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State Racist Governmentality: A Foucaultian Discourse Theoretical Analysis of Finnish Immigration Policy

by

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**“My religion is the Religion of Humanity. The ultimate aim of all activity should be the happiness
of the human race.”**

William J. Robinson, *Eugenics, Marriage and Birth Control (practical eugenics)*, 1917

Abstract

The thesis analyses the Finnish immigration apparatus through a Foucaultian governmentality framework and critiques the way immigration has been problematized. The immigration apparatus, ranging from discourses to various administrative regulations and their rationalities, is examined through the Finnish Aliens' Act, Schengen visa regulations, and Finnish Immigration Services' implementation documentation as well as through the related governmental bills and reports and parliamentary discussions and committee statements between 1999 and 2010. The thesis argues that the governmentality of immigration is a socio-evolutionary governmentality that relies on largely taken-for-granted conceptualisations of how society needs to be governed. The thesis shows that immigration control cannot be understood solely through the discourses of nationalism, liberalism and multiculturalism, but that these discourses themselves need to be understood in the light of a state racist socio-evolutionary constellation of power/knowledge at the heart of liberal governmentality and its naturalism. In the first instance, this claim is supported by a discourse theoretical analysis of the functioning of power/knowledge in immigration-related discourses. Additionally, the claim is supported by contrasting the analysis of discourses and rationalities of governing with an analysis of technologies of governing, i.e. rules and regulations of immigration control. The thesis then questions the governmentality of the immigration apparatus through various epistemological tools of decentring. These tools highlight how a commonsensical 'truth' about immigration and its governing is produced through methods, such as utilising explanations relying on psychologism, historicism, naturalisation, market veridiction and universalism/particularism, which enable a silence and scarcity of meaning around the taken-for-granted modes of knowing immigration and its governing. Finally, this claim about state racist governmentality of immigration is evidenced by a comparison of the contemporary way of problematizing immigration with the way immigration was problematized by early American race hygienic immigration policies. This comparison insists that eugenics and social Darwinism should not be exceptionalised, but that their rationalities of governing should be evaluated in terms of the logic of 'making live and letting die' that they propose. The thesis concludes that unacknowledged and taken-for-granted modes of knowing the world in socio-evolutionary terms—and specifically in social Darwinist terms emphasizing social position as a measure of fitness and human worth and entailing an all-inclusive logic of racialisation—have an impact on contemporary liberal ways of governing immigration both in general and in Finland in, at the point at which we think how immigration should be governed so that it promotes the health and wealth of the population and defends it from degeneration.

Keywords: Foucault – governmentality – immigration – social Darwinism – eugenics – liberalism

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1. Introduction

This is a Foucaultian study into the governmentalities related to foreigners in Finland. It focuses on the legislative and high-level policy documentation of the central government, not on practices of implementation or civic, local, municipal or other institutional policies. This is not a policy study, but a study into the rationalities and problematizations functioning in the art of governing immigration. The research focuses on the way that immigrant related or aliens' policies—mainly immigration, integration and citizenship policies—have been conceptualised and discussed both in governmental documents and bills and in the Finnish parliament from 1999 to 2010.

The heuristic starting point of the research was the desire to analyse the contradictory requirements that are imposed on immigrants via different discourses, i.e. discursive bodies of knowledge, in politics: Having been an immigrant in three different Western countries myself, deciphering how an immigrant is expected to exist struck me as incoherent. Especially, because of the differing racialised cleavages that immigration discourses contain, it became very difficult to draw a line between 'multiculturalism' and 'the requirements of integration'. This became more and more evident with the increasing critique of multiculturalism during the 2000s. In the various discourses about immigrants and immigration it was the lack of freedom—of freedom (not) to be, as Prozorov would characterise the Foucaultian concept of freedom (Prozorov 2007)—that silently screamed at me. That is, the limits that were imposed on the immigrant in different situations for different reasons required a care of the self that had very narrow boundaries, limiting the freedom (not) to be what one wanted. To be an acceptable immigrant was becoming rather difficult; a task of manoeuvring oneself through a gridlock of contradicting expectations. It was this dynamic discursive formation that I wanted to investigate further. Overall, the impasse of contradicting expectations that immigrants face seemed to me to be created through a changing, opportune interplay of assigning 'things' as universal or particular. That is, the way that nationalist, multiculturalist or liberal discourses were asserted as universal/particular in different situations and how they were employed to discipline the immigrant seemed a pertinent way of investigating how the 'truth' about acceptable immigration, acceptable immigrants and acceptable integration was created.

In this thesis I shall analyse the governmentality of governing immigration. This will be done by examining the immigration apparatus, i.e. the discourses and regulations that frame the problematization of immigration in Finland. Governmentality studies understand 'government' as a matter of promoting the wealth and health of the population and the economy. I will argue that

unacknowledged and taken-for-granted modes of knowing the world in socio-evolutionary terms—and specifically in social Darwinist terms emphasizing social position as a measure of worth and entailing an all-inclusive logic of racialisation—have an impact on liberal governmentality, at the minimum, at the point at which we think about how immigration should be governed so that it promotes the health and wealth of the population. The thesis will show that even when talking about the governmentality of immigration, it is insufficient to talk about liberal, nationalist or multiculturalist governmentality, but that the underlying technologies and rationalities speak another language—and that language is state racist. I shall defend this assessment by comparing the early American race hygienic immigration policies and their problematization of immigration to the governmentality in the contemporary immigration policy in Finland.

Choosing Finland as a case study should not be considered as an assumption that Finnish immigration policy is unique in its governmentality. This is not only because of underlying Western cultural discourses, but also because Finnish immigration policy is designed in explicit comparison to other Western immigration apparatuses: The Finnish government explicitly researches policies in other countries and refers to them as frameworks of the possible and (un)advisable modes of governing the ‘push and pull’ dynamic of immigration control. Even a cursory examination of immigration policies in other Western countries demonstrates that similar rationalities are in play (see Appendix 2). Nevertheless, because of the Foucaultian dedication to specific studies, I shall not systematically compare Finnish policies to other EU or Western immigration policies, except to eugenic American immigration policy after the 1860s.

In this introductory chapter I shall outline the basic framework of analysis, define the concepts and describe the analytical process of how it was possible to come to argue that state racist and eugenic governmentality are valid frameworks of interpreting contemporary immigration policies. I shall first contextualise the research project in Finland and its history of migration. After this, I shall shortly outline the theoretical framework of governmentality and biopolitics and contextualise the research at hand in this field. Then, I shall introduce the research design through the four different levels of analysis and while doing this I shall introduce the methods and the research questions as well as the concepts of discourse, power/knowledge, apparatus, and state racism.

1.1. Why Finland and Why ‘Race’?

The project grounds itself in an inductive process of empirically analysing the formation of power/knowledge in Finnish immigration politics. Why focus on Finland then? Firstly, there is a relative

limitedness of studies into this topic from a Foucaultian viewpoint and especially in English. Given that most of governmentality studies into Finnish immigration focused on integration policy, there was also a gap in the literature (Pyykkönen 2007b; Pyykkönen 2007a; Kerkkänen 2008; also in Sweden Dahlstedt and Hertzberg 2007; Dahlstedt 2008). But Finnish immigration policy is also interesting in many ways. Firstly, Finland is a new immigration country, which means that the political ‘truth’ about immigration has only been debated during the past two decades. In general, Finland experienced similar patterns of emigration to Southern Europe making the earlier migration patterns very different from many other larger European countries that experienced an influx of labour migration in the mid twentieth century (e.g. Nylund-Oja et al. 1995; Similä 2003; in English see Lahav 2004, 30). Although there has always been immigration to Finland (Leitzinger 2008a; and 2008b), it was not until the 1980s that net migration to Finland turned positive and, moreover, during the 1980s the increase of immigrants in Finland was slow (see Appendices 1 and 2).

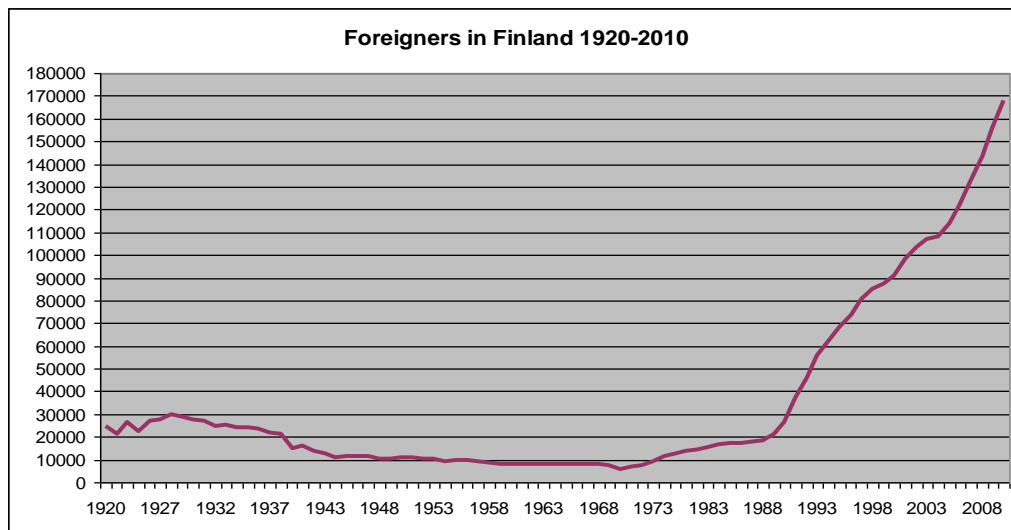


Chart A. Foreigners in Finland 1920-2010.

The graph shows the number of foreign nationals in Finland since 1920 (Source: Statistics Finland).

The increase of immigration to Finland began after the Cold War, as is seen in the increasing numbers of foreign nationals in Finland in Chart A above. Chart A demonstrates well the impact the Cold War had on Finnish immigration: Finland’s position between the Communist and Capitalist blocs politicized the arrival of refugees from the Communist bloc. Consequently, the arrival of refugees from the Eastern block was rare and was not talked about openly if possible (e.g. Aallas 1989; Leitzinger 2008b). This has contributed to the notion that immigration of refugees is a ‘new’ phenomenon in Finland. The common understanding is that it was only in the early 1990s that Finland started receiving immigrants in any *noticeable* numbers. This view is historically incorrect—as in between the World Wars Finland had over 20.000 refugees, the same level was reached only at the end of the 1990s (Leitzinger 2008a). This

cannot be seen in Chart A above, because it does not distinguish between refugees and other foreigners, but in reality, as said, Finland had received more refugees during 1917-1939 than during the 1990s (e.g. Leitzinger 2008). Yet, because of the low levels of immigration to Finland during the Cold War and because of the politicisation of asylum policy vis-à-vis the Soviet Union (or the problem of 'defectors'), aliens' policy did not figure as an important sector of legislative activity. This was the case until the 1990s when immigration was problematized because of the increasing numbers of immigrants. In this sense, the commonsensical mode of knowing immigration as a 'new' phenomenon certainly has a ring of truth in it.

Secondly, Finland is interesting because of the high level of support for the populist party, the (True) Finns,¹ which is known for its opposition to the government's immigration policy. Despite the fact that Finland has one of the lowest proportions of immigrants in the European Union (EU), the support for the (True) Finns, rose up to 9.8%, from the previous 4-5%, in the last European parliamentary elections in 2009 and to an unprecedented 19% in the last parliamentary elections in 2011, which had a major impact on the party political scene in Finland. The rhetoric about 'the swarms of immigrants' circulating in the parliament, the media and especially in the social media is, thus, revealed to be highly 'reactionary', if we compare it to the objective reality of numbers, as shall be discussed in more detail soon. As Keskinen points out, in the 2000s, the immigration issue has become discursively more complex and charged. The electoral victories of the (True) Finns has politicised immigration and turned discussions more antagonistic in comparison to the more consensual earlier discussions (Keskinen 2009, 33; also Matinheikki-Kokko and Pitkänen 2002, 49). However, taking into consideration that before 2011 the (True) Finns had only 4% support in the parliament and that they have been an opposition party all this time, one cannot hold (True) Finns responsible for the content of Finnish immigration policy.

Thirdly, the 'reactionary' nature of immigration politics in Finland speaks of the strong impact of nationalist discourses in Finland (also Lepola 2000), and not only on immigration policy (e.g. Pulkkinen 1999). Finland has often been discursively identified as a racially and culturally homogeneous society. As many writers have tried to point out, Finnish history is permeated by the influence of foreigners: Many of the Finnish brand names from food to industry are in fact companies founded by and named

¹ The True Finns party, which is a left-wing nationalist party known in the media for its anti-immigration stance, changed the translation of their party name from 'True Finns' to 'the Finns Party' in 2011. Because the research focuses on the period before 2011, I have adopted the use of (True) Finns to mark this change for the contemporary reader. In Finnish, the party's name *Perussuomalaiset* has a connotation of 'basic' or 'typical' Finn, of something 'essential' and 'no-frills' Finnish, and in that it does not have such as a clear connotation with 'untrue' and 'false' Finnishness as the English translation does. Yet, the new translation does indicate a desire to claim the definition of 'Finnishness' for the (True) Finns—for which the party has been criticized in the media.

after immigrants.² Besides having been culturally, politically, societally, economically and 'biologically' influenced by both Sweden and Russia in countless ways, and even in many ways by Germany, the contemporary 'multitude of cultures' is regarded as something new by the majority of Finns. Further, despite this myth of racial and mono-cultural unity, Finland actually incorporates various old cultural minorities. Most notably, besides the Swedish-speaking minority, there are Jews, Karelians, Ingrians, Tatars, Russians, the Sami and the Roma peoples (e.g. Nylund-Oja et al. 1995; Pentikäinen and Hiltunen 1995; Häkkinen and Tervonen 2004). There is, thus, an explicit tradition of silencing minorities and asserting a unified national identity. Yet, it would be false to assume that the Finnish discursive formation around immigration was openly racist in the strict sense of the word, which we shall discuss in more detail in Chapters 2 and 4. The power/knowledge constellation functions in more subtle ways, as shall be seen. All in all, Finland as a case study offers a view into a country that has a rather short history of problematizing immigration and therefore is still searching for the ways in which to adapt to changing migration dynamics.

Fourthly, then, we can say that the conceptualisation of immigration as something new and uncontrolled rather reflects the 'noticeable' character of immigration in the 1990s and relates to the arrival of the phenotypically different Somali refugees, which is commonly referred to as 'the Somali Shock' in Finland (e.g. Aallas 1991). Whilst 'race' as a concept is rarely, if ever explicitly discussed—and I initially did not imagine that racist discourse would feature in this research—this problematization of Somali immigration, nevertheless, speaks of an explicit problematization of 'race' or 'phenotypical visibility' in Finnish immigration politics. In comparison, although in many other countries these 'shocks' related to phenotype have been experienced much earlier, the talk about 'race relations' have not gone anywhere either; phenotype continues to function as a key way of identifying 'the other'. Overall then, Finland is a good example of a country in which the terminology and limits of politically correct discourse are contemporarily being searched for and in which the limits of defining racism are openly addressed in media discussions.

Further, this aspect of racialisation is not solely limited to Somali immigration. With the break-up of the Soviet Union in 1991, Finnish immigration took another—or rather the old—direction with the increase of cross-border migration between Russia and Finland (Leitzinger 2008b). This migration was related to

² This also relates to the earlier policies in which the settlement of foreigners in Finland was disciplined by not granting working permits. This led to a situation in which, although foreigners were allowed to live in Finland, their livelihood was guided towards entrepreneurship (Leitzinger 2008b). There is still a distinct emphasis on entrepreneurship as a mode of employment for foreigners in the contemporary integration policy.

the Finnish policy of Ingrian return³ which allowed Ingrian Finns to immigrate to Finland on more favourable conditions. Once in Finland, Ingrians are statistically identified as either Russian or Estonian. In 2010 Russians and Estonians make up about 35% of all foreign nationals in Finland and about 36% of those naturalised (source: Statistics Finland). Not all Russians or Estonians entered under Ingrian regulations, of course, but, nevertheless, the perception of increasing immigration can be connected both to Ingrian immigration and to the 'psychological' impact of the independent, unregulated arrival of Somali asylum-seekers to Finland in the early 1990s. Before the arrival of Somali asylum-seekers Finnish refugee policy had mainly functioned around the well-regulated quota refugee arrangements United Nations High Commissioner for Refugees (UNHCR).⁴ With the end of the Cold War, these independent population movements of refugees appeared as something new. There is no denying that the impact of the arrival of Somali refugees is related to an underlying racialisation of people with 'darker' skin tone, but as Puuronen has argued, also Russians are racialised in Finland meaning that racism as racialisation is not merely about phenotypical difference (Puuronen 2001; and 2011). These patterns of racialisation will be clearly seen in the parliamentary discussions later.

In the early 1990s the public had had very little contact with 'visible minorities', i.e. with foreigners of any other than 'white' skin tone. To tackle this 'reaction' to phenotypical difference I have openly employed a

³ Ingrians, living in the areas around St. Petersburg and Estonia, have been historically conceptualised as 'Finnish people' and they speak/spoke a dialect of Finnish. Ingrian immigration started in the early 1990s, but was included in legislation only in 1996. The law stipulated a right of return for those who had served in the Finnish army or who were moved to Finland and later deported to the Soviet Union during the Second World War and its aftermath. Also, those who had been or half of whose parents or grandparents had been designated as 'Finnish' in Soviet passports (that differentiated between nationality and citizenship) could immigrate to Finland without the normal requirement of being able to support oneself financially. During the early years of the collapse of the Soviet Union and the associated economic difficulties, this clearly presented Ingrians with a unique opportunity despite the fact that at the time Finland also suffered from an economic depression partly caused by the collapse of the Soviet Union. If we look at the historical basis of the construction of this 'right of return', historically Ingrians had migrated southward from districts that are now northern and eastern Finland. Religio-culturally they are thought to be mainly of the Lutheran denomination. Contemporary Ingrians have not lived in Finland—except maybe as refugees before and during WW II, when some Ingrians fought on the Finnish side in the war. These people were repatriated to the Soviet Union after the war on the request of the Soviet Union. After the break-up of the Soviet Union, political room for the development of a discourse on the 'return of the Ingrians' from the ex-Soviet Union was created, and the historical migrations over the Finnish-Russian border restarted (Leitzinger 2008). The initiative for the formulation of the Ingrian return policy came from the Finnish president Mauno Koivisto in April 1990. In the Finnish parliament the discussion on the issue referred to a 'debt of honour' and a 'right of return to the promised fatherland'. The Ingrians were re-conceptualised from 'Soviets' to 'Finns' and their 'return'—although Ingrians had not lived in Finland beyond the population movements during the World Wars—has discursively been constructed as a historical continuation of the 'repatriation' or 'return of 'Finns' from the wrong side of the border'. The discursively ordered status of Ingrians in Finland has been fluctuating throughout history: On one hand, before World War II, i.e. before Finland lost parts of the Karelian territory to the Soviet Union as war reparation, the Ingrians and Eastern Karelians from outside the Finnish territorial borders had been registered as 'foreigners' in the Finnish population register, although Ingrians or East Karelians did not require a residence permit to stay in Finland. (E.g. Lepola 2000, 96-108.)

⁴ The UNHCR system of refugees consists of an annual quota of refugees that participating states select from refugee camps under the UNHCR. Each country gets to choose the individual refugees they will allow to immigrate. The state pays for their entry and upkeep for a period. Finland started this process in unofficial terms in 1973 with political refugees from Chile and later from Vietnam, and joined the official UNHCR quota refugee programme in 1988.

socially constructed concept of 'race' as a mixture of phenotype and culture. To analyse 'race' in immigration statistics, I have used a categorisation modelled according to the traditional race theoretical assumptions about 'Caucasian', 'Mongolian' and 'Negroid' races or 'white', 'mixed brown' and 'African black' 'races' in terms of phenotype, which I have deduced from nationality.⁵ Whilst it is obvious that phenotypical difference cannot be adequately described through nationality, this is the only level at which the state can approach the issue. That is, whilst discrimination at the level of implementation can be affected by actual phenotype and not nationality, immigration regulations cannot—in the contemporary liberal power/knowledge constellation—explicitly utilise actual phenotype to regulate immigration. But as governmentality studies have insisted, especially Hacking (e.g. 2006), regulations and statistics are a technology of governing that can hide and silence issues. That is, regulations based on nationality can hide the use of nationality as a measure of probability for controlling the phenotype of entering immigrants. As shall be seen, this underlying rationality is evident in immigration policies.

To investigate the impact of racialisation on immigration policy, I have not only categorised each country based on the majority population's skin tone but also based on broad religio-cultural categories of the majority. These categories are 'Christian and Jewish', 'Asian religions' and 'Muslim', that, again, are designed to reflect broad stereotypes, not reality. By combining these two types of categories, we can operate with a more 'nuanced' system of stereotypes such as 'Christian & Black African' or 'Muslim & Black African', or 'Christian & Mixed Brown' or 'Asian religion & Mixed Brown'. Yet, this study does not address the content of stereotypes, but merely uses these categories to evaluate the potentially racialising structures of immigration policy *outcomes*. That is, strictly, I do not consider the content of racialising stereotypes valid or meaningful, but in order to address the issue of racism and racialisation, i.e. how such stereotypes can affect the life of those who are marked as something else than 'white and Western', these crude prejudices need to be operationalised somehow. Appendix 3 offers more details on these categorisations.

When analysing Finnish immigration patterns based on these racialising categories, the first thing we notice is that today some 65% of the foreign-born are 'white', as indicated by their nationality. The increase of 'white' immigration has been steeper than that of 'non-whites', as Chart B shows. Later on, I will extend the analysis of 'whiteness' by dividing it into 'Eastern Christian' and 'Western Christian' in order to reflect the historical race theoretical divisions that certainly were also central in nineteenth and

⁵ I have substituted the old 'yellow', 'red' or 'Latin American' and 'Middle Eastern' categories with 'mixed brown' simply to refer to the tones of skin in-between 'white' and 'black'. The culturalising/racialising connotations attached to phenotype have been separated into the religio-cultural categories that can reflect such stereotypes better. (See Appendix 3 for more information.)

twentieth century Finland that debated its 'racial' position between the East and the West—the echoes of which are heard in the contemporary discourses on Russians as 'whores and criminals' and Swedish-speaking Finns as Nordic 'bättre folk' (better folk) (Kemiläinen et al. 1985). These earlier race theories certainly included theories about 'Southern Europeans', as shall be discussed in Chapter 4, but in the context of the EU, these modes of racialisation are not evident in immigration policy anymore—the same, however, could not necessarily be said about the society at large.

Finally, the perception of increasing immigration can also be connected to immigration statistics and Finnish return migration. A good proportion of 'immigrants' in immigration statistics are actually Finnish nationals returning home from abroad.⁶ On average, immigration levels drop by 39%, if returning expatriots are deducted from immigration figures. Thus, as Chart C shows, the number of foreign

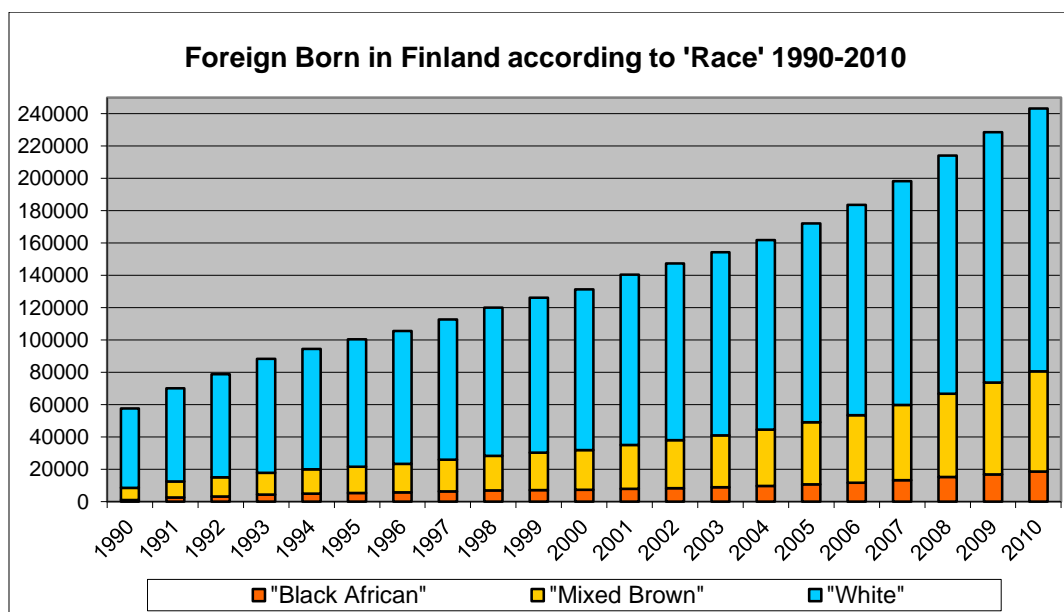


Chart B. The foreign-born population in Finland between 1990 and 2010 as organised according to 'race' of the country of origin. (Source: Statistics Finland)

immigrants has not reached 25.000 a year, but rather 17.000 a year. Further, if we take into account the annual figure between incoming and outgoing foreigners, then total net migration has only reached 14.000, with those of other than 'white' skin tone reaching the net level of 6.000 a year, as Chart D shows.

Yet, what undeniably changed after 1990 is that the numbers of immigrating foreigners who stay in Finland started steadily increasing, as Chart A showed. In 1990 the number of foreigners in Finland was

⁶ All EU and Finnish 'immigration' statistics include their own returning nationals in immigration figures, although it is commonsensical to think that an 'immigrant' is always a foreigner and not just a migrant.

roughly 26.300, i.e. about the same it had been before the Cold War, and in 2010 it was almost 168.000, taking the proportion of foreign nationals from 0.5% to 3.1% in twenty years in a country of some 5 million inhabitants (Source: Statistics Finland). Yet, in comparison to most other European countries the numbers of foreigners and foreign-born are very low: In EU-27, the proportion of foreigners was 6.5% and of foreign-born 9.4% in 2010 (see Appendix 2).⁷

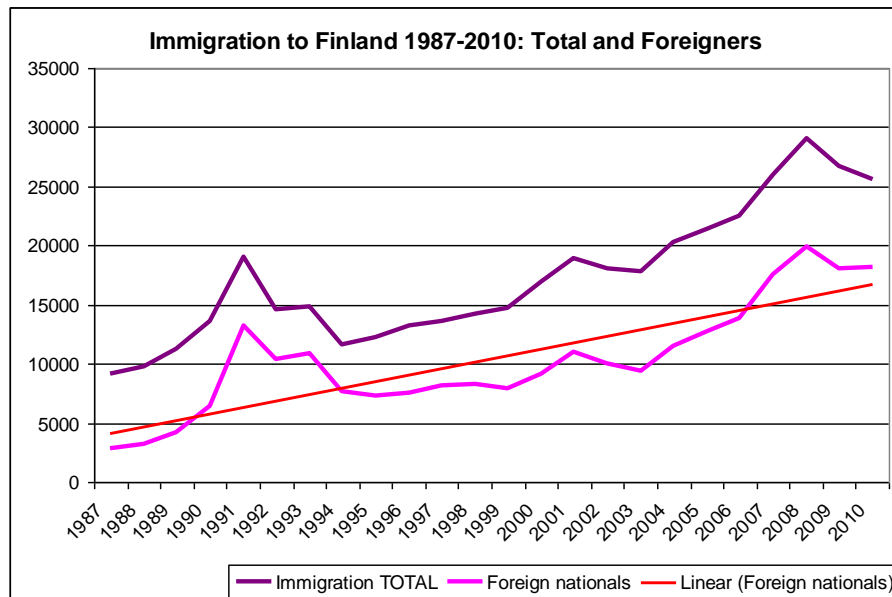


Chart C. Immigration to Finland 1987-2010: Total and Foreigners.
Immigration total figures include Finns (Source: Statistics Finland).

As Chart D below shows, altogether in 1990 there were about 64.900 and in 2010 248.100 foreign-born residents, i.e. including those who had been naturalized, taking the proportion of the foreign-born population from 1.3% to 4.6%.⁸ Out of these, the proportion of presumably 'non-white' foreign-born increased from 0.3% to 1.6% between 1990 and 2010. That is, out of the 4.6% of residents who had been born abroad, 1.6% had been born in countries that typically had 'non-white' majority population. Altogether, the proportion of residents with foreign nationality rose from 0.1% in 1990 to 1.1% in 2010. Between 1990 and 2010 the proportion of Finnish citizens who are likely to be of other than 'white' skin tone rose from 0.006% to 0.5% (based on the country of origin information, source: Statistics Finland). Whilst these figures cannot be taken at face value (as nationality is not the same as actual individual phenotype), they do indicate that the majority of immigrants and foreigners are of 'white' skin tone. Yet, beyond 'Russians', there are no explicit racialising media or political discourses aimed against EU

⁷ Source: Eurostat, Statistics in Focus, Population and Social Conditions publication 34/2011. Available at: http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-034/EN/KS-SF-11-034-EN.PDF, date accessed 18.7.2011.

⁸ These figures include also "ethnic Finns" born abroad to Finnish parents.

migrants—not, for example, in such a manner as there are in the UK currently. Thus, despite the numbers of ‘non-white’ immigrants in Finland being very small, the support for the anti-immigrant (True) Finns has increased exponentially. This increase has brought explicitly racist comments to the national

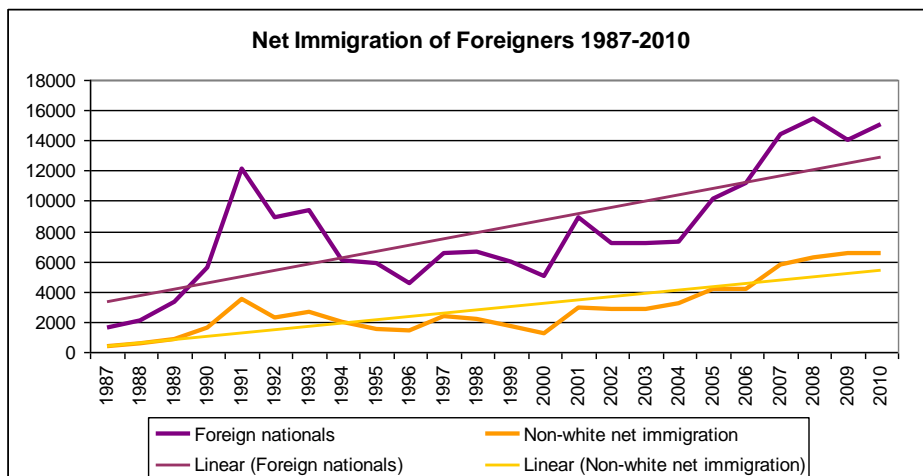


Chart D. Net Immigration of Foreigners 1987-2010.
The number of incoming minus outgoing immigrants (Source: Statistics Finland).

media, which have resulted in political and media discussions, party disciplinary measures against politicians making racist remarks, threats of violence against anti-racist activists and actual lawsuits for inciting ethnic agitation. Beyond this explicit political commotion around racism, racism as racialisation is not merely a problem of the (True) Finns, but a systemic characteristic that also permeates immigration policy, as shall be seen.

I will now move on to outlining the theoretical framework of governmentality studies by outlining the basic theoretical starting points and specifying in more detail what it means to analyse government from the viewpoint of governmentality. After this I shall introduce the research design and then return to the issue of governmentality in the shape of introducing the concept of state racism. The changes in Finnish immigration policy shall be discussed in section 3.1. in a limited fashion, but as with the immigration patterns also the immigration policy will be outlined in the appendices in a more detailed manner.

1.2. Why Governmentality and Biopolitics?

As said, this is a study into the governmentality of governing immigration. In this section I shall first address the analytical implications of adopting the governmentality perspective and then explain the term and the type of analysis conducted under governmentality studies. The reasons for choosing this focus pertain to the analytical implications embedded in the framework’s capability to analyse both how ‘truth’ is produced and how things are governed. Governmentality is only one of the many analytical

angles among Foucaultian research orientations. Governmentality studies, or the 'analytics of government', as an academic approach originate from Foucault's 1977–1978 course entitled "Security, Territory and Population" concentrating on the productivity of governmental rationality in various fields and analysing it as "an ordered space of political, epistemic and ethical instruments and effects" (Prozorov 2007, 29). At the time also Donzelot developed similar notions in his book *The Policing of Families* (Donzelot 1977/1979), which contributed towards increasing analytical endeavours in this direction. Later Foucault advanced his analysis of governmentality in *The Birth of Biopolitics*. Eventually, during the 1980s the key notions in Foucault's and Donzelot's theories found their way to the UK and Australia where governmental analytics were extended by such scholars as Burchell, Dean, Gordon, Miller and Rose (Rose et al. 2006, 88). Governmentality studies have various strands utilising different aspects of the theoretical background: some doing more descriptive and some more critical analysis (Rose et al. 2006, 94).

What does it mean to adopt a governmentality framework for this study then? Governmentality studies are based on three displacements: a) *the displacement of the institution*, which asserts that institutions function as part of a wider project and cannot be studied separate from it; b) *the displacement of the function*, which transports the focus from discussing the shortcoming or efficiencies of policy functions to viewing the function itself from its inside; and c) *the displacement of the object*, which refuses to study the phenomenologically given object, such as immigration, without questioning how the object of study is socially constituted (Foucault 1977-78/2007, 115-120). That is, the focus is not on the soundness or efficiency of governance and policy (Cruikshank 1999, 4; Dean 2010, 37), but on how 'reason' operates in governing phenomena in their empirical particularity (e.g. Dean 2010, 27). Hence, instead of investigating solely what immigration and integration policies consist of, how immigration is administered, how explicit discourses describe immigrants and immigration, the critical focus is equally on what are the effects of immigration policy and what does this say about the way immigration and immigrants are understood. Essential in this is to understand the way issues are problematized and politicized and the solutions that are offered and designed to issues. Further, the analysis does not *a priori* assume that the 'theory' in immigration policy would be congruent with the 'practice' of immigration policy, but allows for an "immanent disjunction and dissonance between the 'programmer's view' and the logic of practices, their real effects" (Dean 2007, 83). Government becomes a matter of practice, a "way of doing things" that relies on a specific constellation of power/knowledge, which in itself becomes a focus of critique (Foucault 1978-79/2008, 318).

Essential to understanding the analytical extent of governmentality studies is to understand Foucault's critique of political science and its insistence on not cutting off the King's head (Foucault 2002, 122).

That is, the persistent analysis of political phenomena from the perspective that political power is something that is invested in governmental institutions, hampers the analysis of how meaning is formed and operates politically in society overall.⁹ The difference of the Foucaultian approach can be explained also in another way; by thinking about how the way in which we think about the state varies historically. The governmentality framework conceptualises government in the context of a qualitative change in which government becomes a matter of promoting ‘the welfare’ or ‘the common good’ of a population and the economy. In this governmentality is inherently connected to biopolitics and the exercise of biopower, i.e. power over the way life is lived (which shall be discussed shortly). This mode of conceptualising governing is different from the older, sovereignty based imperial, feudal or monarchical state that conceives governing in terms of *raison d’état*; governing for the benefit of the state itself or of the sovereign ruler embodied in the state (Foucault 1977-78/2007). This is what Foucault refers to when speaking about the resistance against cutting off the King’s head: it is a mode of analysis that is suited for power that is exercised through sovereignty and law, and not through biopower that relies on much more than simply law and punishment for executing its reign. This change in focus should not be interpreted as signifying a complete discontinuation of sovereignty based modes of governing—these two modes of governing coexist—but contemporary modes of sovereign power in liberal Western countries are grounded in liberal governmentality. In terms of this study, this means that immigration policy cannot be analysed as a sequence of individual legislative changes, but as an apparatus. More importantly, liberal democratic discourses about how immigration should be governed become an object of analysis. That is, liberal democratic discourses need to be analysed as part of the power/knowledge constellation, not as an unquestioned point of reference.

Thus, power, for Foucault, is not solely appropriated by state institutions and held by its officials. Rather, the state apparatus—its ‘essence’, extent and its limitation—is an effect of power. The ‘state’ is

⁹ The Foucaultian notion of power is based on a different conceptualisation of the relationship between the state and the individual than in the traditional conceptualisation of power: The state-individual relationship is not a relation of domination and subjugation. For Foucault, the subject is not simply the object of power, but the relationship of power and the individual goes much deeper: “[P]ower is *not* something that is divided between those who have it and hold it exclusively, and those who do not have it and are subject to it. Power must, I think, be analyzed as something that circulates, or rather as something that functions only when it is part of a chain. It is never localized here or there, it is never in the hands of some, and it is never appropriated in the way that wealth or commodity can be appropriated. Power functions. Power is exercised through networks, and individuals do not simply circulate in those networks; they are in a position to both submit to and exercise power. They are never the inert or consenting targets of power; they are always its relays. In other words, power passes through individuals. It is not applied to them” (Foucault 1975-76/1997, 29, italics in the original). “The individual is not, in other words, power’s opposite number; the individual is one of power’s first effects. The individual is in fact a power-effect, and at the same time, and to the extent that he is a power-effect, the individual is a relay: power passes through the individuals it has constructed” (Foucault 1975-76/1997, 30). Thus, the individual is primarily an effect of power and only secondarily a subject/object of power. That is, although the individual is primarily made and socialised into certain types of subjects through different discourses in the grid of historicity, language and power, there is nevertheless agency: The individual is made but also makes oneself into what one is. Yet, the effects of power relations permeate the individual thoroughly.

continuously constructed at the micro-level and the state apparatus becomes a secondary effect of relations between power and knowledge (Foucault 1980, 122). Therefore, governmentality cannot be analysed in terms of state action, but as a wider order of things. For Foucault power is not simply negatively repressive—not solely a matter of hegemony or getting people to do what they would not otherwise do—or normative; it is also *positively productive and constitutive* (for a clarification see Haugaard 2002, 4). For Foucault “[p]ower is everywhere”, not just in the hands of the sovereign, the judiciary or the patriarch. This is “not because it [power] embraces everything, but because it comes from everywhere”, “because it is produced from one moment to the next...in every relation from one point to another” (Foucault 1976/1998, 93). Thus, in this framework the analysis of power does not focus on the type of power Finnish state exercises over the immigrant and whether this is conflictual or consensual, based on state resources or normative influence.¹⁰ Rather, it is the constitution of reality and the systems of knowledge that enables the use of power, whatever form it takes in practical situations, that is the final focus here.

Moving on to discussing the term governmentality, it can be said that governmentality is both a rationality and an art of governing, which in the West has typically been identified as liberal. Governmentality is, however, a multi-dimensional concept that refers, firstly, to the process of increased governmentalisation of society in modern Western states, i.e. to the increased governing of the population and the economy related to the shift away from sovereign rule.¹¹ In this, governmentalisation cannot be distinguished from biopolitics, which, in the Foucaultian sense, refers to a sphere of governing and politics, to political power that takes as its object the administration of life. Biopolitics is an extension of the role of government to the governing of the population according to the administrative imperative of optimizing and improving the health and welfare of populations. Biopolitics is inherently linked to the aforementioned erosion of the rule based on sovereignty and law; to when sovereign

¹⁰ Foucault specifically criticises the traditional, liberation/repression hypothesis of power typical of Western liberal thinking. Traditional conceptualisations of power refer to the general hypothesis of ‘power as a resource’ or ‘power as ability’ to get others to do things. Mark Haugaard (2002) has analysed academic theories of power and differentiates between four different approaches: Firstly, there is the analytical approach that is based on analytical philosophy, which tries to clarify the concept of ‘power’ and distinguish it from concepts such as ‘power resources’ and ‘influence’. From a Foucaultian point of view, this approach could be characterised as an attempt to guard against the historicity of language in order to attain the true definition of power. Secondly, Haugaard distinguishes normative approaches that try to define how power should function in society. Thirdly, there are socio-theoretical conceptualisations of power. The normative and socio-theoretical models of power often distinguish between conflictual and consensual forms of power, some of them taking also structural factors into account. Haugaard’s fourth category is the post-modernist socio-theoretical view of power in line with the Foucaultian formulation of power, which differs from other conceptualisations in that it regards power as constitutive of reality (Haugaard 2002). In comparison to the other three conceptualisations of power, the focus in Foucaultian analysis is not on how ‘A’ exercises power over ‘B’, but rather how A and B have come to define themselves in a way that allows for this exercise of power to happen.

¹¹ Dean (1999; 2007; and 2006) has drawn attention to the governmentalisation of the domestic and international sphere as well as of poverty and unemployment (1991; 1995; and 1998).

punishment was bolstered by disciplinary technologies, which enables a shift towards biopower and governmentality (Foucault 1976/1998, 138-139; Foucault 1977-78/2007, 70-75; Foucault 1978-79/2008; see also Dean 2010). Modern liberal governmentalities, in the plural,¹² involve the general governmentalisation of society, which speaks of the way we think that society and the economy should be governed more pervasively—even if at a distance, as shall be discussed shortly. Immigration sits tight inside this edifice of thought: the imperative of managing immigration and population movements arises from the heart of biopolitics.

Given that immigration is one of the key fields that have become objects of governmental biopolitics, governmentality studies have focused on immigration quite a lot. Especially disciplinary and sovereign modes of governing immigration have been at the centre of analyses. To name a few examples, Bigo has concentrated on analysing the securitisation of immigration as an inherent governmentality of modern Western states (Bigo 2001; and 2002; also Bigo and Guild 2005). Andrijasevic and Walters (2010) have discussed the making of the international refugee regime and its ordering practices into a mundane neoliberal governmentality. Lippert (2005) has also focused on sovereign and pastoral forms of power used in resisting asylum practices by giving sanctuary to refused asylum applicants in Canada. Many studies include analysis of exclusionary rationalities in immigration regulations and visa regimes revealing their rationality of making asylum seeking and immigration as difficult as 'reasonably' possible (Morris 1998; Walters 2002; Salter 2006; and 2008; Kasli and Parla 2009). Gerken (2007) has focused on the neo-liberal conceptualisation of immigrants as either 'factually' benefiting or not benefiting the U.S. economy and society. I will extend this focus on disciplinary power by looking at the governmentality of immigration through the prism of historical comparison.

Secondly, besides increased governmentalisation, governmentality as a term refers to the various knowledges and techniques that are thought to be essential for governing society and the economy.¹³

¹² Foucault identified modern governmentality as broadly liberal, but at the same stressed that there are many types of liberalism: classical, economic liberalism, welfare state liberalism, social liberalism and neo-liberalism with their contextually specific self-critical ethos. Practical applications of liberal governmentality are not unified in their prescriptions of what governments should (not) do about managing the state, the population, the economy and the society. In the Finnish case, it is the welfare state liberalism that has a larger role to play in the discourses of immigration (e.g. Blomberg et al. 2008), but in general, I will not complicate the study further by distinguishing between various forms of liberalism in other ways than what becomes evident in the discourses themselves. Those interested in the relations of the welfare state to social democracy and economic liberalism can consult, for example, Foucault's *The Birth of Biopolitics* (1978-79/2008).

¹³ With the rationalities and technologies of governing, the analytical task in governmentality studies comes very close to what others might recognise as policy analysis or governance studies. In this sense, governmentality could be seen as a rather 'customary' concept, very similar to the concept of governance denoting a capacity to get things done outside the strictly legal framework. But governmentality denotes an inherently different way of understanding the limits of government than 'governance': In line with the Foucaultian conceptualisations of power/knowledge, the governmentality approach does not conceptualise government as functioning based on the explicit consent of the governed, as evidenced through democratic elections and the legal framework. When power is not conceptualised as A's capacity to impose his/her will on

This is an important point for understanding what the analytics of governmentality entails. Whilst sovereign modes of power are important for immigration control, we are here concentrating on the normalising and disciplinary modes of exercising power in the context of immigration. Disciplinary power can be implemented either through the state apparatus or through civil society. Indeed, according to Foucault the unity of liberal governmentality has been founded on the domain of civil society and its “governing at a distance” (Foucault 1976/1998, 93; Foucault 1978-79/2008, 295). It is through civil society that governmentality is constituted as the ‘conduct of conduct’ of the population (Foucault 1978-79/2008, 186). This governing through civil society at a distance is the preferred way of governing under liberalism, because this is governing through freedom, which, as we shall discuss more in depth in Chapter 2, is considered essential to the liberal desire not to govern too much. The population is governed by giving individuals the freedom and the rights to mould themselves into acceptable citizens.¹⁴ Rose has especially concentrated on elaborating the relationship between governmentality and the care of the self, extending his thoughts to the role given to ‘freedom’ in liberal governmentality (e.g. Rose 1996; 1999b; 1999a; 2006; and 2008). In terms of governing immigration, governing at a distance can be seen, for example, in the preconditions imposed on entry and stay that define the acceptable citizen-to-be.

Besides technologies, governmentality studies investigate how rationalities of governing are translated into, or give rise to, objectives regarding the life of the population. These objectives become prescribed in techniques and modes of governing the state, the self, families, groups and organisations, which together enable the liberal preference for governing at a distance, or governing through rights and freedoms (e.g. Rose and Miller 1992; Barry et al. 1996; Rose 1999b, 49; Dean 2010, 32). These objectives and the underlying ways of thinking about governing as a wider programme are then transmitted to the population and into the economy through various strategies, tactics and mechanisms, such as policies, laws and rules, schooling, training, expected activities and codes of conduct relating to various aspects of behaviour (ethical and moral, professional, civic, parental, pupil, inmate etc.) (Foucault 2002, 211; also Dean 1999, 2-3). This toolkit of rationalities and technologies is similarly employed to govern immigration and immigrants at a distance—but how and with what tools is a matter of specific analysis of various dimensions of governing. In terms of analysing immigration and its control technologies, Salter has focused on border controls, immigration regulations and visa regimes as states of exception that enclose the individual in a “documentary, biometric, and confessionary regime” (Salter

B (e.g. Hindess 1996) nor governance as a matter of administrative rationality and effectiveness, government becomes understood, through a more fundamental arrangement of ‘things’, as an order of things.

¹⁴ For example, Stoler (1995) has focused on how desires are educated and Cruikshank (1999) has analysed the way in which empowerment is utilised as a technology of conducting the conduct of populations.

2006, 169). Lippert and O'Connor, Salter and Maguire have focused on migrants in airports and the securitized technologies in function there (Lippert and O'Connor 2003; Salter 2007; Maguire 2009). Gill (2009a; 2009b) and Conlon (2010) have analysed what kind of governmentalities the administering, caring and (dis)locating of asylum seekers include and what kind of power effects they have. Chan (2005) has focused on the way that racialised and gendered governmentalities are evident in Canadian deportation orders of criminals and how they function as a disciplinary technology of moral regulation and social control. That is, studying governmentality requires analysis that goes beyond the discursive surface and investigates the technologies and rationalities and their power effects. This study continues this line of investigation analysing the various technologies employed in the apparatus of immigration control that extends from visa regulations to citizenship and integration policy.

In analysing the rationalities of governing it is important not to conceptualise rationalities as a form of sovereign dictums—as sovereign dictums themselves are embedded in the power/knowledge constellation. Rather, governing for the 'welfare' of the population and its economy is achieved through knowledge, i.e. through scientific theories and expert opinions (or their commonsensical variants), that enable the understanding of the laws of the economy and population and the phenomenon of migration—as shall be discussed at length in Chapter 2. Manipulating these laws requires increasingly multiple and complex mechanisms and a network of institutions of security and administration to implement the laws and regulations needed for this task of manipulation (Foucault 1977-78/2007). That is, this process of governing cannot be separated from generic discourses and ontologies functioning in society, because these condition the definition and implementation of that which can be held 'true' and that which is conceptualised as a sound way of governing society. Indeed, cultural studies (e.g. Bennett 1995; 2003; and 2004) connected governing and culture by insisting that "culture itself could be analysed as a set of technologies for governing habits, morals, and ethics—for governing subjects" (Rose et al. 2006, 97). In this sense, what is in question in this research are some of the fundamental ways in which Western culture is implied in the way we govern immigration.

Because governmentality studies investigate rationalities and not just technologies of governing, it is inherently tied in with Foucault's conceptualisations of power/knowledge, which refers to the reciprocal constitution of power by knowledge and knowledge by power. That is, it does not refer to the famous slogan of 'knowledge is power' (Foucault 2000a, 455), but rather to the interdependence, in which one cannot exist without the other when it comes to knowledge regarding society and humans. That is, the status of knowledge as 'truthful' is dependent on a regime of power, and power, as said, functions through a regime of truth. Power/knowledge is a strategic field that functions in unison with governmentality. These Foucaultian insights have been applied to the study of immigration, for example,

by Lippert (1999) who has investigated early refugee studies as a form of expert knowledge by contextualising it at the birth of the international refugee regime. The way 'illegal' immigration has been created and made an object of governmental technologies has been investigated by Inda (2006) and Hedman (2008) who shed light on the knowledge underpinning problematizations of legality/illegality. This study extends this focus by insisting on the aforementioned displacement of the object and does not limit the analysis to a sector of immigration policy, but rather surveys the wider strategic field of power/knowledge. In doing this, the study specifically aims to understand the way immigration is contemporarily problematized under liberal governmentality by also studying the problematization of immigration in the United States after the 1860s and comparing these two modes of problematization.

Hence, studying governmentality is studying an order of things;¹⁵ a study of apparatuses of governing and the power/knowledge constellation enlightening the mode of governing. The analysis of governmentality is then inherently an analysis of power/knowledge. As Dean explains, "[i]f, for Kant, 'critique' is the study of the conditions of true knowledge, the study of governmentality is a kind of critique of political reason, in as much as it seeks to investigate some of the hitherto silent conditions under which we think and act politically" (Dean 2010, 59; Rose 1999b). In this, it is the concept of discourse as knowledge that is epistemologically relevant to the whole Foucaultian endeavour. The central task of governmentality studies is to understand the underlying rationality of governing; to decentre the knowledges and technologies that are used. In this case, this means understanding the rationalities of governing foreigners through immigration control, refugee and citizenship policy and decentring the rationalities underlying these technologies. This decentring shall be done through specific tools, which will be outlined shortly and elaborated on more thoroughly in Chapter 2.

We have now seen how the Finnish context offers interesting viewpoints into the rationalities of governing immigration. Namely, Finland offers a good example of a contemporary political culture in which the limits of 'political correctness' for explicitly racialising problematizations are searched for and in which the definitions of racism are a matter of heated conversation after twenty years of increasing and partly phenotypically different immigration. In the following chapters we shall be investigating the governmental discourses about immigration and the rationalities of governing different types of immigrants. As outlined in this section, this investigation shall take the shape of analysing the wider

¹⁵ For some, the use of the word 'thing' in academic language is questionable. In this research the 'thing' is the emergent, non-specific phenomenon that becomes defined in the context of governmentality embedded in a specific power/knowledge constellation. Foucault explains this vagueness of 'order of things' by saying that "government is not related to territory, but to a sort of complex of men and things"; "'Things' are men in their relationship with things like customs, habits, ways of acting and thinking. Finally, there are men in their relationships with things like accidents, misfortunes, famine, epidemics, and death" (Foucault 1977-78/2007, 96). In this sense, 'things' refers to whatever may become an object of concern to government before which its signification remains unproblematised.

'order of things'—as advised by the displacements of the institution, function and object—that is constituted around immigration and that is inherently linked to liberal governmentality and its rationalities and technologies. I will now move on to discussing the actual research design. This will be done by explaining the four different levels at which the analysis was conducted that each focused on different research questions through different methods.

1.3. Research Design: Research Material and Four Levels of Analysis

In this section I will address the practical steps through which the research design was operationalised and how the conceptual framework extended from discourse theoretical analysis to the analysis of an apparatus of immigration control and its problematizations. As said, the starting hypothesis was that a game of truth was being played around the definitions of immigrants and immigration, in which these concepts came to be defined in conflicting ways. As will be explained more thoroughly shortly, the first level of analysis concentrated on this aspect by examining the discursive formation and the discourses used and definitions forwarded. The second level of analysis extended this focus and analysed the games of power/knowledge that were played by omitting, including, selecting and excluding discourses, definitions of immigration and subjectifications of immigrants. The third level of analysis relied on the previous two levels of analysis that investigated the rationalities expressed in immigration politics. The third level was dedicated to examining technologies of immigration control, by analysing the apparatus of immigration through contrasting the power/knowledge constellation analysed with the technologies of governing immigration and understanding the underlying rationalities of governing immigration. The first three levels formed a picture of the governmentality of immigration control in Finland. The fourth level of analysis was inductive. It focused on understanding this governmentality and its problematizations of immigration and explaining their rationalities by comparing the structure of problematization to the early American eugenic immigration policies. Before I explain these levels of analysis in more detail and explicate the research questions and outline the methods employed, a few words on the practical steps in the form of explaining the concepts that delimited the focus of the study as well as the process of selecting research materials and the objects of research are in order.

1.3.1. The Research Focus and the Research Material

The theoretical starting point in Foucaultian discourse theoretical analysis (to be outlined shortly) and governmentality studies with its three displacements had an impact on the way the object of study and the primary materials were selected. Due to the displacement of the object, the basic terminology of the field needed to be reconsidered. *Migration*, as a general concept, includes both emigration and

immigration. In this research, the focus is on *immigration*. But the investigation is not solely limited to *immigrants*, rather, the focus is on *foreigners*, i.e. on those who are either allowed or denied entry and/or residence. This is because those excluded function as an important parameter of how immigrants are defined. Further, the term *immigrant* requires explanation also in the sense that, firstly, the use of the term is generally vague: sometimes it includes refugees and asylum seekers and even second generation 'immigrants', sometimes not. In the analysis it has often been impossible to determine who are the 'immigrants' talked about or what kind of 'immigration' does the text or speech refer to. In this research, I will specify the various subcategories when I do not mean immigrants or foreigners in general. Yet, there is no possibility of controlling the vagueness in general, rather the vagueness of the use of the words themselves forms a part of the research field of 'politics'.

Based on the displacement of the institution and the function, this is not a study into policy or politics *per se* but into the way immigration is made sense of in politics. That is, attention is not aimed at the analysis of the manoeuvrings of various political actors or the efficiency of policies and their implementation. *Politics* is understood as a process leading to and arising from a specific power/knowledge constellation, in which the definitions are an inherent object of political power/knowledge games. What does this mean then in terms of the governmental actors studied? I will not discuss party, local and institutional politics or media discussions, although these clearly play a part in the politics of immigration. This focus on high-level politics means that I am leaving the implementation aspect outside. This choice of limits is informed by the need to keep the scope of analysis manageable.

The *analysis of politics* is limited to high-level national politics, i.e. to the governmental and parliamentary power/knowledge constellation. Besides the government and the parliament, the key governmental actor in the field of Finnish immigration policy is the Ministry of the Interior, although other ministries are also involved in various aspects of aliens' policy formulation and implementation. The views of ministries are included as far as they are expressed in government bills, ministerial documents and reports, and in statements by ministers in parliamentary discussions, but I have not analysed policy or recommendations specific to various ministries, such as immigrant-related education policies or the opinions they have expressed about various governmental bills. The Finnish Immigration Service is the main enforcement agency granting asylum, residence permits and citizenship, but, although their implementation practices have been left out, I have included implementation guidelines in the research material as these guidelines are essential for opening up the significance of governmental regulations. That is, the only authorities included are the government and the ministries, the parliament and its

committees and the Immigration Services, and the rest of the authorities have been left out of the study.¹⁶

Whilst the displacement of the function requires that the efficiency of policy outcomes does not become a target, but rather that immigration control is regarded as an apparatus. The policies studied are, nevertheless, limited by the concept of *immigrant-related policies*. These include 1) *immigration policy and law* aimed at controlling who can enter and stay (visa and other entry criteria, residence, refugee and family reunification criteria), 2) *integration policy and law* that include the guidelines and aims for municipal action on integrating immigrants and 3) *other policies and laws* that indirectly impact on the existence of immigrants and foreigners in Finland, such as laws relating to social benefits and the related right to home municipality (that regulates the right to social benefits), citizenship law, domestic security policy (includes terrorism and racist violence) and the laws treating the detention of foreigners. Out of these, it is the actual immigration policy that is central. These other regulations have been taken into account as a part of the apparatus when they function in conjunction with the immigration control apparatus. But as said, not being a policy study as such, what policies, when and who promoted them are not objects of study. *Policy* is treated as a matter of a web of regulations and discourses articulated in governmental documents and bills and parliamentary committee statements analysed. That is, immigration policy is studied as an apparatus; as a “heterogeneous ensemble” of relations between “discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, [as relations between] the said as much as the unsaid” (Foucault 1980, 194).

The primary materials consist of government bills, relevant ministerial reports, committee statements and parliamentary discussions as well as the Immigration Services’ guidelines for implementing the law between 1999 and 2010. At the particular level of implementation, there is always overzealousness,

¹⁶ These excluded actors include, for example, the Ministry of Employment and the Economy that used to be responsible for immigration before the Ministry of the Interior and to whom the responsibility for integration policy administration was transferred back in 2011. Local or regional authorities under the Ministry of Employment are also in charge of assessing the labour market needs that are used as a precondition for granting employment based residence permits in many cases. Also the Ministry of Education, the Ministry of Justice and the Ministry for Social Affairs and Health cover issues related to immigrants under their specific fields and, for example, officially comment on government bills at times. On top of the Immigration Services, the police have the authority to grant extensions to residence permits and to register the entry of certain foreigners, such as Nordic and EU citizens and, recently, the family members of Finnish nationals. Also auxiliary institutions, such as the Ombudsman for Minorities and the Advisory Board for Ethnic Relations (ETNO) that treat issues related to discrimination and multiculturalism have been left out. Naturally, the Ministry for Foreign Affairs, the Police and the Border Guard also have an implementation role in managing visas, extensions of residence permits, deportation and entry of foreigners. In addition the administrative courts and the Supreme Administrative Court are the appeal entities in the migration and asylum system. Regional and local authorities, on the other hand, are responsible for integration measures. Further, the third sector provides many services and support functions for foreigners in Finland, but these have not been studied either.

compliance or resistance to varying degrees. Concentrating on particular implementation practices would have required different research methods. Actual implementation is, of course, a valid research focus, but fundamentally these institutions function inside a framework of governing, which is informed by the rationalities and prescribed technologies of the central government. The techniques of governmentality in terms of these levels of micro implementation, nevertheless, present a future opportunity for research. This focus on documentation and discussions rather than on implementation is also informed by a lack of easily available material from other authors, such as solid, informative statistics from institutions in charge of implementation, such as the Finnish Immigration Services or the Border Guard. I was nevertheless able to gather some statistical data from the Immigration Services and the EuroStat databases to support the analysis with more 'factual' aspects. This in itself is a wide corpus and the selection of final primary materials from these sources has been thought through with the aim of gathering a representative sample of the discourses utilised, as will be discussed in the next sections. Altogether over 3300 statements and over 110 documents were analysed in detail. I shall explain what policy issues these documents are mainly related to in Chapter 3, when I shall discuss the general developments of Finnish immigration policy. Now I shall, however, move on to discussing the research design and its four levels of analysis in more detail, although many of the concepts touched upon here will be developed further in Chapter 2 that discusses the theory and methodology further.

1.3.2. First Analytical Level: Discourses and Discourse Theory

What was it then that the analysis of the primary materials focused on? As said, the research was designed to contain four levels of analysis. The intention on the first level was to chart the dynamic discursive formation of power/knowledge functioning around immigration politics departing from a discourse theoretical analysis. The analysis focused on how the discourses of liberalism, multiculturalism and nationalism were used in these games of power/knowledge leading to the observed way in which immigrants were governed and defined in inconsistent and contradictory ways. The research questions asked at this first level were:

- 1) What kind of discourses are utilised to support claims regarding immigrants and immigration?
- 2) In what ways are immigrants and immigration conceptualised, i.e. how are immigrants subjectified¹⁷ and, in more general terms, how are immigration related 'things' identified and known?

¹⁷ 'Subjectifying' and 'subjectification' refer to the way that people are made into subjects, i.e. to the way that people are made and how they make themselves into certain kinds of subjects of political power and power/knowledge through which they govern themselves and others (Foucault 1982-83/2010; Rosenberg and Milchman 2009).

The *a priori* assumption was that the discourses of making sense of immigration would fall under the broad discourses of nationalism, multiculturalism and liberalism in their various nuances ranging from open border cosmopolitanism to nationalist chauvinism.

Discourse Theory

As the reader may have noticed, I do not use the term discourse analysis but discourse theory. With this distinction, which shall be discussed in further detail in Chapter 2, I mean an analysis that does not focus on individual documents or discussions, but rather places various types of discursive material (such as laws and comments made in the parliament) on the same level, divorces them from the immediate context and its dynamics (for example of a parliamentary discussion or documentation around a specific bill) and investigates the statements themselves as forms of knowledge that are part of the larger power/knowledge constellation, through which the way knowledge is used has power effects and how power is used impacts on the way knowledge can be used.

This theoretical approach is grounded in the Foucaultian definition of discourse and power/knowledge and has consequences for the way that discourses are defined and used in this research. Given that Foucault conceptualises discourse not as a logical totality of statements, that would be internally and temporally coherent and unified, but rather as a “a system of dispersion” (Foucault 1969/2002, 39) influenced by its own emergence and by its quality as an event, the discourses of nationalism, liberalism, and multiculturalism must be approached in their emergence. For Foucault, “[d]iscourse *must not be referred to the distant presence of the origin, but treated as and when it occurs*” (Foucault 1969/2002, 25). As discourses, nationalism, liberalism and multiculturalism are what is made of them or how the speakers utilise them. The limits of discourse, therefore, can never be defined, because, in light of Foucault’s later writings, it is the emergent nature of discourse, the strategic fluctuation of structures of knowing, that becomes analytically more important (Foucault 1970/1981, 66-69). Yet, a (truthful) discourse can be characterised as “a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements” (Foucault 1980, 133), that vaguely limit that which can be said in reference to a discourse. Importantly, then, in this research nationalism, liberalism and multiculturalism, or racism, social Darwinism and eugenics, as discourses, do not refer to academic theories, but to how knowledge is made use of in politics, as shall be explained further in Chapter 2.

The actual discourse theoretical method used for this analytical level shall be explained in Chapter 2, as it is inherently tied to Foucault’s epistemological critique of the modern mode of knowing that will also be discussed in Chapter 2. At this stage it is sufficient to understand that the primary discourse theoretical

method operationalises the statement as a logical entity that formulates a discursive order of things by proposing and articulating 'certain things as being like something' and then assert the truthfulness of this claim by designating towards sources of positivity. Chapter 2 will outline the structure of this method more in detail prior to presenting the results of the analysis in Chapter 3. Appendix 4 will comprehensively discuss the actual way the method is employed. The analysis of the discursive orders forwarded in the primary materials enables the second phase of analysis that focuses on how strategies of power are employed to produce a power/knowledge constellation around immigration.

1.3.3. Second Analytical Level: Games of Truth and the Strategies of Power/Knowledge

The second-level discourse theoretical research sought for the power games of truth producing discursive orders, in which the inconsistencies between subjectifications and definitions could be detected and different expectations and assumptions revealed and charted. The third empirical research question asked was:

- 3) What kind of power/knowledge constellations and discursive orders are created based on the discourses through which immigrants and immigration are defined?

This phase of analysis charted discursive orders that were produced about immigration and immigrants in relation to different issues and through different discourses. (Appendix 4 expands on the practical tools of making this happen.) By examining the juxtapositions between various discourses, for example, how nationalist discourses were used to discipline liberal discourses and in what situations—and vice versa—an understanding of the basic strategic field of power/knowledge was constructed. At this level the tools of decentring started to be employed by observing what kind of strategies of power/knowledge were used in producing 'truthful' discursive orders about immigration. These tools of decentring (which, again, shall be expanded on in Chapter 2), are in essence the same as the strategies of power/knowledge, which designate the hegemonic or marginal, the truthful or false status of statements, but the idea is that when these strategies are spelled out the functioning of power in determining 'truth' is revealed, which allows for the decentring of 'truthful' discourses. At this stage observing the ways in which discourses were asserted as universal or particular (i.e. universalism/particularism as a strategy of power/knowledge) was central. Equally the way in which explanations for 'truth' were selected by choosing either psychological or historical explanations for phenomena proved enlightening (i.e. asserting psychologism or historicism as a strategy). Similarly listening to the silent gaps and missing meanings inside and between discourses—i.e. that which was not being said (silencing and scarcity of meaning) was important. Finally, by noting that which was being taken-for-granted either by making

certain things appear as natural (naturalisation) and non-political or by marginalising some things by making them appear exceptional (exceptionalisation) the way the power/knowledge constellation was strategically constructed could be analysed. After forming a picture of this strategic field, it was possible to move onto the next level of analysing the apparatus of immigration control ranging from discourses to technologies of governing immigration.

1.3.4. Third Analytical Level: Governmentality and the Apparatus of Immigration Control

The analysis in this third phase meant analysing governmentality as a combination of rationalities and technologies. As the governmentality framework dictates, central to understanding governmentality are not solely the discourses that express explicit rationalities, but also the technologies of governing immigration. The analyses had to be extended beyond the discursive power/knowledge formation and the relations between rules of implementation and parliamentary discussions, between committee statements and permit application processes had to be addressed. Immigration policy and immigration control technologies were studied as an apparatus ranging from discourses to regulations. The fourth research question asked:

- 4) What is the web of regulation governing immigration, i.e. what are the technologies of immigration control?

Thus, this level analysed the laws, decrees and rules of implementation of governing immigration and their rationalities were analysed. Then the apparatus of immigration control was contrasted with the separately expressed rationalities in various discursive orders that the first two levels of analysis had revealed. Accordingly, on the third level of analysis, the fifth research question asked:

- 5) How the technologies of governing immigration work in conjunction with the expressed power/knowledge constellation and what kind of a taken-for-granted governmentality do they form?

Forming a picture of the whole apparatus of immigration control enabled the analysis of the governmentality of immigration in Finland. Again, at this phase it was essential to look at the strategies that were employed to produce 'truthfulness' at the level of technologies. In this endeavour, the focus is on decentring the commonsensical knowledge that impacts the conceptualisations of immigration both for the layperson as well as for the expert. This common sense is defined in practice by the empirical analysis of the Finnish discursive formation around immigration. Common sense is here understood as

the taken-for-granted product of a power/knowledge constellation that establishes the limits of that which can be thought of as 'rational' or 'natural'.¹⁸

Besides the above-mentioned tools of decentring or strategies of power/knowledge (universalism/particularism, naturalisation and exceptionalisation, silence and scarcity of meaning, historicism or psychologism), at this stage it was especially revealing to focus on the employment of market veridiction, i.e. on the mode of assessing the value of things through economic rationalities, and on the modes of governing at a distance through rights and freedoms. With these analytical tools the thesis attempts to create a space for thinking differently: for thinking differently about governing immigration by removing "the 'naturalness' and 'taken-for-granted' character of how things are done. In so doing, it renders practices of government problematic and shows that things might be different from what they are" (Dean 1999, 38). This decentring involves placing a question mark after—not only the commonsensical way of understanding immigration through the discourses of nationalism, liberalism and multiculturalism—but also through understanding Western governmentality through liberalism. This then enables critical evaluation of the way that we think about immigration and integration and the role of the state in it.

1.3.5. Fourth Analytical Level: Problematizations and Eugenics

The three levels of analysis allowed for building a picture of the governmentality of immigration as an apparatus with its taken-for-granted ways of governing immigration. As has been said, analysing problematizations is a focal point of interest for governmentality studies, because problematizations always reveal something essential about the way we think society, or in this case immigration, needs to be governed. Therefore, the fourth level of analysis formulated its task as answering the question:

- 6) How does the governmentality of immigration, through the rationalities and technologies of the apparatus of immigration control, problematize immigration?

That is the ultimate aim of the four-layer research design was to understand the governmentality of immigration and its problematizations. Chart E below visualises the analytical process:

¹⁸ 'Common sense' as a product and a technique of power has been analysed by post-structuralist researchers. For example, Roland Barthes, through his conceptualisation of *doxa* (for an account of the various definitions of 'doxa' Barthes uses see Herschberg-Pierrot 2002) and lately Norman Fairclough (Fairclough 2001, 64) share a similar association of common sense with ideology and power.

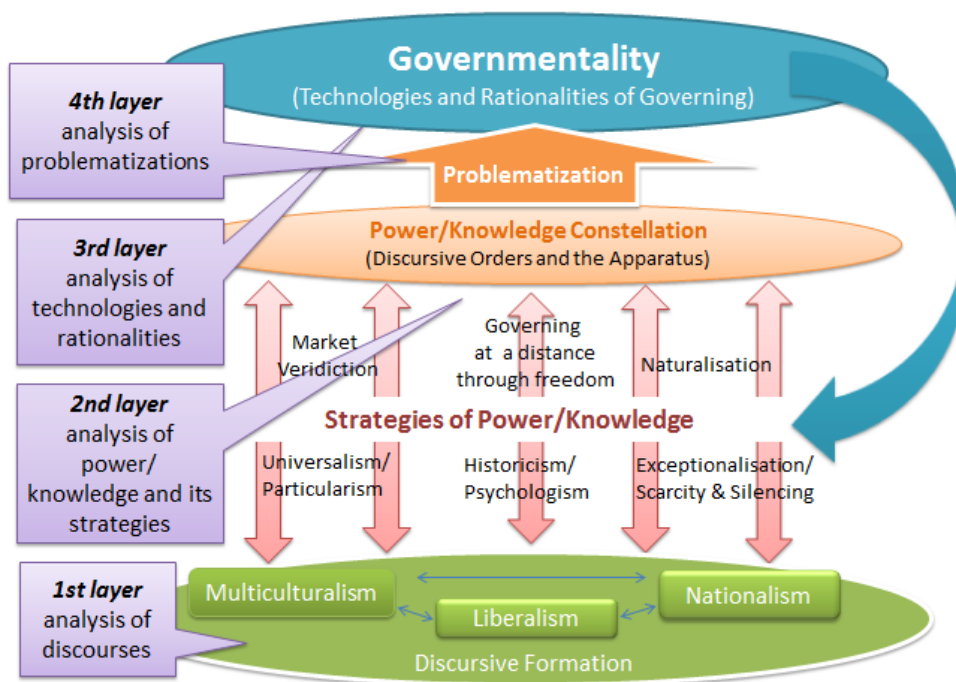


Chart E. Levels of analysis of the governmentality of immigration.

The research design was inductive; based on this analysis of the discursive formation, the emerging power/knowledge constellation, the strategies of power/knowledge employed, and of the governmentality and its problematizations, the final framework of theoretical interpretation was searched. It became evident that the *a priori* assumption, that immigration politics could be understood through the discourses of nationalism, multiculturalism and liberalism, turned out to be false. To continue analysing immigration through the discourses of nationalism, liberalism and multiculturalism, i.e. through utilising the regular categories—such as nation-states vs. countries of immigration, *jus soli* vs. *jus sanguinis* laws, civic nationalism vs. primordial nationalism, multiculturalist vs. assimilationist policies etc.—brought me to an analytical standstill. That is, the governmentality of immigration, as an apparatus of rationalities and technologies, could not be adequately explained by merely referring to the interplay of these discourses. The technologies themselves had rationalities that needed to be explained. There were integral parts to the apparatus of immigration that remained silent, commonsensical or taken-for-granted. What emerged was the realisation that the way immigration was problematized was something more fundamental, which the well-trodden path of analysing immigration was silencing.

Placing a question mark after the designation of Western governmentality as liberal became pertinent, because it was not altogether clear what constituted the 'liberal' in the governmentality of immigration. Central to the critical evaluation became the investigation of why society needed to be defended from

immigration: A question mark needed to be placed after immigration policy and the knowledge it is founded on *in toto*.

By analysing these strategies of power/knowledge, by listening to the silent gaps and explicating the taken-for-granted, the fourth level of analysis attempts to explain the governmentality of immigration as a form of state racist governmentality that relies on race hygienic problematizations of immigration. The seventh research question rising from the inductive process is:

- 7) To what extent do the contemporary immigration apparatus and its governmentality mirror the problematizations of the US eugenic immigration policy after the 1860s?

This question will be answered in Chapter 4 that is dedicated to explaining eugenic governmentality and race hygienic immigration policy in the United States and comparing its regulations to the contemporary Finnish regulations explained in Chapter 3. Now that I have explained the analytical levels and the basic theoretical outline of the thesis, I shall introduce the concept of state racism as a type of governmentality to lay the ground for the turn that the thesis will take in Chapter 4.

1.4. State Racist Governmentality

By state racism Foucault did not mean a state that explicitly purported racist policies of segregation or extermination, such as the United States before the 1960s, Nazi Germany or Apartheid South Africa. This type of designation of racism has failed to renounce analysing politics in terms of sovereignty and law, as it insists on investigating governing through a legalistic framework of the state. Therefore, it is important to understand that Foucault's notion of state racism refers to society: it is not a mere technology of state, but an overall rationality of society and how it needs to be governed. As such, state racism is defined as a constantly re-emerging and changing system that does not have any universal position, but is always subject to changing power/knowledge constellation. With state racism Foucault referred to:

“a racism that society will direct against itself, against its own elements and its own products. This is an internal racism of permanent purification, and it will become one of the basic dimensions of social normalization” (Foucault 1975-76/1997, 62).

Thus, we are rather talking about a dynamic rationality of governing in which *fitness* and ‘*degeneracy*’ become key terms of normalisation. Foucaultian state racism is not strictly speaking a relation between the state and race, but a governmentality characterised by the permanent cleansing and refinement of the race-nation itself, a matter of public, social and race hygiene that is inherently grounded in socio-evolutionary thought. State racism is a dynamic of governmentality that extends outwards and inwards

and forms an essential logic of Western rationalities of governing (Foucault 1977-78/2007, 117; Foucault 1978-79/2008, 228-229).

The fact that social evolution is a grounding knowledge of secular modernity is self-evident. We know socio-evolutionary discourses are constantly utilised in politics; discourses of progress and modernization are ubiquitous. Yet, somehow the functioning of socio-evolutionary rationalities form an unexamined part of the common sense. The fundamental assertion in this thesis is that in places—that is, not in all regimes of truthful governing—liberalism becomes rather a technology through which we execute state racist governmentality. I will be showing this by looking at the practice: at how socio-evolutionary discourses in practice enlighten the contemporary governmentality of immigration. Therefore, the final methodical application is comparing the way that immigration is problematized contemporarily in Finland with the way that immigration came to be problematized in the United States under a social Darwinist and eugenic or race hygienic regime of truth. In this context, the relationship between governmentality and state racism and the historical and contemporary content of state racist governmentalities will be elaborated further.

If viewed from this perspective of state racist governmentality being at the centre of why society needs to be defended, what is at stake is not only the re-interpretation of the way nationalist, liberal and multiculturalist discourses are employed as tools of governmentality, but also the question of the definition of racism becomes pivotal. (We shall discuss this issue in detail in Chapter 4.) This definition of racism is a highly contested issue in contemporary Finland evidencing itself in talk shows and legal battles over when the politically correct edge has been surpassed and racism has begun. Racism was not one of the discourses that *a priori* assumed to have an impact on the discursive formation on immigration in Finland. Yet, the inductive method made it impossible to ignore the issue of racism as racialisation. The concept of racialisation, as defined by Miles, refers to the way in which racism works as a process of signification by attaching meaning to and categorising people on the basis of phenotypical difference and then ordering this difference into hierarchical structures of signification (Miles 1990). Therefore, racism as racialisation describes ‘the maintenance and production of a race hierarchy’ (Puuronen 2011, 66). Consequently, in this thesis racism is not treated as an ideology that can be proven false by science (cf. Miles 1990, 42), but it is analysed as a discourse of dispersion that has power effects. Racialisation as a technology of discipline and normalisation is essential to state racist governmentality. Racism cannot be separated from its biopolitical foundation (e.g. Stoler 1995, 60). In later chapters we will return to this issue of racism and the way it functions as part of state racist discourses—state racism being about the way socio-evolutionary discourses, often grounded in social

Darwinist and eugenic thinking, are utilised for governing—and to the issue of racism being one of the key technologies through which state racist rationalities are executed.

The overall argument in this thesis is that multifarious socio-evolutionary assumptions are placed on immigrants and that these assumptions interlink with nationalism, multiculturalism and liberalism, because of the way that these discourses become a part of socio-evolutionary governmentality. The moral discourses that nationalism, liberalism and multiculturalism contain become disciplined by the overarching rationality of defending society from unfitness defined in social Darwinist terms. Banal social Darwinist conceptualisations play an important role in the complicatedness of the immigrant's settlement process, which is in many (but not in all) ways conceptualised as the survival of the fittest immigrant. These conceptualisations are witnessed, for example, in the 'perpetual entering' of the second generation 'non-white' immigrant, which rely on the racialising logic of cultural fitness, and on human capital type of explanations of why certain immigrants succeed and others do not (Gullestad 2002; cf. Balibar 1990/1996, 142-144).

Yet, the aim here is not normative or pragmatic in the traditionally liberal sense, and the thesis does not address issues of how things could be done better or whether doing this otherwise would be practical. Nor does the thesis address the issue of what discourses regarding social evolution are true and what false: socio-evolutionary rationalities are not exhausted by state racist governmentality, as socio-evolutionary theory contains many alternative discourses that could conceptualise governing in different terms. The point is to open the field of power/knowledge to new questions and possibilities, not to exercise (even well-meaning) power and fix down the unsettledness of identity and ethics. This is because it is in continual resistance that post-structuralism really sees the promise of freedom. As Foucault said in an interview when asked whether he was searching for alternatives:

"No! I'm not looking for an alternative; you can't find the solution to a problem in the solution of another problem raised at another moment by other people. You see, what I want to do is not a history of solutions—and that's the reason why I don't accept the word alternative. I would like to do the genealogy of problems, of problématiques. My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism" (Foucault 1983/2000a)

As Robert Young explains:

"Criticism becomes reflexive with post-structuralism. As a reflexive discourse, which constantly divides itself against itself and transgresses its own systems, post-structuralist criticism avoids becoming fixed, avoids becoming an established method. It is this self-critical, self-transforming aspect that is often found so irritating and so confusing in post-structuralist thinkers. Looking

(mistakenly) for a completed system, the reader finds it impossible to pin down and systematise a series of texts. [...] The breakthrough occurs when the reader realises that his unease and uncertainty are not the product of a failure to understand, but an anticipated critique of the terms of his own will to knowledge.” (Young 1981, 7)

Hence, it is examining the conditions of possibility of thinking about immigration and especially the possibility of thinking differently about immigration that are the essential features of this research. As Foucault wrote, “it is fruitful in a certain way to describe that which is, while making it appear as something that might not be, or that might not be as it is” (Foucault 2000b). Hopefully, this critical evaluation will overall allow more freedom (not) to think and be governed in contemporary ways.

This does not mean that this thesis is void of normativity. I am clearly against social Darwinist and eugenic conceptualisations of fitness and degeneracy that rely on moral, class-based conceptualisations of human worth, which I see as functioning in the current power/knowledge constellation as discourses of power. Yet, it would be naïve to say that the effects would solely be negative and that there was nothing beneficial to be achieved by race hygienic or social Darwinist modes of governing. We will address these issues as the argument goes on, but inherently no normative answers are sought here—in the Foucaultian framework this would be a matter of politics, something that is more appropriately addressed through openly political action. The goal is merely to open up a space for thinking differently about governmentality by offering Finnish immigration policy as an example how this governmentality functions contemporarily.

I have now charted the basic research approach in this thesis. I have outlined the Finnish immigration context and explained the reasons how and why racialisation becomes a discourse of interest in this research. I have positioned this research inside the Foucaultian governmentality framework and preliminarily explained how state racist rationalities refer to a socio-evolutionary governmentality that operates on the basis of a logic of permanent purification of society. I have also described the research design and its four levels of analysis with their different research questions and methods. The structure of the thesis is arranged as defined below.

We will now move onto discussing the theoretical and methodological underpinnings of this research in a more meticulous manner. Chapter 2 will scrutinize the Foucaultian governmentality framework more in detail linking it to the way liberal naturalism functions as the key to enabling state racist rationalities of governing. We will also link governmentality to the modern mode of knowing by examining the way in which scientific government and epistemological criticism are intertwined and why, consequently, the

socio-evolutionary framework becomes part of liberal governmentality. This examination of the modern mode of knowing will also give us the methods of analysis, both in the form of discourse theory and the tools of decentring.

After the theoretical and methodical grounding of the research project, the thesis proceeds to presenting the results of the first three layers of analysis. In Chapter 3 I shall outline the developments of immigrant-related policies before moving on to examining the ways in which immigrants and immigration are discursively ordered and what kind of rationalities of governing these definitions speak of. In section 3.2., we shall especially focus on the power games of truth played between the discourses of nationalism and liberalism in defining the way immigration should be governed. After this, in section 3.3., I shall analyse the technologies of governing immigration, e.g. the visa, residence permit and citizenship regulations and spell out the rationalities these technologies comprise. Altogether the discussion about contemporary rationalities and technologies of immigration control and the problematizations they depict in Chapter 3 will outline the governmentality of immigration.

The racialising and class-based rationalities of governing immigration uncovered in Chapter 3 will help us to debate the issue of why nationalism and liberalism are not sufficient modes of explaining the governmentality of immigration, why they are implicated in the socio-evolutionary framework of governing and why racism as racialisation is essential to liberal governmentality. Chapter 4 examines these issues and aims to decentre the strategy of exceptionalising social Darwinism and eugenics by discussing their centrality to the socio-evolutionary framework and, consequently, to liberal governmentality. This argument is then supported by outlining the history of eugenic immigration policy in the United States after the 1860s and examining its governmentality and its relation to liberal governmentality in section 4.2. Finally, in section 4.3., we will examine the eugenic problematizations of immigration side by side with the contemporary Finnish ones. We shall do this by analysing how 'race'-, class-, morality- and health-based technologies of controlling immigration functioned in the earlier and how they operate in the contemporary apparatuses of immigration control. In Chapter 5 I will conclude that the way we think immigration must be governed is permeated by eugenic rationalities and that in certain ways we rather see an intensification of eugenic rationalities than their 'liberalisation'.

2. Liberal Governmentality and Power/Knowledge

This chapter will investigate liberal governmentality in relation to epistemological and ontological frameworks. We will dwell on Foucault's basic concepts in more depth than in the Introduction, and elaborate the notion of state racism further. Because, in Foucault's understanding, the success of power, i.e. the efficiency of a governmentality, can be calculated in its "ability to hide its own mechanisms" (Foucault 1976/1998, 86; also e.g. Burchell 1991), understanding liberal governmentality in-depth, but still as an emergent order, is important for the task of decentring it. Through its focus on analysing the conditions of possibility of governing—i.e. conditions that are embedded in the taken-for-granted, common sense bodies of knowledge—governmentality studies attempt to decentre the practices of governing by decapitating the King. Power is in the 'order of things', not in the hands of 'the state', but in its capacity to hide itself in the 'taken-for-granted' that it emerges from (Foucault 1975-76/1997, 92-93; and 1976/1998, 93-95). As Foucault said about power/knowledge:

The important thing here, I believe, is that truth isn't outside power, or lacking in power ... truth isn't the reward of free spirits, the child of protracted solitude, nor the privilege of those who have succeeded in liberating themselves. Truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it includes regular effects of power. (Foucault 1980, 131)

That is, the status of knowledge as truth is dependent on a regime of power, and power functions through a regime of truth. The effects of power are both positive and negative, both constitutive and silencing, and, thus, power's regime of truth cannot be defined *a priori* as malicious or as falsehood. What Foucaultian analysis does is pay attention to how power is *exercised* through unquestioned forms of power/knowledge. Power/knowledge, thus, is a field of strategic play between knowledge and power. Foucault writes:

Indeed, it is in discourse that power and knowledge are joined together. And for this very reason, we must conceive discourse as a series of discontinuous segments whose tactical function is neither uniform nor stable. To be more precise, we must not imagine a world of discourse divided between accepted discourse and excluded discourse, or between a dominant discourse and the dominated one; but as a multiplicity of discursive elements that can come into play in various strategies (Foucault 1976/1998, 100).

Truth becomes exercised based on changing and shifting relations of power, and *vice versa* (Foucault 1975-76/1997, 53). Power/knowledge is not a question of domination, but an emergent game of truth; where there is power there is also resistance. Certainly, forms of knowledge are not accepted, but 'subjugated' (Foucault 1975-76/1997, 7). But it is this game of power/knowledge, in which subjugated knowledges are further marginalised, silenced, ignored and ridiculed and in which the subject positions of those speaking in the name of subjugated knowledges are delegitimized or, alternatively, through which

they find their way to the centre (Foucault 1977/1980, 199), that is central. The political in Foucault's discourse is the operation of certain discourses as truthful.

In this chapter, I will first take a look at the concept of governmentality as a scientifically sound mode of governing and explain how liberal governmentality functions inside the modern mode of knowing. This will involve a replication of Foucault's epistemological criticism as well as an analysis of the strategies of power/knowledge that the modern mode of knowing requires and allows. I will then investigate further the way that liberal governmentality employs science and grounds its modes of governing in naturalism. This will pinpoint the ways that naturalism functions as a strategy of power/knowledge, and how it allows for state racism. This analysis of liberal governmentality as a form of naturalism, together with the epistemic strategies of power/knowledge, provides the tools of decentring that shall be employed to analyse the discursive constellation around immigration in Chapters 3 and 4.

2.1. Scientifically Sound Government

As has become evident, governmentality studies focus on how 'reason' functions in the various phenomena of governing and how the way immigration and immigrants are conceptualised impacts on the governing of immigration. Integral to governmentality is the analysis of the rationalities and technology of governing, with the emphasis being on rationalities. This is why this research employs a discourse theoretical method that tackles the power/knowledge constellation around immigration in its specificity. This analysis of rationalities and the power/knowledge constellation is pivotal, because under liberal, biopolitical governmentality government comes to mean scientifically sound and, thus, 'rational' government: For governing to be appropriate, it must understand the laws that underpin the population and the economy (e.g. Foucault 1977-78/2007, 349-354; Foucault 1978-79/2008, 15-17, 61-62, 115; also Burchell 1991). Discourses of governing needed to be 'scientific', 'objective' or 'systematic', truthful knowledges about the state, society, economy, population, health etc. Thus were born the social sciences and the analysis of political economy tasked with the duty to discover these non-distortable laws of the population and the economy and therefore also 'the natural limits of governing', which gave rise to the liberal critique of government expressed in the discourses of 'big government' or 'too much state' (e.g. Dean 1999, 51). Government becomes "inextricably bound up with the activity of thought. It is thus both made possible by and constrained by what can be thought and what cannot be thought at any particular moment in history" (Rose 1999, 8). This is why we shall next turn to discussing epistemological critique through Foucault's thoughts on the modern mode of knowing: without epistemological critique it is difficult to step beyond our regimes of truth and therefore beyond our regimes of governing immigration.

Foucault's epistemological criticism is best approached through *The Order of Things* (1966/2002),¹⁹ which analyses the Enlightenment's philosophical problematization of knowledge and its relation to language. In this, Foucault's account is aligned with the post-structuralist strand of the Linguistic Turn (as opposite to analytical philosophy), which is a well-known formulation underlying various constructivist approaches. What we shall do here, however, is maintain this epistemological critique

¹⁹ Traditionally, Foucault's work has been divided into two distinct phases: the archaeological and the genealogical, and *The Order of Things: The Archaeology of Human Sciences* has been understood as a structuralist work *par excellence* (also Kearney and Rainwater 1996, 336-337; cf. Tavor Bannet 1989, 3-4). The archaeological phase is said to be focused on the historical, epistemic conditions of knowledge and it is often been interpreted as structuralist. Foucault's later work, the genealogical phase, extends his research project into assessing the material conditions of discourse and the relations of power in the discursive field. This phase has been traditionally thought of as post-structuralist (Best and Kellner 1991, 43-47). This study functions at the conjunction of that division, because it utilises works from both phases. Structuralism, based on Saussurean linguistics, is generally understood as an analysis of supposed formal, unconscious social structures underlying societal behaviour, and Foucault's conceptualisation of discursive structures and *epistemes* have often been given rather rigid interpretations even as laws (Kurzweil 1980, 204-208; Dreyfus and Rabinow 1982, 32 and xxii; Major-Poetzl 1983, 164; Kearney 1986, 283-289; Merquior 1991, 14-15; Frank 1989/1992, 109). Although Foucault was somewhat seduced by structuralist terminology (e.g. Tavor Bannet 1989; Kearney and Rainwater 1996), and although a certain 'causality' can be seen to be attributed to discursive systems in *The Order of Things* (Dreyfus and Rabinow 1982, xx-xxi), Foucault has generally been critical of the attribution of causality in social sciences and vehemently objected to being called a structuralist (Foucault 1966/2002, xiii-xv). Yet Foucault acknowledged that the analysis of power was missing from his earlier, archaeological writings (Foucault 1980, 114-115). In this research I have not utilised these 'structuralist' or universalist aspects of *epistemes*, but rather read his earlier work in light of *The Order of Discourse*, which conceptualises the relationship between academic knowledge and power, and other later work and rather concentrate on his "fundamental criticism" of the modern epistemology (Laclau and Mouffe 1985, 115).

Foucault's shift from archaeology to genealogy is also a shift from analysis of systems of thought to the effects of power of the systems of thought (Young 1981, 48-49). Both of these phases are, however, integral to the same project of analysing the relationship between power and knowledge. As Dreyfus and Rabinow claim, as does Foucault, that he never deserted archaeology but rather later it was used to serve the genealogical task by isolating objects in discourses (Dreyfus and Rabinow 1982, xxi). Foucault writes:

"Archaeology is the method specific to the analysis of local discursivities, and genealogy is the tactic which, once it has described these local discursivities, brings into play the desubjugated knowledges that have been released from them" (Foucault 1975-76/1997, 10-11).

Thus, the archaeological method is never forgotten in Foucault, which can be seen in the relatively stable way Foucault builds his arguments in different books: He always maintains an historical perspective analysing the different ways that people before us have conceptualised things, in order to construct a 'history of the present' that defies teleological interpretation and instead points out the discontinuities in history and the stories we tell about it. It is what he does with this historical investigation that changes with time: With time Foucault's analysis focuses more on the Will to Power than on the Will to Truth (e.g. Hook 2001/2007, 6). Foucault would later position his earlier archaeological work in relation to genealogy by re-conceptualising it as a genealogy of our relation to truth:

"Three domains of genealogy are possible. First, a historical ontology of ourselves in relation to truth through which we constitute ourselves as subjects of knowledge; second, a historical ontology of ourselves in relation to a field of power through which we constitute ourselves as subjects acting on others; third, a historical ontology in relation to ethics through which we constitute ourselves as moral agents. So, three axes are possible for genealogy. All three were present albeit in a somewhat confused fashion, in Madness and Civilization. The truth axis was studied in The Birth of the Clinic and The Order of Things. The power axis was studied in Discipline and Punish, and the ethical axis in The History of Sexuality" (Foucault 1982/1984, 351-352).

In light of his later writings, both the *episteme* and language turned into regimes of power/knowledge, into regimes that incorporated a certain order of things, the stability of which was a result of constantly re-enacted power struggles. In Foucaultian post-structuralism there are still some type of 'systems', even if these are fluid, indefinable, temporal and certainly not universal or causal in the positivist sense. Most importantly, these systems are understood as effects of power that have a certain hold over individual freedom, similar to Laclau and Mouffe's Foucaultian concept of 'hegemony' (Laclau and Mouffe 1985). Broadly speaking, however, post-structuralism engages in a "a critique of metaphysics (of the concepts of causality, of identity, of the subject, and of truth), [and] of the theory of the sign" (Young 1981, 8), thus decentring the basic tenets of structuralism.

close to the analytical surface, i.e. we shall actively employ the tools of epistemological critique whilst analysing the discursive orders formulated around immigration in Finland.

2.2. Scientifically Sound Epistemological Vigilance

Tools of Decentring: Rendering Government Technical

Foucault's criticism of the modern mode of knowing is expressed in his theory of the anthropological sleep, which fundamentally highlights the way that modern reasoning becomes oblivious to its own epistemological grounds. This oblivion is the grounds through which power/knowledge becomes possible. This oblivion of epistemological uncertainty is also the means through which governing, defined as necessarily scientific, loses its political significance and renders itself technical, it becomes a matter of "will to improve", make governing effective and efficient instead of political (Murray Li 2007). Whilst this epistemic critique does not require rehearsal, the ground for situating the tool kit of decentring employed here needs to be explained. The Linguistic Turn questioned the epistemic configuration that the modern mode of knowing is based on. The Enlightenment's renunciation of God as the affirmer of true knowledge had led to the formulation of the *cogito*, man as a knowing subject, as a being who is limited by his own birth and death; i.e. by his finitude. Because of this finitude, of the limitedness of man's own existence, the ontological necessity of expressing knowledge through language, of *proposing* that 'something is' and declaring it as (scientifically) true, became problematized. When man is always born into a world and into a language that already exists and when things (cultures, sciences, ideologies etc.) have begun before him and will continue after him, man's socialisation into these social and linguistic systems rendered his capacity for transcendental knowledge questionable. That is, after the renunciation of God as a securer of transcendental knowledge, the analysis of man's finitude put man's capacity to produce positive, *true* knowledge under the magnifying glass (Foucault 1966/2002, 330-347).

Despite this renunciation of the authority of God in forming true (scientific) knowledge, modernity was not ready to relinquish the notion and the aspiration of transcendental knowledge itself (e.g. Racevskis 1993, 4; Laclau 1996/2007, 23). The aspiration for transcendental knowledge, for Truth with a capital 'T', resulted in defining the knowing subject, *cogito*, as capable of truthfully perceiving reality, i.e. as having a transparent relationship with reality regardless of his finitude. The identity of the knowing subject, as one capable of rationality, of speaking truthfully, became supremely important. Historically, this capability for rationality was, 'of course', stronger in some (white, upper class, educated men) than in others; some people were subjectified as being more prone to 'feeble-mindedness' than others—women,

lower classes and other races being the obvious candidates. However, as Foucault points out, because of this conscious criticism of the religious foundations of truth—because of the conscious problematization of the ability to produce positive knowledge—the modern *cogito* thinks it is actually being epistemologically vigilant: The Enlightenment is ‘enlightened’, because the modern *cogito* is critical of his own earlier reliance on God as a point of validating knowledge as well as of his own historicity as a knowing subject. In his vigilance, the *cogito* posits the question: ‘How man, as a being tied to history, can know positively?’ But paradoxically, this vigilance in itself is assumed to guarantee the ability for transcendental knowledge and universal rationality.

Having replaced transcendental knowledge, as affirmed by God, with an affirmation by man himself as a historical, but nevertheless epistemologically vigilant being, the question of ‘How can man propose and articulate positive things from a transcendental viewpoint when he is tied to the historicity of things?’ becomes answered—according to Foucault—by constituting man as an empirico-transcendental being. This means that the *cogito*, the knowing subject, is made capable of being both the object of knowledge and the knowing subject at the same time. The *cogito* is capable of knowing himself rationally and scientifically. It is this empirico-transcendental doublet that Foucault sees as the pre-critical answer to the question ‘What is man?’ Foucault writes:

[Man] is that living being who, from within the life to which he entirely belongs and by which he is traversed in his whole being, constitutes representations by means of which he lives, and on the basis of which he possesses that strange capacity of being able to represent to himself precisely that life.” “In one sense man is governed by labour, life and language... [but] he, as soon as he thinks, merely unveils himself to his own eyes in the form of being who is already... (Foucault 1966/2002, 384 and 341 respectively).

