What is governing Portuguese Migration?

A governmentality analysis of European and Portuguese

Immigration Governance

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Abstract

The migration policy of the European Union is debated. Countries inside and outside of the Union are affected by what is said and decided, and what is not. I decided to choose Portugal, a country with historic ties to colonialism, and investigate its relation to the Union and its policies. To be able to understand the power-relations and the tacit understandings that is imbedded in policy-making, I used Foucault's governmentality theory. It high-lighted some of the Union's rationalities; I was able to identify assumptions based on the division between "good and bad migration" according to economic factors, as well as a "there's a European citizenship", which implies a shared identity, and also that "migrants can be managed – in their home countries.". I then tried to identify the rationalities in Portugal's foreign policies, which led me to the conclusion that Portugal's past as a colonial power is still a part of the country's identity. Portugal and the European Union do share many assumptions on how to handle migration but Portugal does not seem to have the same need to distinguish between the external and the internal. However, as it adjusts to the EU's policies, the country appears to adopt its rationalities.

Keywords: Migration policy, The European Union, Portugal, Governmentality, The Stockholm Programme
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1 Introduction

The migration policy of the European Union is debated. Discussions, that range from the legitimacy of supra nationalism to whether sovereignty is facing a crisis, have to face the fact that the European Union of today is gaining power. It is increasingly granted the right to set the standards and policies for the control of external borders, and with that, set the standard for inclusion and for exclusion of non European members. However, the increasing multi-level governance, in the form of laws and directives, is just one of the power relations that influence the member country's politics. I therefore intend to conduct a study that concerns governance and power in the structural sense. By using Foucault, his theories on power and knowledge, as well as his theory on governmentality, I intend to carry out a descriptive study on the relation between the Union and Portugal.

My focus will be on Portugal, and how its policies are related to the migration policies of the European Union. Portugal has been a member of the Union since 1986, and had fully implemented the Schengen Agreement by 1995. (The Schengen Agreement, 2009) What is particular about Portugal though, is its relations with countries that are outside of the Union. After 500 years of colonial rule the contemporary relation between Portugal and its former colonies are still very special – the so called Lusophone countries. In forms of agreements, power relations, alliances, and migration Portugal influence and is influenced. According to Baganha, among other Portuguese scholars, this trend has been clearly identified in Portuguese migration politics. Portugal has had a substantial immigration from countries such as Cape Verde, Mozambique and Brazil. The general attitude is welcoming – as Portuguese speakers are perceived as easy to integrate. (Costa Lopes, 2008: 16f) Diasporas, such as the Cape Verdean, is already well settled and a part of the Portuguese society and help maintain the normality of constant interchange between the lusophone countries. However, the politics do not fit with the general trend within the Union. As the EU has been sporting an increasingly restrictive attitude towards external migration, Portugal has adjusted accordingly.

It is the clash between Portuguese and European Union politics that I intend to study. The flow of immigrants to Portugal have not ceased with the judicial change of attitude. Instead, the Diasporas are growing, but they now to a much higher degree consist of illegal migrants, with the complications and lack of rights that entails. Immigrants enter on temporary visas, and then stay on. The problems are escalating and Portugal is now facing the challenge of balancing its former relations with the demands of the Union.

1.1   Question and intent

I am attempting a different perspective on the multi-level governance relation that the EU and Portugal are in – assuming power relations consists of structures, of actors on all levels, of discourses where one knowledge is in conflict with another. I will be investigating whether the European Union's migration policy can be recognized in the Portuguese migration policies. As the Union has overarching ambitions and legality, it's legal and political influence is obvious. However, what is more unclear, is whether the assumptions that the Union is basing its migration policies on, are the same in Portugal as in the Union. Policies are never neutral – they have implications and assume certain knowledge. (Kalm 2008: 86) By using Governmentality analysis, I'll be able to identify some of the mentalities and rational thinking that the EU is basing its practices on, and then use this knowledge to analyze the programmes that Portugal is basing its politic on.

Therefore, my question is as follows:
Can the rationalities, identified in the European Migration Policies, be recognized in Portugal's Foreign Policies?

1.2   Method and theory

My analysis will be two-stepped. First I will identify rationalities and mentalities in two important current European documents – I will be clarifying its view on external migration, and what assumptions the European Union is using to justify its politics. Secondly I will use the rationalities identified, to analyze the Portuguese documents on Portugal's foreign policies and its programmes on management of migration.

The theory of Governmentality was first introduced in 1978 by Foucault. In lectures held at College of France Foucault introduced a theory which enables us to analyze the relation between governance and thought. (Dean 1999: Introduction, 1ff) The name, a combination of "governance" and "mentality", indicates the way it enables us to review the mentalities and rationalities which tacitly steer politics. The term "Governance" is here defined in its broadest sense, as all power relations that are conscious acts or attempts to control and guide human behavior – the conduct of conduct. In defining governance in a wider sense, we're enabling analysis of a broader spectrum of actions. Governmentality is a tool which can be used to see structures and to analyze actor's mentalities. (Kalm 2008: 64f) Mitchell Dean describes "mentalities" as a term that has been around for quite some time, defined as a collective state of mind. It's about looking at the group logic, at the knowledge and belief that the population is immersed in. (Dean 1999: 16)

As my analysis is based on Foucault's theory, his assumptions on power relations will permeate the essay. Kalm writes that Foucault identified different types of power relations in his studies, and she describes governmentality in its more narrow form, as one of them; as a form of controlling the population indirectly. (Kalm 2008: 71) As my study relates to two levels of governance, "population" is not applicable in the same sense. What are the implications for multilevel governance when looking at it with a wider definition of power? Power as relations on many levels, are not something absolute, but a process, an interchanging process. Foucault describes his view on the interchanging relation between power and knowledge, and how the two constitute and reinforce one another. By nexuses of knowledge we include and exclude. (Brass 2000: 306ff) As systems of knowledge are part of all governance they are also a part of the structures which rather subtly make some things more likely to happen than other. Hollis defines it as structure and action; and by referring to Wittgenstein, points to the fact that we are all involved in "games"; in a society with set rules that we constantly comply with to communicate with our others. The different mazes of rules are institutionalized, not least in the language. (Hollis 1994: 151ff) Which brings us back to

Foucault's assumption that institutions and governance are all about making some things more likely than others – governance is here not viewed as a system of enforcement, but as a system of governing the conduct of conduct.

