Postcolonial perspectives on the welfare state

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This paper focuses on law and regulations within loopholes of exception; that is, sovereign power in the dialectics between law and moral disorder in the realm of a liberal, democratic welfare state. The analysis is based on one year of ethnographic fieldwork in the largest suburban immigrant neighborhood in Denmark, Gellerupparken. The case focuses on the local implications of sovereign power that unfold in spatial and racial political regulations on immigrant families. I do not put emphasis on an extended historical analysis of the matter, as recent political developments are of significant contextual relevance. I argue that the Danish welfare state uses excessive power to "conquest" the moral order of marginal communities while enhancing and imbuing particular democratic standards to society at large. That is, in order to impose certain democratic values, the state makes exceptions from its own democratic rights and rules.

The empirical context of the paper is the overall western criminalization of Muslim immigrant youth unfolding in the aftermath of 9/11, which, in Denmark, resulted in a stigmatization and criminalization of immigrant parents and parenting as well. Today, sovereign state power exercised towards these marginal communities embodies varies governmental strategies throughout the Danish welfare system: for instance, socio-spatial reorganization and resettlement politics, which are tightly connected to family regulation policies such as forced removals, compulsory

parenting education, economic sanctions on parents with criminal children, increasing surveillance strategies, and increasing state control of the schooling of immigrant children (for the latter, see Gitz-Johansen 2009: 57-88 ; for the connection between settlement and family politics in a postcolonial context, see Tarlo 1997). In order to analyze some of these developments, the paper discusses the welfare state from a critical postcolonial perspective. Postcolonial theories on excessive power offer us a prism through which we are enabled to critically scrutinize oppressive tendencies that are veiled by the promises of social security, equality and well-being within welfare states in the global North (See Comaroff and Comaroff 2006: 36).

Postcolonial theory

It is not easy to find one unifying aspect that defines postcolonial theories or to confine on a general basis what is identified as *the* core symptom of the aftermath of colonialism. Yet, recent anthropological debates have paid attention to the possibility of understanding postcolonial tendencies on a global scale, and thus, to apply postcolonial critiques to our analysis of political and social processes in the global North (see Geshiere 2006: 219-247). "Is the world at large looking ever more postcolonial?", the Comaroffs ask (Comaroff & Comaroff 2006: 6). To their minds, criminal violence, the lawlessness and dis/order and the fetish of Law constitute some of the attributes typically ascribed to the postcolony. Like Mbembe (2001) and other Africanists, they argue that the patterns of lawlessness, and the simulacrum of Law are less obstacles to democracies than the consequences has come to mean in Africa – the privatisation of state power and emerging tapestry of partial sovereignties and indirect government tend to distinct itself from the centralised power of western single-state governmentality (Comaroff & Comaroff 2006: 35). Nevertheless, the authors point to the growing fear and moral panic over malpractices and lawlessness that, more than ever, has called for extraordinary increases of legalisation, criminalisation and harsher enforcement in the North (op. cit: 37).

Diving into the intimate connection between Law and states of exception, Das and Pool (2004) argue that sovereign power unfolds at the margins of the state, transforming marginal spaces and places into borderlands of exception (Das &Pool 2004, see also Comaroff & Comaroff 2006: 37). These margins illuminate a world of global frontiers and the authors' ethnographies urge for an "… invitation to rethink the boundaries between center and periphery, public and private, legal and illegal, that also run through the heart of even the most 'successful' European liberal state" (Das & Pool 2004: 4). Although the Comaroffs suggest that postcolonies, like margins, are hyperextended versions of the history of the contemporary world (Comaroff & Comaroff 2006), it is this postcolonial sharpening of the lenses that we might just need to contemplate the less obvious forces embodied in sovereign racial and spatial reorganizations within liberal welfare states. Furthermore, the closing of the fist around state defined disruptive groups makes it analytically interesting to turn to the postcolonial critiques of European imperialism and humanism. This is particularly interesting, when the margins are racialized or clearly ethnically distinctive from the state majority. With the words of Mbembe, European humanism embodied the racializing procedures of the colonized, and thus in postcolonial thinking "race is the wild region, the beast, of European humanism" (Mbembe 1/9/2008).