The epistemological basis for the positivity of man’s knowledge is the empirical: the life that man lives and—because of his living it—can also know transcendently. This is the empirico-transcendental riddle that henceforth sustains positive knowledge. Thus, in the modern epistemology, according to Foucault, knowledge becomes grounded in man’s phenomenological assessment of who he is and what he experiences.

That is, a common solution to finitude is to make the ontology of man relevant to epistemology. Accordingly, in the social sciences, we see a proliferation of theories that base their knowledge on this answer, on assumptions about the nature of man, on the particular answers to the question ‘What is man?’ For example, the nationalist theorem is married to the ontological status of man as a ‘national being’, as a member of a nation. In nationalist discourse the production of positive knowledge then becomes validated by the discursive formulation of that living, national being who, from within the

national life to which he entirely belongs and by which he is traversed in his whole being, constitutes nationalist representations, by means of which he lives, and on the basis of which he possesses that strange capacity of being able to represent to himself precisely the truthfulness of that national life. Equally, the liberal epistemology is based on the ontology of the universal human being who, from within the liberal life to which he entirely belongs and by which he is traversed in his whole being, constitutes liberal representations by means of which he lives as a human being, and on the basis of which he possesses that strange capacity of being able to represent to himself and to know precisely the truthfulness of the universal liberal way of life.

From this ontologically privileged subject position, it is the experience of the empirical, of the phenomenological, and its transcendental interpretation that becomes central for the modern mode of knowing. The governmentality of immigration, I argue, functions inside such a discursive field informed by such epistemological assumptions, which is why we see such a focus on the different definitions of the objects and subjects in immigration related discourses: The articulation of identities of 'things' becomes the battle field of truth and power; from how the immigrants' identity is defined follows the truthfulness of immigration policy. It is because positivity becomes tied to identity that modernity culminates in identity politics. When truth games are played politically—and this is the field that is under investigation here, not the academic power/knowledge constellation—identity is essential. In the case of the Finnish discussion of immigration politics this power/knowledge constellation, which ties the truth value of that which is said to the identity of the speaker, is elemental: Media discussions are polarized between 'immigration critics' and 'ladies with flower hats' (i.e. the do-gooders), between 'racists' and 'liberals'.

Foucault's critique of the modern mode of knowing focused on the constitution of the *cogito* and on how it became a key configuration in the way that modernity conceptualises its ability to produce transcendental knowledge. Yet, this empirico-transcendental configuration has not satisfactorily solved the problem of historicity and the enigma of language; it has only affirmed the desire for transcendental knowledge and the image of the man thought to be capable of transcendental knowledge. In the third step of solving the epistemological problem, Modernity makes language and discourse into important objects of enquiry: In the necessity to use language is hidden a possibility of error; an error which haunts the epistemic field of modernity, but regardless of which positivity must still somehow be guaranteed (Foucault 1966/2002, 332-334). This is where the Linguistic Turn most explicitly connects to the epistemic configuration of modernity. Modernity embarked on a quest to master language and to reveal the true and original meanings of its words (e.g. semiology), or to unify language through an

analysis of the system of its use (e.g. analytic philosophy); all this so that man could master that which he knows (Foucault 1966/2002, 330-335; Foucault 2000a).

But the instability of the modern mode of knowing is still unsatisfactory. Should there not be something outside language that guarantees Truth? In addition to trying to master language, modernity designates its source of positivity outside language in order to render its knowledge true and affirmative. These methods external to language require that before the articulated proposition can be considered to be (scientifically) true its foundation of positivity must rest either on (1) the truth of the *object* (i.e. fact), (2) truth of the *discourse* (i.e. ism, ideology, theory etc.) or, (3) the truth of the actual *experience* (phenomenology) (Foucault 1966/2002, 347-351).

Yet, immediately we can see the circularity of these motions of affirming positivity: the truth of experience is affirmed through the phenomenological truthfulness of interpreting experience through language, facts speak for themselves, as if without a need of interpretation and language, and discourse is proven true through reference to the socially constructed authority of the discourse itself. All in all, positing discourse as simply truthful is reminiscent of the religious mode of validating truth—which modernity initially wanted to discard. Hence, it comes as no surprise—to the vigilant *cogito*—that this solution is not wholly convincing either. Additional ways of transcending historicity, of stopping the perpetual escape of transcendental knowledge, are sought through *psychologism* and *historicism*. These are two supplementary solutions that guard against mistakes in interpreting the truth of the experience and truth of the discourse. Psychologism guards against *unthought*, against that which cannot be thought or easily known, and against psychological limitations to transcendental knowledge hampering the lucidity of the *cogito*. Historicism guards against the historicity of discourse and the limitedness of the *cogito* similarly compromising transcendental knowledge. (Foucault 1966/2002, 351-356.) However, what psychologism and historicism are converted into in practice, in this unstable epistemic configuration, is a tool of power/knowledge: The ways these tools of affirming positivity are utilised have power effects. The ways in which historical and psychological explanations are used become strategies of power/knowledge.

Tools of Decentring: Psychologism and Historicism

Psychologism refers to the application of “psychological techniques to traditional philosophical problems”. Generally psychologism relates to the Western discussion on “whether logic (and epistemology) are parts of psychology” and whether it is relevant to study the functioning of human cognition as an influential factor in the pursuit of truth (Kusch 2007). Psychologism, as a form of critique

and as a form of explaining cognition, guards against errors originating in the *cogito's* psychology, against unconscious factors, against the unthought of what cannot (or should not) be thought, against the unsecured limit between reason and unreason, between sanity and madness, between normal and abnormal. At this conjunction of psychologism we also find the epistemic vigilance against psychobiological factors (which shall become objects of discussion later on in the thesis), against the limits imposed by man's biological being, against the unthought of instincts, genetic determinations and cognitive laws that influence the knowledge produced by man. Through critique of the *cogito's* ontology, on which modern knowledge is made to rely, the limits of (scientifically) true knowledge can be ascertained. In this sense, the way that psychologism is used is intrinsic to the game of power/knowledge around immigration.

This type of epistemic vigilance attempts to chart the shadows of the unthought—of its “dim mechanisms, [and] faceless determinations” (Foucault 1966/2002, 355-356)—and to bring this unconscious ever closer to man and his knowledge; thus hopefully ending man's alienation from the lucidity of truth. In terms of immigration research, we can see, for example, how civic nationalism guards against the ‘dim’ feelings of primordial nationalism (for an academic position reflecting this, see Ignatieff 1993), or how governmentality studies guards against the faceless determinations of the all-devouring desire to govern. The way that psychologism is used, as a tool proving or critiquing the truth forwarded about immigration and immigrants, about racism and nationalism, about social evolution etc., is what we shall be paying attention to throughout the analysis.

In the epistemological context historicism, as a tool of guarding against the unthought embedded in historicity, refers to the hermeneutical²⁰ view that knowledge and meanings, in their essence, can be understood only in reference to their historical and local conditions, to the context that they have been formed in. Hermeneutical analysis is a different historical analysis than semiology, because it asserts the infiniteness of interpretation, whereas semiology battles that, which does not mean that these two forms of chasing truth would not in practice converge (Foucault 2000c, 278). Hence, vigilant historical analysis becomes another potential route to positivity: It becomes a way of deciphering, of interpreting the true meaning of things ‘as they were’. Historicism becomes a way of isolating lucid and positive

²⁰ Hermeneutics is a philosophical approach associated especially with Martin Heidegger who was writing at the early part of the twentieth century. Hermeneutics opened up the question of the primacy of the *cogito* and human knowledge in relation to their historical context, thus relativizing truth as historical (e.g. Anderson et al. 1986, 65-67; Ramberg and Gjesdal 2005). The hermeneutical tradition has influenced Foucault's thought, but the focus of hermeneutics remained with contextual interpretation, of which Foucault was critical, associating it with ‘commentary’ (see Foucault 1966/2002, 373; also Dreyfus and Rabinow 1982, xix). Nevertheless, Foucault's post-structuralism is a form of radical hermeneutics (Foucault 2000a) (Foucault 2000a, 278).

totalities of true phenomena and things, because it arrests time and overcomes finiteness and, thus, provides criticism and therefore validity to scientific knowledge.

At this conjunction we also find Foucault's work: Instead of wanting to overcome historicity Foucault embraces it, thus revealing the changing character of systems of thinking and the knowledge produced. Importantly, because of Foucault's insistence on discontinuity—not continuity as traditional historical analysis would have it (White 1994)—Foucault's historicism is not a socio-evolutionary narrative, but one filled with ruptures and dislocations, with emergence and ambiguity. Equally, a lot of critical, decentring theory is done under psychologism. This highlights the reason why Foucault never asserted that his theory would be post-modern theory: His and other post-structuralist critique is situated inside the traditions of critique embedded in the modern mode of knowing (Foucault 1966/2002, 239). Both historicism and psychologism are related to the final step that the modern mode of knowing takes to justify its production of true knowledge; they are related to the step of tracing origins, which shall be discussed next.

The final solution to the problem of historicity of language and man's knowledge is the attempt to fix 'Origins', in which the modern *cogito* assumes that he can find the truthful essence of his knowledge and guard against finiteness by knowing the origin of his empirico-transcendental knowledge. Consequently, modernity aims to trace man in his life, labour and language back to his origin (Foucault 1966/2002, 363). In practice, however, the origin is inaccessible to man: it is not only because in the search for the pure and original essence of man, the modern man finds a monkey (Nietzsche quoted in Foucault 2000d, 79), but, rather, the origin escapes into the darkness of history, as the origin cannot be known except through language, which initially was epistemologically problematized anyhow (Foucault 1966/2002, 360). In Foucault's analysis, modern epistemology attempts to solve this circularity through *cogito*'s most peculiar ability to elude the eluding of origins: The retreat of origins is halted by the return of the origin in the future, in the repetition of that which has already begun (Foucault 1966/2002, 362). That is, the positivity of knowledge is grounded in the constant repetition of things, words and discourses, which highlights their true, positive quality and offers a way to circumvent the eluding of origins and of attaining universality, thus lending positivity also to discourses of common sense—because it is in their repetition that they attain their truth value.

In academic theories this method is often seen in the construction of a history and transposing this history to the future, in the tracing of the origin of things and their repetition to highlight how things should be ordered. For example, the retreat and return of origins can be seen in the way that primordialist discourse of nationalism ground the truthfulness of nationalism in the constant return of

'nationalist' conflict, policies, cultures and psychologies. Similarly, the liberal, republican or civic discourses of nationalism presume that the state can be marked as a universal—rather than national—phenomenon in the retreat and return of its original form: Charles Taylor, for example, uses a conceptualisation of history to portray the effect that the lack of appreciation of the 'true' origin, of the true essence of state, has had on the universality of the liberal order:

But subsequently, so much did nationalism become the rule, as a basis for patriotism that the original prenationalist societies themselves began to understand their own patriotism in something like nationalist terms. Instead of seeing liberal institutions as uncomplicatedly universal, nationalism accredited the idea that in each society they must be tailored to the particular genius of the people (Taylor 1997, 41).

Taylor interprets history so that he can show how some countries erred and started thinking that the universal organisation of state was actually a national invention. Here the liberal assumption of universalism, which should be readily available for the lucid *cogito* capable of guarding against the impurities distorting the true essence of things, is nicely outlined: institution and structures of society are universal, and any particularist interpretation of their origins is an expression of the 'murky' unthought and should have been resisted. The truthfulness of the knowledge of patriotism and republicanism is in the fact of its repetition from Ancient Greece to modernity in the minds of the most lucid and rational.

Tools of Decentring: Empirico-Transcendental Riddle, Psychologism and Historicism

According to Foucault, at the end of it, the modern *cogito* is unable to overcome the circular constellation of his mode of knowing. The historicist process of transcending the limits of knowledge succumbs to the tautology of the return of the origin or perpetual interpretation in the same fashion as psychologist knowledge succumbs to perpetual analysis. Hence, we can see how knowledge becomes a matter of discourse, a matter of applying a constellation of language, an already-interpretation, to (our experience of) reality. In Foucault's analysis the vigilant *cogito* falls into an anthropological sleep, a comforting epistemological slumber. Foucault explains:

And so we find philosophy falling asleep once more in the hollow of this Fold; this time not the sleep of Dogmatism, but that of Anthropology. All empirical knowledge, provided it concerns man, can serve as a possible philosophical field in which the foundation of knowledge, the definition of its limit, and, in the end, the truth of all truth must be discoverable. [...] [T]he pre-critical analysis of what man is in his essence becomes the analytic of everything that can, in general, be presented to man's experience (Foucault 1966/2002, 372).

Yet, Foucault offers no solution to the circularity of seeking transcendental truth, and it is clear that he does not envision himself making a radical break from the modern mode of knowing either (Foucault

2000a, 447-450).²¹ Nevertheless, Foucault has a clear epistemological anti-humanist, “anti-anthropological sleep”, agenda of trying to think ‘without immediately thinking it is man who is thinking’.

Therefore, analytically this research shall not ground its starting point in a preconception of man, in the presumed identity of *cogito*. This research does not view Finnish immigration policy from the viewpoint of how well it responds to the ‘reality’ of man’s multicultural essence or to ‘universal’ values, or how well it protects the national order of things. Man is not viewed either as a cultural, universal or resisting being. The attempt of the research is not to understand which one of the discourses relating to immigration is closer to the ‘truth’, as judged by a diagnosed return of a discursive order. The aim is to partake in the critique of reason, in the critique of the mentality of governing immigration. This is done by engaging with this epistemological critique in an active manner. The tactics employed by the knowing subject, that is the empirico-transcendental doublet, become a method of analysis. The ‘death of the subject’ is operationalized through the empirico-transcendental riddle. That is, the secondary layer of analysis, which focuses on strategies of power/knowledge, will help in guarding against the fatiguing effect of common sense by operationalizing epistemological critique through the tools of decentring, such as the empirico-transcendental riddle, or the recognition of the use of psychologism or historicism to produce positivity.

We have now seen where the strategies of historicism and psychologism are situated in the modern mode of knowing and its critique. These methods of affirming positivity end up functioning like strategies of power/knowledge in practice. In light of the inadequacy of the solution presented to the problem of language and historicity by the modern mode of knowing, the manoeuvres of power/knowledge become central to understanding how truth is produced. Foucault explains:

Discourses are tactical elements or blocks operating in the field of force relations; there can exist different and even contradictory discourses within the same strategy; they can, on the contrary, circulate without changing their form from one strategy to another, opposing strategy (Foucault 1976/1998, 101-102).

²¹ As said earlier, because of the centrality of *cogito*’s identity to knowing, psychologism and historicism occupy a major position in the social scientific field, and not least in critical theory and post-structuralism. The influence of historicism is clearly evident in Foucault as well as in other post-structuralist writers’ texts (Young 1981, 8, 12 and footnote 21). Although Foucault advocates the abandoning of all psychologism and historicism in the sense of ‘retrieving the origin’ (Foucault 1966/2002, 372), the epistemological foundations of modern psychoanalytical methods as well as historicism can also be used as a form of critique and as a tool for decentring both the knowledge and the *cogito*. Taking this into account, it can be clearly see why Foucault refused to speak about a ‘Postmodern’ era in terms of epistemology (Foucault 1966/2002, 239): For him the critique of the modern mode of knowing that he was forwarding was not radical enough as he still employed the epistemological configuration of modernity in his critique. Nor did he support the eventualisation that is typical of some postmodern research, but rather advised to keep a balance between structuralising and eventualising research orientations (Foucault 2002b).

[R]ather than looking for the single form, the central point from which all the forms of power would be derived by way of consequence or development, one must first let them stand forth in their multiplicity, their differences, their specificity, their reversibility: study them therefore as relations of force that intersect, interrelate, converge, or, on the contrary, oppose one another or tend to cancel each other out (Foucault 2000b, 59).

Hence, power functions in a web of relations in which various power games of truth operate tactically without a need to be consistent or uniform. The choice of the mode of re-affirming positivity, through either psychologism or historicism, is inherently selective and it can have varying power effects. The impact of psychologism and historicism are further reinforced when employed in unison with either universalizing or particularizing strategies of power/knowledge that we will discuss later in this chapter. Keeping this in mind, we will now turn towards discussing the framework of liberal governmentality and state racism. This will entail the explication of how this modern mode of knowing inserts itself to the centre of the modern practice of governing. In doing this, we will pinpoint further tools of decentring the power/knowledge constellation of modern governmentality that defines itself as a scientifically sound mode of governing.

2.3. Liberal Governmentality

As has been indicated, modern biopolitical governmentality is inherently linked to the erosion (but not the end) of rule based on sovereignty and law, which enables a shift towards biopower; a shift from “take life or let live” to “to make live and to let die” (respectively Foucault 1976/1998, 136; and 1975-76/1997, 241). This transformation in the modes of understanding the governing of state and society entails a shift from punishment to discipline, from sovereign reign to government, from conquest to security, and from the sovereign’s subjects to biopolitical citizen-population (Foucault 1977-78/2007). As said, biopolitics is an extension of the role of government to the governing of the population according to the administrative imperative of optimizing and improving the health and welfare of populations. It refers to when historically tax collection came to be bolstered by increasingly in-depth policy formulation; to when the King stopped merely collecting his dues and government started to aim at increasing the taxable income through governmental intervention. The concept of the population was essential to this development of biopolitical governmentality. It is the socio-scientific knowledge—the product of this circular model of affirming positivity—about the population and its economy that becomes central for biopolitical governmentality.

2.3.1. Biopolitical Governmentality, Science and Naturalism

Biopolitics fundamentally conceptualises the population as an object as well as a means of government. As said, this change in the modes of governing happened in conjunction with Malthusian conceptualisations of making the population both a risk and a resource. Central to this understanding was the quality and quantity of the population, in relation to resources needed to sustain it, giving rise to the need to govern the population, its habits, health and productivity (e.g. Dean 1991). Therefore, biopolitical governmentality, in the Foucaultian sense,²² refers to government that takes as its object the administration of life through technologies such as normalisation and discipline.

On the surface, there is an evident paradox in linking liberalism with the increasing governmentalisation inherent to biopolitics, as liberalism is typically associated with weariness towards increased government. This paradox is solved through vigilance: Liberal governmentality becomes an art of limiting government, of questioning who can govern and how much can be governed, of being critical of its own reign. That is, technologies of governing also become an object of the *cogito's* practical vigilance. But this shift is not solely a result of a belief in freedom, or in 'humanism' or 'morality'; the rationality underlying liberal governmentality is related to the epistemological transition embodied in the Enlightenment giving rise to a process of conceptualising government in terms of science, and specifically in terms of political economy and the natural sciences (Foucault 1978-79/2008; Foucault 1977-78/2007; Foucault 1975-76/1997). Society is not governed as much through raw power and morality as through quasi-natural laws (e.g. Foucault 1977-78/2007, 349-354; Foucault 1978-79/2008, 15-17, 61-62, 115; also Burchell 1991).²³ The liberal vigilance against the murky unthought of the desire

²² One of the current misrepresentations of Foucault's thinking is Agamben's interpretation of Foucault's concept of biopower. As various theorists have shown, Agamben mistakes a method of government with a field of governing. In asserting that Foucault is mistaken in thinking that the state did not govern life before biopolitics, Agamben ignores Foucault's message in *Discipline and Punish*, where Foucault indeed asserts that the sovereign had always had rule over life, but its government had been implemented through punishment, not discipline. Foucaultian biopolitics signifies the extension of a different mode of governing that relies on discipline and normalisation into the biological life of the population. Agamben instead talks about sovereign power over life, the right to take life, and not about power as a matter of 'making live'. As Prozorov insists Agamben does not follow Foucault's call to abandon the conceptualisations of political power in terms of sovereignty and law, but rather conflates these modalities of power (Prozorov 2007, 103; also Ojakangas 2005) which rather leads to exceptionalising analysis of politics through extremes such as the concentration camp, for example.

²³ The way I am using naturalised laws here should not be confused with the old traditions of natural laws in the sense that we are focusing on how conceptualisations of the natural are used in politics. The concept of the natural does not appear in politics in the same way that it does in theories of natural law of morality or jurisprudence. Rather, the natural must be understood through the limits of politics, through the silences and the unthought, rather than through explicit designations towards either socio-biological theories or theories of natural rights. Although, according to Foucault, neo-liberalism ceased to conceptualise economic laws as natural laws and rather diverted to conceptualising them in terms of rule of law (Foucault 1978-79/2008, 162-163), we cannot deem this as a fundamental alteration of governmentality. That there is something 'sacred' or 'untouchable' in politics that speaks of the limits of liberal governmentality that are vaguely couched in terms of naturalised laws. Both neo-liberal economic and liberal population management maintain market veridiction and the superiority of the market over the sovereign despite changes of rhetoric and therefore it is sufficient to concentrate on

to govern does not mean 'no government': it only means 'not too much government' (Foucault 1978-79/2008, 12-13).

When to govern means to understand the laws that underpin the population and the economy, government becomes inherently linked to science. Governing becomes a task that requires expertise based on scientific knowledge about society and the human, about its qualities and quantities. This is where the discourses of social Darwinism and eugenics make their entrance into the field of governmentality. This shift towards scientifically sound governing is historically interlinked with the birth of evolutionism and the ensuing birth of social sciences (Foucault 2002a, 127-130). In this context, population and the economy become imagined in terms of quasi-organic, systemic interactions and naturalised laws giving rise to a socio-biological corpus of knowledge ranging from Lamarck, Cuvier and Darwin to Spencer and the later positivist social sciences (e.g. Hofstadter 1945; Young 1969). We will return to this nexus of knowledge in Chapter 4.

The requirement that discourses of governing be 'scientific', 'objective' and 'systematic' created and tasked the social sciences and political economy with the duty to discover these non-distortable laws of the population and the economy. Thereof 'the natural limits of governing' were made essential to the liberal self-critique of too much state (e.g. Dean 1999, 51). It is in this naturalised realm of society and its social evolution that psychologism and historicism find their logical ground as tools of questioning the positivity of government and science. Further, this socio-economic and socio-biological nexus is where the binary of universalism/particularism enters the heart of liberal governmentality. In the context of conceptualising government through naturalised laws that are necessarily universal, particularism presents scientific knowledge with a need to signify and explain the particular in relation to the universal. The particular essentially needs to be a part of the whole—this method of power/knowledge often leads into strategies of governing through the abnormalization of the particular.

Tools of Decentring: Naturalisation

In important ways, this scientific view of society was based on an extension of biological metaphors to social reality. This metaphoric extension acquired a status of unquestioned common sense, it became a constituent element of social sciences (Stepan 1990). This gives rise to a certain naturalism in social sciences and, consequently, in liberal governmentality. For example, the body-politic belongs to a series

the way governing immigration is subjected to the veridiction of the market. Consequently, I refer to these *a priori* limits and assumptions as naturalised laws, not natural laws in the classical or academic sense (e.g. Himma 2005). The history of the interconnections between political theory and moral philosophy or natural law jurisprudence are outside the scope of this study, nevertheless as with other academic discourses, we are conceptualising them through the way they become employed in politics.

of organic conceptualisations of society. The modern epistemological configuration, which can ground positivity in the truth of discourse, allows for social scientific knowledge to be produced through analogies and metaphors. Especially organic, medical or nature-based metaphors are used as evidence of the natural(ised) laws that govern society: money becomes the blood of the body, government the brain, the delinquent the cancer, cultural memes the genes etc. These metaphors impose their own organic logic on society and its government, which functions as a way of naturalising society, for better or worse. Importantly, the organic definitions *a priori* assume that the state, society, and economy—like any prospering organism—are cohesive, not functioning against each other. These metaphors assume that society's various parts and functions are contributing towards the same end by performing their own naturalised activities as evidenced, for example, by the Durkheimian conceptualisations of organic solidarity, without which society is assumed to have a functional malady. With naturalised laws come organic models of society and the 'body politic': the theories of social evolutionism, the dynamics of the survival of the fittest, the invisible hand of the market, which is an euphemism for the quasi-organic, natural dynamics of the economy, social cohesion etc. Whilst contemporary explanations of society have lost much of the organic language, especially in academia, the commonsensical conceptualisations of how to think about governing, the metaphors used, the dynamics assumed etc., do implicitly contain the limiting effects of naturalism, as in the assumption that osmosis should be the logic of immigrant integration.

Foucault asserts that it is indeed this naturalism that is fundamentally original to the emergence of liberal governmentality (1978-79/2008, 61), although this naturalism is posited as an opposite to the state. That is, government is artificial and so are its laws and technologies of governing, but 'civil society', 'ethnicity', 'nation' and 'race' were variably made into quasi-natural systems (1977-78/2007, 349). This naturalism becomes inherently connected to the limits of governing under liberalism. In its attempt to guard against too much artificial governing, liberal governmentality executes government through freedom in ways that attempts to respect the naturalised limits of governing and leave enough room for the 'natural' to function. The appropriate limits of state intervention are defined by the 'natural': To govern well means to know the laws of 'natural' society. This naturalism is how liberal governmentality makes itself inevitable, unquestionable and establishes itself as a taken-for-granted, commonsensical truth. Importantly then, it is this naturalism also that helps to silence the limits of government: that which can be governed is significantly impacted by that which is thought to be (un)natural.

The quasi-organic society is imagined to be linked to its milieu through the population, the economy and, specifically, the *desires* of the population, which are understood to function as the *primus motor* of

the socio-economic and socio-biological entity that was called 'race' (Foucault 1977-78/2007, 70-79). It is this biological order of things, the inherent socio-biology of man that "appeared as a given foundation of society that was not of a political order" (Polanyi quoted in Dean 1991, 69). To improve the wealth and the health of the population then becomes dependent on a range of socio-biological and socio-economic factors linked to the metaphorical extension of the 'organic' to society. Therefore, it is not only truth that is grounded in the ontology of man as the empirico-transcendental doublet, but also governing needs to find its foundation in the psycho-biological and socio-biological ontology of man, in his evolutionary biology (e.g. Rose 1999, 114-119). Importantly, in comparison to the earlier modes of governing, these naturalised laws in liberal governmentality are not natural rights in the early religio-philosophical sense, but based on the inherently biological nature of man. In this sense liberal governmentality is not a discourse of rights, but rather rights appear as a means of government, as a means of governing desires. In order to critically assess these modes of thinking about government and the naturalised limits of government, we need to pay attention to the silence and scarcity of meaning around the discourses of too much state and naturalised discourses of governing. That is, we need to pay attention to the type of explanations and significations that are *not* circulated or that are silenced as well as to the discourses that are utilised. For example, we need to be mindful of what kind of socio-biological discourses enlighten our notions of competition and freedom, democracy or work etc. Such definitions of government through naturalism impact on the technologies of governing, which shall be discussed next.

Tools of Decentring: Governing through Freedom

The central way in which naturalism impacts on the technologies of governing is epitomised in the concept of desire, i.e. the individual's interest, through which liberal government is made to function (Foucault 1976/1998, 138-139; Foucault 1977-78/2007, 70-75; Foucault 1978-79/2008; see also Dean 2010). Desire, natural laws and freedom became the essential tools of liberal governmentality—because it is in (relative) freedom that the man behaves as nature indicates. Thus, almost paradoxically government is required to leave certain naturalised dimensions of society (economy, civil society and the private) outside government, but at the same time government is made dependent on the proper functioning of these dimensions. Because of this the liberal technologies of government are not formulated in terms of 'planning' or 'directing', but in terms of organizing society and its legal framework so that it permits and enables naturalised laws to function to benefit the wealth and health of the population (Foucault 1978-79/2008, 232). The biopolitical impetus to govern the labour 'force' and productive 'power' of the population gives rise to a need to govern the capabilities of the population. But

this governing of the capabilities of the population must happen at a distance; by organising society so that naturalised laws and mechanisms of the population and the economy are respected.

In liberal governmentality the human is defined as radically free based on which government is made to function largely through conceptualisations of rights and freedoms: In the case of immigration, the task of governing immigrants is the task of identifying how their conduct can be conducted through their freedom and their rights. "To govern humans is not to crush their capacity to act, but to acknowledge it and to utilize it for one's own benefits" (Rose 1999, 4). This is a freedom against the state, against the state's ability to distort the naturalised laws of society and the economy. Although government through freedom may be an oxymoron to some, the way freedom is conceptualised in liberalism could be characterised as "an artefact of government" (Rose 1999, 63) instead of conceptualising this freedom as a freedom (not) to be, which is how the Foucaultian thinking on freedom can be characterized (Prozorov 2007). Rose explains this difference through analysing Fukuyama's explanation of societies that can be governed through liberalism: Fukuyama characterises a society that is not 'anarchist' or ungovernable as a society that is "capable of self-government", as a society that "depends ultimately not just on law but on the self-restraint of individuals. If they are not tolerant and respectful of each other", "if they cannot cohere for common purposes, then they will need an intrusive State to provide the organization they cannot provide themselves" (Fukuyama quoted in Rose 1999, 62).²⁴ The impetus to 'cohere for common purposes', of creating social cohesion, has to be made to happen: It is not sufficient to set people free, but people have to be made free, and free in a specific way contributing towards social cohesion (Rose 1999, 65). There is, thus, a clear qualitative criterion for those who can be free from state intervention. This freedom is not a sham, but it is a task. This task is what civilisation depends on. Further, as Rose points out, Hayek defined freedom as "an *artefact of civilization*" that "was made possible by the gradual evolution of *the discipline of civilization*" and natural selection (Hayek quoted in Rose 1999, 67).²⁵ Therefore liberal governmentality cannot be analysed without analysing power as at the same time restrictive and enabling, direct and indirect and as extending beyond institutions and forming proliferated relations of power rather than domination. This is also essential for the analysis of immigration control: because technologies of governing need to function from a distance, the immediacy of a single law, individual policies and exceptional practices are not enough to bring out the rationalities embedded in the apparatus of governing at a distance. 'Making live' is a technology of governing at a distance that is extensively executed through rewards, such as a right of immigration. That is, the

²⁴ Original reference to Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity*, London, Penguin, 1996, pp. 357-358.

²⁵ Original reference to Friedrich Hayek, *Law, Legislation and Liberty, Vol. III, The Political Order of a Free People*, London, Routledge and Kegan Paul, p. 163.

technology of 'making live' presumes that rights can be used as rewards to be earned—as rights are not necessarily posited as inalienable rights and limits to moral government, but merely as means of government.

When vigilance against the undue distortion of naturalised laws is imperative for liberal governmentality the application of power becomes less evident and more flexible, because power appears as a matter of respecting the 'natural'.²⁶ The most typical strategic processes that have power effects, are the techniques of discipline and normalisation (Foucault 1975-76/1997, 38-39). The effect of these disciplinary techniques is to make it difficult, if not impossible, to think and act outside the normal. The normal is essentially a norm, a subjectification and a power/knowledge constellation that designates that which is and/or ought to be under liberal governmentality, thus conducting the conduct of population, as a matter of governing society at a distance, so that it benefits its own wealth and health. As Gerken (2007) has pointed out, by extending social citizenship to immigrants the neo-liberal conceptualisation of immigrant as either 'factually' benefiting or not benefiting the economy and society renders immigrants a part of the population to be normalised and disciplined. These technologies of governing start with the normalised, commonsensical ways of making sense of immigration, which in turn define the limits of the unthought and impose intellectual scarcity around the analysis immigration. This scarcity can be seen, for example, in the limited use of evolutionary discourses around immigration, as shall be discussed in Chapter 4.

Tools of Decentring: Market Veridiction

The issue of intellectual scarcity and normalisation can be approached by investigating how liberal governmentality decides the limits of governing. So how does liberal governmentality perfect its art of not governing too much the quasi-natural spheres of civil society and the economy? How—or rather where—can true knowledge about its methods of governing be produced? The market is the answer. The limits of governing in (neo)liberalism are formulated as principles and methods of rationalizing the exercise of government according to the economic maximum (Venn 2009). This economic maximum translates into a practice of governing that "aims to maximize its effects whilst reducing its costs as much as possible" (Foucault 1978-79/2008, 318). That is, what liberalism does is apply the enterprise model to assessing the truthfulness of governing. Truth is addressed through political economy, which means that liberal (economic) theory asserts that the market is the site of veridiction, of speaking the

²⁶ A good contemporary example of this is the politics around same-sex marriage and adoption rights, in which people utilise discourses about natural procreation and the natural family, with all the supposed implications for child upbringing by 'unnatural' families.

truth.²⁷ That is, the market determines the ‘true’ value of things—individuals, products, enterprises, policies etc.—when it is allowed to function according to its ‘natural’ laws of competition and spontaneous mechanisms of price and value determination. But it is in this edifice of the *homo oeconomicus* ruled by his desires, the value of which is assessed by the market, that government also finds its limit: If indivisible human rights are the limits that legal discourses try to impose on sovereignty and government, it is the naturalised market of desires of citizens that now impose limits on government (Foucault 1978-79/2008, 16-20; see also Donzelot 2008; McNay 2009; Venn 2009; Harcourt 2011; Montesinos Coleman 2013). In the social arena, the logic of competition operationalizes and materialises “inequality [that] is natural and inevitable” (Venn 2009, 214); the law of natural selection and the survival of the fittest, which applies to companies as much as it does to states, commodities and humans.

Intellectual scarcity, or the limits around analysing immigration, is produced through liberalism’s extension of the same market oriented truth regime to the value of governmental action: “inasmuch as prices are determined in accordance with natural mechanisms of the market they constitute a standard of truth which enables us to discern which governmental practices are correct and which are erroneous” (Foucault 1978-79/2008, 32). Government policies, educational, health, social policies and immigration policies come to be evaluated in terms of investments, gains, costs and benefits (e.g. Burchell et al. 1991). Government is put in front of a “permanent economic tribunal” (Foucault 1978-79/2008, 247). “One must govern for the market, rather than because of the market” (Foucault 1978-79/2008, 121), *for* being the operative word. The state must be “under the supervision of the market rather than a market supervised by the state” (Foucault 1978-79/2008, 116). The drama of this truth production is played out in daily newscasts with their ritualistic sequence of events: Truth is produced by first discussing political or enterprise issues and then presenting the oracle of the stock market reaction that is endowed with the inklings of papal infallibility (that explicitly determines, for example, the correctness of government action in dealing with the current economic crisis today) (Foucault 1978-79/2008, 85). Thus, the market functions as a key technology of producing truth, as a key technology of power/knowledge that renders truth technical, not political.

It is not only the government that is subjected to the tribunal of the market, but increasingly the (neo-)liberal enterprise model becomes an important mode of managing and analysing civil society. The

²⁷ Veridiction here should be distinguished from the concept of *parrhesia*, of speaking the truth by a person, of judicial veridiction. Rather, it is the market, not the court or another authority, that functions as a site of determining whether truth has been spoken, of assessing the truthfulness of, for example, policies, or that the market has the ability to speak the truth (cf. Foucault 1983/2001).

entrepreneurial logic of 'succeeding in a competitive environment through adaptation to the market and by increasing efficiency and production' is paralleled by the analysis of social problems and social relations (granted this is done in a more nuanced way than when discourses of survival of the fittest were employed to analyse society). That is, the logic of the enterprise is applied to analysing individuals and the individual's relation with him/herself. The citizen has to conduct his/her conduct as if (s)he was an enterprise: to manage time, goals, life plans, choices, emotions and thoughts in an efficient and productive way. Increasingly also communities, families, parenting etc. are being analysed in terms of "investment-cost-profit" models (Foucault 1978-79/2008, 176, 242; also Donzelot 1977/1979, 69). The neo-liberal enterprise model advises individuals and governments to conduct their conduct through models of (market) success or failure, input and output, invested resources and predicted gains. Whilst policy analysis becomes a matter of cost-benefit analysis, conducting the conduct of the population is done in terms of 'human capital' with the impetus of not governing too much and moderating the impact of the market's truth regime (Foucault 1978-79/2008, 142-149).

Thus, essential to liberal governmentality is that truth increasingly becomes decided in relation to the market and its models. When posited as a sphere of 'natural' law and naturalised mechanisms, the market becomes the famous 'invisible hand' that keeps up the 'natural' equilibrium of society and the economy. Governing to compensate for the market's effects starts bordering on the unnatural: because in essence it is to tamper with the 'truth'. What is silenced with this conceptualisation of the market is that as much as the market of goods is dictated by desires, whims, wishes, crises, prejudices and shifting fashions of common opinion of the people who can afford to participate in it, the stock market is only the common opinion of the rich who have the money to sell and buy stock. Therefore, the 'truth' produced always parallels class. Secondly, market veridiction has important consequences in terms of moral discourses: when truth is produced by market veridiction and the state needs to restrain itself from governing society through unnaturalised technology, morality easily, if not constantly, falls prey to the liberal naturalism produced through the market; or as Venn describes privileging "the calculable over the incalculable" eliminates "the ineffable and the spiritual" (Venn 2009, 229).

Consequently, what we have are two overdetermined signifiers: 'natural' and 'market' that have an important role to play in validating liberal government and in limiting moral discourses, for example about equality, justice and human rights. They help to render governing technological, by making governing a matter of making the 'market' and the society to function naturally and optimally, and thereby by de-politicizing government and introducing scarcity of meaning to the power/knowledge constellation (Venn 2009). By doing this, importantly, (neo-)liberalism ends up positing political economy above the sovereign, by insisting that the markets supervise the state and not that state supervise the

markets (Foucault 1978-79/2008, 116, 293). This model of market veridiction, with its analysis of society and humans through the enterprise form (e.g. cost-benefit, 'human capital' analysis), plays an important part in the governmentality of immigration, as shall be seen.

Tools of Decentring: Scarcity and Silencing

As has been indicated, it is not only that we should be vigilant of where the limits of self-critical governing are put and how truth is produced in liberal governmentality, but we also need to keep in mind the strategy of naturalising as a technology of power/knowledge. That which is most revealing in any discursive formation, according to Foucault, is *not* the plenitude of meanings, but the scarcity of meaning that the power/knowledge constellation imposes (Foucault 1970/1981, 65; Foucault 2000a, 278 and 450-451). It is this shortage of possible interpretations, the scarceness of meaning that Foucaultian analysis aims to uncover (Foucault 1970/1981, 73; also Young 1981, 49; Hook 2001/2007, 12). Therefore, when we talk about too much government, we need to ask ourselves what is the lack of government supposed to produce and who produces effects, what effects, how, through what technologies, why and when? When we talk about social cohesion, we need to ask ourselves what does this problematize; why, how, what is it supposed to enable and through what mechanisms? When we talk about rights, we need to ask ourselves what these rights are assumed to produce. We need to address the scarcity of meaning that the silencing of these questions and answers introduces to governmentality and the power/knowledge constellation—not only in relation to immigration but in general.

When socio-biological laws, with their universal desires embodied in the rational man with self-interests, regularly produce an appropriate balance of wealth and health, the task of government is to leave this socio-biological balance to function at optimum levels of freedom. This is how liberalism extends its universalizing rationality on government and makes desire, in its variations, the object of scientific enquiry and government. These analyses of desires, natures and laws are not conducted in transparent and equal ways, as history teaches us. Social Darwinism and eugenics were the most obvious examples of the 'distorted' analysis of naturalised laws, that wholly succumbed to the circularity of the empirico-transcendental riddle. Yet, because liberalism assumes *a priori* that government cannot succeed, if it does not respect the non-distortable, naturalised laws, socio-evolutionary thought remains at the centre of liberal governmentality: To govern properly the government should not tamper with these laws that treat such factors as what the human is capable of and what not in the political sense (Foucault 1978-79/2008; see also Dean 2007, 40). For example, socio-biological discourses about essential human selfishness are constantly used to limit and capture the application of the discourses of

solidarity inside the nationalist framework and the discourses of survivalism, i.e. that a human does whatever is needed to survive, are used to explain the need to eliminate or reduce social benefits in order to motivate people to work. The next chapter explores these points in further detail.

2.3.2. State Racist Governmentality, Racism and Social Darwinism

One of the central ways in which scarcity of meaning is introduced into the power/knowledge constellation underlying liberal governmentality is 'race'. When talking about state racism, the issue of 'race' and racism becomes central to the thesis at hand. Racialisation is essential for liberal governmentality, or rather, the rendering of its various intersectionalities quasi-biological,²⁸ is essential for liberal governmentality because of the underlying naturalism that is assumed to limit the way society can be governed. Foucault insisted that within this modern framework 'race' became a central tool of exclusion (Foucault 1975-76/1997, 61), like many others have done (Bauman 1989; Agamben 1995/1998, Goldberg 2002). This will become evident in the next chapter discussing the structure of the Finnish immigration apparatus. As has been indicated, Foucault's concept of state racism is defined by this socio-evolutionary framework, inside which the naturalised conceptualisations of society as 'race' function. So that the analysis of the immigration discourses and technologies of immigration control will make sense, in this section, we will elaborate on Foucault's thinking on race and racism in relation to his concept of state racism. This necessarily entails discussing both liberalism and nationalism and their relation to 'race'. In doing this, we will continue paying attention to the game of truth and the strategies employed to constitute the contemporary power/knowledge constellation.

Tools of Decentring: Normalisation

First, we shall discuss the issue of nationalism, as 'race' is most often associated with nationalism. Nationalism has clearly been implicated in government through the 'race', we need to investigate this thinking somewhat further. Typically, the vigilance against the murky unthought in nationalism, i.e. the famous excesses such as Nazi Germany, has given rise to the distinction between 'civic'/'patriotic' and 'primordial'/'nativist'/'chauvinist' nationalism that runs along the binary of ratio/emotion. But as Billig asserts, this supposed rationality of the 'civic' or 'patriotic' nationalism has been achieved by turning nationalism into an exceptional phenomena only related to 'chauvinism' or other (offensive) excesses of nationalist violence. In this sense civic conceptualisations do not reflect the everyday, banal nationalist practices from which all nationalist politics arise (especially Billig 1995, 17). Nationalism is politically

²⁸ Intersectionality is a concept that is typically associated with Crenshaw's analysis of African-American women's battle against discrimination and how 'race' and gender impact the possibilities of resistance (Crenshaw Williams 1994).

functional. Many things can be asserted under the rubric of nationalism, but as many have asserted, nationalism as such does not purport any singular political model of dealing with political, economic or social affairs. Despite its functionality, nationalism “has no answers to any substantive political or moral problems” (Vincent 2002, 6; also Balibar in Balibar and Wallerstein 1991, 46-47). Therefore, nationalism as a discourse needs to be identified as a question of mere loyalty and promotion of ‘national culture and interests’ against other cultures or interests. The strategic power of nationalism is in the form: in the ability to assert something as ‘nationalist’. In this sense, nationalism is an empty signifier: it has a highly variable, unspecifiable meaning as it means different things for different people (Chandler 2007, 78). The emptiness of the signifier of nationalism is in the reality that it is difficult to agree on what ‘nationalism’ in specific situations signifies. Rather, nationalist politics acquire their actual, specific content from other isms, such as conservatism, liberalism, socialism, elitism, imperialism, religion, socio-biology, racism, feminism, male chauvinism etc. The functionality of nationalism for politics comes through its role in interest formation, through desire, which was made central to liberal governmentality. As a discourse nationalism contributes to the naturalization of liberal governmentality. The main condition of operation for nationalist discourses would then be that political, economic or social interests are conceptualised in nationalist language. The overarching common-sense designation of things as national can, thus, be decentred,²⁹ and we need to keep this in mind, when analysing the apparatus of immigration control.

Gellner (1983/1996), in his grounding work of the modernist school of nationalism studies, asserts that nations and nationalism can be understood as intentionally created political projects. That is, nation-states are political phenomena whereas communities—whose pre-modern compositions did not mirror those of modern nation-states—could be conceived as primordial. There is, thus, a difference between national/ethnic communities and the modern nation-state. Consequently, theorists of nationalism have increasingly started asserting that nations are rather ‘imagined communities’—in that all members of the

²⁹ Vincent even argues that nationalism does not, *per se*, advocate self-determination, but sees that the conceptualisation of the ‘nation-state’ is more an early appropriation of the popular sovereignty discourse by nationalist political actors in general rather than an inherent aspect of ‘nationalist’ thought. That is, sovereignty does not need to be national (Vincent 2002, 14-35). This point between popular sovereignty and nationalism can be connected to Foucault’s thoughts on the development of modern liberal governmentality and especially to his analysis of the creation of the counter-history of race. In his analysis, the counter-history of race related to the formulation of a historical discourse especially in France and England that attempted to question the righteousness of the rule by conquest. Importantly, this question was asked in racial terms, by asking whether a conquering race should rule another race (Foucault 1975-76/1997). In this sense, earlier forms of political nationalism can also be seen as elitist programmes of self-rule, i.e. as projects that are born on the soil of revolt, but that solve the problem of legitimacy of rule through the social contract theory that asserts the willingness of those ruled to be ruled (by the conquering race). It is on top of these already ‘racially’ divided societies that nationalism is built, further highlighting the role of nationalism as a tool of politics rather than a true expression of the soul of a nation. Similarly, Finnish nationalism was created as a project by the largely Swedish-speaking political elite to counter the Russification policies of the Russian Czar when Finland was a Grand Duchy of Russia.

community never truly interact with each other (Anderson 1991)—or that nations are ‘narrations’ (Bhabha 1990) or representations that constitute “a retrospective illusion”, but that also express “constraining institutional realities” (Balibar 1990/1996, 132) or depend on cognitive practices (Brubaker et al. 2004), instead of asserting the truthfulness of the primordially of nation(-states) as they stand today.

There is a clear, historically recognised period of political construction of ‘nations’, which questions the natural and self-evident characteristics attributed to nation-states. Nationalism as a political movement was created to serve the needs of the modernising economy, and as such it was a rationality of governing (Shapiro 1997). Modern states required a flexible, educated workforce whose culture would be based on a unified, bourgeois value system. In this context, social cohesion is postulated as a prerequisite for the functioning of the modern economy. That is, nationalism has a function integral to modern governmentality that is driven by the economy and by state interest, which puts a question mark over the idealised notion of nation as an organic entity that finally blossoms during the nineteenth century as a result of its evolution. Following Gellner’s logic of functionality, governmentality would need to consider multiculturalism as the appropriate ism unifying immigration states in a globalising world; with the right twist this could even be made into a socio-evolutionary discourse.³⁰

Nationalism sits at the core of the *cogito*’s tautological self-affirmation, confining politics and its analysis to its circular mode of knowing. We need to look at nationalism as a discourse that functions in the realm of the retreat and return of the origin, where the truth is affirmed through perpetual return of the phenomenon. Therefore, analytically nationalism needs to be treated as a story about origins typical of the modern mode of knowing—which of course does not take away the reality and meaning that some give to nationality on the individual level. The fundamental function of nationalism for government—that is not for people and their identities—is in how it functions together with the socio-evolutionary discourses and how it operates to naturalise the nation-state/race-nation inside liberal governmentality. Nationalism makes governing more efficient; it is a tool integral to the power/knowledge constellations of modern Western states. Nationalism is a discourse of normalisation most evident in its narrow definitions of normal citizens (e.g. Young 2000, 252). This is what makes nationalism such a central figure in the modern mode of knowing: its identity politics, its ability to appropriate any position and claim its centrality to one’s identity, both in its nation-state and multicultural variants. Consequently, we need

³⁰ In fact, the Finnish National Coalition party, which is a right-wing entrepreneurial party, has made attempts at this direction when talking about immigration by claiming that in global markets multicultural skills are an important competitive advantage. This rationality is used to defend ‘the right kind of’ employment-based immigration. However, multiculturalism remains a ‘skill’ and does not extend to notions of governing society in any sustainable way, which it defines rather through discourses of nationalism and law and order.

to remember that normalisation is the central function of nationalism: it is integral to the functioning of socio-evolutionary discourses as discourses of power.

Tools of Decentring: Exceptionalisation

Yet, we cannot separate nationalism from the discourses of 'race'. As Balibar insists, "[r]acism is constantly emerging out of nationalism, not only towards the exterior but towards the interior", hence the relation between nationalism and racism is integral to the modern Western state (Balibar in Balibar and Wallerstein 1991). 'Race' has been an important and problematic aspect of the Western power/knowledge constellation that various strategies of power/knowledge have been employed against, but it is not only the excesses of nationalism that explain the centrality of 'race' to liberal governmentality. Rather, one of the key strategies of introducing a silence around the concept of 'race' and around its centrality to the state is the exceptionalisation. This exceptionalisation of racism is achieved by denying racism through its limited definition, i.e. as a belief in the biology based inferiority of some 'races', and through the normalisation of discourses of ethnicity, which together allow the discourses of racialisation to function as a central dynamic of liberal governmentality (e.g. Lentin 2004; 2008; 2006/2008).

Foucault is not the only writer to address the connection between state and racism. Goldberg (especially 2002) offers a more substantial analysis of the connections between race-nation state, or race-state, discussing the apparent contradictions between the Western state in its modern and liberal form and its racialised practices. Goldberg pinpoints how the modern Western state relies on an order of things, in which heterogeneity and difference are excluded and in which the value of sameness functions as a repressive ordering principle (Goldberg 2002, 16), thereby highlighting the naturalised limits of normalisation and silence imposed around 'race'. In similar vein, Omi and Winant discuss the racial state in the US as a wider notion. They criticize the transition from explaining phenomena based on race to explaining it based on ethnicity as not capable of understanding the complexity of the 'racial formation' grounded in the hegemonic way of organizing and ruling society (Omi and Winant 1994, 65-69). Their analysis highlights how the move from 'race' to 'ethnicity' further limits and excludes variables that can be seen as explaining continued racialised stratification of society and how this manoeuvre thereby introduces a scarcity of meaning around the implications of 'race' on social success. This manoeuvre helps to naturalise the structures of society as a result of fair competition in the environment of 'equal opportunity'.

As was indicated in the introduction, the Foucaultian governmentality framework relies on the analytical cutting off of the King's head, i.e. on the analytical separation of government and sovereignty. If we want to analyse state racism inside the governmentality framework, we need to stop analysing racism as a matter of official state action or individual action. Rather, racism has to be analysed as a system of dispersion essential to which are its conditions of possibility, i.e. the role that racialising discourses play in governing society. As Goldberg (2002) points out, racism is not historically uniform but racist and racialising discourses differ. Therefore, we cannot assume that state racism functions similarly either historically or in various contexts. Insistence on essential continuity works to promote the power/knowledge strategy of exceptionalisation, which is also employed in reference to social Darwinism and eugenics, i.e. the 'bad' discourses of scientific racism, which have supposedly been proven scientifically inaccurate, help to rarefy state racism and social Darwinism. That is, by limiting the analysis of state racism to official state policies state racism is made rare and exceptional. This type of analysis insists on analysing government through the acts of the sovereign: through slavery, segregation, apartheid and Nazism making a "sacred myth" out of these atrocities (Balibar in Balibar and Wallerstein 1991, 45-51; also Bauman 1989 and Goldstein 2002). Through this analysis in the name of the King's head, which associates government with the sovereign's law, helps to establish and maintain a difference between 'scientific racism' and 'the ethnicity paradigm' and, thereby, in many ways normalises the utilisation of racialising discourses in politics.

The ethnicity paradigm refers to early anti-racism, or the UNESCO tradition of anti-racism, in the West. The UNESCO tradition ascribes the process by which, in the aftermath of the Second World War, the UNESCO was tasked with establishing and publicising the scientific facts about race and race prejudice. This gave rise to four statements on 'the race question' (1950, 1951, 1967 and 1978)³¹ that attempted to refute scientific racism. The process was influenced by leading anthropologists, like the French structuralist Lévi-Strauss and the American physical anthropologist Montagu, as well as by anti-colonialist and black resistance movements (Lentin 2004). However, much of the scientific thinking of the day was intertwined with racialised thinking in many ways and the declaration came to be highly criticised in many countries by those who asserted the existence of different races. In this sense, the prolongation of the UNESCO process against racism can be seen as a battle of power: who has the power to speak truthfully about race (Brattain 2007; Selcer 2012). The end result of the UNESCO attempt to do away with the concept of race became a rather watered down assertion: The statements problematize the politically suitable ways races had been defined—i.e. nation-races, such as the

³¹ These can be accessed, for example, at: <http://unesdoc.unesco.org/images/0012/001229/122962eo.pdf>, viewed 20.10.2013.

German race—but at the same time assert the existence of three ‘divisions’, that followed the common distinction of the Caucasian, Mongoloid and Negroid ‘races’ based on phenotypical differences. Importantly, despite holding the human race practically equal in its biological capabilities and denying the significance of biological differences between ‘races’ in intelligence, temperament or personality (UNESCO 1950), the UNESCO tradition proposed the “ethnicity paradigm”, which explains human differences through ethnicity and culture (Omi and Winant 1994, 14): Instead of ‘race’, people were to be distinguished based on their ‘ethnicity’, i.e. through the nationality or ancestry, cultural, language or religious groups that they were deemed to belong to. The word ‘ethnicity’, however, started to be used as ‘race’ had been used. Although race was made into a social myth, the statements do not disregard the evolutionary conceptualisations of cultural difference that had always been the essential way to diagnose ‘racial’ inferiority. Rather, progress or lack of it was explained through cultural difference, allowing for certain cultures to be understood as ‘less progressive’, if not even ‘regressive’. Cultural difference was essentialized by explaining it in the framework of multiple spheres of socio-cultural evolution, i.e. by making history into a matter of quasi-biological evolution. By asserting inherent differences (even if environmentally explained) between ethnicities and cultures, the UNESCO tradition in the end allowed for the re-emergence of the discourses of scientific racism as legitimate—as long as they talked about ‘race’ through the vocabulary of ethnicity and culture (see for example Brattain 2007; UNESCO 1950).³² This manoeuvre, whilst certainly well-meaning, as demonstrated by its insistence on the moral discourses of equal human rights, nevertheless maintained the diagnosis of inferiority and merely explained this inferiority through culture.

Through the UNESCO ethnicity paradigm racism becomes exceptionalised and defined as a belief in the inherent superiority/inferiority of some *biologically* definable ‘races’. Racism is made into a presumption about immutable biological or physiological differences between ‘races’, about inherent differences in behaviour or ability of different races. This is essentially how racism is being defined in Finland by many, not least the (True) Finns. But if, since explicit social Darwinism or scientific racism, we have given up using the term ‘race’ and replaced it with ‘ethnicity’, this does not mean that the

³² According to Taguieff, the anti-racist tradition came to imply three suppositions: that cultural phenomena were autonomous and separate, that mental structures and modes of living were determined by culture and that different cultures were of equal value (Taguieff 2001). This highlights the internal paradoxes of the framework, or rather the strategic vulnerabilities of the anti-racist discourse: rather than present itself as a simple moral discourse (a strategy that would not be without its hazards of course) the framework strategically enables discourses about fixed psycho-cultural structures (which can be linked to structuralist social sciences) and therefore rather proposes discourses of separate spheres of development and the difficulty of cross-cultural interaction than discourses about flexible and non-static cognitive schemas and intra-cultural variation. What this approach does, by placing itself inside the limits of evolutionary theory, is that it enables the resurgence of the notions of polygenesis in the form of civilizational and/or national culture. In the end, the ethnicity paradigm is unable to resist the typical racist conceptualisation of the other as an essentialized representative of an ‘ethnicity’ or ‘race’.

conditions of possibility of racialising rationalities have disappeared. In this sense, it is not a matter of the “ahistorical durability of race and racism” but racist formulations alter according to context, they acquire different nuances in relation to different discourses (Goldberg 1993, 47-48 and 49, also Goldberg 1990a and 1990b). Racism is not in the uniformity of its discursive expressions, but in the effects of its functioning (Balibar in Balibar and Wallerstein 1991, 18; also Gilroy 1992), essential to which is its sustenance through market veridiction and rendering racialisation technical (Murray Li 2007). That is, the key is not whether one uses the terminology of ‘race’ or ‘ethnicity’, but the end to which these terms are used as means. That is, both ‘race’ and ‘ethnicity’ could be used very differently to the common sense way they are often employed in politics. The power is in the effects of discourse, not in the vocabulary of the discourse.

This battle over the definition of racism is also typical of academic theories where a certain method of ‘reading over’ and ‘appropriate contextualisation’ of racialised thinking in early nationalist theories is employed (e.g. Rahikainen 1995). Typically the dismissal of the connection between racism and nationalism is presented as epistemological vigilance: Through historicism a hermeneutical interpretation is offered that demonstrates vigilance against earlier nationalist discourses or academic theories and it is asserted that what the earlier theorists ‘really meant’ when they said ‘race’ is what we mean by nations or ethnicity today and that their language was just ‘typical of the time’ (see also Weinbaum 2001, 294). Instead of seeing ‘language of the time’ as a soothing assurance, we should really be worried about what we mean by ‘nation’, if it is the same as what they meant by ‘race’. The dictionary definition of a race from 1992 states that race is “a group of people united or classified together on the basis of a common history, nationality, or geographic distribution: the German race”.³³ This rather indicates that the common-sense connection between nation and ‘race’ has not gone anywhere; that we commonsensically use the term ‘nation’ as if it was a ‘race’.

The shortcomings of the UNESCO tradition of anti-racism have been addressed under theories of ‘new racism’ or ‘differentialist racism’. Theorists of new racism talk about “racism without races”, which is conceptually grounded in the ‘scientifically proven’, “insurmountable cultural differences” that enable the substitution of the ‘naturalness’ of race with the ‘naturalness’ of culture (Balibar in Balibar and Wallerstein 1991, 21-22; ‘differentialist racism’ is a term from Taguieff 2001). The concept of race takes away change and variation and renders difference quasi-permanent. The power/knowledge strategy of naturalising or rendering culture quasi-biological makes culture essential and change at the individual and generational level is made slow and incremental rendering difference essential, especially when

³³ American Heritage Dictionary of English Language, 3rd edition, Boston: Houghton-Mifflin, 1992.

associated with racialising discourses of social evolution. We will return to this question of racism in Chapter 4, but before moving onto discussing the Finnish immigration apparatus and its problematizations, we need to understand how state racism and Foucault's understanding of racism fit into liberal governmentality and its naturalism.

Regardless of this alignment of Foucault's assertions on race with those of others, Foucault's theories of race have perplexed many leading them to disregard his thoughts on race. But as Duffield points out, “[r]acism occupies a central, if relatively under-appreciated, part of Michel Foucault’s later work” (Duffield 2006, 69; also Stoler 1995, 19-21; MacMaster 2001; Lentin 2004; Venn 2009; and 2011). Foucault's self-imposed genealogical desire in *Society Must Be Defended* was “to trace the full development of a biologico-social racism” (Foucault 1975-76/1997, 61). What we are involved in in this research is not a genealogy, but a description of the functioning of this socio-biological racism inside the socio-evolutionary framework of governing. Therefore, Foucault's thoughts on racism need to be understood inside the analysis of its conditions of possibility, i.e. through state racism.

As said, Foucault defines state racism as a dynamic process of purification and normalisation of the race-nation. This purification sits deep in this socio-evolutionary framework. Foucault explains:

I think we are now in a position to understand a number of things. We can understand, first of all, the link that was quickly...established between nineteenth-century biological theory and the discourse of power. Basically, evolutionism, understood in the broad sense—or in other words, not so much Darwin’s theory itself as a set, a bundle, of notions (such as the hierarchy of species that grow from a common evolutionary tree, the struggle for existence among species, the selection that eliminates the less fit)—naturally became within a few years during the nineteenth century not simply a way of transcribing a political discourse into biological terms, and not simply a way of dressing up a political discourse in scientific clothing, but a real way of thinking about the relations between colonization, the necessity for wars, criminality, the phenomena of madness and mental illness, the history of societies with their different classes, and so on. Whenever, in other words, there was a confrontation, a killing or the risk of death, the nineteenth century was quite literally obliged to think about them in the form of evolutionism. (Foucault 1975-76/1997, 256-257)

That is, evolution becomes a rationale of governing and evolutionary thought functions as a fundamental discourse of power. Social evolution becomes the key discourse of power that defines the naturalised laws according to which liberal government needs to be conducted. In this framework what society needs to be defended against is evolutionary unfitness—whether this unfitness is that of the immigrant or that of the citizen. It is inside this framework of fitness that racialisation is employed. The notion of the evolution of the population—and its wealth and health, i.e. its fitness—cannot be divorced from liberal governmentality. If with liberal governmentality government becomes “inextricably bound up with the activity of thought”, this thought in large degree functions inside this socio-evolutionary

framework (Rose 1999, 8). Social Darwinism employed many of the rationalities of socio-evolutionary thought, eugenics is what brought social Darwinism to the centre of immigration policy, and this is what we shall focus on in Chapter 4.

Before proceeding to discuss social Darwinism and eugenics and their functioning inside state racist socio-evolutionary governmentality, I will need to explain the apparatus of immigration control and its rationalities in Finland, which functions as the case study in this research. When analysing these rationalities we need to keep in mind that we are attempting to decentre the way nationalism and liberalism are made to function inside the governmentality of immigration control, and we need to pay attention to the way that they are employed as strategies of power/knowledge, if we are to find room to think differently about immigration and liberal governmentality.

2.4. Power/Knowledge: Methods of Analysis

Thus to recap, we have seen how governmentality studies look both at the rationalities and technologies of governing. We have also seen how modernity has given rise to a mode of governing that relies on knowledge about naturalised laws, laws that appear to us as untouchable common sense and that function based on circular and even tautological truth games. We have discussed how this mode of governing is extended from a distance to the individual conduct of people through technologies of governing, which are not simply means of implementation, but inherently relate to the arrangement of both material practices of governing and knowledge about governing. Before we move onto discussing the actual technologies of governing immigration and the rationalities that inform these technologies, we will discuss methodology and the actual analytical tools of decentring the power/knowledge constellation around immigration in Finland.

Throughout this chapter we have discussed various tools of decentring. So far we have highlighted how Foucault's epistemological critique can be analytically employed to decentre actual, practical power/knowledge constellations through the empirico-transcendental riddle, which pins down the tautological nature of the modern mode of knowing and locates its source of knowing in the identity of the *cogito*. We have explicated how the choice of using historicism or psychologism, as tools of affirming and questioning positivity, function as strategies of power/knowledge. We have implied how rendering governing technical, making it a matter of the will to improve, allows for the silencing of 'the political' in the power/knowledge constellation. We focused on scarcity and silence as markers of the functioning of power/knowledge, the analysis of which is as important as the analysis of explicitly voiced propositions. And we have explained and shown the significance of normalisation and exceptionalisation as strategies

of power/knowledge. In addition, Foucault's thinking around governmentality has shown us how rationalities and technologies of governing and assessing truth also function as strategies of power/knowledge. We have seen how naturalism defines the rationalities of governing, how truth is produced through market veridiction and how technologies of governing operate at a distance and through freedom. These are central tools of decentring that are elemental for the second phase of analysing the power/knowledge constellation around immigration. There is, however, one more strategy of power/knowledge, namely that of universalism/particularism, that we will discuss, because this will give us another method of decentring the discourses of nationalism, liberalism and multiculturalism.

Tools of Decentring: Universalism/particularism

As we have seen, it is the socio-economic and socio-biological nexus of naturalised laws through which the binary of universalism/particularism enters the heart of liberal governmentality and modernity. In the context of conceptualising government through naturalised laws that are necessarily universal, particularism presents scientific knowledge with a need to signify it in relation to the universal, as part of the whole—this method of power/knowledge often leads into strategies of governing through abnormalization of the particular. In Foucaultian terms universalism lies at the centre of the epistemological configuration of modernity: universalism is epistemic vigilance sound asleep (also Laclau 1996/2007, 23). This universalism/particularism binary can be conceptualised as a continuum of power/knowledge: the terms 'universalism' and 'particularism' cannot function without reference to each other, which is why the dividing line between them becomes impossible to pin down (Laclau 1996/2007, 20-35). The universalism/particularism binary must be understood as a matter of Will to Power that underlines the way that the modern mode of knowing functions. Because of the centrality of the *cogito's* identity to the modern mode of knowing, the possibility of transcendental knowledge cannot be treated as purely a philosophical problem that divorces questions of ontology from effects of power, but it must be treated as a *desire* for one's knowledge to be universal and transcendently true—and thus off limits to criticism. The point of genealogy is to turn questions of Will to Truth into questions of Will to Power (Laclau 1996/2007). Therefore, the analysis needs to look at what place is occupied by the 'particular' in the purported universal order of things, at how games of resistance are played, how subjects are constituted, at how we "recognise ourselves as subjects of what we are doing, thinking, saying", and at how we subjectify the immigrant other (for in these texts, the immigrant is not a speaking subject but an object of governing) (Foucault 2000b, 314-316). The focus of attention is on "relations of power, not relations of meaning" (Foucault 1980, 114).

The universalism/particularism binary is essential to socio-evolutionary governmentality. Social evolutionism is at the heart of the self-universalization of European particularism. Whilst the power/knowledge strategy of universalism/particularism has its religious applications, in terms of “secular eschatology” (ibid.1996/2007, 25), the universal came to be used in various ways in the modern power/knowledge constellation. The Western mode of knowing gave rise to a power/knowledge constellation, in which European culture was presented as representing “universal human interests” that had a civilizing function. The West defined ‘civilisation’ and made itself the pivot of human social evolution. If we look at the position that is employed by the particular in this West and the Rest power/knowledge constellation, the Rest is marked by an “incapacity to represent the universal” (Laclau 1996/2007, 24). In this context, modernization and development become represented as “as an epochal struggle between universality and particularisms” giving rise to a civilising, progressive mission of freeing the colonial mind/society from its primitive condition (Laclau 1996/2007, 24-25). That is, the particular becomes a phase in human evolution, the epitome of which is Western society and culture.

Again, the question here is not about what is the correct interpretation of social evolution and what not, but the question is how various views of social evolution are used to govern ourselves. That is, the focus is on how socio-evolutionary discourses function as discourses of power (also in the intra-societal level) and what kinds of silences are executed through them. Because of its all-devouring universalism this socio-evolutionary power/knowledge constellation necessarily confuses history with evolution. That is, socio-evolutionary discourses make immediate historical variations into discourses of evolution, which rather should refer either to slow genetic change in living organisms through natural selection over thousands of years or to large scale social evolution, such as the move to agriculture or to industrial production. In this way, for example, a change from religious rule to democratic rule or a conceptual development in academic analysis can be painted in the colours of evolution. It is this mixing of history with evolution and its hyper-signified metaphors that is at the heart of the power games that liberal governmentality plays.

Yet, this pivotal role of Western civilization does not mean that socio-evolutionary theory is employable only in one way. Even the contemporary ways in which socio-evolutionary theories are employed in conjunction with nationalism, liberalism and multiculturalism vary (not to mention the copious possibilities not materialised). Namely, social evolution can either be characterised as a universal uni-linear development or as a particular multi-linear development along spheres of civilizational/cultural entities. In this regard, nationalism, multiculturalism and liberalism suggest different types of universalities and particularities (Vincent 2002). In important ways these discourses are made possible inside a socio-evolutionary framework: nationalism and multiculturalism assert a framework of separate

sphere of development/evolution and rely on the quasi-organic qualities of cultures, nations or civilisations. Nationalism imposes a certain universalizing 'naturalness' on organising the world around nations (or nation-states), and multiculturalism around cultures (e.g. Balibar and Wallerstein 1991; Schnapper 1998; Vincent 2002). The ontological essence of human is defined as cultural making the human quasi-organically tied to the blood/culture/upbringing of his/her childhood, resistance against which is either 'impossible' or 'non-desirable'. Beyond this universalizing aspect, nationalism is a particularist discourse of sovereignty, as it asserts the right of a singular 'nation' to order its affairs in the particular, cultural fashion, as does multiculturalism at the level of 'ethnicity'.

Although liberalism is essentially universalising, liberal theories nevertheless bear the contradiction of universalism/particularism inside the theoretical realm. This contradiction is embedded in the liberal conceptualisations of the moral community versus its conceptualisations of individualism, as Vincent asserts. The coherence of the liberal edifice of knowledge suffers from a problematic relationship with particularism and nationalism that underlie conceptualisations of sovereignty and nation-state (Vincent 2002, 97-103). As well as its embeddedness in Western culture, also the practical connection of liberalism with the particularism of the nation-state paradigm complicates liberalism's claim to universalism. Although cosmopolitanism is the most purely universalising discourse, fundamentally employing a logic of a single line of social evolution, its universalism is equally symptomatic of the Western belief in its own position as a representative of universal human interests, i.e. the pivot of human progress, and hence also inherently particularist (e.g. Laclau 1995; Parekh 1997; Murray 1997; Newman 2000; Chatterjee 2005).

This type of contamination of the universal with the particular and vice versa (Newman 2000, 101) is essential for understanding how these discourses become employed in governing immigration (e.g. Doty 1999, 587; Tebble 2006; Lister and Pia 2008, 157-161). Because liberal governmentality in important ways is a socio-evolutionary governmentality, we need to investigate how these discourses need to function in conjunction with stories that we tell about social evolution. As Ryn puts it: "How we regard the relationship between universality and particularity directly affects how we think about humanism and multiculturalism" (Ryn 2003, 8). Paying attention to how the binary of universalism/particularism is employed in practice, in this case in Finnish immigration politics, is an important additional tool of decentring. The discourses of nationalism, liberalism and multiculturalism typically employ the universalism/particularism binary in contradictory ways. Similarly, as with psychologism or historicism as strategies of power/knowledge, we need to focus on when and how universalism or particularism become modes of affirming positivity. In the context of political truth

games, these strategies divide, exclude, negate and omit at the same time as they unite, include, affirm and enable. It is in the strategic game of truth that governmentality is enabled and created.

Primary Method

How do Foucault's epistemological criticism, power/knowledge and governmentality as well as the discourses of nationalism, multiculturalism and liberalism come together in the method then? As has been said, overall the discourse theoretical method here entailed two phases; the primary phase, which concentrated on the analysis of knowledge produced about immigration in Finland, and the secondary phase, which analyses the power/knowledge constellation taking into account the rationalities and technologies of governing immigration. Together the first and the second level convey a picture of how immigration and immigrant are problematized. The third analytical level, that of the comparison of the problematization of immigration in contemporary Finland and the nineteenth-twentieth century America, is carried out in Chapter 4.

As said, the first level analytical approach of discourse theory is different from the normal discourse analytical approach that typically focuses on the level of individual documents or particular discussions, for example in the handling of a particular bill in the parliament. Here we focus on discourses as systems of dispersion and treat statements as a part of the wider discursive field of making sense of immigration, be this then in documents about internal security, immigrant integration, refugee reception or rules of granting permits. In *The Archaeology of Knowledge* Foucault asserts that a discursive formation cannot be defined by the unity of the object, by the unity of a common style of production of statements, by the constancy of the concept, or by reference to a common theme (Foucault 1969/2002, ch. 2). Defining the discursive formations through these four aspects "presupposes a play of prescriptions that govern exclusions and selections" and, thus, prevents critical consideration of the silences and gaps in the discursive formation of immigration (in "The Will to Knowledge" Foucault 2000a).

In practice, the theoretical background means that the discursive formation is not unified by the object, such as 'citizenship policy' or 'EU visa regime', but also other policies and statements in other discussions including references to immigration or immigrants need to be considered in their totality as belonging to the dispersion of the discursive formation. Secondly, the style of discourse, such as legislative text versus parliamentary discussion, cannot be deemed as a delimitation of a valid sphere of discourse, but different types of statements can be analysed and included on a par with each other. This means that statements in the parliament need to be analysed at the same level of laws, decrees and

legislative implementation instructions. This is necessary in order to take account of the whole apparatus and to place discourse in context. Thirdly, discursive formations clearly expand the limits of concepts, such as for example 'national interest', 'unemployment policy' or 'border control', and the vastness of the discursive formation of immigration cannot be described by allowing such concepts to *a priori* limit the field of investigation. Fourthly, if one wants to include and analyse the dispersion of the discursive formation, it cannot be limited by such themes as 'anti-immigration policies' or 'economic role of migrants', for example. That is, when analysing governmentality the analysis itself cannot start from a problematization.

Therefore, in practice the governmentality of immigration needs to be analysed as an apparatus. I have analysed laws, governmental documents (bills and reports), parliamentary discussions and committee statements as well as implementation guidelines as the bulk of primary sources until a saturation point in the analysis was reached. That is, the aim was not to analyse every statement ever made, but keeping in mind the repetitive function of discourse, the goal was to form a picture of the larger tendencies of conceptualising immigration and immigrant related issues. By a point of saturation I mean a point in analysis, in which no more new and surprising statements were being added and in which the ratio between the utilisations of various discourses was relatively stable. Altogether I have analysed some 110 documents containing some 3300 analysed statements in addition to a number of documents skimmed in order to affirm the saturation of the analysis.

The primary analysis of the statements in the documents followed a methodical structure. The concept of statement was operationalized through Foucault's account of General Grammar and its structure and the way that Foucault paralleled this structure with the theory of anthropological sleep (Foucault 1966/2002, 90-132 and 330-373).³⁴ Therefore a statement was not understood as a sentence, for

³⁴ For those interested in the combination it can be said that this analytical structure is Foucaultian but not Foucault's. What I mean by this is that this approach crucially falls short of the critical ambition of Foucault's archaeology (cf. Hook 2007/2001). Besides the obvious difference that Foucault's archaeological and genealogical methods are historical, in comparison to Foucault's discourse analytical method presented in *The Archaeology of Knowledge* the concept of statement is also operationalized differently, i.e. through General Grammar. Foucault's concept of statement has always been a source of confusion: Foucault defines 'statement' more through what it is not, rather than through what it is. As Dreyfus and Rabinow explained, the statement cannot be characterised as a utterance, it neither is a proposition nor a linguistic entity of a psychological or logical kind, it is neither an ideal form nor an event (Dreyfus and Rabinow 1982, especially xxii, 17 and 32). Here, the statement is defined through the concept of a discursive order (derivation) and the elements (propositions, articulation and designation toward a source of positivity) that are required to uphold and affirm the truthfulness of the derived order of things. In this sense, the way that the concept of statement has been operationalized comes closest to a 'logical entity', by which I do not refer to structure of logical statements (i.e. A is B, and C is A and therefore C is also B), but to these elements that are required to form a coherent order of things. Whilst this analytical structure of proposition, articulation, designation and derivation is from Foucault's account of the way language functioned in the Classical era, the meaning of these terms was changed by the modern mode of knowing. The way that the modern mode of knowing changed the Classical general grammar was by destabilising the proposition and the articulation through

example, but more like a logical entity that required a proposition ('something is'), an articulation ('something is X'), a designation towards sources of positivity ('something is X because Y') and a derivation ('something is X, because Y, which means Z) to affirming an order of things. The next chapter will not focus on this primary analytical structure further, as it operates on the linguistic level and it is only a means, and not the ultimate aim, of the analysis. I will merely indicate this analytical structure, as the below example shows:

*Internationally it is a commonly accepted principle based on **national sovereignty** that a foreigner does not have an absolute right to arrive to a foreign country or to stay and work there. The immigration policy followed by the state can be determined by its own needs and national interests. (Finnish Government 13.06.2003)*

A dotted line is used under the assertion & proposition (i.e. *absolute right to arrive is not for foreigners*). **Designation** towards a discursive source of positivity (i.e. *the truthful discourse of national sovereignty*) is marked by bold text and the underlying derivation of discursive order (i.e. *that because of this immigration policies can be determined by national interest*) is marked by a double line.

Because the ultimate focus of this research is on the macro-level functioning of power/knowledge, in the governmentality, the linguistic and the immediate political context needs to be surpassed. The macro-level of making sense of immigration is accessed through the micro-level grid of dispersed and fragmented statements. The methodical aim is to allow the speakers to define the discourses themselves; thus the discourses studied here are not predefined and generic, but specific and particular to the discursive field itself: Nationalism, liberalism and multiculturalism are not treated as academic discourses, but approached through what is made of them in the Finnish context, i.e. as a discourse that can be used for various purposes, not knowledges that would inherently be something innate or limited in terms of academic histories or sociologies of thought. Nationalism, liberalism and multiculturalism are treated as tools of politics. Treating these isms in their commonsensical form allows us to strip the taken-for-granted nature out of these discourses and to highlight how they acquire meaning and lose it in relation to a state racist governmentality.

That is, the primary method allows for an analysis of how discourses are used as tools of politics. This allows for an analysis of the limiting and disciplining elements of discourse (Apperley 1997) and helps to chart the strategic operation of knowledge in this discursive formation (e.g. Haugaard 2002, 3). In practical terms, the primary method categorised statements based on the author, type of document in question, the year, the topics discussed, the objects subjectified, the discourses referred to, the

historicity, by imposing on designation the impossible function of affirming positivity and undermining derivation through the incessant requirement of epistemic vigilance.

discourses objected to, and the type of tactical inclusion/exclusions established (universal/particular) and based on what premises. This gives an inventory of statements from which statements under one type of discourse can be pulled out and then compared to each other. They can be assessed, for example, according to what other discourses they have referred to, what discourses they have objected to, what topics they have discussed and what kind of exclusions/inclusions they have created. The taken-for-granted, the contradictions, omissions, inconsistencies and silences emerging from the analysis started yielding a picture about where and how strategies of power/knowledge functioned to formulate the governmentality of immigration, and pinpointed how much these silences and contradictions relied on a taken-for-granted socio-evolutionary governmentality.

Consequently, in understanding how government functions, it is essential to understand its regimes of truth, its regimes of obliviousness, its regimes of problematization and the lack of thereof, its unquestioned assumptions and its agendas and non-agendas, because these in themselves already have power effects (Foucault 1978-79/2008, 12). In the momentary battles of politics, dispersed and inconsistent discourses are used as strategic tools in a game of Will to Power (Foucault 1976/1998, 101-102), and this is the focus also in this method and research: The primary method analyses what and how discourses are presented as truthful and the secondary method analyses the way that power constitutes and utilises truthful discourse to form rationalities and technologies of governing immigration.

In this chapter we have discussed the significance of knowledge to liberal governmentality and to its naturalising discourses of governing ourselves for socio-evolutionary progress. I have elaborated on the various tools of decentring this power/knowledge constellation and discussed how the actual discourse theoretical analysis was performed. Next I will describe how the power/knowledge game between the discourses of nationalism, liberalism and multiculturalism is played in the discursive formation around immigration in Finland. We shall do this by discussing how the various rationalities and technologies of governing immigration are discursively ordered by the Finnish government and parliament and examine these rationalities of governing in conjunction with the technologies of immigration control. This way we can formulate a picture of the apparatus of immigration control and its governmentality, which we shall then, later in Chapter 4, compare with the eugenic rationalities of governing immigration. Before doing this we shall look at the context of our example of immigration control, i.e. the Finnish immigration policy, more in-depth.

3. Governmentalities of Immigration: Racialised Rationalities and Technologies of Segregation

This chapter will present a practical analysis of the discursive formation around immigration in Finland. In doing this the chapter will chart the rationalities and technology of governing immigration by explicating how the discourses of nationalism, liberal and multiculturalism are used and how they function to define, include, exclude and silence the way that the governmentality of immigration is conceptualised. In doing this, we will keep in mind the tools of decentring explained in the previous chapter to point out how power/knowledge functions in practice. For governmentality studies, analysing the way power/knowledge functions necessarily includes analysing the technologies of governing, because technologies have their own rationalities and they should not be simplistically deduced from the explicit reasons given for them. Only by analysing both the rationalities and technology, can the silences and the scarcity of meaning be understood and the actual problematization of immigration illustrated. However, as was said before, at this conjunction I will not discuss eugenic immigration policy yet, but merely show the apparatus and its problematization of immigration. Before embarking on presenting the way immigration and immigrants are problematized by the state racist governmentality around immigration, I will contextualise this discussion through a short introduction to the Finnish immigration policy and its changes. Because this is not a study on policy *per se*, this introduction will necessarily be limited. The reader who is interested in the actual legislative changes as such can consult Appendix 1, which treats these changes more thoroughly and in a more chronological order.

3.1. Introducing Finnish Aliens' Policy 1990 onwards

Finnish immigration policy has been characterised as strict. Yet, the direction of the immigration policies is not singular in the sense that the policy functions at the cross-roads of many diverse requirements: those created by the EU, those by the international human rights conventions and then the general aim of immigration control. In general terms the focus of aliens' policy has changed over the years, not least because of its new found political salience in the 1990s (e.g. European Migration Network 2009). At this stage immigration policy entered the current framework of manipulating the 'push and pull' logic of immigration control. This was prompted partly by the increasing immigration and asylum seeking by Somalis and ex-Yugoslavians especially, but also the EC and EU memberships created a need to update the outdated immigration control regime overall.

Increased international and EU cooperation regarding human rights and immigration has impacted on Finnish aliens' policy. Already in the 1920s, international cooperation regarding refugees added a more

legalistic aspect to the treatment of foreigners (Leitzinger 2008b, 170-176), but the Cold War created different priorities in this regard. Finland joined the European Council (1989) and the European Union (1995), which is said to have resulted in a more pronounced impact of human rights thinking in Finnish domestic politics (e.g. Lepola 2000, ch. 6; Scheinin 1997). Before these memberships Finnish legislation was not in harmony with international human rights law in many aspects, most importantly in relation to the status of foreigners. Before the legislative changes of the mid-1990s foreigners had restricted rights, for example, to own property, to be employed or to function in certain occupations and capacities. Foreigners also had few, if any, civil and political or economic and social rights.

Many of the policy changes in Finland relate to these EU policies, but also international law has had its impact. Foreigners' political rights had already been extended in 1991 after the membership in the European Council and they would be extended further in 1995 with the accession to the European Union, especially for European citizens. With the 1995 basic rights reform the rights of foreigners were included in the constitution. All 'qualifying' residents now have the same social, political and economic rights as Finnish citizens—qualifying being the operative word—with limitations only on the right to enter the country and on voting rights (limited to local elections) (Finnish Government 17.12.1993; HE 309/1993). This speaks of a certain egalitarian ethos, or the power of equalitarian discourses in the Finnish political scene. Regardless, the policy aims has been more restrictive after the inclusion of social security rights for foreigners in the constitution in 1995 (the right to income support). Voting rights are restricted to local elections, but they include both the right to vote and to stand for election regardless of citizenship; that is, voting rights are not restricted only to EU citizens (Finnish Government 20.09.1991).³⁵ In general, it must be noted that the criteria based on which foreigners qualify for many of these basic rights is determined under normal and not constitutional law and can be altered by low-key legislative or administrative changes. The analysis of the changes will be elaborated on in Chapter 4.

As said, the Finnish immigration policy does not operate in a vacuum, but as part of the explicit political cooperation inside the European Union. EU cooperation on immigration policy was brought to the EU agenda by the Schengen Convention (1990), which abolished border controls between participating countries. The Amsterdam Treaty made asylum and immigration policy a part of increasing European

³⁵ There are, however, differences in how different nationalities are thought to merit voting rights. In 1991, there were discussions regarding the 'cultural criteria' and the time delay deemed appropriate before giving foreigners voting rights. In 1991 it was deemed appropriate that Nordic citizens would get voting rights after two years of residence (Scandinavian citizens have held this right since 1976) and others after four years. Although objections were voiced, the specific reference was to cultural differences (Finnish Parliament – Constitutional Law Committee 1991). In 1995, when Finland joined the European Union, these political rights were extended so that both Nordic and EU citizens get voting rights in local elections if they are resident in the municipality 51 days before elections. Other nationalities need to wait two years before being given the same rights (Finnish State 17.3.1995).

policy cooperation. During her EU Presidency in 1999, Finland placed immigration issues high on its policy agenda moving the common immigration policy process along at the Tampere Summit. This focus of common immigration control is an important goal of Finnish government also today. Since then EU immigration and asylum policy has first and foremost concentrated on common visa and asylum policy, illegal immigration and border and police cooperation with employment based immigration lagging behind. The EU gave rise to the Dublin Convention and the common multi-category visa system, which were adopted in Finland in 1997. The Schengen agreement was implemented in 2001.³⁶ The visa process was put under a common EU visa regime in 2010. This includes a common list of visa-requiring countries and partly common processes and requirements for visa application (individual decisions are still national although countries can outsource visa processing to outside companies instead of handling them in the embassies). EU cooperation also includes such policies as carrier sanctions, border control and finger printing practices, and common visa information system etc. The EU membership in itself, of course, has had an impact on immigration policy because of the free movement of EU nationals. EU immigration policy also includes provisions for third-country nationals that are long-term residents.

Since the 1990s Finnish aliens' policies have inhabited a place, in which liberal and national discourses battle. The Immigration Act already saw some important changes in the 1990s, but it was not until 2004 that the Aliens Act was comprehensively rewritten. This was largely a re-codification of earlier changes and decrees, but substantive changes were also made. The changes to the Aliens act are many, some are more liberal, others more restrictive. They relate both to the increasing immigration policy cooperation in the European Union and the European Convention related international law described above as well as to domestically motivated modifications to the Immigration Act. Especially the asylum system has been altered due to the influence by international law, by enlarging the rights and improving conditions for asylum seekers during their detention or stay in reception centres, as well as by including enhanced measures of legal protection. The situation of victims of human trafficking has been improved as well, legislatively at least. Besides the Dublin convention, the common EU immigration policy has also required changes to the categories of asylum recognised. Outside EU influence, the legislation has been changed so that asylum interviews are explicitly required to be conducted by the police and the family reunification rights of refugees have been disciplined in various ways, as shall be seen. The administrative regulations on handling asylum applications have been accelerated. Besides asylum policy, the status of those on student visas has been improved from the meagre rights originally granted

³⁶ With the Dublin Convention a principle of single asylum application inside the EU was created giving rise to the system of returning asylum seekers inside the EU to the first country of entry. Schengen agreement that abolished border controls between Schengen countries created a need for common visa policy. With the multiple visa categories, such as airport transfer and stop-over visas were created for controlling unwanted entry etc. of people in-between flight connections.

to them. The legislation on the entry of Ingrians, once created in 1996, has seen a pattern of tightening criteria. How these changes of the Immigration Act play out in practice, in relation to other regulations, will be explored deeper in this chapter.

Although this research does not focus on integration policies *per se*, rationalities of integration reflect in important ways the rationalities of immigration policy and documents and policy discussions have been included because of this. A comprehensive Act on the Integration of Immigrants and Reception of Asylum Seekers (henceforth Integration Act) was drafted in 1999 to replace decrees designed for quota refugee reception processes. This law contains the provisions for rights and duties, housing and benefits arranged for asylum seekers. The Integration Act was revamped in 2010 when benefits were reduced and integration measures enhanced. The Citizenship Act from 1968 was rewritten in 2003 and contained the new language skills requirement. These have been the main changes in alien's policies in Finland since 1999. Because understanding their underlying rationalities requires that these legislative changes are treated as a part of the wider apparatus of immigration that investigates the relations between discourses and laws and regulations, I shall not dwell on these changes any further (see Appendix 1 for further detail).

Before proceeding I want to make a note about the way I have chosen to identify the authors of the excerpts: Instead of individuals I quote the institutions they can be deemed to represent. This is, firstly out of respect for individual authors against whom my criticism is not aimed: knowledge is not an individual endeavour, but already to be able to speak or write in a manner that can be deemed acceptable in the context of official institutions, the speaker needs to designate towards discourses that are not of his/her own making. The source of positivity is common, not individual, as the anti-humanist point of (post-)structuralism asserts (also Doty 1996, 147). Whether the political parties would want to include all comments made by their representatives as officially part of their policy is not relevant here, at least the representatives have not been expelled because of their statements. Overall, the research here is not intended to reproduce the official party line,³⁷ but rather care has been taken to include statements from as wide a variety of actors as possible.

³⁷ Background to Finnish Party system and the aliens' policy orientation of various parties: Finland has a multiparty system with mainly 8 parties with seats in the unicameral Parliament (Fin. *Eduskunta*). The largest parties are the Social Democratic Party (Fin. *Sosiaalidemokraattinen puolue*), the National Coalition Party (Fin. *Kokoomus*) and the Centre Party (Fin. *Keskustapuolue*) all attracting similar levels of voters (around 20-24%). The National Coalition Party is a relatively right-wing, conservative, entrepreneur-focused party whereas the Centre Party is an agrarian party. The differences in policies between these three parties, in comparison to the political spectrum in other Western countries, are not huge. The country is run based on a general consensus of the need to maintain a functioning welfare state as well as to cater to economic growth. Hence, governments are most often formed by varying amalgamations of two of these three main parties. In addition there are 5 smaller parties some of which are also invited to form the government. The minority party, Swedish People's Party (Fin.

3.2. Rationalities of Governing Immigration: Segregationist Will of the People

We will now move onto discussing the way nationalism and liberalism have been employed to define immigration. We will first investigate the overall rationalities of immigration control and then investigate the rationalities embedded in the technologies of immigration control. Nationalism is the most commonly used discourse, in reference to which issues of immigration are discursively ordered in Finland (also Lepola 2000). I have framed the issue of nationalism as a rationality and technology of segregation, but limited its scope to situations in which the binary national/foreigner are employed. The fundamental rationality constituting the phenomenon of immigration is segregation or separation of nation-states, of territories and populations. Life creates migration, but states create 'immigration' and 'emigration'. Thus, analytically the trope of segregation is a tool of removing the taken-for-granted from the governmentality of immigration, of combatting the rendering technical as well as the designation of immigration control as nationalistic. The object of the following sections is to demonstrate how the limits of aliens' policy are discursively constituted, thereby highlighting the scarcity that is created in the power/knowledge constellation in order to explore the fundamental problematization of immigration in Chapter 4.

3.2.1. Power Games between Nationalism and Liberalism

Immigration questions the national order of things. The nationalist definition of the purpose of the state is linked via the Western democratic discourse to the preservation and promotion of the nation and its cultural, political and economic life. Immigration renders the purpose of the nation-state in doubt: Who does the state serve if not the nation? Immigration questions the scarcity of meaning that has been created around the mode of governing the population through nationalist discourses by imposing the question of multiculturalism and 'multi-racialism' on this power/knowledge constellation. The basic, underlying answer to this question posed by immigration is found in the power/knowledge game

Ruotsalainen kansanpuolue), has been in all the four governments formed since 1999. The Left Alliance (Fin. *Vasemmistoliitto*) and The Green League (Fin. *Vihreät*) have also participated in some governments, whereas inside the era under analysis (1999-2010), the Christian Democrats (Fin. *Kristillisdemokraattinen puolue*) and the True Finns (Fin. *Perussuomalaiset*) have not.

As said, the True Finns have the strongest nationalist/anti-immigrant discourse attracted 1-4% of the vote in parliamentary elections until in 2008 they gained some 9% in European Parliament elections and 19% in the 2011 Parliamentary elections reflecting a rise in anti-immigrant and anti-elitist sentiments in Finland. Besides their anti-immigration stance, their political agenda concentrates on equality for the marginalised in society. As a short comparison and characterisation of the immigration discourses of the other parties the following can be said: None of the other parties run on a strong anti-immigrant discourse, although based on the occasional comment one could be led to believe so. The three major parties have functioned based on an understanding that Finland will need immigrant labour to compensate for the shrinking labour force as the baby-boom generation is retiring. The National Coalition party focuses on attracting highly educated labour and the Centre Party has an interest in lower-skilled labour for seasonal work in agriculture. The Social Democratic Party and Left Alliance have a human rights oriented immigration and asylum policy and they stress equal contractual conditions for foreign workers to prevent competition from cheap labour. The Christian Democrats, The Swedish People's Party and the Green League also voice a human rights discourse with the Green League and the Swedish People's Party having a more pronounced multiculturalism discourse in comparison to others. (Also Keskinen 2009.)

between the universalising but particularist discourse of national sovereignty and the opposing universalising liberal cosmopolitan discourse.

*Internationally it is a commonly accepted principle based on **national sovereignty** that a foreigner does not have an absolute right to arrive to a foreign country or to stay and work there. The immigration policy followed by the state can be determined by its own needs and national interests. (Finnish Government 13.06.2003)³⁸*

*The basic principle is that Finland should adopt such a law, in which we Finns decide who comes here, from where, how many and based on what. That **is our right in our own country, we can put down these criteria and this is what we should do.** (Finnish Parliament 16.6.2003, True Finns MP)*

*But Mister Speaker, I fear that Minister Thors [of Migration and European Affairs] and her closest officials have an attitude problem regarding **groundless** asylum applications and in general regarding the speeding up of their processing. This attitude problem can be seen, for example, in such public statements in which they, that is the Minister and her officials, claim that the numbers of asylum seekers in Finland are not **large** when compared to Sweden or Norway or Denmark... Another such a public argument that in my opinion demonstrates a wrong attitude has been that we in Finland supposedly could not **influence the numbers of asylum seekers.** It is weird that Sweden and Norway for example have been able to influence these numbers. (Finnish Parliament 15.4.2009, National Coalition MP)*

In the context of immigration, sovereignty is attached to the territory, to the property of the land-owning people-nation (e.g. Wimmer and Glick Schiller 2002), that establishes a naturalised order of things, in which the race-nation has 'a right to immigration control'. This naturalised character of immigration control functions as the basic limiting and disciplining discourse of power that disciplines the rival cosmopolitan discourses that assert the universal right to free movement and a universal moral duty towards all human beings regardless of nationalist categorisations. As a discourse of power, the nationalist sovereignty discourse derives a discursive order that holds it positively paramount that 'the state's right' to determine aliens' policy sovereignly *should be exercised* (also Lepola 2000, 289). Immigration control is designated as an almost moral duty. When this moral duty is ignored, psychologism is used to discipline the 'distorted' knowledge that the number of asylum applications cannot be controlled. The universalising moral discourse of cosmopolitanism, which holds the earth a common good of the humanity and entails a morality of universal hospitality, is silenced. There should be no trespassing on the nation's private property, because the earth is not shared. Looking at this discursive order from the point of view of historicism, the cosmopolitan discursive orders have had much more impact. Cosmopolitan discourses were typical before the twentieth century, when the ossification

³⁸ As explained in Chapter 2, the method of analysis is pointed out here by the use of dotted line under the assertion & proposition, by writing text outlining the **discourse designated** towards in bold text, and by double underlining the discursive order derived.

NOTE: All other statements but those from the Government Immigration Policy Programme 2006 have been translated from Finnish to English and may reflect the inconsistent sentence structures of spoken Finnish.

of nation-states had not reached its peak. European, 'white' mass migrations were huge, although various attempts at migration control, both international and domestic, have a long history (e.g. Torpey 2000; Fahrmeir et al. 2003; Leitzinger 2008b). In light of this, the process of delegitimising people's movements has been long and effective, but not complete, as there is an evident need to discipline such cosmopolitan discourses.