I will also attempt a deconstruction of the notion of nations as independent actors – that is, I will assume that the maze of power relations is ever changing and never consistent, and that nations are limited and controlled by the structures. According to Kalm, Foucault defines the state as a mythicized abstraction. However, the governmentality theory is based on "a population" – and I will, just as in Kalm did in her dissertation, have to reformulate that. (Kalm 2008: 68f) In my deconstructing ambition I will not define the state or the European Union as an absolute, and I will deny them an essence. As Kalm mentions (2008: 94), migrants defy ordinary categorization within a state nation – I must look beyond state borders to be able to analyze Portugal's and the Union's assumptions on migration and how to manage it.

As theories imply methodological assumptions, I have not chosen to separate method from theory. (Neumann 2003: 13) Text analysis and discourse analysis stipulate that I have a knowledge of the object of investigation, the text I am studying, and a deep understanding of the context – a cultural competence, as Neumann refers to it. (2003: 52) There is no way for me to approach the object objectively. To maintain intersubjectivity, I must provide an explicit presentation of my previous understanding and my approach. (Lundquist 1993: 52-3) I assume an interpretive, or hermeneutic, view on social sciences. I do not believe we can say anything definite – as Hollis puts it; "the social world must be understood from within, rather than explained from without". We all give social actions their meaning – they do not mean anything without our more or less unconscious classification of the world. (Hollis 1994: 16f) "Action may presuppose action and yet also shape it." Hollis points out that the "games" and the "actors" theory can be combined. (Hollis 1994: 19) However, it is important to note that discourse analysis (and with that, I include Governmentality analysis), make more epistemological than ontological assumptions. Whether there's a something out there that can be proven or not, is simply not that relevant as the study is focusing on our creation of meaning. Neumann writes that matter is not a subject of interest for analysis of discourses, as we are exclusively interested in the matters representations. (Neumann 2003: 35ff)

1.3   Delimitations and structure

I will delimit my study by only looking at a few well chosen documents that represent the current discussion well. A strategic piece of the puzzle. By analyzing something small I hope to say something about the bigger picture. My ambitions are descriptive – that means, I am not attempting to explain why the European Union might have an influence on Portuguese discourses and Portuguese mentality. My epistemological assumptions do not provide the tools I would have needed if I had ambitions on investigating causal relations. I will further delimit by only looking at the migration order that concerns economic migration – not including asylum seekers, or asylum policies, as they apply to different norms and a different logic which are well worth studying but for which there is no room in this study.

1.3.1   Outline of the paper

As my study is based on governmentality, a theory with strong methodological implications, the essay will begin with a thorough description of governmentality as a theory, as well as an analytical tool. I will continue with the empirical material that I have gathered on the European and Portuguese migration policy since the 70th. It will provide the backdrop to the actual analysis. The analysis will begin with a brief comment on my choice of documents, and then I'll start off by identifying rationalities in the documents produced by the European Union. Using my conclusions, I will then analyze the Portuguese documents. A discussion in which I sum up my analysis and how it answers my question, will round the essay off.

2 Governmentality

2.1 Governmentality: the theory

Michael Foucault described his aim with governmentality as a way of understanding the context, or the conditions, which makes the practices of the governance acceptable. (Kalm 2008: 79) These understandings can be identified in language, in practices, of government, in the form of rationalities. (Dean 2010: 25) Now, what does that mean? It is the government's actions that can be defined as practices, and many practices put together result in a regime of practices. These regimes are generally assumed, and habitual, in that they are ways of doing things which is generally not problematized. The practices are tacitly legitimized by rationalities – logics and ways of thinking that rationalize the practices. When conducting a governmentality analysis, what we are really doing is analyzing the rationalities – or mentalities as they are also called. In uncovering the rationalities, or the mentalities of the government, we can understand how the governance rationalize and understand their own actions – how goals can be achieved, and what the actual goals are, and thereby, also criticize it, with all cards (well most of them anyway) open. (Dean 2010: 25) Foucault and governmentality studies generally analyze actors and subjects as effects of power, rather than as the originators of power. (Kalm 2008: 89) However, I have chosen to analyze the governance of migration, and will therefore focus on the originator of power. So, in uncovering the mentalities, or rationalities, of the government, I hope to highlight tacit understandings.

2.1.1 Power, Foucault and governmentality

Foucault mentioned governmentality for the first time in his seminaries at College de France, in 1977. It was a reaction to and a product of not only his previous studies, but also the contemporary politically unstable context. Governmentality was developed in

the vacuum that the Left was faced with during the 70th, as the realization of a Marxism society increasingly appeared to be a delusion. (Dean 2010: 61) The theory of governmentality was formed in Foucault's investigation into the political power and its different forms. (Kalm 2008: 63) Power, in Foucault's view, does not emanate from just one actor, but is an entwined system of relations and interactions, where each actor has the capability to act, but where more or less visible structures make some things more likely to happen than others. (Kalm 2008: 68ff) In 1980 Foucault presented a whole study on the relation between power and knowledge, which erased the line between the two – Foucault showed how power and knowledge constitute one another, and how regimes of "truth" is a very powerful tool in the conduct of people. (Brass 2000: 306)

2.1.2   Rationalities, programmes and policies

Rationalities are the understandings and basic assumptions that the government use when governing and deciding programmes and policies. Foucault described it as the one factor that uphold and make the acts of the government "logic". (Kalm 2008: 86ff) However, rationalities are not restricted to governance. Like Dean puts it, what we try to identify when we identify rationalities is; "*simply any form of thinking which strives to be relatively clear, systematic and explicit about aspects of 'external' or 'internal' existence, about how things are or how they ought to be.*" (Dean 2010: 18f). In Liberalism, for example, one rationality is the assumption that human beings are subjects that can act freely, and who govern themselves through self-governing. (Dean 2009: 23f) Rationalities do not, however, imply any hegemony of any certain way of thinking, as opposed to, for example, the term "mentalities" which implies a collective way of thinking. (Dean 2010: 24)

