility, settlement, and naturalization moving from a minor complication to a central focus of concern.

Chapters 6 and 7 explore the dilemmas posed by illegality, immigration enforcement, and deportation. There is general frustration in many liberal states, including the UK, at governments' perceived inability to control migration and particularly to deport 'illegal immigrants'. Chapter 6 describes the instability of the category of illegal, and relates it to questions of deportability. It examines the shift in emphasis of UK immigration enforcement policy from the border to in-country raids and removals, and explores how immigration enforcement leaves its marks not just on individual non-citizens, but on communities and citizens more generally. Increasingly citizens are required to police and be policed by immigration control mechanisms, and to instantiate borders in their daily lives. Some challenge this through participation in anti-deportation campaigns, which can appeal to the same claims to good citizenship that are promoted in naturalization procedures, raising the question of who has the right to determine entry into the community of value.

The spectacular display of state power on individual bodies that is at the core of deportation can be deeply troubling to liberals who value personal bodily integrity and individual freedom. Chapter 7 considers the attempt to reconcile immigration enforcement with human rights through the language and policy of trafficking. Responses to trafficking present the UK as a site of free labour and a space of equality that is free from slavery, but they also reveal anxieties about the nature of the market, its relation to society, and more particularly, its compatibility with the idea of the nation. While labour migration policy depoliticizes through 'fact', trafficking depoliticizes through 'value', placing the plight of the victim of trafficking beyond politics. Trafficking as modern-day slavery emphasizes the experiential and individualized, in contrast to the language of labour migration set out in Chapter 4. The focus on the personal relations of dominance establishes the state as protector and passes over its role in producing the category of migrant with its attendant vulnerabilities in the first place.

Chapter 8 takes the case of domestic labour as exemplifying the ways in which all the issues outlined above come together in the lives of migrants and their employers. It examines two types of visa for domestic labour, the au pair visa and the visa for domestic workers accompanying their employers, and considers them as illustrations of profound tensions within liberalism about the nature of labour, the family, women, and the nation. It considers how immigration status reveals domestic labour as both work and not work in the UK, and how visas not only trap migrants in ambivalent social relations, but also affect the sector more generally. It also considers the relationship between immigration controls, life stage, and political subjectivities.

Us and Them? outlines the challenges posed by liberal democracies to migrants, but it is focused more particularly on the challenges that migration and migrants pose to liberal democracies. It argues that these challenges run far deeper than risks to cohesion, benefit fraud, or unemployment, and go to the heart of liberal principles of equality, rights, autonomy, freedom, and membership. Our analysis is infused by assumptions about sovereignty, property, and social relations, but it is these very assumptions that are called into question by migration and state responses to it. How do ideas about self-ownership, property, freedom, and a commitment to equality, fit with the restrictions on employment placed on migrant labour? How are ideals of citizenship as a unitary and sovereign status compatible with the language of 'foreign born' citizens? The deep contradictions within liberalism that emerge when confronted by migration, which mean that, in practice, liberalism often stops at the border (Cole 2000), are not only matters for migrants but go to the heart of citizens' politics.