This segregationist discursive order is very powerful, as its positivity is supported through all three basic epistemological means: fact (of territorially bordered countries), discourse (of sovereignty) and experience (of nation-state structures).³⁹ The common sense status of the moral duty of immigration control is paramount, but it has not reached a power status of unconditional, universal truth pinpointing towards the epistemological incongruity between particularist nationalism and universalist liberalism. In the power/knowledge constellations around immigration the universalising human rights discourse limits the power of the sovereignty discourse:

*Furthermore, the supporting arguments state that the **human rights conventions** that Finland is bound by are significant for the principle of proportionality in the application of the law. The Foreign Affairs Committee has in its report regarding the bill (UaVM 30/1990 vp) stated that this provision clarifies that decisions based on the Aliens Act will have to be consistent with the obligations under the conventions. (Finnish Government 13.06.2003)*

*The purpose of this Act is to secure the sustenance and care of asylum seekers, temporarily protected persons and victims of human trafficking and by respecting **basic rights to take into account European Union law and international conventions** that Finland is bound by. (Finnish State 30.12.2010, Integration Act 1§)*

The assertion above is that the state's hands are bound by the need to respect the provisions of human rights conventions when deciding on the entry of foreigners. The discursive order is derived around the rule of law and it asserts the truthfulness of human rights discourses over other (national) discourses. This discursive order does not wholly rely on a moral discourse, that would assert solidarity or that people need to be treated with respect, equally and humanely, but it is a legalistic discursive order that refers to legal obligations as something to be respected. Yet, human rights discourses enable powerful discursive tactics that allow the use of more ethical arguments in criticizing immigration policies and the decisions of the government and its agencies:

*Now and in the future in Finland we need to carry our responsibility for international humanitarian help and related work. We must always remember that **Finland and Finns have received help**,*

³⁹ Indeed, this discourse of segregation is considered to be a mark of 'progress' in the socio-evolutionary sense (e.g. Venn and Featherstone 2006). The modern nation-state with stationary populations and capacity for immigration control holds a very different socio-evolutionary status in comparison to, for example, states with 'nomadic' peoples or states incapable of asserting territorial control over their population. It is an interesting question how much globalisation and the developing ethos of free movement of labour shall change the power/knowledge constellation.

when it has been needed. This **humanitarian approach** must of course apply to the Aliens' Law [and] in such a way that we try to secure basic rights based on individual assessment for each asylum applicant. An essential factor in the humanitarian action and all immigration related questions is the attitude culture that largely reigns in Finland. Too easily we stigmatise asylum applications as ungrounded, even if they have their own strong basis. (Finnish Parliament 9.1.2003, Centre Party MP)

What does the level of protection look like in Finland? We can note that last year 93 persons were granted asylum, that is, they were deemed to fulfil the Geneva Convention's refugee criteria. This is the largest number that we have ever had, which to say the least is modest in comparison to, for example, France that granted asylum to 11 000 individuals last year. Regardless of the small number of those granted asylum, I am glad that the number is rising. Why? Because it is crucially important that Finland abides by the Geneva refugee convention. ... I hope that this changed amendment would reinforce this trend that more many an applicant is considered as fulfilling the refugee criteria. (Finnish Parliament 24.2.2009, Swedish People's Party MP)

In the opinion of the Constitutional Committee the simple interpretation that the family shall be reunited in the country where parents reside...is not in harmony with the Convention on children's rights... The Administrative Committee has overlooked these comments made by the Constitutional Committee and, to the contrary, affirmed the primacy of these problematic instructions for interpretation [of the law]. ... I do not accept this Committee statement. Also the human and basic rights principles...should have been taken into consideration. (Finnish Parliament - Administration Committee 10.2.2004, objection by the Left Alliance)

I think it is problematic that during this discussion, if not during the whole law drafting process, the fixation has been on accelerated removals, although it is very problematic that half of these [decisions] happen this way. One has to remember, for example, what human rights reports tell about the Slovakian Roma, whom have been regarded as if they self-evidently came here without any grounds that among them, among the women, are alarming numbers of women who have been sterilised. There are strong grounds for suspecting that some kind of **ethnic sterilisation** has been practised, so in my opinion it is not at all clear that there has not been any persecution. In this sense, it can be asked whether this kind of mechanical, accelerated process fits such large groups. (Finnish Parliament 16.6.2003, Swedish People's Party MP)

The statements posit a moral duty of protecting humans that is asserted as a universal discourse. These statements base their truthfulness on the discourses of international law and humanitarianism deriving their discursive orders by referring to liberal identity, progressiveness, responsibility and due legal process. The existence of practices of stigmatising asylum seekers, granting only small numbers of actual asylums (see Appendix 2), of insisting that family reunification should primarily happen in a third country, and unilaterally considering Roma asylum applications as ungrounded and applying the accelerated removal process to these cases are discursively ordered as reflecting a tendency to overlook human rights. These are not unique statements, but designations toward liberal and human rights discourses are many: all parties in one form or another assert their relevance—despite the conditional 'but' that eventually appears to discipline these liberal discourses.

If we compare these statements and the practice of asserting the truthfulness of liberal and human rights discourses to actual technologies of governing the picture is somewhat different. These

universalising objections have not been altogether successful, as shall be seen. Rather, the family reunification clauses have been tightened and the EU Roma have been further excluded from protection measures (see also Nordberg 2004).⁴⁰ Contrary to the above, on the whole, the primacy of human rights discourses has been heavily contested in the Parliament. What we find is a strategic game between the requirements of international law and the desire for immigration control, in which various liberal discourses are played against each other. This strategic game is a game that is played over the identity of those who can be granted the liberal right of immigrating. The government has framed its biopolitical concern over the diminishing work force and tax payer pool, as the baby boom generation retires, partly in terms of immigration policy. With all its risks, immigration policy is a potential solution to the population decline. Next, we will look into how this biopolitical worry of population decline functions in conjunction with the desire for immigration control.

3.2.2. Power Games between Liberal Discourses: The Will of the People

As said, this power/knowledge game of immigration control is not only conducted through opposing nationalist and liberal discourses, but liberalism in itself is a heterogeneous and multifarious discursive field and its various discourses are being played against each other. In the game of truth around immigration control, the liberal discourses of democracy can be used to discipline liberal discourses of human rights giving rise to discursive orders around 'The Will of the People':

*Hence, here I have to say that if there was a **referendum** on foreigners, **majority of Finns** would have a completely different view from the government and from many of the parliamentarians. In Sweden and other Nordic countries over 60 per cent of the citizens are dissatisfied with their countries' aliens' policies. (Finnish Parliament 16.6.2003, (True) Finns MP)*

These discursive orders function around identity politics: around the subjectification of the people. The assertion is that the people have completely different views on immigration policy in comparison to the government; that the people are against immigration or that the people's trust in asylum procedures is in jeopardy. Thus, it is not only a moral duty to practise immigration control, but it is a democratic requirement when the 'people's' government is against immigration. In a country with 19% support for the anti-immigrant (True) Finns in the Parliamentary elections of 2011, this discourse has come to acquire a certain factual base. But it was already well before the ascendance of (True) Finns that government texts and statements in the parliament designated towards the need of conducting

⁴⁰ Amendment in 2010 excluded EU and EEA citizens who apply for asylum from the asylum seeker reception system. The safe haven policy already dictates that EU citizens fall under the accelerated removal process meaning that their asylum applications are not considered in substance because EU and EEA countries are *a priori* considered 'safe countries'.

immigration policy in such a way that the people can trust in its control function—as later examples will evidence. Yet, at the same time, definitions of The Will of the People can be somewhat different:

*I want to participate in this conversation by saying that at least in my opinion Finns are fair and just and they accept such immigration that is based on clear **rules** that have been agreed on together and that is understandable, open and realistic (Finnish Parliament 15.4.2009, Social Democratic MP)*

*At the same time that I note that the Government has acknowledged the necessity of an active immigration policy in its programme, I also have to note that the attitudes of the Finnish towards the foreigners living in the country are positive. This is revealed by the poll conducted by the Population Research Institute of the Family Federation. Finns have a more positive attitude towards the quantity of foreigners than in Central Europe. Only one in four thinks that there are too many foreigners This is striking considering that Finns are more positive even when taking into account the proportion of foreigners in the population. ... Finns are worried about **the aging population** and two thirds accept that immigration is necessary because of this. Only one in ten oppose such immigration that is aimed at compensating for the aging population. (Finnish Minister of Migration and European Affairs 16.5.2007)*

This discursive battle over whether the people are 'anti-immigrant' or 'tolerant'—people are never subjectified as enthusiastically inviting foreigners in—is typical. Reflecting the need to affirm the truthfulness of these discursive orders through psychologism they often employ the ratio/emotion binary designating towards 'rational acceptance' of immigrants being needed and consequent management of 'fears' at a distance. But this rational management of fears rests on managed, controlled and predictable immigration policy: Silence is imposed over cosmopolitan discourses of open borders and over the fact that managing these fears requires the disciplining of human rights discourses, i.e. necessitates that a strict interpretation of human rights law is applied. Democracy makes immigration into a matter of controlled segregation, but this is not merely a segregation between the national and the foreigner, but the segregated are something else than those 'capable of compensating' for the reduction of the work force.

On the whole then, tolerance is achieved through discourses of management, through managing migration, not through, for example, discourses of equal worth, human rights or moral leadership. This is seen in the designations towards the technologies of control. The technologisation of immigration and integration discourses can partly be seen in the concept of 'the threshold of tolerance', above which the amount of foreigners becomes intolerable, underlying the discursive orders around the management of fears vs. rational acceptance. Besides its psychologism, i.e. its reliance on inherent intolerance in human psychology, the concept of the threshold of tolerance is made to function as a quasi-naturalised law, which asserts that there is a law-like maximum percentage of foreigners in neighbourhoods or the

country in general that, if crossed, is bound to cause anti-immigrant commotion (e.g. Blommaert and Verschueren 1998; Levene 2000; Laachir 2002; Dussel 2004):

*The qualitative and quantitative management of immigration is extremely important for the success of integration, for the stability of the labour markets, so that, for example, markets of illegal labour, of cheap labour, are not created. It is important from the viewpoint of **internal security**, and especially it is imperative for the **general acceptability of immigration** that the asylum system is not abused. (Finnish Parliament 15.4.2009, Social Democratic MP)*

*In Finland we have traditionally been understanding towards foreigners and we have tried to **combat racism** by education and information. Moderate and responsible aliens policy has kept peoples' attitudes relatively tolerant and permissive, but big sudden changes can increase racism and hostility towards especially economic refugees. (Finnish Parliament 16.6.2003, Left Alliance MP)*

*The Minister fears racism. Somehow it feels like this all happened so **quickly**, that too many people came in. And now they have been placed out there. Integration is not successful. It seems like these **chaotic situations** were kind of arranged for us, so that asylum seekers get agitated and then people get **agitated**. So I claim that if racist phenomena are created now, it in a way is the fault of an unskilled government that allowed this to happen. (Finnish Parliament 24.2.2009, (True) Finns MP)*

The previous discursive orders show how a threshold of tolerance is formulated as a matter of governing for democratic acceptability—so that it does not threaten internal security (which includes racist violence) and cause racism by creating chaos and agitation. The nation may be tolerant, but tolerance has its limits. 'To tolerate' means to stomach and to put up with something that is considered rather distasteful or unwelcome in larger quantities.⁴¹ This discourse then attempts to maintain a subjectification of the 'immigrant' as welcome to the country, but in small numbers. The organic notions of the natural laws of the population manifest themselves here. This technology of managing such 'volatile mixtures' subjectifies the Finnish and the immigrants as essentially 'aggressively reactive' towards each other once critical mass is achieved. There is a supposed systemic law in function. Thus, in this discursive order immigration policy is about numbers, and more specifically about the numbers of the 'reaction-creating' immigrants that function as catalysts. Whilst liberal governmentality normally is keen on governing desires, here the desires of the population are naturalised and marked as out of the reach. Naturalism asserts government that attempts to surpass the threshold of tolerance as 'too much government'.

If liberal governmentality partly functions based on the respect of naturalised laws, in immigration policy it is made essential that an organic balance of tolerance is maintained and the boiling point always kept

⁴¹ Goldberg, for example, has noted that the origins of Western conceptualisations of tolerance are in intra-Western forms of religious freedom. That is, "[r]acially configured others were invisible to the application of tolerance in large part" meaning "that tolerable difference was religious" (Goldberg 2002, 15).

in mind. The discursive orders produced based on this organic conceptualisation vary, but typically they assert rationalities of defending society and maintaining a homeostasis defined as 'social cohesion' or 'integration capability'. There is such a thing as 'too much tolerance'. 'Too much tolerance' is not solely a naturalising discourse that employs psychologism to defend its truthfulness, but also historicism is employed when conservative, nationalist discursive orders about 'the Finnish men who fought for our national independence' are brought out and the moral duty of defending the (liberal) national culture is asserted:

How many Finns need to die in the name of tolerance in one's own country? How many women need to be raped, because somebody understands only the culture of his fatherland? How many children need to fear to be sexually molested and abducted, although their grandparents gave their lives so that the future generations would not need to fear in their own country? That is, is pseudo-tolerance more important than the future of our children? (Finnish Parliament 16.6.2003, (True) Finns MP)

I understand the need, when I look at other European countries, that big mistakes have been made in alien policy and especially in the integration of refugees and migrants, and that Finns do not want to repeat these mistakes. We do not want a country with a large portion of people who have a very thin real connection to this common culture. (Finnish Parliament 9.1.2003, Green League MP)

*Now we live in the year 2011 and what is interesting [about the German immigration and integration policy] is what went wrong. What went wrong is that the multiculturalism that was attempted did not work, but **the effects** [of this failed policy] took twenty years to come to the surface. (Finnish Parliament 10.2.2011, Green League MP)*

*The speaker before referred to the discussions in German, and noted how multiculturalism did not work. This is a good point. We have to remember that if **a nation has its own value base, its own culture, own traditions**, then it is also better for the immigrant to live in this country. One should not imagine that artificial multiculturalism could be created, but different cultures can live together when everybody has their value base. We Finns require much **more self-esteem**, so that we could be **more Finnish**, when others would find it better to live here. (Finnish Parliament 10.2.2011, Centre Party MP)*

All these discursive orders about 'too much tolerance' assert the moral duty of defending society from unwanted foreigners with differing cultural values as well as from misguided, artificial multiculturalism. That is, multiculturalist discourses in Finland are disciplined both from nationalist and liberal point of view. The biopolitical impetus of managing immigrants—and the phenomena considered to be *caused* by immigration—is seen in the limits that are put on tolerance and human rights. Immigration control must not be guided by too much tolerance, but rather by the immigrant's envisioned capacity to integrate into 'the' Finnish culture. Although in principle, the Integration Act defines integration as a reciprocal process, this reciprocity never rises to an actual topic of discussion. At those rare occasions when reciprocity is mentioned, it is silenced into non-existence: The homeostasis has one direction. There is no substantial discussion about structural discrimination in the Finnish Parliament, but rather

tolerance and multiculturalism are affirmed as having been too much already. Historicism affirms that governments in Europe have failed to respect the naturalised laws governing and are in danger of doing this also in Finland.

Thus, immigration is conceptualised as a volatile mixture that makes society unstable. To defend against liberal objections against the necessity of governing immigration as a volatile mixture, liberal discourses themselves are again brought in to assert the limits of the liberal. If most parties, at one time or another, have affirmed the importance of human rights discourses, they, nevertheless, end up disciplining the primacy of this universalising discourse through a normalising discourse of management efficiency:

*In my opinion the solution starts from having the bar at the right height. Of course it needs to be set so that it fulfils all the **requirements of the European Union, United Nations and other international institutions**, but we can use **the room for manoeuvre** that for example Sweden has used. Thus, set the bar at the right height, make processing times speedier and add resources where they are needed. In this the MP... is right, in my opinion, when the process is speedy enough it creates savings in the reception centres, when processing is speedy it is also a more humane solution for asylum seekers and especially for those who do have just grounds for receiving asylum. (Finnish Parliament 15.4.2009, National Coalition MP)*

*In our opinion, the policy regarding asylum seekers has been streamlined lately when unnecessary cases waiting for decision for years have been weeded out by speedily denying entry immediately at the border. We think processing times should be shortened still so that nobody has to wait for the decision for longer than three months. Besides the **asylum seeker** him/herself, the biggest **sufferer** due to long processing times is the Finnish tax payer who in the end pays for all this. (Finnish Parliament 5.2.2003, (True) Finns MP)*

*Based on this it can be estimated that legal appeals [on asylum decisions] will not be reduced but, quite the opposite, this amendment will increase appeals to administrative courts. This risk is of course regrettable, because it always **delays, increases of cost, creates difficulties and such connections** [to people in Finland] that then are broken down, and after this questions of humaneness and human rights are close to being very seriously violated. (Finnish Parliament 9.1.2003, Christian Democrat MP)*

Governing immigration is assessed through the enterprise model, but the currency counted is not only money but also 'emotional suffering', which asylum seekers and the tax payer need to be protected from and which needs to be calculated on the minus side. The discursive orders use the liberal discourse of legal protection, that regards that judicial decisions should be given in due course, to assert a need for speedier processing.⁴² Not deciding on asylum speedily is formulated as compromising human rights.

⁴² The Finnish legal process is rather slow and may sometimes last for years. This has been criticised by international human rights courts relating to other legislative decisions. The criticism of the long legal process in case of applications to review the Immigration Services' decisions has mostly been domestic. It has to be noted here, that there is also a rationality of prolonging decision-making, as it may lead to asylum seekers leaving and giving up the process on their own accord. The law was also amended so that prolonging decisions can enable denial, if the permit/asylum cases of underage

Through psychologism, the moral becomes calculated through the efficiency of rejection. Denial has to be swift for it to be humane. In the cost-benefit calculation applied to government and to refugee policy, the benefits are few. Granting asylum is not given much currency:

*[T]he resources for integration have to go hand in hand with the need, but we can influence the need by what kind of refugee policy we practise. Therefore, it is very good that ...these pull factors have been reduced... [O]nly 15 per cent of immigrants have a background as **refugees or protected persons**, but often the discussion concentrates specifically on this group. If we do not succeed in immigration and integration policy, then the impact of this is reflected on the 85%, and we cannot afford this; that Finland is not seen as a good place to move to work and to study, because we shall need this kind of globalisation. We need experts, we need professional people, we need here people who, together with us, want to build this country, that is, these things go hand in hand. (Finnish Parliament 19.10.2010, National Coalition MP)*

When we talk about the so-called humanitarian immigration that is in practice about asylum seekers, then our policy in Finland should be that we take asylum seekers and their family members in quantities that we can succeed in integrating, i.e. by offering language training, even reading and writing skills training, offering job opportunities and a possibility for good life in Finland. ... There is no point in claiming that we cannot influence the number of asylum seekers and their family members arriving in Finland. We can influence those factors that constitute Finland as an attractive asylum application country. (Finnish Parliament 4.2.2011, National Coalition MP)

The above quotations highlight the power game between discourses of segregation and management and the discourses of human rights that disagree over the worthiness of asylum claims. In these discourses, the national interest is presented as efficiency and minimum resource wastage, which is made paramount (also Ibrahim 2005). The power game of truth is over whether the evaluation of asylum claims should be based on the truthfulness of the asylum claim itself or on a *priori* posited discourses of management and segregation. Because it is difficult to assert that asylum processing should not be managed as efficiently and cheaply as possible, the power game becomes a cost-benefit calculation on human rights: How much is the value of a refugee's security and the due legal process versus how much it costs? Further, how the cost is calculated is also relevant. When the cost of refugees is calculated against the assumed loss of the right kind of immigration, the value of the right to protection decreases even more. Already in 1913, the eugenicists assumed that "when the representatives of more backward countries...have once begun to come, the members of the more advanced races cease coming" (Fairchild 1913, 133).

applicants are decided only after they turn 18. The family reunification and asylum decision do not have to be based on the age at the time of application, but at the time decision.

As we have seen the rationality of segregating potential asylum seekers has become overpowering. Anti-liberal aspects of the asylum policy, such as detention and deportation methods, and the small numbers of asylums granted have been criticised in Parliament:

*I was left pondering about the comment [by the MP X] that we can take only such an amount of people [asylum seekers] here that we can afford to. ...Finland is one of the richest countries in the world. Tell me...what is the quantity that Finland can afford? **90% of world's refugees are in poor developing countries.** I assume that they can much less afford to have refugees than Finland. We should, if we wanted **in any proportional way to offer protection**, to have at least the Swedish levels, which would mean ten times more. Is this the quantity that you are after? I assume it is, as you referred to what we can afford. (Finnish Parliament 4.2.2011, National Coalition MP)*

The statements affirming the positivity of Finland affording more or that the burden Finland bears is not on a *par* with the burden some other states bear regularly have come up in the Parliament. Finnish law on granting asylum was widened in 2009 based on the EU directive on minimum standards of qualifying for asylum (2004/83/EC, Council of the European Union 29.4.2004), which has increased the number of asylum granted based on the need for protection. It is impossible to say, whether such an increase would have happened without the EU. The securitisation of asylum seeking in Finland has been rather successful and aliens' policy is increasingly geared towards protecting society from asylum seekers through other means, such as technologies employing market veridiction as shall be described in the next section. Also in Finland securitization has legitimised the use of sovereign power against asylum seekers (e.g. Edkins 2000; Darling 2009), although Finland has opposed EU plans for extra-territorial asylum applicant camps.

Hence, the circle comes around and returns back to asserting the truthfulness of problematizing immigration. Yet, the need to problematize is not self-evident, rather historicism shows that it is a political choice. Asylum seekers in Finland are nothing new, as Leitzinger asserts. During the early migrations, from early 1810s to 1920s, the distinction between a 'migrant' and a 'refugee' was not as clear cut as it is today: it made little impact on giving residence status whether a person had political, economic or other personal motivations for migrating. Before Finnish independence many immigrants simply stayed in the country with their original passports. Foreigners were simply logged into church population registries and thus nationalised without much ado. Instead of being recorded as refugees many foreigners were simply given aliens' passports—even during the Cold War. (Leitzinger 2008b.) A refugee status was added to the aliens' decree only in 1930 (Leitzinger 2008b, 301). Rather than, choosing to problematize asylum seeking through the technologies of increasing legalisation of the definitions of 'refugee' and 'illegal immigrant' is a rationality of immigration control typical of the post-

Cold War world.⁴³ Therefore, the selection of psychologism over historicism in politics, i.e. the designation of the discourses defending the naturalness of intolerance rather than the naturalisation of population movements and asylum seeking as true, clearly impacts the power/knowledge constellation. To assert, at this stage, that the difference is that the early refugees were from the 'near abroad', 'culturally similar' or 'integratable', merely highlights the naturalising logic of the volatile mixtures and its underlying racialising logic.

Besides the silence regarding the earlier numbers of refugees, comparisons to the higher European averages of asylum seekers and the foreign-born are also disciplined: immigration is a problem regardless of numbers. Since the early 1990s the number of independently arriving asylum seekers has increased to a few thousand a year, and the process of applying for asylum has been cemented. Yet, the numbers of favourable asylum decisions are still miniscule in comparison to the applications handled and granted in many other European countries. The number of 'actual' Geneva refugee statuses granted in 2000-2008 averages 1%, and temporary protection 11%. In addition to this, Finland accepts some 600-750 quota refugees under the UNHRC process. By year 2000, the Immigration Services reports having settled some 18.000 and by 2010 some 37.500 refugees including all types of refugees (i.e. quota and Geneva Convention defined refugees and those given temporary protection) and their family members. It was only in 2009 that the number of settled refugees surpassed the number of refugees in Finland in 1918. The fact that the numbers of foreigners, asylum seekers or refugees in Finland are well below the average in EU, does not take away the fact that immigration is conceived as a problem. The average number of asylum applications in the EU is 13.092 and in Finland 2.249 (between 1999 and 2007), but this does nothing to the need to perceive these numbers as problematic. If we compare the size of the economy and the size of the population to the number of asylum applications inside the EU, Finland is below average also in this sense (see Appendix 2): Nevertheless, the implicit assertion is that the money always could have been used for 'better' purposes than the asylum process. If anything, indeed the lesson learned is that the numbers should stay small:

"One must take a very serious attitude towards foreigners coming to Finland. In Central Europe it is a big problem because the proportion of foreigners is much larger than ours." (Finnish Parliament 5.6.2002, Social Democratic MP)

⁴³ Balibar talks about the role of human rights and refugee policy in contemporary politics and compares it to the international political scene of its ascendance: The refugee system was not only created as an act of remorse after the Second World War and Nazi atrocities, but also the Cold War and the atrocities of some Communist regimes played a part in its legitimisation. During the Cold War "the right of asylum was used as a weapon in the ideological struggle" (Balibar 2002, 80). The political function of the right to asylum is more limited today and does not have the same political currency as during the Cold War, except in the case of such countries as China or Russia. This lack of political currency in international relations also contributes towards the problematization of asylum today.

*“With globalisation the number of immigrants will grow somewhat in Finland, but this new, this Aliens Act presented to us **still does not make Finland into a destination country of migrants**, like most of the European countries have been already for decades. [...] The bill, anyhow, has been written from the point of view that neither in the future shall Finland be a destination for migrants.” (Finnish Parliament 9.1.2003, Left Alliance MP)*

*On the other hand, what has been brought up here is also important: we should evaluate Finland’s attitude toward immigrants and immigration policies in general. It is right that Finland should not become such a country that lets in just about anybody based on looser criteria than other European countries, and also we need to be able to **prevent the entry of people** who come with different criminal or other purposes. (Finnish Parliament 15.4.2009, Centre Party MP) (Finnish Parliament 15.4.2009)*

*[The bill is objected to] because on the whole in the bill, despite the focused alterations of the committee, the grounds for protection are widened unreasonably above the EU minimum directive, the future practices of immigration will become too ambiguous and loose in comparison with many other countries in which the aim has been to **limit immigration**. (Finnish Parliament - Administration Committee 12.12.2008, objection by (True) Finns) (Finnish Parliament - Administration Committee 12.12.2008)*

In these quotes, the designation is towards the discourse of problematic immigration that asserts that migrant ‘flows’ towards Finland are a bad thing and should be controlled. Society needs to be defended from immigration. In the cost-benefit calculations, the success of the enterprise of immigration policy is judged as a capacity of not making Finland into a country of immigration. The benefit is exclusion.

Hence, we have seen how the liberal governmentality of defending society overruns moral discourses of liberalism. The empirico-transcendental doublet knows the discourse of immigration restriction to be true. Although the status of foreigners in Finland has moved in a more liberal direction especially since the 1990s, when the introduction of basic rights and the legal right to challenge administrative decisions was gradually extended to cover foreigners. This extension, however, has also been problematized. Since then the overall pattern has been to improve the technologies of control and exclusion. When the discourses of cosmopolitanism have been silenced and de-naturalised, the problematization of immigration has been defined as being a question of who is and who is not let in and based on what. Because of this, it is pertinent to start looking at not just the discourses around immigration, but the technologies of immigration control designed to implement this rationality of defending society.

3.3. Rationalities of Segregation and Technologies of Immigration Control

In the following subsections I will discuss the immigration apparatus and the various technologies through which the moral duty of immigration control is envisioned to be carried out. The technologies of the immigration apparatus extend from visa requirements to granting citizenship, and they explicate the kind of immigration that must be controlled, as well as that which need not. Before embarking on

discussing these technologies, it must be remembered that these technologies are offered as tools by the state: Whether and how these tools are utilised in individual cases by government officials cannot be assessed through this method—although the basic principle is, of course, that the law and governmental instructions of their application should be followed. The next subsections will explicate what kinds of rationalities the laws and regulations contain.

3.3.1. Technologies of Human Pedigree: 'Whitest'-'White'-'Dark'-'Darker'

The borders of the territory are “polysemic” and have different meaning for different people (Balibar 2002, 81-82). The denial of the cosmopolitan right to a shared earth is not a universal denial. In order to understand the rationalities of immigration control it is necessary to investigate the simultaneous existence and non-existence of the border for different types of people. The visa regime is the first technology through which the polysemy is established. The visa regime started to be used as a control mechanism in situations, in which it was deemed that the society needed to be defended against the ‘threat’ of refugee flows. In the Scandinavian context, this had already been seen during the Jewish refugee movement in the 1930s, when visas and entry for Jewish refugees were denied. Using the visa regime as a technology of prevention became the prominent response to refugee flows in the mid-1970s (e.g. Torpey 2000; Leitzinger 2008b, 475). Today the United Nations Development Programme has defined refugees as a threat, that is “the populations that are at risk...themselves...are seen as threatening” (Ibrahim 2005, 169).

The current visa regime relates to the passport control free Schengen area and functions based on the Schengen-wide cooperative platform that includes a common visa requirement policy and visa application process. In this sense, the regulations analysed here are not particularly Finnish.⁴⁴ Next I will take a look at the content of the visa requirement policy by cross-tabulating the visa requirements based on the ‘racial’, religio-cultural⁴⁵ stereotypes and wealth of the various countries, to investigate the

⁴⁴ The Schengen Convention and its visa regulations have been applied in Finland since 25 March 2001, but when the pre-Schengen regulations (based on the Finlex international treaties information, www.finlex.fi) are compared to the Schengen era regulations, the picture is similar, but somewhat less pronounced. The comparison is complicated by the varying timelines of when visa free arrangements were established and when abolished. In terms of race, no non-Christian and ‘black’ country was ever steadily in the visa free category, whereas the white Western countries were 100% already included in the visa free arrangements before the EU and Schengen. The pre-Schengen figure for Muslim countries that required visas was somewhat less, 78% against 95% in Schengen, but in reality only 2 Muslim countries (Turkey and Malaysia) constantly were not required visas—most other countries had visa-free entry rights only for a number of years. (See Appendix 3 for more information.)

⁴⁵ The categorisation into religions was based on the majority religion in each country. I utilised rough religio-cultural groupings that are there to mark a distance from Western Christianity rather than aiming at staying true to the exact religious power balance in any particular country. Where no majority religion could be established I used the main religious groups and ‘divided’ such countries adding a half point or one-third to the relevant categories. That is, if a country was fifty-

polysemic nature of the border. The power/knowledge constellation around the visa regime designates those that are entitled to cosmopolitan rights and those that are not. (More information regarding the 'racial' and religio-cultural categories used in this analysis is in Appendix 3, the charts and the correlations can be found in Appendix 2.)

The knowledges informing the technologies of immigration reflect a truth game between human equality and human pedigree. The visa requirement of 'Western Christian whites' from outside the EU is 0%. Hence Americans, Canadians, Australians, New Zealanders and the rest of nationals from 'Western European' countries, including all the non-Schengen ones, have visa-free access to Finland and the Schengen area, whereas the neighbouring Russians do not. The exclusion of Eastern European countries from the visa-free regime cannot be separated from political history, but it cannot be held as the sole factor influencing the visa requirement for Eastern European nationals either.

Historically, 'intra-white' prejudices have been common and especially in Finland these notions had important societal aspects and these aspects still play a role in contemporary discussions and 'prejudices'.⁴⁶ Hence, I have kept the notion of 'Western white' and 'Eastern white' in these categorisations, mainly because in the pre-Schengen visa regulations the tendency toward preferring 'Western white' was evident, even if Finland was officially a neutral country in relation to the Cold War divide. The assertion here is that the traditional differentiation of degrees of whiteness or Western-ness, still functions, and the EU can be regarded as a process of 'whitening' for Southern and/or Eastern European countries. Whiteness was never a category uniformly applied to those phenotypically 'white', but whiteness was a matter of degree (Bonnett 1998, 322). We will return to this question of whiteness and its attributes in the next chapters. Using this categorisation without regard to EU membership, out of the 'Eastern European white' countries 39% require visas to enter the Schengen area. Yet 75% of these countries are under visa facilitation agreements, which means that visas are not required for all people, in all circumstances or are granted for reduced fees. If we ignore this intra-white differentiation, the number of 'white' countries under visa requirement would be 18%, making the impact of 'race' even more pronounced.

fifty Muslim and Christian, the country was added as half points (0.5 and 0.5) to both categories. As with 'race', also these religio-cultural categories reflect Western prejudices, not reality.

⁴⁶ These historical factors relate to the colonial past under Sweden and Russia until 1917. Under the Swedish rule the aristocracy and the upper classes were often Swedish and remained Swedish-speaking despite the golden era of Finnish nationalism that took hold of the Swedish-speaking upper class before Finnish independence from Russian rule. The Finnish prejudices against Russians are prominent (Puuronen 2011), but in terms of immigration policy, it cannot be said that the rhetoric towards Eastern European EU members, for example, would be uniformly prejudiced. Rather, Eastern Europeans are often designated as the coveted, 'culturally close' type of immigrants.

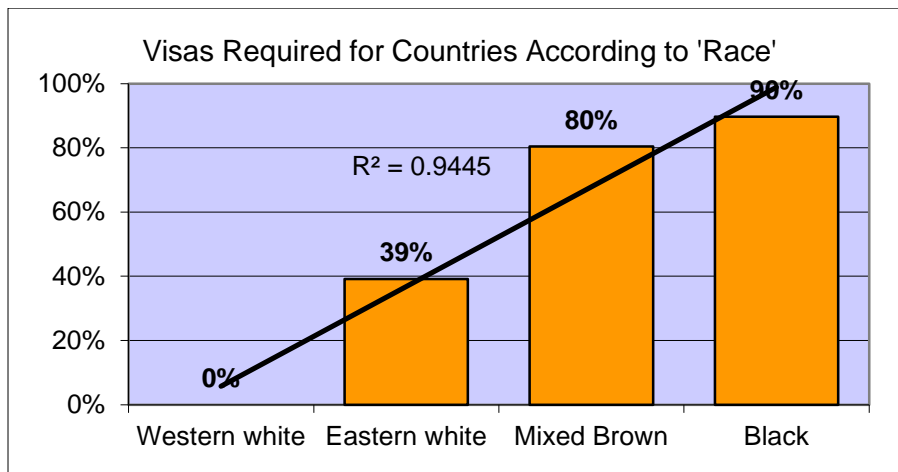


Chart F. Visas required for Countries According to 'Race'

The rationality of the human pedigree becomes clearer when looking beyond 'whiteness' (see Chart F). Of countries with populations of 'mixed brown' skin colour 80% require visas to enter Schengen and of those with 'black' populations 90%. A similar pedigree was visible in the Finnish, pre-Schengen visa system, but the corresponding percentages were 0%-46%-63%-69%. That is, even if more 'darker' countries had at some point enjoyed visa-free entry, the correlation nevertheless remained linear (see Appendix 2). Hence, the pedigree in terms of visa regulations and phenotypical 'race' is clear: The rationality of requiring runs along a pedigree of "whitest'-'white'-'dark'-'darker' with the 'darker' being the most likely to require visas.

When adding the religio-cultural factor, the picture remains similar: 49% of all Christian countries are under visa requirements. In the case of other broad religio-cultural groups 84% of Buddhist (including other 'Asian' religions and Hinduism) and 95% of Muslim countries have visa requirements in place. Cross-tabulating race and religio-cultural categories tells us that, if you are 'dark' or 'darker' it helps to be Christian, but if you happen to be 'black' and Muslim, then the visa requirement is 100% (see Appendix 2). Instead of a discursive order of human equality, one rather sees a particularizing rationality of a human pedigree that governs the movement of people through the visa regime.

Hence, we can see that the segregationist human pedigree discourse overpowers the discourse of equality when it comes to technologies of allowing easy access to Schengen. The visa regulations have very practical consequences for people trying to look for a job or to apply for asylum in Finland or Schengen. This has not gone without criticism in the European or Finnish Parliaments, but overall the near silence regarding the visa regime and its already existing human pedigree is deafening. Equality is not universal; some are more equal than others.

3.3.2. Sovereign Technologies of Segregation: The Sieve of Obedience

The discourse of human pedigree also impacts the techniques of deciding who has the right to visit and based on what criteria. The criteria of granting visas are imposed only on nationals of countries that require visas—93% of which have either phenotypically ‘mixed brown’ or ‘black’ populations and 92% of which profess Islam or one of the ‘Asian’ religions (Buddhism, Hinduism etc.).⁴⁷ This vetting process examines the ‘less worthy’ traveller’s motivation to come and more importantly to return designating towards discourses of segregation:

*It’s a wonder that in Europe, the United States, Australia and Japan, where I have also lived myself, when you come into these countries one needs to have **a return ticket** before getting into the country. Finnish Police...uses 40 million euros for nothing, to take those back who are under accelerated deportation orders and who do not have a return ticket to where they came from. Such a regulation should be justified, because it is in proportion with the measures by other countries and it has been accepted by the UN, and it should be applied also in Finland. (Finnish Parliament 16.6.2003, (True) Finns MP)*

Nowadays, as a starting principle, visas are not granted to potential immigrants, except to ECC citizens’ family members. (Finnish Government 13.06.2003HE 28/2003)

The currently valid visa regulations have been consistently read so that a foreigner whose aspiration is to stay in the country after the visit, has to apply for a residence permit instead of a visa before coming to the country. If such an aspiration surfaces during the visa processing, the applicant is not normally given a visa. (Ibid.)

According to the currently valid administrative procedure, when considering granting residence permit for applicants in Finland besides regular criterion, the original purpose of coming to the country is taken into account. If a foreigner has, for example, come to the country on a visa granted for a visit, he/she has been deemed to have given wrong information at the time of visa application, if he/she applies for a residence permit shortly after coming to the country. A visa is granted only for short term tourism or other comparable short-term stay. (Ibid.)

*Granting of a visa for a person who has a residence permit application in process, is considered case by case taking into consideration the overall situation. A visa can be granted to a person...if there is no reason to suspect that a person would refuse to leave the country after the visa expires. An existing job contract, a nuclear family living abroad and the expenses of returning in comparison with the **income level** are reasonable have been considered as **signs for a positive approach towards return.** Visas have been generally granted for those living in the near abroad, even if the person has a residence permit application under way. (Ibid.)*

*As a general basis of assessment according to the consulate handbook, the visa judgement takes into account the security of the Schengen countries, the prevention of illegal immigration, as well as other aspects relating to international relations. According to the handbook, **depending on the country of departure**, the above mentioned viewpoints can vary. Thus in some countries of departure, for example, the prevention of illegal immigration will be emphasised. (Ibid.)*

⁴⁷ The pre-Schengen regulations in Finland required visas for 84% of non-Christian countries and around 89% of non-white countries (those countries that had at some point been allowed visa-free entry were divided half-and-half into both categories of visa-free/visas required).

In the above statements the validity and positivity of the discursive order on meriting visas for those who express a wish to immigrate is asserted in different ways. Permit applicants from visa-requiring countries reflecting a human pedigree are, thus, systematically subjected to the above mentioned criteria of 'aspiration to stay' or 'willingness to leave the country'. There is a rationality, which allows the essentialisation of suspicion: some nationals are more likely to resist the technologies of segregation. The way the 'prevention of illegal immigration' discourse is used subjectifies certain nationals as more undesirable, even if illegal immigration is rather a 'white' problem in Finland. If the statistics on immigration offences in 2005-2009 are categorised based on the country of origin of the 'criminal', some 57% of those convicted are 'white' (see Appendix 2). When looking at the visa granting tendencies, it becomes evident that visas are more often denied in those embassies whose location indicates a darker phenotype of visa applicants,⁴⁸ and the same applies to residence permit applications,⁴⁹ as will be seen in the next chapter.

The general grounds for granting visas and residence permits both in the EU and Finland include the requirement that the applicant cannot be deemed to be circumventing regulations of entry or stay. Before recent changes,⁵⁰ the criteria of 'aspiration to stay' or 'willingness to leave the country' were not imposed on those who were not required visas and, hence, they were free to come for three months and attempt to fulfil the criteria for acquiring a residence permit through, for example, applying for jobs, attending job interviews or university entrance exams etc. Their residence or citizenship permit applications would never be considered against giving misleading information about their intention to stay in visa applications. But the visa-requiring person's chances in life are disciplined, on the other hand, by requirements to demonstrate the tickets of return, travel agendas, accommodation

⁴⁸ The statistics on granting visas based on phenotype are not sound in the sense that the applicant's nationality is not recorded by the Finnish embassies, but only the embassy in which the visa application has been made. What is known for sure is that these applicants are not nationals of 'Western white' countries. If we exclude the visa applications logged in Russia (because of their huge amount in comparison to the rest of visa applications), the average refusal rate is 7%. However, in Muslim countries the refusal rate is 18% and in African countries 15%. See Appendix 2 for more information.

⁴⁹ The average denial rate for residence permit applications according to the Immigration Services Statistics is 14%. Looking at the Top-10 countries from which applicants have come, the average denial percentage for the citizens of the United States is 2% and for Afghan and Somali citizens the denial rate is over 40%. These figures shall be discussed further in section 4.3.1.

⁵⁰ The EU border control directive (2006/562/EC, European Parliament and Council of the European Union 15.3.2006) has tightened the practices at the outside borders of the EU and today all non-EU foreigners, unless carrying an EU family member's residence permit, are more systematically checked for reasons to visit and legally available funds for the duration of the visit, as well as for health and safety hazards or foreign policy risks of any member state. Before this EU directive, the border checks were carried out through spot checks or 'where reasons for suspicion arose' and border guards had been instructed to avoid racial profiling in checking practices. Third-country nationals are also systematically checked at exit from the EU to ascertain that their stay had been legal and that they left inside the timelines required. Besides the increasing securitisation of immigration, stricter border control is also being rendered technical, made into a matter of common-sense and effectiveness of checking obedience, and evidence of an impetus of governing mobile populations, which is a concern in itself (Salter 2006).

documentation, tourist trip bookings, tickets to shows or conferences and letters of invitation, job contracts at home and account for family relations at home to prove that the trip is not an attempt to immigrate in disguise (Salter 2006). The visa-requiring traveller is here subjectified as a non-desirable and should not nurture ideas of immigrating.

The discursive order arising from the previous quotes regarding the visa-requiring foreigner is one that seeks reasons for rejecting the application to enter or stay: Suspicion—not innocence before proven guilty—is enough to deny entry (Salter 2006, 172). When proof is not systematically required, suspicion may not amount to much more than prejudice, although liberal discourses of due process are increasingly being applied also to visa applications. Nevertheless, the imperative to prevent the conditions of permanent entry from arising (through finding a job, a study place and/or a partner whilst on tourist visa) for those who are of the 'wrong' phenotype or religion, is still pivotal. The tautological circle aimed at the less deserving and less equal—in which a visa will not be given, if one wishes to stay, and a residence permit will not be given, if one has not already achieved the means to stay (i.e. in practice have harboured a desire to stay)—rather expects the less deserving to accept and act in accordance with the subjectification of inequality. It is telling whose pursuit of happiness is accepted and whose not. The muteness around the technology of visa requirements is loud. It appears common sense.

There are other technologies to complicate the entry of undesirable foreigners, such as the technology of limiting the application countries, in which visa and residence permit applications for third-country-nationals (TCNs, i.e. non-EU or EEA citizens) can be submitted. The first visa and residence permits need to be in principle applied for outside Finland—for those who need them. Nordic and EU citizens can merely register their residence. Those who qualify for making residence permit applications in Finland are qualifying family members of Finnish citizens, those who have Finnish ancestry, qualifying family members of EU citizens, have EU long-term residence permits (since 2007), have EU permits for scientific researchers (since 2009) or have highly qualified employees' EU Blue cards (since 2012). That is, what we have here are the main categories of privilege: those who are professionally, biologically, or culturally desirable and those who have established rights based on family relation or long-term residence. Since 1999 the regulations regarding Finnish ancestry have implications for naturalised citizens in the sense that their adult off-spring do not have the same rights of gaining residency as the children of native Finns have, even if their parents had given up Finnish citizenship, because what has since been required is not citizenship but nativity. Exceptions can be made to rules regulating where residence permits are applied most importantly on the basis of established family relations or gaining employment, but racialised visa requirements have an impact on the ability to arrive in Finland without

residence permits. Overall, the aim is to keep the (visa-requiring) foreigners out until the worth of their claim has been vetted. In comparison, however, in the case of the asylum applications the logic is the opposite: Asylum claims need to be filed in Finland and only in Finland. The primacy of defending society is asserted by making it as hard as possible for asylum seekers and those not desired to arrive (Morris 1998, 952-953).

The EU technology of airport transit visas adds another hurdle to travellers from countries where many asylum seekers or 'illegal immigrants' are coming from—and as such constitutes an important part of securitised technologies of segregation, to which many have drawn attention (e.g. Bigo 2002; Lippert and O'Connor 2003; Salter 2007; Chalfin 2008; Adey 2009). The airport transit visas are required from the nationals of Afghanistan, Bangladesh, Eritrea, Ethiopia, Ghana, Iraq, Iran, the Democratic Republic of Congo, Nigeria, Pakistan, Somalia and Sri Lanka and other countries wherefrom 'illegal immigration' is likely to come (2009/810/EC, European Parliament and Council of the European Economic Community 13.7.2009), i.e. from where there is known to be political persecution and wherefrom asylum seekers are likely to originate. The airport visa regime speaks of extreme securitization of asylum seeking and testifies to the rationality of making it as difficult as possible for 'aspiring immigrants' to reach Finland and Schengen by vetting the 'likely-to-be-asylum-seekers' before they are allowed to set foot in the international area of EU airports, where asylum applications can be made. "[T]he porosity or penetrability of the airport is different for different categories of travelers" (Salter 2007, 52). The airport transit visa-requiring traveller needs a permit to be 'nowhere'.⁵¹

The primacy of the discourse of segregation to the governmentality of the technologies of immigration is further evidenced by harnessing the logic of capitalism to guard the national sphere of privilege: Carrier sanctions, which Finland supported also on the EU level (Finnish Government 2.11.2000), have been successfully implemented to prevent transportation companies from bringing in visa-requiring travellers without pre-obtained permits, unless the carrier chooses to take the risk of being fined 3.000 € per person or possibly charged with organizing illegal immigration.⁵² In principle, the sanctions are later

⁵¹ Where the borders of the country are drawn and where the power to deny entry is placed is a complex issue best seen at the airport. This 'international' sphere is both filled with and void of meaning at the same time. Whereas others require permits to transit the zone, for those whose visas are cancelled or entry is denied arriving to this zone does not constitute entering the country. As a government bill explains: "In current practice the regulations regarding cancellation [of visa or residence permit] is interpreted so that a person undergoing border control procedures is not considered to have arrived in the country" (Finnish Government 13.06.2003f). The sovereignty discourse creates spheres of existence that suspend people and their opportunities in the air.

⁵² As such, the logic of this EU regulation is nothing new. Carriers have been held responsible for taking those denied entry back and paying for their expenses in Finland since 1983. The 1991 Aliens' Law already required carriers to pay for the costs of removing travellers who had slipped from the carrier without the required documents for entry. This included paying for administrative cost. In 1993 bringing in people without documents was criminalised and carriers could face charges of arranging illegal immigration and lose the vehicle in question to the state. A clause of no consequence was

cancelled, if the person obtains asylum, but as Boutruche has noted, the customer service agent of the carrier is unlikely to be able to assess the legitimacy of an asylum applicant's claim in a matter of minutes, when it takes legally trained lawyers weeks, if not years, to decide on asylum applications (Boutruche 2003, 78-79). "Asylum, in other words, has come to be treated, to all intents and purposes, as a loophole to be closed, rather than as a right to be protected" (Turton and González 2003, 13). 'True' asylum seekers, of course, are welcome and they should be protected, the Finnish parties assert, but remain silent about how these 'true' asylum seekers are supposed to reach Finland (because they are not).

Further technologies of preventing asylum seekers from gaining asylum, such as the safe haven policy, the Dublin protocol⁵³ and cooperative schemes with countries bordering the EU, of which Finland has been a keen supporter, are employed and especially designed to combat the arrival of 'economic refugees'. The function of the entry interviews for asylum seekers, as a technology of the police, is to elicit confessions regarding transit routes (e.g. Salter 2006). The asylum seeker's cooperation (or lack of it) is taken into account when considering the validity of the asylum application and later permits. If the asylum seeker has arrived through another foreign country, which is a party to the UN Refugee Convention and mostly considered to be safe, the policy of safe havens dictates that the applicant be returned to this country without examining the asylum application.⁵⁴ The Dublin convention attempts to achieve the same in the EU by aiming to implement a rule of one asylum application in the EU. Safety is

included, if these acts were motivated by safety considerations. Today, the person or the carrier arranging for entry is not penalised, if the person(s) obtain refugee status. This fundamentally hypocritical policy of visa requirements and criminalisation has been tested in practice in Finland, by a Finnish person, who 'smuggled' 22 Chechen asylum seekers into Finland most of whom had obtained asylum. The man was nevertheless charged with arranging illegal entry. The court initially found him not guilty, but the prosecutor appealed and the Appellate Court found him guilty. He was given a four-month suspended sentence and his appeal to the Supreme Court was rejected.

⁵³ The Dublin Convention in general refers to the regulations preventing double asylum applications inside the EU and the principle of pinpointing the responsibility for handling the asylum request on one Member State. The Dublin II regulations are a further specification into the procedures of determining the responsible Member State. The policy is highly controversial, because it does not, for example, guarantee that an asylum application will be considered fairly, but just dictates the state that is responsible for logging the asylum request, and this according to many sources is not even a fair system. The Member States themselves do not always agree on who is responsible for the applications, and not all requests to return applicants to other EU countries are successful. The practice is said to hamper asylum seekers' legal rights and to compromise the right to protection. For more information on criticism of the Dublin system see for example ECRE and UNHRC (e.g. ECRE 1.12.2001; UNHRC 2006).

⁵⁴ It has to be noted that according to reports people are rarely returned to non-EU countries to apply for asylum. (The application of the safe haven policy is dependent on established transit routes and intermittent stops when the applicant has used legal means of transit.) Rather, most asylum applicants are returned to safe countries of origin or to other EU countries under the Dublin Convention arrangements. This does not mean that these options would not be a desired way to proceed, but that ascertaining safety according to international regulations may be more complicated than desired. For example, in 2010 some Afghan asylum seekers had managed to walk across the Finnish-Russian border, and the officials publicly made comments about whether to return these people to Russia to apply for asylum. In 1991 when the first Somali refugees arrived in Finland via the Soviet Union, the official attempt was to send these people back to Moscow.

the only thing that the asylum seeker is legitimately allowed to seek. Dire need is how a true refugee is recognised:

*The central function of the Aliens Law is to weed the economic refugees out from **those who seek asylum and residence permits risking their lives**. Finland has a certain moral duty as a safe country to **help those persecuted and in danger**. But those that come to Finland from a safe country with a hope of a better living standard should be sent back to their countries. (Finnish Parliament 16.6.2003, Left Alliance MP)*

*Investigating the motive of people who come here is not altogether wrong either; people come here for different reasons. Of course there are many who come here in order **to profit from the higher living standards and our social security**. But for this there are then those procedures that evaluate the motivation of coming to Finland. For **a real refugee we need to secure the possibility of living here and avoiding persecution in his own country**, but it is evidently clear that in these situations, in which the accelerated removal is currently applied, there is no such motive for protection, no need of protection, so we need a system through which to decide quickly these issues, because it causes great suffering for these people themselves if they have to wait months or years in Finland and then will need to leave when the situation has been clear from the start anyway. (Finnish Parliament 16.6.2003, National Coalition MP)*

*It is in everybody's interest that **clearly groundless asylum applicants** could be denied entry as soon as possible already at the airport or other border crossing. These asylum seekers have already in their countries been misled and they have lost large sums of money on the trip. Such a message should not go out from Finland that the law and practice here deviate from asylum procedures in other European countries in a way that asylum seekers would systematically make their way to Finland. Amendment of the law could **prevent abuse of our asylum system**. (Finnish Parliament - Administration Committee 10.2.2004, objection by the National Coalition)*

*Such asylum seekers who have possibly already received one or more negative asylum decisions from elsewhere in Europe or who think **their chances there are lean**, can come and try their chances in Finland. This is something that has been much discussed in the EU Council of Ministers, that there should be similar criteria, and there should be no differences in pull factors between countries in this sense. It is neither in our interest. Too liberal an asylum practice can very quickly be seen in problems, that we here will be able to discuss quite a lot. This is related to rather long processing times, as I mentioned earlier, and to the rather good benefits and rights according to European yardsticks. These on their part would increase the attractiveness in the eyes of those applicants, for whom **a negative decision is a likely end result**. (Finnish Minister of the Interior 16.6.2003)*

The assumption is that, if the asylum seekers are seeking safety, the first safe country should suffice. That is, selfish reasons such as economic reasons or considerations of chances of success for the application due to differing asylum policies should not play a part in selecting the country in which the asylum application is filed. The accelerated process of denying asylum subjectifies the legitimate refugee as one 'in dire need', as one who is running away from persecution and who is happy at the first place of safety, wherever one happens to dock or land, regardless of what his/her chances of pursuing his/her happiness in the longer term would be in this country: The legitimate refugee seeks safety, and

is not allowed to conduct his/her conduct based on the otherwise normal enterprising models of caring for the self. The true asylum seeker does not search for happiness or opportunities.

The accelerated asylum application process means that the substance of the application is not investigated, because the person arrives from a safe country or because the application is 'evidently groundless'.⁵⁵ This accelerated process is often accompanied by accelerated removal. Together they constitute an effective technology of segregation. However, these accelerated technologies are in principle accepted by the UNHCR, although concern has been expressed about the shortage of the process preventing due process being carried out (Oakley 2007). In this sense, there is nothing particularly Finnish in this policy, although the time spans in Finland are short and deportation is carried out despite possibly outstanding legal complaints. This policy is used in one form or another in all EU countries despite criticism by the European Parliament (Oakley 2007).

The accelerated process has attracted a lot of criticism in the Finnish Parliament, being probably the most discussed tool of asylum policy. But it is more common to view this accelerated process as a beneficial thing than not, as has been seen in previous excerpts. The same positive approach is taken to the return policies of the Dublin protocol (Finnish Immigration Service 2004). Opponents have referred to the discourses on legal protection, fair process and the principle of individual assessment of asylum claims regardless of nationality. Especially the deportation that is carried out before an appeal has been decided on has attracted criticism. Nevertheless, the accelerated process stands unchanged at the moment— normally resulting in a consequent prohibition of entry order or entry-ban for these asylum seekers.

The positivity of the sovereignty discourses, of the principle of segregation of peoples, is evidenced in the technologies of removal and deportation.⁵⁶ The discursive orders built around deportation rest on the above described discursive constellations of democratic desire for segregation and state sovereignty. But in this context, the power/knowledge game over truthfully knowing the nature of deportation has not been as clearly established as the truthfulness of the right to immigration control has been. Rather, human rights discourses also have an impact on knowing the true nature of the

⁵⁵ This speedier process of deciding on the 'evidently groundless' asylum applications and the speedier implementation of deportation relates to the Schengen and Dublin Conventions and the EU-wide cooperation on determining safe countries of departure and origin to which asylum applicants can be returned.

⁵⁶ Legally the difference between deportation and removal in principle relates to the time spent in the country: those who have attained some kind of a permit to stay in the country (including the right to stay whilst an asylum application is substantially considered) are deported and those whose entry is denied at the border or inside the first three months on a visa or visa-free stay are removed. The substantial difference is the right of appeal, to which only deportation orders are linked. This legal definition cannot always be seen in the statements.

technologies of deportation. Yet mostly, the discourses of national sovereignty in Finland are used to assert that the control over national territory needs to be absolute:

*In some countries applying the Dublin II Regulation, a negative decision in respect of an asylum application only results in a request to leave the country, without any actual **check to ensure the person has actually left**. In such cases it is often unclear whether foreigners return to their homeland or whether they remain in the Schengen area. [...] Unlike the rest of Europe, Finland and the other Nordic countries have considered it obvious to use coercion as a last resort to remove from the country foreigners whose application for a residence permit has been rejected and who have consequently received a decision to remove them from the country. (Finnish Government 19.10.2006a)*

*Efficient deportation and prevention of illegal immigration are a prerequisite for successful employment-based immigration. The situation now is out of control because of wrong signals and weakness of decision-making and we now have almost 4000 asylum seekers needing interviews. ... In order to preserve the **acceptability of immigration**, the battle against illegal immigration needs to be reinforced and deportations made efficient. (Finnish Parliament 15.4.2009, National Coalition MP)*

*I would still like to ask the Minister: Have you investigated whether the 8 day rule of the **accelerated deportation** process could be possibly speeded up further, because it looks like for some reason we still get unfounded asylum applicants every summer, or has the message not gone out to the world? (Finnish Parliament 16.6.2003, National Coalition MP)*

*Accelerated deportation happens in Sweden, provided that the law is still in force there, so that a person puts a stamp on: 'Deportation, you may appeal'. The person appeals and asks where to take the appeal. He is told: 'Give it to me'. That is, the same person decides whether he did the right decision five minutes ago. And it goes very nicely and according to the excellent human rights conventions. Here [the President of the Supreme Administrative Court] Hallberg et company **needs to meet multiple times before they can decide what happens**. It's no wonder that it **takes longer** [to process these cases]. (Finnish Parliament 9.1.2003, Centre Party MP)*

The above assertion regarding the issue that some countries 'only' request, but do not coerce, foreigners into leaving the territory, derives a discursive order, in which such a practice is presented as almost unthinkable in Finland. In this discursive context, deportation is made into a technological issue rather than a contested, political matter: As a matter of principle denied asylum and residence applications are bolstered by removal or deportation orders. The battle over the truth on asylum and deportation is won by an attempt at silencing the human rights discourse and concentrating on deportation as a technology.⁵⁷ Deportation becomes a duty.

Nevertheless, the success of the discursive order on the duty of deportation is not complete; there is criticism of deportation practices in Parliament. These are mostly, however, rather limited and mainly

⁵⁷ In recent years the numbers of suggested deportations by the police have risen, but at the same time the actual numbers of deportations have remained steady. This can be given meaning in two ways: either as a demonstration of the increasing liberalism of decision-makers or as a demonstration of an increasing sense of moral duty to recommend deportation, which is counteracted by the unchanged legal basis for deporting leaving the number of actual deportation decisions similar (see Appendix 2).

attempt to secure 'humane' deportation (i.e. not using force and sedative drugs on people resisting deportation) or to contest the deportation of those who have already settled in the country and are then deported due to criminal or immigration law offences. There is no principled contestation of the technology itself:

Voluntary and independent return shall be promoted on a national level, ensuring that foreigners without the right to reside in Finland are effectively removed from the country and that repatriation is effected humanely and fairly with full respect for human rights. (Finnish Government 19.10.2006a)

*Our aim is to guarantee the minimum of legal protection for an asylum seeker so that she/he is not deported before an appeal has been decided on. In the accelerated process the question is about just a few weeks of additional time because of the decision process. It is a matter of having an asylum seeker deported to a country in which he/she is in danger of death, and in these situations, according to me, it is not consistent with **human rights** to implement a deportation decision before the appeal has been decided on. The intention is not here to prolong the processing times, but to give **basic legal protection** to an asylum seeker.* (Finnish Parliament 16.6.2003, Green League MP)

Rendering deportation technical, i.e. depoliticizing deportation, means that what is politicised here is not the technology of controlling migration through deportation, but how it happens: that it should happen humanely, i.e. that scenes of drugged out objectors to deportation should be kept at a minimum, or that deportation should not happen until the appeal process has been completed when there is a risk of death—that is, importantly what is not politicized here is the general rule of implementing deportation orders, even if an asylum seeker has appealed against a negative decision.

Another technology of immigration control is the entry-ban. Considering the issuing of entry-bans is a matter of routine, an additional stamp, in case of negative asylum and residence permit decisions as well as in case of deportation and removal decisions.⁵⁸ Issuing entry-bans to asylum seekers is presented as a matter of fact.

⁵⁸ In 2000 the law was amended to reinforce a requirement that removal/deportation and entry-bans are to be addressed in asylum interviews. In 2011 the deportation, removal and entry-ban laws were changed due to an EU directive (2008/115/EC, European Parliament and Council of the European Union 16.12.2008) by adding a possibility of voluntarily leaving inside a given time before entry-ban was issued, reflecting a framework of cost-benefit calculations. Before this a voluntary return clause had been included in the Finnish Integration Act that provided travel expenses and financial return support for refugees, victims of human trafficking and temporarily protected persons if they returned voluntarily. After the 2011 amendment travel expenses could be paid for those who cancelled their asylum applications or left voluntarily after a negative asylum decision (forced removal in itself also includes the need to pay for travel costs but voluntary return saves administrative costs). Financial return support and compensation for moving costs can be given only to temporarily protected persons and victims of human trafficking if they leave voluntarily (under the new Act temporarily protected persons remain under the asylum seeker reception system and are housed in reception centres until they qualify for permanent protection after two years). The EU also has a European Return Fund with similar aims. The technology designates towards discourses of preferring spending money on enhancing people's chances of establishing themselves back in their own countries rather than in Finland.

*There are no requirements regarding the **refusal of entry** orders in the Aliens Act. As a rule according to the Immigration Services instructions a refusal of entry order is given when the foreigner has been an asylum seeker, entered or resided in the country illegally, applied for a residence permit the second time after having received a negative decision or has committed crimes. When the refusal of entry is based on illegal residence, the prohibition is normally given for two years. In criminal cases the length varies from three to five years depending on the quality, quantity and manner of committing the crime. Serious and career-type crime generally warrants a refusal of entry until further notice. (Finnish Government 13.06.2003)*

*I would like to draw attention to the way that the Administration Committee changed this government bill on deportation procedures towards a more sensible direction. We heard many experts and changed it in such a way that, if a foreigner **has not left the country inside the timeline given, then the police and the border control agent can issue an entry-ban**, and this change is very good and efficient. (Finnish Parliament 10.2.2011, Centre Party MP)*

The Immigration Services instructions state that entry-bans are issued in case of denying asylum, unless there are overriding reasons (such as real and tight enough family ties to Finland).⁵⁹ The additional grounds for issuing entry-bans, according to the instructions, are essentially the same as grounds for removal: when the person has entered illegally, has given wrong information in the visa application or permit application regarding reasons to visit, has not cooperated, has not given complete and/or truthful information, has committed or can be suspected of committing crimes and/or of procuring income in suspicious ways, has rendered him/herself incapable of (financially) taking care of oneself or has been issued with a removal order in another EU member state (Finnish Immigration Service 8.3.2011). At the Schengen level, the entry-ban policy is more lenient.⁶⁰ The impetus for preventing asylum seekers and failed visa or residence permit applicants from renewing their applications and permit over-stayers from visiting at another time is strong.

The removal and entry-ban regulations have been changed into a more nuanced disciplinary system that governs through freedom, i.e. through voluntary exit, and punishes by an entry-ban: The Schengen regime aims to build an automated entry/exit checking system for TCN travellers, which holds and verifies fingerprints and automatically checks that the visa or residence permit dates have been respected.⁶¹ There are designs for lists of trusted travellers whose travel is made easier and border

⁵⁹ Normally, the entry-ban applies to the whole Schengen area unless removal is done based on the Dublin protocol or if the person has a valid residence permit in another EU country (in which case entry-ban is given only for re-entering Finland).

⁶⁰ At the Schengen level the practice of issuing entry-bans is more liberal. The automated Schengen system also includes visa-free travellers. The entry-ban system does not penalise minor overstaying. The instructions are that overstayers who overstay by two to twelve months get a two-year entry ban, those who overstay by one to two years get a three-year entry ban and after that four to five-year entry-bans are issued (Finnish Immigration Service 2.2.2009).

⁶¹ The securitisation of immigrants and travellers in Schengen has extended far and operates through three main databases: the Visa Information System, Schengen Information System II and Eurodac. As has been indicated, the same border examination regime has been extended to all travellers regardless of the visa-requirement status. Passports are increasingly required to contain biodata (fingerprints are going to be standard, but also facial recognition and iris scans have been requested). Entry and exit of all TCNs is logged into the border control systems. The regime for those requiring

guards who have been given the right to issue entry-bans on the spot. The desirable immigrant is subjectified as obedient and compliant.

Removal orders at the border are based on records of committed crimes as well as suspicion of criminality. Should one have a tinfoil bag, entry is denied at the border (Finnish Immigration Service 2.2.2009). Criminality is a reason for deportation and entry-bans are also used as further punishments for suspected crimes as well as committed crimes in spite of served sentences. That is, punishment is not enough, one needs to be disciplined and segregated. Petty larceny (or attempts at that) merits a one-year entry-ban and repeated offences three- to five-year bans. Drunk driving is worth a two-year entry-ban and an aggravated one is worth three to five years. As such there is nothing new in the deportation of those who commit crimes, and respect for law and order are basic considerations in granting visas, residence permits and nationality, but today already suspected culpability—not guilt determined by law—functions as a reason for denying permanent residence permits. There is a rationality of essentialisation or naturalisation at work here. Further, this places foreigners in an unequal position in front of the law, because Nordic and EU citizens have much stronger protection against deportation than TCNs have. Some, once again, are more equal than others.

Another typical use of sovereign power through technologies of segregation is detention, i.e. holding foreigners in custody to confirm identity, to ensure deportation or efficient processing of immigration decisions where ‘well-grounded suspicion’ exists that the person would complicate such processes, if allowed to go free, or to prevent crimes in case of ‘well-grounded suspicion’ that the foreigners are likely to commit crimes. Thus, detention is conceptualised as a preventative, ‘administrative’ measure to be used on innocent people and not a measure to be used only after a person has confirmed the suspicions and proven him/herself ‘unworthy’ of trust. In such situations, when no facts are required, the positivity of a decision is based on discourse and phenomenology, that is, on whether ‘these foreigners are morally such that they would try to evade the authorities or to commit crimes’ and the decision-maker ‘knows this to be true’.

visas is nevertheless stricter. Those requiring visas need to submit their fingerprints and digital facial pictures. These are then checked at the border on entry and exit against the Visa Information System that contains the visa application information and fingerprints, even failed ones, as the system is designed to prevent ‘visa shopping’ from other Schengen countries when one has denied the visa. This Visa Information System database can be made available to the police for the purposes of investigating serious crime and terrorism. At the same time all TCNs at the border are checked against ‘hits’ in the Schengen Information System II that contains information on removal and deportation orders, entry-bans, police arrest warrants, surveillance requests and capture alerts, missing persons and requests about objects to be seized (cars, documents, evidence etc.). All asylum seekers are fingerprinted in the Eurodac system, which the EU Commission has suggested was made available for criminal investigators (2009/344/COM). Immigration Services officials have access to the Eurodac and Visa Information System for determining the Dublin status of the applicant. Although Immigration Services can request police/security investigations of the asylum seeker, it was wished that the cooperation between the police and the immigration services could be made closer this way. So far the EU Commission’s suggestion has faced opposition.

Mainly detention has been rendered technical; a common sense, non-political matter. International law allows the detention of aliens in circumstances⁶² in which immigrants in custody are subjectified as threats to territorial sovereignty. Hence this practice is not 'Finnish' *per se* in any way. But the Finnish custody practices have been criticized by international human rights organisations and by the Council of Europe. Especially, the practice of having kept children in custody was criticised.⁶³ Although detained foreigners had not committed any crimes, they were legally treated as suspected criminals and foreigners were locked up in prisons and police cells as a preventative control measure until 2002.⁶⁴ Consequently, when legislation on detention, outside of custody legislation, was being prepared in 2001, this was considered very much a task of getting the Finnish legislation up to the international human rights standards⁶⁵—and up to the standards of the Constitution according to the Constitutional Law Committee (Finnish Parliament - Constitutional Law Committee 28.11.2001). Nevertheless, the discussion in the Parliament was very limited and no real discussion arose regarding the detention practices or the rather high numbers of custody decisions themselves (Finnish Parliament 17.12.2001).⁶⁶

Summa summarum, we can see how the rationality of the aliens' policy is explicitly defined as the prevention of asylum immigration. Society needs to be defended from asylum seekers. The power game of truth between the segregationist discourse and the liberal human rights discourses is largely won by nationalist discourses advocating the defence of the nation. The immigrant is subjectified as somebody who is out to try every chance he/she gets to enter or to loiter, as a relentless beggar who will systematically solicit each site in which he/she is likely to have a chance or where he/she is likely to get the best treatment and benefits. Self-interest is denied from the asylum seeker, victimhood is the only acceptable subjectification for an asylum seeker. The discursive order deduced asserts that the country must become unattractive to these unwanted vagrants, that it must stop them at the border and be

⁶² European Human Rights Convention article 5.

⁶³ (Council of Europe 11.5.1999)

⁶⁴ The political nature of this practice of detaining foreigners could be seen in the fact that the police themselves resented these detainment tasks, as they tied up resources in tasks that 'did not require any policing skills' (Finnish Parliament 17.12.2001).

⁶⁵ Meaning, besides the Council of Europe's European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and European Convention on Human Rights, also the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment of the UN from 1988 (43/173).

⁶⁶ Games of truth conducted in these discussions were between discourses of human rights, which subjectify immigrants in custody as innocent, non-criminals who had rights that should be tampered with the least possible, and the discourses of segregation and security, which subjectify immigrants in custody as security risks in terms of the possibility of violent acts, criminal attempts to cooperate with others outside to destroy identity papers or to continue criminal activities. Besides some critical statements, mainly the discursive orders formulated never questioned the extent to which detention was used, which reflects the technologisation and depoliticisation of the discursive order illegitimizing people's movements and marking the foreigner as dangerous.

certain to send a message of ‘not welcome!’. The same disciplining logic that is often applied to beggars in Finland is used here: Begging is prohibited. Giving to beggars encourages begging. Therefore, giving asylum encourages asylum seeking.

3.3.3. Technologies of Human Pedigree: Some Are More Equal than Others

The primacy of defending society from undesirable immigrants goes further. Market veridiction is employed in many ways to discipline immigration. If we look back at the visa regime that had strongly racialised bases, it also contained financial considerations that were used as technologies of segregation. The cross-tabulation of Gross National Income with Schengen visa requirements in Chart G shows that a low income level has a clear impact on the visa requirements:

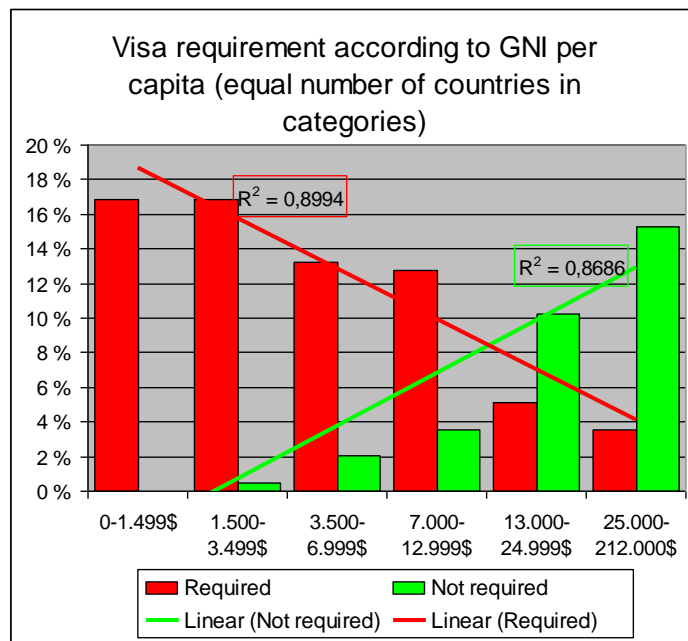


Chart G. Visa requirement according to GNI per capita with categories based on an equal number of countries in each category.

The correlation between poverty and visa requirements is clear. 96% of the countries with GNI under \$9.999 *per annum* fall under the visa requirement. The relation between wealth and visa requirements, on the other hand is not as clear. Of those countries with the GNI over \$25.000 in 2008, some 19% (= 37 countries) were under visa requirement—and they were all non-Christian and phenotypically ‘darker’. The countries that have a GNI under \$9.999 and that do not require visas were all Christian countries with ‘mixed brown’ populations (more on this in Appendix 2). Nevertheless, the intersectionality of race and class is evident here: the richer and the ‘whiter’, the more equal your opportunities are. This can be seen in below Chart H that examines the culturalised categories of ‘race’ and how it impacts the visa-free status of countries whose GNI is \$0-19.000 *per annum*.

The Chart H shows that Christian countries are more likely to have a visa-free status than 'Asian', i.e. Hindu, Buddhist, Confucian etc., or Islamic countries. Likewise, the 'darker' the phenotype of the majority population, less likely is visa-freedom. Here we can clearly see how market veridiction is extended to govern migration. When liberal governmentality employs the market to produce truth about and judge the value of people and countries, the income level of countries is bound to have an impact on the visa system also. It is rather impossible to think that it would not. Society needs to be defended from the poor. When combined with the socio-evolutionary discourses of culture, inside which also religion came to be judged, the intersectionality of class and 'race-ethnicity' can be seen: It is not only the poor, but also the 'culturally less progressive' that society needs to defend itself against.

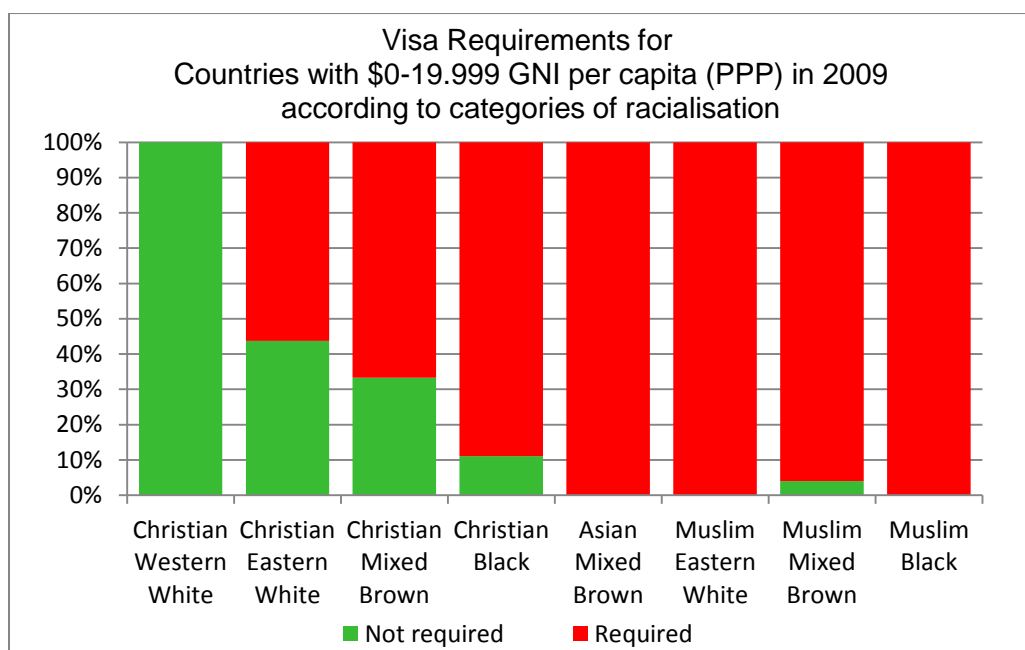


Chart H. Visa requirement for countries with a per capita GNI (PPP) of \$0-19.999 in 2009 according to categories of racialisation (n=148 countries).

The technologies of excluding and thereby preventing the poor from gaining chances do not stop here. As has been seen, the potential travellers from those countries that are under visa requirements are judged according to their financial assets when applying for a visa: their funds for travel and return are considered, as is their motivation to return in terms of a steady income from a job. In Finland 37% of all refusals of entry at the border are based on the assessment of the person having insufficient funds, the second highest percentage among EEA countries—this may, however, in principle apply also to those from non-visa-requiring TCNs (see Appendix 2 for more information). The 'without recourse to public funds' clauses are used in many countries and tied to the residence permit status or obtaining long-term residence permits (Morris 1998). An additional technology of segregating the poor is contained in the regulation allowing a person who has 'rendered himself unable to care for oneself' to be removed and

deported (Aliens Act 1.5.2004 148 §). As Tim Bale notes, “immigrants are rarely the poorest of the poor”, because gaining (legal or illegal) access to the Schengen area already requires funds (Bale 2005, 230). Immigration policy, for better or worse, judges the worth of individuals according to the assets that they have been able to gain in the market, instituting market veridiction into immigration policy.

Personal wealth is not only relevant for the visa policy, but also residence permit decisions reflect this logic. The power/knowledge constellation around migration acknowledges the right of migration of the well-off and the skilled. Money in itself is a sufficient ground for gaining entry and residence. A “proof of sizeable fortune in the bank can be used to override national and racial quotas” also elsewhere (Anthias and Yuval-Davis 1992/1993, 32). The discourses of capitalist elitism subjectify the migrant based on his/her financial worth:

*This section [of the Aliens Act] enables the granting of residence permit to a person who **based on his/her financial assets** has the ability to reside in Finland.* (Finnish Government 13.06.2003)

The discursive order deduced is one in which the financial worth of the person overrides questions of ties (family, ‘cultural race’) to the country and the purpose of residence (job, study, refuge) (Finnish State Aliens Act 301/2004, 39 §). “Class difference, therefore, can sometimes override ethnic and racial difference” (Anthias and Yuval-Davis 1992/1993, 32). The governmentality of immigration embodies the discourse of capitalist elitism that asserts the naturalness of the fact that the rich should have more opportunities than the poor.

The power/knowledge constellation around migration acknowledges the right of migration of the well-off and the skilled. Investigating the financial worth of travellers is not the only technology of market veridiction, but also labour migrants and their families are evaluated through assets. Imposing income level requirements on residence permit applications is a major technology of preventing the relatively poor from immigrating. However, racialised and culturalised discourses exempt people from income requirements: Finnish and Nordic citizens have a right to enter and bring in their (foreign) spouses without sufficient levels of income. Also those of Finnish ancestry⁶⁷ are able to enter and stay without income requirements. Beyond these racialising exemptions, the technological power games of segregating the poor are complex.

EU citizens as well as TCNs, however, are subject to income requirements. The income requirement is not high enough to have a significant impact on the immigration of those who apply for residence

⁶⁷ Finnish ancestry refers to those who have had Finnish citizenship, or whose parent or at least one grandparent has been a native-born Finn.

permits based on employment, but it does have a significant impact on their family reunification rights. For TCNs and EU citizens, the specific income level requirements are rather high: well-above average incomes are required before gaining family reunification rights for 'a spouse plus two children' family.⁶⁸ In practice, thus, it is difficult for a TCN with a below average skills and work experience to have family reunification rights. This discourages settlement by lower-skilled workers from outside the EU or EEA and maintains a 'guest worker' scheme of immigration typical of early immigration policies in Europe.

These high income level requirements were applied to EU citizens and their families until 2007, when it became clear that EU law prevents the specification of exact income requirements and rather requires governments to respect family reunification—also for TCNs and refugees, thus, affirming the truthfulness of liberal human rights discourses. The situation of an EU citizen, whose family members are TCNs, was more complex until 2010. A racialising logic was used to segregate EU migrants' TCN spouses so that when an EU citizen migrated from outside the EU, then EU citizens' family regulations were not applied to TCN family members, but the stricter family definition (to be discussed later) and stricter income requirements were applied instead. The same applied, if the family had been formed between an EU citizen and a TCN who was already present in Finland. The impetus of defending the nation from foreign immigrants was evident in the Finnish government's discussion about the 2007 amendment on the EU citizen's family definition. The discussions stressed that the extension of the family definition needed only to be applied to EU citizens' families who had lived together legally and permanently inside the EU and were moving to Finland from inside the EU (Finnish Government

⁶⁸ The required income level after taxes for a single person is 10.800 €. If the person wants to bring in a spouse, the family gatherer's income level needs to be 18.360 € (+7.560 €, i.e. before taxes approx. 23.000 € pa). If the family has one child then the income requirement is 23.760 € or two children then 29.160 € (+ 5.400 € for each child, approx. 30.000 € and 42.000 € respectively after taxes). These income level requirements for normal families are quite high: the average Finn's salary before taxes is approx. 31.800 € and the average salary approx. 35.400 €. However, the income levels are proportionate to levels after which means-tested social benefits cannot be gained, thus they are there to prevent TCN immigrants from gaining access to benefits. That is, those liable to become public charges, i.e. needing help from public funds, are excluded based on these income requirements. These required income levels were increased by 11% in 2013.

According to current conversion rates, the income level in UK pounds for a single immigrant is some £9,330, for bringing in a spouse the person's income needs to be £19,000, for first child £25,900 and further children £36,000. In comparison with contemporary UK immigration law, there is an income requirement of at least £18,600 for bringing in a spouse. If they are applying for family reunification for a child as well as a partner they are required to have an income of at least £22,400. For each additional child, an additional income of £2,400 is required bringing the salary requirement of bringing in a spouse and two children up to £24,800. Thus, whilst the right to family reunification with a spouse for those with lower salaries is not disciplined as strictly in Finland as it is in the UK, the practices of allowing the family reunification of children are less discriminatory in the UK. Yet, the major difference is that this income requirement in the UK applies to British citizens' families as well as to any other settled person or refugee (except EU citizens whose families are not required to have specific amounts of income). The same applies to Denmark where strict age, salary and other requirements are also imposed on family reunification of Danish citizens.

19.10.2006b). After 2010 the family reunification rights of an EU citizen cannot be disciplined based on where the family or the TCN spouse come from.⁶⁹

The impetus of defending the nation is more prevalent when it comes to TCNs entering based on their individual applications (i.e. when not family members of Finnish or EU citizens or persons of Finnish ancestry). As said, the individual income level applied to the work-based residence permit applicants from third countries is rather low and it is not a critical obstacle for a single poor or low-skilled immigrant. The technologies of segregation are nevertheless affirmed through the discourses of national interest as the TCNs' work-based residence permits are subject to labour market considerations of nationally needed skill-sets. However, most employment permits, are actually granted for low-skilled jobs, and in this sense, lower class-status is not utilised as a technology of exclusion.

However, in terms of family reunification rights (whether the TCN has a EU long-term residence permit or not) the specific and rather high income level requirements are effective as a technology of segregation and are such that in practice lower-skilled people with larger families are not allowed in—a fact that has not gone without critique.⁷⁰ To bring in a spouse and one child a TCN must earn an average Finn's salary. A certain high-level ability to financially care for the self is in practice a precondition for the TCN's right to family reunification. However, in comparison to some other EU countries, such as Denmark and the UK that have opted out of the common immigration policy, similar income level requirements are imposed on their own nationals, if they want to bring in their TCN spouses, thus disciplining also native 'lower class' individuals from bringing in TCN spouses. As we saw, in Finland, Finnish and Nordic nationals can bring their families without income requirements.

The state imposes a separation of the family for TCNs, not only through these income level requirements, but we need to remember also the racialised categories used in determining permit application countries and entry rights: Unlike the family members of Finnish or EU citizens' or persons of Finnish ancestry, the TCN and his/her family members are normally required to wait outside Finland for

⁶⁹ This power game of segregation that divided EU citizens' family reunification rights based on movement between countries was finished in 2010 by two verdicts of the European Court of Justice (these regulations were applied like this also in some other EU countries). The 2010 rulings affirmed that EU citizens residing in another EU country had the right to family reunification with TCNs no matter how, where from, with whom, and based on what condition the EU citizen or the TCN arrived to that member state (HE 77/2009 refers to two cases, C-127/08 Metock and C-551/07 Sahin).

⁷⁰ Some Finnish MPs and the European Commission have drawn attention to the high levels of income required for bringing in children. Consequently, the Immigration Services have opted for not demanding increased income levels for the third or further children at least in situations in which both parents are working (Finnish Immigration Service 3.4.2009). In 2013 this system was amended so that it will be only in case of a sixth child that additional income is not required. The additional income required diminishes by 100€ a month/1200€ a year after each child, the entry of the first child requiring an additional 500€ a month/6000€ a year (see http://www.migri.fi/moving_to_finland_to_be_with_a_family_member/income_requirement, accessed 4.4.2013).

a family reunification decision. Family reunification application can be made only after the sponsor has commenced work and completed the normally four-month probationary period, as only after passing the probation period is the immigrant regarded as having a stable income (unless there are other riches than employment income available) (Finnish State 1.5.2004; Finnish Immigration Service 3.4.2009).

As we have seen, the entry for those intending to apply for asylum through 'legal' or 'illegal' means of travel has already been made dependent on wealth. The less wealthy potential refugee—whose claim for asylum may be equally legitimate, i.e. based on persecution due to race, ethnicity, religion, political opinion etc.—is judged according to his/her financial ability to attract or procure finances for his/her person. Of course, in the letter of the law, an asylum application is not tied to a person's financial worth; this is done through the technology of building financial barriers against logging asylum applications, as many have noted. The subjectification of the legitimate refugee is in practice, if not in theory, decided through the truth game between discourses of human pedigree and human rights: The asylum seeker needs to be wealthy enough to buy an international long-distance fare and a visa, to be 'credible enough' to qualify for a tourist visa, for example, through having the 'excuse' of visiting a relative already living in Finland, and needs to be able to demonstrate finances for sustenance and for a return ticket. Or alternatively, the poor asylum seeker is forced to procure often even more money for hazardous illegal transit. This leaves the poor refugee often with little choice. Hence, 90% of the world's refugees, some 36 million, reside outside the West (United Nations High Commissioner for Refugees 2010), often living their life in camps surviving on food provision for years if not decades.

In the long run, the destitution and desperation required from a 'true refugee' can be evidenced by a long-term stay in UNHCR refugee camps. As was discussed, Finland is one of the dozen countries in the world who annually accept UNHCR 'quota refugees', which we shall discuss more in detail shortly. In this power game of truth liberal discourses of human rights overrun the discourses of preventing the poor from immigrating. Finland takes on average 700 quota refugees *per annum* on top of the independently arriving asylum seekers granted refugee status. We shall return to this topic of quota refugees and the role of the human pedigree in their selection shortly.

But aside from this initial hurdle, which makes most refugees in the West relatively wealthy, liberal discourses in fact discipline the application of this human pedigree of wealth and social status on refugees. If wealth is used as a technology of governing the immigration of TCNs (and EU citizens) and their families, this technology did not extend to refugees' and protected persons' family reunification. Rather Finland uniformly exempts refugees from income requirements. In this sense, the liberal discourses of human rights around asylum win the truth game. Yet, in 2010 this power/knowledge

constellation changed and various wealth-related disciplinary technologies were introduced: The financial support for asylum seekers and temporarily protected persons was geared down and given only after their own assets are used. In the same amendment, paying for the family reunification travel costs for other than quota refugees ceased, thus practically complicating family reunification and making it dependent on assets also for those receiving international protection:

*Previous speeches on the floor have drawn attention to how many we can really integrate. It is self-evident that **resources have to go hand in hand with the need**. There is also a very good point in this report on integration implementation; now that we stop paying for travel expenses [related to refugees' and protected persons' family reunification], this is very positive, because it in practice **reduces the amount of the people...most difficult to integrate**. Myself I would want that we went further than this and learned from Denmark and placed income and residence requirements on those coming to the country for humanitarian reasons and applying for family reunification. After this we could trust that their integration possibilities would be ameliorated. (Finnish Parliament 19.10.2010, National Coalition MP)*

Here we can see market veridiction is used to discipline family reunification rights. At the same time, the refugee's and protected person's family reunification right without income level considerations is disciplined by applying this right only to families formed before coming to Finland—a practice, and a new distinction, that, according to the Finnish government, is already prevalent in other EU countries (Finnish Government 13.11.2009a). That is, before a refugee or a protected person is able to gain citizenship, which grants family reunification without income requirements, the refugee's ability to reunite with his/her family (because of the technology of ceased compensation for family reunification) and to reunite with a new family (through the technology of making a distinction between old and new families the latter being now under income requirements) is disciplined complicating the ability of refugees without sturdy assets to reunite swiftly with their families. And if this reunification is not swift enough, the Immigration Services have the option of denying later family reunification claims, by claiming that the family ties are 'not active and strong enough' due to long-term 'voluntary' separation. The wealthier refugee has a better chance of practising his/her rights than the poor one.

In the above statement, wealth is clearly designated as reflecting 'integration ability'. In the case of UNHCR quota refugees, integration ability is defined as individual human capital and made to function as a technology of human pedigree. The Aliens Act requires that the 'integration possibilities' of quota refugees are assessed (i.e. language skills, education and work experience (Finnish Immigration Service 9.10.2009b)) and in 2011 the Ministry of Employment and the Economy was (again) given a say in choosing the country focus in selecting quota refugees. This speaks of a rationality in which employment based considerations can be considered more important than the need for protection as such. The accumulation of human capital is treated as an asset that has something to say about the

worthiness of a quota refugee's security needs. Because of these criteria, the annual quota of 750 UNHCR refugees cannot be filled every year, as there 'just are not enough qualifying refugees' according to the Immigration Services (Seppälä 2004). In many ways, human rights become a cost-benefit calculation: cost of providing refuge minus the value of human security plus the added value of human capital.⁷¹ Some are worthier refugees than others.

Human capital, integration requirements and wealth are primary methods of discipline. A secondary measure of discipline is the limitation of refugees' rights: Those who have gained residence based on international protection are excluded from the EU long-term residence permit scheme, which allows visa-free travel and somewhat more beneficial settlement regulations inside the EU, thus evidencing the impact of discourses of segregation and inequality. A refugee does not become a settled person in the same sense as others, but the rationality of his/her segregation is maintained for as long as possible. The acceptance of the impetus of defending the nation based on racialised categories is evident inside the EU and opportunities for denying rights are utilised. Cosmopolitan discourses apply only to those who are well-off, as the analyses of the ways in which market veridiction functions inside the immigration apparatus.

We have so far seen how the rationality of defending society is executed through various technologies of segregation. We have seen how technologies of immigration control operate through a racialising human pedigree as well as on a pedigree of worthiness based on money. Next we will turn towards investigating the technologies of family reunification from other perspectives than the income requirement discussed in this subsection.

3.3.4. Technologies of Segregation: The Western Family

In this section we will see how the definition of the family and relationships of convenience explicate the rationalities governing immigration. One of the basic definitions of the 'Western nuclear family' is the rejection of polygamous marriages. In Finland there is not much political discussion about this, but the Immigration Services may require evidence that the spouse has divorced previous marriage partners and the 1999 Immigration Act amendment links polygamy to criminality and dictates that family reunification of multiple wives is denied based on the security clause, as a matter of crime prevention

⁷¹ This rationality of assessing integration ability is not overpowering in the sense that Finland also provides refuge for vulnerable groups, such as women and children or the sick. To what extent in these situations the integration ability plays a role in selection cannot be determined here. Yet, evaluating integration ability is a primary criteria, a necessary step after which vulnerability and risks associated with gender can be considered as reasons for providing refuge (Finnish Immigration Service 9.10.2009a). But as said, this is an investigation into the rationalities of governing immigration, not an investigation into actual implementation.

(Finnish Government 08.05.1998). However, the impact of discourses of gender equality is clear in this context, and it has a long history, as shall be seen in the next chapter. The EU directive ruling out polygamous family reunification designates toward the need to protect women's and children's equal rights by denying at least the polygamous spouse entry to the EU explicating the universalizing discourse of monogamy and human rights. Member States may decide whether the father has a right to live with his children from different women, if he has not divorced the other mother/wife (2003/86/EC, Council of the European Union 22.7.2003). In Finland, the definition of the family in principle includes children from other relationships (but not ex-spouses). This use of liberal discourses of human rights is interesting. In this discursive order the truth game is played through culturalising discourses from which actual practices of multiple relations in the West are omitted—it is not illegal to have extra-marital affairs or babies out of wedlock, even if one already has a spouse, and actually the Western family includes children from other relationships. Rather, what is designated as illegal here is the responsibility for supporting more than one woman and the offspring—which could be compared to the Western practices of alimony and child maintenance. The power/knowledge constellation around the issue of polygamy is clear in another way also: The logic of 'protecting' women and children through denying them access to the support of their husband silences the fact that separating other wives and children from their husband/father leaves them in a more vulnerable position. Whilst there is a lot to be said for gender equality in this context, as a technology of segregation the requirement of divorce in cases of polygamous relations is problematic.

Prohibition of polygamy is not the only way that immigration based on family reunification is problematized by Finnish politicians. The problematization of family reunification does not touch only TCNs. This problematization is not always explicit, but the rationality of limiting family reunification is evident. One technology through which increased control is implemented is the definition of the family, which is different depending on nationality: EU law dictates that EU citizen's family is wider than that of Finns or TCNs. In 2007 the definition of EU citizens' families was extended to include cared for parents and grandchildren under 21—of both spouses whether EU citizens or not.⁷² The Finnish government's comments regarding this extension of EU citizens' families—which was specifically lauded as improving the family reunification rights of EU citizens—are revealing:

⁷² Before 2007 amendment the EU citizen's family included the spouse or cohabiting partner and both of their children under 21 or otherwise dependent children and dependent parents. In 2007, when the specific income level requirements for EU citizens were also ended, the definition of the family was extended to include grandparents and grandchildren under the care of either spouse as well as other dependants who previously lived in the same household or needed to be cared for by the EU citizen—i.e. not by a TCN spouse, for example.

*The number of residence cards granted to EU citizens' family members is not expected to rise. The increasingly specified definition of family does not enlarge the concept of EU citizen's family, but rather restricts it, because treating common law spouses in the same way as married spouses now **requires a two-year cohabitation**. Making other individuals comparable to family members under certain conditions is not expected to significantly enlarge the scope of family members. (Finnish Government 19.10.2006b)*

Here we can see how limiting family reunification is discursively ordered as the preferred outcome. It is not envisioned that the dependency clause (which is the condition of bringing in other than immediate family members) will be fulfilled often, but rather the focus is on possibilities of immigration control; on the requirement that cohabiting partners will be able to evidence two years of cohabitation, before they are treated as spouses.⁷³ Determining dependency, according to the Finnish government, is based on a narrow interpretation: It must be shown that the dependent cannot be cared for by sending money or arranging care otherwise in the country of origin, but that care must in reality take place in Finland (Finnish Government 29.10.2010). Cosmopolitan discourses are disciplined in the interest of protecting society from unneeded immigrants.

At the same time, the TCN's family has been narrowed. The TCN's family includes the spouse or cohabiting partner of two years and children under 18 of both adults. In principle this tighter family definition applies to Finnish citizens also, but because of the entry and family reunification rights of those with Finnish ancestry, these rules in practice make little difference to the family members' right to enter and stay. The right to bring in other members of the family, like dependent grandparents, grandchildren or other dependents was abolished from TCNs and the Immigration Services guide on family reunification quite clearly states that TCNs do not have a possibility of making an application for other family members than adopted or fostered children that were part of the family prior to coming to Finland (Finnish Immigration Service 3.1.2011). In comparison to TCNs, a Finnish citizen's (and a Nordic citizen's) family can include others (such as parents) also without income requirements. This applies also to refugees and protected persons. In 2006 the definition of children was extended to include the married spouse's children, but on the other hand a requirement was added in 2010 that children must be under 18 on the date of decision-making—and not at the time of the application, which enables the denial of residence permits for TCNs who apply for residence permits when they are close to 18. Despite the discourse of the 'Western nuclear family model that immigrants need to respect', the right to family is not equal (also Lippert and Pyykkönen 2012). The Western family is not a universal category, but opportunities for applying racialised rationalities of segregation are utilised to exclude the

⁷³ In principle, the EU citizen's cohabiting spouse was not officially disciplined through the time the cohabitation had lasted until 2007 (although the rule was apparently applied on the administrative level (Finnish Government 19.10.2006b).

racialised other.⁷⁴ Some families are truer than others and for some the family needs to be 'more Western' than for others.