Foucault wrote that in analyzing the governmentality in programmes and policies of government, what we're looking for is the government's problematization of their own conduct. That is, the government is reviewing their own conduct, and we are trying to analyze the practices, and rationalities, with which that problematization is done. (Kalm 2008: 79) Programmes and policies are the technologies of the government which create and carries the rationalities. Analyzing policies and programmes answers questions such as; "what does the governance perceive as a specific group's needs?" – education, borders, simpler visa procedures? (Gray 2006: 122) It's important to keep in mind that there is nothing neutral in policy-making. Programmatic texts are always based on

rationalities and assumptions made prior to the problematization that result in a programme, and their assumptions always have implications for the governed. (Kalm 2008: 87) For example, the government categorize people that might have very different needs into different groups, such as "Immigrants" and "Swedish". This enables policy responses, that reproduce the groups. (Gray 2006: 122)

2.1.3　　　Liberalism

Governmentality and liberalism go hand in hand. According to governmentality liberalism is basically the idea of a government of the population. So when analyzing government I am analyzing liberalism. (Dean 2010: 133f) In governmentality analysis, liberalism isn't approached as a coherent concept, but rather as a way of handling and presenting problems; consequently, what is included in the word has changed throughout the history, depending on the context. Today, the notion of welfare is for example included in most accounts of liberalism, which is a new occurrence. (Dean 2010: 61f) Liberalism is distinguished for its understanding of the human being as a free actor. However, the acceptance of human beings as free actors, urge liberalism to try to understand and calculate the free actions. By understanding the logics and acts of the human being, Liberalism can govern the conduct of people, using the understanding of peoples self-restraining to govern their self-governing. It is, with other words, a liberal technology – understanding the human mind, to achieve the goals of the government. Liberalism can therefore be approached as an art of government. The understandings of "free" differ, though, and therefore, so does liberal governance and their rationalities and consequent practices. (Dean 2010: 23f) The government has presumed individuals to be capable of governing and monitoring their own behavior to a certain extent ever since the 17th century, in the form of self-governing, or "moral" conduct. The government does not just attempt governing the self-regulation of the population, but also the governors, creating codes of conduct for politicians and the public alike. (Dean 2010: 19)

The law and the norm

In liberalism, law is no longer understood only as an instrument of control and sovereignty, but as a tool in the liberal technology of governing. (Dean 2010: 133f) Liberalism works with norms rather than with force in its technique of governing, but as the law increasingly is becoming a system of norms, it should be analyzed as such, and

it would be a mistake to only review the law according to its ability to control. It was Foucault, in "The History of Sexuality" who developed the thought of the norm as taking the place of the force of law in the governing of actions. The law with its regulations and control mechanisms work as a normative frame. (Dean 2010: 140) So what is a norm? In Dean, it is described in the words of Francois Ewald, who wrote that a norm is a way for a group to provide itself with a common denominator. It creates equivalence, a something that everything can be compared to, which also has power implications as hierarchies that are created in relation to the norm. (Dean 2010: 141)

Governance and the economy

Liberal governance is intrinsically entwined with macroeconomic policies – the actors have to take active choices as to which policy to use, as the actors are implied by the logics of economics. (Dean 2010: 25) The economy is understood as a semi-autonomous and self-regulating entity. (Kalm 2008: 76) Liberalism, being a theory of the freedom and the limitations of the governance, is in this constant battle between the logics that assumed to rule the society, such as the economy, and individual freedom. (Dean 2010: 63)

2.2   Governmentality and migration

Foucault mostly set his governmental analysis in a state bound setting – history of sexuality, analysis of prisons etc. However, Foucault noted that the "*states are situated in a space of competition*", which presupposes an international state-system. (Dean 2010: 232) The study of the European Union, in relation to Portugal, as well as my area of study, migration, is all set in an international context. Kalm takes the governmentality analysis to an international level in her book "Governing Global Migration", so I will use her argumentation; governmental thought is often global in scope. (Kalm 2008: 95) If we take government to be the "*structuring 'the possible field of action of others'*" (Kalm 2008: 102), then the state-system might be regarded as a regime of government. This state regime does two things; it structures the humanity into subpopulations; into states, and in allocates the right to govern over the population to each state. Here the citizenship becomes vital for the management and division of each subpopulation, as it works as a marker of identification, informing the state who belongs and does not. Kalm writes that the first mayor technology of differentiating people was

the identification paper that was developed in the end of the 19th century; which was later developed into the modern passport. (Kalm 2008: 103f) The state in itself has no essence. Instead, the stratified state organization of the world today has clear power implications (Kalm 2008: 68ff) for the mobility of people in the world; "Power-geometrics of time-space" as Kalm calls it. (2008: 163ff)

2.2.1 Migrants and the population

The field of migration internationally is largely ungoverned, and that is generally motivated by a lack of common norms. However, Kalm writes that the argument that international governance would lack common norms is a myth – seeing as all actors today are agreeing to a common global mobility regime – each state has the right to decide who resides in it and who does not, by international law. (Kalm 2008: 98f) Control of borders have even been regarded as an intrinsic part of sovereignty (Ibid: 38) and *"state regulation hence appears as a systematic requirement connected to a mentality of government which prioritize the particular over the universal"*. Migration is thus regarded as an aberration in the current system. (Ibid: 112f)

   The population is important in governmentality analysis, as they're the ones-to-be-governed, the object of interventions and policies. The population in governmentality however is not just legal subjects that will obey the law, but *"entities with its own laws and regularities"*. (Kalm 2008: 75) The population is a set on which statistics can be held, a group to which healthcare can be provided – but this group does not necessarily have to be state-bound. Liberal international actors such as WHO operate and calculate according to an international scene. (Dean 2010: 245)

2.3   Governmentality as an analytical tool

What is it then that we attempt to analyze? Well, to conduct a governmentality analysis, we need to identify a problematization – where the state, or the government, is

problematizing something, in this case, migration policies. Foucault described problematization as a "*set of discursive or non-discursive practices that makes something enter into the play of true and false, and constitutes it as an object for thought.*" (Kalm 2008: 79), that is, when the governing are questioning themselves and their own practices, while still remaining in the same discourse.