Now, the concept of state margins might impose an idea of a privileged social majority occupying the state *centre* and an underprivileged minority tipping over its edge. Yet, as Das and Pool have shown, marginality is often what *defines* state power; the margin is what constitutes the centre. In line with this thinking, marginalised Danish communities, like those who inhabit the neighbourhood of Gellerupparken, are not at all edging the state, and the residents have never been deported to its periphery. Rather, these neighbourhoods constitute the most palpable state frontier in Denmark; a space in which the State is particularly "thick". As argued by Das and Poole, margins are spaces of exceptions and "sites of practice on which law and other state practices are colonized by other forms of regulation…" (Das and Poole 2004: 8). As such, margins are not just spatial models of center/periphery, but sites

where the relation between sovereign and disciplinary forms of power unfold (op. cit: 9, see also Wacquant 1989, 1996, 2001).

Rather than asking what are the exceptional attributes to the postcolonial state, then, I want to pause with the question of how postcolonial theories can enhance our enquiries in to state power and its social implications in the North. The following case is an attempt to extrapolate the increasing enforcement of authoritarian power over marginal space and place in the Danish welfare state.

The Danish case

In 2001, the Danish national elections resulted in the formation of a right-wing minority government with the nationalist Danish People's Party as its permanent parliamentary supporting party. The political change had noticeable consequences, as Denmark went from having a social democratic, left-wing coalition government to a nationalistic liberal government with a rather controversial and discriminatory opinion on foreign affairs and integration/immigration matters. The government campaign was characterised by a 9/11 discourse on fear of terrorism and formed the basis of a governmental promotion of a strict integration policy. The discourse and rhetoric on terror was tightly connected to internal national concerns about Danish immigrant communities and frequently undermined the distinction between criminality and terror (see also Comaroff & Comaroff 2006: 6). In this context, immigrant youth and parents came to occupy a central position in debates on crime and violence in Denmark. Public reports on juvenile crime, especially violent offences, boosted the statistics while ethnic adolescents packed youth halls and the criminal justice system overloaded prison waiting lists. Through the process of increasing criminalisation, immigrant families, their everyday landscape and the places they lived turned into hyper-exposed objectives of public attention, legal regulations and welfare interventions.

Ethnic Stigmatization

The political discourse took its point of departure in the classificatory caricature and fixed identity of the criminal immigrant youngster - the "*second-G*" (second

generation immigrant). I follow Zizek's concept of identity as an unstable paradox which, as a phenomenon, is constituted by its own constitutive impossibility (Zizek 1989, Laclau 1994, 1996). As argued by Laclau, society generates vocabularies of empty signifiers all the time, whose temporary meanings are extracted from political competition, contestation and negotiation (Laclau 1992).

In Denmark, the categorisation of immigrants strongly illuminate the paradoxical reductionism of representation. The fixed identity of the *second-G* represented less than its entity of possible descriptive features; it represented something in it more than itself. The embodiment of this identity was a youngster who's parents were primarily Middle-eastern Muslim immigrants (again the stereotype was closely connected to the discourse on terror). Given the short history of Muslim immigration in Denmark the *second-G* was young, and within the discourse on youth, he became closely associated with aspects of *youth crime*. The discourse on youth crime was and still is amazingly gendered: the criminal *second-G* was male.

During the 00s, statistical registers, state officials, the public gaze, and the media monitored him through his education, in the streets, in prisons, and through his (un)employment.[1] The stereotypical figure did not reduce itself to the delinquency and criminalised practices of this young bloke, though. It stitched together class, place, ethnicity, family concepts and moral indignation, and mirrored the stigmatisation of a range of aspects beyond the specific practices to which it referred. Thus, the visibility rendered to the *second-G* through his criminalisation expanded to include his family.

Spatial regulations of immigrant families
In 2004, the government formulated its first national anti-ghettoisation strategy. The goal of the strategy was to spread ethnic communities by making a legal basis for breaking up places and spaces dominated by a high concentration of immigrants; the target was urban territories, public institutions and social meeting spots for

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[1] These characteristics are empirical distinctions which appear in statistics and the media on ethnic youth (for education see Egelund 2005, 2008; for youth crime, see The Danish Ministry of Justice December 2008, August 2008).

immigrant groups. The most comprehensive strategy was an urban reorganisation based on town plans and new laws on resettlement. This strategy took its point of departure in a restructuring of the municipal housing procedures and the implementation of new programmes on crime prevention, parenting education, and community surveillance and policing.