This increasing control of TCN immigration can be seen in the way that family reunification is conditioned 'culturally'. In 1999 a clause requiring due regard for the ability of the person residing in Finland to move to another country to enjoy family life was added. This assesses the ties of the immigrant and his family to Finland versus ties to third countries, thus designating belonging as a matter of 'culture' rather than a right based protection of family life. However, the government reports that this clause is mostly used to give residence permits in Finland, rather than to deny them, except in the cases when a foreigner has entered Finland based on family reunification and then divorces and applies for family reunification with a new/old family outside Finland (Finnish Government 13.11.2009b). Also, in cases when children have already attended the Finnish educational system for a longer period, can the child's cultural ties to Finland impact decisions that otherwise could have resulted in the discontinuation of residence permits. It is a commonly agreed principle under international law that the state does not need to respect the family's choice of country and that family reunification can be denied. Finland has denied 20% of family reunification requests (not including EU citizen's family reunification, which has a 0% denial rate today) between 2006 and 2010. In this sense, liberal discourses of rights merely discipline the rationalities of defending society from unwanted immigrants, but do not overpower them:

*Imposing the income level requirement is not as such in contradiction with the European Convention on Human Rights or the family reunification directive. Taking into consideration the decisions of the European Court of Human Rights the protection of family life is not considered violated if the family has been formed at a time when the persons have known their status and the continuity of **their family life in Finland would be insecure to start with**. Therefore, whether the family is old or new can be taken into account in individual cases. There may be strong reasons to make exceptions to the income level requirement in situations in which residence permit application is for the spouse who has stayed in the home country after a long-term marriage and for their children. In contrast, reasons for making exceptions to the income level requirement are not in principle valid if the marriage is recent, for example formed during the family gatherer's trip to the home country, and the spouses' life together has been very short lived. (Finnish Immigration Service 3.4.2009)*

*In principle, the protection of family life is not violated, if the family has been formed at a time when the family members' **status as an immigrant has been such that the continuation of family life cannot be guaranteed in a certain country**. Attention should be paid, among other things, to whether leading family life **requires that the family lives specifically in that country** to which the family reunification application has been addressed. (Finnish Ministry of the Interior 22.10.2010)*

⁷⁴ To highlight the contextually contingent role of the definition of 'Western nuclear family', still in 1973 the National Board of Social Welfare in Finland maintained that the nuclear family concept should not be used too strictly but that welfare benefits should be granted based on wider family relations more suited to extended or multigenerational family arrangements (Yesilova 2009, 101).

When considering an application for family reunification and denying this application...due regard has to be given to **the nature and solidity of the foreigner's family ties, the length of residence [in Finland] and the cultural and social ties related to family in the home country.** ... [Also] if the foreigner is applying for the family reunification in Finland (first or renewal application) and the criteria are not fulfilled, the same applies to considering the removal (return/deportation). (Finnish Immigration Service 23.2.2011)

It is not necessarily in the child's interest to move to Finland, if it means leaving **familiar surroundings, the language and culture** of which he/she only masters, and separating from people who have in practice taken care of him/her. (Finnish Immigration Service 23.2.2011)

A long, voluntary separation usually means the disruption of family life regardless whether the people in question have maintained **contact via phone and/or letters or met each other during holidays.** If the separation has been caused by compelling reasons, the separation time does not have the same meaning. Only the fact that the person residing in Finland has financially supported his/her relatives in the country of origin or elsewhere, **does not demonstrate that family connection has been sustained** in principle. ... If the person has come to Finland voluntarily, for example to work, study or to be married here, can family life in the country of origin considered to be voluntarily broken. (Finnish Immigration Service 23.2.2011)

As the above quotes show, the truth game between liberal discourses of protection of family life and the discourses of segregation can penetrate deeply into people's lives and their choices making the discursive order an unstable one—meaning that the individual immigration official's power and ability to assign meaning to others' actions is also at its greatest. Yet, there is nothing particularly Finnish about these discursive orders here: International courts have affirmed the sovereign right to limit family reunification and, thus, affirmed the nationalist disciplining of human rights discourses. It is not only in Finland that the battle between liberal and nationalist discourses over family reunification has intensified over the years. Germany, Denmark and UK have, for example, introduced language tests for those immigrants seeking entry through marriage and the UK tried to increase the age of foreign spouses to 21 years,⁷⁵ and Holland and Belgium maintain their limit of 21 years as does Denmark that has differing requirements when spouses are under 24 (e.g. Cyrus and Kovacheva 2010, 125) and Italy has imposed language tests for those seeking TCN's long-term EU residence permits and requires foreign residents to learn Italian as a condition of the renewal of the first two-year permit. The Finnish law is not, however, overpowered by racialised categorisations, there are no age limits, no restrictions on residence permit

⁷⁵ The raising of the age limit of spouses to 21 was struck down by the Supreme Court in case *R (on the application of Quila and Others) v. Secretary of State for the Home Department* [2010 EWCA Civ 1482], which found the age limit to violate Article 8 of the European Convention of Human Rights, and the limit has been returned to 18.

type or length, uncompromising accommodation requirements for the sponsor,⁷⁶ no language or immigration tests (except for Ingrians⁷⁷) and no 'integration ability' points etc. as in some countries.⁷⁸

As we have seen, the impetus of defending the nation from asylum seekers is clear, but this impetus applies also to the refugee's families. The family definition for refugees is the same as for Finns, but mainly the refugee's family can also be subject to a range of biopolitical technologies such as DNA-testing and age definition aimed to weed out the untrue child: In 2000 the possibility of requesting (voluntary) DNA-testing to prove biological parenthood was created (which can be and has been successfully used to contest denied family reunification). In 2010 a medico-forensic age definition procedure, aimed especially against unaccompanied underage asylum seekers and foster children, was added to the letter of the law to make sure that children applying for refugee status or family reunification are actually under 18 (if the child does not agree to this, then she/he is treated as an adult). The government bill on age definition clearly states that the technologies used (dental examinations and wrist bone structure examinations) are scientifically debated and that the databases used for comparison by these methods are not representative (240/2009). Helen and Tapaninen have asserted in their study on the use of DNA-testing in Finland, that immigration officials portray an *a priori* assumption of fraud when discussing Iraqi, Somali and some other African nationalities and their family reunification applications (Helén and Tapaninen 2013). Similar discourses can be found in the quotations below:

*There is no point in claiming that we cannot influence the number of asylum seekers and their family members arriving to Finland. We can influence those factors that constitute Finland as an attractive asylum application country. [...] Finland still takes 750 quota refugees a year, which I support. In question are...the thousands of asylum seekers of recent years that **have not gotten a refugee status, but have nevertheless gained residence permits** and the conditions based*

⁷⁶ The government reports that it investigated the possibility of adding accommodation requirements especially for refugees' and protected persons' family reunification applications, but that these were turned down as not suitable both by legal experts and the municipal housing authorities.

⁷⁷ Ingrians have been the only immigrant category who are required accommodation, immigration orientation courses and language tests. Ingrians have been the only applicants who have had a systemic accommodation requirement (before residence permits they have had to rent accommodation in Finland and sub-contracting, which is not typical in Finland, has not been deemed sufficient). The unavailability of council housing has practically delayed Ingrian immigration. Ingrians have also had to take part in immigration orientation before arriving in Finland and since 2003 they have had to pass Finnish tests as a condition for granting residence permits. Persons of Finnish ancestry are not required to take such tests. For other categories of immigrants, family reunification applications do consider accommodation, but there are no specific qualifications, such as the 20 square-meters per person requirement that Denmark has had.

⁷⁸ For example, in Denmark certain categories of immigrants need to pass both Danish and immigration tests. The sponsor must have had a residence permit for 3 years before application is possible and only after 15 years of permanent residence or after 28 years of residence in Denmark (or after having Danish citizenship) does the consideration of cultural attachment to another country not apply anymore etc. Should one be able to fulfil these and other obstacles put in the poorer TCN residents' way, at one point the Danish state required a 100.000 DKK (approx. 13.500 €) collateral before the family reunification was made possible.

on which these people can get their families to Finland. If we talk about for example the Somali asylum seekers, then a tiny, tiny proportion of them have obtained a refugee status, the rest have gotten residence permits based on need for international protection. And then these resident permit holders apply for family reunification, so we have 6.000 family reunification applications in the queue, altogether 6.000 out of the 9.000 [family reunification applications] are Somalian. And the quantity of these is what we can influence. (Finnish Parliament 4.2.2011, National Coalition MP)

Too little attention is being paid to the massive entry of Somalis through family reunification and the integration requirements created. It has not been specifically treated [in this amendment] although it is really quite relevant. Even last month 500 Somalis entered through family reunification, 70-80 per cent of who were illiterate. (Finnish Parliament 19.10.2010, PTK 102/2010, Social Democratic MP)

When residence permit is sought based on family reunification, there are no alternatives to interviews. In many such families besides the spouses there are children, for whom **DNA-testing** may prove to be necessary. (Finnish Government 01.10.1999)

Every Finnish embassy should have the possibilities for DNA testing although the practical possibilities are required only in certain embassies. Immigration Services have informed that at this stage DNA testing is **needed for Somali and Iraqi citizens.** In the initial phase test samples should be collected from applicants abroad at least in embassies in Nairobi, Addis Adebaba and Ankara. (Finnish Government 01.10.1999)

It is very important that citizens can trust that the asylum system is not abused. Therefore I think that the Administrative Committee will really need to work towards pressuring the Ministry so that we not only get the age determination tests but also that our family reunification system is not abused by organised utilisation of children to advance illegal immigration. (Finnish Parliament 24.2.2009, Social Democratic MP)

These discursive orders, which are based on a negative subjectification of the refugee attempting to circumvent immigration rules, present family reunification as something that can be and should be restricted. This impetus becomes clear in the Finnish government's statement on the EU's Green Book on the Family Reunification Directive in 2012, in which the Finnish government explicitly states that "Refugees' family reunification criteria should not be made more favourable or eased in the directive" (Finnish Ministry of the Interior 19.1.2012). In 1999 the law was also changed so that refugee's family members did not gain refugee status anymore unless they were themselves considered to be in need of protection.

On the whole, however, the discursive order around refugee's or protected person's family reunification rights is more liberally inclined than that of other TCNs because of lacking income requirements and because refugee's family can also include 'other relatives', such as foster children on certain conditions. The refugee's and protected person's right to family reunification has, however, been made much harder in practice, after giving up the practice of allowing the refugee or protected person themselves to apply for family reunification in Finland. In 2011, in conjunction with the biometric residence permit card scheme, the Aliens' Act was changed so that now only the family members themselves (including

children) must make the family reunification application in the nearest embassy—which in case of war zones is unlikely to be in the actual country of residence itself. This is a good example of rendering immigration control technical: This amendment was presented as a technical requirement—because permit applications now require biometric data, i.e. fingerprints and photos and sometimes DNA-testing, they must be made by the family members themselves (Finnish Government 07.09.2010). The amendment was applied to all open applications without the said data, thus resulting in the need for some family members to travel to their nearest embassies again. There is also a requirement of legally residing in the country where the application is made, hence the family members are made dependent on the visa policy of the country, in which the embassy is situated, as well as imposed the financial burden of travel and visa costs. This technology of remote control or externalisation of immigration control is in line with the impetus of governing at a distance typical of liberal governmentality (also Hyndman and Mountz 2008).

Yet, the normalising edifice of the definition of the family is clearly racialised: For Finnish or EU citizens extended family is not a sign of cultural 'backwardness' or illegal(ised) immigration. Overall Somali or Iraqi children are not designated as 'war children' in need of protection and safety—as Finnish children were during the Second World War.⁷⁹ Although these Finnish war children have been used as a justification in asserting the legitimacy of the refugee policy and international solidarity, the power/knowledge constellation overall disciplines this logic and rather the act of sending these children to Finland is at times defined almost as child abuse in the Finnish discussion in the Parliament. Racialisation makes the desire to protect children from war an illegitimate act. When asylum seekers are not granted 'actual' Geneva refugee status, but given lesser forms of international protection, their family reunification claims are vetted against the consideration of whether the circumstances actually prevent the sponsor from returning the country of origin. True parents care for their children in war zones.

3.3.5. The Technologies of Segregation: The Sieve of the Worthy

The disciplinary technology of residence permit types and renewal periods functions to reassess the validity of entry conditions—which is more necessary for some than for others—and in (prolonging) the granting of more permanent residence rights, as the nation needs to be defended against those who either fail to provide for themselves or fail to maintain the relationships that have granted them residence. The basic technology is granting either temporary or continuous permits. Nordic citizens and

⁷⁹ About 70.000-75.000 unaccompanied children were sent to safety as refugees to Sweden and other Nordic countries during the Second World War. About 15.500 of them ended up staying. (Figures from the Finnish child refugee association 'Sotalapsi ry' (<http://www.sotalapset.fi>).

their families merely register their residence and after that they are treated like Finns. EU citizens and their spouses immediately get residency rights for five years. Also those of Finnish ancestry get very lenient terms. If after the first permit, the above categories of people qualify for permanent residence permits, for others the permit periods granted were made more stringent. Also 'EU blue card' holding TCNs who qualify based on professional criteria get better rights than 'regular' TCNs. Deportation regulations are also more lenient for Nordic and EU citizens than for others in the sense that much graver reasons are required for deporting Nordic or EU citizens. Everybody who resides in Finland does have a right to means-tested social assistance in situations of dire need. Long-term reliance on social assistance is grounds for deportation for TCNs, but for Nordic and EU citizens' deportation cannot be based on economic considerations when somebody in the family is working regardless of how much they earn. Thus, we can clearly see how rationalities that function at the intersection of nationality and class are used to govern the residence permit system.

The continuous and temporary permits are not always different in terms of the renewal periods, but the type of permit makes a difference when calculating residency requirements for obtaining permanent residence permits or citizenship. The 2004 reform of the Aliens' Act doubled the residence time required before obtaining permanent residence right from two to four years. Under both the 1991 and 2004 laws those with Finnish ancestry immediately obtain(ed) two- or four-year continuous residence permits respectively, which qualified/qualify them for permanent residence permits without a need to renew continuous permits. A Finnish citizen's TCN family members, however, are initially granted continuous permits with a one-year renewal period of—which is considerably shorter than that of the EU citizens' and their family members' five-year permits and those of Finnish ancestry. Besides those with Finnish ancestry, the highly qualified EU Blue Card holders (and their family members) are the only ones to get an extended first permit (for two years). EU long-term permit holders are not treated any more favourably in terms of the length of the residence permit time when moving to Finland, but they get the same first residence permit as the rest of the TCNs: one-year temporary or a one-year continuous permit. Importantly, the type of permit given has an additional impact, because temporary residence permits do not fulfil benefit eligibility requirements. TCN students mainly get temporary one-year residence permits that do not give access to benefits (EU students do not qualify for benefits either). Temporary residence permit holders (except students) can obtain continuous residence permits after two years, but the first continuous permit is again only for one year. This structure of disciplining belonging demonstrates the fundamental problematization of immigration policy, which is based on a sieve of the worthy that filters out those that can be granted access based on cultural or biological belonging (Nordic, EU, Finnish ancestry) and human capital.

The regime of disciplining refugees and protected persons is more complex. Exclusion is attempted by the specifications of the concept of internal protection and parties capable of offering protection.⁸⁰ DNA-testing is used as a technology to determine the age of children. Also income requirements as a condition for reunification with families formed after arriving in Finland etc. speak of the rationality of disciplining refugee's and protected persons' rights. The possibilities of denying rights are also sought for by differentiating between categories of protection and the rights attached to these. Today the system differentiates between actual Geneva refugee status and three types of subsidiary protection. 'Actual' refugee status, as defined by the Geneva Refugee Convention, is granted to individuals who merit protection based on persecution against the person (due to political action, for example). Also quota refugees get refugee status. Since 1999 the refugee status is not applied automatically to family members anymore, except when they merit protection themselves. The three subsidiary categories of protection offered are secondary protection, humanitarian protection and temporary protection. Secondary protection and humanitarian protection do not give a person a refugee status although they count as international protection. Earlier these two forms of protection were under the same category of 'need of protection', but in 2009 'secondary protection' (justified by a danger of violence or death that is aimed against the individual) was separated from 'humanitarian protection' (general unsafe and hazardous circumstances in the country of origin that prevent return). This technology was instituted to give residence permits of different lengths. Earlier other subsidiary types of protection, except temporarily protected persons, had gotten one-year continuous residence permits. Today 'actual' Geneva refugees and secondarily protected persons (i.e. those under threat because of their person) now get a first permit for four years, whereas those under humanitarian protection get a one-year continuous permit. In this sense, secondary protection actually improved the situation for protected persons. Based on individual assessment, the need of protection may be terminated during the residence period due to changing circumstances or residency choices made by the internationally protected person.

The technologies of providing asylum overall are dominated by liberal discourses, but as Similä asserts: "legislation is 'liberal', but practice is restrictive" (Similä 2003, 110). This liberal practice is based on a pedigree of moral worth. Those qualifying for refuge or protection through factors related to their person are considered worthier—since 2009 worth a four-year residence permit to be specific—than those who

⁸⁰ Internal protection refers to the notion that the person could find security somewhere in the country of origin (in another city, another region) and relates to the notion that the protection can also be provided by international organisations controlling sections of the country (which potentially creates an impetus for international intervention in crisis producing mass exodus). As writers assert, the notion of internal protection is part of the apparatus of externalising asylum policy that combines also other measures such as offshore processing centres, protection in safe, third countries as well as the 'right to remain in the country of origin' discourses (e.g. Hyndman and Mountz 2008).

merit protection only based on general unsafe circumstances, who either get a one-year temporary or one-year continuous permit. Individual heroism is worth more than mere threat to life. In comparison to quota refugees, the 'actual' Geneva refugee status is rarely given to independently arriving asylum seekers, the Finnish granting rate being below 1.3% in 1990-2010 (see Appendix 2 for a comparison of how differently the Geneva Convention can be interpreted). There is something suspicious about not staying in relative safety somewhere else. The function of the renewal period is to assess if conditions have improved and the need of protection has ceased. If the impetus of returning the protected foreigner is the strongest in the case of subsidiary protection not granted on the basis of individual worth, the liberal, (individualistic) moral order nevertheless asserts itself over the nationalist impetus of defending the society from undesired foreigners, as limits are put on how long the lives of protected persons can be held in suspense.

Temporary protection does not count under the regime of international protection and falls outside the EU directive. As a level of protection, temporary protection gives lower protection status than humanitarian protection with its one-year temporary residence permit. Temporary protection has been designed as a new response to specific situations of mass influx, such as the Somali, Iraqi or Afghan situations would have been. It was instituted in 2002 for situations of mass crisis (violent conflicts or environmental catastrophes). Temporary protection does not require individual assessment of asylum applications, but protection needs are identified by the government. A temporary permit is given for one year and can be renewed during the first three years, after which return or more stable forms of protection and individual assessment of asylum applications will follow. Depending on individual worth, the person after this enters the system of international protection—which temporary protection did not constitute. Whereas before temporarily protected persons had had the same rights as other protected persons, in 2010 an amendment was made that took away the right to social assistance. Temporarily protected persons are now maintained and housed under the refugee reception system for the first three years and provided with a separate means tested 'spending money' scheme. The technology of temporary protection is, thus, designed to prevent or to slow down the permanent settlement of people fleeing their homes due to crisis.

Whereas before 2002, refugees and protected persons equally qualified for permanent residence after two years, now the system of entering due to war (as opposed to more stable situations of systemic persecution against an individual) is made much longer. Nevertheless, in prolonged conflict situations, even the temporarily protected person can attain permanent residence, when half of the time spent on temporary residence permits will be counted towards the residency requirements of attaining permanent residence. Temporary protection also has the benefit of providing categorical protection and immediate

family reunification (not paid for anymore), although the road to permanent settlement rights are longer, thus evidencing the balancing acts between the segregationist and liberal human rights discourses. Therefore, although there clearly is a need to defend society against refugees, the role of liberal discourses in the game of truth is prominent.

3.3.6. Technologies of Human Pedigree: From Quasi-biological Culture to Culturalised Worth

As we have seen through this discussion of the apparatus of immigration control, 'culture' plays an important role in its rationalities, as well as in the securitization of immigration (e.g. Waever 1993). 'Integration ability' and 'cultural ties' can function as disciplinary rationalities in (quota) refugee policy and are integral to residence permit and family reunification applications, but they are also used to include immigrants. The human pedigree does not only function to exclude people of different colour and religio-cultural background; the logic of racialisation also operates in the positive discrimination towards, or the promotion of immigration of those considered either 'Finnish' or otherwise 'suitable':

When considering suitability, attention should be given to such factors as population figure, age structure, standard of education, population mobility principles, distance of country from Finland and the conditions for integrating residents of the country in Finland. The labour administrations of Finland and Estonia have traditionally had good cooperative relations. Prospects for cooperation with other new EU countries, such as Poland, are also good. Poland has a central location in Europe, a large population and traditions of labour mobility. The Polish population is relatively young and well-educated. (Finnish Government 19.10.2006a)

*Guidance could begin before arrival in Finland. It could be necessary to arrange language and vocational orientation especially in the country of departure. Guidance before arrival in the country would also be appropriate especially in the light of attempts to **increase labour mobility from partner states** to Finland on a contractual basis. The development of the guidance system is thus related to cooperation to promote labour mobility (policy guideline 3) and the improvement of the system of recognising skills obtained abroad (policy guideline 9). (Finnish Government 19.10.2006a)*

*[T]hese factors [nationality, citizenship or country of birth] do connect through culture to gaining employment. The **cultural factors of the country of origin** can influence the attitude towards the second generation and children, and they may influence attitudes towards education and the meaning of educating oneself, and these can be thought to have a connection to cultural understandings relating to religion. (Finnish Ministry of the Interior 29.1.2009)*

Thus, we can see how the discourses of cultural racism and human pedigree function in these statements producing a discursive order in which integration is a function of some generalised essence of the 'cultural' and not the individual. In this context, the negative new racist discursive order changes again into a positive one subjectifying the Ingrian, the Estonian and the Polish as desired 'partner countries' that produce immigrants 'capable' of integration. Discourses of human equality do not fare

well in relation to the discourses of racialised cultural essence of individuals and the superiority of some cultures.

Besides this coveted, 'culturally adaptable', 'white' immigration, there is a group whose immigration is even more coveted: the return migration of 'Finns', as we have seen in the provisions made for those with Finnish ancestry. Equally, the policy of 'return migration' of Ingrians is a clear demonstration of the racialisation or of the rendering of culture and belonging as quasi-biological: the most important category of returnees was the children of those whose ancestry could be defined as Finnish in sufficient levels (i.e. at minimum two grandparents' Finnishness vs. one grandparent's Finnishness for those of 'actual' Finnish ancestry). Initially, the criteria based on quasi-biological notions were sufficient and until 2002 no language skills were required for Ingrian 'returnees' (Finnish Government 27.09.2002). It was only after this positive discrimination of 'Finnish blood' began to be questioned that the language criteria started to be applied, the policy moved towards negative racialisation of Ingrians and their suddenly 'Russian' language and culture. Their Finnishness had been diluted.

The integration—or rather assimilation—of these Ingrian minorities has proved itself to be a discursively contested field (e.g. Pentikäinen and Hiltunen 1995, 7). Even if there are, on the one hand, calls for the provision of Russian language schooling by the state,⁸¹ the discursive field of immigration policy has been characterised by lamentations about 'the Ingrians actually being Russians and not Finns':

*The most significant problem in immigration to Finland has been caused by so called Ingrian return movement from the old Soviet Union region. The thought and the intention were good: the descendant of those that had left to escape from hunger [in the 16th century] could come back to the Finland that had prospered from their poorer living areas. Unfortunately, many mistakes were made in this context. The worst was the bargaining about the language requirements, which resulted in most of the returnees being almost completely **Russian speakers** during the last years. Integration has also failed miserably. A significant portion of young returnees have drifted to **criminal activity and drug use**. A part of them have apparently come to Finland with this purpose only. The teaching of Finnish and other education should be intensified with Ingrians knowing little Finnish, and for those who have clearly sought the criminal way **deportation** should be the only sensible measure.* (Finnish Parliament 5.6.2002, (True) Finns MP)

*The purpose of the returnee system has been to enable the migration of those persons who have adopted a Finnish identity and who have a connection to Finland. With years passing by the returning generation has changed and many of those attempting to return through the system **do not necessarily feel themselves to be Finnish** in the same way as the previous generation.*

⁸¹ In comparison, the Swedish-speaking minority in the Finnish mainland has approximately 275.000 people, the Russians number around 60.000. The calls for language education are linked to the Finnish language policy, which defines Finnish and Swedish as the two official languages and requires that all Finns learn both Swedish and Finnish at school and that all governmental employees are proficient in both languages. It used to be compulsory to pass A-level matriculation examinations in Swedish also, but this requirement has been abolished. The Constitution gives protection also to other minority languages and currently there have been discussions about having Russian as an option for Swedish.

Some may want to become returnees partly because the system is more lenient than the regular residence permit system **and not really because they would want to forge a connection** to the country from where their parents or grandparents originated. A special system for returning Ingrians is not appropriate anymore, and instead the residence permit system should be made more coherent and clear. (Finnish Government 12.11.2010)

The Interior Minister Itälä has in public stressed the restriction of the return of the Ingrians and is apparently about to suggest language restrictions, a kind of fine sieve for the returnees. Is this really rational in the light of the larger whole? When the need of foreign labour in our country will increase, the Ingrians' chances of integrating to Finland are maybe the best after all. Hundreds of individuals for example from India have come to the ICT-sector without any language tests. Are we **worrying enough about the integration** of these immigrants? (Finnish Parliament 5.6.2002, Centre Party MP)

In these statements we can see how the culturalised logic functions around the Finnishness of Ingrians and how discursive orders around the possibilities of integration can be formulated. That Finnishness is defined through the negative subjectification of others is nothing new. But here we can see how the biological logic of 'Finnishness' has changed and the notion that Ingrians are 'as Finnish as the Finns' is being subjected to criteria of racialising logic: Finnishness is not biological anymore, but Finnishness becomes a matter of feeling and behaviour, of having Finnish language skills and 'Finnish' concepts of societal functioning (Finns apparently do not commit crimes or use drugs). Xenophobic prejudices against Russians are also rampant in media and every day speech entailing derogatory opinions about the legality of the activities that the minority is thought to be involved in. As Puuronen has argued, the racialisation of 'Russians' as criminals and prostitutes is in general rampant in Finnish discourses (Puuronen 2011), and this partly applies to 'Estonians', partly not. This renunciation of positive biological racism and the adoption of a new culturally racialising discourses has led to the renunciation of the returnee policy (Finnish Government 12.11.2010). The right of those who were returned from Finland or fought for Finland during the Second World War is kept intact, but in practice this relates only to about 200 people. The queuing system for Ingrian 'returnees' was closed in July 2011, but those in the queue can obtain residence permits until 2016 based on the earlier criteria. Under the regular provisions, Ingrians do not qualify as having Finnish ancestry.

Summa summarum, we have seen how both segregationist and liberal discourses have an impact on the power/knowledge constellation around immigration. Although I have focused here on the disciplinary logic of immigration control, I have also shown how liberal discourses play an important role in aliens' policy. They do so especially around family reunification, the child's interest, asylum provisions and benefit rights, despite the segregationist discursive orders that also function at those conjunctions. But as governmentality studies do, I have focused on the problematization of immigration. This

problematization essentially also includes that which is taken for granted and not problematized. What I have tried to do in this chapter, is to look at conditions of inclusion embedded in the immigration control apparatus and to present it in a light that takes its commonsensical agreeableness away. What we have seen is a technology of a human pedigree.

This pedigree functions especially at the intersections of class and 'race': the (un)desirable immigrant is marked by 'race', culture and assets, whether material or human capital. Although, the provisions for EU and Nordic citizens cannot be in themselves deemed as evidencing a human pedigree, when viewed as part of the wider apparatus and the logic of preferential treatment of 'Western whites' and those of Finnish ancestry—for example vis-à-vis TCN family members, their rationality can be connected to a more general governmentality. After all, the preferences and structures of inclusion/exclusion along these 'EU' lines were already there before the EU. The immigration apparatus is filled with technologies designed to keep the undesirable, 'darker' and poorer immigrant out. Yet, this apparatus is not explicitly racist, as common sense would define racism. In the next chapter, I will look into the relationship between the immigration apparatus, eugenic and state racist governmentality in order to understand the limits of governing immigration and the mode of problematizing immigration in a wider context.

4. State Racism and the Biopolitical Governmentality of Immigration

Foreigners' rights, according to the Aliens' Act, should not be limited more than is necessary. We have seen in the previous chapter what limits are considered necessary. As governmentality studies assert, investigating problematizations is pivotal for understanding how power/knowledge functions and silences. The intention in the chapter is to show how the biopolitical logic of state racism, with its banal social Darwinism, explains the peculiar limits and the gaping silences around a human pedigree in the discursive formation of immigration exposed by the previous discourse theoretical analysis. I will demonstrate this claim about state racism and social Darwinism by comparing the way immigration is problematized contemporarily with the way immigration came to be problematized by the early American eugenic immigration policy. As a method of decentring, I shall employ the 'language of the time' in its colourfulness to point out the similarity between banal social Darwinism and the continuing effects of contemporary immigration policy.

For the purpose of pinpointing the framework that the analysis of state racist governmentality is enabled by I shall first discuss the relations between nationalism and racism and the impact of a Foucaultian analysis to these. I shall then focus on the notions of social Darwinism and eugenics and by resisting their exceptionalisation I shall approach them rather as governmentalities. That is, instead of being captured by the extreme statements and policies, I shall rather approach them as scientific discourses that were inherently intertwined with the rationalities of governing society. In this context I shall develop the notion of state racist governmentality and explicate how social Darwinist and eugenic governmentalities differ from each other and how they operate inside liberal governmentality. It is only after this that I shall explain the history of eugenic problematization of immigration in the United States and, finally, then I shall embark on the comparison between these early eugenic rationalities and those seen today in immigration policies, in this case in Finland.

Words of warning are in place here. Because we are treating immigration as an apparatus, we cannot *a priori* distinguish the Finnish and early American immigration apparatuses based on such surface phenomena as being old or new immigration countries, technologies of granting citizenship (*jus soli* vs. *jus sanguinis*), the (in)existence of green card schemes, the effects of EU membership or the historical level of preoccupation over terrorism. Rather, as we have done in the previous chapter, the immigration control apparatus needs to be analysed as a continuum of technologies that starts from visa restrictions and ends up with citizenship and integration policy. Whilst individual technologies may be different, we are addressing the *overall* governmentality of the whole apparatus itself.

4.1. From Nationalism and Liberal Governmentality to State Racism

4.1.1. The Insufficiency of Explaining Governmentality of Immigration through Nationalism and Racism

In this section I shall show that nationalism and racism cannot fully explain the apparatus of immigration control because of this assumption of human pedigree functioning at the intersections of 'race', culture, class and gender.⁸² Fundamentally, nationalism is a discourse that asserts a difference between 'us' and 'them': either one is a national or a foreigner. Nationalism *per se*, in its dichotomous simplicity, cannot explain human pedigree that disciplines some foreigners and their rights—but not others—on the basis of their 'civilizational' belonging and their wealth. But, as has been discussed, as an empty signifier it can appropriate the rationalities of other discourses and define them as national (Vincent 2002). If civilizational socio-evolutionary discourses function in conjunction with nationalist discourses, it does not make them nationalist as such. Rather, one could argue that socio-evolutionary discourses are primary and it is nationalism that attaches itself to socio-evolutionary discourses in the West. That is, even if such a civilizational human pedigree can be defined as a national interest, its rationalities are not those of nationalism *per se*. Hence, we cannot explain the Finnish immigration policy as a 'primordial' nationalist discourse, because primordialism has nothing to say about the type of foreigner and his/her fitness.

If not nationalism, what then explains the existence of human pedigree in the immigration apparatus? Is it just simply racism? As was discussed in Chapter 2, certainly the limited, exceptionalising definition of racism, that makes racism into an anomaly, into a matter of individual psychology and belief in biological inferiority, cannot achieve explanatory status. What the biologicalised definition of racism does is that it explicitly denies that cultural stereotypes are a form of racism. Instead, it turns such culturalising practices into 'mere' stereotypes and xenophobia by naturalising them as stereotypes in themselves are often marked as something that is required by our biological, cognitive make-up—as if having a certain kind of cognitive structure required a certain kind of thought content. That is, as if othering always had to be racialising. Therefore, the culturalising and racialising practices in immigration policy are normalised and it becomes impossible to claim that biological inferiority was implied by immigration regulations. Yet, because of the effects of the assumption of human pedigree, it cannot be denied that racialisation, if not biologicalised racism, certainly has something to do with the way that immigration policy functions. In

⁸² Whilst I have not addressed the issue of gender in this thesis, I have researched how the governmentality of immigrant women's integration and immigrant mothering are conceptualised through feminism and socio-evolutionary discourses in Finland.

fact, the theory of 'new racism' certainly can explain the discourse of the human pedigree to a degree (e.g. Ibrahim 2005; Freedman 2005a, 144).

As the theorists of new racism claim, the misidentification of cultural values as inherent characteristics of individuals speaks of an implicit continuation of biologicalising discourses that render difference quasi-biological. Theorists of new racism have claimed that forms of culturalising racism employ the trope of 'culture' in the same way as 'nature' or 'genes' once were used to assign characteristics to human aggregates. That is, where earlier the terms 'race' and 'racial characteristics' were employed to essentialize and exclude certain people, today the same can be accomplished by talking about 'cultures', such as 'Muslim culture', 'Black culture' or 'Asian culture', and the characteristics of people coming from these 'cultures' (Balibar in Balibar and Wallerstein 1991, 41-42; Lentin 2004, 58-65). But, as Leach has pointed out, there is nothing new in 'new racism' and that both racism and social Darwinism always contained a cultural dimension, the socio-evolutionary dimension (Leach 2005; also Balibar and Wallerstein 1991; Goldberg 1993; Balibar 1994; also Rahikainen 1995; Lentin 2004, 90). That is, the diagnosis of inferiority was always essentially cultural—merely the explanation of inferiority tended to be more biological, yet not even then was it solely biological. Therefore, it can be said that the exceptionalising reading of racism merely disciplines the scientifically racist explanation of inferiority, which sees that the causes of inferiority are biological—but it does not question the diagnoses of socio-cultural inferiority as such. Rather, what we have seen historically is that the claims about the equal value of all 'cultures' have become disciplined by liberal discourses that insist on universalism and universalizing discourses of social evolution. That is, the socio-evolutionary conditions of possibility of racist discourses remained in many ways, if not essentially, unaltered, because the diagnosis of inferiority remained the same. The theorists of new racism have insisted that racism indeed continues unhindered and manifests itself in the notion of cultural determinism, instead of the traditional, biological determinism associated with scientific racism (e.g. Barker 1981; Balibar 1991; Goldberg 1993; and 2002; Gilroy 1996; and 2000). Rather, culture has become a form of civilized discrimination (Rahikainen 1995, 22).

The naturalisation of racism through psychologism (i.e. claiming that racism is a quasi-biological psychological reaction and therefore understandable) and historicism (racism has always existed) could certainly be seen as reasons contributing towards the functioning of human pedigree in the immigration apparatus (e.g. Barker 1981; Balibar and Wallerstein 1991; Hannaford 1996). In this sense, there is something very fundamentally racist in Western culture that is consistently being taken-for-granted and the investigation of which is persistently being resisted. As Lentin writes: "The psychologisation of racism, as much on the level of common-sense as on the intellectual plane, has hindered explications

that root it, rather, in the history of European political thought (Lentin 2004, 35; Bauman 1989; Dean 2010; McWhorter 2010). If racism requires the modern state (Bauman 1989), then, as Lentin argues, anti-racist discourses become entrapped in this modernist paradigm. That is, anti-racism is unable to address the issue of racism requiring a modern state, because anti-racism equally functions inside the same modernist paradigm. As Lentin argues, the current anti-racist discourse is not able to distinguish itself from the Western public political culture, but rather persistently addresses the issue of racism through liberalism. That is, as was already discussed in Chapter 2, addressing racism by using the limited, UNESCO tradition of anti-racist thinking we have ended up with the political culture of tolerance and political correctness with their limited or ineffective counter-discourses. As Lentin asserts, the typical Western anti-racist discourse formulates itself as a requirement to respect the Western liberal heritage of democracy, equality and tolerance. This method, in the end, is merely a superficial method of normalising 'intolerance' by assigning it as inherent to human beings and disciplining it through political correctness. In this process, anti-racism becomes a form of identity politics, a discourse about civilized and savage human beings, and a battle over the 'true' civilized identity of the Westerners and/or Finns (cf. Boswell 2000; Boswell 2005). But fundamentally anti-racism is unable to address the relation between race and state in its modernist specificity.

However, as we have seen in the previous chapters, the discursive status of liberal and democratic discourses is more complex than this type of identity politics would lead us to believe. Therefore, we cannot ignore the role of *liberal* discourses in perpetuating the rationality of racialising human pedigree either. The needs to reassess the way that liberal governmentality functions based on naturalism and to re-evaluate the issue of why the problematization of racism remains limited prevail. Liberalism, as it is used today, partly finds it difficult to resist and partly is coterminous with the impetus of protecting society from racialised others. The fact that much of anti-racism bases its strategy on the limited UNESCO tradition of anti-racism enables racialised thinking to continue as a mainstream conceptualisation through its interlinks with the rationalities and technologies of the state (Lentin 2008b; Lentin 2008a; Lentin and Lentin 2006/2008; Lentin 2004; Lentin and Titley 2011). Consequently, the rationality of governing through a human pedigree needs to be addressed through its conditions of possibility, i.e. through socio-evolutionary thought and its coterminosity with liberal naturalism. In the next section, before proceeding to discussing eugenic immigration policy, we will address the Foucaultian concept of state racism and its relation to socio-evolutionary thought in more detail.

4.1.2. Foucault and His Supposed Dismissal of Racism

As said, typically Foucault's thinking on race has been dismissed as undeveloped. The disregarding of Foucault's remarks on race is partly due to his thoughts standing out to some as a way of 'undermining' anti-racism. This notion is possibly caused by two factors: Firstly, the point that in more than one place Foucault asserts that it is not fruitful to discuss various discriminatory rationalities in terms of racism (as it is/was commonly defined). We have already discussed the limitedness of the definition of racism and the Foucaultian character of this criticism—with its anti-humanist objection to epistemic individualism, psychologism, and its utilisations of notions of abnormality and its ethnicity paradigms (see Chapter 2). Consequently, Foucault should be seen to deny the validity of the limited definition of racism rather than the existence or validity of racial discrimination *per se*. As has been said, racism as a practice has its conditions of possibility in a much wider constellation of power/knowledge than the limited definition of racism allows. If we treat racism as a discourse, then racism should not be defined through the object of discourse, that is, it should not be differentiated only according to an internal or external object of racism, i.e. according to colonial/imperial or national setting or even less according to the individual expressing or experiencing racism. Racist discourse is a system of dispersion central in which are its conditions of possibility. Analysing racism without taking into account or intentionally attempting to separate racism from its conditions of possibility is insufficient and contributes to the perpetuation of racism.

Secondly, the dismissal of Foucault's thinking on racism is likely to relate to the problematic historical discontinuity between forms of racism, when he talks about the "colonizing genocide," but situates the start of this genocidal development after the 1850s. This date, in the light of historical evidence, appears incorrect because of colonial expansion and killing that took place in the centuries before this. But, as for example Bernasconi (2010) and Mader (2011) have argued, Foucault's comments need to be understood in light of the larger *corpus* of his work. Mader explains the epistemic difference that Foucault asserts exists between the classical and the modern *episteme*'s way of conceptualising biology (Foucault 1966/2002; Foucault 1966/2002, 77-79; Mader 2011). This is what Hannaford has also argued, that qualitatively modern racism is very different from earlier prejudices (also Hannaford 1996, 89, 97; Myrdal et al. 1944). The epistemic change between the Classical and Modern periods, that Foucault was concerned in *The Order of Things*, produced the reformulation of the meaning of 'race' and the role given to human biology, which coincided with a changing mode of governing (i.e. a shift from *raison d'état* to liberal governmentality and its naturalism).

In the emerging power/knowledge constellation, “‘race’ and ‘nation’ became terms indiscriminately conflated alternately denoting biological constitution or cultural legacy, and thereby engendering confusion between natural history and national history” (Campbell and Livingstone 1983, 271). Foucault points out how the term ‘nation’ was different: Earlier, before modern nationalism, ‘nation’ had referred to class rather than ethnicity. ‘The bourgeois nation’ and the ‘peasant nation’ had their own laws. The existence of such ‘class nations’ was not necessarily limited by territorial boundaries either, but the bourgeois nation covered the bourgeois over state borders (Foucault 1975-76/1997, 142). This differentiating concept of nation was also reflected in the early conceptualisations of ‘race’ by the father of racism, Arthur Comte de Gobineau, for whom each nation-race was formed by three separate races: the fit superrace of aristocrats, the mongrel race of bourgeoisie and the subrace of the hoi polloi (Jokisalo 2003, 14). That is, the discourses structuring society in terms of ‘class nations’ were also translated into the emerging language of ‘race’.

As Hannaford has demonstrated, historically the modern concept of race is a new mode of knowing. The word itself did not enter Western vocabularies until the Middle Ages and even when it did, it referred to lineage, language, manners and land rights. Slowly, during the seventeenth and eighteenth centuries, the term gained a meaning that was capable of specifying the value and worth of its objects inside both a socio-biological, philosophical and later nationalist framework. Hannaford has asserted, in a rather Foucaultian way, that sloppy translation and the typically uncritical assumption of historians—the practices of doing the history of the present, i.e. interpreting history in a linear ‘evolutionary’ fashion, analysing it from the contemporary viewpoint—has given rise to the translation and interpretation of, for example, ancient Greek texts as if they contain the same rationalities about race as contemporary world does. But as Hannaford has shown, there was something essential missing in the earlier conceptualisations of strangers, ethnos, and ‘barbarians’ in comparison to the modern power/knowledge constellation. The ancient Greek conceptualisation of barbarianism and civility was not a matter of phenotype or biology, but rather a matter of conduct; of organising a *polis* and specifically *participating* in politics, in political dialogue. Nor did the Middle Ages have a human pedigree based on biology; the worthiness of humans was interpreted in terms of religious affiliation. Although prejudices against the ‘savage’ had been part of the intellectual milieu before the nineteenth century and social Darwinism, the notion that God had intended for the savage to exist had given a different, although not any less lethal rationality to their governing. That is, during the Middle Ages different ‘races’ were interpreted as part of God’s design and deemed not co-developmental or biologically of the same origin, as it was assumed that God had created the savage separately, this did not mean that the savage could not be killed, but that the savage was killed for different reasons than later, under the socio-evolutionary framework. This

means that death and discipline become technologies of government in different ways and for different purposes. It implies a completely different governmentality.

This changing paradigm of race can be explained through the early debates between polygenesis and monogenesis, i.e. the debate on whether humans had a single or multiple genetic origins (e.g. Goldberg 2002, 24-34). Before Darwin, polygenesis partly reflected the theological view that God had separated the races (despite common descent from Adam) and partly the racist notion that people culturally and biologically so 'different' could not be biologically the same as 'the white bourgeoisie'. The historical atrocities of earlier colonialists and missionaries attest to the lethal quality of earlier religious ways of conceptualising non-believers. Although religious discourses could grant the 'non-white' races a right to exist on the Earth in a different way than evolutionary theories later would, the religious order of things cannot be deemed necessarily any better. The words by a Virginia trial judge in defence of inter-racial marriage bans in 1950s America show that religious discourses did not necessarily provide the 'racially different' with an equal status any more than social Darwinist discourses did:

"Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix" (quoted in Carr Horrigan 2008, 381).

In this sense, religious discourse cannot be held *a priori* as a moral counter-discourse against state racist governmentality. As Rosen has argued in her book *Preaching Eugenics*, in the United States many liberal Protestant, Catholic and Jewish religious figures embraced eugenics as part of their social reform message (Rosen 2004). That is, as a mode of thinking about how to govern society, Christianity as a moral discourse did not always distinguish itself from eugenic discourses. Rather the Christian discourses of redemption as a form of the care of the self would in many ways start paralleling the eugenic discourses of caring for the self.

Although notions of polygenesis can be detected in many civilizational discourses today and in the consistent need to explain cultural or class difference in terms of biological difference, Darwinian monogenesis insisting on the genetic common origins of all people became the accepted scientific view. The modern episteme, with the discovery of evolutionary theory, saw 'races' in terms of continuous biological evolution (Mader 2011). How monogenesis translated into social theory is revealing: with monogenesis came the danger of degeneration (Chamberlin and Gilman 1985). It was not only that with evolutionary theory the monkey became a source of truth (Foucault 2000, 372), as the *cogito* was compelled to affirm the truthfulness of his socio-biological knowledge through the return and the retreat of the origin now found in the monkey and other highly selective animal fables, but according to socio-

evolutionary discourses the 'white' man also shared his origin with the 'black' man. This implied that the 'white' man could relapse, decline, retreat and degenerate to the presumably 'primitive' state of the 'black' man. In fact, it was not a long time ago that we heard a reflection of this discourse when the British historian, David Starkey, saw the cause for the UK August 2011 riots in the "profound cultural change" whereby "the problem is that the whites have become black".⁸³ Therefore, at this nexus of monogenesis we find the great impetus of defending society against degeneration; it is here that regression/progression becomes a central tenet of socio-evolutionary thinking on how to govern. Indeed, it becomes the essential dynamic of state racist governmentality and asserts a 'one-drop rule' of 'racial' degeneration into this governmentality.

The connection between biology and culture and its possibility for regression was, therefore, made rather late. Although earlier practices had been culturalising, they did not render difference quasi-biological in the same way (Hannaford 1996; Isaksson and Jokisalo 1999, 96-104) and therefore did not give rise to the same biopolitical technologies of governing at a distance as liberal governmentality with its socio-evolutionary rationalities. Gradually the West saw an amalgamation of concepts of nation, nationalism, race, class and later ethnicity that become connected to organic and socio-evolutionary conceptualisations of society and to socio-biological thinking. This amalgamation gave birth to the racialising modes of thought blossoming in, for example, social Darwinism. What is essential to this knowledge is the confusion between culture and biology that treats 'race' as culturally and politically significant, if not determinant (e.g. Bannister 1979; Goldberg 1990, 1993, 2002 and 2009; Rattansi and Westwood 1994; Donald and Rattansi 1992; Balibar and Wallerstein 1991; Freedman 1979; Jones 1980; Stepan 1982; Stocking 1968/1982; Clark 1984; Kaye 1986; Hannaford 1996).

This blooming racialising, biological knowledge of the nineteenth century is important to this discussion and we will soon turn toward its functioning in problematizing immigration in the nineteenth and twentieth century America, but we must not lose focus on the contemporary functioning of similar discourses. Whilst the specific content of these discourses has altered, the contemporary conditions of possibility for forwarding these discourses are essentially the same strands of socio-evolutionary thinking that are central to modernity. These now exceptionalised and marginalised discourses of social Darwinist 'scientific' racism have their impact on the contemporary context. For example, in the case of the United States, Omi and Winant identify two epochs of the racial formation in America: racial dictatorship and racial democracy. In their account, racial dictatorship lasted until the 1960s and was evidenced in histories of colonialism, social Darwinism, eugenics and racial segregation. Racial

⁸³ See for example The Guardian, "David Starkey claims 'the whites have become black'" by Ben Quinn, August 13, 2011, available at: <http://www.guardian.co.uk/uk/2011/aug/13/david-starkey-claims-whites-black>, visited 15.8.2011.

dictatorship defined American racial identity as white, organised society according to a colour line and consolidated a racialised consciousness. As Janara explains, historically racism was and is foundational to the way American democracy was conceptualised (Janara 2004; also Mills 1997/1999). With the rise of the UNESCO tradition of anti-racism, the culture of political correctness silenced the foundational nature of these early racialising and biologicalising discourses that rendered difference quasi-biological without doing anything about the actual diagnoses of inferiority. For Omi and Winant, the post-1960s racial democracy in America can be understood as a process towards a racial consent fostered by an hegemony of 'common sense,' rather than by domination (Omi and Winant 1994). Based on the socio-evolutionary human pedigree, whiteness continues to function as a category of evolutionary fitness. In this edifice 'whites' are 'naturally' placed on the top of the pedigree through 'competition' and 'equal opportunity'—by other 'whites'.

Whilst Finland has not had the same phenotypically polarized history as the United States has, race theories have formed an essential part of Finnish social history in the form of intra-white racialisation. Racialising discourses related to the 'Aryan'/'Nordic'/'Caucasian' vs. 'Mongol' race theories that prevailed around the turn of the last century. The Swedish-speaking Finns were defined as Nordic, and Finnish-speaking Finns as Mongols. This distinction influenced eugenic policies: many of the early expert-advocates of eugenics were Swedish-speaking and eugenic policies were slanted towards increasing the reproduction of the Swedish-speaking families.⁸⁴ These theories about Mongolian Finns did not disappear altogether.⁸⁵ The interpretations of 'bättre folk' (i.e. Swedish speaking upper class or 'better folk') still play a part in politics and common sense, as does the bi-racial interpretation of the Finnish population. The Nazis did not regard Finns as Aryans, but merely as 'honorary Aryans' and marriage licences between Germans and Finns were often denied, even if Finland cooperated with Nazi Germany in the Second World War (Kemiläinen et al. 1985; Mattila 1996; 1998; and 1999; Ollila 1994; Hietala 2009). In this sense, the basic conditions of possibility, i.e. the racialising socio-evolutionary

⁸⁴ With time this bi-racial interpretation has changed somewhat, especially with the nationalist policy of 'two languages, one nation' discourse, in which a Swedish-speaking upper class was highly influential. Due to the early twentieth century fashion of Swedish-speakers voluntarily translating their names into Finnish and due to the increasing use of Finnish as the primary language in bi-lingual homes, this distinction—especially with after the Civil war in 1918—would give room to class-based racialising discourses.

⁸⁵ The Mongolian issue actually functions in Finnish society in many ways. Factually, there are genetic characteristics in Finns that are more typical in Siberian peoples (Kaaro 2002), and people's looks, for example, are often interpreted inside this framework of Mongolian vs. Germanic/Nordic/Aryan.

discourses, are present in Finnish culture despite large-scale immigration or slavery not having been part of the Finnish history (cf. Keskinen et al. 2009).⁸⁶

Importantly, it is not the practices of racism and their frequency that are central to the functioning of state racism. The point is that human biology and 'race' have been incorporated into the functioning of the state through biopolitics, which has created a different power/knowledge constellation of naturalism wedded to racialisation that Foucault called state racism. This power/knowledge constellation may not be different in terms of results of exclusion and violence, but it is different in terms of its governmentality (Bernasconi 2010). Before modernity, political life was not defined through race, not only because there was no such signification until the sixteenth century, but because the borders of the political community were negotiated differently (Hannaford 1996): for example, based on political civility and religious belonging and not based on fitness as measured through the colour of the skin, social position and health.

Therefore, in order to combat the naturalising historicism of the claim that 'there has always been racism,' it needs to be understood that modern racism is something very different from earlier othering practices. What I have demonstrated here is not the retreat and return of the origin of 'race' or 'nation', as the 'there has always been racism' discourse suggests, but rather a shift in the meaning of 'nation' and 'race'. This in itself does not constitute the refutation of culturalising othering practices as untrue, but rather points towards a qualitative shift in these practices. What Foucault situates in the 1850s is the development of modern racism that functions inside the evolutionary framework, not the beginning of dehumanising treatment of others. Modern racism is a product of the modern mode of knowing with its retreat and return of the origin that is trapped in the circularity of having to explain the difference between the opposite ends of the Same (i.e. the monogenesis constituting the essential sameness of the man) as a matter of time, as a matter of social evolution (Foucault 1966/2002, 370-371).

⁸⁶ Keskinen et al. (2009) have analysed the functioning of racist and supremacist discourses in Finland in terms of 'complying with colonialism'. That is, they analyse colonialism through a centre-periphery dynamic, in which Finland appropriates the colonial discourses of the centre, and as a periphery state starts emulating them. Their argument is aimed at the discourses in Finland and the Nordic countries that attempt, through historicism, to deny that racism exists in Finland. That is, these speakers claim that because the colonial discourses of scientific racism never were part of the Finnish intellectual milieu, as Finland never was an imperial country, there is no true racism in Finland, but what we see is natural xenophobia. Whilst the argument of Keskinen et al. is completely valid in the sense that a lack of colonial history is an insufficient way of explaining the (in)existence of racism in Finland, and they correctly conclude that the claim of there not being racism is unsubstantiable. The only aspect that I differ on, with Keskinen et al., is the continued association of racism with colonialism. Certainly, racism was essential to colonialism, but the socio-evolutionary framework blossoming around the mid-nineteenth century altered the rationalities of colonialism at the centre: from missionary or power political grounds a move was made towards understanding colonialism as 'the white man's burden' of civilizing the subrace (which was also a domestic concern). This is also reflected in the discourses about the relative 'benevolence' of early colonialism in the UK. And in this sense, the socio-evolutionary framework started to function thereon as a condition of possibility of colonialism—or even of the end of colonialism for those who saw that the subrace had finally 'matured' and 'developed' enough to take government in their own hands.

We cannot *a priori* separate 'race' from the modern nation-state, that much is evident (Balibar 1991). Yet, whilst these practices of new racism and racialisation, in my opinion, can certainly explain the racialised human pedigree, they do not explain the functioning of wealth and human capital in the immigration apparatus. Racist discourse as such has nothing to do with technologies of wealth and 'human capital' (except as causes of poverty and lacking access to institutions creating 'human capital'). That is, a discourse that sees those of 'darker' phenotype as inferior does not necessitate a discourse about the inferiority of the poor. To address the intersectionality of race, culture and class, as I have insisted, we need to turn towards the conditions of possibility of these intersectional, racialising discourses; to state racism, to socio-evolutionary thought, social Darwinism and eugenics. These biologicalising and racialising discourses gave rise to a system of evaluation, or rather depreciation—in the form of the human pedigree discourse. As explained already, because liberal governmentality functions through a naturalising power/knowledge constellation, one of the central ways in which scarcity of meaning, i.e. the limitedness of possible signification, is introduced into liberal governmentality is via its naturalism.

4.1.3. The Exceptionalisation of Eugenics

To address the silence around the human pedigree we need to understand how social Darwinism functions inside liberal governmentality. Social Darwinism and eugenics are essential to the contemporary discussions about 'race' and immigration in the sense that they have been implicated in 'scientific racism', and therefore the exceptionalisation of racism is linked to the exceptionalisation of social Darwinism and eugenics. My claim is that the social Darwinist conceptualisation of fitness in its banality has been largely silenced. I will demonstrate this through the analysis of the immigration apparatus and its race hygienic rationalities. Before moving onto analysing the apparatus of immigration control, we shall address the issue of why I am approaching governmentality of immigration through eugenics, when the understanding is that eugenics is history.

Eugenics is typically exceptionalised by treating it as a Nazi 'ideology' that has since been proven wrong and *consequently* has no relevance for the way we conduct politics today. But this common-sense definition is, historically and factually wrong (e.g. Searle 1976; McLaren 1990; Stepan 1991, 4-9; Stern 2005). Eugenics never was *just* a Nazi ideology, quite the contrary (Kline 2001). As Teitelbaum and Winter assert, from their socio-biological or eugenic point of view:

"It is important to note, though, that many supporters of eugenics found both Nazism and what we understand today as racism to be completely repugnant, and that many politicians, scientists, and men of letters who were profoundly anti-fascist addressed themselves to the problem of race

hygiene in the period under review. We are not dealing with a lunatic fringe when we survey the history of eugenics in Europe and America, and it is only by stripping away the categories of our present, more equalitarian culture that we can appreciate the earlier meaning of eugenics” (Teitelbaum and Winter 1985, 47).

In fact, the eugenic thinkers in Germany had for a long time agitated that the future of the German race was compromised, because it was unable to utilise sterilisation for the improvement of the nation-race like the United States did.⁸⁷ Eugenic policies were first implemented in the United States, where the first eugenic sterilisation laws were passed in 1907 (Indiana) and affirmed by the Supreme Court in 1927 (Buck vs. Bell). By the end of the 1920s, 24 states in the US had adopted involuntary sterilisation laws, the last performed in the 1970s and ‘80s. The various state laws resulted in an unaccounted number of sterilisations over time. With decentralised and unregulated practices the estimates range in single states from thousands to hundreds of thousands. In this sense, eugenics was not a Nazi policy, although under totalitarian governmentality, the eugenic biopolitics were certainly implemented with ruthless efficiency.

Sterilisation laws were also adopted in other countries, for example in Switzerland (canton of Vaud) and Canada (Alberta) in 1928, Denmark in 1929, Germany in 1933, Sweden, Norway and Finland in 1934-1935 and Estonia in 1937. Many countries had a variation of eugenic policies, whether through sterilisation and/or abortion or provision of birth control for lower classes, institutionalisation of ‘degenerates’ in single-sex wards or marriage licence laws etc. preventing the procreation of people deemed degenerate—that is (depending on the country) those simply deemed to be unrestrained by convention or morality, those—in the histrionic language of the time—defined as ‘feebleminded’, mentally ill, epileptics, morons, idiots, mutes, criminals, prostitutes, those with venereal diseases, single mothers, vagrants, and sex criminals etc. For example, in Finland the eugenic sterilisation law was passed with overwhelming support (Mattila 1999).

⁸⁷ Consequently, Germany followed the American Eugenics Record Office’s model law in implementing sterilisation laws (Hartmann 1987, 97). What was different between the implementation of eugenic policies in Nazi Germany and elsewhere was the use of extermination as a technology of eugenics as well as the extent of ‘hereditary’ conditions leading to involuntary sterilisation. Anti-Semitism as such was also widespread in the West at the time. Hence, we need to treat the difference between Nazi eugenics and eugenics in liberal countries as a difference of democracy vs. totalitarianism, but not as a difference of biopolitical governmentality. It is a historical fact that other negative eugenic technologies than extermination were successfully implemented in many other countries, Finland included. In international eugenic conferences the experts disagreed over the hereditary mechanism and the prudence of sterilising all those with the ‘hereditary’ conditions that Germany covered (Stepan 1991, 32). These ‘hereditary’ conditions included: “‘hereditary feeblemindedness’, schizophrenia, manic depressive insanity, hereditary epilepsy, Huntington’s chorea, hereditary blindness and deafness, serious bodily deformity, and alcoholism” as well as mixed-race genesis (hence the search for Jewish ancestors during the Nazi regime) (Stepan 1991, 32). The most significant difference was of course the systematic extermination of categories of people, the Jews, the Roma and the disabled most notoriously.

Secondly, and even more importantly, not all countries abolished eugenic legislation after the Nazi atrocities came to light. In fact, Sweden and Finland performed most of their sterilisations in the 1950s and 1960s and abolished eugenic sterilisation laws in 1975 and 1970 respectively. Most of the sterilisations performed in Finland were actually done after the 1950 renewal of the Sterilisations Act, through which politicians gave explicit advice to health professionals to reinvigorate the policy of eugenic sterilisations (Hietala 1996/2005; and 2009; Mattila 1999; and 2005).⁸⁸ Finland also operated a eugenic abortion law that combined sterilisation with aborting the foetus (Broberg and Tydén 1996; Hietala 1996/2005). In the US the forced sterilisation of the mentally retarded continued until the mid-1970s, in California until early 1980s (Stern 2005). In fact, the sterilisation of the mentally retarded or mentally ill is still legal in many countries, including Finland. Although eugenics never was as widely supported in Finland as it was in the United States or in Nazi Germany, and although in all countries there was opposition to eugenic policies, the easy passing of eugenic laws in 1935 in Finland, the desire to enhance the impact of the sterilisation laws in its reform in 1950 and the addition of the 1950 compulsory castration law all speak of a commonly accepted rationality (Rahikainen 1995; Hietala 1996/2005; Broberg and Roll-Hansen 1996; Mattila 1999; see also Schrag 2010, 93).⁸⁹ In this sense, it cannot be claimed, that eugenics was “a minor offshoot of turn-of-the-century sociobiological thought that never achieved ideological ‘takeoff’ in terms of influence or circulation” (Freedman 2005a, 144).

There are two keys to this kind of exceptionalising of eugenics. The first is its definition through the negative and through biology. Namely, eugenicists advocated both ‘negative’ and ‘positive’ methods aimed at the unfit. The infamous ‘negative’ methods could include eugenic abortion and eugenic contraceptive use, sterilisation, segregation, institutionalisation, extermination and ‘eugenic euthanasia’,

⁸⁸ After 1955 Finland performed 5001 sterilisations on explicitly eugenic grounds. Altogether after 1950 there were 56.080 sterilisations, which included voluntary ones as well as those based on eugenics grounds or mental illness. The sterilisations that were not categorised as eugenic included, for example, the mentally retarded, the mentally ill and epileptics as well as socio-economically rationalized sterilisations. However, voluntary sterilisations would include also those that institutionalised persons agreed to as a condition of release or that ‘degenerate’ persons agreed to voluntarily. Because Finland practised involuntary sterilisations, unlike Sweden, the statistics between these two countries are not comparable. Altogether in Sweden, which is roughly twice the size of Finland, 62.888 sterilisations were performed, out of which 11.592 were explicitly for eugenic reasons, although voluntary. In Sweden 85% of voluntary sterilisations were performed after 1945. If the Finnish law allowed forced sterilisations, in Sweden the voluntariness of all sterilisations has been problematized and it has been shown how, in fact, psychological pressure and expert authority were advised to be used to accomplish eugenic sterilisations. Regardless, in Finland the consensus regards the Swedish practices of sterilisation as worse than the Finnish ones (statistics based on those presented in Broberg and Roll-Hansen 2005).

⁸⁹ Roll-Hansen, for example, asserts that eugenics started waning after the Second World War and the publication of Nazi atrocities (Roll-Hansen 1996, 264). This is partly true. The increased understanding of hereditary mechanisms started undermining the efficiency and meaning of negative eugenic measures already earlier and the efficiency of sterilisations as a technology started to be increasingly problematized. However, sterilisations did not stop in 1945, eugenic measures were not wholeheartedly condemned, the sterilisation of the mentally ill under guardianship is still legal—as is aborting fetuses based on genetic or socio-economic considerations (which does not imply that freedom of choice should not be allowed, but rather that the common sense rationalities themselves—of why a life with a disease is not worth living or why the poor should not have children—should be examined).

pre-marital medical checks and marriage licences, as well as immigration control. But centrally, eugenics advocated also a 'positive' policy agenda, which concentrated on enhancing the racial fitness of the genetically superior, on improving the nation-race to sufficient quality and on supporting the procreation of the genetically fit classes or individuals. In fact, positive methods were essential to eugenics; they were what Galton envisioned to be at the centre of eugenics (Schrag 2010, 78):

Francis Galton . . . has defined this new science as the study of agencies under social control that may improve or impair the racial qualities of future generations either physically or mentally . . . Our science does not propose to confine its attention to problems of inheritance only, but to deal also with problems of environment and of nurture. (Henderson 1909, 223)

Consequently, it is not surprising that Foucault talks about "a eugenic ordering of society" reflected in population politics focusing on the "family, marriage, education, social hierarchization, and property" that were "accompanied by a long series of permanent interventions at the level of the body, conduct, health, and everyday life [which] received their color and their justification from the mythical concern with protecting the purity of the blood and ensuring the triumph of the race" (Foucault 1976/1998, 149-150). As, for example, Turner insists, eugenics has become "an essential feature of modern government, despite the fact that the very word 'eugenics' is normally hidden from view, given its bad historical connections with genocide" (Turner 2007, 297). As Foucault writes:

"let it not be imagined that this was nothing more than a medical theory which was scientifically lacking and improperly moralistic. Its application was widespread and its implantation went deep. Psychiatry, to be sure, but also jurisprudence, legal medicine, agencies of social control, the surveillance of dangerous or endangered children, all functioned for a long time on the basis of 'degenerescence' and the heredity-perversion system" (Foucault 1976/1998, 119)

Compulsory sterilisation was merely a negative technology of a much wider rationality of governing. The aim of positive eugenics was to create a society "in which desire for 'genetically superior' offspring would be the norm and in which tolerance for any sort of biological or behavioral deviation was very low, a society in which ordinary individuals could be counted on to make eugenic choices without any official compulsion" (McWhorter 2009, 418). Eugenics was to become an unquestioned religion of society implying a striving to create eugenic rationalities of governing the population at a distance.

Eugenics focused on many issues: population policy, psychiatry, social work, health and hygienic policies, it advocated eugenic marriages, i.e. early marriages between the genetically fit, and advice for example on reproduction, marital morality, genetic counselling, pre-natal care and pre-natal screening, eugenically sound mothering and child upbringing, child benefits and maternity allowances. Eugenics played a key role in defining the projects of public hygiene, social hygiene and mental hygiene of the nineteenth and twentieth centuries, also in Finland. In many more countries eugenics affected policy,

even if religious or liberal opposition prevented the use of the infamous negative methods of eugenics. (E.g. Pickens 1968; Searle 1976; Freeden 1983; Hartmann 1987; Stepan 1991; Nye 1993; Broberg and Roll-Hansen 1996; Dikötter 1998; Kevles 1998; Kalling 1999; MacMaster 2001; Stone 2001; Spektorowski and Mizrachi 2004; Rosen 2004; Leonard 2005; Mottier 2005; and 2008; Gerodetti 2006b; Mottier and Gerodetti 2007; Turda and Weindling 2007; Turda 2010). Positive eugenics was essential to eugenics. The positive policy agenda gave rise to and paralleled policies of national improvement and modernization aimed at realizing the potential of citizens and the nation-race. Some eugenicists also aimed to educate the population, to make eugenics into a religion that people would follow unquestioned. In doing this, eugenics was intertwined with other rationalities of governing, but at the same time integral to conceptualising society (Stepan 1991; MacMaster 2001; Helén and Jauho 2003; Turda and Weindling 2007; and 2010; Dean 2010; Lucassen 2010; Kevles 1998; Ladd-Taylor 2001; Hietala 2009).

Secondly, to the exceptionalisation of eugenics is its designation as a 'minor offshoot' of pseudo-academic theory. Yet, social Darwinism and eugenics basically are strands of thought that applied evolutionary logic to society. They interpret socio-economic progress, both at the individual, social and international level, as a result of natural selection and the survival of the fittest. And as we have discussed, socio-evolutionary thought is admittedly integral to liberal ontologies and they inherently relate to the ideational shift from *raison d'état* to governmentality. Hence, whereas prior to the 1880s social Darwinism and eugenic laws had been resisted in many countries, the emerging socio-evolutionary and eugenic sciences were able to—by tapping into the liberal governmentality's requirement that governing be grounded in science—change politics and the power/knowledge constellations that made such views acceptable and mainstream. Especially medical sciences have had a central role in biopolitical governing (Rose 2006, 28). Eugenics functioned at the centre of debates about evolution, fitness, degeneracy, progress and civilization. It inherently belongs to the modern order of things (Bauman 1989; MacMaster 2001; e.g. Turda 2010). "Eugenics was significant because it occupied the cultural space in which social interpretation took place," it provided the vocabulary, the discursive structure of "medical-moral" rationalities (Stepan 1991, 9). Eugenics presented itself as an expert knowledge and was propagated by governmental advisors, such as medical, psychiatric or social work experts, who inserted eugenics into liberal governmentality through its preference for scientific knowledge about the naturalised laws of society according to which social and national problems should be governed. Eugenics was part of the expert knowledge that normalised earlier stereotypes and turned them into modern racism and racialisation (e.g. Searle 1976; Schrag 2010, 73; Bauman 1989). In doing this, it inherently impacted liberal biopolitical governmentality based on naturalism and government for

the improved wealth and health of society, and had the impact of marginalising moral discourses. That is, by valuing the impetus of efficiently improving the nation-race over, for example, various discourses about 'the good life' social Darwinist conceptualisations of 'the worthy life' helped to marginalise notions of governing for 'the good life' attached to various moral discourses, such as religious, humanist or equalitarian discourses. More importantly, eugenics was appropriated by laymen and progressive thinkers in general and, consequently, lost its actual 'scientific' reference and control (Rosen 2004).

Therefore, exceptionalising eugenics is analytically insufficient. Rather because of its centrality, we should not re-write history and make eugenics into something exceptional, but rather we need to focus on why eugenics was not exceptional, and why it was able to occupy a centre stage (even if a contested one⁹⁰) in social sciences and politics. In doing this, we should bear in mind that eugenics never was simply about sterilisation. After we have given up political analysis conducted in terms of sovereignty and law, the analytical task becomes a task of understanding the power/knowledge constellation that the rationalities of governing are grounded in. Then, the relevant question in terms of governmentality is: Although the methods of social Darwinism, eugenics and Nazism were condemned and the excesses of racist rhetoric disciplined, what happened to the aims? That is, what we need to investigate is the continued rationalities of governing, in this case governing immigration, and whether these rationalities are informed by social Darwinist and eugenic conceptualisations today.

4.1.4. Social Darwinist vs. Eugenic Governmentalities

What are the social Darwinist conceptualisations then? My claim is that social Darwinism and eugenics cannot be adequately distinguished as discourses, i.e. as systems of dispersion. They both essentially utilise a social Darwinist definition of fitness. As the classical critique of social Darwinism showed already in the twentieth century, the social Darwinist theory of evolutionary fitness is not the same as the biological and genetic theory of fitness: In biological theory the success of a gene is seen in its more frequent manifestation in the current generation, i.e. in more numerous surviving progeny. That is, those that have more surviving children are by definition the fittest. This indeed, was the initial assumption of

⁹⁰ The objection to eugenics come from different discourses, but American religious discourses present an interesting case. Schrag argues that one of the reasons behind the US prohibition of teaching of evolutionary theory in America relates exactly to the way these social Darwinist conceptualisations of evolution had been written into school books, how they were taught at schools, formed an integral part of early academic scene and how they circulated in the journals and newspapers of the nation (Schrag 2010, 88-90). Indeed there are similar rationalities in the contemporary religious objections to abortion and the use of birth control in America (see for example Rich Deem's web article "Modern Eugenics: How Abortion is Getting Rid of "Undesirables"", available at: <http://www.godandscience.org/doctrine/moderneugenics.html>, last modified July 12, 2009, accessed 23.2.2012). These racialised policies of sterilisations and the Norplant policy (long-term contraceptive) in the US are sometimes objected to by feminist and anti-racist discourses in reference to eugenic practices (Burrell 1995; Gill 1994).

social Darwinist theory: that the upper classes would have more children due to access to better nourishment and resources. Unfortunately for social Darwinism, reality had this unnaturalised, 'dysgenic' pattern of birth where the richer in fact had fewer children. This is of course unsurprising because the wealth of a family (or nation) is related to the number of children based on very basic maths: Per capita income, the nation's relative wealth, is directly influenced by the number of dependents, the size of inheritance is proportionate to the number of children and the parents' possibility to provide 'fitness improving' (and status enhancing) opportunities and education to their children (especially in countries where education is not free) is directly impacted by the number of children. Hence, because the number of offspring would not render the upper classes 'the fittest' in the evolutionary sense, social Darwinism changed the criteria of determining 'genetic' fitness: Henceforth, the success of the gene was to be determined by the social position of its owner (e.g. Løvtrup 1987, 394-400). This is where naturalism, market veridiction and evolutionary forms of historicism start to work in conjunction with social Darwinism. In the scientific sense, social Darwinists and eugenicists were never so simple as to assume that all lower class individuals were unfit or degenerate or that the upper classes were always going to be fit. The governmentality, because of its belief in evolution, was inherently dynamic: the lower classes could prove themselves to be fit and the upper classes could degenerate. This allowed for the individualisation of socio-evolutionary rationalities and the naturalisation of the individual's (obtained) social position.

Underlying this social Darwinist governmentality is of course the concept of naturalised laws: Structures of society were not to be attributed to discrimination or injustice, but to evolution. Whereas Christianity had interpreted wealth as God's election and divine protection (Foucault 1978-79/2008, 85), with social Darwinist discourses of evolution the rich white man simply became 'the fittest'—because tautologically his ascendance in the social hierarchy proved his genetic fitness. As a discourse on worth and morality rendered quasi-biological, social Darwinism inseparably intertwines the meaning of evolution with race, nationality, class and gender by linking culture with biology and making the social order an evolutionary inevitable. Genes and natural (group) selection simply determined the cognitive models that genders/nation-races/civilisations adopted. These beliefs came to form the commonsensical way of interpreting the world. Henceforth historical structures of discrimination created by sexism, imperialism, capitalism and elitism were factualized and 'scientifically' attributed to genetic quality; they were made into products of socio-biological evolution when history was conceptualised as evolution.

In terms of the empirico-transcendental riddle it was from the midst of his historical existence, from within the privileged life to which he entirely belongs and by which he is traversed in his whole being, that the white man constitutes representations of history as evolution that in turn enable him to

transcend his finiteness and through which he comes to possess the strange capacity of being able to assert the truthfulness of social Darwinism as an infinite discourse. As a game of power/knowledge, 'history' and 'change' was turned into 'evolution' and posited as a proof of the justness or irrevocability of the world order: to want to change the world order meant tampering with naturalised laws of social evolution. Yet, the threat of degeneration makes the socio-evolutionary rationality of governing a dynamic one, and through this infinite dynamic, the risks and dangers of degeneration become marked as perpetual rationalities of conducting conduct, of 'making live' and 'letting die'. To change the world order, social evolution had to take its natural course, meaning that the subrace needed to evolve to the level of the superrace, if it was not 'let die' before this (i.e. if the superrace did not override the subrace before this). This notion of evolution was conceptualised as a naturalised process; one needed to be aware of not governing it too much. Whilst incremental change was 'natural', to attempt to alter this order was considered the work of the 'congenital savage', whose essential nature entailed "an instinctive and natural revolt against civilization" (Stoddard 1925, 22). Civilization stood for the natural, evolutionary order of things; to revolt against this came naturally only to the congenitally lower type functioning on the basis of instincts, emotions, irrationality and neediness. The securitised role of the 'congenital savage' lacking in 'civilization' was not only assigned to the biologically unfit, but also to the morally degenerate (if not even to one's political opponents, to anarchists and communist especially, who are barred from entering the United States).

If the concept of fitness is the same between social Darwinism and eugenics, social Darwinism and eugenics can be distinguished through the different position they employ in relation to the technologies of governing: Social Darwinism promotes a *laissez-faire* policy of survival of the fittest, which is not necessarily a *laissez-faire* policy of governmental regulation, but a *laissez-faire* of 'letting die', that is most effectively seen in the silence that it maintains around the 'necessity' of *laissez-mourir*. Social Darwinism silences moral discourses capable of resisting this impetus of 'letting die' by, for example, inserting a discourse about 'too much government' around such problems as, for example, the morality of providing quality health care also to the poor and unemployed. In comparison, eugenic technologies of governing suggest a more proactive or interventionist rationality of 'making live'.⁹¹ Because "[w]e have the environment acting, as it were, like a sieve, separating the fit from the unfit, and selecting those who are best adapted to their surroundings. Every change of environment necessarily alters the

⁹¹ This association of eugenics, known for its policies of death, is on the surface contradictory. However, if we accept that both social Darwinist and eugenic technologies of governing embody the governmentality of death, and compare their rationalities of governing, then eugenics is the one that judges 'death-worthiness' based on how people conduct themselves or care for themselves and make proactive interventions of 'making live' especially through its positive technologies. In comparison, the social Darwinist allowance for natural selection to function embodies the 'letting' in the 'letting die'. In this sense, eugenics is an active policy of socio-genesis.

incidence of selection, the type of survivors in each instance being determined by the survival-value” (Herbert 1910, 122), eugenics also had to include proactive policy as a measure of improving the race- nation and guarding against its degeneration. As shall be seen, American immigration policy came to favour restrictionist and interventionist and not *laissez-faire* technologies of governing immigration. This is the main reason for discussing the immigration apparatus in terms of eugenic governmentality, although the rationalities of governing immigration cannot be understood without social Darwinism.

We have now discussed how eugenics cannot be exceptionalised through its negative methods and distinguished it from social Darwinism in terms of its technologies of government. Consequently, we are ready to present a more specific definition of eugenics, before moving onto discussing eugenic immigration policies as such. The term eugenics was coined by a British thinker Francis Galton in 1883 and refers to race hygiene. Eugenics is

“the science which deals with all influences that improve the inborn qualities of a race, also with those that develop them to the utmost advantage; and it embodies the study of agencies under social control that may improve or impair the racial qualities of future generations. The primary and immediate aim of the science is thoroughly to investigate:

(1) The laws of variation, and particularly of inheritance, of physical and psychical characters and of the various specific diseases and general morbid conditions to which man is subject, in order that it may be known to what extent these various characters are inborn.

(2) The relative fecundity and fertility of the various racial and social classes, and the correlation or association of fecundity and fertility with different characteristics, in order that we may know to what relative extent the good, bad, and indifferent elements of society reproduce themselves.

(3) The effect of external influences on the characteristics enumerated under (1) and (2), in order that definite knowledge as to how such social activities as organized charities, for example, may most effectively be directed toward a eugenic end.

A parallel aim is to endeavor to influence public opinion toward eugenic ideals, particularly with reference to marriage, the bearing and rearing of children, and to the care and treatment of defective classes of society; using as the basis for the propaganda the solid contributions to knowledge which may be gained in the campaign of research outlined.” (Pearl 1908)

Or as defined by more contemporary authors, eugenics is:

“the science of the improvement of the genetic stock of the human population or of subgroups within. As such it constitutes a body of ideas and proposals of a positive kind, encouraging or stimulating the propagation of individuals and groups deemed to contribute to the well-being of the community, as well as a set of notions of negative kind, restricting or eliminating the propagation of characteristics, individuals, or groups deemed detrimental” (Teitelbaum and Winter 1985, 47; underlining is mine).

Fitness is the operative word of eugenics, signifying better breeding, i.e. the development of a robust stock of humans capable of competing and succeeding in a changing environment. As racism, also

eugenics appears at its height when trying to build a perfect society (Bauman 1989). Eugenics aimed to use proactive technologies to guide the development of the nation-race, to improve its fitness and to prevent its degeneration. In this sense, eugenics functioned as a biopolitical rationality inside liberal governmentality that operated based on a social Darwinist conceptualisation of fitness calculated in social position, because social position measured inherent fitness and adaptation to the environment most effectively.

4.1.5. State Racist Governmentality

The human pedigree, its functioning through racialising discourses of culture, class and morality, is enabled by state racist governmentality. The policies of controlling unwanted population sections have a long history that predates Darwin's evolutionary theory (e.g. Foucault 1961/2006; 1974-75/1999; 1975/1991). Biology was already a grounding notion in Western biopolitical governmentality prior to social Darwinism; social Darwinism is merely the explicit enunciation of its emerging logic. Herbert Spencer's social Darwinist thesis was published prior to Darwin's theory and Darwin certainly was not the first one to discuss evolutionism (e.g. Løvtrup 1987). Lamarck and others had already presented their concepts of inheritance giving rise to socio-evolutionary thinking before Darwin. Spencer's *Progress: Its Law and Cause* was published in 1857 whereas Darwin's *The Origin of Species* was published in 1859 and his *Descent of Man*, in which Darwin discussed his socio-evolutionary ideas, only in 1871. Darwin's social Darwinism was never as pronounced as Spencer's. Some do not even implicate Darwin himself in social Darwinism at all, but claim rather that:

“By using metaphorical concepts from Malthus and Spencer, Darwin made it more difficult to disassociate his new discovery in biology from older patterns of social thought. It was not what Darwin said that had little impact, but it was the manner in which he said it that led those, who were looking for scientific support for opinions already held, to infer that he meant what they already believed” (Rogers 1972, 268).

Further, Darwin himself certainly had little to do with eugenics as such. Galton coined the term 'eugenics' only in 1883. In this sense, social Darwinism must be understood as a discourse developing also prior to and outside of Darwin's evolutionary thinking. “Although Darwin accepted the struggle for existence as only one basis for biological progress among animals and plants, the Social Darwinists made it the principal basis of social progress among human beings” (ibid. 271). Therefore, in terms of social theory, we cannot limit the socio-evolutionary rationalities to those propagated by Darwin and we cannot define social Darwinism solely through the writings of Darwin himself. Rather, social Darwinism needs to be treated as a system of dispersion essential to which are its conditions of possibility. The

biopolitical logic that came to be formulated in terms of state racism developed slowly together with the increasing scientificity of social policy.

We must keep in mind, at this stage, that the scientificity that we are discussing is not that of 'scientific racism'. As far as racism relates to the logic of governing the state, to state racism, Foucault does not separate the 'external' and 'internal' racism as many thinkers tend to do—a phenomenon related to the methodological nationalism rampant in social theory (e.g. Chernilo 2006; and 2007) and it does not limit itself to issues what we would today understand with the term 'race'. State racism is a dynamic of purification that is conceptualised in terms of a race war. This is a race war between 'races' that fundamentally are two:

Having established this...the idea [of biological transcription]—which is absolutely new and which will make the discourse function very differently—that the other race is basically not the race that came from elsewhere or that was, for a time, triumphant and dominant, but that it is a race that is permanently, ceaselessly infiltrating the social body, or which is, rather, constantly being re-created in and by the social fabric. In other words, what we see as a polarity, as a binary drift within society, is not a clash between two distinct races. It is the splitting of a single race into a super-race and a sub-race. To put it in a different way, it is the reappearance, within a single race, of the past of that race. (Foucault 1975-76/1997, 60-61)

That is, what is particular about Foucault's treatment of 'biologico-social racism' is that he conceives of it in terms of a 'logic of race war',⁹² which is both integral to Western governmentality both internally as well as manifesting in its external relations with the colonies— or today with the 'developmentally Third World' (Foucault 1975-76/1997, 50; on developmentalism, racism and securitization see Duffield 2002;

⁹² Historically, Foucault links the birth of state racism to a race war that was given shape in the battle against monarchism based on conquest. Race war is the logic that replaces the (conquering) King's right to rule. In his account of French and British history in particular, he sees the creation of a 'counter-history' as a tool of resistance with which 'conquered nations' battle against the conquering King. Although Foucault's analysis concentrated on the French and British examples, parallels can be drawn to the Finnish experience: The demand for Finnish independence was born under the monarchism of the Russian Tsar and was formulated in the name of the nation's right to self-rule. In addition, the Finnish political constellation was impacted by the division of the Swedish-speaking upper class and Finnish-speaking 'folk'. In both contexts, the right to rule is contested in reference to a race-struggle: The conquered nation-race declares its rights against the sovereignty of the racialised conquering monarch, after which sovereignty becomes legitimized through a universal philosophy of right, of the right of sovereign race-nation, through government based on the sovereign nations. The interest of the state is not identified with the interest of the monarch anymore, but with the interest of the ruling 'nation' and with the defence of the race. In situations when the revolt against the conquering king did not lead to actual obliteration of the sovereign, the legitimising philosophy of the 'social contract' is constructed to explain the existence of two races in the same state and the continuation of the rule of one over the other. The function of the social contract model, according to Foucault, then is to hide a permanent societal war of power. Its function was to hide the root of power in conquest that the modern constitution is based on by making the ruled population accept the fact of being ruled. It does this by pointing out that the lack of revolt by the conquered population in itself constitutes an acceptance of and a willing submission to being ruled. This process, according to Foucault, leads to the logic of race-war being transformed and generalised and thereby becoming a prevalent discourse diffused into the governmentality of the state. With time this binary logic of two races finds its way into various discourses and historical contexts and changes its form and object (Foucault 1975-76/1997, 65-85; also e.g. Doty 1999; Elden 2002; Mader 2011). Regardless of the accuracy or inaccuracy of Foucault's historical account, what is central in this account is the emergence of early discourses of 'race' and 'nation' into the political arena, which enables their later amalgamation with socio-evolutionary discourses.

2006; and 2007). That is, it is the race war between the superrace and the subrace that is fundamental to this logic of state racism and its racializing dynamic of degeneration and progress.

As Lentin asserts, already Voegelin's interest, before Foucault, was "in showing the extent to which the notion of strong and weak, or passive and active, 'races' takes hold as a fundament of the theorisation of the emergence of modern nation-state" (Lentin 2004, 42; Voegelin 1933/1997). The logic of this race war between the strong and the weak races runs through the body-politic itself (Foucault 1975-76/1997, 59-60). Race struggle becomes

the discourse of a centered, centralized, and centralizing power. It will become the discourse of a battle that has to be waged not between races, but by a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviated from that norm, against those who pose a threat to the biological heritage. At this point, we have all those biological-racist discourses of degeneracy, but also those institutions within the social body which make the discourse of race struggle function as a principle of exclusion and segregation and, ultimately, as a way of normalizing society. (Foucault 1975-76/1997, 60-61)

Thus, the epitome of state racism is in the division of the Same, of the human homogenetic population into two biological 'races': the sub-race and super-race with the sub-race embodying an agglomerate of undesirable qualities and abnormalities as well as the danger of regression, decline and degeneration of the whole evolutionary progress of the population.

'Not to govern too much' meant accepting naturalised selection and death in the name of progress. Fundamentally, social Darwinist discourses of degeneracy served to naturalise and render bourgeois morality quasi-biological and to turn socio-historical problems into hereditary problems—and therefore not to matters of political organisation or God's will, but to matters of biology, evolution and selection (e.g. Pick 1989, 59). As Dean asserts,

"It follows that given we continue to live in a system of modern states, we must face up to forms of bio-political racism, i.e. racism that follows on not simply from discrimination, scapegoating or institutions, but also from the elements by which we are compelled to think about and imagine the states and their populations and seek to govern them. This is as true for the liberal art of government as for non-liberal rule. The former's emphasis on governing through freedom means that it always contains a division between those who are capable of bearing the responsibility and freedoms of mature citizenship and those who are not" (Dean 2010, 171).

Because of the way we conceptualise the state and its functioning through naturalised laws, citizenship becomes governed at a distance through technologies of freedom and rights, empowerment and responsabilization, and they are intimately connected to eugenic rationalities that were carried out through technologies of, for example, disenfranchising or sterilizing the unfit. As Freedman asserts, social

responsibility was one of the key ways through which eugenics entered the political scene (Freeden 2005b, 154).

As the father of racism and one contributor to the birth of social Darwinism, Arthur Comte de Gobineau insisted, social conflicts (including class conflict) were essentially race conflicts and, as we saw earlier, he envisioned that each nation-race was formed by three separate races: the fit superrace of aristocrats, the mongrel race of bourgeoisie and the subrace of the hoi polloi (Jokisalo 2003, 14). This nuanced theorem of subrace/superrace divide reflects the rendering of class prejudice quasi-biological. With the ascendance of the bourgeoisie and the industrialising world, the bourgeoisie had to elevate its moral standing from being a mongrel race to a class essential to the well-being of the nation-race. As Foucault suggests, this affirmation was more of a process of self-affirmation of bourgeois vitality, vigour and pedigree than a pure domination of the lower classes or a mere appropriation of “themes of the nobility”: The bourgeoisie imposed a biopolitical governmentality also on itself because “[i]ts dominance was in part dependent on that cultivation” of “health, hygiene, descent and race” giving rise to state racism, to “a dynamic racism, a racism of expansion” (Foucault 1976/1998, 124-125).

Social Darwinist discourses of degeneracy are essentially discourses of morality rendered quasi-biological. The sub-racial qualities are a matter of definition and they have come in the form of intersectionalities of quasi-biological forms of discrimination of ‘gender’ and ‘race’, and racialising conceptualisations of class and ability as well as health and mental ability. Degeneracy is an important discourse of normalisation, if not the key discourse of abnormality. Degeneracy is defined as an impairment of virtue and moral principles. A degenerate is a person unrestrained by convention or morality. Degeneracy is thus a socially and culturally defined impairment. ‘Degeneracy’ is marked as a generic tool of defining the abnormal or inferior through the typical quasi-biological intersections of race, nationality, ethnicity, class, gender and ability vis-à-vis the ‘fit’ and the ‘normal’. The unfit were defined as degenerate, feeble-minded, mentally ill (including conditions such as depression, bi-polar disorders etc.), epileptics, alcoholics, single mothers, prostitutes, vagrants and criminals. These poorer and the less developed, the ‘weaker gender’ and ‘weaker races’ were blamed for their own misery: they were not genetically as evolved as the white heterosexual wealthy man (e.g. Ryan 1998/2001). Essentially, genetic and social worth are made to explicitly or implicitly coincide in a perfect fit with each other and alternative explanations are disregarded (Hahn Rafter 1988, 7). Worth is measured through the ability to contribute towards the fitness of the race-nation. The figure of the degenerate, as an epitome of the abnormal, became a central technology of state racist (immigration) policies of purification.

What is in question in eugenic governmentality is therefore a proactive application of social Darwinism to the governing of the wealth and health of the population. As said, like any other discourse, eugenic and social Darwinist discourses cannot be clearly defined (Turda 2010). The members of the international eugenics movement held different views on heredity and the means of promoting their ends, as did 'pure social Darwinists'. That is, the distinction between social Darwinism and eugenics is elusive in practical and theoretical terms, but eugenics arises from the same conditions of possibility of evolutionary discourses that are essentially to social Darwinism. And as has been insisted, eugenics and social Darwinism cannot be reduced to the level of individuals, i.e. treated either as a conspiracy of certain individuals or organisations that forward their race hygienic agenda in a clandestine fashion. That is, psychologising eugenics and social Darwinism in the same vein as racism has been exceptionalised through psychologism, i.e. reduced to a symptom of a marginalised mind, is not a sufficient mode of analysing the impact that eugenics and social Darwinism had historically. Rather than playing games of truth over who were the real eugenicists and who were not and whether they had access to figures of power and whether it can be demonstrated that the thoughts of eugenicists explicitly impacted the ideas of those in power, we shall focus on the relation of eugenic discourses, in their plurality and as systems of dispersion, to liberal governmentality and its limits of governing. Social Darwinism and eugenics need to be assessed as dispersed discourses that were employed and reformulated by laypersons in multiple ways finally making social Darwinism and eugenics commonsensical to a degree.

Eugenic methods have been severely criticised and opposed, even by eugenicists themselves, but eugenics as a form of thought cannot be defined by the methods. Eugenic aims are what count. And these general aims and problematizations often live on unexamined in biopolitical policies, such as prenatal screening, embryo selection, artificial insemination and population policy (e.g. Daniels and Golden 2004; Connelly 2006; Richards 2008). Common sense discussions about the need for 'licences to have children' for some people or about birth control advice for welfare mothers are some of the contemporary discourses that embody modes of conducting the conduct for eugenic ends. There are also contemporary practices of sterilisation of the poor and/or minority women in many countries, such as coerced sterilisations of the Roma in some Eastern European countries (e.g. Zampas and Lamacková 2011), not to mention the sterilisation policies in the 'developing world', for example in India, China and some Latin American countries. It has also been argued that the logic of race hygiene is very much alive today, for example, in some socio-biological and genetic research agendas and policies (Hartmann 1987, 98; Nye 1993; Fijalkow 1999; Hubbard 2003; Duster 2003; McWhorter 2009; Ina 2005; Hoeyer et al. 2009; Kevles 1998; Meskus 2009). As Teitelbaum and Winter wanted to emphasize

(in their book that makes only scant reference to any other sterilisation policies than those of Nazi Germany), eugenics is rather a science improving the genetic stock of the human population and its subgroups that constitutes ideas and proposals of a positive kind that encourages the propagation of those who can contribute to the wealth and health of society (Teitelbaum and Winter 1985, 47).⁹³ Central to this aim of producing fit babies is the production of fit adults and the maximization of their potential. My claim here is that many of these eugenic rationalities are common-sense discourses today and some of them permeate our rationalities of governing ourselves. But what we have today is an emphasis on the positive aspects of eugenics thinking.

Next we will address the silence and scarcity of meaning, introduced by naturalism and evidenced in the taken-for-granted, in the immigration apparatus by finally comparing the problematizations of immigration in the early American immigration policy and the contemporary immigration apparatus of Finland as a member of the European Union. Fundamentally, through this comparison to early eugenic immigration policies we can tackle the issue of effects of a way of thinking—instead of analysing the discursive surface deafened by its silences and void of that which is taken for granted. What we need to focus on is the unity of effects, not the shifting vocabulary. What we need to focus on are the conditions of possibility of discourses regarding immigration and immigrants. I will start this investigation into the eugenic apparatus of immigration control by introducing the early American immigration policy formulations and their rationalities.

4.2. Eugenics and ‘Restrictive and Highly Selective’ Immigration Policies

4.2.1. A Developing Order of Things: Early American Immigration Policy

Eugenic thinkers were not the only ones advocating restrictions on immigration in the United States. Migration came to be problematized by the birth of the modern nation-state and immigration control became an integral part of liberal biopolitical governmentality. Especially after the First World War, in the 1920s, immigration was increasingly problematized and regulated also elsewhere, giving rise to “the naturalization of nativism” (Zolberg quoted in Torpey 2000, 93; see also Torpey 1998; Fahrmeir et al. 2003). Before the 1860s, the American immigration restriction debate was influenced more by other discourses, such as liberal and religious discourses, and immigration debates focused around the adverse effects of increased labour competition and the fear of political radicalism (anarchism and communism especially). As a eugenicist sociologist, Henry Pratt Fairchild describes, whilst criticism of

⁹³ Teitelbaum acted as the president of the American Eugenic Society, today called the Society for the Study of Socio-Biology, in 1990-1995. He has worked in the US Congress and advised Congress on population policy.

immigration started to focus on the degeneracy of the immigrant more and more during the eighteenth century and early nineteenth century, these discourses were not successful in legislative terms until the 1880s (Fairchild 1913). There was indeed strong opposition to explicitly racialising discourses as well as to the design of immigration control, but these discourses would slowly lose ground (e.g. Ngai 1999; Schrag 2010).

If immigration had increasingly been discussed in terms of evolutionary rationalities, the evolutionary framework offered differing ways of conceptualising migration (Goldberg 2002). Prior to the ascendance of eugenic discourses in the United States, the naturalising evolutionary discourses—when they were used—could also be interpreted outside eugenic or nationalist discursive frameworks. Migration could be conceptualised as a matter of freedom, as an acceptable part of the struggle for survival, happiness and a better future. Earlier also Chinese immigration, which became the first object of clearly racist immigration policies, could be viewed as a positive gain based on liberal discourses of rights. The immigration agreement between China and the US two decades before the Chinese Exclusion Act of 1882 had recognised the “inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents” (The Burlingame Treaty of 1868, article VI quoted in Abrams 2005, 650). This discursive order is different from the later discursive orders codified into international law that specifically negate such an ‘inalienable right’—except under the limited conditions of bilateral or multilateral conventions between sovereign territories. Yet, such alternative evolutionary conceptualisations—in which on the ontological level migration is considered inherent to the human condition—can be a part of cosmopolitan discourses as well as of the discursive formation around historical ‘white’ migrations. Whilst the immigration of the Chinese had been problematized by many at this time, the problematization had not reached its height. The Chinese were treated more as guest workers and excluded from citizenship, but their presence as such was not problematized at the official level (Torpey 2000, 96).