I will be using three dimensions, as defined by Kalm, to carry out my analysis of political rationalities. My analysis is an analysis of governments attempt to conduct the conduct of other rather than of self. (Dean 2010: 21)

2.3.1   The epistemological dimension

All political rationalities are based on some form of knowledge of the nature of the things, people, agents, actors, etc. that is to be governed (Kalm 2008: 89). In finding the epistemological dimension one asks what the governments assume they know. All political rationalities are based on assumptions, knowledge, and perceived truths; it is an intrinsic part of the power of the governors. (Kalm 2008: 172f) The understanding of concepts such as society and the economy have changed throughout history with new contexts and new interpretations, in relation with the transformations in the rationalities which tries to govern them (Ibid: 89). Through using the epistemological dimension I aim to uncover the tacit understandings. Each rationality is also linked to a specific form of identity – in managing a group, the government apply certain attributes to the group – as young, bureaucrats, rich, students, economic refugees – etc., (Kalm 2008: 89) which doesn't necessarily mean the group identify with the characteristics. (Dean 2010: 44) What I am concerned with however is how the government perceives the ones to be governed, which means the actual character of the group is not of importance here. Kalm exemplifies with a tactics of subjetification that she has identified in discussions in international management of migration; People are mobile – in international organizations, despite describing migrants as an extraordinary factor, the fact that people migrate is regarded as natural, and as a permanent feature of international affairs. (2008: 173)

2.3.2   The idiomatic dimension

The language which the government uses is not a neutral medium – what is included and excluded, how something is described, which terms and the uses of words speak a whole lot about the rationality of the governor. Kalm exemplifies with the way international organizations frame migration policy in terms that has been changing throughout the years; from being regarded as a solution to post-war labor shortage, to being described as something that needs to be controlled. The latest trend is to frame it in "management" terms. (Kalm 2008: 183) Empowerment, agency, activity and resistance are other examples on words that are commonly used in contemporary management, which are constructed in close relation to existing regimes of practices and reproduce power-structures. (Dean 2010: 87)

2.3.3   The moral dimension

Governing is always moral in that it uses rationalities on how things ought to be. Dean defines morality as a practice in which human beings take their own conduct to be subject to self-regulation, which instantly make governing very moral. Governments presuppose what is good, appropriate behavior by individuals. (Dean 2010: 19) The moral dimension of political rationalities concerns the overarching goals, of ideals, which the government is trying to attain. (Kalm 2008: 187) What are the goals that the governors want to achieve? What are their moral claims? Questions that arise are, for example, appropriate forms of intervention, the best way of distributing the tasks between different authorities, and the envisioned overarching goal. All programmes have a utopian ambition – Kalm mentions that the right to remain at home contains the utopian notion of an erasure of the need to migrate. (Kalm 2008: 172) Dean further envelop this in saying that to govern, is to believe that it is not only necessary but also possible – and this further implies the assumption that people can be changed, can be re-formed. (Dean 2010: 44) It is important however to separate "values" from the discussion. Values that the governor is claiming to strive for are more of a rhetoric tool than an actual realizable aspiration. (Ibid: 45f)

3   Empirical background

3.1   The EU

3.1.1   EU's migration policies

Most migratory flows that have come to Europe during the 19th and 20th century have been due to colonization. (Costa Lopes 2008: 11f) The idea of a European integration has from the very beginning of the European Union[1] been intrinsically related to migration. The union has politically and consciously created a division between the migration within the union and outside the union. (Hansen 2008: 33) Hansen argues that one can't give an account of the Union's migration policy without starting with the internal migration.

It was the Treaty of Rome which formally institutionalized the free movement of labor within the Union. Free movement was considered an inherent part of the economic integration and considered a must for the Unions economic function – and the theory was that shortage of labor in one country would balance unemployment in another country. As Walter Holstein put it; *"The basic law of the European Economic Community, its whole philosophy, is liberal. Its guiding principle is to establish undistorted competition in an undivided market."* (Hansen 2008: 45) At this point, 1958, and into the 1960th, the member countries were unwilling to free any other parts of the sovereign right to regulate borders, and the freedom was therefore limited to movement of labor. (Hansen 2008: 39ff) The next important step in the integration of the Union was the Single European Act,

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[1] Although the name of the European Union has been changing throughout its history, from EEC to EC, etc., I'll only refer to it as the EU, European Union, or the Union.

SEA, which was ratified in 1987. With it, the EU's supranational authority was vastly extended and the inner market was opened up for good, services and people. (Ibid: 57) The Schengen Agreement was another result of SEA, and a big step forward for the common migration policy of the European Union, being the first bilateral agreement on common border policies - its primary purpose was to create coherent external borders, to enable the removal of the internal borders. (Hansen 2008: 66) It was also the starting point for a renewed interest in the European identity and a common external migration policy. Words such as coordination and partnership began to dominate the migration discourse, along with a sudden reference to the European Union as a "territory". This construction of a European Union with free internal migration led the way for an increased focus on "external migration". (Ibid: 59ff) The free movements internally appeared to require stronger border regulations, and words like "illegal migrants" began to appear in the European discourses and policy-making, (Ibid: 63) and as a step towards a stronger integration, the idea of a European Identity and a formal European Citizenship was launched. (Ibid: 55)

3.2   Portugal

Portugal has gone from being a country of primarily emigration to becoming a country of immigration, though the emigration is still occurring to this date. (Costa Lopes 2008: 12f) Before the decolonization of Portugal's colonies in Africa, Portugal had a substantial emigration to countries in northern Europe, as well as Canada and the USA. In 1974, the Carnation Revolution occurred in Portugal, which transformed the country into a democracy, and subsequently liberated its former colonies in Africa. (Costa Lopes 2008: 13)