A new law on "combined renting" was adopted, which aimed at re-allocating immigrants to urban areas outside immigrant ghettos and to attract Danish citizens to move in to the ghettos. The "combined renting" system differentiated between the political category of *"resourceful citizens"*, who constituted well-integrated (Danish) families with a middleclass income, and *"vulnerable families / social problems"*, who primarily constituted immigrant families on welfare grants, which made them fail the indicators of good integration, and who had children with a multitude of problems (mostly crime and delinquency). The law rendered the right to private housing associations and municipal housing administrations to reserve a number of apartments for "*resourceful citizens*", and the administrators were allowed to leave the apartments empty for six months while waiting for tenants (the Danish Government, May 2004). In Gellerupparken, this resulted in a great number of empty apartments, which left the housing association short of millions of Danish kroner. In 2006, the anti-ghettoisation was taken further by a regulation of the law on social housing. The regulation rendered the right to the municipalities to move welfare recipients out of their homes to live in a different urban area, if the local administration held empty apartments there.[2]

The "combined renting" system was part of a larger intervention involving extended town plans in all the big cities in Denmark. The aim of the town plans was to *"solve the social problems in marginal communities"* (The Council of Aarhus and Brabrand Housing Association 2007). As mentioned before, delinquent and criminal *second-Gs* and their non-integrated immigrant parents embodied the very essence of the

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[2] Law no. 1421, §63 c; 21th of December 2005.

concept of "social problems". Hence, the town plans linked crime and crime prevention with a territorial reorganisation of the urban socio-economic strata.

Part of the democratic ideals for housing estates like Gellerupparken was the idea of citizen involvement and co-citizenship. To become a "good citizen" meant engaging actively in institutional arrangements and community associations, which aimed at organising the residents in a certain "Danish" way. Conceptualised as integration, co-citizenship implied being part of a social organisation that was typical for the Danish society: in this case, a local association. The local associations voluntarily worked with the cleaning and policing of the housing estate; that is, keeping the area free from filth, vandalism and crime. Furthermore, co-citizenship implied participating in public arrangements within the community, such as family summer schools, parenting education programs and various integration programs. Some of the residents were obliged by the social services to partake in such courses and were imposed with economic sanctions if they did not participate. Thus, when the social services attempted to solve the problems of youth crime by regulating parents practices, the jurisdiction of some kind of law was extended over the concept of co-citizenship. Framed by the Comaroffs: "Sovereignty, *pace* Agamben (2005), is as much a matter of investing a world with regulations as being able to suspend them, as much a matter of establishing the normative as determining states of exceptions" (Camoraff & Comaroff 2006: 35).

Most of the associations and projects run in urban immigrant ghettos were funded and initiated by local authorities, and thus framed by the values and ideologies predominant to the municipal organisation. In this discourse, the concepts of crime prevention, good parenting and good democratic citizenship were linked together, which had tangible social consequences. One example was the municipal resettlement of families on grounds of youth crime, which was legalised in 2006, and which has only been practiced towards immigrant families until today. In 2006, the private housing association of Gellerupparken won the first Danish court case against three immigrant families on grounds of their children's' delinquent

behaviours in the neighbourhood. The housing association took a County Court action against the three kids' families and one of the cases was taken to the High Court. It formed the basis of the first Danish verdict rendering private housing associations the right to rescind the lease of families whose children pose a threat to fellow residents.[3] The case set a precedent and the three families lost their homes. The incident and its social implications encapsulate some central aspects of the intersection between identity-fixation, spatial regulations, and criminalisation of parents in immigrant ghettos.

Conclusion

My focus on the legalization and criminalization of immigrant families during the 00s in Denmark, is an attempt to show how sovereign power sometimes works within loopholes of exception in a liberal welfare state in the global North. The entextualisation of excessive power in postcolonial analysis most often describe an overall distortion of the moral State order leading to a history of extreme political corruption, lawlessness, vigilantism, famine, torture etc. There is no doubt that states of exception in South Africa, Zimbabwe or Afghanistan differ from moments of crisis and excessive state control in Denmark. Nevertheless, loopholes of exception in a Danish context do imply extended and prolonged periods of sovereign power imposed on certain parts of society while invisible or unperceivable to other parts of it. Such socio-spatial, legal or temporal exceptions are interwoven into the economic and moral structure of the Danish welfare system – and become tangibly by the economic sanctions and moral demands on co-citizenship unfolding at the state margins. As such, co-citizenship involve an increasing governmental regulation of the ordinary through the entanglement of state and civil society, which sometimes unfold by harsh enforcement of an extra-legal order.

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[3] Thomas Reuters Professional A/S. On-line access: <http://www.thomson.dk> U.2997.2962V, TBB2007.757 and U.2007.642V, TBB2007.293VV

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