As said, evolutionary conceptualisations are multifarious and the reasons why we are talking about an eugenic order of things, and not a just social Darwinist order of things, rests on how socio-evolutionary discourses were employed to govern immigration. Historically, immigration could also be deemed as a matter of survival of the fittest in the social Darwinist way. One of the political scientists of the 1880s, when justifying earlier Anglo-Saxon immigration to America, said: “It is the right of the higher civilization to make the lower give way before it. It was this right that the nations of Europe felt was their justification in taking possession of this new country. [...] The higher civilization has a moral right to triumph over the lower, for it is in this way that the world progresses” (Richmond Mayo-Smith in 1888, quoted in Leonard

2003, 693). These narratives about migration functioned, of course, to justify imperialism, but they also impacted the conceptualisations of the migration of the 'higher civilization'. Akin to the 'from rags to riches' discourses, it was possible to conceptualise migration as a matter of 'natural biological behaviour', of progress through the survival of the fittest. Later, these 'from rags to riches' stories were signified differently: It would be possible to distinguish between good "natural and spontaneous" immigration and 'artificial' immigration, which "follows no natural laws" and rather was created by wishful thinking and unrealistic stories about the American dream (Fairchild 1913, 151). At this stage, wishful thinking was not 'natural biological behaviour' anymore, but the right to search for opportunity would be limited to those who deserved it.⁹⁴ History of course tells us something different, for example, that many of the early immigrants were actually deported convicts and paupers, but this never stopped the making of eugenic discourses into discourses of power around immigration.

Contemporarily such discourses about the survival of the fittest migrant are often employed in neo-liberal or liberal discursive orders and are mostly used to discursively order the migration of the highly-skilled or the coveted type of racialised immigration—i.e. the culturally suited, highly skilled and educated Westerners. In general, these discourses about the fittest immigrant function around highly-skilled immigrants who are deemed to have the talent, the endurance, the 'human capital' and the competitive drive to succeed and search for the best opportunities—and *a priori* the best provisions for migration. Fairchild describes this rationality:

"On the part of the people who take part in the [migratory] movement a high degree of civilization is demanded. They must be trained to act on individual initiative, and must have sufficient personal enterprise to undertake a weighty venture without an official or state backing. They must have sufficient intelligence to know about the objective point and sufficient accumulated capital to enable them to get there" (Fairchild 1913, 22).

At this stage, this discursive order would not be used to conceptualise the immigration of the lower-skilled or the poor immigrant. Some liberal statements in the Finnish Parliament do offer a certain amount of legitimacy to the 'survivalist neediness' of the poor or lower-skilled 'wanna-be immigrants', but these discursive orders are forwarded mostly around criticising 'Fortress Europe' and its technologies of immigration control, which have prevented the immigration of the poor, and thereby

⁹⁴ A similar tendency can be seen in the Finnish Parliament in the discursive ordering of Finnish emigration in terms of worthiness. Nationalist discursive orders often paint the picture of 'when Finns went abroad' as a discourse of survivalist endurance. In these discursive orders the Finnish emigrant appears as a struggling hero, who is forced to leave because of a threat to his survival from famine, poverty or unemployment—attributes that today render the immigrant 'an economic refugee'. In these discursive orders the Finn shows his fitness through perseverance and hard work without asking for alms. This historical figure of the Finnish immigrant is a myth, if we compare it to the American immigration policy, in which Finns belonged to the problematized group of new immigrants and were racially differentiated from 'Scandinavians' (Croxtton 1911, 11 (footnote d) and 45).

turned the asylum process into the only legal way in which the poor migrant can stay in the country, as we have discussed. Yet, this nexus of criticising immigration policy is never forwarded in terms of the right to migrate in the Finnish Parliament, where discourses of open borders are non-existent. As we have seen, the governmentality of immigration relies on a sovereign right to restrict immigration, which does not allow for the effective use of the evolutionary discourses of a right to migration as an inalienable right as it did in 1868. The same was seen in the way that the British or the colonies themselves did not prevent the settlement of foreigners there during earlier centuries (Zolberg 2003).

Before the 1860s immigration restriction debates were not overwhelmingly coloured by a racialising power/knowledge constellation. With the development of socio-evolutionary thinking and social Darwinism during the early decades of the nineteenth century, increasingly also immigration debates started to be conducted in reference to state racist and social Darwinist and eugenic discourses (Kevles 1998, 96; Lee 2002; Stern 2005; Schrag 2010). Governing to defend society from racial degeneration meant inherently, firstly, to curb the procreation of the unfit at home and, secondly, to prevent the immigration of the unfit from abroad (McLaren 1990, 46). Whilst the US Johnson-Reed Immigration Act of 1924, which permanently introduced a racist quota structure, is often presented as the classic example of a eugenic immigration policy, in fact the race hygienic order of things had been developing slowly during the late eighteenth and early nineteenth century and was in full bloom by the 1920s. The Immigration Acts of the 1920s, with their racialised quota structures, solely represented an intensification of state racist governmentality. As we have discussed, the exceptionalising reading of eugenics and social Darwinism as meaning merely 'scientific racism' is insufficient. We need to focus on the eugenic order of things that functioned around the subrace/superrace and fit/unfit divide rather than just 'race' or 'race-nation'.

Prior to the 1880s there had been no consistent federal immigration policy, as the right to legislate on immigration was a battling point between state and federal legislatures in the United States. Before the US Supreme Court had placed immigration policy firmly under federal legislation in 1875 (Schrag 2010, 69), individual states had been in charge of regulating aliens, if not immigration policy itself. Especially East Coast states had started independently to govern the arrival of immigrants at their shores (Zolberg 2006). The problematizations had started with the arrival of destitute and sick or dying immigrants already in the eighteenth century with German and Irish immigrants. At this stage, the wretched conditions of the arriving immigrants could be explained through the hard conditions of both origin and travel in steerage shipping conditions or through the systemic starving or robbing of the immigrants of their monies during the passage: For "[i]f the poverty of the immigrant is due to no fault of his own, and is off-set by a sound body and a determined spirit of industry, there is every hope that the influence of

the new environment may set him permanently on his feet” (Fairchild 1913). Yet, even immigrants in the eighteenth century—that would later become the sturdy natives—were increasingly seen in terms of pauperism and criminality, giving rise to the persistent naturalising analysis of immigration in terms of ‘race’ and inherent characteristics of the immigrant and not the immigrant condition and experience as such, if the truth about immigration was assessed through historicism. The East Coast states were more or less successfully placing immigration taxes on arriving aliens and/or requiring high bonds from ship masters for any ‘defective classes’, such as paupers, criminals, lunatics, the deaf and dumb, the blind or disabled or sick persons they brought on shore (Fairchild 1913; Zolberg 2003), thus instituting the rationality of carrier sanctions. Around the 1850s New York authorities had increased the bond required and added to their list of defective classes “persons maimed, or above the age of sixty years or under thirteen, widows having families, or women without husbands having families” (ibid. 77-78). We consequently see the social Darwinist problematization of unfitness as a matter of ill health and pauperism starting to discipline the right of migration.

Yet, the approach to immigration at the federal level at this point was still different. In response to these problematizations, from 1819 till 1855 the US regulated immigrants travelling second class, i.e. the so-called steerage passengers; these laws had mostly focused on ensuring their health and safety. To combat the wretched conditions on the steamships travelling to the United States, penalties were imposed on steamship companies who brought too many passengers on too small ships, who did not provide showers and not enough water. Steamship companies also had to pay a fee for each passenger that died during the trip. These provisions were later extended to ships operating the African slave trade. As such, this logic of protection is fundamentally different to the later rationality of barring as many steerage passengers as possible from entering—as a matter of ‘quality’ and for race hygienic purposes. Consequently, during the nineteenth century, with a shift in the meaning of ‘race’, a shifting problematization of immigrants started appearing, which can be connected to socio-evolutionary governmentality and state racism.

State laws became increasingly racialising with the arrival of ‘non-white’ and ‘less-white’ new immigrants. Technologies of inhibiting undesired foreigners from settling in a given state ranged from racist exclusion policy (Schrag 2010, 38-39) and from limiting foreigners’ rights of owning property or land to limiting licences to practise certain professions (Schrag 2010, 68-69). These policies varied depending on the individual state’s immigration patterns and conditions. California, like many other states, attempted to regulate the foreigners inside Californian territory. California had tried to ban Chinese immigration already in 1858, but the attempt was later struck down as unconstitutional by the 1875 US Supreme Court decision (*Chy Lung vs. Freeman*, 92 U.S. 275 (1875)), which made

immigration policy the sole responsibility of the Congress (Schrag 2010, 7 and 69). In 1862 California had drawn up the Anti-Coolie Act, aimed especially at Chinese miners, which started taxing Chinese workers in an attempt to protect 'white' labour. Many states attempted to limit undesirable immigration by regulating how, for example, mining, hunting and banking licences or attorney's, accountant's and barber's licences were given to foreigners. Ivy League universities also operated exclusionary racialising quotas etc. These rationalities did not simply apply to foreigners, but some states also operated intra-state deportation rules of "criminals, lunatics, and other social misfits" and Missouri "prohibited the 'importation of afflicted, indigent or vicious children'" (Schrag 2010, 7). As we may remember from the introduction, also Finland used to limit the rights of foreigners in similar ways until the basic rights amendment in 1995. In line with the increasingly racialised political aims of California, the federal government did step in the 1860s—before the above mentioned Burlingame Treaty between the US and China, which still asserted the principle of free migration—when the US Congress started regulating Chinese immigration by making a distinction between 'voluntary' immigration and 'coolie trade' (cheap labour) migration, thus attempting to discourage lower-class Chinese immigration, especially to California.

4.2.2. Race Suicide and the Problematization of Immigrant Quality

One can of course offer multiple reasons for the increasing restriction of immigration, such as the increasing volumes of immigrants, the resulting social problems, the unemployment and the destitution of urban populations etc. But these reasons do not explain the way in which immigration became problematized. Instead of explaining the immigrant condition in relation to structural problems relating to diminishing open farmland and increased industrialisation and resulting urbanisation, immigration was problematized through the racialising discourses about the natural characteristics of 'new immigrants' and their race-nations. Let a eugenic thinker explain this choice of the naturalising rationality:

Competition with the inferior and the unfit is one of the influences which cause thoughtful and provident persons to limit the number of their offspring. This was the conclusion of one of our greatest economists, President Francis A. Walker: 'Whatever were the causes which checked the growth of the native population, they were neither physiological nor climatic. They were mainly social and economic; and chief among them was the access to hordes of foreign immigrants, bringing with them a standard of living at which our own people revolted. [...] Now the excessive increase of any desirable class will 'give a shock to the principle of population' among persons of higher standards of life. Thousands of members of the Society of Friends and others of kindred ideals who would not or could not own slaves emigrated from the South before the Civil War to escape competition with slave labor and from the sense of social inferiority which went with manual labor. But now there is no asylum or way of escape; therefore the families of superior ability and higher standards grow smaller. To encourage persons of normal life and civilized standards to have more children some better guarantees must be given them by the government

that their children will not be driven to the wall by immigrants of a lower order. This is not an argument against immigration, but only against admitting a flood of persons who can never be induced to demand a scale of wages and income which will support a reasonable mode of life. A great deal is said in favor of the "simple life," especially by fine people who dwell in luxury, as a counsel of perfection for others; but a simple life does not or should not mean a return to savage manners, raw meat, uncooked roots and a string about the waist."(Henderson 1909, 227)

In social Darwinist fashion, competition brought on by immigration of the subrace was deemed dysgenic to the fit population. That is, immigration was problematized through who entered, not simply over how many entered; over quality, not quantity. There could be no equal opportunity for all, but opportunity belonged to those inherently worthier than others.

The race suicide thesis—expressed by many ‘scientifically racist’ writers such as Madison Grant in his *Passing of the Great Race* (1916)—was much more widely accepted than the contemporary exceptionalising reading of history grants. The race suicide thesis inherently relied on the theory of dysgenics born out of the social Darwinist choice of defining fitness through social position and the consequent problematization of the fecundity of the poor. Yet, it was inconceivable to think that ‘nature’ was right in making the ‘unfit’ reproduce in abundance. Instead, this was initially seen as a problem of culture and capitalism. The ‘reduction’ in quality of the race because of the over-breeding of the unfit and under-breeding of the fit was formulated as a theory of dysgenics (or cacogenics) that saw society as race suicidal. When fitness is determined by social position and wealth, but (maintenance of) wealth is linked to fewer births, the state racist task of governing so that the population increases in fitness becomes difficult, if not logically impossible (Myrdal 1945, 99). The race suicide theory, which applied both to immigration and domestic policy, embodied the discourse of degeneration, which, as a matter of socio-genesis, needed to be cured by state racist policy—whether through social Darwinist policies of ‘letting die’ or eugenic policies of ‘making live’.

More and more, the debates about immigration in Congress started to be conducted through biological and racial rhetoric based on evolutionary conceptualisations. For the defence of the nation-race it was essential “not only [to] preserve in this country the conditions necessary to successful democracy, but to develop here the finest race of men and the highest civilization” (Prescott F. Hall, a co-founder of the Immigration Restriction League, in 1906, quoted in Schrag 2010, 67). Racial characteristics were inseparably linked with the essentialized socio-evolutionary success of the nation-race and ‘its civilization’. “[T]here is something more important than rapidity of settlement or the quick development of wealth. These advantages will be dearly bought if we pay for them a price which involves lowering of the standard of American citizenship. More important to a country than wealth and population is the quality of its people”, wrote Senator Henry Cabot Lodge, a political scientist, ardent believer in the Anglo-

Saxon/Nordic racial superiority and the leading figure of the Immigration Restriction League (Immigration Restriction League 1894b, 6).

The state racist political agenda that promoted the proliferation of 'the fit' in name of social evolution, relied on the notion that "a character of a nation is determined primarily by its racial qualities; that is, by the hereditary physical, mental, and moral or temperamental traits of its people" and that a nation-race's superiority cannot be secured without "an uncompromising attitude towards the lower races" (respectively Director of the Eugenics Record Office Harry Laughlin during one of his appearances before the House Committee on Immigration and Naturalization in 1920 and sociologist Edward Ross in 1901 quoted in Schrag 2010, 95 and 65). By 1924 the Vice President Calvin Coolidge could declare: "America must be kept American. Biological laws show...that Nordics deteriorate when mixed with other races" (quoted in Kevles 1998, 97). A Congressman during the debate on the 1924 immigration quota law remarked: "The primary reason for the restriction of the alien stream...is the necessity for purifying and keeping pure the blood of America" (Robert Allen (Dem.) quoted in Kevles 1998, 97). As late as 1965, the repeal of the racial quota system in America, was objected to during the House hearing because "a conglomeration of racial and ethnic elements' would lead to 'a serious culture decline'" (Schrag 2010, 9).

One of the key problematizations that further propelled explicit eugenicists to the corridors of political power was the perceived population crisis. This was a typical problematization in the early decades of the twentieth century and reflected a concern over a reduced birth rate that was formulated in terms of the survival of the nation-race in many countries (Teitelbaum and Winter 1985). The population crisis reinforced the conceptualisation of immigration in terms of a threat and the scientific theory of race suicide (e.g. Leonard 2003, 693). Equally, the contemporary problematization of immigration has in many ways become a discourse of population crisis with its alarmist figures of the procreative rate of immigrant families, the predictions about when the majority of the population will be, in essence, 'non-white', and with its preoccupation with the decline in 'native' birth rates.

When liberal biopolitical governmentality associates the legitimacy of government with scientifically sound technologies of governing the quasi-organic laws of society, policy needs to be founded on scientific analysis. Eugenicists as experts were capable of responding to this need. Many academics in the human sciences embarked on this task of providing the government and progressive thinkers with scientific data and many of these academics and thinkers were inclined towards eugenic or social Darwinist thinking (Schrag 2010, 88-89). Immigration policy in America became just one object of both scientific and eugenic management.

The physically and mentally defective are with us; one high in authority has told us that the better native stocks in this country are not contributing their proper quota to future generations; and in our immigration problem and race question, for example, we have demands for eugenic research and practice whose urgency needs no emphasis. These last two problems are peculiarly our own, and on that account some discussion of them from the standpoint of eugenics is needed.

The most fundamental problem connected with the enormous influence of foreigners into this country is as to whether they can be 'assimilated' into our national life. The discussions of this problem have, for the most part, failed to touch upon the really underlying questions involved. These underlying questions are biological. The immigrant comes into a new physical and biological environment when he comes to this country. How does he react to the environmental change? Is his net fertility increased or diminished? Is his mortality rate, both in general and in respect to particular diseases, increased or diminished? Are his children changed in physical type toward a new 'American' type? If so, how many generations are involved in the change? To what extent does he mate within his own stock in successive generations on American soil? What is the relative fertility of matings between foreign and native stocks? These and similar matters seem to be the really fundamental problems of immigration, and they are obviously problems in the field of this new science. The necessity for their answer becomes daily more urgent. At present we have practically no data on them. Yet the collection of extensive and definite statistical data from which these questions could be answered would be a relatively easy matter for a properly organized Government bureau. (Pearl 1908)

Eugenic knowledge was not the monstrous eugenics defined by its negative technologies, but eugenic thinking fitted in with wide-spread progressive conceptualisations of society and the need to govern it towards improved wealth and health.

In influencing a wide-range of policies eugenic enthusiasts typically suggested technologies of governing that were not explicitly racialised in order to influence the composition of the population, such as public health, anti-prostitution, crime prevention, pauper laws and, of course, immigration restrictions. Harry H. Laughlin, one of the key figures of eugenic movement on immigration, for example, when giving evidence to Congress, was asked whether he had noticed "any parallel between the foreign population and those great [social] expenditures", Laughlin answered:

"Yes. Pertinent to that, let me give you these figures: Let us take the census of 1900. In the census of 1900, the foreign-born population of the country was 19.5 per cent; that is, of the persons over 10 years of age; and they contributed 34.3 per cent of the total insane population. Now, if the foreign stock was just as good as the stock already here, it ought to have contributed only 19.5 per cent" (Laughlin 1920).

That is, the rationalities of protecting society from unfit immigrants was not presented as a matter of outrageous scientific racism, but racialisation was made necessary through cost-benefit analysis. Many of the eugenic studies, which were used as evidence for the sub-racialisation of Southern and Eastern European 'race-nations', were already at the time and especially later criticised for their methodological flaws even by eugenicists themselves. Schrag, for example, discusses some of the problems related to

Laughlin's statistics highlighting, such as their samples not being representative (Schrag 2010, ch. 3). Despite the methodological flaws, admitted by eugenicists themselves, and the lack of effectively accounting for other factors than 'racial' ones, eugenic discourses and problematizations became commonsensical. Overall, race hygienic technologies, especially the positive kind, became integral to implementing progressive policies—not just the race suicide theories of the conservative kind. As many have insisted, the technologies of social control and fostering of social cohesion were permeated by eugenic rationalities (e.g. Jones 1982; Helén 1997; and 2003; e.g. Abrams 2005, 647; Gerodetti 2006a; Kennedy 2008). Thus, eugenics had to correspond to something essential in overall liberal progressive thinking (Ramsden 2003), that essential being the socio-evolutionary framework of governing society.

Yet, such anecdotal evidence is not, of course, sufficient to prove the impact of eugenic rationalities on governing immigration, but eugenic thinkers systemically influenced policy making through the government bodies preparing immigration legislation. Immigration policy is one of the clearest formulations of eugenic thinking in American political history. Many governmental commissions were founded to investigate immigration in America and increasingly, with the popularisation of racialised evolutionary thinking, they started to include explicitly eugenic thinkers. The so-called Dillingham Commission or the US Immigration Commission (1907-1910), headed by Senator Dillingham of Vermont, a progressive immigration restrictionist, was one of many. The Commissions were partly headed by and they consulted eugenicists who were members of the Eugenics Record Office, the Immigration Restriction League, the Human Betterment Foundation and the Race Betterment Foundation etc. The leading figure of the Immigration Restriction League, Senator and academic Henry Cabot Lodge, also played an important part in the Commission. The Immigration Restriction League had been founded in 1894 and for a long time it advocated restricting immigration. The League explicitly referred to eugenic reasons why immigration should be restricted (see statement included in United States Government 1911, 103). The League initially advocated a head-tax, educational qualifications (literacy) and consular certificates as tools of immigration control to accomplish its aims (Immigration Restriction League 1894a).

The aim of the Dillingham Commission was to analyse the impact of immigration and to provide a guide to future decisions on immigration policy. The fundamental rationality behind the Dillingham Commission was to substantiate the distinction between the 'old' and the 'new' immigrants, the latter of which was problematized over its lower quality and lacking socio-evolutionary fitness. The 'new immigration' was deemed as consisting of largely transient and unskilled immigrants who congregated in urban centres and refused to assimilate. The Commission's findings influenced immigration policies widely. To do this, it produced a 41-volume report, one of the largest studies ever conducted on immigration in America.

(Croxton 1911). This vast report included, among other things, volumes discussing the problems of immigrant children, the fecundity of immigrant women, immigrant crime, immigrants seeking charity, the physical changes in immigrant descendants, Japanese immigrants, conditions of emigration in Europe (races and literacy in countries) as well as a 'dictionary of races and peoples' providing information on how to classify new arrivals. The quasi-biological logic of equating social status with genetic make-up gave rise to a statistical tradition of confusing correlation with causality, which omitted multi-factor analysis of other contributing factors and simply correlated class and ethnicity with social phenomena at the surface level. Statistics were drawn to prove that recent immigrants bred at a much higher rate than the 'native-born' and that they constituted much larger proportions of the insane and delinquent than was their share of the population, thus 'proving' the race suicide theory (Laughlin 1920). These racialising traditions have not disappeared, but rather statistics positing 'race' or 'ethnicity' as overarching explanatory categories are regularly produced for political purposes. The Commission sided with the Immigration Restriction League and recommended, for example, the adoption of the literacy test to distinguish suitable immigrants from the unsuitable, reducing the immigration of unskilled workers and prostitutes and imposing immigration quotas. The Commission also recommended excluding the 'inassimilable' or those who would make the least advantageous citizens.

Eugenic thinkers, politicians and academics had also organised themselves into various local and (inter)national associations. In America, the Eugenics Record Office (ERO) was established in 1910 (Schrag 2010, 68 and 78). During the 1920s, the Eugenics Record Office became the semi-official immigration research institution of the Congress (Schrag 2010, 92). It greatly influenced the House Commission on Immigration and Naturalisation that was working on reforming immigration legislation at this time. ERO promoted the view that "a progressive societal order must in sheer self-preservation accept" segregation and sterilisation as a means of improving the nation-race (ERO report quoted in Schrag 2010, 92). Whilst ERO focused on supporting the accumulation of scientific research on race hygiene, politically in the 1920s its main focus was on immigration restriction. ERO suggested that the federal laws should demand "the determination of individual and hereditary qualities by requiring modern pedigree examination in the home territories of the would-be immigrant. Our standard should be ultimately eliminate not only the positively feeble-minded, but also all those who are below the American average in natural intelligence" (ERO expert, Harry H. Laughlin, in his testimony to the House Committee on Immigration and Naturalization quoted in Schrag 2010, 99). For eugenicists, defending the nation-race required that "[i]mmigration should not only be restrictive but highly selective" and "no one of us as a citizen can afford to ignore the menace of race deterioration or the evident relation of immigration to national progress and welfare" (psychologist Carl C. Brigham in 1923, quoted in Schrag

2010, 82-83).⁹⁵ The goal of eugenic immigration policy, as Laughlin expressed it was, firstly, to keep the unfit outside, secondly, to deport them and, lastly, if all else failed, to prevent their procreation (Schrag 2010, 95-96).

Overall, the influence of eugenics can be seen in how controlling the 'quality' of immigrants, their fitness or degeneracy, became an essential technology in securing the improvement of the nation-race. The qualitative framework of assigning rationality to the technologies of immigration control changed gradually from mere expulsion of those who had proven themselves unfit towards a more encompassing disciplinary system of *prevention* that was founded on a human pedigree. That is, increasingly America went on the defensive and it formulated this defence in race hygienic terms. Immigration policy became an essential tool in combatting race suicide. Certainly, not all rationalities influencing immigration policy were eugenic, but members of eugenic associations had a major role to play and eugenic rationalities were in large part adopted in a form or another, for one reason or another. And as Rosen asserts, the influence of eugenics cannot be calculated based on the activities of the scientists belonging to various eugenics associations. Rather, scientific eugenicists in many ways lost control over their own discourse by the multitude of eugenic enthusiasts, who applied eugenic discourses to their own field (Rosen 2004). The *primus motor* in spreading eugenic thinking in American society were the various lay enthusiasts that amalgamated eugenic rationalities with progressive and religious thinking (Rosen 2004). This is why we need to talk about a eugenic order of things rather than a fringe of socio-biologists.

Before I move on explicating what the eugenic immigration policy meant in practice in the United States and comparing these rationalities with the contemporary Finnish policies, I will discuss the impact of the eugenic order of things on immigration policies elsewhere. Although it will be seen in the ensuing discussion how, especially in countries of immigration, immigration policy was seen as a key method of defending and improving the nation-race, I will not be elaborate on them in detail. This is because from the historical Finnish perspective, the intellectual gaze among Finnish eugenic thinkers was more focused on Germany, the United Kingdom and the United States (Mattila 1999), and out of these countries only the United States had an elaborately eugenic immigration policy. Because of this centre-periphery logic, the US immigration policy offers the clearest, if not the only, example of a eugenic impact on immigration policy.

⁹⁵ Reference is to Brigham's book *Study of American Intelligence* (Princeton, NJ, Princeton University Press, 1923; 210).

4.2.3. Early Immigration Policies Elsewhere

Despite this focus on American immigration policy, the impact of eugenics on immigration policy in its various dimensions was rather widespread and normal also elsewhere. Outside the US especially in Australia immigration policies were influenced by eugenic thinking. Australia outlawed Chinese immigration in 1893 and excluded all non-whites from becoming permanent residents by the 1901 Immigration Restriction Act. Australia also operated a Citizenship Policy that allowed only whites as citizens. The White Australia policy was in force until the 1970s and in 1964 its relaxation was still opposed by the Australian government (Wyndham 1996). Similarly, in Canada the immigration policy was impacted by social Darwinist and eugenic thinking. The increased immigration in the early decades of the twentieth century was problematized through their 'assimilation ability': "English Canadians assumed that white Anglo-Saxons were racially superior and immigrants were welcomed according to the degree they approached this ideal" (McLaren 1990, 47). But in Canada the technologies of defending the race-nation were mostly carried out through individualising eugenic medical examinations. By 1906 Canada had prohibited the so-called deaf, dumb, feebleminded, idiots, epileptics, those with 'loathsome contagious diseases' or those handicapped from immigrating (e.g. McLaren 1990; Wiebe 2009). Instead of clearly racialised categories of prohibition, Canadian immigration policy adopted lower-key administrative measures of 'preferred' categories, defined Commonwealth citizens as citizens of 'white' countries, stopped Chinese and other 'non-white' immigration for a few years. However, in Canada immigration policy was more strongly influenced by financial interests. Like in the United States, where Mexican immigration was not banned, because Mexicans were needed as cheap labour in the agricultural business, also in Canada the 1930s restrictive immigration policies did allow railway companies to bring in Chinese and Southern and Eastern European labourers (McLaren 1990, 64-67). Thus, although there was less success in terms of racialised restrictions in Canada than in the United States or Australia, the basic structure of problematizing immigration through fitness and degeneracy remained. Immigration policies were influenced by a eugenic immigration agenda also in Latin America, where many countries advocated the immigration of 'white' Westerners as a method of improving the chances of progress—as elites "who wished they were white, feared that they were not" shared the social Darwinist concern that 'half-breeds' were not capable of achieving progress and high civilization (Stepan 1991, 44-45).⁹⁶

In comparison, in Europe and even less in Finland, immigration was not yet such an important political issue in the late nineteenth and early twentieth century as in the United States. Rather Europe mostly

⁹⁶ Here we can see how the sub-race/superrace divide is clear in the self-subjectification of the 'non-white', as post-colonial theory has insisted when discussing the impact of imperialism on colonial cultures (e.g. Fanon 1963/2004).

lived in an era of emigration (and imperialism). Nevertheless, the ideas regarding the application of eugenic policies to immigration were not unheard of in Europe. It has been argued that the British Aliens' Law of 1905 was influenced by eugenic considerations although not certainly to the extent that the American Aliens' Law was. Many in the UK Parliament had argued against the eugenic considerations in British immigration policy both on principled and feasibility grounds, but, regardless, the 1905 Aliens' Law did include many of the same features as American eugenic immigration policy did: medical checks and weeding out of the undesirables who included 'lunatics', 'idiots' and criminals. Also upper-class cabin passengers were excluded from immigration checks and those who had to resort to aid inside a year of entry could be deported (Pellew 1989). Overall, however, because of the small numbers of immigrants at this stage the British eugenicists were more concerned over losing their most promising youth to emigration (McLaren 1990, 57).

The earliest immigration regulations in Finland were formulated during the Swedish and Russian reigns. Already in the 1734 in Finland (which was a part of the Swedish Kingdom at the time), it had become a basic principle that "useful foreigners were accepted and others were to be removed or punished. Thus in one royal declaration citizenship rights were promised to wealthy Jews, but the poor and peddlers were refused" (Seppälä 2004, 7). In Finland the segregationist logic of deporting 'futile, vagrant and criminal' persons started in 1828 (Leitzinger 2008b, 222). Aliens' policy of 1835 operated a technology of invitation without which lower-class foreigners could not enter the country, unless they had enough money with them (Seppälä 2004, 8).

The influence of eugenic thinking in Scandinavia was strong, but the immigrant was not yet explicitly problematized in racialised ways until the population movements of the early twentieth century—before this Nordic countries were primarily countries of emigration. Yet, in later discourses around immigration "[t]he notion of a 'pure' Nordic race was a myth exploited with great persistency in propaganda", although historically Scandinavia had seen considerable immigration (Broberg in Broberg and Roll-Hansen 1996, 1; Leitzinger 2008a; Kyllingstad 2012). In Sweden some "saw eugenics as a reasonable answer to the problematic influx of foreigners" who in this period were often Jews. Gunnar Myrdal, the famous eugenicist and Nobel prize winner, demanded positive and negative eugenic policies to combat the population crisis of the shrinking Swedish population at a time that Sweden had started to attract increasing numbers of immigrants (Spektorowski 2004, 91, also 93; Broberg and Tydén 1996). Thus, also in Scandinavia the early immigration policies could be partly formulated in eugenic terms of fitness and degeneracy.

In the Finnish case, in 1933, two years before adapting eugenic sterilisations laws, the Finnish Aliens' Decree was amended to include the prohibition of entry of categories of people *suspected* of earning their income by begging, by wandering and playing music, by selling 'worthless' goods (peddlers) or by otherwise dishonourable means. Also known criminals and those *suspected* of arriving for criminal and for otherwise security threatening purposes were henceforth denied entry at the border (Finnish State 27.5.1933). Instead of deporting those who had proven themselves 'degenerate' and criminal, the impetus of defending the nation-race became more urgent, as the move towards *suspicion rather than evidence*, as a cause in deciding who should become the object of state racist segregation, demonstrates. Nevertheless, the history of aliens' law cannot be deemed solely in terms of state racist logic. Liberal discourses that were influential in post-independence Finland guided amendments that abolished migration and naturalisation restrictions on Jews (1917), the Roma (1919) and Muslims and other non-Christians (1920) (Leitzinger 2008b, 173). Yet, sub-racialising discourses influenced other areas of aliens' policy.

Before the 1930s refugee policy had not been problematized in the same way as today. Historically the definition of refugees was liberal. For example, all people who had left Russia for one reason or another were considered refugees and their relatively large presence in Finland between the wars, did not cause overdue societal problems (Leitzinger 2008b, 64). It had been the practice that the immigrant him/herself defined their status as a refugee and government officials determined refugee status based on whether the decision to leave had been hasty and whether the border had been crossed clandestinely without the required documents (Leitzinger 2008b, 153). As Leitzinger has pointed out, Finland had more refugees between the World Wars than very recently and the general opinion did not turn against refugees until after 1931 (Leitzinger 2008b, 398). These racialising discourses started to have an impact on the refugee policy before World War II, when Jewish refugees started emigrating from Germany. At this stage, immigration policies and/or the public opinion in many countries, including Sweden and Finland, objected to Jewish immigration based on the same racialised logic as Nazi-Germany used against Jews (e.g. Gordon 1977, 396; Roll-Hansen 1996, 266; Leitzinger 2008b, 187-189; Schrag 2010, 103). In 1938 the Interior Minister Kekkonen (later to be a long-term President) had advised that Jewish refugees should be denied entry at the border (Leitzinger 2008b, 190-191) and in 1939 a leading immigration official recommended:

The so-called Eastern Jewish groups normally should not be let in to our country, because both their standard of civilization and their business manners make them the least recommendable group among the Jews. As far as it is possible for a reason or another to receive Jews into our country, preference should be given to Jews from such family lines who have already lived for a long time in civilized countries such as Austria, Germany and Czechoslovakia (really from

Bohemian-Moravia only) and who have obtained a certain civilized level. (quoted in Leitzinger 2008b, 402)

Thus, we can see how refugees are judged not on the basis of their need for protection but on the basis of an assumption about human pedigree—something that today is accomplished through the technologies of carrier sanctions and visa requirements. As has been discussed earlier, discrimination against Jews in Europe has been treated as one of the basic examples of the logic of ‘new racism’ or culturalised racism as often contemporarily Jews are not thought of as forming a ‘race’ of their own. As with the Jewish ‘non-refugees’ before the Second World War, ‘the threshold of tolerance’ was quickly reached once the first Somali refugees arrived to Finland in the early 1990s. As with the Jewish asylum seekers before the Second World War, initially the authorities tried to prevent the entry of Somalis, to ignore their asylum applications and deport them back to the Soviet Union (Aallas 1991; Lepola 2000; Leitzinger 2008b).

Therefore, the connection between early American eugenic immigration policy and the Finnish immigration policy does not lay solely in the general conditions of possibility or in the Finnish sterilisation laws and eugenic social policies, because section 13 of the 1933 Immigration Act had also incorporated some eugenic considerations into the Finnish immigration policy. Akin to the segregationist logic practiced by American states prior to eugenic immigrant policy being accomplished, also Finland restricted aliens’ rights in many ways. Before the 1990s and the 1995 Basic Rights reform foreigners were excluded from many positions (and still are from some), they did not have the right to own land or property, did not have the same civic rights and the state had a practice of issuing residence permits without issuing work permits making it difficult, if not impossible, for other than rich investors or entrepreneurially-oriented foreigners to settle (Leitzinger 2008b).

Leaving the history of immigration policies in Finland and elsewhere aside, it is important to understand that the process of formulating immigration control regimes was not uniform or solely and explicitly state racist in all its twists and turns: Ways of problematizing immigration are always contextual, democratic politics is always a matter of compromise and liberal moral discourses have had their impact, as we have seen in the previous chapter. This does not, however, take away the fact that socio-evolutionary governmentality continually functions as a condition of opportunity for state racist discourses to insert themselves into the policy agenda. Next, we will investigate the exact ways in which fitness and degeneracy problematized immigrants in the United States from 1860s onwards. In this context, I will also pick up the discussion relating to the current Finnish immigration policy and compare its rationalities to these early American formulations of eugenic immigration policy.

4.3. Early American and Contemporary Finnish Immigration Policies and their Undesirable Citizens-to-be

Social Darwinist and eugenic discourses operated according to a logic of unfitness and degeneracy, that designated the feeble-minded, mentally ill, epileptics, mutes, those with venereal or other 'loathsome diseases' or disabilities as well as criminals, prostitutes, single mothers, vagrants and other morally loose individuals as 'defective classes' from whom society needed to be defended, and who either had to be 'made to live or let die'. Technologies through which social Darwinist problematizations were included in the early American immigration policy are many. I will start this discussion from racialization and technologies of citizenship, because American immigration policy utilised citizenship as a fundamental technology of exclusion. After this I will discuss other, more subtle technologies, such as immigration regulations and medical examinations that were employed to defend the race-nation from unfitness and moral degeneracy. Throughout this section I will maintain a structure of discussing first the early American eugenic problematizations of immigrants around the categories of 'race', class degeneracy and unfitness and then compare these rationalities to the contemporary Finnish ones.

4.3.1. Racialising Technologies: Eugenics, Citizenship and Civil Rights

Early American Immigration and Citizenship Policies

Racialisation and citizenship policy

Naturalisation policy contains the ultimate rationalities of integrating immigrants, and it was a central technology through which immigration came to be governed in the United States. If we look at the early development of citizenship legislation in America, we can see a regime of racialisation: Before 1870 the American Naturalization Acts allowed only the naturalisation of 'free white persons' of 'good moral character'. After the Civil War African Americans gained citizenship and with the adoption of the 15th Amendment to the Constitution African American men were granted voting rights, at least in principle. However, other 'non-whites' could not be naturalised. When the 14th Amendment in 1868 gave citizenship to all children born in America, the logic of racialisation became pivotal and expounded the importance of immigration policy as a technology of defending the race: The change towards the *jus soli* principle regardless of 'race', Abrams claims, led to the exclusion of Chinese or Asian women (as prostitutes or concubines) as well as to the later, outright ban of Asians (Abrams 2005, 662). To shield against the threat to the 'white' race posed by Chinese immigration led to the Chinese Exclusion Act of

1882,⁹⁷ which explicitly excluded the Chinese from citizenship and criminalized immigration of Chinese labourers or unskilled workers. The Chinese exclusion policy was in force until 1943, when a token quota for the Chinese was created. The Chinese exclusion policy also required that Chinese immigrants carry with themselves certificates testifying to their status as skilled or professional labour. (At the time the US operated a four-tier skill-set system: professionals, skilled labour, unskilled labour and labourer (Croxtton 1911).) Combined with the 1888 Scott Act, which prevented the re-entry of even long-term Chinese residents, unless they owned property worth a considerable sum, the Chinese immigrant population was slowly decreased. The whiteness of the American 'race-nation' was achieved by design.

The racial criteria for gaining citizenship gave rise to complex rationalities of defining 'whiteness', which can be seen in a series of court cases debating whether 'Mexicans', 'Indians', 'Armenians' etc. were 'white'. The category of 'whiteness' became a complex issue, and socio-evolutionary conceptualisations of 'civilizational' markers or lack of them started to be central, not race theory with its cranial measurements as such (e.g. McClain 1995; Jacobson 1999; Schrag 2010, 111-113). American courts handled dozens of cases around definition of races sometimes giving contradictory rulings. Whereas it was easier to distinguish 'Mongols' based on phenotypical markers, the category of the 'mongrel' presented problems. This problem was solved by the one-drop-of-blood principle. Also the 'mixed brown' category presented problems. Whereas in 1922 it had not been proven that Sicilians were 'white', Indians were 'white' in 1919 but not after 1923, Mexicans became 'white' by the 1930s, 'Arabians' became 'white' by 1941 and Afghans by 1945 (e.g. Jacobson 1999; Schrag 2010, 111-113). Whilst the Chinese never became white they were allowed citizenship in 1943, Filipinos and Indians in 1946. Other 'Asians' could not be naturalized until the 1952 Immigration and Nationality Act. These court decisions in their turn impacted immigration policy, because those who could not gain citizenship were in principle prevented from immigrating. Thus, the exclusion from citizenship—and therefore from immigration—was not clear and the power/knowledge constellations around racialisation was/is changing: Today, with the contemporary racialising discourses, the Afghan would hardly be considered a 'white' man and the 'whiteness' of the Mexican is equally in question. Phenotype clearly had and has meaning beyond the skin. In ruling on the case of whether Indians were 'white', the Supreme Court Justice said in 1923:

⁹⁷ The law was initially enforced for 10 years, but subsequently renewed by the Geary Act in 1892, when the detention provisions for illegal(ised) Chinese immigrants (which came to include a possible sentence of maximum one year of hard labour before deportation and no possibility for bail) were tightened and a requirement that legal Chinese immigrants carry their residence permits with them was imposed. In 1902 the Scott Act extended the Chinese Exclusion Act without an end date.

"It may be true...that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today.... [T]he average...white American...would learn with some degree of astonishment...that he and the Hindu belonged to the same racial group."

"The children of English, French, German, Italian, Scandinavian, and other European parentage... quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry" (quoted in McClain 1995, 49).

That is, whiteness functioned as a discourse of normalisation: the 'brown Hindu' could not become normal, i.e. 'white'. This comment highlights well the problem of replacing the concept of race with one of ethnicity, as many have asserted: Whereas the 'white' immigrant can shed their ethnicity, 'non-white' 'Asian' or 'black' ethnicity finds it rather more difficult as ethnicity sticks to the skin—giving rise to the perpetual entering of the 'non-white' citizen (e.g. Omi and Winant 1994; Gullestad 2002, 51).

Racialisation and immigration policy

As we saw, immigration and naturalisation policies were informed by the state racist consternation over the procreation of the 'Mongol race' on American soil. The rationality of racialised exclusion translated into sterner conceptualisations of racialisation reflecting the increasing reign of socio-evolutionary ontologies. In 1899 the US started recording the 'race or people' of immigrants, as well as their country of origin (Croxtton 1911, 4), and to utilise 'race' for administrative purposes. Before the 1920s turn towards statistical quota technologies of immigration control the use of racialising exclusionary technologies had been increasing. The 1862 Anti-Coolie Act and the 1875 Page Law had already excluded Chinese, Japanese and other 'Oriental' contract labour before the 1882 Chinese Exclusion Act. The 1917 Immigration Act created the Asiatic Barred zone, which cemented the criminalisation of 'Asiatic' immigration and added to the exclusion of the Chinese roughly the 'natives' of areas east the Caspian Sea (excluding large parts of Iran) and south of the northern border of Mongolia.⁹⁸ The Asiatic Barred Zone did not exclude Iran, because the socio-evolutionary theories placed the source of 'white' civilisation in Persia, which underlines the point of cultural stereotypes having a large impact on the racialisation processes of people—also in terms of inclusion. The contemporary racialised theories on Iran and Muslim countries are, of course, markedly different from these earlier ones.

⁹⁸ The Asiatic Barred Zone included Indochina, India, Afghanistan, Pakistan, parts of Iran, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, large parts of Kazakhstan and Mongolia. It did not include the Philippines, which was a US colony until 1946, and from where immigration was prohibited through other means, or Japan until 1924 when the Gentlemen's Agreement was still in force.

These early immigration acts contained many then-new-now-commonsensual technologies of immigration control, such as the criminalisation and penalisation of acts attempting to circumvent the law and the deportation of Chinese immigrants not in possession of residence certificates (e.g. Schrag 2010; Torpey 2000).⁹⁹ Control of illegal(ised) immigration became a key technology of immigration control. These acts only ended the immigration of skilled and unskilled labour—leaving professional labour the possibility of immigrating. The same applied to the Japanese whose immigration was controlled through the 1907 Gentlemen’s Agreement, in which Japan agreed to restrict granting emigration permits to Japanese labourers, so that the US would not ‘have to’ bar Japanese immigration in general. That is, demonstration of individual fitness could overrule racist exclusion. As social Darwinism stipulated, fitness functioned as an individualizing technology of power. This principle of fitness as a form of human capital was one of the basic technologies of racialisation and of rendering it quasi-biological, both in the intra- and extra-societal sense, as class prejudices were amalgamated with socio-evolutionary theory.

As Schrag points out, although the argumentation regarding the exclusion of Chinese and ‘Mongols’/‘Asiatics’ often relied on the logic that, because the Chinese or ‘non-whites’ could not be naturalised, there was no point of allowing them to immigrate, the rationality behind this citizenship law and the exclusion of Asians relied fundamentally on the idea that, if imported, the ‘Oriental’ cultures would degenerate American cultural progress (Schrag 2010, 70). This speaks of the inherent socio-evolutionary evaluation of race-nations and their cultures in terms of degeneracy and fitness. It is evident that racialisation cannot be separated from the international history of immigration policy, but racialisation was never a ‘white’ vs. ‘black’/‘Asian’/‘Hispanic’ issue (e.g. Jacobson 1999). It was not enough to bar the immigration of ‘Asiatics’, but the need to defend the race became more and more pertinent. The Immigration Quota Acts of 1921 and 1924 became the epitome of eugenic immigration control. Imposing a strict system of annual quotas for immigration of various ‘race-nations’, the Quota Acts attempted to limit immigration especially from Southern and Eastern Europe. Intra-white racialisation was essential (but not necessary) to social Darwinist thinking, demonstrating its inherent culturalising logic. This racialisation can be seen in how cultures are conceptualised by early immigration policy advocated in the US. In the words of the Immigration Restriction League:

“A considerable proportion of immigrants now coming are from races and countries, or parts of countries, which have not progressed, but have been backward, downtrodden, and relatively useless for centuries. If these immigrants ‘have not had opportunities’, it is because their races

⁹⁹ Proving residence status in California was compromised by the destruction of San Francisco residency information in the earthquake and ensuing fires in 1906, resulting in a deportation and exclusion of entry of even citizens and permanent residents (Schrag 2010, 69).

have not made the opportunities; for they had had all the time that any other races have had; in fact, often come from older civilizations. There is no reason to suppose that a change of location will result in a change of inborn tendencies” (see statement in United States Government 1911, 107).

Socio-evolutionary conceptualisations were formulated in social Darwinist terms, i.e. not based on who breeds and survives, but who achieves more prestige or wealth, and the worthiness of immigrants was judged based on the essentialising logic of racialising culture and economic success. The naturalism of liberal governmentality almost required a level-headed assessment of the desirability of immigrants in these culturalising terms.

The social Darwinist and eugenic thinking around immigration was not exceptional, otherwise it would have been impossible to pass these laws. What worried the legislators and the eugenic movement was the changing racial composition of America due to Southern and Eastern European immigration. For example, a proponent of eugenic immigration practices, Charlotte Perkins Gilman “viewed most immigrants as undesirable and criticized Americans who imagined that ‘the poor and oppressed’ were good stock to build up the country” (Ganobcsik-Williams 1999, 25). Perkins Gilman’s thinking mirrored the common view that combined the old religious notion of the City upon the Hill with the newer, social Darwinist or socio-biological thinking. As Prescott F. Hall—a co-founder of the Immigration Restriction League—asked in 1897: Do Americans want the United States to be “peopled by British, German and Scandinavian stock, historically free, energetic, progressive, or by Slav, Latin and Asiatic races, historically downtrodden, atavistic, and stagnant” (quoted in Kazal 2004, 122)? Thus, here we see clearly the culturalising logic of state racism that needs to defend society from culturally degenerate influences in order to secure a better future for the race-nation. With culturally degenerate people came the decline of the whole race-nation and its future success. Society needed to be defended against this race suicidal threat. As we have seen, this logic is very much alive today, especially in the figure of the illegal immigrant, the ‘illegitimate’ asylum seeker, the Roma migrant or the illiterate immigrant.

The logic of racialising nationality and culture saw its full bloom in the 1921 Emergency Quota Act and the 1924 Immigration Acts that solidified racialised quota structures. These Acts fundamentally functioned based on the state racist logic of race suicide and marked the end of mass immigration to the United States. The Quota Acts maintained the exclusion of ‘Asiatics’/‘Mongols’, as they could not obtain citizenship with later inclination towards leniency.¹⁰⁰ The 1924 Act tightened quota structures so that

¹⁰⁰ The acts contained aesthetic quotas of 100 immigrants per annum for many countries outside ‘the white world’. But as Ngai points out, these quotas were in practice “quotas for non-Chinese persons from China, non-Japanese persons from Japan, non-Indian persons from India, and so on” (Ngai 1999, 73), because the quotas explicitly did not apply to immigrants who could not become citizens. With time the quotas could become more lenient. Measures allowing some

they were even more heavily biased in favour of 'racially superior Nordics' and they put restrictions on the 'lower races' from Southern and Eastern Europe (e.g. Barkan 1991, 97; Kevles 1998, 96; Stern 2005; Galusca 2009, 143; Ngai 1999).¹⁰¹ This change in quota calculation method based on earlier figures was designed to radically reduce immigration and to tighten the system of 'racial' quotas so that it granted some 85% of the quota to 'Nordics'¹⁰² and limited immigration from the culturally degenerate regions of Southern and Eastern Europe (including Finland). The quota system included also non-resident relatives of American citizens and residents, but importantly "all aliens ineligible to citizenship or their descendants", "the descendants of slave immigrants" and "the descendants of American aborigines" were excluded from qualifying for quotas. From the start there was very little opposition to immigration restrictionism. As the Finnish eugenic sterilization laws, also the racialising immigration laws in the United States were passed with an overwhelming majority. The 1952 Immigration and Nationality Act continued this system of racialised quotas until 1965 despite increasing opposition.

Further, citizenship and voting rights were disciplined according to eugenic principles. Thus, granting of citizenship did/does not necessarily go hand in hand with civil rights in the United States (e.g. Hench 1998; Behrens et al. 2003; Carey 2003). African Americans were granted citizenship in 1868 and

immigration from the Philippines and India were passed in 1946. The whole Asiatic Barred zone was repealed in 1952 with the addition of small but real quotas.

¹⁰¹ The 1921 Immigration Act had been put in place as an emergency measure to counter a threat of 'a flood of immigrants on the way' and to counter the effects of the earlier 'race-suicidal' immigration policies. The 1921 Act placed the limit of immigration to 350.000 immigrants per year and set the permit quotas so that a number equivalent to 3% of an immigrant population from a specific race-nation as recorded in the 1910 census was allowed to immigrate annually. This preliminary plan of restriction was not deemed satisfactory and the 1924 Aliens' Law changed the basis of calculation: This calculation method, as Ngai points out, was based on the notion of 'native stock'. Instead of calculating proportions based on foreign-born population, it calculated the quotas based on the 'racial' proportions of 'the American' population or the 'native stock' in the 1890 census and set the quota to 2% of that. That is, between 1921 and 1924 it was the origin of the immigrants that was disciplined more. These strictest quota measures would not stay in force for a long time, as they were changed in 1929 so that the quotas were calculated according to the 1920 census, thus increasing also the quotas for Southern and Eastern Europe. However, because also the cap on immigration was downgraded to 150.000, the number of actual immigrants allowed did not change dramatically and because the quotas for the British and Germans were actually increased outside the strictly percentage-wise calculations. The quota of the British and Germans was in 1924 34.000 and 51.000 and in 1929 some 65.000 and 55.000 respectively. In comparison, the Polish and the Italians had quotas of 5.800 and 3.800 in 1924 and in 1929 6.800 and 5.800 respectively.

¹⁰² Finnish immigrants were an anomaly in the statistics used to defend the eugenic immigration policies. This problem of assigning a socio-evolutionary status to the Finnish race relates to the designation of Finns as 'Mongols' in the nineteenth century race theories (excluding the Swedish-speaking Aryans/Nordics/Germanics). An article on the 'new immigration' discussed at length the racial qualities of Finns in a more favourable terms (The New York Times 21.5.1911), but this did not change the immigration quota. Finnish immigrants paralleled the super-racialised Nordics in literacy but then contained the third highest proportions of sub-racialised unskilled 'labourers' in parallel with East Indians, Mexicans and Greeks (Croxtton 1911). Reflecting this problematic, a newspaper article discussing the 'races' of immigrants addressed the 'Finnish' issue at length coming to a positive conclusion on the 'racial' qualities of Finnish immigrants as 'Nordic' vis-à-vis the race theory of Finns being 'Mongol' (The New York Times 21.5.1911). In the immigration quotas of 1924 Finnish immigrants had a much smaller quota (170) than Swedish (whose quota was over 9561), Norwegians (6453) or the Danish had (2789). The quotas in the following years were proportionally more lenient towards Finns (*Proclamations by the President of the United States*, no. 1703, June 30, 1924, 43 Stat. 1958). In 1929 the Finnish quota was some 560 and the quotas for the other Scandinavian countries ranged between 1100 and 3400 (*Proclamation by the President of the United States*, no. 1872, March 22, 1929, 46 Stat. 2984).

African American men gained voting rights in 1870. 'White' and 'black' women gained voting rights in 1920 and Native Americans in 1924. The so called 'white primaries' were outlawed in 1944. Regardless of these amendments many exclusionary practices remained especially in the Southern states. Poll-taxes, i.e. the practices of requiring voters to pay for voting and, thus, excluding the poor from voting, had been held constitutional in 1937 by the Breedlove v. Suttles decision of the US Supreme Court. In 1962 the 24th Amendment to the US Constitution ended poll-taxes in federal elections and the 1966 Harper v. Virginia Board of Elections decision criminalised poll-taxes in state elections. As Schriener, Ochs and Shields describe, literacy tests as a condition for gaining voting rights were outlawed in 1965 and 1970. Before this some states, especially Southern states, had combined literacy tests with so called 'grandfather clauses' that exempted those whose grandfathers had voted prior to the Civil War from taking literacy tests, thus aiming voting restrictions against African Americans and descendants of 'new immigrants'. Naturalisation in the United States is still conditional on the passing of a literacy test. In 1997 44 states in the US had restrictions on voting rights for people with mental or emotional impairments. They include restrictions for those under guardianship but many statutes also exclude 'idiots', 'insane', 'lunatics', 'mentally incompetents', those of 'unsound mind' and those not 'quiet and peaceful' from voting. Only six states at this stage did not consider the receipt of mental health services as grounds of disenfranchisement (Schriener et al. 1997). In most states in the US voting rights are denied to incarcerated criminals or those on parole, some even permanently. In comparison, in the UK prisoners are now gaining voting rights due to the verdicts of the European Court of Human Rights. There is, thus, a fundamental logic of abnormalization and exclusion functioning in the civil rights policy that is based on the logic of fitness/degeneracy and the same logic applied in Finland, as we shall see next.

Contemporary Finnish Immigration and Citizenship Policies

Racialisation and citizenship policy

If we compare the way that immigration was problematized through eugenic conceptualisations of 'race' in the United States to the way immigration is problematized through 'race-nationality' today, the picture is somewhat different in terms of technologies, if not necessarily in terms of the rationality of problematization itself. Historically, the early Finnish citizenship policies and its problematizations parallel these American racialising discourses with its exclusion of the Roma, Muslims¹⁰³ and Jews from

¹⁰³ Finland has had a minority of Muslim Tatar citizens for over a century. This group arrived during the time Finland was part of the Russian empire. Tatars were given full citizenship rights and Muslim congregations acquired an official status during the early twentieth century.

citizenship, but these exclusions were abolished 1917 and 1921. Finnish nationalization policy has not been explicitly racist since, which reflects the power of liberal discourses during the early years of Finnish independence (Leitzinger 2008b). Despite the increasing influence of state racist discourses in the 1930s, these restrictions were not resuscitated.

Today there exists, however, an explicitly racialising regulation in the citizenship law: only *non-naturalized* citizens of Nordic countries are eligible for *claiming*¹⁰⁴ citizenship after five years (vs. applying for it after two years) speaking of a clearly racialising form of discipline that was in force already in the 1968 Citizenship Act. There is no similar quasi-biological restriction on the *application* for citizenship after two years, and also naturalized Nordic citizens qualify for this, but this requires passing a Finnish or Swedish language test. The other fundamental rationality rendered quasi-biological in the Citizenship Act is the *jus sanguinis* principle, i.e. that citizenship at birth is only granted to those children, whose parent(s) are Finnish citizens. This fundamentally racialising principle is reinforced by the strict limiting of *jus soli*, i.e. the right to obtain citizenship on the basis of residence, to situations in which there is no possibility of obtaining another citizenship, i.e. when *both* parents are stateless and/or under international protection against specifically the state authorities in their country of origin.

In Finland the eugenic principle of limiting the voting rights of criminals, mentally ill, illiterate, the poor etc. had an impact on the exercise of voting rights, for example, if not directly by obtaining citizenship (Rahikainen 1995; Mattila 2003). At the time of Finnish universal suffrage in 1906 categories of people such as vagrants (including the Roma), the mentally ill, criminals and those under the poor administration were denied citizen's rights. It was only in 1956 that poverty as a reason for denying suffrage rights was ended in Finland. In 1969 those convicted of crimes were given the right to vote for the first time. Those under state guardianship due to mental illness as well as vagrants committed to the workhouse were given voting rights in 1972 (Rahikainen 1995; Mattila 2003). Hence, here we see how this type of a human pedigree, which employs the figures of the degenerate, as a person unrestricted by convention and morality, of the person unresponsive to discipline and normalisation as well as of the figure of the unfit who is inherently unable to carry the responsibility of civic duties, was applied as a technology of governing until rather late. In comparison, this eugenic order does not apply to foreigners

¹⁰⁴ In practice, this means a cheaper fee and no need to pass a language test. That is, there are two ways in which citizenship can be granted: either through a claim or through an application. These modes of gaining citizenship also carry different prices, the claim to citizenship being much cheaper (currently 240 € as opposite to the 440 € per person in case of having to apply for citizenship). Those categories of people eligible for a claim to citizenship do not need to pass a language test (officially recognised children of Finnish men, youth who have lived in Finland for ten years or having been born in Finland and lived there for six years, those who have had Finnish citizenship and Nordic citizens who have lived in Finland for five years). Nordic citizens have the special right to apply for citizenship after two years, but in this situation they have to pass a language test and, as said, be native and not naturalised citizens.

today, although culturalising conceptualisations of fitness/degeneracy have been applied to governing voting rights (see footnote 35). Rather in local elections Finland grants voting rights to all foreigners, EU citizens and others, after they have lived in Finland for two years on (again) continuous residence permits, thus attempting to foster inclusion and civic skills of those already resident (in a qualifying way). In this sense, moral discourses of democratic equality and democratic inclusion have more impact on the order of things than eugenic discourses have.

Otherwise, the contemporary Finnish Citizenship Act is discursively ordered through liberal and nationalist discourses. Overall, the main aim of the Citizenship Act is to fully integrate (qualifying) immigrants: citizenship is rather used to encourage integration rather than as a result of integration. In this sense, the use of *jus sanguinis* principle is in many ways countered by liberal rationalities that aim to include rather than to segregate (qualifying) foreigners. The power of liberal discourses is strongest in the case of residency requirements: This can be seen in that opportunities for segregation, such as requiring *permanent* residence permits before naturalisation, are not used. In most countries, a permanent residence permit requirement is standard.

The requirement of permanent residence permits is a low-level administrative technology that can be used to postpone the gaining of rights, and is as such a good example of how segregation is rendered technical. In Finland, a permanent permit could be obtained after four years of residence based on continuous residence permits—this in practice means a further distinction between those whose first permits were continuous and those who first obtained temporary permits, such as students, temporary TCN workers or temporarily protected persons who would then need to gain continuous permits before being able to gain permanent permits. In this way, citizenship can in practice be postponed for some by quite a few years. In Finland, the standard applicants' residency requirement has been (since 1920) five years on continuous or permanent permits (which in practice could mean any number of years). This was so except in 2003-2011 when the residency requirement was increased to six years—speaking of a rationality to discipline the possibilities of obtaining citizenship based on other than *jus sanguinis* or quasi-biological 'Nordic-race' principles. This order of things was changed between 2007 and 2011 by the Administrative Supreme Court's decision, which insisted on calculating temporary residence as qualifying for the residency requirement. This led to a problematized situation in which citizenship could be obtained before permanent residence permit could. After 2011, the time resided on temporary permits has counted for 50%. Although the Citizenship Act is extraordinarily liberal in comparison to some other countries, we should not forget that the Citizenship Act functions based on the residence permit system, which imposes its own racialised technologies of obtaining and renewing permits that

was discussed in the previous chapter: The right to residence of some is deemed in need of discipline more often than others' right to abode.

As was discussed in section 3.4.5., the racialising apparatus of granting longer residence permits for some than for others is evident. Finnish 'blood' and whiteness has consequences in terms of disciplining the right to gain citizenship. EU citizens can obtain citizenship without the need to re-register their residence (if they pass the language test). The right of Nordic citizens' and those of Finnish ancestry¹⁰⁵ to reside even without income requirements speaks of a lesser need to discipline some people's chances of obtaining citizenship than others'. Although the return policy for Ingrians¹⁰⁶ and those of Finnish ancestry is a positive type of racism, the rationality behind these regulations nevertheless functions based on quasi-biological racism: Finnishness is in the blood, it can last for centuries. At the core, Finnishness is a matter of belonging to a race-nation, not solely a matter of self-identification, active connections, language skills or ability to function in Finnish society. This type of positive racism is directly connected to negative discrimination in the sense that persons who have never lived or who have lived most of their lives outside Finland can be 'Finnish' based on blood, but those who were born or have lived most/all of their lives in Finland but are not of 'Finnish blood', on the other hand, can battle with the perpetuation of their immigrant status, possibly for generations.

This quasi-biological order of things is not complete, however. Even if Finnishness is not conceptualised only as territorial or cultural, but fundamentally as biological, there has been an increased tendency to reject residence permit applications based on Finnish ancestry. In this sense, taking into account the end of the Ingrian immigration policy, assumptions about biology and essential Finnishness are in themselves reducing their influence on immigration policy. Further, this racialising logic of 'Finnish blood' has not extended to the Citizenship Act and citizenship has not been granted preferentially to those of Ingrian or Finnish origin, but only those who have actually personally had Finnish citizenship get more favourable treatment irrespective of whether they have been born in Finland or how they have obtained citizenship.

¹⁰⁵ Those of Finnish ancestry acquire four-year continuous permits, but are required to have a five-year residency period, hence they need to renew their permit once prior to being able to obtain citizenship. In 2011 the Citizenship Act was changed so that citizenship can be obtained after four years, if a foreigner passes the language test.

¹⁰⁶ The Ingrian return policy is interesting in comparison to some other return policies. For example, in Italy and Portugal the return of Argentinean and African (respectively) 'nationals' is limited to those with demonstrable ancestry to people who have lived in Italy or Portugal. Thus, the return policy only encompasses the return of those with Italian/Portuguese/Finnish ancestry. In case of the Ingrians, besides those who were returned to the Soviet Union during the Second World War or who fought on the Finnish side, no link to the territory of Finland has been requested. Like in the case of German repatriation policies that also interpret 'Germanness' as something extending the borders of the state, it is interesting to see how the concept of 'return' and 'nationality' have been discursively ordered primarily in terms of 'race'—with language and culture playing a secondary role—(e.g. Triandafyllidou and Gropas 2007, 8-9).

These individuals who have had Finnish citizenship can re-obtain citizenship through declaration, i.e. they can re-claim their citizenship without having to substantially apply again. Until 2003 this was possible after having lived in Finland for two years, but the 2003 reform of Citizenship Act tightened these regulations (by this time many refugees had been naturalised). Between 2003 and 2011 ex-citizens could reclaim their citizenship only if they had lived in Finland altogether ten years, out of which two years were immediately prior to the application. There was, thus, a clear rationality of disciplining the right to lost citizenship that had potentially racialising consequences—especially if we compare it to the favourable tradition of granting Nordic citizens citizenship after two years of residence.¹⁰⁷ However, this racialising logic was successfully countered by a more liberal and multiculturalist discourses that aims at integrating permanent residents and allowing equal access to rights. These requirements were abolished in 2011 and ex-citizens can now reclaim citizenship without residency requirements, even if they live abroad.

Therefore, racialisation is not an overpowering discourse, but rights, once gained, can function as rights and not as something to be re-earned. In this sense, it is not possible to interpret the privileges of the EU and Nordic citizens solely in terms of racialisation. The historical development of the EU cannot be deemed solely in terms of racialised belonging or evolutionary discourses. Equally, the common history under the Swedish Kingdom significantly and the long, reciprocal rights of settlement and gaining citizenship that have been in force since the 1950s are not solely a matter of racialisation. Yet, we are not discussing the 'true' nature of these politico-historical developments, but the way they are used to govern. The Finnish pre-Schengen visa regulations contained the same racialised human pedigree as the Schengen regulations do. And in the case of the 'Nordic', it is not only the right to declare citizenship reserved for 'natural/native' Nordic citizens, but also the way that residency in other Nordic countries (as opposite to residence in other EEA countries), is calculated as qualifying as residency in Finland for youths who want to maintain their Finnish citizenship at 22 (to be discussed later). Although there is a special significance attached to the 'Nordic', which is both a rights-based discourse (the Nordic Passport Union) as well as a historico-cultural reality, this history did become, in many ways, amalgamated with socio-evolutionary conceptualisations. Historically, the discourses about the 'Nordic race' have functioned as a super-racialising discourse and they have become fundamental to the technologies around the 'Nordic citizens'. If these discourses played a part in the early American eugenic

¹⁰⁷ In practice, Finland being a bilingual country, Swedish citizens qualify automatically by the virtue of speaking Swedish. Other Nordic countries require at least some demonstration of language learning or skills before naturalization. But it is relatively much easier for Danish, Icelandic and Norwegian citizens to learn Swedish to the required satisfactory level, as these Scandinavian languages are very similar to each other, than for foreigners to learn Finnish, which is of a different language group altogether.

assumptions, it would have been surprising if they had not in Finland and Scandinavia. As Kemiläinen, for example, has shown, racial discourses were integral to the general intellectual environment after the 1850s also in Finland (Kemiläinen et al. 1985; 1993; 1998). As others have insisted, the human pedigree emphasizing the biological ‘whiteness’ of the Nordic is clear (e.g. Keskinen et al. 2009; Loftsdottir and Jensen 2012).

But as said, governmentality is not overwhelmed by racialising discourses. If we return to the Citizenship Act in itself, this racialising logic is not as imposing as in the Immigration Act and liberal discourses clearly have more impact: This is seen especially in the treatment of the internationally protected persons: ‘Actual’ refugees, (secondarily) protected persons (granted based on individual persecution and who acquire four-year continuous residence permits immediately) and those granted protection based on humanitarian reasons, have a reduced four-year residency requirement for citizenship. Refugees and (secondarily) protected persons can, thus, obtain citizenship without having to renew their first residence permit, provided that they pass the language test.¹⁰⁸ But as has been hinted, the numbers given the four-year protective residence are small—although in the 2000s, especially after the EU directive on the minimum asylum principles (2004/83/EC, Council of the European Union 29.4.2004, implemented in 2009), there has been a clear increase in these numbers (see Appendix 2).

Persons receiving temporary protection (granted based on group membership or other humanitarian reasons) are excluded from this preferential treatment of refugees and (secondarily) protected persons. After 2011 temporary protection postpones naturalisation by one and a half years in comparison to the Citizenship Act’s four-year residency requirement on continuous protection permits for refugees.¹⁰⁹ All asylum statuses can be revoked, but in case of humanitarian or temporary protection the most important technology of prevention is again the need to renew permits and therefore reassess the need of

¹⁰⁸ In the case of ‘actual’ refugees and (secondarily) protected persons, we can see a certain trade-off in the Finnish system: Whereas persons under international protection are excluded from the TCN’s long-term permit by EU law, there is this possibility for ‘actual’ refugees and (secondarily) protected persons to obtain citizenship a year sooner than the standard applicant or sooner than the long-term TCN’s permits would be available. However, citizenship imposes technologies of culturalised and super-racialised integration on refugees and protected persons—something that the EU long-term permit does not do per se (national residence rules of course may do this in varying degrees in the EU). Both the EU long-term residence permit and citizenship require some form of income, but citizenship can be obtained even if the income is based on social benefits, i.e. the question is fundamentally about the legality of earned income, not the ability to maintain oneself. Thus, the only way for refugees and protected persons to gain rights vis-à-vis other EU states is through the integration test that obtaining citizenship imposes.

¹⁰⁹ When the law was even amended so that temporary permits, including those for temporarily protected persons and students, can now be calculated at 50% value on certain conditions, it was required that before making a naturalisation application, the person must have received a one-year continuous residence permit directly prior to making the application. In case of temporarily protected persons this means today that (s)he has to have needed protection for some five and a half years before citizenship can be acquired. This is because temporary protection can be extended to three years, of which one and a half years is calculated towards the residency requirement, and after the temporary protection, the person must need protection for another three and a half years, before they can qualify for citizenship.

protection every year. Thus, although there is clearly a strong influence of liberal discourses in these regulations, overall, as we saw in the previous chapter, the most important technology of defending society from asylum seekers is the visa requirement policy, through which the countries from which most asylum seekers come are explicitly under airport transit visa requirements: Vetting the individuals who are legally allowed to enter Schengen airports from these countries is the most important technology of segregation. Visas are not granted for the purpose of claiming asylum or those likely to want to stay, leaving illegal(ised) means of transit the most viable option for seeking asylum.

Thus, we see a discursive balancing act in the citizenship legislation: The main disciplinary technology that we have hinted at is the language skills test that functions as a proof of 'cultural belonging'. We shall discuss this language testing soon, when discussing individualizing technologies of segregation. At this categorical or 'racialised' level, that I wanted to focus on first, the Finnish Citizenship Act is rather liberal: The possibility of disqualifying people based on merely granting temporary permits or requiring permanent permits are not used to the degree they could be. Also, once residence permits or citizenship have been granted, civil rights are not disciplined based on the earlier eugenic categories of fitness or based on 'race', as they could be. Whilst the requirement of a continuous residence permit again puts a racialised structure into the granting of residence rights, overall the treatment of the 'qualifying' residents is more liberal or equalitarian than racialising: The 2011 temporary residence calculation change, for example, was explicitly based on a discursive order that insisted that the type of residence permit had no impact on the integration process itself and that the aim should be to foster the ability of, for example, foreign students to settle in Finland (HE 80/2010, Finnish Government 11.6.2010). But before celebrating this equalitarian liberalism, we need to refocus on the way the last chapter showed how the visa regime and the residence permit system contain clearly racialising structures. And the rationality of governing has its consequences in implementation, as we shall see next.

Racialisation and immigration policy

Leaving behind the Citizenship Act as an ultimate rationality of including new citizens and focusing now on the disciplinary structure of the Immigration Act again, we are re-focusing on the pre-selection of citizens-to-be. Here, the major difference, in comparison to US immigration policy, is that Finland does not operate and never did operate a quota system in granting residence permits. Finland never was an immigration country and still does not want to become one, as we saw in Chapter 3. In the US the national quota structure was abolished in 1965, but many countries do operate preferential entry regimes paralleling colonial legacies, although there is a tendency away from such preferences (Joppke 2005). The pre-Schengen and contemporary intra-EU free movement provisions and the preferential

treatment of those with Finnish ancestry and Nordic citizens clearly reflect racialised preferences, especially if we consider them against the insistence of processing about half a million visas *per annum* in embassies in Russia. But as we have seen this explicitly racialising order of things is becoming less evident today in the immigration policy itself.

As was discussed earlier, the primary disciplinary technology is, however, the clear structure of needing to assess TCNs' eligibility for residence, and therefore also for citizenship, more often than for others. TCNs come mostly from 'non-white' or 'less-white' countries, but not exclusively because the United States, Canada, Australia and New Zealand, as 'Western white' countries, are also included in this category. But if we look at the denial rates for residence permits—although the available data is partial—we can see a racialising result of policy design and implementation, as the chart below shows.

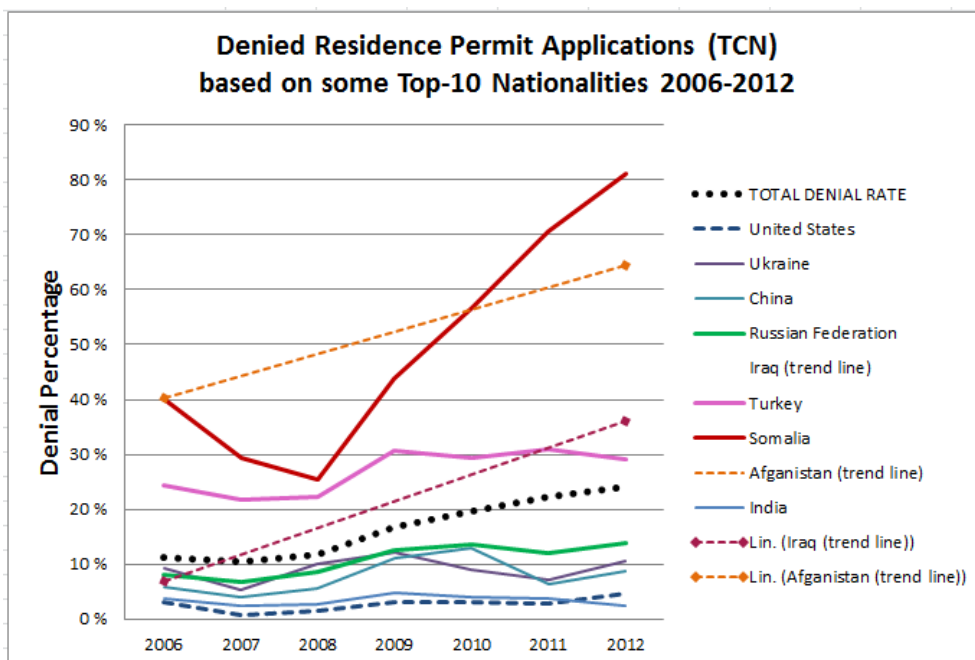


Chart I. Denied Residence Permit Applications (TCN) based on some Top-10 Nationalities 2006-2012.

As the chart shows, there has been a remarkable increase in the denial rate as such, but for some the denial rate has increased much more. We can see how the denial rate for US citizens is steadily much less than the increasing denial rates for Iraqis, Somalis and Afghans when they apply or renew their permits.¹¹⁰ These figures should not, however, be taken at a face value, because they are certainly impacted by other factors, such as the type of permit applied for (see Chart J). Family reunification

¹¹⁰ The Immigration Services statistics do not reflect actual numbers of immigrants, but just the times that resident permits need to be applied for and renewed, which is impacted by the racialising structure of permit granting periods and the practices of granting residence permits. But when measured as percentages, the numbers do reflect the share of permits denied for each nationality regardless of how short or long the renewal period is.

applications for other family members, for example, have a higher denial rate than employment based permits (although in terms of numbers the denied employment based permits have been more numerous in 2006-2012). And as discussed before, applications based on Finnish ancestry have also seen an increased denial rate.

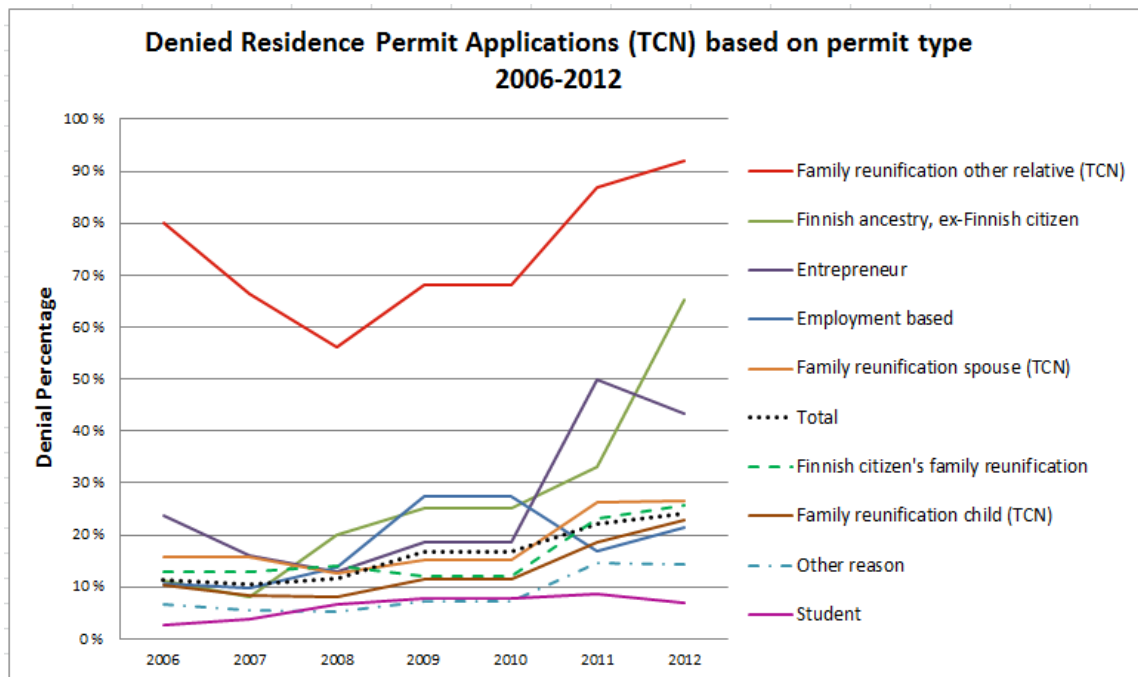


Chart J. Denied Residence Permit Application (TCN) numbers based on permit type 2006-2012.

Yet, whilst the type of permit applied for has an impact on the denial rate, as Chart J above shows, these factors do not explain away the persistent difference between the denial percentage of US citizens' applications and the total denial rate, as Chart K below shows:

Denial Percentage for Residence Applications	2006	2007	2008	2009	2010	2011	2012
United States	3,0 %	0,6 %	1,5 %	3,0 %	3,0 %	2,8 %	4,6 %
Total	11 %	11 %	12 %	17 %	20 %	22 %	24 %

Chart K. The US and Total Percentage of Denied Residence Permit Applications Compared 2006-2012.

The denial rate for US citizens is consistently smaller than the denial rate for any individual type of residence permit. Despite this, a claim about a clearly racist practice runs into problems: It has to be remembered that Finland used strict income requirements to limit EU citizen's family reunification rights until 2007 and that Finland in general does not operate preferential residence permit practices for the 'New World whites' who are also under strict family reunification income regimes. That is, 'whiteness' in itself has not guaranteed unconditional inclusion, although citizens of Australia and New Zealand respectively have a working holiday arrangement for young adults since 2002 and 2004, which gives

single young adults “in good health and of sound background” the ability to reside for 12 months by demonstrating funds for a return ticket and monies for the first three months only, which are required to be worth only some 70% of the funds that would be required from TCNs requiring a visa.¹¹¹ The ‘likely to become a public charge’ preoccupation is not as grave a concern in the case of some.

In comparison, there are degrees to suitable ‘whiteness’: racialising discourses used in conjunction with ‘Western white’ do not apply to all ‘whites’ and it is not uncommon to hear negative racialising discourses used against Southern and Eastern Europeans, especially Russians. Yet, a claim about ‘actually’ racist practices, in the old racist sense of doctrinally-correct biological belief in the biologically determined inferiority of ‘non-whites’, would need to be substantiated by a different investigation. Analysing the actual implementation practices themselves would have required different data than studied here, i.e. substantive data on applications and their decisions in the Immigration Services. Regardless of this reservation, the previous chapters have shown, that the preference for immigration from ‘culturally suitable’ countries has been explicit in the parliament and government documents and we can see in the residence permit denial rates that (culturalised) ‘whiteness’ at minimum creates structural advantages resulting in the lower denial rates for US citizens.

Putting aside the denial rates for residence permits, we should remind ourselves of the visa regime, which exercises judgement on individuals primarily as representatives of their race-nation, when its restrictive measures are aimed at only certain nationalities with darker phenotype and ‘less-Western’ ‘civilization’, especially if these countries are poor. Thus, even if there is no quota regime in the immigration policy as such, there are broad, fundamental restrictions based on what eugenic thinkers would have called ‘race’. A religio-cultural and socio-economic human pedigree was an integral part of American eugenic immigration policy. Whilst such a rationality of a human pedigree might be more nuanced today, it cannot be denied that there is such a rationality running through the visa regime. The correlation between the culturalised and racialising categories and the visa requirement was clear the visa requirement for ‘Western whites’ being 0% and that for ‘Black Muslims’ being close to 100%.

We have now discussed the racialising rationalities of the aliens’ policies in Finland. In addition to these rationalities that function based on essentialising categorizations, social Darwinism allowed the individualisation of the socio-evolutionary logic when it judged the fitness of the person on the basis of social position and not on the number of living offspring. These individualising technologies became a hall mark of eugenic immigration policy that assessed the fitness of citizens-to-be on the basis of not only race, but of wealth, health and morality. We shall now move towards examining the history of how

¹¹¹ See <http://www.finland.org.au/public/default.aspx?nodeid=35623&contentlan=2&culture=en-US>, accessed 7.10.2013.

these eugenic problematizations were implemented through early immigration policy measures in the US and compare these problematizations to the contemporary immigration policy in Finland.

4.3.2. Individualising Technologies: The Cheap and the Poor Degenerate

Beyond the visa regime state racist rationality is mostly implemented through individualising technologies of sub-racialisation today. Social Darwinist and eugenic thinking was never simply restricted to scientific racism, but the intra-societal measures of problematizing unfitness and degeneracy through individualising technologies of defending the race-nation were integral to all eugenic policies. These rationalities were at their worst seen in the sterilization and institutionalisation of the mentally ill, criminals, prostitutes and morally degenerate women, epileptics and handicapped people etc., but they also played a role in the immigration policy. Whilst 'prejudices' were fundamental to social Darwinist thinking, social Darwinism and eugenics were essentially scientific discourses, which needed to reflect 'reality'. Social Darwinism had to explain class mobility, the 'rags to riches' stories and the existence of intelligent, rich and learned 'less-whites' and 'non-whites'. These epiphenomena came to be interpreted in terms of the progress/degeneration binary: because genetic inheritance was complex, individuals had differing characteristics regardless of their general, racial characteristics. A representative of an evolved race-nation could be degenerate and vice versa. This allowed the application of the progress/degeneracy model to individual immigrants as 'germ-plasm-to-be' in the genetic pool of the race-nation.

Early American Immigration Policy

The utilisation of market veridiction inside liberal governmentality functions as a key technology through which social Darwinist discourses assessed the worth of the individual. The influence of this could be seen in the immigration policy and its increasing list of those to be prevented from entering the United States, as Chart L below shows.

Cheap labour was one of the first dimensions, at which immigration restrictions were aimed. This applied to Chinese immigration initially, which was addressed as the so-called 'anti-coolie' issue. The term referred to the entry of Chinese contract workers, who worked for menial wages and often entered in conditions of servitude. Coolie trade probably resembled the contemporary work-related human-trafficking of immigrants, and like today, it could also be approached through discourses criticising the conditions that exploited labour was subject to both during travel and during servitude. The sub-racialising discourses were, thus, not the only ones voiced, but in comparison Chinese emigration could be seen as a matter of "this adventurous spirit, this going to the ends of the earth for work, is in this

CRITERIA	1891 Immigration Act	1907 Immigration Act	1917 Immigration Act	1952 Immigration Act
Wealth	<ul style="list-style-type: none"> • paupers • persons likely to become a public charge • persons whose ticket has been paid by others or has been assisted to come 	<ul style="list-style-type: none"> • paupers, • persons liable to become a public charge, • persons whose ticket has been paid by others or has been assisted to come • professional beggars 	<ul style="list-style-type: none"> • paupers • persons likely to become a public charge • persons whose ticket has been paid by others or has been assisted to come • professional beggars • vagrants • persons who have been encouraged to immigrate with promises of employment • persons whose ticket has been paid by some association or a government • stowaways • unaccompanied children 	<ul style="list-style-type: none"> • paupers • persons likely to become a public charge • professional beggars • vagrants • stowaways

Chart L. The US Immigration Acts (1891-1952) and categories of people prevented from entering based on wealth at various points.

most practical and industrious of eastern peoples but another manifestation, with that intensity which hunger and want superadd to it, of the spirit seen in the most enterprising western races...” (Nye 1869, 15). That is, evolutionary rationalities could be used to discursively order the migration of the Chinese in a different way, as a sign of the ‘socio-evolutionary development’ of the Chinese. However, as we have insisted, after the 1860s the power/knowledge constellations increasingly started to discursively order Chinese immigration in terms of degeneracy. As said, this process was started with the 1862 Anti-Coolie Act and the 1875 Page Law culminating in the 1882 Chinese Exclusion Act, which were the first racialised forms of rendering certain type of immigration illegal on the federal level.¹¹²

Chinese or ‘Asiatic’ immigration was not the only immigration to be racialised, because of labour competition. Eugenic discourses helped to delegitimise the ‘new immigration’ of undesirable Eastern and Southern Europeans, who were next seen to be the root of both labour competition and increasing political radicalism. As with the contemporary Finnish discourses, this racialisation was not accomplished through explicit racism; rather liberal discourses themselves partake in this racialisation. Namely, the greatest problem also with ‘new immigrants’ was that they sold their labour cheaply and worked in conditions of slave-like servitude. This labour market competition was re-conceptualised in terms of a sub-racialising logic that designated the socio-cultural status of the labourers as ‘slave-like’. Yet, servitude has in fact been a practice that Northern Europeans, even from upper social classes, had used as a means of immigrating to the United States especially during the 18th century (Fairchild 1913,

¹¹² The Anti-Coolie Act imposed penalties on any American ship or agent bringing (or preparing to bring) into the US Chinese labourers without a certificate from the American consul at whose discretion it was to decide what constituted ‘voluntary’ immigration. In line with the Anti-Coolie Act, the 1864 Immigration Act started controlling also other contract labour and limiting the time of servitude allowed. The 1875 Page Law criminalised the importation of Chinese, Japanese and other ‘Oriental’ contract labour—federally accomplishing what the Californians had been trying to do for decades. Later the 1907 Gentlemen’s Agreement between the US and Japan controlled Japanese immigration, which, as the Chinese Exclusion Act, allowed only highly skilled and professional immigrants.

49). The 1864 Immigration Act had indeed asserted the legality of the practice of pledging wages for up to twelve months in compensation of emigration costs. In case of the sub-racialised other, selling one's labour cheaply and entering into bonds of servitude became a sign of degeneracy. It was not deemed worthy of a citizen to subject oneself to slave-like relations of domination; it spoke of unfitness, an inability to care for the self that reflected inherent qualities. Cheap labour was considered to be unable to practise civic skills independently or to be as worthy as a citizen should. The cheap, unskilled worker was not going to make a good citizen. Ownership of property was, after all, a rationality of disciplining civil rights in the US and elsewhere for quite some time.

Thus, essential for the social Darwinist order of things was the sub-racialisation of the poor. Class spoke of the individual's fitness, about his/her inherent abilities. The Malthusian conceptualisation had already started analysing poverty (and not analysing the Poor and how to get them to work) as both a cause and effect of its own condition (e.g. Dean 1991). Earlier thinking had conceptualised the poor as a self-evident part of the sovereign's regime, not as a population to be obliterated. In this earlier order of things, the rich person's worry was how to pass time and the poor population was designed to labour six days a week under God's design (Dean 1991, 47). The poor had a duty and service to provide to the sovereign. As a means of ensuring their willingness to work, poverty and hunger in themselves were necessary. The problem of the poor was formulated in terms of how to get them to work, which gave birth to the workhouse, in which those unwilling to work were put to work, and to laws of controlling vagrancy and merry making. Under this order of things it was possible to conceptualise the fecundity of the poor as enrichment, as a means of growing the wealth of the sovereign, a basis of compensation on its own. Work was a matter of obedience and respect for Providence, not a means of improving one's lot in life in itself—as the lot was given by God (Dean 1991). With liberal governmentality and evolutionary conceptualisations, this stagnant order of things would change, although, with the institutionalisation of market veridiction, not necessarily always for the better. The amalgamation of 'naturalised laws' with God's will eventually formulated philanthropy, charity and benevolence, in terms of Malthusianism: The just and disciplinary role of poverty in creating (Christian) subjects turned into a just and disciplinary manufacturing of modern citizens (Dean 1991, 88-96). Poverty was not about a structurally unjust distribution of resources, not about a logic of wealth accumulation functioning based on exploitation, as this was the 'naturalised law'. If it was not God's design, it was Nature's design. Scarcity was God given, part of 'His naturalised laws'. Under liberalism, in society that in many ways was conceptualised as working based on the social Darwinist logic of the survival of the fittest, poverty could be made into a sign of inherent unfitness reflected in the inability of the poor to conduct their own conduct in ways beneficial to society (Foucault 2002, 326-348; Donzelot 2008; McNay 2009, 64).

With social Darwinism this attitude towards the poor and other so-called degenerate categories of people gained the status of quasi-scientific knowledge. Whilst many scientists were more reserved in their application of racialising interpretations, the same could not always be said for the lay enthusiasts of social Darwinism and eugenics. Especially through the appropriation of social Darwinism into commonsensical discourses, social Darwinism had a huge impact on liberal governmentality. A science discovering the 'naturalised laws' governing society started from the premises that contesting Nature's design was not only foolish but dangerous. The limits of governing often came to be defined through the stories that could be told about the natural. Class biology—not opportunities, circumstances, conditions and resources—was the final explanatory factor, a cause, a reason for people's behaviour, the science showed. The statistics, or rather the statistical confusion of cause and correlation and the questionable ways of producing 'knowledge' through description and metaphor, showed that class biology was inherently at the root of degenerative or progressive phenomena. Class behaviour could not be a reflection of living in certain circumstances—because some still prospered. As with degenerate cultures, lower class status was a reflection of something inherent; it spoke about the essential, self-perpetuating essence of the lower-class and the poor (as in the contemporary 'culture of poverty' discourses). With social Darwinism charity and social welfare became dysfunctional; death and hunger were still required as disciplinary tools, as a policy of 'let die'—what other motivation was there for the poor to work in menial conditions if not survival. This rationality of 'letting die' is, for example, essential to the disciplining of the asylum seeking regime.

Instead of imposing minimum wage legislation on employers (Skocpol 1992), the employment market was allowed to function as a sphere of veridiction that assessed the true value of labourers: the lower the pay, the more degenerate the labourer must be. Conceptualising the labour market as a competition for the survival of the fittest, market veridiction legitimated marginalisation and naturalized unemployment as a marker of unfitness. This method of naturalization was essential to the eugenic order of things. As Charles Henderson, a eugenic sociologist of the time, said: when the degenerates "are removed, the real workers will more easily rise in earning power" (quoted in Leonard 2003, 698). That is, instead of assessing the situation through a discourse of rights, eugenic measures were suggested to cure the competition distorting effects of degenerate labour. In accomplishing this, a sub-racialising immigration policy was seen as a technology of artificial selection, a way of defending the 'fit' working class, i.e. 'the real workers'. Blaming low wages on those who earned them and not on those who paid them mirrored the typical, naturalising social Darwinist discourses of blaming the victim (Ryan 1998/2001). Therefore, we cannot simply regard 'nativist' labour market protection discourses as discourses of rights—which they certainly were in many instances—but we need to focus on how they

were used in the context of state racist governmentality and what kind of technologies of governing they gave rise to, especially in relation to immigration.

From the 1860s on, federal immigration policy had attempted to prevent the immigration of cheap labour also through more general measures that instituted the criteria that the immigrant had to be wealthy enough to merit entry. By 1885 all unskilled contract labour was prohibited—also from Europe—by the Contract Labour Act, which left most skilled labour as well as professional labour, servants¹¹³ and other categories, such as lecturers, artists and religious officials unregulated. Initially family members, relatives and friends of residents were not included under the contract labour ban, but by 1891 their assistance was also banned as this type of immigration formed the overwhelming majority of immigration to the United States (Fairchild 1913, 158). Thus, what happened was the criminalisation of cheap, unskilled labour, not simply the regulation of the numbers of immigrants or the prevention of exploitative working conditions.

Yet, importantly, eugenicists failed to ban the entry of Mexican cheap labour. As has been said, the eugenic order of things around immigration was never complete. The Western Hemisphere had also been excluded from paying immigration tax until 1910s and later it escaped quota restrictions, because southern farmers and industrialists deemed Mexican cheap labour essential to their seasonal labour needs and hence to their increasing wealth. This was regarded as a failure by eugenic immigration policy advocates, which gave rise to an increased impetus of limiting the entry of Mexicans through other technologies, such as prevention of the entry of contract labour, of the poor, the illiterate, the unfit and degenerate (Ngai 1999). Mexican immigrants face(d) decades of deportation and repatriation policies, even if US citizens, as well as racism (e.g. Balderrama and Rodriguez 2006), thus, evidencing the inherent exclusion of Mexican cheap labour from the race-nation still evident today.

Besides the outright ban on the entry of paupers and contract labour, the poor and the low-skilled workers were prevented from migrating through various bureaucratic rules, such as barring anybody who had not bought their ticket by him/herself from entering, through demanding assets, imposing immigration taxes and requiring entry permits or visas and charging for them. The 1882 Immigration Act had imposed a small 50 cent immigration tax. The 1891 Immigration Act amendment added “any person whose ticket or passage is paid for with the money of another or who is assisted by others to come” aimed to further prevent both contract labour and state-sponsored emigration of ‘the undesirables’.

¹¹³ As Gedalof points out, the immigration of au pairs and domestic servants is considered unremarkable; it is justified by requirements of maintaining standards of living for certain families and not problematized today. But, as Gedalof points out, the number of immigrants in these categories in the UK is half that of asylum-seekers granted abode (Gedalof 2007).

Whilst the immigration tax remained at a low level, being \$4 in 1907, it was buttressed by a \$100 fine for anybody attempting to bring in a person of the 'defective classes'. The Immigration Restriction League considered this a meagre obligation not likely to weed out the undesirables and unfit to become citizens and initially advocated a 25\$ or 50\$ tax. This was deemed a sign of the right kind of care of the self, of the "industrious and frugal habits" of the person, who could become a worthy citizen (Immigration Restriction League 1894, 11-12). Later, the League would change this suggestion to 10\$ combined with a requirement for the immigrant to be in possession of 50\$ and additional 25\$ for each member of the family (see statement in United States Government 1911, 103). Thus, we see here the start of the 'sufficient funds' and income requirement technologies, which are a clear demonstration of the reliance on market veridiction and its social Darwinist correlation with the quality of the human being and his/her rather literal earning of rights. Whilst it is clear that funds help in preventing exploitation and having to rely on charity, there is also a structural logic of a human pedigree here that functions on the basis of suspicion and prevention. This is remarkable in the sense that the eugenic opinion was not united in this notion that the worth of entry should be measured by the ability to pay. Many eugenicists, like Fairchild, insisted on the 'constitutional robustness' of immigrants (i.e. health and endurance) more than wealth and social status as such (Fairchild 1913, 204).

Contemporary Finnish Immigration Policy

The increasing influence of eugenics and the increasing sub-racialisation of the poor and their cheap, exploited labour laid the ground for sub-racialisation to be employed as a rationality of immigration restrictionism. Also today the poor migrants often are the illegal(ised) migrants. As with the Mexican seasonal labour in the United States, the poor immigrant is needed in Europe, but his/her presence is racialised and rendered illegal (Shapiro 1997, 6). In many countries, as in Finland, low-skilled seasonal workers may be allowed to enter and work legally under various permit-free labour arrangements for the duration of a tourist's three-month stay. The entry of low-skilled and low-pay labour without access to rights is also arranged through the outsourcing schemes of foreign companies/workers. Besides this seasonal migrant labour there are also certain sectors that especially employ foreigners. In Finland, the resistance towards illegally employed labour, i.e. labour that is employed outside the labour union condoned contractual stipulations, is high on the political agenda due to the political influence of labour unions. The discursive orders around these illegal practices of employment are addressed more in terms of discourses of rights than as discourses of sub-racialisation. Rather, the discursive orders utilise discourses of rights and protection from exploitation, both of Finnish workers by illegal(ised) labour competition as well as of any worker in general. Neither is there any clear exclusion of low-paid/low-skilled labour in the contemporary immigration apparatus in Finland. As has been discussed, the salary-

level requirements for a single worker are rather low and the centralised labour market considerations used in granting employment-based residence permits includes quite a few lower-paying and low-skilled jobs. Yet, the unemployment and educational standards of immigrants are problematized in terms of their 'lower' average levels (which of course has to do with the policies of recognising degrees as such), but this discursive order is also valid for uneducated Finns. Overall, the sub-racialisation of specifically cheap immigrant labour is not a discourse that is exploited to its gruesome maximum in Finland.