3.2.1   Portugal's colonial history and the migratory ties to the lusophone countries

Portugal still has strong ties with its former colonies – consisting of African colonies, liberated in 1974 as well as Brazil, liberated in 1822. Baganha defines the migratory system that exists between the former Portuguese countries as a "The Lusophone Migratory System", using variables as "a strong connection economically", "a shared cultural history" and "a substantial flow of migrants". (Baganha 2009: 6ff) There are currently 318 bilateral formal agreements between the Lusophone countries. Seven of these bilateral agreements are directly concerned with migration – visas, illegal migration, etc. (Baganha 2009: 10) The system was in place already in the nineteenth century, then centered around the relation between Portugal and Brazil, and with the distinct difference that Portugal was the main sender and Brazil the receiver. An estimated 1.2 million people moved from Portugal to Brazil during this period. (José de Renó Machado 2000: 1) In the 1980th this flow suddenly shifts, and Brazil instead becomes the main sender and Portugal the receiver. Baganha notes that this coincides with an economic upswing in Portugal and inflation in Brazil, and concludes that the shift was mainly due to economic factors. The African countries joined the system with the revolution in 1974 which liberated many African countries from Portuguese rule. (Baganha 2009: 10f) The amount of legal migrants in Portugal from the Lusophone countries is relatively small – less than one percent of the population in the 1980th, and about 3 percent of the population two decades later – however, Baganha notes that is just half the story, as the amount of illegal migrants from the Lusophone countries is more or less the same as the amount of legal migrants. (Baganha 2009: 11f) Immigrants from the former Portuguese African colonies suffer from more unemployment than other immigrant groups. Fonseca et al. estimated, using questionnaires that circa 20 percent of the foreign workers from non-EU countries are in Portugal without permit. (Fonseca et al. 2005: 12) Remittances are another important aspect of the migratory system, which has important consequences on the motivation of migration – where Portugal is sending much more remittances than it receives. Remittances from Portugal have increased over the years, especially from Portugal to Brazil. (Baganha 2009: 17f) Baganha notes that Portugal seems to have accepted the fact that migrants generally arrive on tourist visas, which they overstay, as it now and then launch regularizations which legalize the immigrants. (Baganha 2009: 18)

3.2.2   Portugal's migration policy

After the democratic revolution wave decolonized former Portuguese colonies, the biggest wave of migration to this day occurred. (EMN 2008: 17) In its own account of its background, SEF, the Portuguese Aliens and Border Service, describes its creation in the 70th as a "*true 'emergency solution'*" as the flux of migration steadily changed from consisting mainly of emigrants to immigrants. Suddenly, the migration needed "management". (SEF: electronic resource) An estimated half a million people immigrated to Portugal – many of them referred to as "*retornados*" (returnees), being of Portuguese origin or with Portuguese roots. (EMN 2008: 17f) Five regularizations has been carried out in Portugal since 1990, issuing permits to tens of thousands of irregular migrants, as a way of handling the problem of illegal migration. (Fonseca et al. 2005: 4) In 2003, a further extraordinary regularization was agreed on with regards to Brazilians only, an act that was motivated by the special ties that exist between Portugal and Brazil. (Fonseca et al. 2005: 1f) Fonseca et al. argues that migration is much more discussed now since year 2000, partly because the number of non-EU citizens in Portugal doubled between 1998 and 2001, from 178,000 to 350,000. The debate in media has since mainly focused on economic issues and how migration flows should be regulated by the Portuguese labor market's needs. *"The centrality of the labour market to the immigration debate is clear"* (Fonseca et al. 2005: 3). Accordingly, a system of "quota" has been in use, which asses how many foreign workers that are to be accepted each year, according to the needs of labor market. However, the system is heavily criticized, for being bureaucratic and inaccurate. (Fonseca et al. 2005: 3f) The amount of irregular immigrants is growing, and they generally accept low-paid jobs in the service sector and in the construction business. (Fonseca et al. 2005: 12)

3.2.3   The Schengen Agreement

Portugal joined the European Union in 1986 and it had fully implemented the Schengen Agreement by 1995 (The Schengen Agreement 2009). Caldeira et al. wrote that the emphasis on migration as a public problem in Portugal began with the Schengen Agreement – not because of a substantial increase of migrants, but because of the EU's focus on European integration rather than immigration from outside of the EU. Ironically, the closing of borders and the illegalization of non-EU migrants, didn't demote the migration flow, but only succeeded in illegalizing the migrants arriving, and create incentives for trafficking and the creation of smugglers networks. (Caldeira et al.

2002: 136) Before Schengen and the Decree Law of 244/98, migration consisted mainly of individual and voluntary migration with migration networks based on both sides – after, the networks were professionalized, made into business and consisted of traffickers and professional smugglers which mostly originated in the countries of emigration. The migration also changed from being mainly migrants from the Lusophone countries to a heavy flow from the Eastern European countries, and Malheiros and Baganha notes that the professional smugglers trade had the same character as the trade that provide the US with cheap foreign labor. (Malheiros and Baganha 2000: 3)

3.2.4 The Portuguese administrative migration institutions

The Portuguese government is responsible for defining the policies concerning asylum and immigration, and the MAI, the Ministry of Internal Administration, is responsible for the implementation of the policies. SEF, the Aliens and Border Service, is an administrative institution under MAI, which actually implements the policies and apply the legislation. The National Republican Guard (GNR) and the Public Security Police (PSP) verifies the immigrants' presence in the territorial area called Portugal. (EMN 2008: 2) The acceptance of foreign workers into Portugal is, since the Decree-Law No. 34/2003, adjusted according to Portugal's need of labor, and also, adjusted to the preference of the EU, and regulated by The Institute for Employment and Professional Training (IEFP, IP). Today's system was defined in Act 23/2007, which also includes a number of EU directives. (EMN 2008: 4)

4   Analysis

My identification of rationalities is organized according to the three different
dimensions, as defined by Kalm; epistemological, idiomatic and moral. (2008: 89) I will
then describe how one can understand the rationalities theoretically, before analyzing
the Portuguese texts using the rationalities I have found in the documents produced by
the European Union. As Skinner so nicely put it;"*We must classify in order to
understand, and we can only classify the unfamiliar in terms of the familiar*" (1969: 6),
high-lightening that we're always a part of a context, we're already situated in a
discourse. An analysis isn't conducted out of nowhere – the rationalities which can be
identified in governance relate to and draw on theories, of today and of the past, as well
as different forms of knowledge, ideas – they even draw on imaginaries and mythology.
(Dean 2010: 25) The texts are created in different contexts in the EU and Portugal
which makes comparison complicated – however, by identifying and isolating
rationalities in one, I will be able to relate it to texts of the other.

   The European Union organizes border and migration in programmes on Freedom,
Security and Justice, which are rewritten every five year. The Stockholm Programme
was adopted in the beginning of December 2009, and will therefore be the main focus of
my analysis. However, I will also analyze a document produced during the previous
Hague programme – a Communcation from the Commission called "The Global
Approach to Migration: Strengthening the global approach to migration: Increasing
coordination, coherence and synergies" which describes the EU's external dimension of
migration policy.

   There is a difference in the organization of the immigration and border issues
between the two actors – where it in EU is organized under security and freedom, the
government of Portugal only mentions their thought on immigration in the "*Integration
and migration*" text. So, I have chosen to look at the governments text on the Foreign
policy of Portugal, as well as the integration of immigrants text, both published in the
"Programme of the 18th government" (*Programa do XVIII Governo - Política Externa,
Integração Europeia e Comunidades Portuguesas* and - *Integração dos imigrantes*). I'll

however complement the governmental view, by looking at the draft leading up to the latest migration and security law, Act 23/2007.

4.1   The EU

4.1.1   "There are good and bad types of migration"

Epistemological dimension

Rationalities always express certain knowledge of the objects of study. (Kalm 2008: 172) In the two texts from the European Union, legal migration is understood as something that can provide economic benefits: "*flexible immigration policies will make an important contribution to the Union's economic development and performance in the longer term*" (Stockholm programme 2009: 59). Both texts are emphasizing the need to create a partnership, with third countries, based on the economic good that legal migration can provide for both. "*well-managed migration can be beneficial to all stakeholders*" (Stockholm programme 2009: 59). The EU perceives that it has a need for foreign labor - it must however be balanced according to the needs of the EU: "*third countries should also be seen as partners when it comes to addressing labour needs in the EU, whilst keeping in line with the Community preference for EU citizens.*" (Global Approach 2008: 3) and, it is not all types of migration that is perceived as beneficial – when migration is no longer beneficial – i.e. exceeds the needs of the Union – or doesn't fit into the legal frame that "legal migration" provide – migrants become "illegal". And illegal migration is conceived as a threat. On migration; "*The challenge will be to ensure respect for fundamental freedoms and integrity while guaranteeing security in Europe.*" (Stockholm programme 2009: 1)

Idiomatic dimension

A clear division is made, language-wise, between the good that legal migration can provide, and the negative consequences that will follow with illegal migration. Legal migration is connected with "economic benefits" while illegal migration is connected

with "threat" and "security issues". The Stockholm Programme is ensuring it will do everything to *"control illegal immigration by ensuring that illegal immigrants return to their countries of origin or to a country of transit;"* (Stockholm Programme 2009: 60).

Moral dimension

One of the goals of the management of migration into European Union is the provision of labor to the European labor market. With that, the illegal migration would cease; or at least be under control using the advanced security systems that the Union now is developing. The utopian element here is "*making migration and mobility positive forces for development*" (Global Approach 2008: 2); the wish for a perfect solution where the European Union's labor needs will perfectly fit the need of foreign citizens to migrate into the Union. The Stockholm programme describes their principal goals as: "*promoting mobility and legal migration, optimising the link between migration and development, and preventing and combating illegal immigration*" (2009: 60), which indicates that the Stockholm Programme balance two completely different groups – one legal, one illegal.

Theory

So, the benefits of migration are conditioned, according to the European Union. The migrants tend to be categorized as positive in economic terms "economic" or negative in "threat" terms. Dean describes the division of populations into more or less profitable, according to economic standards or other factors as a technology of government (Dean 2010: 245) and here, history repeats itself. The nations of the European Union was once just as unwilling to open their borders to other members-countries. Then like now, the exception was made according to the needs of the national economy. As previously noted, the economy in the art of liberal governance has its own ungovernable logic. The categorization of migrants according to certain characteristics is not a new occurrence either in the European Union. Hansen describes the process that began in the 1980th of linking external migration to words such as "threat", "illegality " and "problem". (Hansen 2008: 62f) The construction of good migration versus bad migration enables groupings of people with different needs into one group in need of only one coherent policy response. (Gray 2006: 121f) Defining groups constructs a systematic way of perceiving people. In defining certain "knowledge" and applying it to groups, certain policies and regimes of practices are applied, which reconstruct and

define the governed regardless to previous notions they might have had about themselves. (Dean 2010: 87)

Kalm also identified a tendency towards regarding migration as a positive thing in international management, and mentions that this is a shift that has been occurring in migration management. Organizations such as the UN and IOM are referring to the potential benefits that migration can provide for economic development and poverty reduction. (Kalm 2009: 179ff) However, the potential benefit that the Communication can identify is in relation to the needs of the EU, and are therefore not without limitations. Separating external migration into two is also technique of control which leads us to the next identified rationality.

4.1.2 "Migrants can be managed – in their home countries"

Epistemological dimension

Governing is not restricted to the population of EU. The Union assumes that it can affect the migration of third countries citizens as well."*...management of migration flows requires genuine partnership and cooperation with third countries.*" (Global Approach 2008: 2) The relation with third countries can be equal and a genuine partnership can be created. "*the EU needs to invest in informing potential migrants about the legal opportunities for access to the EU and the risks of using irregular immigration options, and about their rights and obligations in the destination countries.*" (Global Approach 2008: 3) With information to the citizens of countries outside of Europe, the EU can generate incentive for legal migration, and demote illegal migration. They'll also be able to produce informed citizens already before arrival, who make the "right" choices.

In its writing that the EU will work to improve *"the portability of acquired social rights to third countries*" (Global Approach 2008: 5), EU presumes migrants will be more inclined to move to the EU if provided with the same economic rights as the citizens of the Union. Migrants are perceived as active subjects who will act according responsibly when given proper information. To reach out to economic migrants, EU will be transporting the rights of the first world, the right to pensions, aiming specifically at people who are searching for a job etc. (Global Approach 2008: 4) Illegal migration on the other hand can be contained by sending the migrants back. The Stockholm Programme wrote that they can "*control illegal immigration by ensuring*

that illegal immigrants return to their countries of origin or to a country of transit;"
(2009: 60).

The idiomatic dimension

The texts are using the word "managing" for migration, implying that migration, no matter where it is occurring, is manageable. The circular migration phenomenon is described in positive terms – indicating that the return of the migrants are the most positive things for all involved, migrants as well as the receiver. The Global Approach describes its ambition to create "*effective management of migration flows requires genuine partnership and cooperation with third countries*" (2008: 2).

The moral dimension

The Global Approach and the Stockholm Programme alike, articulate the wish that the migration turns out to be circular – i.e. the migrants arrive, legally, and then return to where they originate. The Global Approach expressed that they should *"Provide incentives for circular migration"* (2008: 5).