How much this lack of explicit sub-racialisation depends on the existence of an immigration apparatus, which has, firstly, built-in obstacles that prevent low-skilled seasonal workers gaining long-term entry and, secondly, technologies that prevent lower income immigrants from bringing in their families, is debatable. For most, family reunification rights are restricted based on market veridiction and granted in practice based on the worthiness assigned to the applicant by labour markets, unless one is Nordic, Ingrian or a family member of a Finn. This worthiness needs to be tested for TCNs more often than for others through the disciplining of the length of residence permit renewal periods. This in practice discourages or makes impossible the settlement of below-medium income TCN families. Considering the use of specific income requirements for EU citizens' family reunification until 2007, these restrictions are not 'racist' in the strict sense of the word, but echo the sub-racialising discourses of 'white trash', thus, speaking exactly of a dynamic governmentality of state racism rather than of 'racism' as such. If the early eugenic theories correlated unfitness and degeneracy with poverty, there is still an unmistakable rationality of defending the race-nation against the immigration of the poor as well as of large families (read culturally degenerate families): The lamentation of larger families of immigrants is a commonly used discourse by all parties in the Finnish government. Low-income earning individuals can come to work but their families should be kept outside, thus encouraging the immigrant to return. The restriction of rights based on market veridiction is a clear rationality of preventing lower-skilled, 'unemployable' or poorer families from settling, thus painting the picture of how similar the undesirable immigrant is to the undesirable immigrant under eugenics: Family reunification as a technology of encouraging integration is applied only to those worthy enough. If anything this race hygienic rationality has only been bolstered by the regulations that require that family reunification applications are made by family members abroad, including children, who are fingerprinted after the age of six.

Thus, the overall sub-racialising system of criminalisation remains. Cheap labour is silently excluded through technologies that deny the status of an immigrant from seasonal and outsourced labour and family reunification from cheap labour. When there is a job to be done, cheap labour is utilised and tolerated, but without granting rights (e.g. Calavita 2003; Doty 2003). Like in the case of Mexicans, the tolerance of this reaction-causing group is disciplined through programmes of voluntary repatriation,

policing of illegal immigrants, denial of permits in case of downsizing etc.¹¹⁴ The border patrol disciplines seasonal workers through the standard of a care for the self, which is based on the 3-month rule of tolerated exploitation, by stamping their passport on entry and exit, making note of over-stay enabling the possible denial of further visas or entry at the border. As then, also today in many European countries, the will to effectively tackle the structures, which feed off this 'quasi-slave-labour tourism' on the clock, is not there. Once the 'tourist' over-stays and his/her presence is rendered illegal, it is the degenerate essence of the migrant that explains the phenomenon of illegal(ised) migration, not the political hypocrisy between what is said and what is done, between needing cheap labour and not wanting it (Roberts 1998): The illegal(ised) immigrant is the root cause of his/her own condition, not the labour market that depends on and profits from his/her exclusion. The society has to be defended from the degenerating membership of illegal(ised) immigration of cheap labour, but the cheapness of this labour is guaranteed by its sub-racialisation and criminalisation (see also Calavita 2003). Rather than the protection of human rights and equal treatment, we have a system protecting profit.

If the immigration apparatus is indirectly preventing the entry of cheap labour, we also need to remember how poverty influences the opportunities of gaining employment to start with: Visa restrictions correlate with GNI, the sufficient funds requirements and considering 'proof of willingness to return' are major tools for categorically restricting and limiting opportunities for the poor. With the EU visa and Schengen border control regimes, asset requirements and entry checks have become a more important technology of immigration control. As in the American eugenic immigration policy, which started requiring visas and charging for them, the pricing of visas, residence permits and citizenship applications function as disincentives for applications today. As in the American policy, which started returning the poor, who had entered without sufficient funds or had their tickets paid by somebody else, and which started deporting those who had become a public charge inside an increasing time frame, also today the lack of funds or the loss of financial ability to care for oneself are used as grounds for removal and deportation in Finland, as described in the previous chapter. Further, obtaining citizenship requires that one can account for the way one earns or receives his/her income,¹¹⁵ that one has kept up

¹¹⁴ Before the acquisition of permanent residence rights, permits can be denied, if the immigrant loses his/her job. Although this logic is not automatic and other factors can be taken into account to counter this exclusionary rationality, there is no such clause in Finnish immigration law, as in Sweden, that does not punish people with a loss of residency for losing their job due to downsizing.

¹¹⁵ Until 2003 the citizenship act required that the income was secure, but since then it has been only required that the way income is earned can be accounted for. But as said, this income can be in the form of social benefits. However, citizenship may not be granted, if it is suspected that the person tries to obtain citizenship in order to take advantage of benefits connected to citizenship. Statistics on the implementation of this denial based on 'suspicion' are not easily available. Neither are statistics that would actually tell how quickly different types of foreigners obtain the right to municipality that grants access to social benefits. The general rule is that municipality rights are obtained when the person has a two-year residence permit, which thus includes those of Finnish ancestry, EU citizens, refugees and (secondarily) protected

with possible child maintenance payments as well as other financial obligations under public law. There is a certain bourgeois criterion of how to care for the self in operation, although relying on benefits as such does not prevent the gaining of citizenship—but this in practice relates to people who have been exempted from income requirements during their prior residency. Together with the carrier sanctions these measures effectively prohibit the *legal* arrival of the poor into the Schengen area and discipline their stay, thus defending society from their degenerative influence.

Although liberal discourses are strong, when it comes to the rights of refugees, the immigration apparatus has been developed toward a system that disciplines asylum seekers through market veridiction, as we have discussed in the previous chapter. Because the movement of the poor has been blocked, except as seasonal or outsourced labour, today those likely to become public charges—outside the racially privileged Nordics, Ingrians and family members of Finns—are mostly asylum seekers. Although, it has on occasion been acknowledged in the Parliament, that asylum seekers already need to be relatively wealthy and/or convincing enough to reach Finland despite the systems of airport and regular visas aimed against people more likely to come for asylum, this does not translate into a redesign of the asylum seeking system. Rather it leads to the utilisation of wealth as a disciplinary technology. The latest Finnish technology of preventing the arrival of those designated as ‘living standard refugees’ or ‘economic refugees’ was the legislative amendment downgrading the financial support for asylum seekers, so that it is the asylum seekers’ own funds that will first be used, after which reduced support can be granted. Also the cost-benefit calculations of denying or allowing work during the asylum decision-making process has been one major technology of approaching asylum seeking and its ‘push and pull dynamic’. The result is a combined disciplinary system that reduced the right to work as well as reduced benefits, thus more and more placing the cost of displacement and asylum seeking on the asylum seeker him- or herself.

Although it is difficult to think differently about the need to have secure funds when travelling or residing abroad, the fact remains that this social Darwinist logic of controlling immigration was a eugenic formulation specifically based on the idea that the poor, as the biologically, culturally or morally degenerate, had nothing to contribute towards the better future of the race-nation, when mere controlling of numbers would have sufficed to control labour competition. Whilst, besides the prevention

persons. However, for those who attain temporary residence permits or one-year continuous residence permits based on employment, humanitarian and temporary protection or family reunification, the access to rights is determined by the low-level decision of the Immigration Services. The statistics do not actually distinguish between new permits granted and renewed permits, but merely report the number of permits granted, hence there is not enough easily available information to assess the rationalities used in granting residence permit periods. That is, it is impossible to say how the rationalities of defending society from the degeneracy of the poor are actually implemented.

of entry of paupers, these rationalities were initially measured as part of the socio-evolutionary status of 'races', the obliteration of actual 'racial' bans on immigration has moved the technology more and more to the individual level. These technologies preventing the migration of the poor and the degenerate parallel the technologies designed to allow the immigration of those considered fit and worthy as measured in skills, income and assets; those subjectified as desirable citizens-to-be. In the eugenic fashion, this test of fitness is carried out *prior* to residence or citizenship applications through the visa system, entry checks as well as through resident permit renewal cycles. In fact, the visa system was one of the key reforms of the early eugenic immigration policy. As the Eugenics Record Office testified, immigrants should be selected through the visa/consular certificate selection process based on "desirable...national traits, such as truthfulness, inventiveness, initiative, dependability, altruism, honesty, religious feeling, artistic sense, and many other talents and moral qualities, the bases of which are inborn in the individual and which vary greatly in family strains" (Laughlin in his 1924 House Committee testimony, quoted in Schrag 2010). In line with this in the EU various technologies of positive discrimination have been put in place for the worthy.

The latest of the EU technologies of positive discrimination for the worthy is the EU Blue Card scheme for highly skilled professionals whose salary is one and a half times that of the average salary. Beneficial entry possibilities for scientific researchers have existed since the EU directive 2005/71/EC (Council of the European Union 12.10.2005) and its incorporation into Finnish law in 2008. The more beneficial provisions for professionals, scientific researchers, 'professional' artists, sportsmen and sport coaches, middle and top business managers (as well as considering mere wealth as a ground for granting residence permits) had already started with the early eugenic immigration policies, which specifically did not restrict the entry of even Asian professional and highly skilled workers (Lee 2002, 36). In Finland these structures of promoting skilled labour, which is not subject to labour market consideration, are also in place.

In comparison, since 1933 the Immigration Decree has prevented the entry of (and not just deported) beggars, vagrants, wandering musicians, peddlers, those not deemed to be able to earn their income in respectable ways, and career criminals or those with criminal intentions (Finnish State 27.5.1933). Today peddling is controlled at the border by checking baggage for the possession of 'worthless goods'. Whilst musicians and artists still enjoy a permit-free right to work, this does not include 'low culture' of restaurant or street musicians. Some (forms of culture) are worthier than others. The human pedigree functioning in the contemporary immigration regime is akin to early eugenic immigration policy also in this regard.

Further, if poverty is already bad enough, beggars and vagrants have been an object of state racist governing for a long time and they have often been segregated or institutionalised for various social hygienic reasons (e.g. Dean 1991; Häkkinen et al. 2005). Akin to this earlier rationality of defending society from beggars is the contemporary problematization of (Roma) beggars and (foreign) peddlers. The Roma are EU citizens and enjoy the same right of freedom of movement inside the EU, but their rights of travel are problematized. If in France the treatment of the Roma has been notorious, in Finland the constant discussions in the media about the Roma beggars led to the recommendation that begging be outlawed (Finnish Ministry of the Interior 21.5.2010).¹¹⁶ The government has also excluded EU-asylum seekers (i.e. often Eastern European Roma) from the asylum seeker reception system.¹¹⁷ The Immigration Services instructions also offer the possibility of removing those suspected of peddling goods, and deporting 'normal' beggars based on an inability to care for oneself and 'aggressive beggars' under an internal security clause (although begging is not illegal yet) (Finnish Immigration Service 2.2.2009).

4.3.3. Individualising Technologies: An Increasing List of Degenerates

Immigration restriction in America did not stop with cheap labour or the 'racially' different, but other categories of the unfit and the degenerate were also excluded. In this section we will be looking more in detail at the way early eugenic immigration policy in America employed the individualising considerations of worthiness in segregating the degenerate and then comparing it to the contemporary immigration apparatus. Whilst the exclusion of criminals, prostitutes and the ill certainly is nothing new in terms of history or even immigration history (Zolberg 2003), it is the evolutionary framework, the framework of degeneracy, through which the phenomena were reconceptualised, that is relevant here. Race hygienic knowledge was used to restrict the immigration of "the sewage of vice and crime and

¹¹⁶ The working group set to investigate the possibilities of criminalising begging recommended that professional begging and unauthorised camping be outlawed under the Public Order Act and that organisation of begging rings be criminalised. The report does recommend that victims of human trafficking should be supported (added to the law in 2006) and that there is a need to develop a country-of-origin information system to combat human trafficking. The working group also recommended that supporting oneself through begging has to be prohibited by law, that organising begging rings has to be criminalised and that setting camp without permission has to be outlawed (despite the inclusion of 'every man's rights' in the Finnish law that allows everybody to camp on private or state land (as long as it is outside the private 'yard')).

¹¹⁷ Normally EU citizens, who log asylum applications, are treated under the safe haven principle, accelerated processing and speedy removal. The law stipulates that the asylum applicant cannot be considered to be at risk of persecution, if the country of origin has a stable democratic system, an independent and impartial judicial system and fair trials and if the state has signed and adheres to human right conventions. These technologies of procedural human rights and abstract equality deny the positivity of 'EU asylum seekers'. This rationality parts from a liberal logic of theoretical human equality, which is able to ignore the fact that in each single EU country the Roma are discriminated against and do not necessarily have the equal resources and possibilities of activating the functionaries of the state and the judicial system to protect their rights. In 2010 EU citizens were further excluded from the asylum process by categorically denying them the right to services under the asylum seeker reception system (under which EU asylum seekers had been housed until the speedy process could be completed, which in practice could mean weeks, if not months) except in highly exceptional cases.

physical weakness” from Europe and Asia (Report of the Proceedings of the Association of Medical Officers of American Institutions for Idiotic and Feeble-Minded Persons, June 1888 quoted in Kraut 1995, 50). The impetus of defending the race-nation first focused on prostitutes and criminals as well as those supposedly mentally ill or ‘idiotic’. The first federal Immigration Act, passed in 1882, prevented a “convict, lunatic, idiot, or any other person unable to take care of himself or herself without becoming a public charge” from entering the country. These exclusionary rationalities had already played a part of individual states’ rationalities of controlling migration. The Act also required that steamship companies return and house such passengers on their own expense (United States Federal Government 3.8.1882, Section 2), thus building towards developing “remote control” technologies of governing at a distance (Zolberg 2003).

The list of the unfit and degenerate grew with time, as the below and previous tables show. As the list below chart shows, the tendency was toward widening the scope of degeneracy of criminals from evidence-based conceptualisations to those of ‘confession’ about moral degeneracy.

CRITERIA	1891 Immigration Act	1907 Immigration Act	1917 Immigration Act	1952 Immigration Act
Criminality	<ul style="list-style-type: none"> persons convicted of felony or infamous crime, misdemeanour involving moral turpitude 	<ul style="list-style-type: none"> persons convicted of crime persons admitting to having committed a felony or misdemeanour involving moral turpitude 	<ul style="list-style-type: none"> persons convicted of crime persons admitting to having committed a felony or misdemeanour involving moral turpitude 	<ul style="list-style-type: none"> persons convicted of a crime involving moral turpitude persons convicted of two or more offenses involving 5 or more years of imprisonment persons admitting to having committed acts which constitute an essential element of a crime involving moral turpitude (unless only one such act committed 5 years prior when under 18) persons convicted of any crime related to the manufacture, trafficking or sale of drugs or persons known to be or persons in case of whom there is reason to believe (s)he is or has been a trafficker

Chart M. The US Immigration Acts (1891-1952) and categories of people prevented from entering based on criminality at various points.

Criminality and the Early American Immigration Policy

Also today one of the central elements of border control is criminality. The social Darwinist theory equated criminality with genes rendering it quasi-biological. Criminality was something inherent to the human being, neither a matter of his/her living condition or destitution nor a matter of evolutionary discourses (which certainly could have provided differing discourses about survivalist motives for crime had the protection of property rights not been so central to the social Darwinist order of things).

Consequently, segregation or incarceration came to represent the correct technology of governing criminality, and if possible, reforming petty criminals. Eugenic immigration policy utilised crime prevention laws as a means of controlling the entry of those morally unfit, such as convicted or confessed criminals, into the United States. The control of criminality had started with the deportation of those who had committed crimes in the US, and in 1882 moved onto preventing the entry of those who had been convicted of crimes and later of those who confessed to having committed crimes without being convicted. Proving that immigrants committed crimes disproportionately to the native population was essential. This statistical tradition was initiated by eugenicists (Barkan 1991, 103). Laughlin, the head of the Eugenic Record Office, which had become the unofficial immigration research centre of the Congress, did not focus merely on disproportionate insanity, but "was preoccupied with 'alien crime' and gathered voluminous data to demonstrate that immigrants from Eastern Europe were genetically defective and predisposed to committing criminal acts" (Nelkin and Michaels 1998, 38). The politicisation of criminality had started with many of the early immigrants—who and whose children would later become the robust stock of natives—being criminals and paupers expunged from Europe. Whereas these 'criminals' would later become the fit 'natives', the social Darwinist order of things, did make the new immigrants into essentially inherent criminals.

Criminality and the Contemporary Finnish Immigration and Citizenship Policies

Criminality is one of the key ways in which male immigrants are problematized. As we have seen, today the desirability of those who attempt to enter either for temporary or more permanent basis is thoroughly disciplined by assumptions of inherent criminality up until to the acquisition of citizenship. Eugenic punishment extends beyond fines paid or time served. Entry can be denied based on *suspicion* of possible criminal or terrorist activity, because if one was once a criminal, one is always a criminal. These technologies of suspicion extend even to those who have obtained residence permits, as the security clauses take into account the suspicion of crimes—not only crimes that the person has been convicted of in a court of law, but those that the police have suspected the person of. In comparison, the contemporary citizenship act is in many ways governed by liberal discourses, when it comes to gaining citizenship and committing crimes, in the sense that it does allow those having committed crimes to gain citizenship (there is a certain threshold in place).¹¹⁸ In such cases, the granting of citizenship can be

¹¹⁸ The law and the instructions for the Immigration Services include the specific numbers of certain types of convictions that can be 'tolerated' before citizenship is denied (3 suspended sentences, 2 custodial sentences or 15 daily penalties). Since 2011, criminal acts punished by a fine are not accounted as crimes anymore, but other forms of monetary penalties, such as daily penalties are taken into account and so are restraining orders. Before the threshold is breached Immigration Services can impose a waiting period after which citizenship can be granted (if no new crimes are committed). The waiting period is not accumulated, but rather calculated from the date of the last committed offence and from the end date of the

postponed: If criminality is not held as a completely inherent characteristic of an individual, the non-inherent quality of one's criminality needs to be evidenced by the ability to restrain from criminal or illegitimate behaviour for certain periods of time on top of serving the sentence for the crime.¹¹⁹ Yet, because criminality already functions as a reason for deportation, in question in practice are individuals who have been deemed not deportable due to other reasons, such as family relations or need of protection. Thus, we can see how liberal discourses of 'innocent until proven guilty' are overpowered in immigration policy by the rationality of defending the race-nation from inferior, degenerative elements.

Moral Degeneracy and the Early American Immigration Policy

The socio-evolutionary preoccupation with moral degeneracy did not extend merely to criminality, but also other modes of conducting one's conduct that were not 'civilized' enough and did not show enough moral restraint were delegitimised and governed in the name of improvement of the race-nation through exclusion and institutionalisation. Social Darwinist discourses were highly gendered, as are socio-biological discourses today (e.g. Lowe 1978; Lowe and Hubbard 1983; Birke 1986). Immigration restrictions were influenced by gendered conceptualisations of degeneracy and sexual/procreative activity. These are not policies that only related to the female gender, but conceptualisations of the nuclear family, male-breadwinner family models, heterosexuality¹²⁰ etc. played a part. These restrictions were aimed at guarding the hereditary moral qualities of the race-nation. The social Darwinist discourses linked morality and the 'biological' ability to control sexual and other urges to cultural evolution: more advanced societies and individuals regulated sexual relations and behaviour, racially more advanced classes did not drink or copulate 'uncontrollably' or supposedly have children out of wedlock.

One of the key focuses of immigration law was 'prostitution', which the eugenic theory saw as a sign of biological and moral degeneracy, which in intra-societal policies could be seen in the institutionalisation and sterilization of 'loose women', for example (Carey 1998). In America, the Page Law of 1875 had heralded the beginning of the preoccupation of the moral and sexual conduct of immigrants, as part of

sentencing period. The instructions also take into account juvenile crimes (committed under the age of 15), crimes that the prosecutor has decided not to charge the suspect with as well as crimes for which the court has decided not to punish for.

¹¹⁹ The Finnish citizenship policy, for example, requires that before a person, who has been convicted or suspected of a crime, is able to acquire citizenship, (s)he needs to refrain from being convicted or suspected of a crime for a certain time period defined by the type and number of crimes convicted or suspected of. The contemporary US immigration law also has a multitude of suspension times functioning: for those convicted of crimes in their youth, five years needs to pass without no offences, those involved in prostitution need to pass fifteen years without involvement in prostitution before they are allowed to immigrate etc. In Finland, there is no predefined time of suspension of exclusion due to suspicion of being involved in prostitution, i.e. there is no 'legally' allowed way of even proving yourself fit, like in the US or Italy, for example.

¹²⁰ In case of homosexuality, the Finnish Aliens Act was changed so that since 2004 the concept of 'registered relationships' is treated equally to marriage and the concept of 'established relationships' applies to same sex couples.

the future genetic pool of the country. As has been said, the Page Law prevented the immigration of Chinese women for 'immoral purposes' as well as women for prostitution in general. The 1790 Naturalization Act prohibited the naturalization of 'non-whites' in general, but since 1868, if the Asians were born on American soil, they could in theory become citizens—provided their fathers (had) resided in the United States, i.e. that single women's children did not qualify for citizenship (Abrams 2005, 662). As Abrams asserts, the exclusion of Chinese or Asian women was based on the eugenic consideration of preventing procreation of the 'Mongol race' on American soil, although married women and children of the Chinese were still allowed in (Torpey 2000, 98). The problematization of Chinese polygamy or the concubine system led to a ban on the immigration of single Asian women—through immigration legislation they became legally defined as 'prostitutes'. Others, such as Hindus, were also prevented from immigrating based on polygamy (Fairchild 1913, 168). This conceptualisation of moral degeneracy had, by 1952, come to mean the exclusion of those who had been prostitutes or were going to be, even incidentally. Hence, again we see in a widening list of moral degeneration in the immigration policy, as the chart below shows.

CRITERIA	1891 Immigration Act	1907 Immigration Act	1917 Immigration Act	1952 Immigration Act
Moral conventions	<ul style="list-style-type: none"> polygamists 	<ul style="list-style-type: none"> polygamists persons who admit their belief in polygamy persons coming for immoral purposes 	<ul style="list-style-type: none"> polygamists persons who admit their belief in polygamy persons coming for immoral purposes prostitutes or persons coming for prostitution persons involved in procuring and arranging the entry of prostitutes or persons who profit from prostitution directly or indirectly chronic alcoholics 	<ul style="list-style-type: none"> polygamists persons practicing or advocating polygamy persons coming for any immoral sexual act prostitutes or persons having engaged in prostitution and persons coming principally or incidentally in order to engage in prostitution persons directly or indirectly attempt to procure prostitutes chronic alcoholics narcotic drug addicts

Chart N. The US Immigration Acts (1891-1952) and categories of people prevented from entering based on morality at various points.

The prohibition of entry of concubines and polygamists was formulated as a discourse of moral degeneracy, but again also liberal discourses were brought to frame the question of polygamy. This was not simply a retranslation of religious codes of conduct, but actually women's equality was considered essential to eugenic rationalities:

“For eugenic mating one of the primary conditions is perfect freedom of choice of the contracting parties; and this can be attained only under such social conditions as will assure to woman complete economic independence” (Herbert 1910, 122).

Polygamous relations had already been prohibited before this as 'alien'—although mistresses, i.e. women whose relations to their sexual partners have not been institutionalised, have never been alien to Western culture (but men have not been held responsible for providing for the woman, only for possible children). But race hygiene required that such allegedly degenerative cultural practices as polygamy would be prevented from taking root. Further, like in the case of coolies, the ban on 'prostitutes' or polygamy was also framed in terms of democracy: the racialisation and the rendering quasi-biological of what was interpreted as the 'slave-mentality' of 'prostitutes' and concubines did not make them worthy of citizenship. Women's citizenship in the late nineteenth century was specifically conceptualised through her moral control over sexual instincts (e.g. Donzelot 1977/1979; Sulkunen 1987; and 1989; Ollila 1994; Helén 1997). Hence, those not capable of caring for themselves in this manner were deemed to pollute the American racial and cultural stock (Abrams 2005). These exclusionist rationalities were mirrored in the intra-societal policies of institutionalisation and sterilization of 'loose women'.

The influence of evolutionary discourses of morality did not stop with the restriction of the immigration of Chinese women by restricting polygamy, which was designed to prevent the procreation of the racially undesired residents. Besides concubines and 'white' prostitutes also pregnant single women, single women with children or widows with children were prevented from immigrating in general, as they were deemed likely to become public charges (Fairchild 1913). The Malthusian logic had already formulated bastard children as a moral offence against state and society (Dean 1991, 79), and eugenic rationality linked morality with genetic fitness: Single women with children were deemed to be morally—and thus genetically—unable to conduct themselves in a civilized manner. Fit mothers were deemed to have particular moral skills. Pregnancy out of wedlock designated towards a woman's failure in acquiring a status dependency from a man and, thus, fundamentally towards uncontrolled, 'uncivilized' sexual urges and thus moral degeneracy. The pregnancy of a single woman was a reason for deportation in the eugenic aliens' law and children of foreign single women were not given citizenship.

This socio-evolutionary order of things also regulated male sexuality (Carey 1998), but these assumptions played a larger role in intra-societal policies than in immigration restrictions in the United States, such as fidelity and abstinence before marriage, freedom from venereal diseases and responsibility for the upkeep of illegitimate children (Dean 1991, 77-81; also in Finland, see Helén and Yesilova 2003). Male sexuality was problematized in immigrant integration discussions, for example, through lamentation of largely masculine immigrant flows leading to an overabundance of single males incapable of caring for themselves in civilized enough manner without wives and thus intensifying the social and housing problems related to immigration (e.g. Fairchild 1913, especially ch. XII). This problem

was approached in the 1924 Immigration Quota Act by reinforcing the provisions for family reunification of US citizens' wives, children and parents and wives and children of legal residents, thus governing at a distance male behaviour through the nuclear family structure (Gerken 2007, 48). Married women were thought to be morally superior to men, and consequently could have a civilizing effect on their husbands prone towards vice.

Moral Degeneracy and Contemporary Finnish Immigration and Citizenship Policies

The problematization of foreign masculinity continues in many ways. In the US, if African-American women especially have been and are an object of over-sexualisation, so have African American men. Today similar problematizations of male sexuality continue in the discourses about sub-racialised immigrant men as hyper-sexed or rapists, incapable of self-restraint and civilized conduct. As we have seen, this discourse has featured in the Finnish parliament, but more than that the worry over foreign rapists has also appeared in the media rather regularly having led to the discussions about the 'politically correct' limits to publishing the nationality of suspected criminals. Contemporary immigration policy does focus on immigrant masculinity also through the moral dimension of parenting, as it does on immigrant femininity. Firstly, the sexual or emotional conduct of foreign men can be assessed through the test of marriages of convenience. Secondly, their parenting is tested by investigating the strength of the parent-child relation (or the payment of child support in the case of citizenship) against highly cultural notions of parenting in case of family reunification or applications on continuing residence permits after divorce. However, the actual way that such disciplinary possibilities are utilised would have required analysing implementation practices in the Immigration Services. However, one clear way in which masculinity is disciplined is through the anti-polygamy regulations.

Returning to the wider discussion about moral degeneracy, the contemporary discursive order around polygamy is very similar to the essentialising, social Darwinist one. The definition of the 'nuclear family' and the prevention of polygamous immigration are actively enforced today. Finnish family reunification regulations may require proof that other marriages have ended in divorce or death, thus potentially excluding polygamist men from practically bringing in any wives (Finnish Immigration Service 23.2.2011). This legislation mirrors EU regulations that justifies the exclusion of extended families through discourses on gender equality, or rather "the rights of women and children" (2003/86/EC, Council of the European Union 22.7.2003).¹²¹ The use of liberal discourses of rights is interesting here. In this culturally hygienist discursive order, it is better to promote divorce and deny multiple wives and

¹²¹ The directive leaves the actual family reunification regulations on polygamous marriage and family to individual Member States and does not require mutual recognition of other Member State's residence permit decisions.

their children the financial and emotional support of their husbands, than to allow them to immigrate, else society will degenerate. The issue of polygamy could be discursively ordered differently (not meaning that it necessarily should be): by defining the protection of family as a 'universal' value or actually defining the right of the other women and children as being protected and supported by the husband/father. There is still something suspicious about a woman who becomes a wife among other wives. Such culturally hygienic discourses fail to consider, firstly, the practical effects of the policy on women and children, and secondly, it fails to consider the hypocrisy between the Western praxis of extra-marital relations, serial monogamy, alimonies, child support and proliferating responsibilities for children from multiple partnerships. Since 2006 the immigration law has recognised the children of the spouse, of whom the immigrant requesting family reunification is not a guardian, as belonging into the 'Western family'. Whereas, the Western/EU family is extended, the contemporary 'racially'/culturally hygienic impetus is to insist on divorce and separating families in case of the 'polygamy'.

If those believing in polygamy (just those practising it) are not prevented from entering anymore, the discursive order around sexual and reproductive behaviour has some similar rationalities running through it. In many ways, female sexual behaviour outside marriage is still problematized and made an object of technologies for migration control. This can be seen, for instance, in the problematization of 'Thai', 'Eastern European' or other such female migrations that are often discursively attached to sex work (e.g. Berman 2003; and 2010; Andrijasevic 2009). The Finnish Aliens Act states that if "there are reasonable grounds to suspect that he or she may sell sexual services" entry to the country may be denied (section 148 of the Aliens Act, Finnish State 1.5.2004). Although prostitution is not illegal in Finland (only procuring of prostitution is), the Finnish Aliens Act requires that women suspected of selling sexual services, even randomly and not in the form of prostitution, are prevented from entering the country (HE 28/2003, Finnish Government 13.06.2003).¹²² In this sense, we can see a similar discourse of morality—of the inappropriateness of such female conduct, of the prevention of moral degeneracy of the nation—functioning in the current Aliens Act. This attempt to protect the 'purity' of society puts the responsibility for male sexual conduct on the shoulders of foreign women; moral degeneracy is found outside the borders and not inside, i.e. not in those (Finnish) men who think they

¹²² To guard against mere suspicion based on stereotypes (read 'of Russian whores'), the government bill (HE 28/2003) advises that suspicion cannot be based, for example, on dress or make-up, but must be based on knowledge about prior conduct. Yet, no hard proof (such as a police listings) is required. This advice in itself shows well the racialisation of Eastern European women as 'whores', which is very common and often explicit in Finland (Puuronen 2011). The government bill also attempts to draw lines around foreign women's sexual conduct and its reasons. The bill protects the sex industry by specifically allowing performers to enter (cf. the exclusion of commercialised vice in 1952 US immigration act), but at the same time reminds the border control that women selling sexual services may be victims of human trafficking or pimping. But again the focus of the government's disciplinary gaze is at those selling sex, not at those consuming it.

have the right to put women's right to rule over their own bodies in jeopardy and to exploit and commodify women's bodies for their own pleasure. Men's engagement in prostitution as clients has never had any consequence in terms of immigration.

The same applied to pregnancy out of wedlock, which for women was held as one of the key gendered signs of degeneracy. Eugenic practices of sterilisation tended to be heavily gendered and the majority of sterilisations were performed on women with children born out of wedlock and those wanting an abortion in such situations, because such women were deemed to have 'loose morals' also in Finland (Hietala 2009, 15). In comparison, foreign women's pregnancies have not been politicised by contemporary immigration politics, because Finland does not operate the *jus soli* principle, but categorically denies citizenship from children born in Finland to foreign parents.¹²³ Quite the opposite is actually true in Finland: Pregnancy and children in mutual custody are reasons for granting family reunification; an evidence of truthfulness of the relationship that overpowers cohabitation requirements. Alternative discursive orders could be built around this validity of relationships, as pregnancy can be quite accidental, whereas maintaining relationships, when living in different places, could be deemed more demanding in terms of the dedication to the relationship.

Whilst pregnancy in the contemporary Finnish immigration policy is given a special status, quite opposite to the previous eugenic order of things, the issue of pregnant women's travel and migration has become problematized in countries that utilise the *jus soli* principle and grant citizenship to children who are born in the country. Scholars have drawn attention to the gendered and racialised logic that functions, for example, in the Irish immigration policy in relation to pregnant asylum seekers. The re-politicization of sexually active women's migration has the result, again, that often pregnant women can legitimately migrate only as dependents of their husbands: As independent agents they become exploiters of the system (Lentin 2003; Luibhèid 2010). Already the eugenic immigration policy in America asserted that single pregnant women would be creating costs for the welfare state and, thus, should be deported. Similar logics live on in the United States, Inda asserts, and pinpoints the continued eugenic rationality of limiting the reproduction of the unfit and undesired illegal immigrants in the attempts at limiting access to prenatal care in California (Inda 2002). In Finland, the sub-racialisation of single pregnant (foreign) women is not there—or it is not needed.

¹²³ Under the 2003 Citizenship Act children born in Finland to foreign parents or to refugees or protected persons who have specifically been protected against the authorities of the country of their citizenship (and not against the conditions there) can obtain citizenship only in situations when they cannot obtain any other citizenship. However, there are more lenient provisions for young persons (18-23) born in Finland to claim (not apply for) citizenship (six years of residence; those not born in Finland need to have lived in Finland for 10 years).

The illegitimate or 'bastard' children of Finnish men are disciplined differently today. Whilst 'bastard' children of Finnish women have always obtained citizenship automatically, the same is not the case for Finnish men. Finnish men living abroad are disciplined for having children, as they have to pay for giving Finnish citizenship to their children.¹²⁴ But the contemporary legislation leaves the door open for disregarding bastard children from Finnish men's sexual encounters with 'loose' foreign women.¹²⁵ The granting of Finnish citizenship to the child is conditioned by the unwed foreign woman's ability to secure protection by the Finnish man, because paternity has to be officially affirmed. Today the state has asserted its right to 'protect' the father and the society from fraudulent recognitions. The Citizenship Act includes provisions for withdrawing citizenship from a child by a foreign mother, if it comes to light before the child has reached the age of five, that the Finnish man actually is not the biological father. There are no similar disciplinary technologies here for protecting child's interest by, for example, punishing Finnish fathers for obstructing the granting of citizenship to their biological children. Stoler analysed a similar phenomenon of moral panic during colonial times over what "French and Dutch colonial authorities identified as 'fraudulent recognitions'", which threatened to disturb racial categories by flooding the society with "naturalized natives" (Stoler 1995, 48-49). For the state it is essential that a 'mongrel' child's claim for belonging is biologically true and that the father has not been feeble-minded enough to believe in unfaithful women and untrue children. This biopolitical rationality did not extend solely to sex but also to marriage, to which we shall turn next.

¹²⁴ The way gender played out in citizenship used to be different. Before 1984 only Finnish men's children as well as children born out of wedlock to Finnish women could outright obtain citizenship at birth. A Finnish woman married to a foreigner could pass her citizenship on to the child only, if the child did not obtain the husband's or other citizenship (Citizenship Act 401/1968, Finnish State 28.6.1968). Although this regulation is clearly related to the prohibition of dual citizenship, there is no automatic necessity that citizenship of children was regulated in this way, but, for example, residency either abroad or in Finland could have functioned as a deciding factor for granting children citizenship. Thus, clearly we see a changing gendered logic in the way that citizenship is assigned today, which is due to the dual nationality rule that the 2003 amendment created for those married to foreigners.

¹²⁵ Finnish citizenship regulations do not follow the *jus soli* principle (except in the case that the child cannot obtain another citizenship). For a Finnish man to pass on his citizenship to his child at birth the man needs to be either married to the foreign mother or the child will need to have been born in Finland (*jus soli*) and paternity must be officially recognised. A Finnish man's child born out of wedlock abroad can obtain citizenship through declaration (cost 240 €), if paternity has been officially recognised abroad. In cases in which the Finnish man refuses to declare paternity, the foreign mother's or child's ability to insist on recognition is subject to foreign legislation regarding recognition of paternity or in their ability to challenge paternity in the Finnish legal system, if the Finnish man refuses to cooperate (Paternity Act 700/1975). Nevertheless, if biological paternity has been proven, then the child can obtain citizenship by declaration, i.e. there are no residency or language requirements. Hence, there is clearly an inclination toward securing the child's right to citizenship based on biology.

4.3.4. Individualising Technologies: An Increasing List of Unfits

Fitness and the Early American Immigration Policy

As we have seen, eugenics included a dimension of medicalization of immigration, because of the genetic explanations of unfitness. In order to prevent the unfit from entering, the 1891 Immigration Act instituted a eugenic ‘medical’ examination regime designed to weed out the degenerate that was implemented through numerous check-ups, first by the steamboat companies or carriers, and upon arrival by doctors in the immigrant reception centres. The Ellis Island facility in New York is the most famous of such reception centres and it opened in 1892. The defence technologies of the race-nation included documentation checks as well as medical health checks by the doctors, who were largely active practitioners of eugenics (Nelkin and Michaels 1998). The Chart O below, again, speaks of an increasing list of the unfit.

CRITERIA	1891 Immigration Act	1907 Immigration Act	1917 Immigration Act	1952 Immigration Act
Mental health and ability	<ul style="list-style-type: none"> all idiots insane persons 	<ul style="list-style-type: none"> idiots, imbeciles, feeble-minded, insane persons and persons who have had two or more attacks of insanity at any time previously or who have been insane during the past 5 years mentally defective in a way that will affect the ability to earn a living 	<ul style="list-style-type: none"> all idiots, imbeciles, feeble-minded insane persons and persons who have had one or more attacks of insanity at any time previously mentally defective in a way that will affect the ability to earn a living persons of constitutional psychopathic inferiority illiterates 	<ul style="list-style-type: none"> feeble-minded insane, persons who have had one or more attacks of insanity mentally defective persons with psychopathic personality illiterates
Health status	<ul style="list-style-type: none"> persons with a loathsome or dangerous contagious disease 	<ul style="list-style-type: none"> epileptics persons afflicted with tuberculosis persons with a loathsome or dangerous contagious disease physically defective in a way that will affect the ability to earn a living 	<ul style="list-style-type: none"> epileptics persons afflicted with tuberculosis in any form persons with a loathsome or dangerous contagious disease physically defective in a way that will affect the ability to earn a living 	<ul style="list-style-type: none"> epileptics person afflicted with tuberculosis in any form or with leprosy persons any other dangerous contagious disease persons with physical defects, disease or disability that may affect the ability to earn a living

Chart O. The US Immigration Acts (1891-1952) and categories of people prevented from entering based on fitness at various points.

The increasing medicalization of restrictionism did not merely have bad consequences. If the various hygienic discourses had actual scientific and medical grounds in many instances and if the general policy of hygienic ‘civilizing’ certainly had very positive consequences in terms of reducing practices that compromised survival and had resulted in high child mortality, nevertheless, there is a difference between hygiene and connecting medical conditions to a person’s innate essence. Tuberculosis, for example, was long thought to be a genetic condition of the poor, something inherent and essential to

them. Venereal diseases, such as syphilis, were thought to degenerate the whole family in the genetic sense (Helén 1997; Kuusi 2003). In a similar vein, diseases were used to legitimise the prevention of entry of certain race-nation: Medical checks did not only relate to infectious diseases, but the threat of disease was often utilised for immigration control purposes without medical or scientific grounds (Kraut 1995; Stern 2005). Medicalization offered scientific ways of defending not only the health but the 'moral integrity' of the race-nation.

The Immigration Restriction League was not satisfied with the examination regime and claimed that too many unfit immigrants were still getting through (Immigration Restriction League 1894). Eugenic science responded to this criticism by developing scientific tests that enabled the weeding out of the unfit and degenerate immigrants resulting in increasing medicalization of immigration (Kraut 1995; Stern 2005). The doctors and immigrant officials conducted the eugenic medical examinations based on the notion that a person's race and class had medical implications. First class travellers, for example, were exempted from medical checks and quarantine procedures (Galusca 2009), unless someone was deemed to be clearly unfit and trying to circumvent immigration regulations (Fairchild and Tynan 1994). Prejudiced and blatantly unscientific 'signs' and criteria were used to weed out the "ignorant representatives of the emotional races" and to look for "flawless bodies and minds". Lacking 'cognitive ability' as evidenced by wandering eyes or drooping faces, for example, was used to evaluate the degrees of degeneracy of the lower class arrivals. It was not only actual sickness but physical strength and able-bodiedness were also used as entry criteria (e.g. Selden 2000; Harjula 2003; Galusca 2009). Besides physical and mental ability the excludable categories included moral degeneracy (which was considered hereditary) and the so-called idiots, seniles, alcoholics, hysterics, epileptics, the deformed, weaklings, those with poor eyesight, venereal, cardiac, cancerous, rheumatoid or other diseases like varicose veins requiring medical treatment were marked out for removal (United States Public Health and Marine Hospital Service 1903, 9). Finns, it was specifically warned, often carried an infectious eye disease, trachoma, without overt symptoms, and thus were subject to removal (United States Public Health and Marine Hospital Service 1903, 7-8). All these categories were 'likely to become public charges'.

Feeble-mindedness was a category that covered many of the eugenically unfit people, such as 'lunatics', 'idiots', and 'morons' and it included everyone from those with disabilities to those with educational needs. Already in 1882, eugenic policies aimed at prohibiting the birth or the procreation of the 'feeble-minded' were reflected in the prohibition of their immigration through psychological assessment and testing. Mental ability in general played a great role in immigrant selection. Besides detecting the drooping faces of the feeble-minded, illiteracy and intelligence were also seen as a sign of degeneracy.

Finally, the 1917 Immigration Act included a literacy test as a criterion of entry, which the Immigration Restriction League had been advocating since 1894. After this, in the American immigrant reception centres, such as the one at Ellis Island, immigrants' intellectual skills were assessed through literacy tests, and the illiterate were deported as a matter of eugenic segregation policy (Barkan 1991, 97).

To have scientific evidence to endorse this rationality of governing eugenic intelligence testing was designed to weed out the 'idiots' and to 'prove' the lower intelligence of the so-called new immigrants (e.g. Ryan 1997; Nelkin and Michaels 1998). Psychologist Henry Goddard claimed that two out of five immigrants could be classified as feeble-minded, and that the Mediterranean races were intellectually inferior to the Nordic race" (Nelkin and Michaels 1998, 38; also Kevles 1998, 82).¹²⁶ As Nelkin and Michaels point out: "The IQ testing of immigrants—which generally ignored the effect of cultural and language differences—reinforced the belief that different races had strikingly different mental traits. Whilst illiteracy was not always understood to signify genetic unfitness, as eugenicists recognised that illiteracy was also a result of educational policies in various countries, this did not mean that intelligence or literary testing were as such invalid modes of assessing the fitness of the immigrant. This is where alternative socio-evolutionary discourses were employed to make sense of the nurture-nature problematic: Poor educational standards *per se* meant a lower status of socio-evolutionary development of the race-nation. This translated into an *a priori* assumption of feeble-mindedness of certain 'race-nations' and resulted in the questioning of their ability to become American citizens: Potential citizens had to be intelligent enough (cf. Snyderman and Herrnstein 1983).¹²⁷ If literacy remains a criterion in the

¹²⁶ The issue about race and intelligence testing has been contentious for the last century. In Finland, a controversial academic, Tatu Vanhanen, a father of an ex-Prime Minister, has been an important figure in this research that insists on the lower intelligence of 'blacks' and higher intelligence of 'Asians' (note that it is the phenotypic 'races' that are used in this type of research). The common consensus is that intelligence testing is quite accurate in predicting success at school (because it includes testing of knowledge acquired at school), but whether it actually measures innate intelligence is unsettled because of the many variants that impact success at these tests. Richard Lynn, a psychologist who has worked with intelligence testing for the past 30 years, has noted that intelligence as measured by tests has risen so fast in Africa that it is genetically impossible, which indicates rather that what the tests measure is actually adaptation to modern, abstract thinking styles taught at school than actual innate, genetic potential for intelligence. That is, intelligence tests measure achievement more than genetic propensity.

¹²⁷ Snyderman and Herrnstein's article is a good example of why mere examination of discourse or rhetoric is not enough in determining the rationalities of the immigration apparatus. In their article they claim that intelligence testing did not have an impact on immigration policy in 1924, because the results of racist intelligence tests were criticized or not mentioned in the debates about immigration policy at the time. Instead of looking at how the immigration policy was actually implemented and how intelligence tests, whether individualising or racialising, were made an important technology in selecting immigrants in practice, they chose to focus on mere Congressional discussions. Nevertheless, Snyderman and Herrnstein make a valid point that intelligence testing and its scientific validity *per se* should be divorced from its political application (Snyderman and Herrnstein 1983). This is a relevant point in relation to contemporary discussions about genetic research and its ethics: The problem is not necessarily the research or the technologies themselves (although they can be); these in themselves do not need to be social Darwinist. Rather, the problem is how the tests and their results will be utilised and who has access to them. For example, as in the case of gene therapy, who will have access to the technology, for what reasons (Dupré Spring/2007) and based on what criteria. The important question in terms of state racism is, are 'designer

American aliens policy today, in the form of literacy tests as conditions of naturalisation, by 1920s it had become evident that literacy was not sufficient in distinguishing the unfit immigrant from the fit as educational levels had increased everywhere. In 1921 the Congress and the President were ready to contemplate a moratorium on immigration altogether (Schrag 2010), which, as we have discussed, led to the introduction of the racialised quota system.

Fitness and the Contemporary Finnish Immigration Policy

Moving on to contemporary regulations around the eugenically unfit, if a similar clause of 'rendering oneself unable to take care of oneself' is included in contemporary legislation as was part of the eugenic immigration policies, it is not always used to the same extent in Finland. This relates especially to the use of health as a criterion of fitness in Finnish immigration policy. If the earlier American immigration policy excluded the unfit also as a matter of them risking becoming a public charge, besides those that do not have the required assets, contemporary Finnish immigration policy does not exclude disabled, mentally ill or physically weak individuals. In Finland, there are only voluntary health checks and the results do not impact permit decisions. Mental or physical ability is certainly a practical limitation in gaining residence permits based on employment, but also legally psychotic disorders and drug addictions can be used as reasons for denying residence permits and visas based on internal security (Finnish Immigration Service 23.2.2011, based on 64/221/EC; Council of the European Economic Community 25.2.1964)—thus paralleling the unfitness definitions of early eugenic immigration policy. In principle the public health clause allows the denial of entry and removal from the country, but these situations mostly apply in global epidemics or in case a foreign person has to resort to hospital care for a dangerous, infectious disease requiring quarantine inside the first three months after entry. The list is based on the World Health Organisation's quarantine list. Aside from the list also active and developing tuberculosis, syphilis and other infectious or parasitic diseases specified by the WHO are also mentioned, but this list does not, for example include HIV/AIDS, which was used as a reason for exclusion in the United States until recently. Yet, social, healthcare and refugee reception centre officials involved with the applicant are required to disclose information regarding the applicant's fitness to the Immigration Services without confidentiality limitations, which come into play in case of family reunification applications and asylum applications, for example.

In fact, quite the opposite can be argued about the Finnish immigration policy and its relation to eugenic health criteria. For example, when Finland accepted its first quota refugees from Vietnam and also

babies' genetically selected, because people want 'sporty and beautiful, blond and blue eyed' babies, or are we talking about having equal access to gene therapy in order to prevent debilitating, incurable diseases.

refugees from Bosnia specifically people with diseases or disabilities were selected. This rationality of protecting the especially vulnerable continues still (Finnish Government 13.06.2003; see also Seppälä 2004). Further, immigration policy allows health problems to be considered as reasons for protection or for granting residence permits (to what extent this is used cannot be assessed here).¹²⁸ In this sense, the eugenic discourse of people likely to create a burden on the health care system is not brought to the centre of the discursive domain in the Finnish context, except through the insurance requirement for those mostly TCNs who do not have municipality rights that give access to public health care. The official securitisation of health has not reached the levels possible.¹²⁹ In comparison, the same cannot be said about the American immigration policy or the UK that carry out medical checks as part of routine entry examination. The US medicalization of immigration restriction is in use and physical ability, health and mental health are reasons for denying entry based on the likelihood of becoming a public charge, although these regulations are employed in much narrower form since 1990.¹³⁰ The American visa

¹²⁸ As an example of a case in which medical reasons for granting residence permits became an issue, is the case of an Egyptian elderly grandmother, whose sons lived permanently in Finland. Eveline Fadayelin was not allowed to join all her three sons and their families in Finland after her husband had died. She was denied residency and ordered to be deported and the decision was upheld by the Supreme Administrative Court in 2009, even though she was sick with cancer. The case raised unprecedented attention soliciting remarks from two Presidents, two archbishops, the prime minister, the foreign minister, head of police and the president of the supreme administrative courts. It was only after the European Court of Human Rights prohibited her deportation, that the Immigration Services gave her a residence permit for a year; a month before her eventual death in January 2011. In this sense, whilst the law does allow for humanitarian rationalities for granting residence permits, the practice is strict if non-existent.

¹²⁹ Whilst official discourses and technologies do not utilise disease as a rationality of exclusion, this does not mean that the discourses about diseases and immigrants would not be present also in Finland both in the media and especially in the social media. As Ingram (2008) has shown in the case of the UK, that whilst official policy may not always use racialising discourses about, for example, HIV/AIDS, the media does often utilise this intersection in its reporting about 'NHS expenses of treating HIV positive illegal immigrants' or about 'lice and tuberculosis in Manchester' etc. Media discourses aside, in Finland also the courts have been involved in this nexus. It is illegal in Finland, as in other Scandinavian countries, to have unprotected sex when there is a danger of passing on HIV. A woman of African origin, who worked in adult entertainment industry in Finland, received a 4.5 year unconditional, immediate sentence for having unprotected sex whilst being HIV positive with a number of Finnish men. None of the men were infected with HI virus. The custodial sentence was later reduced to half in the Appeal Court. The Appeal Court saw that there was no intention of passing on the disease, as the woman was under medical treatment and her chances of communicating HIV were slim, and that the unprotected sex had been consensual and unsolicited by the woman, thus insisting on the plaintiffs' own responsibility for having unprotected sex—even if the woman in question should have informed the plaintiffs of her HIV positive status the Appeal Court affirmed. In this sense, there is a potential for securitizing and racialising discourses around health also in Finland, but contemporarily they are not a part of the immigration control apparatus.

¹³⁰ The contemporary regulations in the US requires that immigrants with mental or physical disorders are excluded, if they are deemed "(I) to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, or (II) to have had a physical or mental disorder and a history of behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior". The instructions for doctors assessing these criteria is that there needs to be a combination of an internationally recognised disorder and a risk of harmful behaviour, that is, just having a physical or mental disorder in itself does not prevent entry anymore. If there have been such conditions in the past, medical certificates of remission need to be obtained before admission. However, a mental or physical disorder as such may still result in refusal of entry, if there is a risk that the person may "not be able to attend school or work or that might require extensive medical care or institutionalization. Thus, certain conditions (e.g., mental retardation) that are no longer explicitly listed as excludable conditions may result in exclusion under this section, if the consular officer determines that family or other resources to care for the person do not exist" (Centre for Disease

policy also requires that person's substance abuse problems provide medical certificates about their condition. It was only in 2010 that the United States abolished HIV as a reason for denying entry, but HIV-positive status can still affect the decision to deny residence permits because of the likelihood of becoming a public charge (see also Ingram 2008).

Although, overall, eugenic health discourses have not permeated the apparatus of immigration control in Finland, DNA testing and age determination technologies speak of a continuing medicalization of immigration control. The contemporary focus on using DNA-testing to limit family reunification of children in a 'racially' specific way, as was seen in the previous chapter, is akin to this focus (Roberts 1998). Also the technologies aimed at 'anchor children', i.e. unaccompanied children whose family reunification rights are problematized, are designed so that they can be excluded through age testing (which many have claimed is a medically unsound practice): declining 'voluntary' age testing results in being treated as an adult or insisting that child applicants be under 18 on the date of asylum decision gives leeway for authorities to purposefully postpone decisions. Whilst at the same time EU citizen's family includes children under 21. Eugenic immigration policy, which excluded unaccompanied children in 1917, as they were likely to become public charges or could be otherwise unfit, was always also about undesirable immigrant children, as unaccompanied children were likely to come from the poorer classes.

Mental ability, illiteracy, intelligence and education were standard ways, in which eugenics immigration policy problematized immigration. Mental ability as intelligence does not play a direct role in Finnish immigration policy, although the general provisions that exempt certain presumably 'intelligent' categories, such as managers and scientists, are provided with better immigration rules speak of the same rationality. Interestingly, recently in Germany one politician requested that immigrants be subjected to IQ tests before being allowed in (Spiegel Online 28.6.2010).¹³¹ Some countries, like the UK, operate a point system in their residence permit applications, through which levels of education and salary are used as grounds for denying or granting entry. In this sense, the underlying rationality of equating supposed intelligence with worth (social status and wealth being the social Darwinist criterion of fitness) has not gone anywhere, although there are no clear intelligence tests in place. Also, illiteracy

Control and Prevention, available at: <http://www.cdc.gov/immigrantrefugeehealth/exams/ti/panel/technical-instructions/panel-physicians/introduction-background.html>, accessed 20.4.2012).

¹³¹ Peter Trapp, a domestic policy expert with the CDU in Berlin, demanded in an interview with the mass-circulation tabloid *Bild* that would-be immigrants to Germany be given intelligence tests before they are allowed in: "We have to establish criteria for immigration that really benefit our country," Trapp said. "In addition to adequate education and job qualifications, one benchmark should be intelligence. I am in favor of intelligence tests for immigrants. We cannot continue to make this issue taboo." (See for example: <http://www.spiegel.de/international/germany/germany-s-immigration-debate-politician-demands-iq-tests-for-would-be-immigrants-a-703328.html>, visited 2.3.2011.)

still plays a role in the immigration policy. Illiteracy of immigrants is systematically problematized in the Finnish parliamentary discussions. Whilst solutions are sought for this with specially designed education of illiterate immigrants, the granting of citizenship is disciplined through literacy: only illiterate persons who are over 65 are exempted from language testing, if they can provide a proof of ability to speak Finnish.

There is also a direct link between mental ability and worthiness of the immigrant that can be seen in the language requirement attached to granting citizenship. If liberal discourses have had more influence over the Citizenship Act, it has been disciplined by nationalist discourses in significant ways. The main technology of disciplining access to citizenship is the language test that was introduced in 2003. Today all over 15-year olds, who need to apply for citizenship (and not claim it), need to fulfil the Finnish or Swedish language requirements. Thus, in practice, obtaining citizenship has been made harder as gaining citizenship is subject to a practical integration test: finding opportunities of learning to speak Finnish/Swedish with native speakers or finding the money for training and testing. Passing language skills tests requires a certain educational background and can require a familiarity with certain style of highly formal language learning. The complexity of the Finnish language is unlikely to make this task easy.¹³² Mainly only over 65-year-old refugees or internationally protected persons can be exempted from language testing.

Yet, the power/knowledge constellation around language testing cannot be deemed simply segregationist; the aim is integrationist—for those qualifying. Language has a practical function that should not be discredited—although how it is made to count can be used to segregate. Further, the government has, especially with the renewed Integration Act, attempted to foster the creation of alternative language learning methods. The government does provide Finnish language teaching for

¹³² With the complexity of Finnish conjugation—with all the four words in sentence 'this beautiful flower' having 30 different forms (15 singular, 15 plural)—passing exams may not be that easy. This complexity is due to the use of suffixes instead of prepositions. Even Swedish-speaking or emigrant Finns at times struggle with Finnish grammar and the correct use of suffixes. Typically, the Finnish style of language teaching is conducted through book learning, understanding grammar and not through teaching pupils to speak, as is the case, for example, in the UK. Although I have understood that language teaching in practice, in the outsourcing setting, may start from these more practical premises of learning to speak and, as was said, lately the government has invested in the creation of language teaching methods that suit other learning styles better. The same has applied to learning a trade, as it has been recognised that integration of students who come from a different backgrounds of learning, or little learning at all, the Finnish teaching style is not always optimum. The actual language learning level, against which critique has been expressed for both leniency and strictness, does not necessarily speak of the kind of language skills that would be required for a job in which one needs to read or write in Finnish and not always even for talking with the general public or clients in a professional setting. It does, as is the government's aim, reflect language skills that enable the new citizen to function in everyday situations. The Finnish public is still very unaccustomed to Finnish being spoken incorrectly and the complexity of the language also makes the chances of misunderstanding ample, which makes finding jobs for non-native speakers much harder than, for example, in the UK. This is of course only the tip of an iceberg of the problems that a foreigner faces in the labour market, but it is the easiest to fall back on in recruitment situations.

those who are deemed to have integration needs, such as refugees and the unemployed or others in vulnerable groups, such as the elderly, stay-at-home mothers, children and youth etc. Nevertheless, citizenship is tied to the intellectual achievement of mastering the complexity of the Finnish language—and not to a test of residence as was the case prior to 2003. In that, language testing implies a completely different order of things in which rights are not claimed but earned. These technologies in Finland are not, however, unique. In comparison, the US started requiring English language skills already in the 1906 Naturalisation Act. Today, in the UK and Denmark, for example, language tests are being used already at the family reunification residence permit level, thus speaking of the way that technologies of segregation are being transited to lower and lower levels of administrative rules and earlier and earlier phase of selecting the fit immigrant. Many countries also impose civic knowledge tests as a condition of naturalization. In Finland, the Integration Act has reinforced the need to teach immigrants civic skills as part of the integration training, but civic skills or cultural knowledge are not used as conditions of granting citizenship today.

As a condition of naturalization, the language testing of all over 15-year-olds is specifically aimed at teenagers, who need to earn their rights already as children. Historically, this requirement of having to apply independently for citizenship is a change. Earlier, when citizenship or residence was granted to a man, his wife and children automatically obtained the same in conjunction (Leitzinger 2008b). Today citizenship is personal and so are integration requirements for all over 15-year old family members, which indicate an intensification of individualising technologies of fitness. The role of immigrant children and their poorer school success was one of the ways in which eugenic restrictionism was advocated. This problematization continues in Finland with lamentations about the number of immigrant youth who do not finish any type of education. In principle support for educational achievement and integration are provided and the focus on improving this support has been intensified, but demonstrating language ability requires that the person has finished an educational degree in Finland—mere attendance is not enough, or else the teenager needs to obtain a separate, language skills training and assessment.

The individualizing technologies aimed at youth do not stop here. An additional technology of disciplining access to citizenship is evident in the regulations on losing citizenship that applies to young adults with dual citizenship. The 2003 reform allowed dual citizenship, whereas holding of dual citizenship prior to this had been possible only in few cases (certain countries) and only for children. At the same time, the Act amended regulations on automatically losing citizenship. Today a young adult with dual citizenship can lose Finnish citizenship automatically at the age of 22, if his/her ties to Finland

are not 'strong or active enough'.¹³³ Whilst this criterion per se is a nationalist one, which asks 'do you want to be a Finn or a foreigner?', the answer to this is not calculated through a culturalising measure. In practice, retaining citizenship at the age of 22 is merely down to a demonstration of civic fitness: of being able to care for oneself to the degree of being able to contextualise one's position in relationship to nationality regulations and the future implications of losing Finnish citizenship, of then being able to make a decision and finally of being able to write a letter to the Immigration Services before one turns 22. Thus, although the technology of governing the losing of citizenship is informed by discourses of civic fitness in many ways, the liberalism is disciplined by nationalist discourses. Dual citizenship is not actually positioned as a right that one either has or does not. The right to dual citizenship is secondary to the segregationist rationality of needing to take citizenship away.

Overall, we can see that the problematization of fitness in terms of health, mental health and mental ability, in the contemporary Finnish aliens' law, is not overpowering, but liberal discourses of equal opportunity are allowed to frame the governing of health related fitness. Whilst intellectual ability plays an implicit role in both immigration and citizenship policies, there are also limits to how the Finnish immigration policy contemporarily employs this rationality in comparison to earlier intelligence testing.

4.3.5. Continuing Technologies: The Rendering Segregation Technical

Rendering government technical is one of the key ways through which the social Darwinist conceptualisations of fitness underlying the governing of immigration are silenced and made "anti-political" (Murray Li 2007).¹³⁴ Throughout Chapters 3 and 4 we have seen how the same technologies pertain that were initially designed as eugenic measures of defending the race-nation in the United States. The visa system still functions as a primary defensive system against the unfit. In 1907 it was envisioned that "every agent of the steamship companies in the remotest hamlets of Europe would be an immigration inspector" (quoted in Schrag 2010, 65). If initially carrier sanctions were aimed at preventing steamship companies from killing their customers, later carrier sanctions were employed to

¹³³ The Immigration Services are required to inform the person of the risk of losing their citizenship. Strong ties in practice mean that if the person was not born in Finland and did not to live in Finland at the age of 22 then they must have lived in Finland or the Nordic countries for at least 7 years prior to 22. Today, if a young adult has not lived in Finland for at least 7 years, they must officially, in writing, declare that they want to maintain Finnish citizenship between the ages of 18 and 21, or they must have performed military or civil service or women's voluntary military service, have applied for Finnish passport or actually obtained their citizenship during this period. However, should the person not have been able in the least to write this letter, between 2003 and 2011, to regain citizenship the person would need to have lived ten years in Finland out of which the person had to reside in Finland for the last two years unless they could prove that they had not obtained information regarding their risk of losing the citizenship. But as said, these regulations of regaining citizenship have been changed in 2011 so that there are no residency requirements to regaining citizenship anymore.

¹³⁴ Murray Li borrows the anti-politics term from James Ferguson's *The Anti-Politics Machine*, Minneapolis: University of Minnesota Press, 1994.

prevent the unfit from arriving to the US. A system of consular permissions, i.e. the visa system, was created first to prevent the entry of Chinese labourers and later, in 1924, it was extended to include all immigrants (except those from the Western Hemisphere), thus extending basic eugenic immigration control outside the borders of America. Later, as a technology of governing at a distance, the steamship companies were required to assess at their own expense the likelihood of entry for travellers or had to pay a bond for 'wrong' decisions' (for the development of this system see e.g. Zolberg 2003; also Torpey 2000). This gave rise to a system of medical inspections by the steamship companies. The double system of entry check was thus created early on. Today, we have the visa regime that checks the fitness for entry for the racialised groups under visa restrictions and then a double check at the border, at which entry can still be denied despite of having a valid visa.

Arranging the entry of illegal(ised) immigrants was already criminalised by California, which imposed severe penalties in connection with its 1858 attempt to criminalise Chinese immigration. The 1875 Page Law criminalised and severely penalised the arranging of entry for undesirable, 'obnoxious' persons and these provisions were later extended to bringing other members of other 'defective classes'. Today, the law similarly criminalises the arrangement of entry for those without required permits both as a matter of carrier sanctions and punishing private individuals. The direct consequence of this system, in which visas are not granted for asylum applicants (whether founded or unfounded) from countries wherefrom many of the asylum seekers are coming, is that legitimate travel, or even airport transit, is made impossible without a vetting process, and therefore travel is moved to the black market—and then controlled and securitised as a crime of 'human trafficking' and illegal(ised) immigration.

Eugenic immigration restrictions created or widened illegal(ised) immigration by merely insisting that also legal migrants, especially from Mexico, subject themselves to eugenic quality control in the various entry points similar to the famous Ellis Island in New York. (Entry outside designated border crossing points continues to be criminalised.) Barring Mexican immigration was regarded as a failure by eugenic immigration policy advocates, which gave rise to an increased impetus of limiting the entry of Mexicans through other technologies, such as prevention of the entry of contract labour, of the poor or the illiterate (Ngai 1999). This resulted in the establishment of the U.S. Border Patrol in 1924. The founding of the Border Patrol was based on the same eugenic principles as the 1924 immigration policy itself giving rise to increasingly racialised and securitised policies and technologies towards Mexicans or Latin Americans today (Stern 2005; Ngai 1999). Its purpose was to patrol the wide stretches of the Mexican border and to ascertain that immigrants entered through the designated entry points, in which the medicalized inspection regime, which the eugenic policy instituted, weeded out the degenerate and the unfit (Stern 2005, ch. 2). In this sense the situation has not changed much. The Border Patrol is still

there to control illegal(ised) immigration that is nevertheless required for industrial gain. If anything, the urgency of patrolling the border has intensified (Doty 2007). Whilst in the Finnish case, illegal immigration has not become a hysterical object of patrol, as we saw in Chapter 3, this is rather seen as a matter of effective control. The estimated numbers of illegal immigrants in Finland range in few thousands (see Appendix 2).

Otherwise, as Fairchild describes (1913), the early eugenic immigration policy operated based on the assumption that once immigrants had been carefully selected, there was no need to monitor their worthiness. With time, however, the period of deportation for various 'immigration offences' was lengthened. The deportation provisions had started in 1798 with the deportation of those deemed to threaten security. On the federal level, the 1891 Act allowed those immigrants who became 'a public charge' to be deported inside the first year of entry. The categories of deportable people were increased with time to include not only those who became public charges but also those who would otherwise have been prevented from entering as a member of the 'defective classes' inside a certain time frame (e.g. Doty 2003). The 1891 Immigration Act established a technology of deporting illegal(ised) immigrants at the expense of carriers. Carrier sanctions that embody the intention of barring 'unfit' immigrants are still in place and reinforced through securitising biopolitical technologies (e.g. Huysmans 2000; Bigo 2002; Adey 2009; Ibrahim 2005; Muller 2004). For example in 1907 this time frame was set to three years, thus operating a sieve of fitness similar to the residence permit renewal system. The deportation regime combined with the residence permit renewal regime today is more intense (Fekete 2005). Contemporarily in Finland, the regulations on who can be deported and based on what are impacted by the same racialising edifice that we have seen before; Nordic and EU citizens have better protection against deportation whereas the deportation of those, whose residence permits are under more scrutiny to start with face a situation in which their deportation is considered rather self-evident. Only citizenship in the end provides a 100% security against deportation.

Summa summarum, we have now discussed Finnish citizenship and immigration policies in relation to the early eugenic rationalities of problematizing immigration. As we have seen, there are changes in how nationalist and liberal discourses are employed in relation to state racist governmentality. The rhetoric is not the same, but even if the language of today is more nuanced at times, the effects remain similar in terms of their rationality. Even if all of the eugenic rationalities are not employed in the contemporary Finnish system as in the early eugenic immigration control system in the United States, the key rationalities and technologies remain. Because the power effects of contemporary immigration

control apparatus parallel those of eugenic immigration policy in many ways, we need to consider social Darwinist and eugenic rationalities, if not necessarily all their negative technologies of implementation, as part of the commonsensical ways in which we govern ourselves. We will now move to recapitulating this discussion on these rationalities of governing immigration and discussing their significance in terms of state racism in the conclusive chapter.

5. Conclusion: The Beginning and the End of Liberal Governmentality

Foreigners' rights should not be limited more than is necessary. By cutting off the King's head and analysing the immigration apparatus through the three displacements typical of governmentality studies, we saw in Chapter 3 what limits to rights are considered necessary. Whilst the discourses of nationalism, liberalism and multiculturalism were connected to these limits placed on the foreigners' rights, they did not exhaust the discursive formation: There was an underlying rationality functioning especially in the way that immigration control was employed through its technologies that was left unexplained. This apparatus spoke about a need to defend society, of the need to securitise immigration, and it problematized immigration in a specific way. As was indicated, the key task of governmentality studies is to investigate problematizations. As many have pointed out, the inherent biopolitical governing of immigration speaks of mundane neoliberal rationalities of securitisation and governing through fear and the sovereign power of exception (e.g. Bigo 2001; and 2002; also Bigo and Guild 2005; Duffield 2006; and 2007; Salter 2006; 2007; and 2008; Lippert and O'Connor 2003; Maguire 2009; Andrijasevic and Walters 2010). But as Doty (2007) argues, in relation to anti-immigration activism, political analysis that focuses on sovereign states of exception operates with insufficient conceptualisations of politics and fails to appreciate the impact of democracy and 'the will of the people' on how sovereignty is conceptualised in political theory (also Huysmans 2004). As Inda and Hedman have pointed out, the securitisation of illegal immigration and asylum seeking is achieved through a power/knowledge constellation, which by manipulating the legality/illegality binary criminalises forms of immigration (Inda 2006; Hedman 2008). Whilst analysing the technologies of securitisation is significant for the decentering of liberal governmentality, here the object of analysis was this power/knowledge constellation itself: The critical focus was more on the rationalities of securitising, on the rationalities embedded in governmentality, than on the technologies of securitisation *per se*.

As was discussed in Chapter 2, liberal governmentality is defined as a progressive governmentality of governing for the increased wealth and health of society and the economy. In this, liberal governmentality is characterised by an insistent will to improve, as Murray Li stresses (Murray Li 2007). In the wake of an ascending evolutionary theory, liberal governmentality started conceptualising governing in terms of naturalised laws. Therefore, as I insisted in Chapter 1, we need to go a step further and question the role of sovereignty vis-à-vis liberal governmentality and ask what is—beyond the state of exception—the explanatory power of sovereignty, if the task of government is conceptualised as limited by naturalised laws? What sovereignty can do is suspend its own law, but can it suspend naturalised laws? My claim in this thesis is that the rationality of securitisation is underpinned

by the naturalising edifice of liberal governmentality, which must be understood as something more rudimentary than mere governmentalisation of the biopolitical. Rather, it must be understood as an essential technology of silencing the taken-for-granted limits of governing.

I have approached the task of understanding this rudimentary liberal naturalism through various tools of decentring explained in Chapter 2. Naturalisation, as a form of normalisation, is one of the fundamental ways in which the power/knowledge constellation underlying liberal governmentality was and is maintained. That is, society and the economy, especially in relation to immigration, are imagined in terms of quasi-organic, systemic interactions and naturalised laws that function to limit that which is political and can, thus, become objects of government resulting in an effective disciplining of the discourses of rights, liberal or otherwise. In Chapter 3, I showed, as Doty indicated, how the rationality of governing immigration in the Finnish parliament was approached through naturalising conceptualisations of democratic desire, how psychology was used to define the naturalised limits of tolerating (racist) reaction-causing (non-white or 'less fit') immigrants. In the governmental texts and parliamentary discussions immigration policy was approached through a survivalist mode of preserving the race-nation insisting on the purity and progress of the race-nation through the disciplinary use of liberal discourses of law and order and artificial multiculturalism. Against the heuristic assumption that racism would not be a discourse actively utilised in making sense of immigration, understanding this securitisation was impossible merely by reference to nationalism or liberalism. But as for example Bonilla-Silva has insisted, 'racism without racists' is enabled by a naturalising interpretation of society and its functioning that blames the victim of racism for racism—which, as we saw, was also done in the Finnish parliament. Inside this naturalising framework of understanding immigration, as Barker insisted, truth becomes grounded in the ontology of man as a psycho-biological and socio-biological being; the truth of immigration restrictionism is grounded in the discourses on man's evolutionary biology and socio-evolutionary development that limit his desires and their feasibility, that essentialize his 'fundamental fears' and 'natural needs of security' and designate them as the natural limits of governing, of governmental policy (Barker 1981; and 1990; also Rose 1999, 114-119).

Whilst the aim was to analyse the rationalities and technologies of biopolitical governing of immigration as emergent discourses, the tool of understanding their conditions of possibility became historical; historical not in terms of genealogy, but as a matter of historicism, of studying governmentality in its historical context, including its silences and scarcity of meaning. This historicism, as a critique of the modern mode of knowing immigration, insisted that eugenics was the essential intellectual context in which immigration restrictionism was defined. In this thesis, I approached eugenics and social Darwinism as modes of governing, i.e. not as academic corpuses of knowledge, but as discourses of

scientific governing necessitated by liberal governmentality. I insisted that eugenics and social Darwinism need to be treated as systems of dispersion in which crucial is their condition of possibility, not their supposed condemnation and marginalisation. This condition of possibility is the naturalism of liberal governmentality and underlying socio-evolutionary framework of Western modernity. Inside this framework eugenics and social Darwinism can be distinguished based on the technologies of governing that they advocated, I claimed. Whilst eugenics depended on the social Darwinist definition of fitness, its technology of governing was rather that of proactive 'making live' than that of 'letting die' by natural selection. In immigration policy we saw this eugenic technology in the 'artificial selection' that the 'restrictive and highly selective' immigration policy was designed to implement and through which the focus of immigration restrictionism became the quality and not the quantity of immigrants.

In Chapter 3 and 4 I showed how the inherent naturalism of liberal governmentality allows for social Darwinist discourses of fitness to be employed as part of liberal governmentality. Social Darwinism has here been defined through its conceptualisation of fitness as a matter of social status rather than increased survival. Throughout the immigration apparatus we could see this rationality that evaluates human worth on the grounds of 'race', class and degeneracy in play: We saw a number of racialising practices of preferring those considered culturally or biologically suitable and excluding others for reasons of 'difficulty of integration' because of racialised notions of culture. The pre-Schengen and the contemporary EU visa regime were clearly influenced by the notion of a socio-evolutionary human pedigree through which technologies of limiting entry and the access to rights as a foreigner favoured 'whiteness' and disciplined darker phenotype and poverty. I compared this to the classical eugenic immigration policy in the United States where, between 1921 and 1965, immigration was regulated by a quota structure based on 'race' or 'race-nation'. As I insisted, the nationalist discourse in itself does not have more to say about the foreigner, beyond that (s)he is foreigner, and that, therefore, the rationality of governing for socio-evolutionary fitness is a social Darwinist one, because it measures fitness of race-nations through their developmental status calculated as social position. As discussed these rationalities were not simply nationalist, but they were based on eugenic science that painstakingly evidenced the degeneracy of the barred race-nations based on socio-evolutionary conceptualisations. If the Eugenic Record Office became the unofficial immigration research centre of the Congress in the US, which started the statistical traditions of investigating the impact of 'race' or 'nationality' to crime, intelligence, employment, poverty, school success etc., in order to bar those who were 'racially' unfit from entering, and as Zuberi insists, this statistical tradition is very much alive in the West (e.g. in Zuberi and Bonilla-Silva 2008).

I also compared the ways in which market veridiction was used to discipline rights, thus upholding the social Darwinist view of the worth of individuals. In important ways, in the immigration control apparatus human worth was a calculation of human capital down to the visa regime, the UNHRC refugee and family reunification policy, to the preferential treatment of 'professional' labour and the exclusion of cheap labour, thus evidencing the (neo)liberal extension of the market model through the *homo oeconomicus* to disciplining the rights of people (Foucault 1978-79/2008, especially ch. 11; also e.g. Venn 2009; and 2011). These class-based rationalities, which were re-interpreted inside the socio-evolutionary framework during the zenith of eugenics and social Darwinism, were explicitly connected to the biopolitical conceptualisations of increasing the fitness, or the wealth and health, of the population. In this sense, immigration policy continues the same logic of selection that eugenic immigration policy did in the United States, and the same is the case in many other countries that utilise income requirements as a standard entry criterion. There is no equality in front of immigration law, but some are simply worthier than others.

But the social Darwinist model of fitness was not merely about 'race' and class. Degeneracy and unfitness functioned as key technologies of discipline in domestic policies seen in institutionalisation and at worst in sterilization. These rationalities were inserted into immigration policy through a medicalized apparatus of immigration inspections in the United States after the 1880s. Degeneracy as a form of inadequate moral and cultural control, in the Finnish case, is a fundamental logic of exclusion that can be seen in the continuation of the eugenic policies against admitting criminals, prostitutes and polygamists into the country. It was shown that, with time, the definitions of who constituted a degenerate in the above senses was extended rather than diminished and that liberal discourses about 'fit' citizenship were utilised to legitimise this race hygienic exclusion. Contemporarily, these rationalities function on the basis of the principle of 'well-grounded' suspicion according to the same expanding pattern of exclusion applied to unfits, i.e. to those who were at the time thought to be 'genetically' of lower quality in the United States. These exclusionary technologies were executed through outright bans as well as through the category of 'likely to become a public charge' in the early American immigration policy. Whilst the rationalities of excluding those deemed quasi-biologically unfit cannot be said to function as an active policy of exclusion in the Finnish case, the same cannot be said about some other countries, such as the United States and the UK, which apply medical controls as standard technologies of exclusion.

That is, there are shifts and changes in the way liberal and moral discourses have impacted the governmentality of state racism, and certain disciplinary technologies have been re-politicized. But as is central to Foucaultian analysis, we are not looking for one-to-one sameness, but for a dynamic

governmentality that functions as a strategic game of power/knowledge. Race hygienic strategies are contextual and there are differences between early eugenic and the contemporary Finnish immigration policies. And certainly it cannot be claimed that state racist rationalities and socio-genesis would lie beneath all aspects of contemporary alien's law, as we have seen important dissimilarities between Finnish and old eugenic immigration law, the absence of medical examinations and health criteria and lacking 'racial' preferences or restrictions in naturalisation law, for example. Yet, there are more similarities than there are dissimilarities in the fundamental rationalities—although the methods of implementation or extent of exclusions may vary.

As we have insisted, rendering government technical is one of the key ways in which this type of eugenic immigration control is made apolitical. Today the focus on the defence of the race-nation is stronger because of the system of pre- and post-immigration checks and the application of market veridiction to limit the rights of foreigners than it was in the US previously. Whilst the eugenic focus and medical inspection regimes were clearly more intense then, today the visa regime continues to address the legitimacy of entry of those whose likelihood of over-staying or whose immigration desires are not deemed *a priori* as worthy. At the same time as governments and politicians profess a desire to protect the 'true' refugee, the entry of nationals from countries where asylum seekers are likely come from is strictly controlled through carrier sanctions and the airport visa regime (Morris 1998, 952-953). If the technologies of prevention of the immigration of the 'defective classes', as the eugenicists called them, are very much similar, also the technologies of criminalisation, removal and deportation, which were created to enforce the implementation of eugenic immigration policies, endure. If the American 'whites only' citizenship policy can be connected to the desire of maintaining the Chinese and Mexicans as a cheap workforce that was/is prevented from settling permanently, similar technologies are used today. Market veridiction is used to discourage the settlement of lower-skilled workers from outside the EU or EEA and the same is done through the seasonal work and outsourcing arrangements, which maintain a 'guest worker' scheme typical of early immigration policies in Europe. These exclusions that are rendered technical are excellent examples of the ways in which segregationist rationalities can be hidden away in administrative rules.

Therefore, what we need to appreciate is that the way of problematizing immigration is essentially the same since its eugenic grounding in the 1880s US. At the level of governmentality, this policy did not truly accept the social Darwinist conceptualisation of the survival of the fittest as *laissez-faire* competition, because it aimed at proactive improvement of fitness: Immigration could have been conceptualised as increasing the fitness of the race-nation through increased competition. Instead, immigration was deemed as race suicide of the Nordics whose fitness was deemed factual and not in

need of improvement through competition. Thus, being true to its social Darwinist definition of fitness but not to its means of governing for improved fitness, the race suicide theory was aimed at the conservation of the social position of the 'fit', and as such it propagated an 'end of history' theory of its own aided by a naturalised, but fundamentally artificial, conceptualisation of natural selection. Immigration control presented thinkers influenced by social Darwinism with a singular opportunity "to exercise artificial selection on an enormous scale" and by careful selection of immigrants to improve the race-nation not only by those who would survive but those who could contribute towards the progress of the race-nation (Prescott F. Hall, a co-founder of the Immigration Restriction League, in 1906, quoted in Schrag 2010, 68). Whilst the language has changed, the rationality of the way in which immigration was problematized remains largely intact. That is, the effects of immigration control and the rationalities of disciplining rights are in practice, if not in explicit language, similar to the eugenic ways of controlling migration and disciplining rights.

My claim is that this perpetuation of the rationality of problematization, which at times results in not-always-so-politically-correct reformulation of the race suicide theory, is because under liberalism the task of governing is a matter of governing for progress and avoiding regression and degeneration and, further, that liberal governmentality in many ways continues to problematize immigration on the basis of social Darwinist conceptualisations of fitness. Therefore, the immigration apparatus cannot be understood simply as a matter of asserting sovereign control, because its biopolitical governmentality cannot be explained by sovereignty. Neither can it be deemed as a matter of nationalism, because nationalism merely makes a distinction between the national and the foreigner. Civilizational discourses in the West are not nationalist discourses, they are socio-evolutionary discourses. If we look at securitisation as part of a wider apparatus, because of the ways in which threat is defined, i.e. as social Darwinist fitness and race suicide, and not simply as terrorism or equally applied definitions of (il)legality, we can place it inside a state racist governmentality of governing through socio-evolutionary discourses. Inside the governmentality of immigration, the social Darwinist socio-evolutionary framework functions as an integral condition of possibility of securitisation, because it brings with it survivalist discourses that enable the hystericization of risk. It is because of the underlying naturalism that socio-evolutionary discourses cannot be divorced from liberal governmentality. We should remember that despite its exceptionalisation, social Darwinism is merely an application of a type of evolutionary thinking to society and that many of its rationalities became commonsensical. This is why, at this nexus of progress/regress and fitness/degeneracy, the problematization of immigrant quality makes sense.

The race suicide theory can be situated inside the liberal culture of fear. State racism gives birth to an analysis of the wealth and health of the population as an effect of "competition and conflict, especially

the competition of group with group and the equilibrium and adjustment that ensue upon such struggles” (Floyd N. House quoted in Bannister 1979, 4). As MacMaster has argued, “[i]t appears that Social Darwinism, the general idea that contemporary society could be analysed as a process of struggle for survival between competing groups and individuals, was omnipresent throughout European higher culture in the later nineteenth century” (MacMaster 2001, 48). Discourses of survivalist necessity were made elemental to the naturalised laws. Politics functioned and in many ways functions inside a socially constructed framework of survivalist fear essential to the way we conceptualise (international) politics (Foucault 1976/1998, 137). Liberal governmentality cannot escape the logic of fear but instead individuals “are conditioned to experience their situation, their life, their present, and their future as containing danger” (Foucault 1978-79/2008, 66-67): the dangers of war, poverty, crime, degeneration and immigration. As Foucault noted, “[t]here is no liberalism without a culture of danger”. Whilst contemporarily this culture of danger can be seen in the securitization of migration and asylum seeking (e.g. Waever 1993; Huysmans 2000; Bigo 2002; Duffield 2007; Hyndman and Mountz 2008), state racism intimately connected these discourses with survivalist ‘evolutionary competition’. Because of the struggle for survival racism in many ways becomes necessary and ends up repeating new racist themes of culturalization (Ibrahim 2005) in very much the same way that social Darwinism and eugenics did earlier.

Social Darwinism explained human society and human behaviour in terms of biology and genes in ways that today are often considered excessive, but the important point is that its actual diagnosis of a socio-evolutionary human pedigree did not alter; it was merely the cure to degeneracy and unfitness that changed. This was already acknowledged by eugenic thinkers, which was why the models of biological-determination of social behaviour saw their marginalisation. But as I claimed this marginalisation was never complete, because the problematization of unfitness and moral degeneracy as such remained. As Ramsden claims, the critique of social Darwinism or scientific racism was about the possibility of speedy evolution, because the ‘let die’ policy of *laissez-faire* social Darwinism reduced and hampered “the potentials for eugenic engineering” (Ramsden 2002, 883). What the critique of social Darwinism did was “cast a wider eugenic net of control” as the “incorporation of environment and culture into the eugenic equation ends up meaning that the reproduction of those who are either genetically *or* environmentally ‘deficient’ becomes a eugenic concern” (Franks 2005, 101). That is, the critique of social Darwinism merely intensified the culturalising and individualising rationalities of state racism. The critics in the day claimed that eugenics failed “to perform that specific task which it, and it alone, can perform” (Ramsden 2002, 883). That is, “it is important to recognize that biological approaches to population dynamics were not challenged by social demographers because of their eugenic elements, but on the contrary, they

were attacked because they seemed to disallow man the possibility of taking his own evolution into his own hands” (Ramsden 2002, 890), of pursuing *socio-genesis*. Therefore, in assessing the impact of state racist thinking, with its eugenic discourses, we cannot operate at the level of surface discourses, but rather we need to investigate the effect and aims of policies. The analysis of racism, social Darwinism and eugenics cannot be limited by its explicit inclusion or exclusion by the state (Doty 2007). Thus, I have insisted that social Darwinism should rather be seen as a banal feature of liberal governmentality and that the exceptionalising reading of social Darwinism and eugenics by identifying them through their negative technologies, which parallels the exceptionalising definition of racism, as a strategy of power/knowledge merely introduces silence around the contemporary conceptualisations of fitness and its function as a limit to politics; and as such they limit the employment of discourses of rights and morality in politics.

As has been discussed, the exceptionalisation of social Darwinism and eugenics is implicated in the exceptionalisation of racism, because social Darwinism has largely been associated with scientific racism. Although my aim in this thesis has not been to analyse social Darwinism, eugenics or racism as academic discourses, but to investigate how they are made to function in conjunction with politics and the ways in which we govern ourselves, nevertheless the political and academic battle against scientific racism or social Darwinism was enlightening in that it showed how modern anti-racism never abandoned the socio-evolutionary framework or the need to explain cultural degeneracy in terms of evolution, and not history. In the UNESCO anti-racism tradition, it is evolutionary theory that has the power of veridiction on whether the inferiority of some races is true or not. That is, the worth of the human being is not advocated as solely a moral issue, but as an issue of biological science, an issue of determining whether environmental and socio-evolutionary forces have in actual fact given rise to genotypical, not just phenotypical, biological differences that would be culturally determining. That is, the UNESCO tradition contains the link between biology and culture: What is taken as a starting point is that social evolution has placed human beings in unequal developmental stages, thus rendering cultural development determining. As such this strategy may have been deemed the best at the time, but fundamentally the ethnicity paradigm renders itself usable for discriminatory purposes and therefore this anti-racist strategy is not able to deal with racialised thinking, but rather perpetuates it (e.g. Anthias and Lloyd 2002; Lentin 2004).

The discourses of cultural suitability and inherent characteristics of a group of people, which we evidenced in the Finnish discursive formation, rely on the quasi-biological notions of culture, mistaking cultural value for individual ‘essence’ and deducing from history and its structural phenomena the ‘inherent’ nature of populations. Through such logic the marginalised position of these racialised groups

appears 'natural', as if caused by inherent unfitness, thus silencing and disciplining the entry of discourses on structural discrimination into the political arena (e.g. Shapiro 1997). As Bonilla-Silva insists, the 'new racist' edifice is maintained by four technologies: the insistence on abstract equality, cultural racism, naturalisation and minimization or exceptionalisation of racism (Bonilla-Silva 2010). Naturalisation of societal structures lies at the heart of liberal governmentality and its silencing discourses of 'too much state'. Consequently, we need to attach the contemporary ethnicity paradigm to the practices of racialisation, as the theorists of new racism have done. But as Leach has pointed out, there is nothing new in 'new racism' and that racism and social Darwinism always contained a cultural dimension, i.e. the socio-evolutionary dimension (Leach 2005; also Balibar and Wallerstein 1991; Goldberg 1993; Balibar 1994; also Rahikainen 1995; Lentin 2004, 90).

What this anti-racist strategy does, is "enable people to talk about race without mentioning the word" (Gilroy 1992, 53). What we have today, with this socio-evolutionary anti-racism, are the disciplinary technologies of intellectual hygiene, of political correctness. That is, what we have is "an orthodoxy that seeks to end racial discrimination not by political reasoning but by identifying pernicious race language wherever it appears and excising it forcefully" (Hannaford 1996, 15). But as Butler highlights focusing on forms of hate-speech through legal means is not sufficient (Butler 1997); omitting the 'bad words' does not constitute omitting the rationality. Therefore, despite the complaints from the far-right, the policy of political correctness does not primarily serve to silence the far-right and anti-immigrant actors, as is claimed, but to silence and hide the fundamentally similar basis of mainstream thinking. Political correctness has become "an integral part of the strategies that underlie and permeate discourses", integral to the normalising technologies of power/knowledge that silences the origin of the dynamic governmentality for fitness (Foucault 1976/1998, 27). Whilst studying the disciplining or proliferation of the social Darwinist discourses of the survival of the fittest would be another study, we have seen how the immigration policy contains social Darwinist rationalities without naming them so.

Therefore, exceptionalisation is an inadequate way to approach social Darwinism and eugenics. In fact, when reading some of the writing of eugenic thinkers, it becomes evident that eugenics never was a theory of only 'raving-mad' racists. The patterns of scientific argumentation, the ability for self-criticism, the attempt to increase the scientificity of the theories, the propensity to change viewpoints in front of contradictory evidence, the focus on methods and their distortion were all there. And we should not forget that socio-biological theory, as eugenics is presently named, is thriving today in many disciplines—and some of these theories are not any different to earlier eugenic writings and they continue to circulate as commonsensical ways of making sense of society. In this sense, the exceptionalisation of social Darwinism and eugenics as forms of scientific racism is inadequate. Eugenic

theories were/are not uniformly racist, but some entertained quite opposite viewpoints, such as Myrdal's *The American Dilemma: The Negro Problem and Modern Democracy* shows (Myrdal et al. 1944). Myrdal was a Swedish, social democratic eugenicist, but his analysis of the 'race problem' in America came to be heralded as a vindication of anti-racism (Southern 1987). To be a racist was not the same as to be eugenicist, to be eugenicist meant to be race-hygienic in the general sense. What was common in eugenic thinking was the socio-biological synopsis in which governmental policy was deemed as a tool of race improvement and racial progress. Degeneracy was and is a socially and culturally defined impairment, whether applied on the individual or group level. Whilst the early religio-cultural hierarchy with its quota systems was more brutal in comparison to the current, more subtle and more encompassing hierarchy, which does allow visa-free entry for some 'non-whites' and allows entry based on individual merit from all countries, the subrace/superrace divide and the degeneracy/fitness binary remained a central dynamic of governing immigration as a technology of state racist purification.

Race suicide theory identified the failure to exercise a selective and highly restrictive immigration policy as a failure to govern for the improvement of the race-nation. This race suicide theory lies at the centre of state racism. Yet, despite the overtly racialising logic, it has become evident that state racism cannot be defined by a 'white' vs. 'non-white' binary, but that state racism is about a dynamic, mostly socio-cultural racialising logic that functions as a key rationality of governing; 'race' or 'race-nation' is merely one aspect of this state racist apparatus. What 'race' fundamentally referred to was the organic definition of a population, and with state racism government became a matter of the constant purification of society from the abnormal defined as degenerate and sub-racialised.

In this context, I have to insist that conceptualising racism in this wider framework is not meant to take away the significance of racism against the 'non-white', even less to deny the undesirability of racism, or to refute previous racism studies, but to address the issue of why combating racism (or other discriminatory intersectionalities) can be like running around in circles. What is essential for governing immigration here, is the fact that state racism is not 'racist' in the limited definition of racism, as a belief in the inferiority of 'non-white races' (e.g. Leonard 2003, 691), but that state racism is constituted through the racialising and individualising binary of superrace/subrace in which 'whiteness' functions as a sign of likely fitness and in the end, this human pedigree reflects socio-evolutionary and/or social Darwinist notions of selection modelled according to a struggle for survival of the 'fittest' (Foucault 1975-76/1997, 60-61). That is, it is possible for a 'non-white' or a 'less-white' to be fit, but this fitness is calculated as social position and moral fitness, not as fundamental equality. Whilst the sub-racialisation is clearly more evident in the technologies of governing foreigners than in domestic policies, the real question is how much these rationalities are employed as part of (neo)liberal governmentality in various

other policy areas and how much these sub-racialising rationalities have translated into social Darwinist policies of 'letting die'.

We cannot equate racism or sub-racialisation with evolutionism of course, but we cannot intellectually separate them either, because they share the same conditions of possibility as discourses. It should not be treated as a coincidence that the heyday of nationalism and social Darwinist thinking coincided. 'Race' and nation were opposite sides of the same coin, it would require a radical epistemic break to fundamentally separate them. As many insist, it is arguable if nationalism on the whole has shed its 'racist' history—or whether indeed it is even logically possible (e.g. Balibar and Wallerstein 1991; Silverman 1992; Anthias and Yuval-Davis 1992/1993). The same question must be posed to liberalism. The question we need to ask ourselves is: 'What is liberal government through freedom designed to execute?' What does the constitution of 'artificial' government through the discourses of not governing too much enable?

What this investigation has done is blur the line of what constitutes liberalism and nationalism vis-à-vis social Darwinism. Although contemporarily many of the social Darwinist and racialising discourses appear in watered down forms, it nevertheless is problematic to distinguish them from (neo)liberal governmentality. As Lentin insists: "The psychologisation of racism, as much on the level of common-sense as on the intellectual plane, has hindered explications that root it, rather, in the history of European political thought (Lentin 2004, 35; Dean 2010; McWhorter 2010). If racism requires the modern state (Bauman 1989), Lentin argues that the current anti-racist discourse is not able to distinguish itself from the Western public political culture. Liberalism, as it is used today, partly finds it difficult to resist and partly is coterminous with the impetus of protecting society from racialised others. The fact that anti-racism bases its strategy on the limited definition of racism enables racialised thinking to continue as a mainstream conceptualisation through its interlinks with the rationalities and technologies of state (Lentin 2008b; Lentin 2008a; Lentin and Lentin 2006/2008; Lentin 2004; Lentin and Titley 2011). Instead, as we have seen in the previous chapters, the typical anti-racist discourse formulates itself as a requirement to respect the Western liberal heritage of democracy, equality and tolerance—a superficial method of normalizing the 'fit citizen' through political correctness that, as we saw, were utilised to defend sub-racialising exclusionary principles. Anti-racism, as it is formulated as a form of identity politics, a battle over the 'true' identity of the Westerners (cf. Boswell 2000; Boswell 2005) has led to the fundamental failure to address the relation between 'racial fitness' and democracy.

Therefore, we cannot identify power in the immigration apparatus through its "murderous splendour" (Foucault 1976/1998, 144), because such an approach leaves the mundane state racism and banal

social Darwinist power/knowledge constellation in the shadows. In the face of the continuing social Darwinist ways of problematizing immigration, we need to decentre the evolutionary conceptualisations that keep functioning as discourses of power at the heart of biopolitics and state racism. We need to distinguish social evolution as a fact from the stories we tell about it. We need to distinguish between academic research into the history of human evolution and how evolutionary thought is used in politics. What I am talking about here is basically the freedom (not) to be governed like this (Cadman 2010). Conceptualisations of social evolution could be quite different giving rise to very different politics. For example, if our conceptualisation of social evolution was calculated in increased survival and not in increased wealth then, for example, the politics around global warming, patent rights of medication, food and agricultural production, labour exploitation, industrial accidents or war and peace for that matter would be quite different. That is, alternative stories about evolution could be told and they could equally function as valid political discourses. What we need to focus on is that even if evolution is a fact, its meaning is not and neither is its application to government a self-evident necessity meriting uncritical application. Instead what we need to do is pay attention to the stories we tell ourselves about the natural and how our modes of governing are informed by such naturalising discourses: It is that evolved being—who, from within the socio-evolutionary life, to which he entirely belongs and by which he is traversed in his whole being, constitutes evolutionary representations, by means of which he lives and governs himself, and on the basis of which he possesses that strange capacity of being able to represent to himself precisely the truthfulness of that socio-evolutionary life—that we need to question and decentre. We need to decentre the naturalising ontologies that sometimes take the form of pure animal fables that we use to discipline and silence moral discourses and cease deducing that ‘what should be’ from ‘what is’, like social Darwinist discourses of morality do (Sanderson 1990; and 2007; Rosenberg 2000; Weikart 2004). If the liberal promise is formulated as an increase of freedom and equality, we need to re-address the beginning and the end of liberal discourses as they are employed in politics and to critically evaluate our need to address the limits and the critique of government as quasi-naturalising discourses.