Theory

Migration is not regarded as an object of management, but rather as individuals who can be controlled and managed with the art of government, through incentives and education. The creation of the migrant as active subjects, with active agency, is a necessary component in the governance of people. However, describing a subject as active does not necessarily escape power-structures. (Dean 2010: 86) The fact that migrants in the first place must leave their homes to travel to Europe, to make money to stimulate their own economies, is a very clear indication of a very unequal system. It seems naïve to be assuming that "genuine" relations based on equal "partnerships" can be made, as many third countries and their residents are in an interdependence to Europe. The system, the liberal art of governance, which many of the sending countries adjust to, is after all a western invention. (Dean 2010: 267) Hansen describes the "circular migration" phenomenon as a trend in the European Union, which began with the Programmes of Tampere and Hague, that preceded the Stockholm Programme. The benefits of migrants returning are considered substantial as there is much less commitment needed by the receiving state, when the migration is considered a temporary solution. (Hansen 2008: 179) Kalm described the way that migration is considered extraordinary, in a world that presupposes that citizens stay where they were born. This is a view that is apparent in the assumption that circular migration is best for

all actors involved. Migrants ought to enter the European Union; earn money and return to stimulate their home countries economies, as good citizens.

4.1.3 "There is a European Citizenship"

Epistemological dimension

The Global Approach seems not only to be convinced of "*the need to strengthen the Global Approach to ensure a coherent, common European migration policy*" (2008: 2) but also to assume that such a system is already in place, as it describes the European Union as one actor in relation to countries outside of the Union. The subject is the EU, and what is beneficial for the Union, instead of each individual nation.

Idiomatic dimension

The Stockholm Programme identifies its priorities as: "*The European Council considers that a priority for the coming years will be to focus on the interests and needs of citizens.*" (2009: 1) In that we have identified the population; the Citizen. This immediately indicates delineation towards the "non-citizens", and also provides us with the indication that there is a common European identity. The unity that the European Union is assuming is also showing in how the responsibilities are shared between the "external" and "internal"; the states outside of the Union are described in terms of responsibility:"*all States are required to readmit their own nationals who are staying illegally on the territory of another State.*" (Stockholm Programme 2009: 66) while the countries within the Union are in it "together";"*assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures*" (Stockholm Programme 2009: 67).

Moral dimension

The Communication and the Stockholm Programme alike are assuming that the countries in the European Union are able to gather round a common policy. The European Union is fighting the need of different states to have their own wishes as to border control: "*A more highly developed common European immigration policy*" (Global Approach 2008: 4). A mayor part of the moral aim of the two texts is the striving for the creation of a common European migration system, CEAS. The Stockholm programme is quite explicit in describing that*; "significant progress has*

been achieved to date in this field. Internal border controls have been removed in the Schengen area and the external borders of the EU are now managed in a more coherent manner" (2009: 2)

Theory

In putting the citizen in focus, the EU is defining its population. The term European Citizenship is here defined in its broadest sense, seeing as it works constructive; and was launched as an attempt towards creating a common European Identity. (Hansen 2008: 55) The European Citizenship rationality enables the division between the internal – inside of the Union and the external – outside of the union. The creation of a European citizenship began in the 80th, and Hansen argues that it was specifically to enable the internal market integration.

Common European laws, such as the Common European Asylum System, works in two ways. Not only does it exclude those who are external legally – it also works to strengthen the internal sense of community. Migration law is a relatively new invention, created as late as the 20th century. For hundreds of years of statehood, the nations managed without. (Kalm 2008: 100) Its creation normalized the division between outside and inside. It normalized that some belongs; the citizens and that others do not, and should be kept out. This rationality relates to the current discourse in European Union which Hansen identified. Migration policy is working with terms such as "identity", "common norms" and "common values", indicating that there is something natural that divide the people of the European Union from those outside. (Hansen 2008: 119)

4.2 Portugal

4.2.1 "There are good and bad types of migration"

In Portugal labor shortage appears to have been the guiding light for the limitations of migration for many years, much like the politics that the Union is using. So, the economic preferences can be identified in Portugal too. However, the Draft leading up to the Act 23/2007 comments that the policies have not been that successful in fulfilling

their purpose and the document is therefore suggesting a change of approach. It is not suggesting that the policies should be guided by another principle – the migrants still need to be self-supporting – however, the procedures should be made less bureaucratic and it should not be necessary to have a job before arriving in Portugal. (Act 23/2007: 5) Portugal does not make a strong moral division between illegal migration and legal migration, the way the EU did in its texts. Instead, Portugal relates to the illegal migration as an unfortunate mistake of Portugal's, due to bureaucracy. (Act 23/2007: 2) This is also apparent in the way Portugal has handled illegal migration previously – through regularization which has legalized the illegal workers. Instead of stigmatizing the illegal workers, they appear to have been regarded as an asset and Portugal has taken it upon it selves to correct their illegal status.

The migration policies of Portugal has made use of the technology of dividing migrants and groups into more or less profitable (Dean 2010: 245), which is expressed quite explicitly in the requirements that the Act 23/2007 state for permit of residence – you need to be a professional with a job, a student or have close family in Portugal. (page 55). Kalm argues that from a global perspective, stratified mobility has become a question of powerlessness – access to mobility has become a further dimension of power-structures, alongside class, gender and race (2008: 163).

4.2.2 "Migrants can be governed – in their home countries"

In the Governmental programme, Portugal is identifying with the Portuguese Diasporas, which include the third and fourth generation Portuguese emigrants. The Portuguese government is working actively to reach out to the Portuguese emigrants, in saying that Portuguese living abroad should be entitled to the same rights as those residing in Portugal. Portugal further emphasizes the importance of promoting Portuguese business, also abroad in former colonies and Portuguese Diasporas. (Programa do Governo XVIII). They are not separating the business of the foreign countries and the business of Portugal, despite the Diasporas being part of other nations. The document goes on to describe how the Portuguese cultural heritage in the diasporas should be promoted, once again emphasizing how the "Portuguese" of being Portuguese isn't lost when emigrating – even four generations later.