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Appendices

Appendix 1: Background to Finnish History of Migration and Aliens' Policy

This appendix will contextualise Finnish aliens' policy and its trends by discussing its political background. It will firstly outline the historical background to immigration policy before World War II. This section is largely based on two recent historical studies by Arto Leitzinger on Finnish immigration policy and foreigners in Finland between 1812 and 1972 (Leitzinger 2008b; Leitzinger 2008a). Then the appendix will discuss the politicization of the aliens' policy during the Cold War, which in general politicised Finnish foreign and domestic policy in many ways. Subsequently this appendix moves on to discussing post-Cold War immigration policy trends in Finland. That is, Finnish immigration policy is best understood in terms of 1) the policies employed during the Russian rule 1809-1917, 2) the post-independence period of 1917-1945 (Russian revolution, World Wars I and II and the interwar period), 3) immigration policies during the Cold War and 4) the post-1990s aliens' policies that are impacted by the development of the European Union. But first the appendix discusses general migration patterns in Finland.

Migration Patterns

As the introduction in the thesis indicated, before the 1980s, Finland was—proportionally speaking—a country of emigration. It has been estimated that over one million Finns had emigrated before the Second World War due to economic hardship, the main destinations being Sweden, the United States, Canada and Australia. The post-independence period saw major population movements. During the Russian revolution Lenin granted Finland, which was an autonomous Grand Duchy of the Russian Tsar at the time, independence in 1917. The Russian Revolution led to many people from the near abroad to seek refuge in Finland, and the same trend continued until the end of the Second World War, during which Finland fought two wars with the Soviet Union. During World War II Finland also evacuated and resettled some 430.000 Finnish citizens from the war zone along the border of the Soviet Union, which was largely lost to the Soviet Union in the peace treaty after the war. During the war there were also people going out from Finland. Besides a lot of foreign refugees who sought safety especially in the neighbouring Sweden, there were about 70.000-75.000 unaccompanied Finnish children who were sent

to safety as refugees to Sweden and other Nordic countries. About 15.500 of them ended up staying after the war.¹³⁵ We will discuss these general trends more in detail below.

As Chart 1 shows, after the Second World War, emigration continued to be more prevalent than immigration. Another 600.000 people emigrated from Finland after the war, often to other Scandinavian countries, especially to Sweden again. The emigration of Finns to other Nordic countries was helped by the Scandinavian passport-free zone that took shape in 1954. Despite the nationalist rhetoric of ‘hard-working Finnish emigrants’, Finnish immigration to Sweden and to the United States was in fact problematized in both countries. As is the case of immigrants in general, also Finnish immigrants, especially in Sweden, were/are involved in criminal activities in higher than average numbers. In Sweden this gave rise to a saying ‘*en Finne igen*’ – ‘a Finn again’. Indeed, often in Swedish crime novels criminals have Finnish names. In the United States some saloons prevented the entry of Finnish immigrants—along with Indians and dogs.

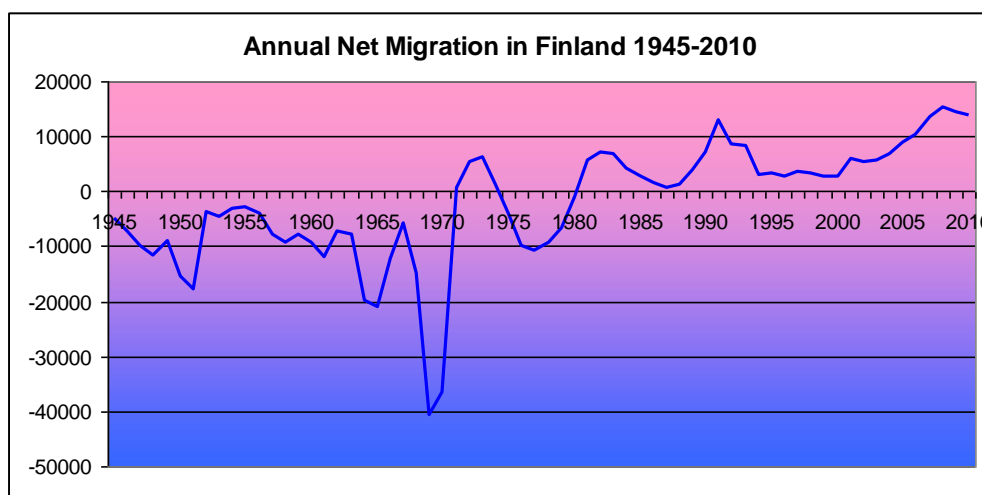


Chart 1. Annual Net Migration in Finland 1945-2010.¹³⁶

Net migration peaked in the 1970s, with Finnish return migration, but did not turn permanently on the positive side until the 1980s. That is, it is only since the 1980s that more people have immigrated to Finland than have left. In total, the number of emigrants from Finland is relatively high for a country that today has around 5 million people: The government estimates that today there are well over one million ex-patriots abroad, if the second generation is counted in. These ex-patriots have been one of the explicitly coveted immigrants (or ‘returnees’) in current immigration policy. (Appendix 2 outlines analyses

¹³⁵ Figures from the Finnish child refugee association ‘*Sotalapsi ry*’ (<http://www.sotalapset.fi>).

¹³⁶ Source: Statistics Finland – “Väestömuutokset ja väkiluku 1749-2012, koko maa” (Eng. Population changes and size 1974-2012, whole country). Available at: <http://pxweb2.stat.fi/database/StatFin/vrm/muuti/muuti.fi.asp>, accessed 11.2.2011.

some of the statistics related to migration patterns in Finland.) In general, Finland experienced similar patterns of emigration to Southern Europe making the earlier migration patterns very different from many other larger European countries that experienced an influx of labour migration in the mid twentieth century (e.g. Nylund-Oja et al. 1995; Similä 2003; in English see Lahav 2004, 30). Because of this background of emigration, immigration was not politicized until the 1990s—outside the politicization of the refugee issue during the Cold War, which we shall discuss shortly.

Migration during the Autonomy 1812-1917

Yet, despite the prevalence of emigration before the 1980s, Finland has also always been a country of immigration, in fact if not in identity. As Leitzinger's studies show, there have been considerable non-Finnish populations in Finland before the 1990s. At this time, the size of the Finnish population was almost half the size of today, and although the numbers of foreigners were not large, the concentration of immigrants in larger cities increased the visibility of foreigners, very much like today. The history of having been part of both Swedish (until 1808) and Russian empires (until 1917) has had its impact: Both Swedes and Russians have settled in what today is Finland. Swedes settled especially along the coastal areas as well as in provinces being employed in various administrative, religious and commercial roles. Consequently Finland has two official languages, Finnish and Swedish, and two official state religions, Lutheran and Orthodox. Throughout history, the borders between Novgorod/Russia and the Swedish Kingdom/Finland have been redrawn many times. The population consequently has also moved over the border or been moved by the border, which for many centuries was not considered to be culturally defined in the same way it may be considered today.

The fluctuating history of the borders has had an impact both on immigration to Finland and on Finnish aliens' policy. The Western border with Sweden and Norway is partly based on natural borders, such as the the sea in the south and the Tornio and Muonio rivers in the north, and has traditionally seen a free movement of peoples, especially by the Sami, who are the original inhabitants of the Lapland region in Norway, Sweden and Finland. Since 1954 this movement has been official because of the Scandinavian passport free zone, which allows Scandinavian citizens to settle in any other Scandinavian country by mere registration of their residency without income requirements. This can be seen in the fact that Finnish dialects are spoken in both Sweden and Norway. The '*meän kieli*' ('our language'), based largely on Finnish but with a lot of loaned words from Swedish, that is spoken in the Tornio river basin on both sides of the northern border, is an official language in Sweden. Also the twin cities of Tornio (in

Finland) and Haparanda (in Sweden) up in the north have a long history of cooperation. Tornio was initially a Swedish-speaking town, but the Swedish Crown lost it to Russia with the rest of Finland in the War of Finland in 1809. After Finnish independence, the border being open, the lives of the people in these two cities have been interconnected. For decades people have been able to buy with either the Finnish or Swedish currency in both towns and today these two towns are united as Tornio-Haparanda or Haparanda-Tornio 'EuroCity' that shares certain municipal services, such as postal services, fire and rescue services and water treatment facilities etc.

Whilst the border between Finland and Sweden is non-politicized, as the 'EuroCity' shows, this has not been the case with the Finnish-Russian border. This border has seen multiple wars over history. Yet, it has not been securitized to the degree that it would have consistently prevented migrations, except during the Cold War, because the populations living along the shifting border are culturally and linguistically closely related. This can be seen in the 'migrations' of Karelians and Ingrians or Ingrian Finns, who have been considered 'Finnish peoples' and live along the south-eastern border with Russia/the Soviet Union. Karelians and Ingrians both speak a language or a dialect that is closely related to the Finnish language according to current linguistic theories (Finno-Ugric languages)—like the 'ethnic' Estonians do too. The southern border



The Karelian and Ingrian areas and the areas Finland lost to the Soviet Union after the Second World War (in red).
(Source: Wikipedia GNU Free Documentation License).

Chart 2. The Finnish-Russian border area.

regions between Finland and Russia, i.e. Karelia, have had quite a mixed population. Historically, the territory of Karelia has been divided between the Swedish Kingdom and Novgorod/Russia. Culturally and geographically Karelians have been divided into Eastern/Russian Karelians and Western/Finnish Karelians. Western Karelia, containing roughly the areas of 'Old Finland' prior to the border changes after World War II, has been considered to have special, symbolic meaning in Finnish culture and

identity: Namely, Karelia has been constructed as the birth place of a 'uniquely' Finnish culture partly through the collection of Karelian and Finnish folk poetry into a book called '*Kalevala*', which became the national epic of Finland.

Ingrians live south of Karelians. Cultural studies commonly define Ingrian Finns as a population that traditionally lived in the area between the Gulf of Finland, the basin of the River Neva and Lake Ladoga (covering areas of both today's Russia and Estonia; an estimation of the area is shown by the smaller circle on the bottom of the above map in Chart 2). Ingrians, who emigrated south during the seventeenth century because the Swedish Crown tried to convert Ingrians to Lutheranism, nevertheless converted largely to Lutheranism later as Lutheran Finns moved into their new areas of living (Nylund-Oja et al. 1995, 177-178). Therefore, confusingly today they are sometimes thought to be the descendants of 'Lutheran Finns' and have supposedly remained culturally somewhat different from the 'Orthodox Russians' or 'Finnish Karelians' who were/are of both Orthodox and Lutheran religion. Officially no distinction is made between being Lutheran or Orthodox in the case of defining Ingrians. In fact, because of this history, the Orthodox Church is the second state church in Finland, and the Karelians, most of who were evacuated to Finland during the Second World War, are Orthodox Christians. The same is the case with recent Russian immigrants and historically many Finns living in the border regions adopted the Orthodox religion despite the Swedish Crown's attempts at conversion. (E.g. Nylund-Oja et al. 1995; Hyry 1995.) Consequently, because of history Finland has had a lot of Swedish and Russian influence seen in the two official languages and two official state churches solution.

It was not, however, only 'Finns' who lived in and/or moved in these areas, but also 'Russians' were on the move. In general, the Russian-Finnish border saw a lot of population movement throughout these years of autonomy under the Russian empire between 1809 and 1917. Russians had a lot of summer houses in the Eastern districts of Finland and this tradition of vacationing in Finland still lives on in many ways, which can be seen in the huge number of visas granted in Russian embassies solely, as the thesis discusses. Also many Russians as well as other minorities from the Russian empire, like Tatars and Jews, visited and lived in Finland. During this time a group of Tatars, who are of Turkish origin and traditionally Islamic, settled in Finland. Tatars, like Finns, had their own political ambitions and difficulties under the Russian empire, and consequently at the time there was sympathy for their plight under the same Tsar. In addition, an unknown number of Russians settled in Finland. Today there is a minority of 5.000 people who consider themselves descendants of Russian merchants and soldiers who settled in Finland before Finnish independence in 1917. They, like many Swedish-speakers, have also changed and translated their names into Finnish. This is partly to avoid discrimination and partly due to the fashion at the height of Finnish nationalism around the turn of the last century. On top of this, the Baltic

Sea has created a natural avenue of movement for people leading to many Russian, Swedish, Balkan (especially Estonian), German and Polish immigrants settling in Finland. Regardless, such a multicultural element seems alien to many people in Finland today. In many ways, Finland was more 'cosmopolitan' during the early years of Finnish statehood. This multicultural background is evident in Finnish population genetics too: According to some estimates, the genetic make-up of the population in Finland is 8% 'Baltic'. From contemporary discussions these earlier immigrants have been omitted. However, as many have tried to point out, many of the Finnish industrial household brands, from food to large machinery, are actually companies founded by and named after foreigners who settled and started businesses in Finland. During the autonomy, Finland was a developing country that required foreign capital. Also societally, before World War II, Finland was mostly agrarian and experienced the major societal changes associated with modernisations, such as large scale industrialisation and urbanisation, only in the 1950s and the 1960s. In fact, today's Finland would not be the same without the industriousness of these foreigners. The reason why foreigners tended to become entrepreneurs relates to the way that immigration policy separated work permits from residence permits and often allowed merely residence without right to work, except as entrepreneurs.

In terms of integration of immigrants, because during the nineteenth century Swedish was still the majority language in Helsinki and Turku, for example, linguistically it was easier for foreigners to integrate through learning Swedish. Some even worried that the Swedish minority was increasing 'disproportionately' because of immigration (Leitzinger 2008b). Today this same concern has been re-politicized especially by the (True) Finns, and there are both political and media discussions about the 'appropriate language of integration'. The contemporary citizenship law, which has required language skills as a criterion of obtaining citizenship since 2003, allows a choice between Finnish or Swedish, but in practice it is difficult to function or gain employment in Finland without the knowledge of the Finnish language. The Swedish-speaking minority is after all only around 5% of the population or some 290.000 people (including the Swedish-speaking autonomous Åland islands).

With globalisation and increasing immigration Finland has seen a tendency towards politicizing the two-languages arrangement in Finland, which can be seen, for example, in the abolishment of the long-term policy requiring the second domestic language (Swedish for Finnish speakers and vice versa) as a compulsory subject in matriculation examinations (A-levels). University graduates and state officials still need to have good knowledge of the second domestic language (Swedish-speakers have a right to be served in Swedish in state and municipal institutions), which according to some imposes disproportionate requirements on immigrant employees. Some Finnish-speakers argue that having to know both Finnish and Swedish on top of English, which is often also a requirement for gaining

employment, immigrants who have different mother tongues and possibly still know other languages, face too many linguistic requirements that create structural discrimination in the job market. The Swedish People's Party, on the other hand, advocates Swedish as a language of integration, as they see that it is easier for people to learn which then allows immigrants to have a quicker route to integration. In contrast to this sense of the Swedish language being an integral part of Finland, in the chauvinist sections of the society one can hear racist 'Swedes go home' calls in reference to Swedish-speaking Finns and their rights and status in Finland. Historically, though, Swedish-speaking Finns have been at the centre of Finnish nationalism. Many of the key writers, poets and artists at the centre of Finnish nationalism were Swedish-speaking Finns. If industrial development would not have been the same without foreigners, Finnish culture certainly would be completely different without the Swedish Crown, its institutions and societal programmes and without the impact of the Swedish-speaking upper class.

Adding to this linguistic issue is the Finnish constitution that protects the cultural and linguistic rights of minorities. Sami and Roma languages have official support. The Finnish Broadcasting Company (YLE) has its own Swedish section and it also provides news and programmes in Sami and news in Russian and English. Schools can teach immigrant languages to immigrant children who learn Finnish or Swedish as their second language. Thus, constitutionally and practically speaking, the direction is towards multi-lingual solutions. Russian-speakers are a considerable minority in Finland (some 60.000). Especially in the eastern border regions Russian skills are argued to be more valuable than Swedish skills, and political and media discussions have focused on making Russian an option for a second compulsory language at school instead of either Finnish or Swedish (the first compulsory language chosen by 9-year-olds is typically English). Lately, even the notion of making English a third official language (which would require that state officials provide services in English) in order to enable immigrants to better function in society has been entertained in the media. Consequently, we can see how both historical and contemporary migrations have impacted Finnish society. Despite this, the tendency to conceptualise Finland as mono-cultural has persevered.

Immigration Policy before Independence: Come and Go

Akin to this discourse of 'the age of immigration' also the typical narrative about Finnish immigration policy forgets history and starts from the 1973 decision to accept refugees from Chile. But as Leitzinger asserts there has always been a system of regulating—even if not necessarily controlling—immigration.

According to Leitzinger, even if Finland as a state gained its independence only in 1917, Finnish immigration regulation can be seen to have started around the time when, after the War of Finland in 1808-1809, the Finnish territories were moved under Russian rule. The borders of the Finnish state reached their shape in 1812 when the Vyborg area in the south east, which Russia had conquered previously, was reunited with the rest of Finland under the Finnish Grand Duchy in the Russian empire. The Vyborg area had been considered 'Old Finland' and its inhabitants were 'Finns' and not 'Russians'. From 1812 the Karelian inhabitants of the Vyborg region were considered Finnish citizens and during the Second World War the inhabitants of this region would be evacuated and permanently resettled in other parts of Finland. Finland was an autonomous district under the Russian Tsar. Finland retained, for example, the political institutions inherited from Sweden (although the Russian Tsar had veto right over all political decisions). During the period under Russian rule Finland reformed the earlier representative institutions and formed the Finnish parliament in 1906 and was the first country in Europe to grant universal suffrage also in the same year. During the autonomy there was also border control between the Russian empire and the Finnish Grand Duchy. Also during this time passport control remained in place at the Russian-Finnish border, although its efficiency can be debated.

The historical events over the Finnish-Russian border have had a major impact on Finnish aliens' policy throughout the years. As has been said, the Finnish borders have changed since 1812, but after that these movements did not fundamentally change the legal conceptualisation of who is foreign and who is Finnish—although the Russification policies attempted to grant equal rights to Russians in Finland during Russian rule—according to Leitzinger (2008b, 77-79). Therefore, prior to independence there was basic aliens' policy in place, although this was legally at the decree level. The first decree specifically regarding the entry of foreigners to Finland was given in 1811. Yet, as Leitzinger insists, this early aliens' policy formulation was not coherent, because there was no strategic governmental policy accepted by the parliament. In fact, until the 1980s the regulation of foreigners was done through decrees and not through complete acts of law. Especially during the nineteenth century, aliens' policy consisted of local level application of administrative passport regulations, but Leitzinger has insisted that this does not mean that there was no 'policy' (Leitzinger 2008b). This assertion is also understandable from a Foucaultian governmentality point of view, because the absence of high level policy formulation does not mean that there would not have been a rationality to the decision-making. After the independence and the brief civil war in 1919, aliens' policy started gaining more coherence.

Before independence the residence permit policy was lenient and in the hands of provincial mayors and local magistrates. The number of registered foreigners has been estimated to have been somewhere in 24.000s, if not over 30.000 by the end of the 1920 (Leitzinger 2008b, 100). These numbers do not

include those who had been given Finnish nationality, which over the years were numerous. Foreigners of Christian faith were simply registered in state church population registers and *de facto* gained residency in a very uncomplicated manner. Even if a residence permit was cancelled, the cancellation only applied in that particular province and the foreigner could move to another province. There were some agreements in place regarding the deportation of criminals and vagrants and such people could find that they would not be granted residence in another province either. Equally, the process of granting citizenship lacked all pomp and ceremony in those earlier days. Rather it was a question of local level administrative action; of being recorded in church records. There were no general guidelines in this regard and provincial authorities followed their own thinking in these matters. It has been estimated that before 1856 there had already been 4.000 Finnish citizens who spoke Russian as their mother tongue, and during the period of autonomy, there were 3644 registered naturalisations. Overall according to Leitzinger, it was not a common practice to give Finnish citizenship to Russians during the era of Russian rule, as Russians should have had equal status in Finland in terms of rights and duties, especially during the latter Russification periods (1899–1905 and 1908–1917). Altogether, most of those (some 57-64%) who did receive citizenship were Russian citizens. According to the statistics, which Leitzinger has obtained, between 1832 and 1945 some 14.000 applications for Finnish citizenship were accepted (these numbers are not comparable to current volumes as these are numbers of applications that could include a whole family in one application (Leitzinger 2008b, 112)). Consequently, what we can see is that the settlement of foreigners was not equally problematized during the nineteenth century.

However, for non-Christians gaining residence was sometimes more difficult: Jews, who were persecuted in Russia, suffered also discrimination in Finland, although, according to Leitzinger, not all the orders of harassment by the Russian Tsar were carried out in Finland. During the nineteenth century especially Jews and the Roma were expelled and were not allowed to settle permanently. The Tatars, despite being Islamic often had it easier (Leitzinger 2008b, 225). Before independence there were restrictions on other than those of Lutheran religion from acquiring citizenship, but during the early years of independence Finland removed all clearly racist restrictions from naturalization policy: in 1917 restrictions regarding Jews were removed, in 1919 restrictions regarding the Roma and in 1920 the restrictions regarding those practicing Muslim and other non-Christian religions (Leitzinger 2008b, 173). It has to be noted that there were other grounds of rejecting citizenship and other restrictions on the ability of (especially the Roma) to practice citizenship that related to vagrancy, institutionalisation and poverty (Mattila 2003) than these merely explicitly racist exclusion policies. That is, gaining citizenship did not necessarily mean having civic rights, such as voting rights, which, for example, were often denied to the Roma on the basis of vagrancy.

A further difference between the earlier and contemporary problematization of immigration is that during these early migrations, the distinction between a 'migrant' and a 'refugee' was not as clear cut as it is today. There was no refugee status or definition of it in the law until the early 1920s and it made little impact on giving residence status or citizenship whether a person had political, economic or other personal motivations for moving (Leitzinger 2008b, 64, 154-155, 173). Especially during the political upheaval in Russia during the early years of the twentieth century, the Finnish Grand Duchy had functioned as a haven for many political activists—earlier those from the left and later those from the old establishment. The fact that Lenin and Stalin had also spent some time in Finland, whilst escaping persecution prior to the Russian Revolution, has been attributed as a factor in Finland gaining independence in 1917 (Leitzinger 2008b, 155-158). It is because of this that it is difficult to estimate the actual numbers of foreigners or refugees in Finland: many stayed in the country with their original passports, many were not necessarily logged into church population registries, instead of being recorded as refugees many foreigners were simply given alien's passports when they were not allowed to renew their original passports in their embassies (Leitzinger 2008b, 64, 153, 161). Based on his study, Leitzinger suspects that in fact 40.000 to 60.000 foreigners might have resided in Finland during the autonomy (Leitzinger 2008b, 108). Proportionally this is a significant number, as in 1900 the size of the Finnish population was half of what it is today, some 2.6 million. The omission of these numbers from immigration history in a way allows the currently common discourse that sees foreigners and refugees as something alien and recent in Finnish history.

Immigration after Independence 1917-1945: Refugees and Evacuees

Even after independence the borders with both Russia and Sweden saw a lot of migration and refugee movement. Attitudes regarding border movements did get stricter after independence, especially with the Russian political upheaval and with the Finnish civil war, which took place from January to May in 1918. The Finnish Civil War was sparked by the rebellion of the 'Reds', i.e. the Social Democratic and Communist parties, who set up their own governing body, the People's Deputation, against the 'Whites' of the ruling conservative elite. The Reds were supported by the Russia/Soviet Union and the Whites received support from Germany and Sweden. After the civil war, which the ruling Whites did win, the relationship with the Communist Russia deteriorated. During the Civil War there were mass expulsions of Russians from Finland. In total roughly half of Russians in Finland were expelled and the rest were given residence status. Regardless, after the Civil War, the border districts were advised to accept refugees from Russian (Leitzinger 2008b, 227-234). It has been estimated that there were some 30.000-

44.000 mostly Russian, Karelian, Ingrian and Estonian refugees in Finland related to the political upheaval in Russia between 1917 and 1939.

Despite the Civil War, the relations of the various Finnish communist and social democratic parties with the Soviet Union were not simple. A lot of the communist Finns, who had moved to the Soviet Union after Finnish independence to participate in the building of socialism, had fallen victim to Stalin's purges. This had turned the Finnish socialists against the Soviet Union. This rift was elemental during the Second World War when, against the expectations of both the Soviet Union and the Finnish right-wing politicians, the Finnish socialists did not fight on the Soviet side. Despite the bloody civil war the country united against the Soviet Union in 1939 and 1944. In this sense, the Soviet Union lacked a 'natural' ally in Finland. Also many of the Ingrians and Karelians, who had taken refuge in Finland during the political upheaval in Russia/Soviet Union in the 1920s, fought on the Finnish side in the wars during the Second World War (e.g. Hyry 1995, 87-89). This political distrust between Finns and Soviets had an elemental role in dictating both the events of the Second World War and the consequent attitudes towards migration impacting the aliens' policy in considerable degree.

Yet, the attitudes towards Russian migrants during the Russian/Soviet political upheaval in the early decades of the twentieth century were more lenient in many ways than attitudes would be later. As Leitzinger analyses, this had to do with the two different aspects: first, the fact that most of the refugees and migrants coming from Russia/Soviet Union were Karelian, Ingrian or Estonian, i.e. 'Finnish tribes'. Secondly, after Finnish independence, the state authorities expressed more 'cosmopolitan' attitudes. This attitude environment was also reflected in the already mentioned abolishment of racist restrictions to gaining citizenship that had been imposed on Jews, the Roma, Muslims and other non-Christians before independence. Yet already during the inter-war period, attitudes started turning more negative towards other refugees than Finnish 'tribal peoples.' These negative attitudes were especially focused on Jewish refugees, despite the fact that their numbers were small in total (Leitzinger 2008b, 171-172). As part of the Russian empire, Finland had already had anti-Jewish policies, although as said these were not always carried out to the full letter of the law. Although Jews enjoyed full civic rights at this stage in Finland, the overall attitude towards Jewish refugees shows, this 'cosmopolitan' phase had its limits. This can be seen especially in the comments and the 'successful' attempt at preventing the Jewish refugees from arriving in Finland before the Second World War (Leitzinger 2008b, 185-191), which are described in sections 3.3.1. and 4.2.3. of the thesis.

In many ways, the increased legalisation of asylum and entry processes started with the Jewish refugees before World War II: the general Western impetus of not admitting Jews and not recognising

them as refugees was pivotal (Leitzinger 2008b, 185-191). At the time, Jews were not considered to be expelled 'state' or pure 'political' refugees that would have deserved protection. This was a regular policy in Europe and America: before (and after) the atrocities of the Holocaust were revealed, discrimination against the Jews was the order of the day. Regardless of the negative attitudes towards Jewish refugees, Finland, despite cooperating with Nazi Germany during World War II, refused to participate in the Nazi persecution of Jews (beyond returning eight Jewish refugees into the hands of Gestapo) and insisted that there was no 'Jewish question' in Finland. Outside the restrictions imposed on Jewish refugees, some have even estimated that, if the Second World War is taken into account, approximately 100.000 people sought refuge in Finland between 1917 and 1944. Nevertheless, with Finland being at war with the Soviet Union, the refugee movement towards Finland diminished after 1939 and Finland rather became a transition route to the rest of Europe.

After Finland fought three wars, the Winter War, the Continuation Wars and the War of Lapland, two of them with the Soviet Union during the Second World War, the Finnish-Russian borders were redrawn. The first war, The Winter War in 1939, was connected to the Molotov-Ribbentrop Pact, which was a non-aggression pact between the Soviet Union and Nazi Germany that allowed the Soviet Union to invade Lithuania, Latvia, Estonia and Finland without German interference. The Finnish pre-war territory extended to only 32 kilometres (20 miles) north of the former capital of Leningrad/St. Petersburg (capital until 1918), which was considered to pose a geopolitical concern for Russia/the Soviet Union. Before the war the Soviet Union made attempts at getting Finland to agree to move the border northward—covering roughly the areas that had been attached to the Grand Duchy of Finland in 1812 by the Russian Tsar and including the economically very active city of Vyborg—in exchange for territories in the northern parts of Karelia. Finland did not agree to this, as in contrast some groups in Finland harboured desires to extend the border further into the Soviet Karelia without losing any territory (Hentilä 1999, 96). Failing this route, the Soviet Union attacked Finland in November 1939 (e.g. Doerr 2001). The attack was condemned by the League of Nations and plans for joining the war against the Soviet Union were formulated by France and Great Britain. Despite the superiority of its military resources the Soviet Union did not manage to occupy Finland; a fact that in military literature has been often contributed to the lack of skill in the Soviet Army, which had suffered from Stalinist purges, and to the non-conventional tactics of the Finnish army—as well as the harsh winter conditions (hence the name Winter War) that Soviet troops were unaccustomed to. The Soviet troops were recruited mostly from southern states due to the risk of treason, as many Ingrians and Karelians had joined Finnish forces and, thus, as soldiers they could have presented a risk. With the escalation of Nazi aggression, plans to send military aid to Finland with the UK, France and Sweden were abandoned. After a few months of

truce, Finland signed a cooperation treaty with Nazi Germany for military assistance and, after the Soviet Union attacked Finland again in 1941, the UK and the Commonwealth countries declared war on Finland.

If on top of the 'tribal warriors' from the Soviet Union and Estonia also a few hundred foreign volunteer soldiers had joined the Winter War in 1939, Western support was not forthcoming after Nazi Germany sent troops to Finland during the Continuation War. Finland did not allow Nazi troops to fight against the Soviet Union in the south, but Nazi troops fought along the northern border. Finland was effectively an ally of Nazi Germany during the Continuation War, although attempts were made at distinguishing Finnish cooperation from allied status. When Finland lost the war to the Soviet Union, Finnish troops had to fight the Nazi troops off Finnish soil in the War of Lapland in 1944-1945. Yet, therein, i.e. in the initial response by Western countries to the Winter War, on the fact that the US never declared war on Finland and that Finland fought off both Russian and German troops from its soil, lies also the reason for the Finnish emotional denial of its role as an ally of Nazi Germany and the conceptualisation of the Second World War as a delayed war of independence. The defeat has been conceptualised as a 'defensive victory'. These wars had important consequences in terms of migrations resulting in the mass evacuation and permanent settlement of some 430.000 Karelians in Finland, in some 70.000 Finnish children sent as refugees to Sweden mostly and the securitisation of the Finnish-Soviet border. Further, in terms of racialising discourses, Russians had become the 'common enemy number one'. Although Finland fought against Nazis in the end, Germans were hardly an object of similar derogatory discourses as Russians would be after the Second World War. For many Finns every Russian still embodies the policies of Stalin today. In these discourses Lenin, who granted Finland independence, is always somehow 'less Russian' than Stalin.

For many of the Karelian and Ingrian 'tribal warriors', the end of the war meant deportation to the Soviet Union with the likely result being persecution if not death. Due to the forced return, a notion of a 'debt of honour' toward these Ingrian soldiers was created that functioned as one of the arguments supporting the policy of 'Ingrian return' migration, that would be one of the key pieces of immigration legislation after the fall of the Soviet Union. However, it has to be noted that the areas of the Karelian Isthmus known as Ingria have always remained south of the Finnish border, except when these Ingrian areas were under the Swedish Empire in 1617-1721 when Finland was part of Sweden. Hence 'return' technically is a questionable phrase, except maybe in the case of those Ingrian soldiers or resettled individuals who did live long enough under Stalin's purges to take advantage of the possibility of Ingrian immigration. These soldiers and migrants are the only ones who continue to have a right to return under the Ingrian return policy even after 2016.

The Cold War and the Politicization of Immigration: Refusal at the Border Due to Foreign Relations

If the Second World War had caused huge migration movements over the Finnish-Russian border especially, the emerging geopolitical divide between Communist and Capitalist blocs added another layer of politicizing migration. The Cold War put Finland in a peculiarly delicate situation and politicised aliens' policies, especially refugee policy in Finland. Altogether, the experience of having the Finnish 'Reds' turn on the Soviet Union and the inability to occupy Finland during the Second World War clearly had implications for the Soviet policy toward Finland during the Cold War. Although Finland had been able to maintain its independence and had not been occupied, it was forced to sign a Friendship and Cooperation Agreement with the Soviet Union, which, granted, was different from the agreements between the Soviet Union and other Eastern European states. Nevertheless, the agreement dictated that Finland should remain outside the Cold War super-power rivalry and it provided for consultation with the Soviet Union should Soviet military interests be threatened by a Finnish inability or unwillingness to defend its own territory against Germany or its allies. The pragmatist/Realist compromise, also known as the Paasikivi-Kekkonen Line, that Finnish political leaders envisioned in this situation, was to allow Finnish foreign policy to be 'held hostage' by the Soviet Union in return for internal political independence. The Soviet Union even gave up its military base near Helsinki in 1955, earlier than the 1994 release date that the Paris Peace Treaty would have required. Consequently, Finland escaped the faith of other Eastern European countries and was able to retain its Scandinavian societal order. The influence of the Soviet Union on Finnish domestic policy remained very limited, although the same cannot be said about Finland's international relations, which capitulated and succumbed to a precarious balancing act between the East and the West for the whole duration of the Cold War. If the Second World War had a strong influence on Finnish attitudes towards Russians, the Cold War did not necessarily ameliorate them

The official Finnish foreign policy aimed at maintaining neutrality regarding the political tensions of the Cold War in order not to create any geopolitical threats to the Soviet Union and thereby preventing the Soviet Union from getting involved in Finnish politics in Finland. The Soviet Union had tried to influence internal Finnish politics through supporting socialist parties and organisations since Finnish independence from Russia/the Soviet Union in 1917, but had not succeeded as was evidenced by the participation of the socialists in the war against the Soviet Union. It tried gaining new ground by protesting, for example, against the fact that the Socialist party, which was the largest party, had been left out of the government. This crisis, known as the 'Night Frost' in 1958-1959, was dissolved when President Kekkonen guaranteed that a centre-right government did not jeopardise the neutrality of

Finnish foreign policy (which, during the Cold War, was tightly held in the hands of President Kekkonen himself). Thereafter, the relations between Finland and the Soviet Union became epitomised in the persons of the Presidents Paasikivi (1946-1956, a right-wing conservative politician of the National Coalition Party) and Kekkonen (1956-1982, an agrarian Centre Party politician) and relied on their personal assurances of the neutrality of Finnish foreign policy. (E.g. Apunen 1977; Lehtonen 1999; Kirby 2006; Penttilä 2006.) This 'neutrality' could also be seen in aliens' policy. In terms of immigration policy this meant that the border with Russia became heavily politicized and heavily guarded and movement over the border was practically stopped in comparison to earlier decades.

When Finnish foreign policy was sacrificed for the independence and democracy of internal politics and the issue of immigration and asylum policy was painted in the colours of the Cold War, the possibility that political dissidents would attempt to seek asylum in Finland (the only Western European country besides NATO-belonging Norway that bordered on the Soviet Union) was made into a foreign policy issue. This in itself was nothing new as also during the autonomy, the Russian Governor-General of Finland had equally made a political scene over the dissidents residing in Finland (Leitzinger 2008b, 155-156). But during the Cold War possible refugee 'flows' from the Eastern bloc were seen as potentially jeopardising the delicate balance of Finnish-Soviet relations. It was deemed that accepting political refugees from the Soviet bloc would have entailed making political statements regarding Soviet domestic policy. Tellingly, Finnish Presidents received memos of any political asylum seekers crossing the Finnish-Soviet border. Thus, the question of refugees from the Communist bloc—who would now be called 'defectors' rather than persecuted political activists—would fall under the same auspices of policies held hostage by the Cold War.

During the Cold War Finland's asylum policy did not have a good reputation. Western countries suspected that Finland had an official agreement with the Soviet Union to return all asylum applicants, although according to Leitzinger (who has been employed by the Immigration Services for years and has had access to their old records when doing his research) there was no such agreement. Yet, his study sheds light on the unofficial ways in which the policy of returning 'defectors' was motivated by foreign policy, but often the motivation was, on one hand, a suspicion of Russian spies posing as asylum seekers/'defectors' or, on the other hand, a suspicion of anti-communist asylum seekers being in fact agents provocateur set to infiltrate Russian emigrant or anti-communist circles in Finland. Between these suspicions little room was left for genuine 'defectors', as Leitzinger notes. Between 1945 and 1949 Finland returned all the 70 'defectors' from the Soviet Union, for example, and in 1952-1956 the authorities suspected that almost all 'defectors' had been spies. (Leitzinger 2008b, 271-273.)

Whatever the reasons, Leitzinger mentions that in 1947-1981 about 149 refugees 'defected' from the Soviet Union, and 114 of them were returned back (Leitzinger 2008b, 213). As with the many 'Soviet citizens' that were returned after the war, there were no guarantees regarding the faith of the people returned. Consequently, due to the risk of deportation many of the foreigners entering Finland and seeking asylum did consider it wiser to continue to other countries before seeking asylum. In fact this policy was silently supported by Finnish authorities (Leitzinger 2008b, 216-217). The authorities described their asylum policy in internal communications more in passive terms: 'defectors' were not mentioned to the Soviet authorities unless they specifically asked about individuals, but rather 'defectors' were advised to continue to Sweden and apply for asylum there. Also there was an unofficial policy to give alien's passports to those that could not return or renew their (Soviet or other) passports, but these figures were not included in refugee statistics. Often 'defectors' with Finnish alien's passports, would continue to other West European countries where their 'defection' was looked upon as positive political currency. Consequently, it is not surprising that the government's secret records of asylum seekers were higher than the public ones still in the 1980s (Leitzinger 2008b, 220). It can be estimated that besides the year 1962 when over 2000 alien's passports were granted to those Ingrians and Eastern Karelians, who had remained in Finland after the war, around 1500 aliens' passports were given between 1963-1973 (Leitzinger 2008b, 217-218).¹³⁷

The administrative arrangements around immigration tell their own story about how migration was conceptualised. The administration of immigration-related issues had been handled under the Passport office in the Security Intelligence Services before 1949. A special Aliens' Office was founded in 1949 and moved under the Ministry of the Interior, which today functions under the name of Finnish Immigration Services (Leitzinger 2008b). At the same time, the monitoring of foreigners was assigned to the police and the Finnish Security Intelligence Services—Helsinki was, after all, one of the hot spots of spying during the Cold War. In the Aliens Act the politicisation of aliens' policy could be seen in the legal possibility of preventing entry or deporting aliens due to foreign policy interests. The right to prevent entry from and return people who are deemed to jeopardise Finland's foreign relations is still in force, although the right to deport immigrants based on foreign policy interests was removed in 2007. It was only after the end of the Soviet Union, in 1991, that some aspects of refugee policy and integration issues were moved from under the Ministry of the Interior, which is responsible for domestic security, and placed under the Ministry of Labour (Lepola 2000, 40-45; Aliens Act § 37 and 40, Finnish State 22.2.1991) speaking of an envisioned change in the nature of immigration policy towards labour market

¹³⁷ These figures are based on available statistics from 1946-1950 and 1961-1973. The figures for 1951-1960 are lost according to Leitzinger.

needs. In case of employment-based immigration, it is the agencies of the Ministry of Labour that have the right to decide whether there is a labour market need for foreign employees. Whilst immigration policy largely remained under the Ministry of Interior with a consolidation of residence permit decisions being taken away from the Ministry of Foreign Affairs, integration policy remained under the Ministry of Labour since its conception in 1999 until 2009, when also the responsibility for the integration policy was transferred to the Ministry of Interior.

This fact that refugee policy was allowed to be politicized in this manner did not parallel Finland's desire to be a credibly neutral 'Western' and 'Nordic' country. The refugee policy attracted international criticism. To combat the notion of 'Finlandisation', something had to be done. Also aliens' policy functioned as a convenient way of increasing internationalisation and the credibility of the claim to neutrality. Finland set to negotiate many bilateral agreements of visa free travel in order to increase tourism and to provide foreigners with an ability to witness the 'Western-ness' of Finland. As Leitzinger notes, during the Cold War Finland had the freest visa policy in Europe and the Finnish passport still offers one of the best visa-free entry rights in the world. More importantly, failing the neutrality test towards 'defectors' from the Soviet bloc, Finland sought another direction in the 1970s. Besides active foreign policy initiatives to improve multilateral solutions in a bilateral world, the United Nations functioned as one of the key organisations of legitimising an active Finnish foreign policy. The 'Third World' development policy was equally politicized by the Cold War divide, but re-legitimised through cooperation with the UN. The opportunity for further developing the foreign policy identity as a small, neutral Scandinavian country created a chance for resisting the pressures of the neutrality discourse influencing the policy towards Eastern European refugees, which led to a focus on Third World aid and the refugee crisis in Finland (Koponen 1999). In the late 1960s Finnish refugee policy started gearing towards the 'neutral', UN-sanctioned quota refugee policy organised under the United Nations High Commissioner for Refugees (UNHCR).

Finland signed up to the 1951 United Nations Refugee Convention only in 1968—which also explains the lack of a legal requirement to consider the safety of returning 'defectors' from the Soviet Union. After that Finland accepted some 180 refugees from Chile in the 1970s and in 1979 and 1983 from Vietnam. It was not until 1983 that an Aliens Act was formulated that started conceptualising asylum seeking not as a foreign political problem but as a humanitarian issue, Salmio asserts. Finland started regularly accepting quota refugees under UNHCR in 1985. (Salmio 2000.) The quota refugee system relies on refugee status recognised by the UNHCR and upon arrival quota refugees are granted the 'actual' Geneva refugee status. Under the system participating countries select refugees for resettlement directly from UNHCR-run refugee camps without additional asylum investigations. In 1986 a quota for

UNHCR-refugees was formed, which was initially set at 100 and rose to 750 per annum in the following years. Quota refugees are thus a separate category from asylum seekers. On top of the quota refugees, the numbers of official asylum applications in Finland were small during the Cold War, only about 300 between 1964 and 1989 (Leitzinger 2008b, 219).

Summa summarum, during the Cold War both the level of foreigners in Finland and the numbers of those given Finnish citizenship decreased considerably in comparison to 1918-1945 (Leitzinger 2008b, 103-104 and 109-116) as Chart 3 below shows. During the Cold War immigration was mostly limited to foreign spouses of Finnish nationals and it was common to refuse entry to foreigners at the border before they had a possibility even to submit an asylum application (e.g. Lepola 2000, ch. 3). In 1946-1979 only a little short of 12.400 foreigners were given Finnish citizenship. Thus, in comparison to many other European countries, which experienced an increase in work-related migration from the 1950s onwards, in Finland the numbers of immigrants decreased in comparison to previous levels. As can be remembered from Chart 1 and be seen in Chart 3, it was only in the 1970s that immigration started

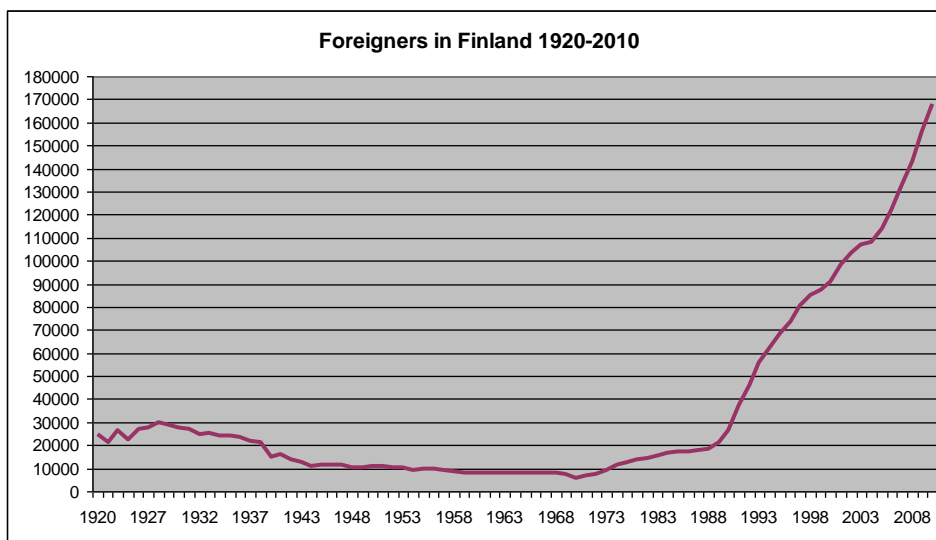


Chart 3. Foreigners in Finland 1920-2010. (Source: Statistics Finland).

increasing slightly, but the levels of pre-war immigration were not reached before the 1990s. Certainly the psychological and factual 'tightness' of the border to the Soviet Union has had a generational impact on why immigration seems like a 'new' phenomena in Finland. What this psychological impact created in terms of policy and the problematization of immigration shall be discussed next.

Post-Cold War Immigration Policy: General Trends

The difference between how immigration was politicized during the Cold War and how it became politicized with the increasing population movements after the Cold war, from the 1990s onwards, is considerable. After the Cold War immigration policy was quickly transformed into one of the key societal policies. In general, during the 1990s, immigration policy changed from being an 'administrative tool' functioning as a guide for officials to handle the entry of foreigners to being an actual governmental policy. In 1999 immigration policy was officially defined as a 'proactive' policy with policy aims. In 1997 the government had already given its first policy paper on immigration, which at this stage focused on refugee policy—as independently arriving asylum seekers had become a new phenomenon during the 1990s. Outside Ingrian return policy, it is only during the 2000s that immigration policy can be characterised as becoming part of employment policy (e.g. Finnish Ministry of the Interior 30.4.2008). In 2006 the next government drafted a new policy paper that focused more on employment-based immigration, because of increasing concerns over the diminishing workforce with the large retiring post-War generation. The government had for long worried over the lack of work-related immigration, which typically formed about 5-10% of all immigration to Finland in recent years. The rest of immigration is mainly return immigration, refugees or family reunification. It is estimated that in the next 15 years the active workforce will diminish by some 10% (or by some 265.000 people). At the same time the number of pensioners and other dependent people will increase by 35% creating a considerable tax burden for the diminished workforce (Tilastokeskus - Statistics Finland; e.g. Jaakkola 2009, 11). The financial crisis after 2008, however, has prolonged the implementation of the intention to obliterate labour market consideration from granting employment based residence permits and the 2011 election victory by the (True) Finns may have buried the intention altogether. Since 2008 immigration policy has been one of the key focuses of political debate. In the 2000s different parties, the (True) Finns leading the way, would formulate their own immigration policy agendas. The political concern over immigration has resulted in governmental reports and legislative changes that have touched upon different aspects of the existence of foreigners in Finland.

Since 1990 there have been many legislative changes to the Aliens' Act. The 1983 Aliens' Act had been rewritten in 1991. At this stage, the act was still rather simple and short until EU membership introduced different categories of foreigners in 1993, on top of Nordic citizens who already had separate regulations. Since then Finnish immigration law has been changed due to the developing EU immigration policy cooperation many times. During the Finnish Presidency of the European Union in 1999 the work on common migration policy was started in the European Union. Although the coordination of immigration policies has gone ahead rather slowly due to the diverse interests of the

Member States, EU cooperation has offered chances of domestic policy formulation and re-politicization of immigration law in Finland. EU membership naturally impacted the immigration law fundamentally, but I shall not discuss these changes, as the provisions for free movement for EU citizens are a well-known prerequisite to membership. In this Appendix I shall merely discuss the influence of EU policy on Finnish immigration legislation as far it relates to third country nationals or to changing rights for EU citizens in terms of implementation of the *acquis communautaire* after the 1995 joining of the EU. There have been also many domestically-initiated changes. After 1991 the Act was changed over 20 times before it was rewritten again in 2004. These changes and the increasing complexity of the Aliens' Act resulted partially from the incorporation of decree level regulations into law as well as from the impetus of restricting immigration, especially asylum seeking. Further, the Aliens' Act is not the only law relevant to aliens' policy, but also the Citizenship Act and the Integration Act are relevant. The changes to these two laws are few and have been discussed exhaustively in the thesis already. Therefore, I shall not repeat these issues here. Also other laws relating to the status of foreigners in Finland have been changed since the early 1990s, and I shall discuss these briefly where significant. But mainly the amendments to these laws have been discussed in the thesis in such depth that reiterating them here is limited. I will now proceed to outline the changes to the Finnish immigration policies towards foreigners in a more chronological manner by presenting the more substantial amendments made to these acts by examining the changes made to certain policies such as the Ingrian return policy, refugee policy or policy towards third-country nationals.

Ingrian Return Policy 1990-2016

After the end of the Cold War, the Ingrian return policy was one of the first legislative changes impacting Finnish immigration patterns. After the break-up of the Soviet Union, political room for the development of a discourse on the 'return of the Ingrians' from the ex-Soviet Union was created and the historical migrations over the Finnish-Russian border restarted (Leitzinger 2008). The initiative for the formulation of an Ingrian return policy came from the Finnish president Mauno Koivisto in April 1990. In the parliamentary discussion of the issue references to 'a debt of honour' and the 'right of return to the promised fatherland' were made. In the discourses Ingrians were re-conceptualised from 'Soviets' to 'Finns' and their 'return'—although as has been pointed Ingrians had not lived in Finland beyond the population movements during the World Wars—was initially discursively constructed as a historical continuation of the 'repatriation' or 'return of 'Finns' from the wrong side of the border'. As has been seen, the discursively ordered status of Ingrian Finns has fluctuated throughout history in Finland: On

the one hand, before World War II, i.e. before Finland lost parts of the Karelian territory to the Soviet Union as war reparation, the Ingrians and Eastern Karelians residing outside Finnish territorial borders had been registered as 'foreigners' in the Finnish population register, although Ingrians or East Karelians did not require a residence permit to stay in Finland. (E.g. Lepola 2000, 96-108.)

Ingrian immigration started in the early 1990s through decree level instructions given to the officials in charge. In 1993 the immigration of Ingrian Finns was enabled by adding a clause about 'Finnish origins' being a sufficient reason for granting a residence permit. In 1990 President Koivisto had specified that 'Finnishness' in this sense applied only to Ingrians and not to other 'Finnish tribes'. Officially the policy was incorporated into the Aliens' Act in 1996. The law stipulates a right of return for those who had served in the Finnish army or who were deported to the Soviet Union after the Second World War. Also, those whose parents or grandparents had been designated as 'Finnish' in Soviet passports could immigrate to Finland without the normal requirement of being able to support oneself financially. It is relevant to note the policy's similarity to the German policy of 'returning' those who can demonstrate biological 'Germanness'. The return policy is also said to be connected to the labour shortages in 1989-1990 before the harsh depression that hit Finland after the break-up of the Soviet Union.

Since 1990, the Ingrian return policy has seen some major changes, the most important being its termination by 2016. In 1991 it had been agreed that Ingrians would be granted continuous permits regardless of the immigrant's possible temporary intentions of residing in Finland, thus excluding them from the regular examination of 'intention to stay' before granting a right to municipality and to services and benefits. With continuous permit they were eligible for social benefits. It was also decided that having one grandparent who was registered as Finnish in the Soviet Union was a sufficient condition for granting entry, which is why the Ingrian return policy was initially treated as a matter of general ex-patriot return policy. This was changed in 1996, when the policy was formulated as a law and made stricter. At this stage it was decided that two grandparents needed to have been registered as Finnish in order for Russian or Estonian citizens to qualify as 'Ingrians'. As said, Ingrians have been exempted from income requirements. However, this right extended also to spouses and not only to children as in the case of other ex-patriots and in this sense the Ingrian return policy was more beneficial than that reserved for other ex-patriots.

The Ingrian policy was tightened again in 2003. This time the grounds for establishing 'another connection to Finland' were specified strictly and the requirement of Finnish or Swedish skills was established—something which is not required from other ex-patriots. If Ingrians had been required to attend orientation training in Finnish embassies already before, now the system of registering as a

returnee was formalised and the passing of language tests was made compulsory making spontaneous immigration impossible. In addition, unlike for any other immigrant category, having arranged for permanent accommodation was imposed as a prerequisite of granting residence permits. Also the definition of family was limited so, that children of Ingrian immigrants needed to be under 18 at the time of granting the residence permit—something that would later be applied to TCN children in general. In 2011, the Ingrian return policy was all but terminated in practice. By establishing a five-year interval during which those, who had already registered as returnees could fulfil the entry requirements, any further Ingrian return was limited to those who had actually served in the Finnish army during the Second World War or had resided in Finland during 1943-1944 and had thereafter been returned to the Soviet Union. Also, in comparison, if in the beginning Ingrians were treated the same as those with 'Finnish ancestry', i.e. those who had one grandparent that was a native Finn, today Ingrians do not qualify as having Finnish ancestry, because the requirement is that the grandparent must have been born in Finland—which Ingrians as a group have not been. (Finnish Government 10.05.1996: HE 56/1996; 27.09.2002: HE 160/2002; 12.11.2010: HE 252/2010.)

With the Ingrian return policy the numbers of these Ingrian 'Russians' and 'Estonians' in Finland started to increase. During the 1990s much of the non-Finnish 'white' immigration was due to Ingrian return. (Once in Finland, the Ingrians are statistically identified as either Russian or Estonian because of their passports and before they are eligible to apply for Finnish citizenship.) At the moment Russians are the single largest group of foreigners in Finland (approx. 26.000 people) (e.g. Nylund-Oja et al. 1995b, 175-176). The number of Russian speakers in Finland, estimated by The Family Federation of Finland (*Väestöliitto*), numbers around 60.000 containing both those with a foreigner's status and those with a Finnish passport. The integration of these new minorities is varied. In the case of Russians integration has proved itself to be a discursively contested field (e.g. Pentikäinen and Hiltunen 1995, 7): On the one hand, there are calls for the provision of Russian language schooling by the state. This call is linked to the aforementioned Finnish language policy, which defines Finnish and Swedish as the two official languages, and gives protection to other minority languages. On the other hand, the discursive field is characterised by lamentations about 'the Ingrians actually being Russian and not Finnish', i.e. in this discourse it is assumed that the Russification policies of the Soviet Union have turned the Ingrians into 'Russians', which is thought to be marked by the loss of Finnish language skills and by having 'non-Finnish' concepts of societal functioning etc. Whilst such historical factors were acknowledged in the initial formulations of the policy, in the later amendments this 'Russian character' is what became problematized in official documents.

Refugee Policy 1991-2010

Racism or 'prejudices' against the Russians are not the only attitudes informing immigration policy. As the Introduction discusses, if the increase of immigration to Finland was initiated by the break-up of the Soviet Union, the arrival of the Somali asylum-seekers to Finland started making skin colour an issue in Finland. Before the arrival of Somalis in the early 1990s, the uptake of refugees had been managed in terms of long-term planning and selection under the procedures of the UNHCR annual quota system: from the date of approving refugees into the quota, it could be years before their actual arrival. When the Somalis started arriving 'independently' via the Soviet Union,¹³⁸ the notion of 'uncontrollable floods of asylum seekers' started surfacing in the media and political discussions. The initial governmental intention of returning Somali asylum seekers and refusing entry at the border without giving a possibility for asylum application (Aallas 1991; Lepola 2000, 78-83) was, of course, made legally impossible by Finnish participation in the Geneva Refugee Convention, and the fact that the Soviet Union/Russia was not a signatory to the treaty. Since then especially the Council of Europe and the European Court of Human Rights, with its attempt to extend the European Convention on Human Rights and Fundamental Freedoms to all those residing in the participating countries, and the common EU immigration policy framework have had an impact, beyond the Geneva Convention on the status of refugees in Finland. Legally, the refugee policy has been influenced both by the domestic impetus of limiting the number of asylum seekers and the requirements of international and European law.

Since the early 1990s, the number of independently arriving asylum seekers has increased to a few thousand a year. The Aliens' Act has since then seen many changes contributing towards the tightening of refugee policy. To the government bill resulting in the new 1991 Aliens' Act the parliament had already added stipulations on the speedier treatment of 'obviously groundless' asylum applications, thus tightening the refugee provisions due to the arrival of a few thousand Somali asylum seekers. In 1992 these provisions were quickly tightened further by adding the policy of safe countries through which those asylum seekers, who had passed through 'safe countries' could be returned without taking their applications under material investigation. The amendment was explicitly voiced as an intention to send a message to would-be asylum seekers, reaffirming the principle that asylum seekers cannot freely choose the country from which protection is sought, thus aiming to reduce applications and to save money. At the same time the provisions for deportation were reinforced, as it was seen that the non-

¹³⁸ The initial reasons for the Somalis to arrive to Finland were related to the fall of the socialist regime in Somalia (although this regime was not supported by the Soviet Union). Nevertheless, there were educational ties as well as a flight from Mogadishu to Moscow, from where it was easy to fly or take a train or a ferry to Finland. Some of the first Somalis arriving in Finland were students or elites asking for political asylum after the fall of the socialist regime in Somalia. In addition, Finland had given developmental aid to Somalia and hence, the name of the country was known to many Somalis fleeing the deteriorating conditions in their native country (Aallas 1991).

refoulement provisions made expulsion too cumbersome and costly. The law was changed so that asylum seekers arriving from safe countries could be returned immediately without a chance of challenging the decision. Also the possibility of adding an entry-ban to a return and deportation decision was provided for. Further, it was agreed that a deportation order could be implemented even if the applicant had challenged the decision in the courts. These measures followed the urge felt in the early 1990s to return Somali asylum applicants from the border without investigating their applications. Additionally, with the aim of preventing the arrival of undocumented foreigners, as well as the exploitation and trafficking of foreigners under duress, the early 1990s also saw the institutionalisation of the procedure of fingerprinting asylum applicants. With the same aim, arranging the arrival of foreigners without required permits was criminalized and the carrier's responsibilities for returning foreigners at their own cost were reinforced. All in all, the immediate political and legislative reaction to the arrival of Somali asylum seekers was negative and high-handed.

The asylum application numbers had come down in 1995 to under a thousand and in the mid-1990s immigration policy changes focused mostly on EU-related policy issues, some of which also impacted on asylum seekers. For example, the restrictions on travel for people from certain countries from which asylum seekers were mostly coming (Afghanistan, Ethiopia, Eritrea, Ghana, Iraq, Iran, Nigeria, Somalia, Sri Lanka and Zaire) were further increased under EC law through airport transfer visas in 1997. The Dublin regulations, establishing the principle of assigning the first country through which an asylum seeker enters the EU as the country responsible for processing the asylum application, were incorporated into the Finnish law also in 1997. At the same time, however, the overzealous restrictions were toned down somewhat. The provisions for appealing for negative asylum decisions and deportation decisions were increased, because of international law and EU recommendations. Whilst deportation at this stage could be executed without the appeal having been decided on (except in the case of an appeal to the Supreme Administrative Court), the provisions for appeal were changed significantly by enlarging the scope of decisions that could be challenged. The letter of the law did not necessarily change the actual practice or administrative culture around appeal, but rather the significance that the Immigration Services gave to the decisions of the Administrative Courts would be negotiated in the years to come.

This negotiation around appeal and subsequently granting residence permits or citizenship has not been easy and the notion of the rule of law has sometimes been missing. The Ombudsman of the Parliament has had to assert the supremacy of the (Supreme) Administrative Court's decision over Immigration Service's opinion many times. In 1998 the Ombudsman cautioned the Immigration Services for ignoring the Administrative Court's decision to overrule their denial of citizenship based on the number of traffic

violations that a professional bus driver had committed (EOAK 1417/1998). In 2004 the Ombudsman responded to a complaint around a case in which the Administrative Court had reversed the Immigration Service's negative asylum decision, but the Immigration Services were nevertheless dragging their feet and attempting to re-investigate the application instead of implementing the Court's decision (EOAH 1434/2004). In 2004 the Immigration Services were reproached for deporting a new-born child entitled to Finnish citizenship at birth (EOAH 1977/2004). In 2005 the Immigration Services were reprimanded for procrastinating the implementation of the Supreme Administrative Court's decision and attempting to re-investigate issues it had itself already made a positive decision on before the appeal (EOAK 301/2005). In 2007 the Ombudsman needed to reprimand the Immigration Services for ignoring the decision of the Supreme Administrative Court to grant citizenship to a refugee's child and asserted that the re-investigation jeopardised the safety of the refugee's family and was, in principle, against the rule of law and asserted again that the role of the Immigration Services after the court's decision was to implement the court's decision and not to re-investigate (EOAK 3565/2007). In 2010 again the Immigration Services re-investigated the fulfilment of income security related to a residence permit application and ordered the deportation of the applicants despite the fact that the Administrative Court had already decided that the Immigration Services had not had any bases, in this case, for denying a residence permit based on income security to start with (EOAH 2140/2010). That is, the Ombudsman has had to insist on the rule of law and the subsequent insignificance of the opinion of the Immigration Services after the courts have ruled on the appeal and overruled their decisions. However, it has to be said that the Immigration Services are not alone in expressing such disregard, but the validity of international conventions and the rule of law are questioned also in some statements in the Finnish Parliament, as is shown in the thesis.

These illiberal attitudes can be seen in the tightening restrictions against refugees. Especially the turn of the century saw a lot of activity around immigration policy and some of it focused around restricting family reunification. Refugee status, which had earlier applied to the family members of the 'actual' Geneva refugee, was removed from family members, unless they themselves were in need of protection, thus impacting the rights and protection granted to them. This regulation had, for example, implications for the above mentioned Ombudsman's reprimand in 2007 to investigate a refugee's spouse who had not been given refugee status for his/her relationship status and the possibility to grant citizenship to a child in the country of origin. Because the wife had not been given a refugee status although her husband had refugee status, the Immigration Services did not deem it necessary to protect her and her child vis-à-vis the authorities of the country of origin. In addition, in 1999 a requirement of considering if the family was able to relocate to another country to spend family life was added to the

family reunification clause indicating the direction that considering family reunification applications should take. In the 2000s biopolitical measures were incorporated into the Aliens' Act. These measures are applied in situations in which reliable documentation is missing; hence they mainly apply to refugees. In 2000 a retroactive clause instituting DNA-testing into family reunification decisions was added to combat fraudulent applications. The tests are paid for by the state in cases in which there is sufficient evidence to suggest that there is an actual biological family relation but official documentation is missing. In such cases the DNA-testing is voluntary, but refusal nevertheless constitutes grounds for denying family reunification. In cases in which the state decides that there is not enough evidence of existing family relations, the applicants can challenge a negative decision by paying for DNA-testing themselves. Consequently, DNA-testing can function as a positive means of proving family relation, although biological family relations are not always sufficient as a reason to grant family reunification. (Helén and Tapaninen 2013) These measures would be supplemented by biopolitical age definition measures, but only a decade later. In 2010 refugees' asylum rights and family reunification rights of refugees were tightened further. The practice of forensic age verification—especially aimed at unaccompanied underage children—was instituted despite its scientific unsoundness. Also the right of family reunification that was granted to foster children required that these foster children be under 18 on the date of the permit decision—and not on the date of the application. Further, the refugee's or protected person's family reunification rights were limited so that the freedom from income considerations would apply only to families formed before international protection had been granted.

The early 2000s had seen also other restrictive changes. In 2000 the provisions for treating 'evidently groundless' asylum applications, which tended to last 5-16 months at this stage, were augmented by the so called 'speedy removal' measures that stipulate that, when the asylum application 'evidently' does not provide evidence that under the Geneva Convention would count as reasons for seeking asylum or when a person is coming from/through a safe country or when the person 'evidently' attempts to misuse the asylum process, the asylum seeker can be returned to the country of origin or departure without having to materially investigate the asylum application any further. In this regard the Finnish immigration policy chose a strict line. In comparison, in a few other EU countries at this stage even a less than a three-month stay in a safe country did not necessarily constitute 'coming from a safe country' although some countries applied similarly strict definitions of a safe country. The aim of this change was to avoid the lengthy appeal process during which the asylum seeker could not be removed. Speedy removal was organised through accelerated processing of applications: after the asylum hearing was completed the Immigration Services would need to decide on the application inside seven days. However, the negative decision containing a removal order was at this stage automatically subjected to the Administrative

Court that was designated the responsibility of assessing the validity of the negative asylum decision inside seven days. 'Speedy return' was demarcated to signify return no sooner than after eight days of receiving the negative decision from the Administrative Court. The law was also changed so that an appeal to the Supreme Administrative Court would not prevent deportation and a renewed application would not be materially investigated unless it contained new evidence. This policy has been subject to intense criticism in the Finnish Parliament, but no government has changed it since then. In itself speedy return is accepted by the UNHCR as a measure aimed at securing the protection of 'actual' refugees in need of protection. This reason and the notion of saving money as well as general EU immigration policy goals were used to justify accelerated processing of applications in Finland. Much quicker accelerated procedures are also in place in most other EU countries and in most the courts are not involved in affirming validity or handling appeals.

Yet, there were also changes towards a more lenient direction during the 1990s. In 1999, the wording of the refugee clauses was changed so that the notion that granting asylum was an option—that is 'could be granted' if the criteria were fulfilled—was replaced by an obligation to grant asylum ('will be granted') in such situations. This was due to a specific problematization of the wording of the law by certain parties. Relating to the accelerated procedure the handling of asylum hearings was removed from the police or border control officials and given to the Immigration Services. If earlier it had been deemed that the police held the correct interrogation skills, now it was deemed more efficient that the person making the decision would also conduct the hearing. In addition, it was retrospectively required that possibilities of gaining another type of residence permit would be investigated and that asylum seekers would be questioned about their feelings about being removed and banned from re-entering the country. Yet, it was deemed that for conducting the initial interview, in which the identity and travel route of the asylum seeker were investigated, police pre-trial techniques of investigation were still essential for preventing the abuse of the asylum system. Asylum seekers were also given a right to work after the first three months as a measure to combat the notion that asylum seekers abused the benefit system. This would be changed in 2010 when it was stipulated that those who could not prove their identity would obtain the right to work only after six months. Because of international critique and domestic concerns the notion that a child's interest needed to be taken into account was added to immigration law in 1999 indicating also that, where possible, a child over 12 years of age would need to be heard about issues relating to him/her. However, the implementation of this clause can be questioned. Combined with the rule of considering whether the family can reunite in a third country, as the Immigration Services' instructions note, this can mean that the child's interest—for unaccompanied children especially—would be that the child would be returned to the country where his/her parents reside instead of granting family

reunification in Finland. Further on the liberal side, in 2000, the application of the aforementioned safe country principle, which allows the return of asylum seekers if they come through/from a safe country, was limited by adding a requirement that this safe country needs to actually apply international conventions in practice, i.e. not merely be a signatory to them. Additionally, a requirement that Immigration Services decisions would need to include information on the appeal process in its decisions was added to the law in 2000.

Before the 2004 revamp of the Aliens' Act, regulations relating to temporary protection were added. Temporary protection is designed for situations of mass exodus when it can be estimated that the need of international protection is short. Temporary protection is based on an EU directive (2001/55/EC) and does not constitute protection given under the Geneva Convention for Refugees. Temporary protection does not require individual need of protection, but is based on general need of protection that prevent return and it grants immediate family reunification (not paid for) and the right to work, but includes only restricted right to benefits. Temporary protection is granted without material asylum investigation, that is, the investigation of the asylum application is suspended. Maximum period of temporary protection is three years after which the asylum application will need to be individually inspected. However, the application of this law requires that the government indicate the countries to whose nationals this clause can be applied, and the Finnish government has not done this in the case of Syria, for example, but has insisted on taking a few hundred Syrian refugees under the UNHCR quota structure (who, however, are then given the 'actual' Geneva refugee status).

The rewriting of the Aliens' Law in 2004 focused mainly on codifying decrees and administrative rules into law, which was required by the new constitution that went into force in 2000 and stipulated that all limitations to basic rights, which also apply to foreigners according to the constitution, had to be legislated at the level of law. The amendment was also done to improve the rule of law by clarifying the law, specifying the responsibilities of various authorities, affirming the appeals process and the limits of interpretation as well to narrow the possibilities of misusing the entry and asylum regulations. The changes focusing on refugee policy were limited. Most importantly the Ombudsman of Minorities' right to be heard automatically about individual asylum applications, removal, deportation and detention was limited to situations of explicit request to be heard on issues relating to an asylum seeker or deportation. Also regulations on granting temporary residence permits to those who could not be removed or deported from the country were added to the law, which affects the foreigner's rights to services. In general, the asylum policy itself was largely left intact until 2009, except in 2006 the rights of unaccompanied children were compromised by requiring refugee reception centres run by the Red Cross to provide confidentially obtained information about the identity and family members of asylum-

seeking unaccompanied children to the police, border control agency and the Immigration Services to assist them in their decision-making and tracking down the child's family. Even when the statements made by various ministries and the Red Cross were highly negative citing serious concern over the violation of confidentiality and children's right and over the employment of unqualified social workers in asylum investigations, the parliament passed the law without discussion. Similar requirements of passing confidential information to the Immigration Services had been placed on social and health authorities in the case of sponsor's family reunification applications already in 2004.

In 2009 the EU directive on minimum standards of asylum (2004/83/EC) was implemented in Finland. The significant impact of the directive related, not to the change of vocabulary that it introduced to the four different categories of protection provided, but to the inclusion of the definitions of persecution and harm (with examples), specified reasons for persecution and widened definition of persecutors (not just state but in-country organisations and parties also) in the letter of the law. As is indicated in the thesis and in Appendix 2, this common EU asylum policy has impacted the way Finland grants asylum by increasing the number of 'actual refugee' or 'Geneva refugee statuses' and 4-year secondary protection permits granted. The procedural aspects of the asylum application process had been reinforced already in 2004, but again in 2009 some new specifications were added. In addition to inquiring about the applicant's feelings about being returned given an entry ban in different situations, the authorities were required to inform asylum seekers of the application process, of their right to submit another application (upon the lapsing of the application) and the authorities were required to ensure that the information used to decide the application is up-to-date.

Border Control, Carrier Sanctions and Detention of Foreigners 1991-2011

The largest changes relating to asylum seeking have to do with carrier sanctions. The 2004 amendments included the incorporation of the EU directive on carrier sanctions (2001/51/EC). This policy in itself was nothing new. The 1991 immigration act had already included limited carrier sanctions. For decades carriers were held responsible for transporting foreigners who were refused entry at the border, if need be, at their own expense. Carriers were also required to compensate for the expenses accrued by the state, if the foreigner had managed to exit the means of transport without appropriate documents. In this sense, the additional carrier sanctions relating to the Schengen area introduced in 2004 were not new in terms of the logic of governing immigration. Finland had criminalised the organisation of entry for people without required right of entry in 1993, but in case of carriers' monetary sanctions, these had not been applied in practice, according to the government. The Schengen

agreement had been incorporated into Finnish law already in 2001, which incorporated rules relating to carrier responsibilities regarding passenger documentation, affirming right of entry and transporting passengers whose entry had been refused at the carrier's own expense. The directive on carrier sanctions harmonised the level of sanctions imposed on carriers by adding an additional 3.000 € penalty for failing to ascertain that the foreigner has the valid documentation for entering a Schengen country. The directive insisted on the application of the directive also in practice. Regulations were also tightened by adding the return of failed asylum seekers (and not just those returned during the first three months) to the carrier's responsibilities. Although sanctions would be withdrawn, if the person obtained international protection, the regulations nevertheless reinforced the transition of asylum seeker transportation to the black market in practice. Related to carrier sanctions, the regulations criminalizing the arrangement of illegal entry were further tightened in line with EU policy cooperation and directive on (2002/90/EC) by adding a category of serious offence in 2004. After this the regulations have mainly remained the same.

Also the regulations on detaining foreigners, which apply to asylum seekers and other foreigners in case their identity is undetermined, sometimes to individuals who have received negative asylum or other permit decisions or to illegal immigrants, have been changed. In 2002 the regulations relating to the detention of foreigners were liberalized due to international criticism relating to the fulfilment of the Council of Europe's European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and European Convention on Human Rights, also the Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment of the UN from 1988 (43/173). These provisions stopped in principle the earlier practice of treating detained foreigners according to pre-trial custody regulations, except in specific short-term situations, such as when immediate access to refugee centres with detention facilities was impossible due to geographical distance etc. Especially these changes limited the earlier practice of holding foreign children in jail, which was now limited to the previously mentioned conditions and possible only when the child's parent(s) were placed in the same cell. However, in conjunction with the amendments to the Border Security Act in 2005, these regulations were tightened again in the sense that the border control agents of lower rank were given the right to decide on detention and in 2010 the rank requirements were again lowered. The government referred to operative reasons when justifying these changes. For the same reason, in 2005, detention was also enabled in the border control facilities under the same exceptional circumstances as in police cells. However, after 2006 detention in such circumstances was not defined through pre-trial custody regulations anymore, but designated to follow the same regulations as the lockup of, for example, overly intoxicated individuals who had not been arrested. When the detention

regulations were reformed in 2002 no maximum detention time had been specified. This was done in 2011, in connection to the EU directive on returning illegally staying TCNs (2008/115/EC), when the time limit was set at 6 months, or in cases of non-cooperation or inability to deport to no more than 12 months. Thus, we can see how the common asylum and immigration policy is having an effect on Finnish immigration law in both more lenient (detention) and stricter (carrier sanctions) ways. Next we shall take a look at the general immigration policy toward third-country nationals, which is also increasingly impacted by EU legislation. We shall first look at entry regulations, move on to discussing how immigration regulations have been impacted by economic and labour market considerations. After this we shall investigate the residence permit and family reunification regulations for TCNs.

Immigration policy towards third-country nationals 1991-2010

Finland joined the European Economic Area in 1994 and the EU in 1995. The relevant legislation on free movement of peoples was mainly incorporated into law in 1993. After this, we can talk about the regulation toward third-country nationals, i.e. citizens from countries not belonging to the EU or the EEA. During the 1990s the amendments to the Aliens' Act mostly focused on asylum seekers and EU policy cooperation. But in 1999 a more profound domestically initiated change of the Aliens' Act also touched upon the rights of TCNs in general, yet these changes in themselves did not provoke much public discussion in the Parliament at this stage.

Starting with entry regulations, in 1999 the regulations relating to entry conditions were tightened and specified. A mere permission to enter was made inadequate, but a reassessment of the fulfilment of visa granting conditions was added. It was required that foreigners could present documents testifying to the purpose of sojourn and the required funds for upkeep and return at the border, if requested. Regulations for removal at the border were reinforced. Those suspected of acquiring funds through illegal means, such as theft, peddling or prostitution, were specified at the level of law—the regulations themselves had been in force at a level of decree since 1933. But codification of old decrees is not the only source of change, but substantial changes to entry regulations have been introduced through EU policy cooperation. When the Aliens' Act was rewritten in 2004 some of the developing Schengen regulations, such as the common visa regulations, were added to the act. Finland opted-out of using the national Schengen visa that would have allowed entry for longer than three months, and stipulated that all permits granted for longer than three months would be residence permits. Yet, at the same time the rights of border control officials to deny, extend and amend visas was broadened. However, if the Finnish border guard had had more freedom to grant visas to those arriving without a visa before 2004,

the Schengen regulations (415/2003/EC) incorporated into the Aliens' Act in 2004 narrowed those rights by tightening the definition of exceptional circumstances and limiting the time of such visas to 15 days.

The Immigration Act of 2004 did not grant a right to appeal negative visa decisions, but the authorities were required to inform the applicant of the grounds of rejection unless it related to security concerns. However, this right was granted later due to EU visa regulations, in 2006, but only to EU citizens' TCN family members when practicing the right of free movement. In 2011, with the incorporation of the common EU visa code, other TCNs gained a right to appeal a negative visa decision, but this appeal could only be lodged against the embassy and not in the administrative courts like in the case of EU citizens' TCN family members. In case of EU citizens' TCN family members, whose right of free movement is not limited to situations in which the EU citizen and TCN have lived together permanently in another EU country before moving since 2010, the Finnish government established a right to hear the visa applicant and his/her EU family member in order to establish the veracity of the visa application in order to guard against marriages of convenience or intentions to circumvent immigration law. In connection to this the Finnish citizens' right to utilise the more lenient EU family reunification rights was narrowed, as the application of these regulations to each EU country's own nationals is left to their discretion.

Looking at the way labour market and economic considerations have impacted immigration policy, the main amendment relates to the application of labour market consideration to TCNs. After the 1991 Immigration Act reform work permits were no longer completely separate from residence permits, as they had been before, but residence permits obtained based on employment are still tied to specific and loosely limited employment rights and granting employment based residence permits is based on labour market considerations—outside the certain types of professional occupations outlined in the thesis. Before 1999 those who had been granted permanent residence, which at this stage was granted after two years of continuous abode, had been freed from labour market consideration. In the 2004 rewritten Aliens' Act one of the most significant changes was renouncing the practice of granting separate work permits. From 2004 onwards all continuous residence permits included a right to work. That is, only employment-based residence permits were first subject to labour market needs assessment. Yet, at this stage, those who had other than employment-based temporary residence permits, such as temporary permits based on family reunification (e.g. students' or temporary workers' families), did not have a right to work, until the EU family reunification directive (2003/86/EC) changed this in 2006.

If protecting national labour markets was an important consideration, as has been said, the government was also concerned about the decreasing population. In order to gain economically active immigrants

'with integration potential', better rights were granted to TCN students in 2006 to encourage them to find employment and to remain in Finland. Because education for foreigners is free in Finland, the government regarded it pertinent to grant students a right to remain temporarily for 6 months after the completion of their degree to look for a job and enable the Finnish economy to reap the benefits of education given to them. TCN students' rights to employment during studies were also increased to facilitate the finding of a permanent job after studies and to enable more flexible employment opportunities. Before this the meagre rights of students had been especially limited in practice by the inability of students' family members to work on temporary permits, but as said, this was also changed in 2006 due to EU law. However, the EU directive on TCN students (2004/114/EC) added a requirement to possess health insurance as a condition of granting student permits. This had not been the case under Finnish law, because all students, regardless of nationality, are covered under student health services included in the university fee (for example currently at 92€ per year in Helsinki University), and students gain access to health services at the latest after one year of residence. Further, with the EU-wide aim of increasing the competitiveness of the EU research and design sector, the EU researcher directive (2005/71/EC) was implemented in 2008. This amendment gave TCNs who are scientific researchers better rights than regular unfunded Ph.D. students by allowing better entry rights to other EU countries, longer residence permits and, thus in Finland, also better access to services and benefits. In line with this concern for competitiveness, but relating more to regulations on economic migration itself, the EU Blue Card scheme reserved for high-earning experts and researchers was implemented in 2011.

One of the changes relevant to economic and labour market considerations is the addition of the right to seasonal work in certain sectors within visa-free/visa-authorised stay in the 2004 revamp of the Aliens' Act. Seasonal work had previously been arranged by giving working permits to short-term labour from the neighbouring countries, especially from Estonia. Earlier only certain professions, such as top and middle managers, those working in international organisations or inter-state cooperation endeavours, professional musicians, artists or scientists, or professionals working in sports, religious officials had had a right to work without a permit. These rights were expanded to include lecturers, researchers, teachers, trainers and consultants for one year. In 2004 also the employer gained a right to appeal a negative employment-based residence permit of an (potential) employee it had recruited. Related, the Immigration Services gained a right to appeal the decision of the Administrative Court overturning its initial decision. At the same time, however, the changes implemented in 2004 intensified the criminalisation of employing immigrants without work permits. Negligence would be deemed a reason enough for conviction. The occupational health and safety officials would be required to report to the

police any suspicion of illegal terms of employment related to the right to work. Consequently, if considerations of competitiveness have led to increasing changes of obtaining the right to work in Finland, this rather constitutes a policy of foreign worker policy, not necessarily a policy of enabling the entry of foreign families, as we shall see next.

Out of the domestically motivated changes the 2004 changes to the residence permit duration were the most significant, although this was not explicitly stated in the government bill relating to the rewriting of the Aliens' Act (HE 28/2003). One of the main amendments was to legislate, at the level of law instead of decree, the granting of types of residence permits and their length. From 2004 onwards the residence permit system operated based on two types of fixed-term permits: continuous and temporary, or so called A- and B-permits (previously there had been only one type of fixed-term permits). In addition, most importantly the time of residence required before granting a permanent residence was doubled from two to four years. Thus, the differentiation between the continuous and temporary permits became more important, because continuous permits could be counted as indicating an intention to stay when deciding whether a right to municipality, i.e. a right to services and benefits as stipulated by the constitution securing basic rights to foreigners, would be granted. Yet, regardless of the type of permit, a TCN would gain a right to municipality after having legally resided for a year, which would allow them the right to services and to certain basic benefits.

EU law has also impacted the regulation on TCN's residence permits. The EU directive on long-term TCN residence permits (2003/109/EC) that TCNs, who are not students, protected persons or refugees or otherwise temporarily in a country, can obtain after five years were implemented in 2007. But Finland did not use the possibilities of requiring insurance covering health costs, as in cases in which a TCN was eligible for this permit, the TCN would have already obtained a right to benefits including health services. Also, no specific integration requirements were placed on obtaining the permit, such as language skills or integration training that are in place in some other EU countries. However, the room for manoeuvre that the directive enabled was utilised to maintain labour market need assessment as a condition of granting permits to those TCNs who have a long-term TCN's EU permit from another EU country. This was done explicitly in reference to the non-Estonian residents of Estonia who were not given Estonian citizenship at the time of Estonian independence. Estonians have for years engaged in seasonal work in Finland and many of them have ended up immigrating to Finland. The same future was not envisioned in the case of 'Estonian Russians' without Estonian citizenship.

Proceeding to discuss family reunification rights, as said, in comparison to TCN's family reunification rights, the changes introduced to Finnish and EU citizens' family reunification rights were more on the

positive side. In the new Immigration Act of 2004 better rights of applying for family reunification were granted to the family members of Finnish citizens than to TCNs. If EU citizens had had the right to bring their families into the country to apply for residence permits when migrating from another EU country, the official right to apply for a residence permit in the country was given to the family members of Finnish citizens in 2004 after which only other family members of the Finnish citizen needed to wait for decision abroad. In principle established family ties had been a basis for granting residence permits in Finland, but for most of the non-Western TCNs entry overall was possible only with a visa, which were not granted for spending family life in Finland. In 2004 the Finnish citizen's family members' right to apply for residence permit in Finland was changed to a requirement to register with the police, who would submit a residence permit decision to the Immigration Services in cases in which they suspected a marriage of convenience or an attempt to circumvent immigration law. In 2006 also the family members of the Finnish citizen's spouse (e.g. his/her children from a previous marriage) were granted this right to register their residence. This change was tied to the aforementioned EU directive on family reunification that made a general amendment to the definition of the nuclear family.

However, the family reunification possibilities for third-country nationals have been tightened, whilst at the same time as EU law has improved the family reunification rights of EU citizens and family reunification of Finns has been made easier. That is, if the government's concern over decreasing population and economic input focus focused on immigrants, the focus on immigrant families did not aim to encourage the immigration of TCN families, as has been indicated in the thesis. Rather the family reunification rights of TCNs were narrowed in 1999, first by abolishing the basis of granting permits if a close relative lived in Finland and, second, by taking away the right to bring other family members than the spouse and children in 2004. Further, also in 1999, family reunification decisions were required to account for the possibility that the resident applicant be able to move to a third country to continue family life. There was an element of securitisation of family immigration and since 1999 also those applying for residence permits through family reunification (and not just for asylum) could be fingerprinted by the police or border guard. Today all those applying or registering their residence are fingerprinted for biometric residence cards. However, in 2010 this was made a prerequisite for leaving a family reunification application instead of allowing for the possibility of adding the biometric data to the application at a convenient stage. In 2010 TCN's family reunification rights were tightened further. A stipulation was made that, in order to apply for family reunification, the sponsor had to have a residence permit already, thus instituting a separation in family life. Further, it was required that the children be under 18 on the day of the decision on the residence permit—and not on the day of the application, thus enabling the exclusion of 17-year-olds by merely procrastinating the decision-making.

Yet, also more lenient changes were made when negative family reunification decisions were granted a right to appeal. In 2006, in conjunction with the EU directive on family reunification (2003/89/EC), family reunification rights were reinforced in the sense that the principle of denying residence permits based on the applicants putting Finnish foreign relations in jeopardy was prioritised as secondary in relation to family reunification rights. Importantly, from 2006 this would automatically include the children in the custody of either spouse, thus allowing uncomplicated family reunification for blended families (taking into account, of course that for some blended families income security is required, for some not). Also, Finland did not use many of the possibilities that the EU directive allowed in limiting family reunification, such as requiring a residency period before family reunification would be allowed, requiring certain types of accommodation or limiting the right to family reunification of under 21-year-olds. Also Finland did not entertain the idea of allowing the entry of other relatives or adult children for TCNs, which the directive permits. Although at this stage, in 2006, Finland did not use the possibility, which the directive offered, to limit the refugee's family reunification rights to pre-existing families, this was done in 2010 as has been said. Further, the directive required that immigration officials needed to consider the applicants' ties to their home country—not just to Finland, and this clause was added to the law to reinforce the previous notion of having to consider if family reunification could happen in a third country.

Further, more generally on the more liberal side, the obligation to abide by international agreements on human rights etc. was added to the letter of the law. Most importantly, the right of appeal was expanded to include residence permits denied to foreigners residing abroad. This expansion also relates to the 1995 constitutional extension of basic rights also to foreigners residing in Finland (excluding the right of entry and voting rights). One of these basic rights is to right have one's official and legal issues decided inside reasonable time, which in the case of residence permits and citizens has attracted the Ombudsman's attention a few times. A reference to the Administrative Procedure Act had been included in the Aliens' Act in 1999 in the attempt to bring the administration of foreigners' applications in line with the law especially in regard to the need to process all types of applications inside a reasonable time frame. However, at this stage the government did not implement any specific time limits to processing asylum applications, except of course in the case of the speedy asylum process, although it referred to the likelihood of having to do so due to the EU directive on minimum criteria for asylum processes that was under preparation at the time. No such specific limits have been applied to asylum applications yet, although in 2006 the government limited the processing of family reunification applications to nine months, which then applies also to asylum seekers and not just TCNs.

Consequently, we have now seen how the Aliens' Act has been changed in relation to TCNs and their various rights. We have also seen how EU law has had an impact on the direction of Finnish

immigration law. Appendix 2 will evaluate some of the Finnish immigration policy practices in relation to other EU states, showing that Finnish practices relatively are not very restrictive. We will now take a look at EU migrants and the changes to their rights vis-à-vis Finland.

EU Migrants

Finland joined the EEA in 1994 and the EU in 1995 and the immigration act was amended accordingly. With the development of EU law, several amendments were made that had to do with the room for manoeuvre that the directives allowed. In 2007, specifications as to when EU law would be applied to EU citizens and their family were added to the law. According to the Finnish interpretation, rights would not be determined based on citizenship, but based on 'practising the right of free movement', that is, only when an EU citizen was moving from another EU country where (s)he had lived with a family member in a non-temporary manner. This room for manoeuvre was ended in 2010, when EU courts asserted that EU citizens family reunification rights could not depend on wherefrom either the EU citizen or the family member were coming. In 2007 also a clause regarding EU citizen's marriage of convenience investigation was added to the law. Clear stipulations for this had not been included in the Aliens' Act, and the EU had had a Council resolution on combatting marriages of convenience since 1997 (97/C 382/01). For Finnish citizens and TCNs the possibility of conducting a marriage of convenience investigation was included in a clause regarding the suspicion of intention to circumvent entry regulations. EU citizen's family definition was widened to include other relatives who were under the care of the EU citizen (but not of the spouse). In 2007 the regulations on immigration offences were amended to include EU citizens who had failed to register their long-term stay, which had not been criminalized before. After 2007 the application of specific income requirements on EU citizen was struck down by the Commission, although income security was still required in unspecified amounts. At the same time, the EU citizens' deportation regulations were specified so that the deportation of EU citizens was allowed if they were not employed and relied on income support. In addition, the time required before EU citizens were given permanent residency (which increases protection from deportation) was extended from four to five years in the name of 'harmonisation'. Thus, although there is no explicit problematization of EU immigration, rather it is constantly referred to in positive light (excluding Roma migrants as was seen in the thesis), the government has a tendency to regulate the rights of EU citizens as well.

Summa summarum, clearly two directions can be seen in the amendments made to the Aliens' Act: one is restrictive. These changes partly come from domestic pressures, partly from the EU—especially when it comes to limiting illegal(ised) immigration. The second direction is liberal. These amendments arise both from domestic and international sources. The fact that foreigners are secured equal rights in the constitution (a point that went undiscussed during the basic rights amendment in the parliament) places certain restrictions on limiting foreigners' rights to benefits, for example. However, in many other senses, the fulfilment of these rights could be better, such as in case of the right to have issues decided inside reasonable time frames and have the Immigration Services respect the judicial results of one's appeal. An important influence towards liberalism comes from the EU. The rationalities of EU policy are in many ways the same, which can be seen in the next Appendix, in which some basic comparative analysis is made of the implementation practices in other EU countries. Yet, legislative culture is more liberal in Finland and this can be seen in the more robust rights of appeal and referencing of international law present in the directives forwarded, which then imposes regulations on Finland that are not seen as pivotal domestically.

Appendix 2: Statistics – Migrants, Foreigners and Asylum Seekers in Finland

In this appendix I explore the statistical background to immigration and immigration policy. I will first lay out the statistics related to migration patterns that were discussed in the introduction of the thesis. After this I shall examine statistics about asylum seeking and illegal immigration in a comparative context. Then the discussion will move onto the issue of refused entry at the border, illegal immigration and deportations, again in a comparative framework. Further, visa and residence permit decisions will then be discussed and their denial rates shall be examined. Permit decisions will also be examined in terms of the duration of granted first permits by comparing them to EEA tendencies. Lastly, a look at additional statistics related to visa requirements and the racialising results of the visa policy will be in order.

Statistics and Migration Patterns: Immigration Figures and Ex-patriots and EU Migrants

As it was outlined in the thesis, migration figures often include returning ex-patriots. That is, a lot of the emigration and immigration is due to the movement of citizens themselves. Therefore, it is always essential to examine what these figures contain in reality. For example, in Chart 4 we see a pattern of Finnish immigration, based on Statistics Finland immigration figures, that is very different to Chart 3 (in Appendix 1), which looked at the number of foreign citizens in Finland and saw a more exponentially

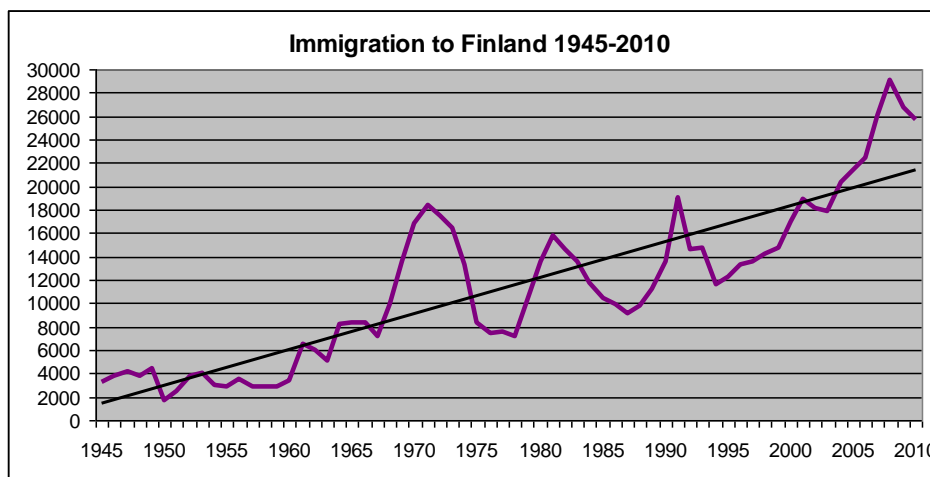


Chart 4. Immigration to Finland 1945-2010 (including returning Finnish emigrants). (Source: Statistics Finland A) growing figure. Because the Scandinavian passport free zone allowed mass emigration from Finland, and many more Finns took advantage of this opportunity than other Scandinavians did to immigrate to Finland, a lot of the immigration in the 1970s and 1980s is Finnish return migration. This highlights two things: first there have been migration peaks before and that the economy has incorporated large

numbers of immigrating people. Secondly, whilst these earlier migrations were largely Finnish migrations, the qualitative difference is also clear: since the 1990s the entry of foreigners has increased a lot. Yet, Finnish migrations form a large part of the contemporary immigration figures still today. This inclusion of own nationals in immigration figures is a confusing practice, as a non-expert would not consider an immigrant to mean a country's own nationals. Based on current Eurostat figures, if the nationals of the country itself are deducted from the immigration figures regularly quoted as 'immigration', the numbers are reduced roughly by 17% (see Chart 5). In case of Finland, there is a reduction of 39% in immigration figures. Further, because the term 'immigrant' is such an inflammable concept, it is worthwhile looking at another aspect that is hidden behind the 'immigration' figures. Immigration figures of foreigners can be broken down to include EU migrants. Chart 6 shows how the actual numbers of immigrants from outside the EU represent about 39% of all immigrants between 1998 and 2009. As was indicated in the Introduction to the thesis, when the net migration is broken down by 'whiteness' and 'non-whiteness', 'white' migration to Finland has grown more than 'non-white' migration and represented over 65% of foreigners in Finland. Consequently, presenting figures, which do not distinguish between these different types of immigrants, offers important ways of politicizing immigration through high numbers. None of the anti-immigration agendas advocate a cessation from the EEA, which would be the only measure stopping the entry of EU and EEA nationals.