Here it is interesting to see how the European Union's management of third country citizens and the Portuguese is fairly compatible – however their reasoning is quite

different. Portugal is identifying with and managing its "population" regardless of its territorial belonging – using jus sanguinis, the right of "blood", to decide who is population and who is not. Portugal's attempt at managing a foreign population is thereby motivated by a need to keep in touch with perceived roots. The European Union is trying to manage inhabitants in countries outside of the union and influence the way they migrate, understanding that it has a possibility to influence.

On circular migration, Portugal is also encouraging migrants to return to where they're from. After describing coercion as inefficient, the Draft states that it intends to use incentives rather than coercion in order to motivate the migrants to return. (23/2007: 2f and 10) This is a good example of the liberal art of governing. Portugal concludes circular migration is the best thing – which is along the lines of migration as an extraordinary occurrence, that it is best migrants return to where they came – however, what is interesting to note, is that Portugal has a different more historic concept of citizenship than the European Union. Migration that occurred generations ago is still valid – meaning that Portuguese migrants ought to keep in touch with the "homeland". The attitude that migrants are to return from where they came is thus the same.

4.2.3   "There is a European Citizenship"

Portugal regards itself as a subject in its own right, and does not so much identify with the Union. That is not to say that Portugal does not conceive itself a part of a European Citizenship legally, Portugal even express the wish and the intent to streamline their politics with the EU's (23/2007: 4), but the country has a very independent take on its foreign policy, which preferences are not necessarily in accordance with what is best for the European Union. The Union is judged according what it can do for Portugal; in the Programme, it is described as a means to achieve financial stability. (Programa do Governo XVIII) However, in imposing the European citizenship and identity on Portugal, the Union is facing the fact that Portugal already is dealing with identity and citizenship issues, notable in the previously mentioned Diaspora relations that Portugal is intent on upholding.

Kalm writes that the state-system of governance was universalized with the decolonization, as the citizens of nations all over the world for the first time functioned

only as citizens of their own countries. (Kalm 2008: 166) That can also be recognized in the policies of Portugal, where the distinction Portuguese citizen is somewhat floating. SEF, the Portuguese Aliens and Border Service, described the emerging new order of the decolonization in the 70th as a state of emergency, as *"it is the duty of each country to protect the integrity and security of its heritage and its population against any type of threat that may come from beyond its borders"* (SEF: electronic resource) the outside and the inside must rapidly been rewritten. Before the flows of people within the Portuguese empire was considered natural. The stratification came with the new world order. The migration flows that "suddenly" appeared 1975 began in the 60th, but was then not regarded as such. (Peixoto 090701: 186) Ahiwa Ong wrote that the technique of graduated citizenship reinforces the hierarchical global structure, in that some groups enjoy access to all areas while others are forced into low wage labor. (Dean 2010: 245) In his text "Brazilian Immigration and the Reconstruction of Racial Hierarchies of the Portuguese Empire" José de Peró Machado describes the way that the old colonial structures between Brazil and Portugal that prevailed throughout hundreds of years today are reconstructed through immigration (José de Peró Machado 2000: 4). A longer discussion does not fit here, but the construction of "others" that is intrinsic to neocolonialism is very much also present in the creation of an internal and external dimension. Portugal might not be using the same distinction as the European Union; however, it is participating in its differentiation of migrants into different groups, according to the needs of the European Union and Portugal. While Portugal relate to the countries of migrants in the form of old historical colonial relations, and the EU to the European citizenship as a principal divider, the system of hierarchies and power relations between them and us, illegal, legal, beneficial, or not, are the same in the European Union as in Portugal.

5   Final discussion

My intentions were to high light the consequence that the changing migration order is having on one of its member countries and its former alliances. The cooperation within the European Union has had a substantial impact on Portuguese migration law for quite some time (see for example page 3 in Act 23/2007). So, can the rationalities identified in the European Migration Policy be recognized in Portugal's foreign policies?

In the European Union's migration management I have identified rationalities which are assuming a sharp division between the internal and external, and an understanding of the European Citizen as a singular entity with a singular identity. This vision is not shared nor accepted by Portugal at this stage. Instead, Portugal seems to have ties both to their former colonies and to the perceived Portuguese population in the Diasporas. Instead of understanding the colonies as "external" Portugal seems intent on increasing contact - both extending citizenship and business.

The way the European Union understand that it can control the flows on migration is on the other hand somewhat in accordance with the Portuguese rationalities. They are both hoping that they can manage migration into a circular system, where the migrants will return to their original countries, after having contributed to the Portuguese and European labor market. There, we can identify the liberal art of government, as both actors are working through norms and incentives. The European Union appears to be using the notion of the European citizenship, along with divisions such as "illegal" and "legal" to create a common European identity, while Portugal have a completely different notion of the citizenship and identify with countries outside of the European Union. Neither is the actual legal Portuguese citizenship limited to the Portuguese territory in the same way as the European – it is actually distinguished by its flexibility – in that "Portuguese" is connected to the lusophone, and at times, the right to citizenship follows. Portugal seems to be involved in a system of connections which promotes migration and intercontinental connections; on one hand; while the borders politics of the past 20 years on the other hand is striving the other way. A changing flow of migration in combination with the adoption of European law appears to have resulted

in a contradictory politics where "emergency solutions" like regularizations solve the illegality of the migrants every now and then.

To conclude; Portugal does not seem to have the same need to distinguish between the external and the internal, illegal and legal, as the European Union. But as it adjusts to the EU's policies, the country appears to adopt European rationalities, which seems to lead to some confusion. Whether it is actually Portugal that adjusts to the EU or the other way around, though, is outside the scope of this essay to discern.

5.1   Future research

This is an interesting area of study, where many things are happening. Hopefully more profound studies of the Stockholm Programme will be produced soon enough, making a more explicit analysis of the current discourses. Also, as indicated by my conclusion, it would be interesting to conduct a genealogy on the different dichotomies that was identified in the European Union's politics. I for one would like to conduct future research on the post colonial aspect of Portugal's continued relation with the Lusophone countries, investigate how the circular migration concept is affecting the migration politics or perhaps study how the European Union perceive the postcolonial relations that exist between the member countries and their former colonies. I am particularly interested in one of the projects that are being created in the area of migration between the Union and Cape Verde, mentioned in the Global Approach; I would like to investigate the implications for Cape Verdean migration.

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