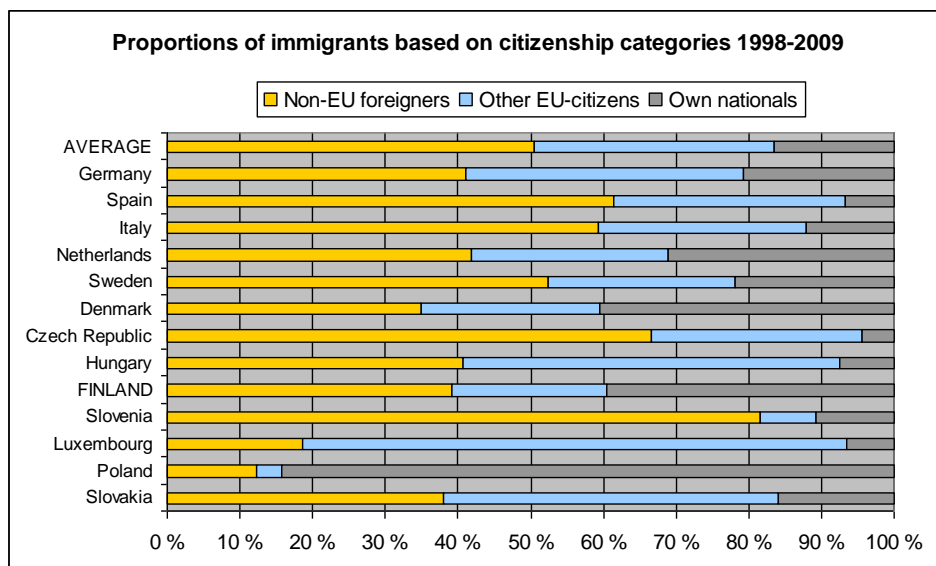


Chart 5. Proportions of immigrants based on citizenship categories 1998-2009. (Source: Eurostats A. Values from those countries that had the required data.)¹³⁹

¹³⁹ Values from those countries that had comparable data. Percentages calculated based on the sum of all immigrants in the years that data was available. Data missing from the following years: Belgium 2008, 2009; Czech Republic 1998, 2009; Cyprus 1998, 1999, 2009; France 1998-2002, 2009; Hungary 2009; Poland 2009; Slovakia 1998, 1999, 2000; and United Kingdom 1998. Bulgaria, Estonia, Greece, Malta, Portugal and Romania did not have enough or any of the required data.

Finally, it is worthwhile to evaluate the proportion of foreigners in Finland in relation to EEA countries. In Chart 6 we can see that the proportion of foreigners in Finland is one of the smallest in the EU.

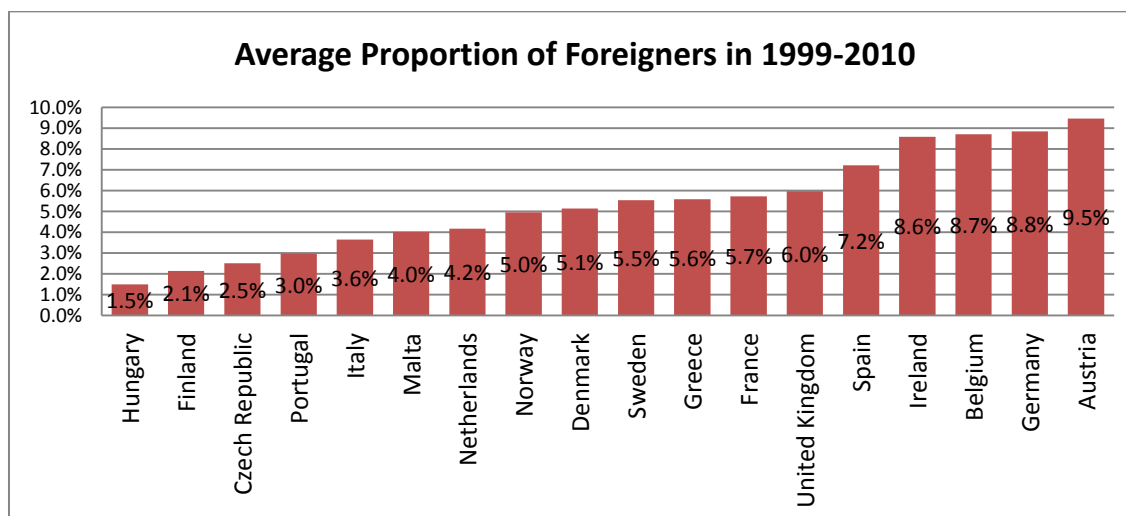


Chart 6. Average proportion of foreigners of total population in 1999-2010 (when reported).¹⁴⁰

Asylum Applications in a Comparative Frame

This section outlines the number of asylum seekers in Finland in comparison to the same data from other countries. The numbers are compared against long-term averages, the comparative size of the economy and the size of the population to gain a proportionate notion of the amount of asylum seekers in Finland. As the thesis has indicated, the discussions in the Finnish parliament are geared toward

Average Number of Asylum Applications per Year 1999-2012 (when reported)							
Country	Average	Country	Average	Country	Average	Country	Average
Germany	57610	Belgium	17038	Czech Republic	4262	Malta	1346
France	43087	Switzerland	12884	Ireland	4010	Luxembourg	976
United Kingdom	41921	Greece	11852	Cyprus	3839	Bulgaria	965
Sweden	27114	Norway	11123	Denmark	3419	Romania	895
Netherlands	26528	AVERAGE ALL	10235	Slovakia	3202	Slovenia	640
Italy	19026	Poland	5664	Finland	2890	Lithuania	293
Austria	18863	Spain	5155	Hungary	2468	Portugal	141

Chart 7. The average number of asylum applications in EEA countries (1999-2012) (where data available, Source: Eurostats B and C).

¹⁴⁰ Source: Eurostat database on "Population by sex, age and broad group of citizenship [migr_pop2ctz]". Available at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_pop2ctz&lang=en, accessed 20.1.2014.

preventing an influx of asylum seekers: The explicit goal of asylum legislation is to 'send a message to 'asylum shoppers' that gaining asylum is not easy in Finland'. Yet, the number of asylum applications is small in comparison to the applications handled in many other European countries, as Chart 7 shows. This chart shows that when annual fluctuations are removed by calculating the long-term average of asylum applications in each country, the average number of asylum applications in Finland between 1999 and 2012 is well below the EEA average. It has to be noted that the figures of some countries, such as Greece, Italy, Germany and Spain, may not be accurate, as the statistics they have provided are not complete (i.e. they may have provided data only after 2001 or 2002).

Further, a quantitative look into the actual practices of granting of asylum is in place. As was indicated in the thesis, Finnish asylum policy has been restrictive in practice. Clearly, the number of applications does not say anything about the validity of applications, i.e. there can be a huge number of asylum applications that do not give grounds for granting any type of protection without the decision-making practices in themselves being restrictive. Also, countries tend to receive asylum applications from different parts of the world. Yet, in terms of long-term averages, there are also clear tendencies of how asylum applications are treated. Yet, if we look at Chart 8, it shows the various tendencies of interpreting asylum legislation in different EEA countries. There are a number of factors that influence these figures. First of all, again, as above, all countries have not provided data for all the years between 1999 and 2012. Secondly, the legislation in each country is different; some countries had only the category 'protection under the Geneva Convention' in their legislation until the Common European Asylum System, especially the directive on minimum standards of protection to asylum seekers (2004/83/EC) changed this for participating EU countries. We shall discuss this shortly. Whilst these differences in national legislation have often been interpreted as not reflecting lenience or strictness of asylum decision-making, but merely differences in options, this does not have explanatory value in terms of governmentality. That is, firstly, what these legislative differences demonstrate is indeed the national impetus for governing asylum seeking: as offering options outside the Geneva Convention enables the granting of different rights to refugees than the Geneva Convention stipulates. For example, the use of other types of protection than Geneva refugee status enables the restriction of refugees' travelling provisions by granting different types of travel documentation or the disciplining of rights given to refugees' family members as is done in Finland. Secondly, what these differences demonstrate is the possibility of reading the Geneva Convention quite differently. That is, other countries clearly interpret the Convention more leniently than Finland does. Consequently, what we have are vastly different tendencies of reading the Geneva Convention, as Chart 9 shows. In the case of Finland, we can see

that while the tendency to give positive decisions is above the EEA average, when it comes to granting a Geneva refugee status, Finland is clearly one of the strict interpreters of the Geneva Convention.

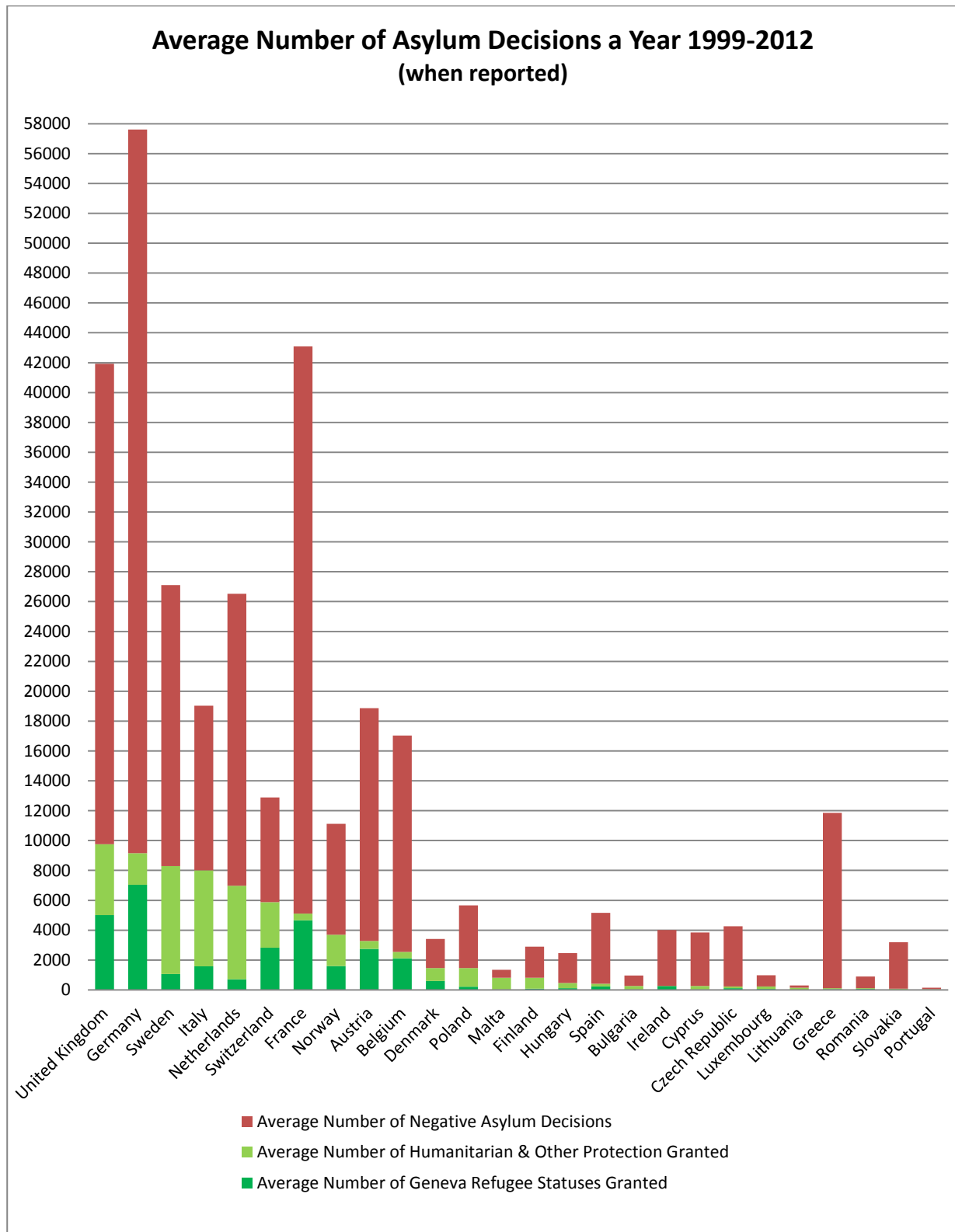


Chart 8. Average number of asylum decisions per year based on decision types in 1999-2012 (when data available; source of data: Eurostat C and D).

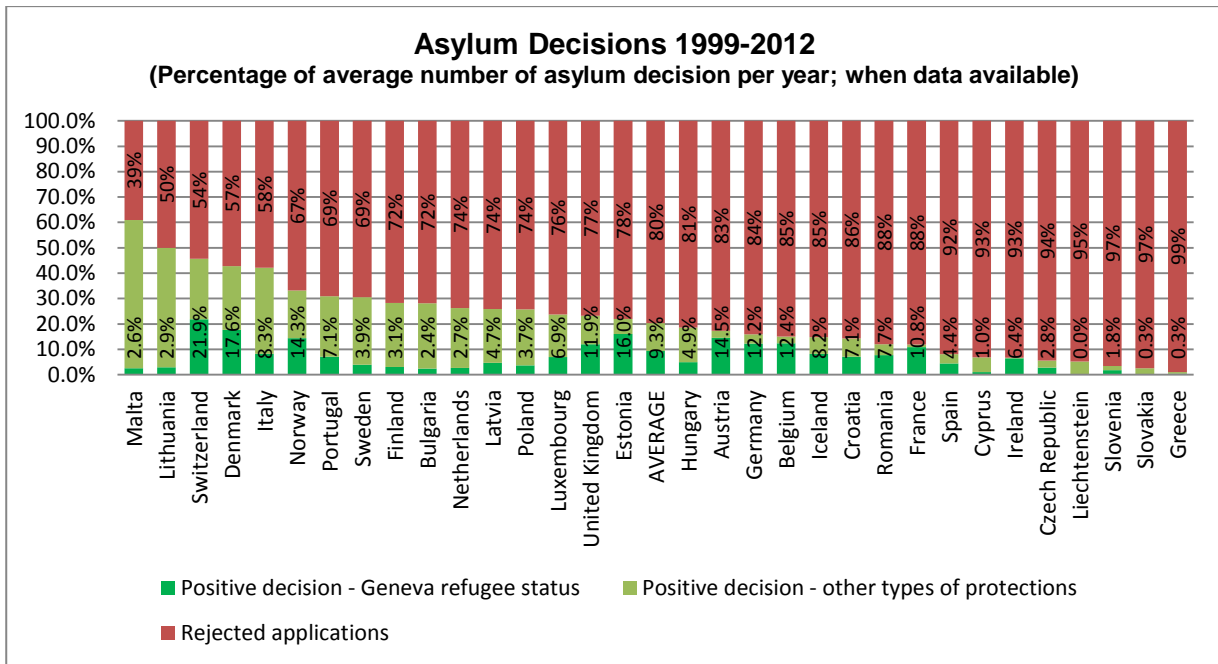


Chart 9. The share of various types of asylum decisions in 1999-2012 (percentages calculated based on annual average for the years were data provided; source Eurostat C and D).¹⁴¹

Further, as was mentioned above, the Common European Asylum System has influenced national legislation and decision-making. If we look at the shift in national decision-making tendencies prior to and after 2008, giving a leeway of two years because of the large number of countries that missed the transposition deadline, we can see in Chart 10 how there have been shifts in the tendency to interpret asylum legislation. That is, in countries that granted Geneva refugee statuses in nearly all cases prior to 2008, i.e. did not have other types of refugee statuses available in their national legislations, continue to read the Geneva Convention in a more lenient way. In comparison, in some countries, such as Finland, that did have a strict way of interpreting the Geneva Convention, the EU-wide minimum standards have pushed the interpretation towards leniency.

¹⁴¹ Percentages are shown for the Geneva statuses and rejected applications.

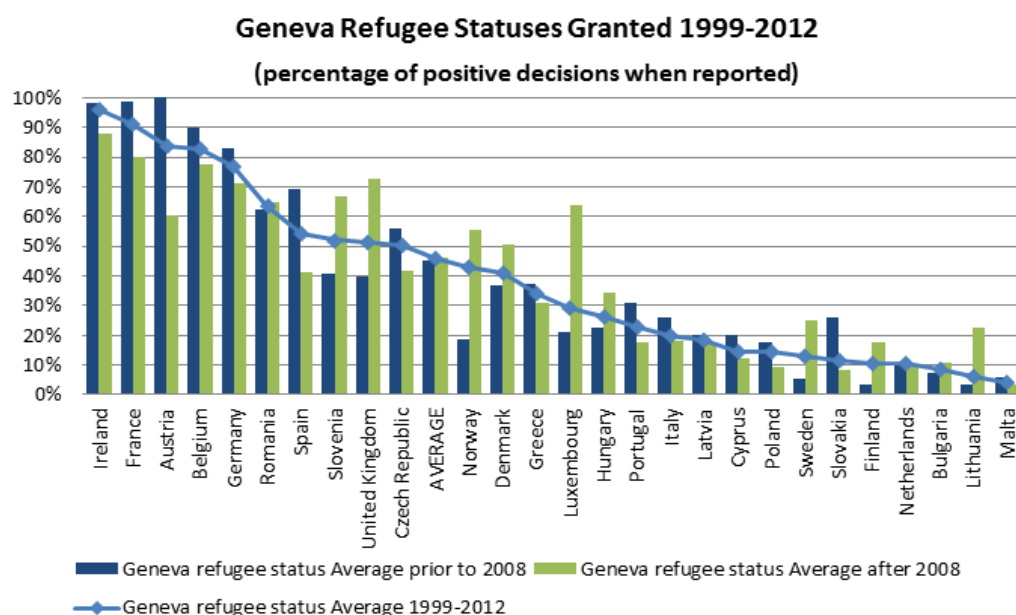


Chart 10. The percentage of Geneva refugee statuses granted out of positive decisions prior to and after 2008 between 1999 and 2012 (when data available, source Eurostat C and D).

Further, to make these numbers of asylum applications comparable, it is important to take into account the size of the various national economies. I have compared the average number of asylum applications per annum (based on the data in Chart 9) to the size of the economy in 2009. There is obviously a difference in terms of the years in question, but as it is actual resources different countries use towards asylum seekers vary depending on national legislation, this comparison cannot be but indicative in any case. Chart 11 shows how Norway, Denmark, Ireland, Finland and Spain have richer economies in comparison to the number of asylum seekers they receive. Hence, comparatively the per capita financial burden in Finland is not in any way negatively out of proportion to the size of the economy. France, Germany and the UK have quite the opposite situation: the number of asylum seekers received is disproportionate in comparison to per capita GNI.

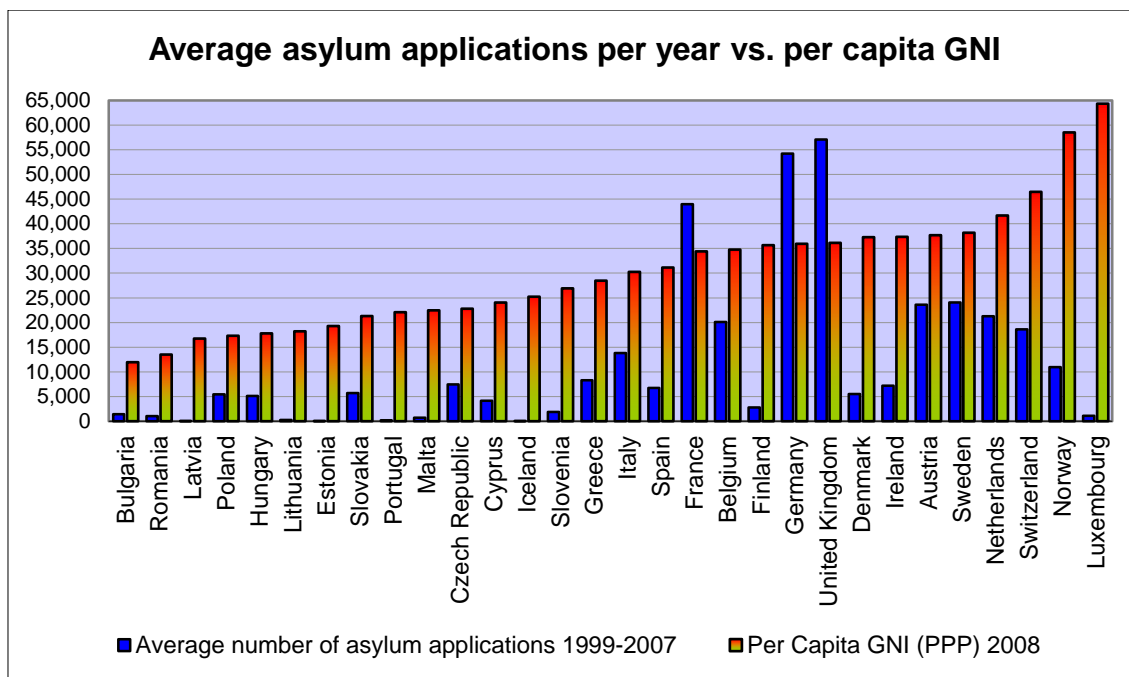


Chart 11. The average number of asylum applications (1999-2007) versus per capita Gross National Income (PPP) in 2008 (Source: UNData and Eurostat A).¹⁴²

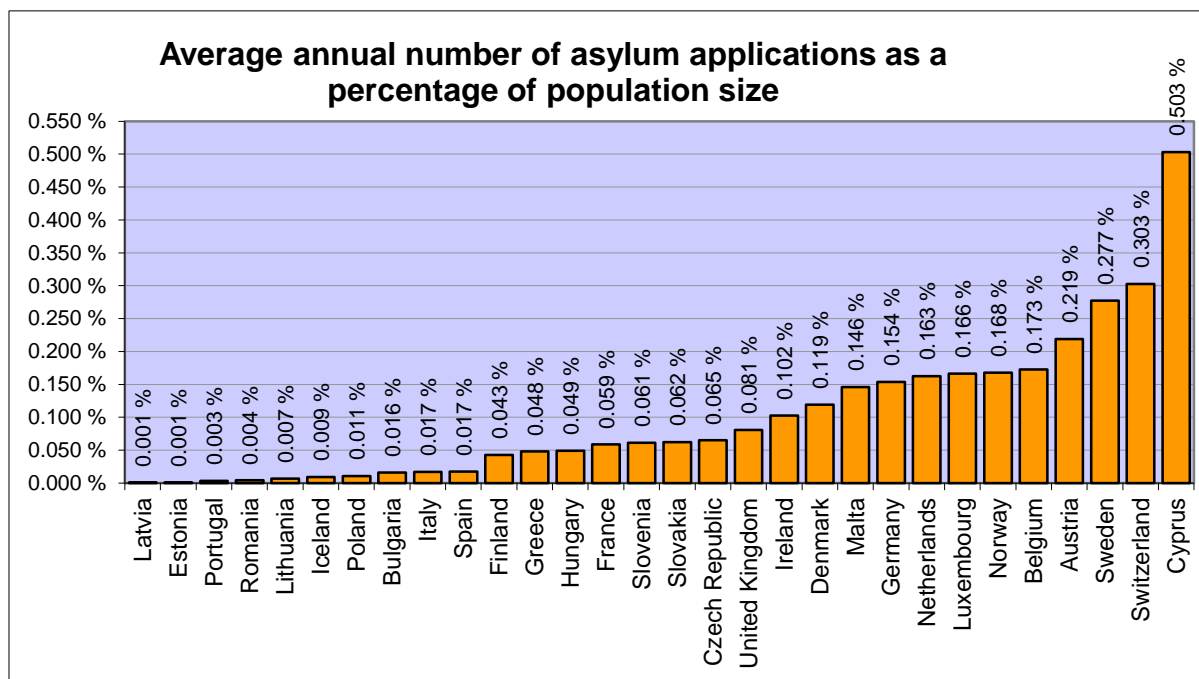


Chart 12. Average annual number of asylum applications (1999-2007) as a percentage of population size. (Source: Eurostat A and E.)

¹⁴² The wealth of the economy is measured in the internationally used per capita Gross National Income (GNI) for year 2008 and it takes into account the Purchasing Power Parity (PPP). The value is shown in US dollars as UNData receives the information from the World Bank.

Moreover, if we compare the average number of asylum applications (1999-2007) to the size of the population, to indicate the proportional 'visibility' or what some call 'the capacity to integrate foreigners', we can see that also in this regard Finland is below the average. If the amount of asylum applications is measured against the population size of the country, Chart 12 above shows that the proportion of asylum applicants in Finland is well below the average of 0,078% in the EU and EEA. Altogether, the Immigration Services reports, Finland had accepted some 18.000 refugees between 1973 and 2000. By 2010 the total number of accepted refugees, including their families, was some 37.500 individuals.

Deportations, Refusals of Entry and Illegal Immigration

In this section we shall highlight some of the statistics related to refusals of entry at the border, illegal immigration and deportation along the lines that these issues were discussed in the thesis. First, a quick look at the statistics discussed in section 3.3.3. relating to the refusals of entry at the border is in order. As was discussed and as Chart 13 shows, Finland, together with the UK, are the highest users of 'insufficient funds' as a reason for denial of entry at the border.

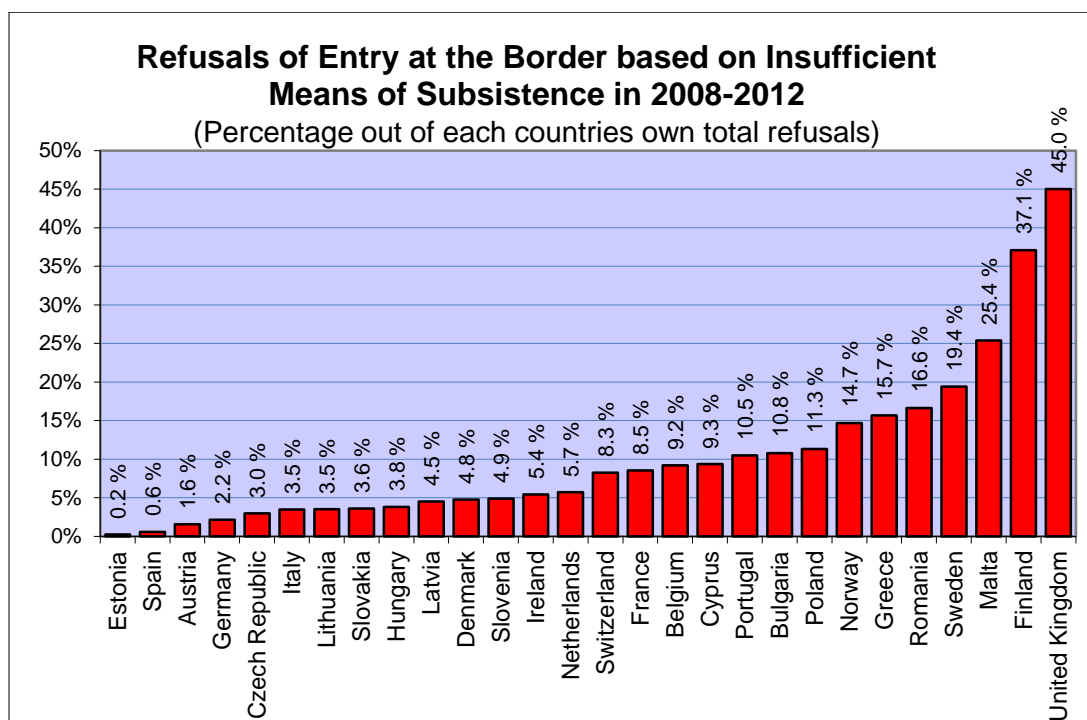


Chart 13. Refusals of entry in each EU and EEA Country based on insufficient means of subsistence as a percentage of all refusals of entry at the border in each country in 2008-2012. (Source: Eurostat F)

37 percent of all refusals of entry at the border in Finland are based on the assessment that the foreigner cannot show sufficient means of subsistence for the duration of the stay as judged by the official requirements of the level of finances required. The figures are in proportion to each country's own number of refusals of entry, and hence do not reveal the actual comparative number of refusals (Chart 15 shows this) but merely the national practices. With an average of 1358 refusals per annum between 2008 and 2012 Finland has the fourth highest amount of refusals of entry at the border in this category among the EU and EEA countries. The average for the UK was 19.910.

Further, if we look at the data available for 2008 and 2012 on EEA country tendencies, we can clearly see that different countries have quite different tendencies to refuse entry at the border based on 'no valid reason'. These figures are naturally impacted by the geography of external borders to Schengen and the required border control measures, but airport security is a common feature in all these countries.

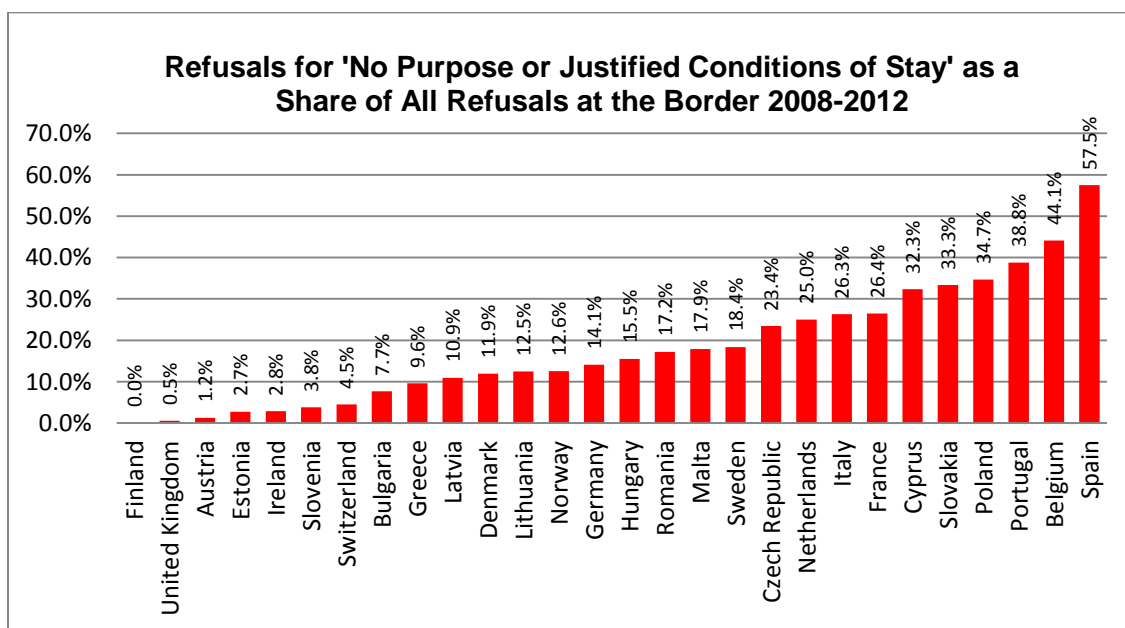


Chart 14. Refusals at the border because the purpose or conditions of stay are unjustified in 2008-2009. (Source: Eurostat F)

There are also clear tendencies in terms of numbers and proportions of reasons for refusal shown in Chart 15. The values in the case of Spain, Germany and Switzerland are not complete. The total number of refusals at the border for Spain during these years is 1.614.555. However, for most of these Spain has not reported a reason that would fall into the available Eurostat categories. On average Spain refuses entry for some 330.000 individuals per year when the average for the rest of the countries,

Poland, UK and France included,¹⁴³ is 115.994. For having a long external Schengen border, Finnish numbers are rather low.

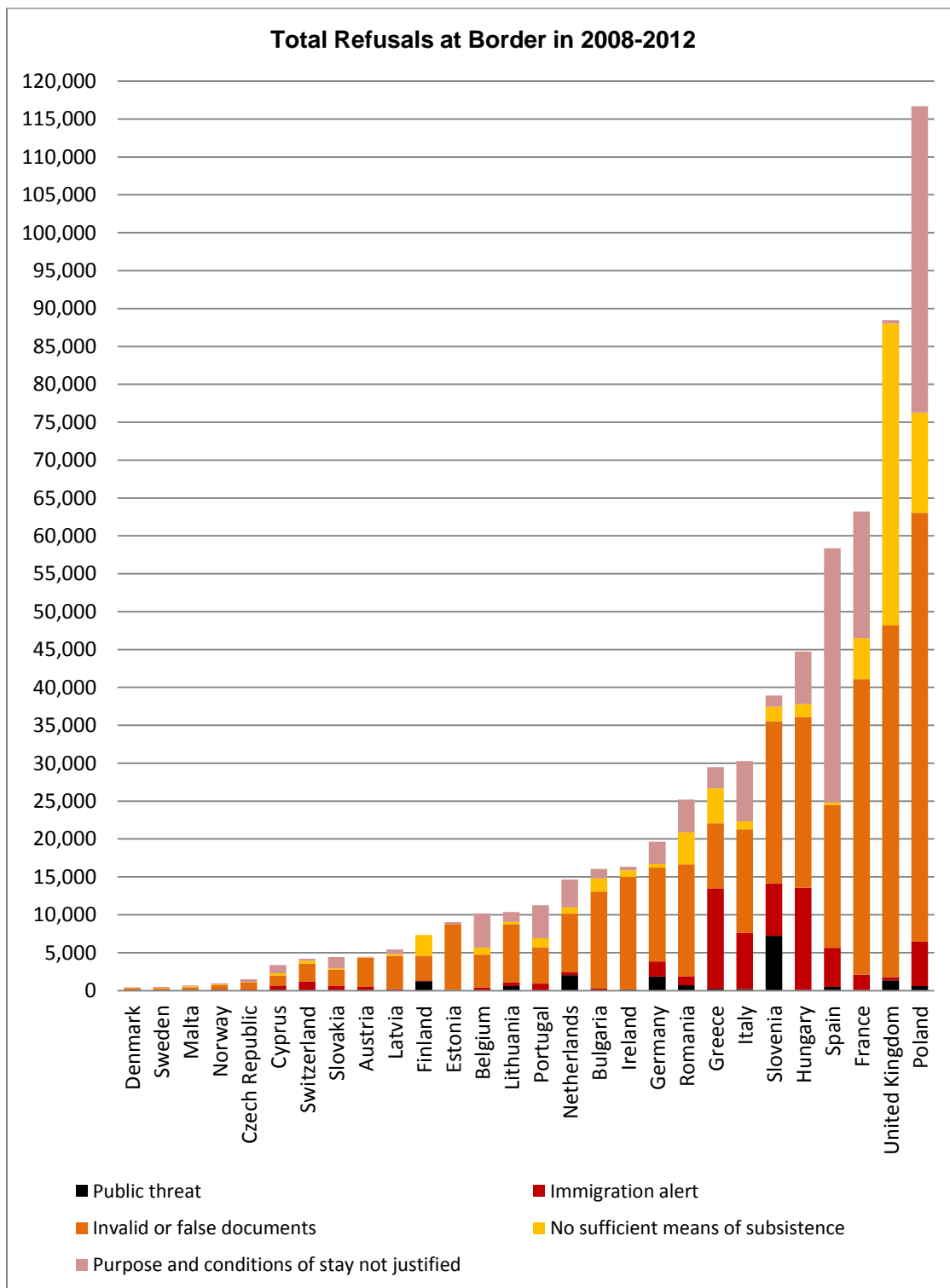


Chart 15. Total refusals at border in 2008-2012. (Source: Eurostat F.)

¹⁴³ The average number of refusals per year for Poland is 23,337, for the UK 17,697 and 12,645 for France.

Moving onto discussing illegal immigration, as was explained, 'immigrant' is one of the key terms that carry different connotations from what statistics actually reveal them to be, as different categories of immigrants included also ex-patriots. The same is the case with 'illegal immigration', as was explained in section 3.3.2. of the thesis. As Chart 16 shows, between 2005 and 2009 the majority of 'illegal immigrants', i.e. of those who resided in Finland without appropriate permission, were 'white'. This does not necessarily correspond to the common sense notion of illegal immigrants.

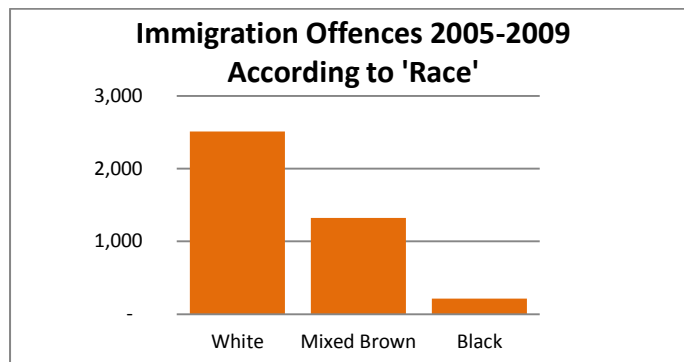


Chart 16. Immigration Offences according to 'race' in 2005-2009 (Source: Statistics Finland B).

In comparison to EU figures in absolute numbers the numbers of illegal immigrants are on the lower side in Finland between 2008 and 2012 (some 4.500).

Chart 17 shows that proportionally speaking, when comparing the numbers of illegal immigrants to legal immigrants, the problems are largest in Malta, Romania, Poland, Cyprus and Greece, where the number of TCNs who are found to be in the country illegally represent an over 10% addition to the number of legally residing TCNs, whereas in Denmark and Germany the share is 0.3% and 1.2% respectively (although in absolute numbers in Germany this corresponds to some 55.000 illegal immigrants found annually). In Finland the figure is 4.6%, that is, in addition to legally present TCNs, the 4.500 annually detected illegal immigrants would add an extra 4.6% to the annual immigration figures in Finland. Typically, illegal immigrants would be subject to forced deportation unless they apply for asylum. On average, there are some 880 illegally present foreigners per year in Finland who are fined for immigration offences. Next we shall take a look deportation figures.

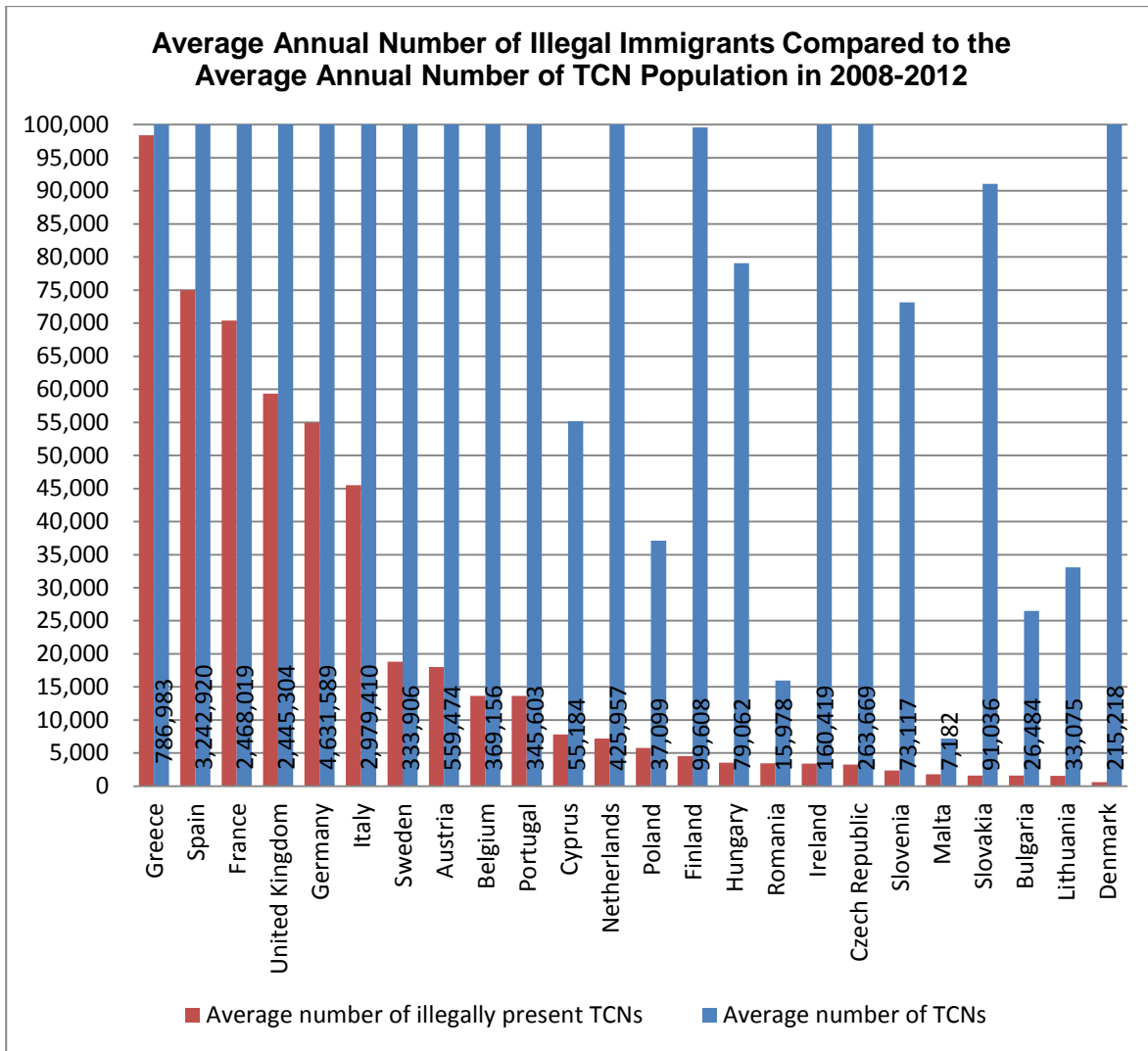


Chart 17. Average number of illegally and legally present TCNs in 2008-2012 (Source: Eurostat G).

As was discussed in the thesis, in 3.3.2. in footnote 56, there has been an increase in the number of deportation recommendations given by the police. This is a category different from deportation orders attached to negative permit decisions, but rather relates to situations in which, the police takes the initiative and recommends the deportation of a foreigner who has stayed legally in the country, but has committed some kind of a crime. Chart 18 shows how the tendency to recommend deportation has risen more than the actual decisions to deport and that decisions against the recommendation have increased more than decisions agreeing with the recommendation. Indeed, Chart 18 shows that the number of decisions to deport remained steady (60-90 deportations a year) until 2010, when they doubled. The situation altered radically in 2010 when the number of recommendations of deportation went up to 446 and deportations totalled 216. If we look at the percentage of deportation decisions in the Chart 19 below, it tells us that annually the percentage fluctuates quite considerably. Despite the peak after

2009,¹⁴⁴ the trend at this stage was for deportation decisions going down in relation to deportation recommendations. Nevertheless, the increasing recommendations of deportation have resulted in an increased number of deportations, as the trend lines show, and they were still on the rise in 2013.

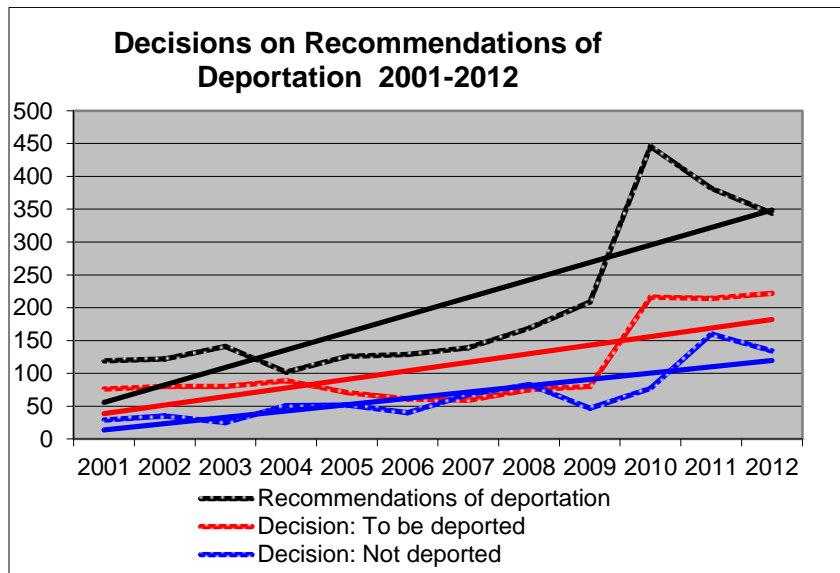


Chart 18. Decisions on Recommendations of Deportation 2001-2012 with actual numbers and trend lines. (Source Finnish Immigration Services A.)

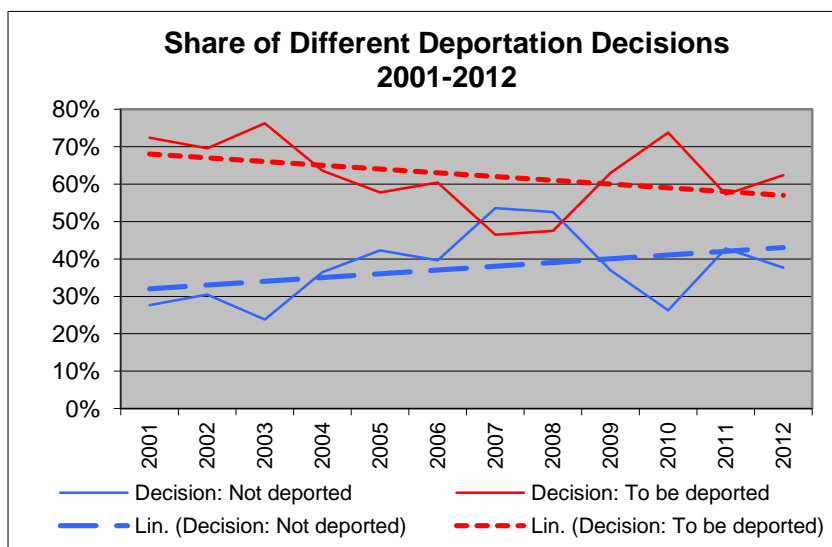


Chart 19. Deportation Decisions 2001-2012 with actual numbers and trend lines. (Source Finnish Immigration Services A.)

¹⁴⁴ The media connects this trend to a 2009 *Sello* mass murder case in which a refugee, who had been in the country for nearly 20 years and had been convicted and investigated of many crimes and had been issued multiple restraining orders against his long-term partner, murdered this then ex-partner, himself and four other people at the partner's workplace including a man he suspected of being his partner's new boyfriend. The refugee had been denied Finnish citizenship because of his criminal activity, but had not been deported. After the murders the issue of his non-deportation was debated in the public, and 2010 saw a sharp increase in the deportation recommendations. The deportation numbers and deportation legislation have since remained in the public eye.

So far we have discussed recommendations for deportation, next we shall look at orders to leave. The statistics below need to be distinguished from what has been discussed above. This is because in Finland an 'order to leave' is discussed as 'deportation', whereas in the EEA context an 'order to leave' is differentiated on the basis of whether the departure is voluntary and forced. This distinction has been added to the Finnish legislation later, which now requires that 'voluntary return must be allowed'. Looking at the Finnish tendency to deport or to assure voluntary return, by comparing it to EEA tendencies, it can be

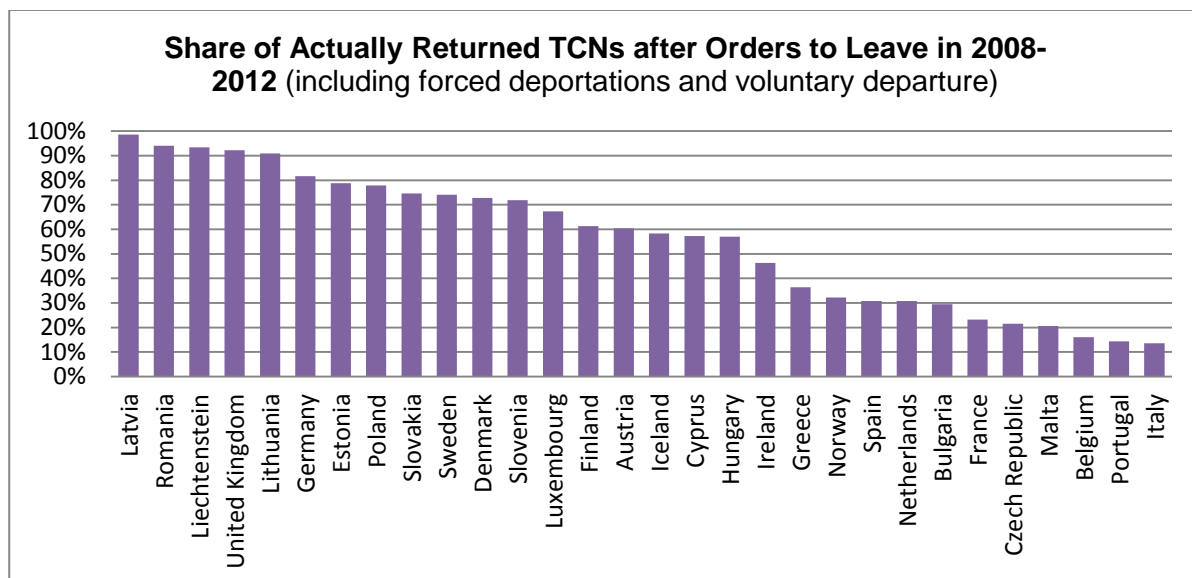


Chart 20. Share of actually returned TCNs after orders to leave in 2008-2012 (not including Dublin transfers; Source Eurostat H).

seen in Chart 20 that Finland actually does not verify whether foreigners have left or not very strictly. That is, the notion that 'deportation is self-evident' discussed in section 3.3.2. does not materially result in exceptionally efficient deportation measures. These numbers, especially in comparison to those of the UK, certainly are impacted by the difficulty of controlling movement inside the borderless Schengen area. Therefore, it cannot be said that the average numbers of actual deportations in Finland would reflect a governmentality of not wanting to control actual return, as practical difficulties of implementation may compromise the impetus to control immigration that was evident in the governmental texts and parliamentary discussions.

Visa and Residence Permit Decisions: Denial Rates and Durations of First Permits

In this subsection we shall be looking at the statistics relating to visa and permit decisions, their type and their relation to the nationality of the applicant, which were discussed in section 4.2.1. of the thesis. First, we shall take a look at the figures of denials of visas between 2000 and 2010. Chart 21 shows the denial rates for visa applications logged in Finnish embassies abroad. The applicants' phenotype or religion cannot be known based on these statistics, because visa applications can be submitted in any country and not only in the country of origin. Yet, it has to be noted that visa applications are not required from any of the EU or 'Western white' citizens. Hence, all these applications, including those logged in the EU or 'non-EU white' countries are all for visa requiring TCNs who have not obtained a TCNs' long-term residence permits or who are not married to EU citizens, i.e. who do not have permits for free movement inside the EU. The majority of cases in the 'non-EU white countries' were logged in Russia (largely Russian tourism in Finland) and are, thus, typically 'Eastern white'. In other regions, it is safe to assume that the majority of the applicants are either from the

Visa applications in Finnish Embassies in 2000-2010			
The location of the embassy:	All applications	Refused applications	Percentage of refusal
In the EU	160449	11568	7 %
In non-EU 'white' countries	5 714 718	76 623	1 %
Outside the 'white' world	571623	43105	8 %
In 'non-white' Christian countries	163586	7727	5 %
In Asian countries	304608	16483	5 %
In African countries	51 158	7 881	15 %
In Muslim countries	103429	18895	18 %
Total without Russia	831465	58855	7 %
Total	6434306	129705	2 %

Chart 21. Visa applications in Finnish Embassies in 2000-2010.¹⁴⁵

region or from the country where the application has been logged or at least phenotypically 'non-white'. What stands out is the larger refusal rate in countries that are mainly Muslim or 'Black African': Against the average excluding Russia (7%), the refusal rate is 18% and 15% respectively.

If looking at the denial shares in various countries paints a certain kind of picture, also the residence permit denial rates tell a similar story, as was indicated in the thesis. Here merely some more detailed statistics are added to what was presented in the thesis and some additional comments are made about the data that these statistics are based on. It is important to consider that the data the Immigration Services release covers only the annual 'Top-10' nationalities applying for residence permits, which

¹⁴⁵ Information based on visa statistics ('viisumitilastot') obtained from the Foreign Ministry of Finland.

Residence permit applications (TNC)	2006			2007			2008			2009			2010			2011			2012			2006-2012 Denial %
	Granted	Denied	Total	Granted	Denied	Total	Granted	Denied	Total	Granted	Denied	Total	Granted	Denied	Total	Granted	Denied	Total	Granted	Denied	Total	
Croatia															567	3	570				1 %	
United States	590	18	608	656	4	660	658	10	668	671	21	692	637	20	657	822	24	846	760	37	797	3 %
Bulgaria	285	12	297																			4 %
India	955	37	992	1239	32	1271	1546	41	1587	1256	61	1317	1594	66	1660	1 482	57	1 539	1 158	29	1 187	5 %
Ukraine	461	47	508	981	56	1037	953	106	1059	601	82	683	675	66	741	822	63	885	858	100	958	9 %
China	946	57	1003	1223	52	1275	1557	93	1650	1248	155	1403	1208	179	1387	1 347	91	1 438	1 381	132	1 513	11 %
Thailand				383	59	442	525	56	581	415	60	475	446	78	524							13 %
Russian Federation	3716	323	4039	4927	360	5287	5173	480	5653	3662	527	4189	3703	582	4285	4 027	552	4 579	4 175	676	4 851	15 %
Vietnam				376	96	472				345	96	441	496	136	632	571	94	665	574	86	660	18 %
Nepal																			423	97	520	19 %
Serbia and Montenegro	294	64	358				381	92	473													19 %
Nigeria							368	121	489													25 %
Irak				251	45	296				289	41	330	328	147	475				307	178	485	26 %
Turkey	463	150	613	737	205	942	707	202	909	581	258	839	518	214	732	544	245	789	505	206	711	27 %
Somalia	257	172	429	523	218	741	563	191	754	534	417	951	522	686	1208	595	1 433	2 028	473	2 054	2 527	41 %
Afganistan	98	66	164													222	339	561				56 %
TOP-10 total	8065	946	9011	11296	1127	12423	12431	1392	13823	9602	1718	11320	10127	2174	12301	10 999	2 901	13 900	10 614	3 595	14 209	12 %
ALL TOTAL	12786	1626	14412	17271	2031	19302	19606	2599	22205	15208	3052	18260	16322	3998	20320	17 683	5 064	22 747	17 157	5 463	22 620	14 %

Chart 22. Top-10 Countries for Residence Permit Applicants and the Denial Percentage (Source: Finnish Immigration Services B).

results in the fact that not all nationalities are given information for every year (see Chart 22). Nevertheless, there is a trend, as Charts 22 and 23 show, that the Top-10 countries with 'white' populations clearly have a

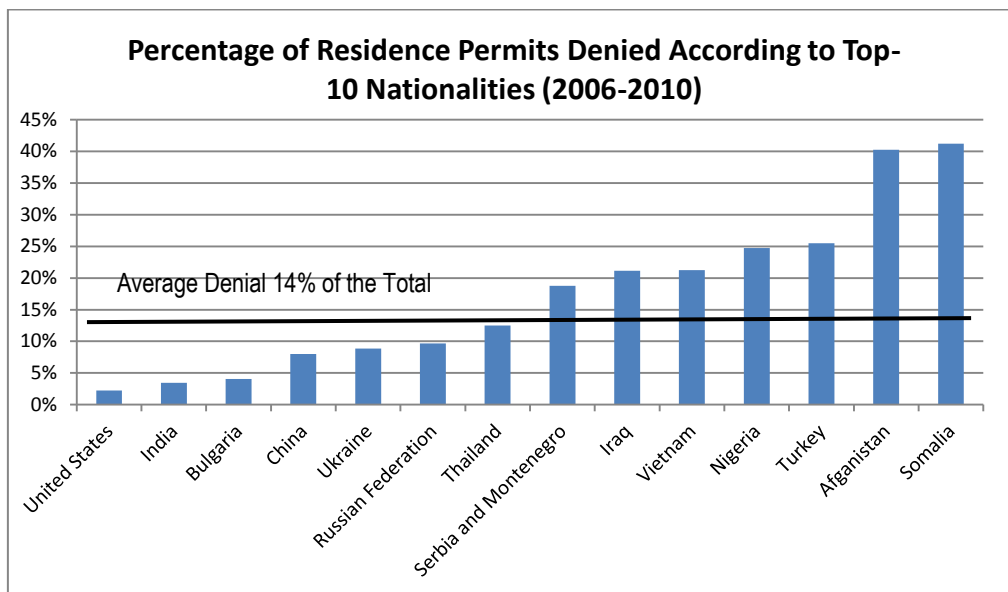


Chart 23. Percentage of Residence Permits Denied According to Top-10 Nationalities (2006-2010). (Source: Finnish Immigration Services B)

lower tendency for denial than the average. Yet, as was said in the thesis, these conclusions need to be evaluated against the data, which is not statistically reliable, because these numbers 'compare apples and oranges': That is, the residence permits here contain all types of residence permits that TCNs require, including employment-based, Finnish ancestry, family reunification, student permits etc. In this sense, a high-salaried American manager who applies for employment-based residence permits and family reunification is here compared with a Somali national who makes a residence permit application for a foster child, for example. Further, the applications do not signify the number of new entrants either, but reflect merely an occasion that an entry permit needs to be renewed—which is more often for those who are not either Finnish or EU citizens' family members, do not have Finnish ancestry, or are not protected based on individual merit (refugees and protected persons). Therefore, the chart cannot be said to reflect a biologically racist practice by the immigration officials as such, but what it does show is that the criteria for entering are designed so that they produce racialising consequences. The nationals of the Top-10 countries for which applications have been denied at an above average rate tend to be 'darker' and 'more Muslim than not'. That is, the chart indicates some clear tendencies of racialisation.

Mostly this data suggests a need for the Immigration Services to provide better statistics that can be used for analysing the implementation practices as well as the result of policy design. Yet, the fact that the Immigration Office does not provide more detailed statistics does not necessarily say anything about the

Immigration Services, but it says something about the design of law. As was discussed, in 2011 the law was changed so that applications for family reunification can only be made by the family members themselves (finger prints are required at the time of leaving the application) and this law was applied to all open family reunification cases, thus enabling a mass denial of especially refugees' family reunification applications. It is interesting to note that Minister Thors (Migration and European Affairs) had suggested prior to 2011, when discussing the 'huge' number of Somali family reunification applications with the media, that bio-passports could be requested of Somali nationals.¹⁴⁶ Whilst such a suggestion opens up questions about discrimination based on nationality, this basic principle was introduced through the fingerprint requirement for biometric permit cards, which in practice requires that also family members, including children, need to travel to Finnish embassies to apply for residence permits or visas when making the application. This creates, especially in the case of refugees and displaced persons, considerable costs, and thus limits poor foreigners' capability to practice their rights.

However, in order to understand where Finnish immigration practices stand in regard to the strictness of residence permit decisions, we can also look at the residence permit decisions in a comparative EEA framework by focusing on the duration of first permits granted to TCNs. Eurostats has provided data on this since 2008. The first chart below, Chart 24, shows the average numbers of first residence permits granted per year and demonstrates well the disproportionate numbers of annually entering foreigners in different countries as well as the different types of immigration that different countries attract. Particularly, the educational sector has a huge impact on the annual immigrant numbers in the UK. However, it has to be remembered that the legislative differences between various countries impact the proportions presented here in the sense that if a country has strict family reunification regulations, they are likely to show up as a small proportion or short duration of family reunification permits granted.

In terms of governmentality, it is interesting to look at the duration of different types of permits granted at the initial stage. As was discussed in the thesis, in section 3.3.5., there were clear differences in the length of the permit renewal periods that different categories of foreigners were subject to. It is interesting to contrast the Finnish legislation and the renewal periods required by comparing them to the patterns in other countries. Whilst it is obvious that different countries have different possibilities of granting different types of residence permits for different durations, this is exactly the point: the regulations reflect a desire to govern, as renewal periods have consequences in terms of the cost-benefit analysis. That is, a country must evaluate its need to control the stay of foreigners with the cost to the tax payer of having to reprocess residence permit applications more frequently. Firstly, however, Charts 24 to 27 demonstrate the different

¹⁴⁶ Helsingin Sanomat (30.8.2010). Astrid Thors: Voimme vaatia somalialaisilta biopassia. (Eng. We can request a biopassport from Somalis). By Marja Hannula. Available at: <http://www.hs.fi/kotimaa/artikkeli/Astrid+Thors+Voimme+vaatia+somalialaisilta+biopassia/1135259730330>, accessed 30.8.2010.

proportions and durations that different countries grant permits for to TCNs. In Chart 24 we can see, for example, that Belgium and Austria seem to have rather strict economic immigration policies in regards to TCNs, whereas in Italy and Poland the proportion is relatively high. When it comes to family reunification

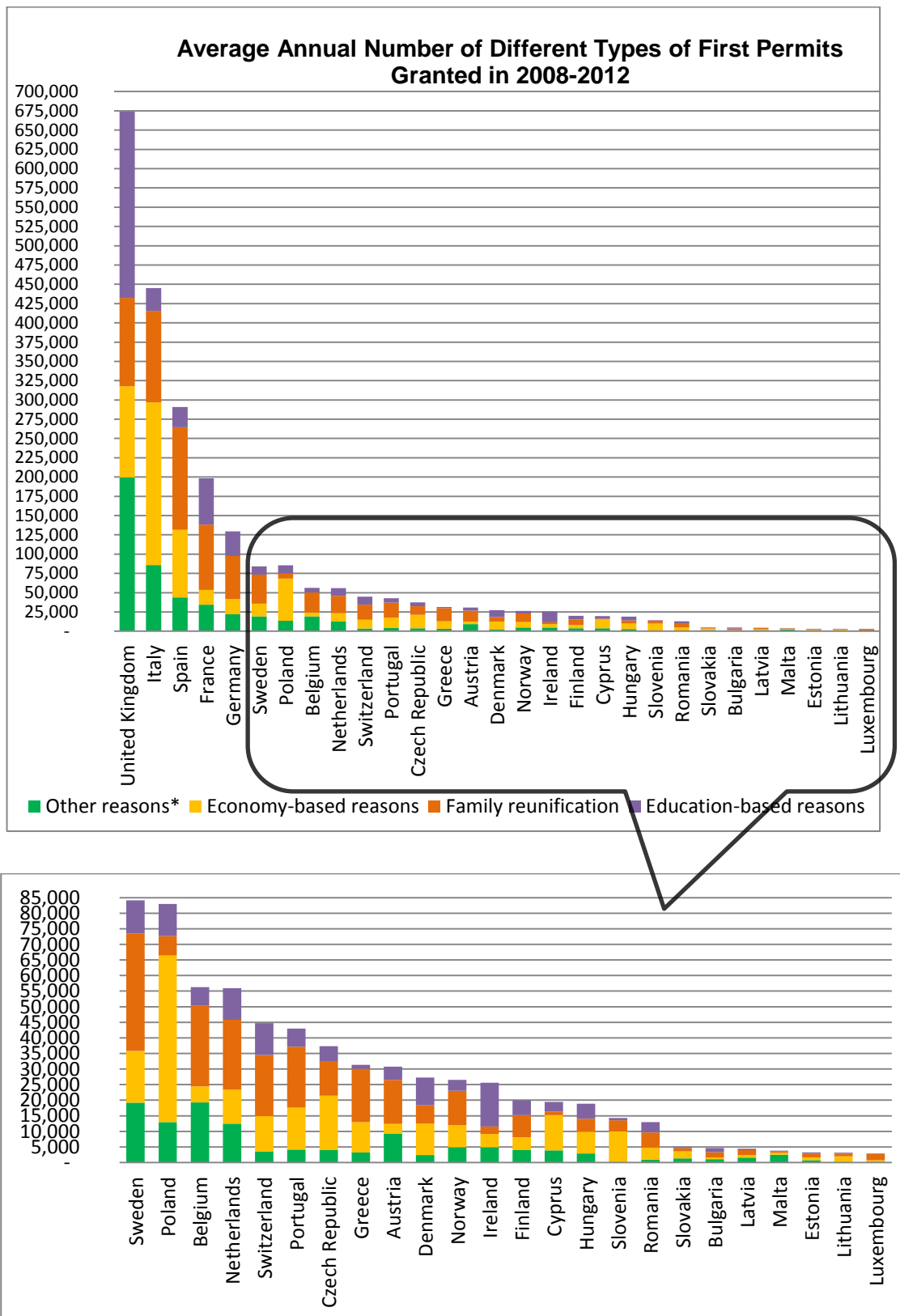


Chart 24. Average annual number of first residence permits by type in 2008-2012 (Source: Eurostat I).

policies Cyprus, Poland and Ireland seem to have rather strict tendencies, whereas Luxembourg and Greece have the highest proportion of family reunification permits. Finally, the number of student permits granted is the highest in the UK and Ireland. The proportion of different types of permits granted in Finland is relatively average.

Charts 25 to 27 demonstrate the tendency to grant longer or shorter residence to TCNs upon first application. Thus, what we see, for example, is that the Netherlands is clearly strictest in granting first residence permits limiting them to permits under a year. Greece, on the other hand, is the opposite; granting permits longer than a year of duration, except for economy-based immigrants. More importantly, what these comparative charts show is that Finnish legislation and implementation is not strictest in any way. Rather, Finland has a tendency to grant longer permits in the majority of cases. Therefore, in terms of governmentality, the impetus of governing immigration in 'a strict and highly selective' way is not limited to Finland.

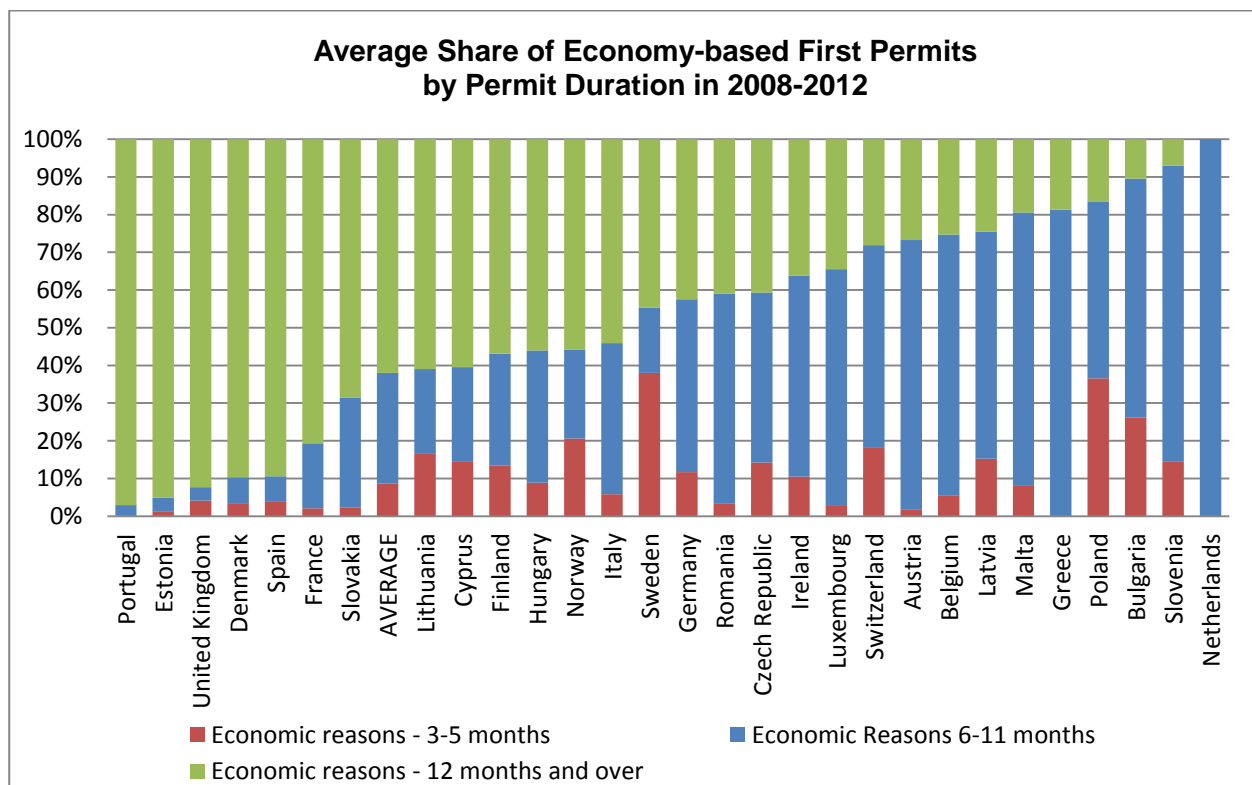


Chart 25. Average share of remuneration- or economy-based first permits granted by duration in 2008-2012 (Shares out of each country's own granted permits of the type; Source Eurostat I).

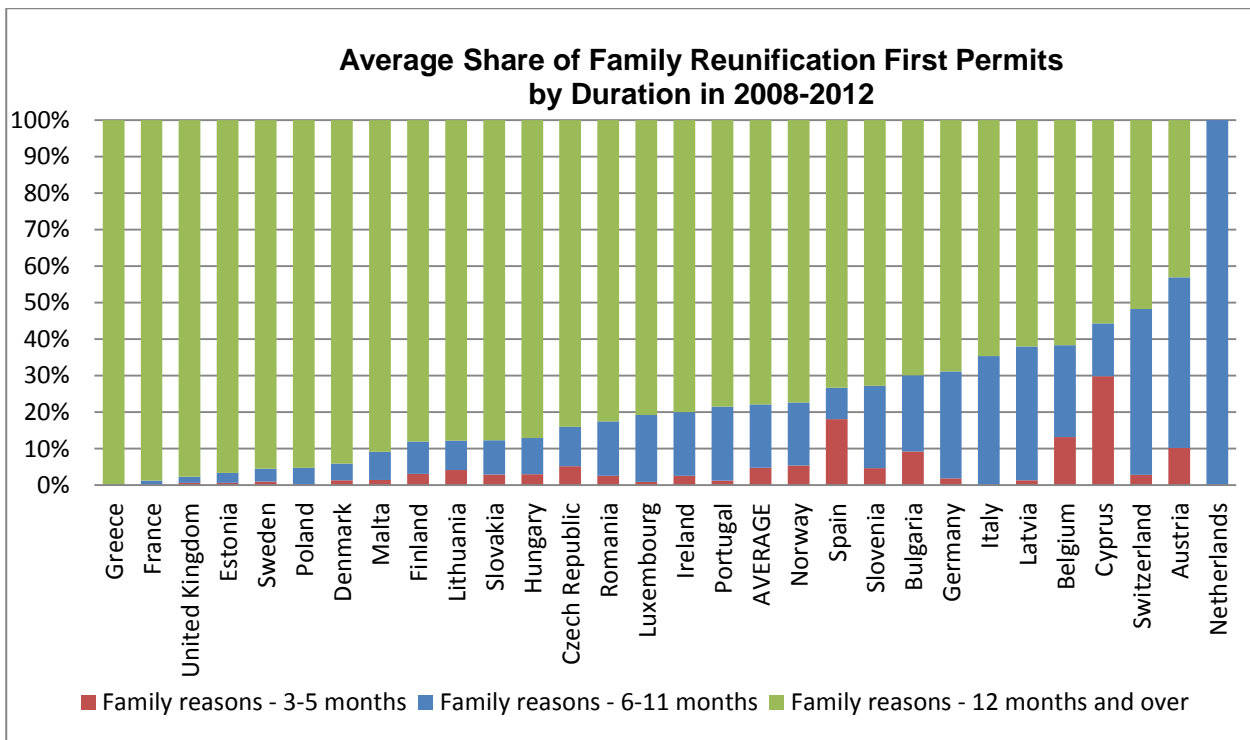


Chart 26. Average share of family reunification first permits granted by duration in 2008-2012 (Source Eurostat I).

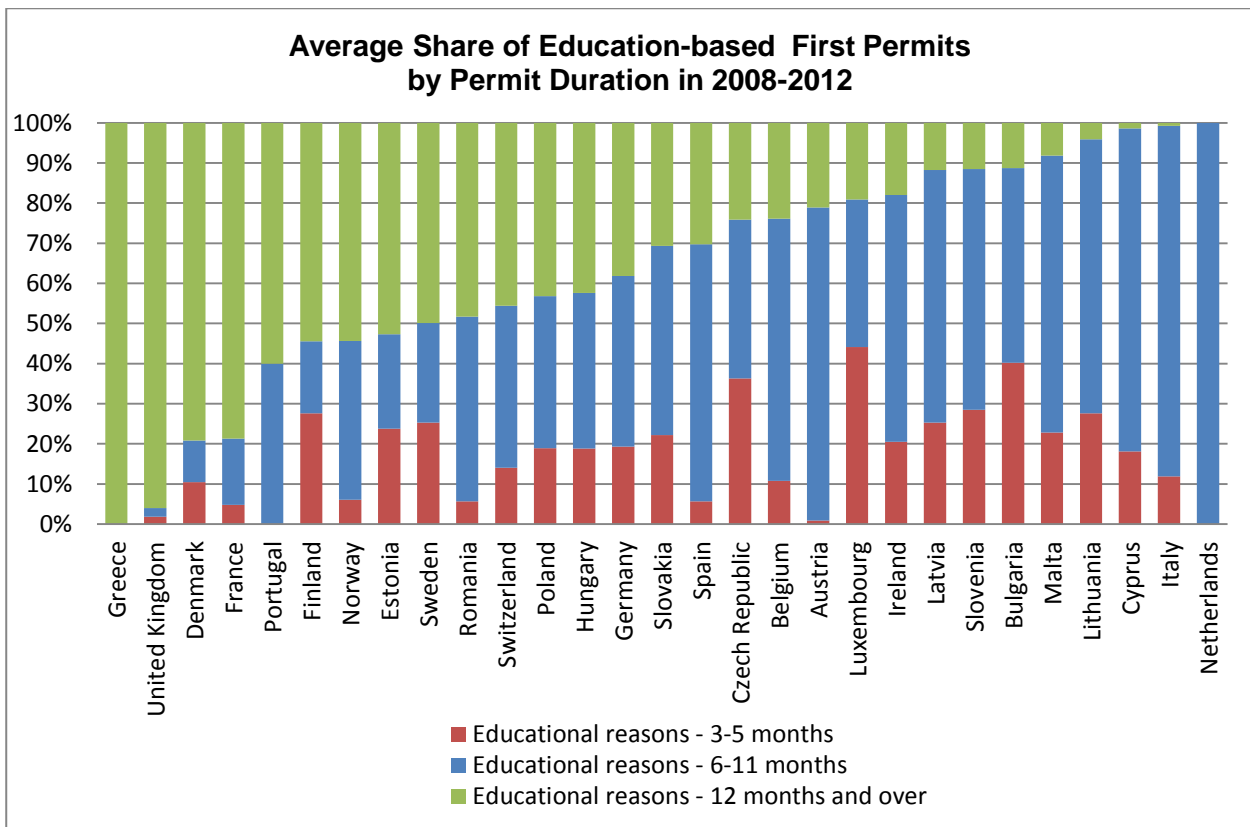


Chart 27. Average share of education-based first permits by permit duration in 2008-2012. (Source Eurostat I)

'Race', Class and Visa Regulations in Schengen and Pre-Schengen Finland

This section outlines some additional results of the statistical analysis of how 'race' and religio-cultural groupings impact the visa requirements that were discussed in section 3.3.1. in the thesis. The category sizes and the break-down of these groupings are explained in Appendix 3. The sample consists of all 197 current states and the results are expressed solely in percentages. As the thesis indicated, the three-fold 'racial' category based on phenotype ('white', 'mixed brown', 'black African') correlated clearly with the visa requirements. Chart 28 below shows both the Schengen and Finnish pre-Schengen visa requirements and their relation to 'race'.

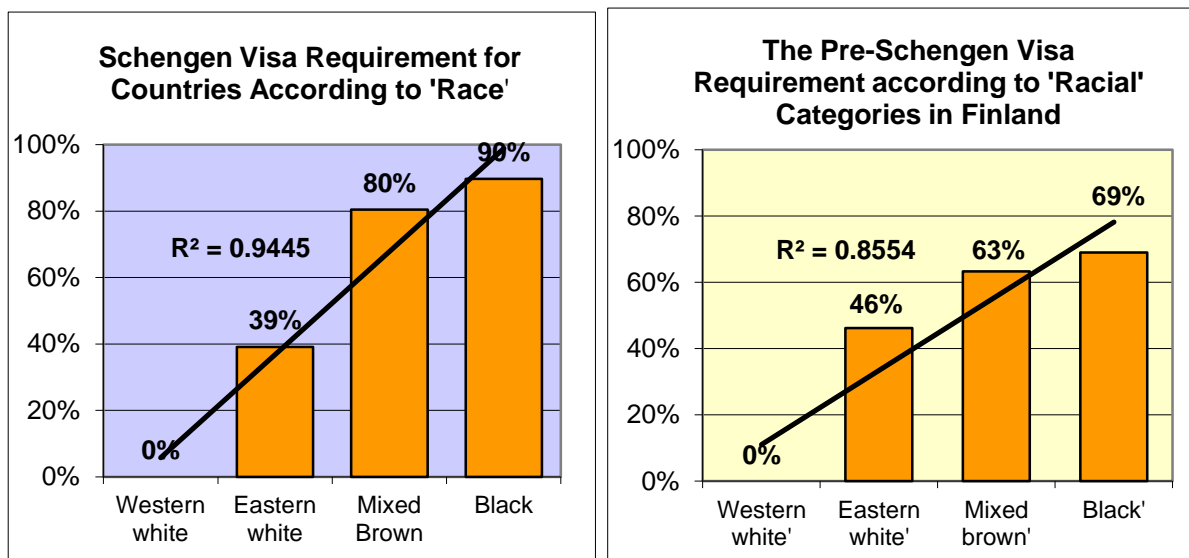


Chart 28. Schengen and Finnish Pre-Schengen visa requirement for countries according to 'race'. (Source: Finlex)

Chart 28 shows that, both before and after the common Schengen visa policy, visas were required much more commonly when the country's majority population has a darker phenotype. Chart 28 would indicate that the Finnish pre-Schengen visa policy was more lenient, but this is not necessarily a valid conclusion. This is because there are a lot of problems related to the pre-Schengen percentages. To start with, the way various countries were required to have visas or not varied drastically in Finland—some countries had visa-free access only for a year or two, whereas others were constantly on the list. I have included in these pre-Schengen figures countries that had a visa-free access to Finland at some point to take into account the mere willingness of allowing certain countries visa-free treatment. That is, especially the figures on countries with darker phenotype are not similarly representative, but in practice would have been stricter for most of the time, as the figures on 'white Western' countries, which normally had visa free access consistently since the 1950s. Also, it has to be taken into account that the numbers of countries have changed over the years, so this also impacts the percentages. Nevertheless, the validity of the percentages in terms of their rationality of governing is viable: The tendency that countries with Muslim and/or 'black'

populations are more often required visas than other countries is consistent both in Schengen and pre-Schengen visa regimes in Finland.

This rationality can be examined more scrupulously by taking a look at how religio-cultural groupings impact on the visa requirement, as is done in Chart 29. This chart demonstrates how the visa requirements

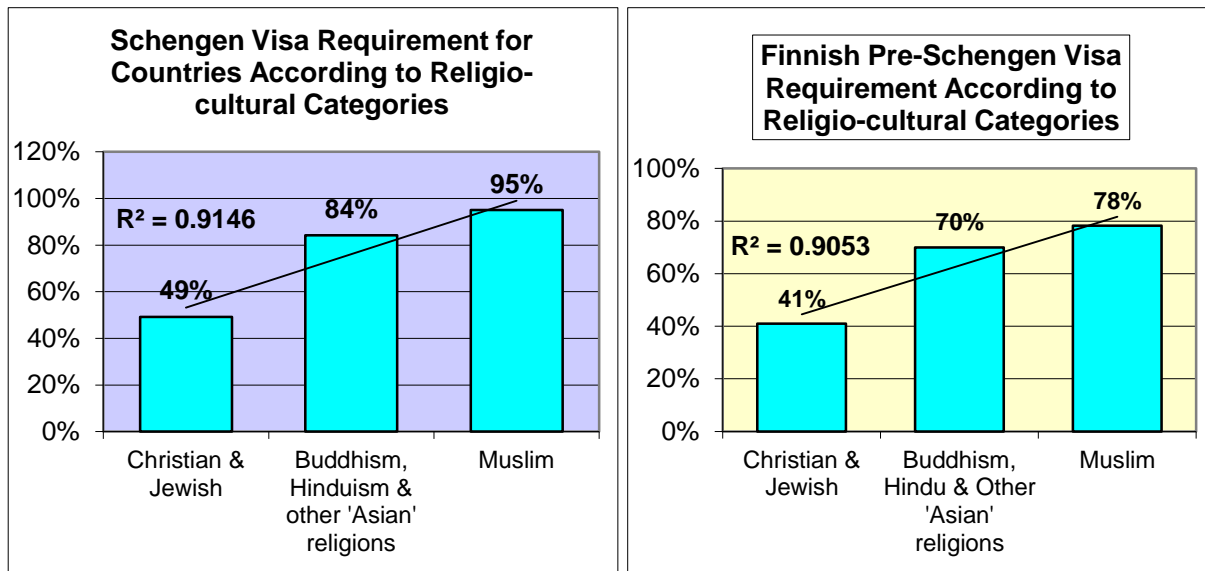


Chart 29. Schengen and Finnish Pre-Schengen visa requirement for religio-cultural categories. (Source Finlex)

for non-Christian countries are more common than for Christian countries, which indicates a certain religio-cultural preference when deciding on allowing easy access to the Schengen area and to Finland prior to Schengen regulations. This indicates that there is also a racialising rationality that relates to cultural stereotypes and not just to phenotype. But if we examine the impact of Christian or Jewish religion on visa-

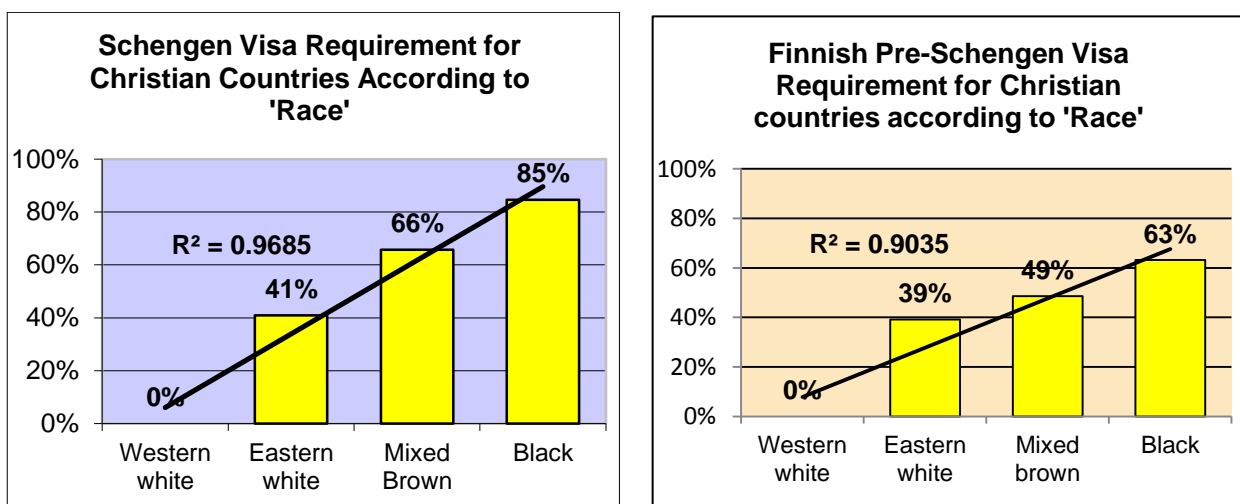


Chart 30. Schengen and Finnish Pre-Schengen Visa Requirements for Christian and Jewish Countries. (Source Finlex)

free entry, 'race' nevertheless plays a part, as Chart 30 shows. Thus, whilst religion impacts on visa-free entry and suggests that nationals from Christian countries have better access than those of other religions, also among Christians phenotype has an impact on the likelihood of Christians enjoying visa-free access to Schengen and pre-Schengen Finland. In this nexus, the notion, introduced by the Finnish Minister of the Interior, Päivi Räsänen, that 'Finland should accept primarily Christian refugees rather than those of other religions', is rather in line with the practice of limiting chances of entry.¹⁴⁷

This culturalising rationality extends to phenotypical categories, as among these countries religio-cultural affiliation has equally an impact on visa-free access, as Chart 31 shows.

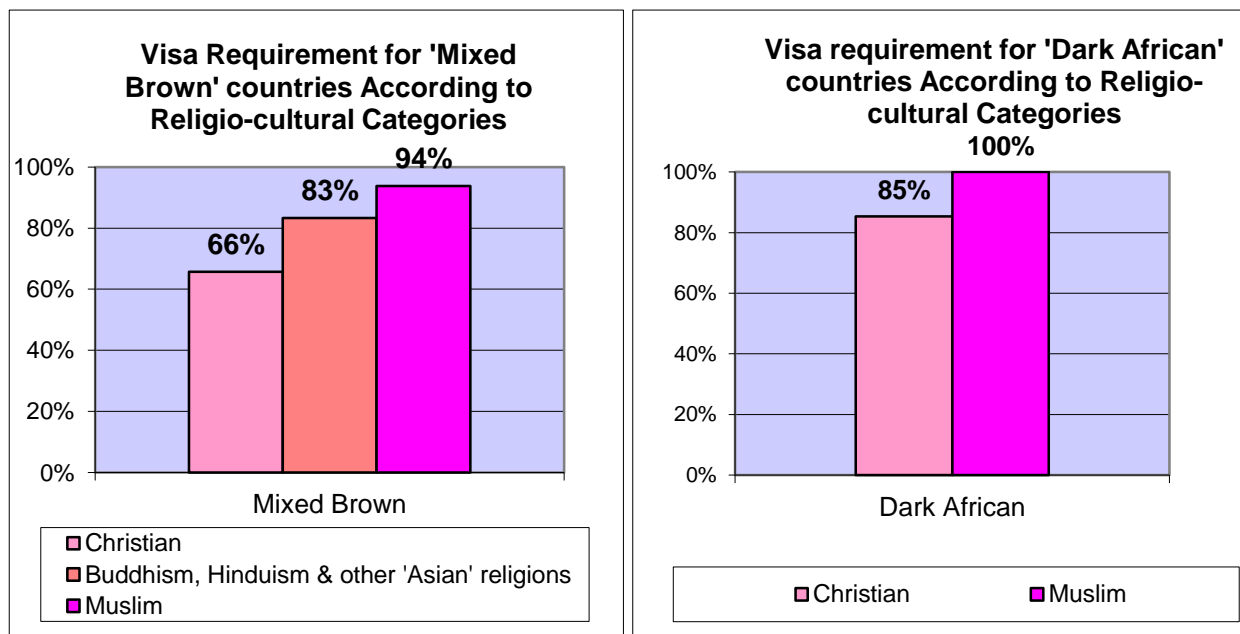


Chart 31. Schengen Visa requirement for 'mixed brown' and 'dark African' countries according to religio-cultural categories. (Source Finlex)

That is, if for Christian countries with a majority population of 'mixed brown' phenotype (mostly Latin American, Middle Eastern and Asian countries) a visa is required for 66% of these countries, the same number for those Christian countries with the darkest phenotype is 85%. Further, Chart 30 shows that for 'dark African' countries (mostly sub-Saharan Africa and the Caribbean Islands) visas are required less often if the country is Christian, but, overall, for countries with 'black' populations the frequency of visa requirements is extremely high. For 'dark African' Muslim countries the visa requirement is 100%.

These rationalities can be considered against the variables of geographic proximity and wealth also, and these considerations reinforce the fact that racialising categories are more important than such rationalities:

¹⁴⁷ Helsingin Sanomat (2010), "Päivi Räsänen ottaisi Suomeen ensisijaisesti kristittyjä pakolaisia". (Eng. Päivi Räsänen would accept Christian refugees in the first instance.). By Jukka-Pekka Raeste. Available at: <http://www.hs.fi/politiikka/artikkeli/P%C3%A4ivi+R%C3%A4s%C3%A4nen+ottaisi+Suomeen+ensisijaisesti+kristittyj%C3%A4+pakolaisia/1135261263069>, accessed 20.1.2014.

Whereas proximity could explain the visa free access of European countries, it does not explain the visa-free access of 'white' New World countries and the visa requirements placed on Eastern Europeans that continue after the Cold War and change only with the accession of these countries to the EU. Rather, as Roediger (2005) could say, as these countries 'work toward whiteness' during their path to EU membership. This process of 'whitening Eastern Europe' is currently expanding and discussions are on the way to allow visa-free entry also for Russians. These intra-'white' regulations could be explained by wealth, but wealth is not a logic that is consistent either, as the thesis and the following section demonstrates.

To distinguish between racialising practices and socio-economic conditions, I analysed the impact of the effect of the Gross National Income (GNI) per capita (Purchasing Power Parity, PPP)¹⁴⁸ for the country's visa regulation status in Schengen. Chart 32 shows the percentage of countries in the GNI category requiring and not requiring visas.

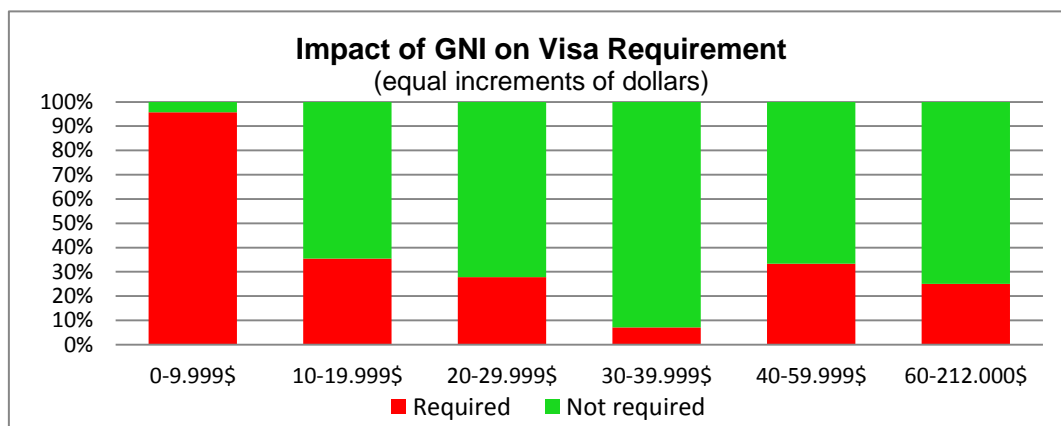


Chart 32. Impact of GNI on visa requirement (categories in equal increments of dollars). (Source UNData.)

When we look at how GNI impacts visa regulation, when the GNI categories are formed on the basis of equal increments of 9.999\$,¹⁴⁹ we can see that the impact is not linear. That is, gross national income in dollars does not categorically translate into visa-free access. Yet, it cannot be denied that also wealth has an impact on visa-free access to Schengen: If we categorize the GNI groupings differently, not based on equal increments of income, but rather divide countries into equal groups based on income, the picture is clearer, as Chart 32 shows. This categorisation was used in Chart G in section 3.3.3. of the thesis. As Chart G in the thesis indicated, the effect of wealth on allowing visa free entry is not as strong as the impact of racial or religio-cultural categories (coefficients of 0.8 were somewhat lower than the typical coefficients

¹⁴⁸ Sources of data: The GNI per capita data is sourced from UNData "GNI per capita, PPP (current international \$)" online databases (www.data.un.org) for year 2008 or the latest available. Where data did not exist at UN (North Korea, Kosovo and Taiwan), the information is based on CIA World Fact Book information (<https://www.cia.gov/library/publications/the-world-factbook/>). Date accessed 14.12.2010.

¹⁴⁹ The increments are equal in other than the highest category (25.000-212.000\$) as in this category a couple of extremely rich countries extend the upper limit.

of 0.9 in the previous charts). More importantly, the correlations can be manipulated through categorisations of GNI, as the examples of different categorisations showed in Charts 32 and 33.

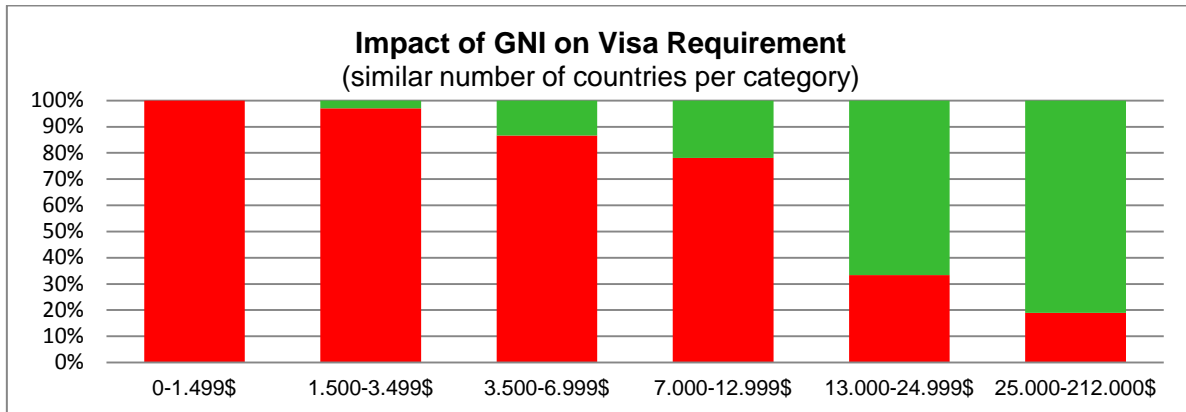


Chart 33. Impact of GNI on visa requirement (similar number of countries per category). (Source UNData.)

However, even if we go with the first categorisation (equal increments of dollars) that indicates non-linear effect, we can see in Chart 34 that the correlation coefficient indicates a moderate impact of poverty on denying entry to Schengen ($R^2=0.49$). That is, overall, the influence of higher GNI is weaker than the higher impact of poverty when it comes to allowing entry. To be rich is not enough.

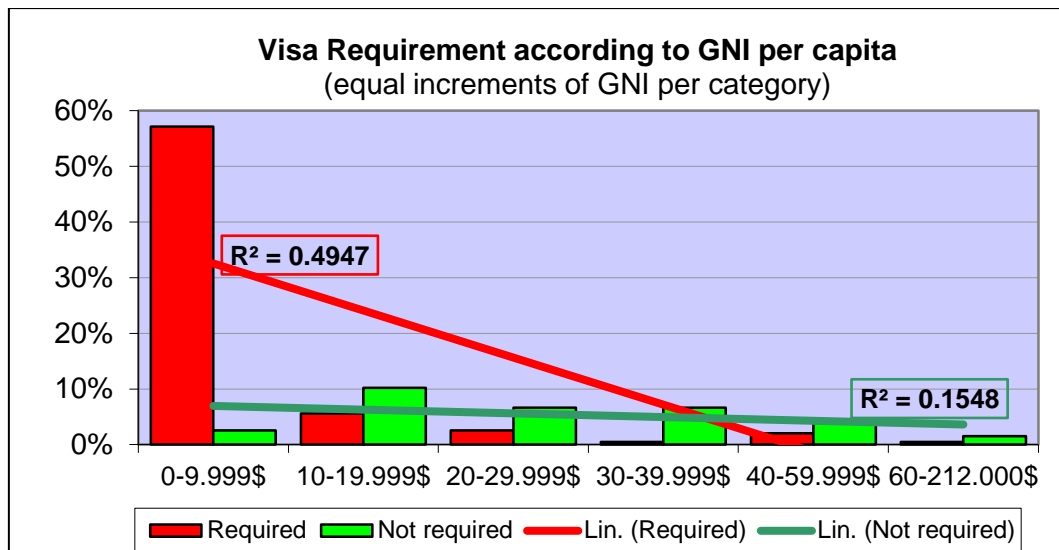


Chart 34. Visa requirement according to GNI – correlation (equal increments of GNI per category). (Source UNData.)

Consequently, we need to investigate the rationalities of allowing and disallowing visa-free entry more thoroughly by correlating the GNI categories with the ‘race’ and religio-cultural categories. Charts 34 and 35 tell the same story about visa requirements that we have been telling so far: whiteness matters more than wealth. More specifically, degrees of whiteness matter. As Chart 35 shows, out of the poorest countries ($n=148$, i.e. 75% of all countries) granted visa-free entry the vast majority of countries are

Christian. In contrast, Chart 36 shows that out of the richest countries the majority of the countries that are required to have visas are Muslim (n=7 out of 11 countries required visas).

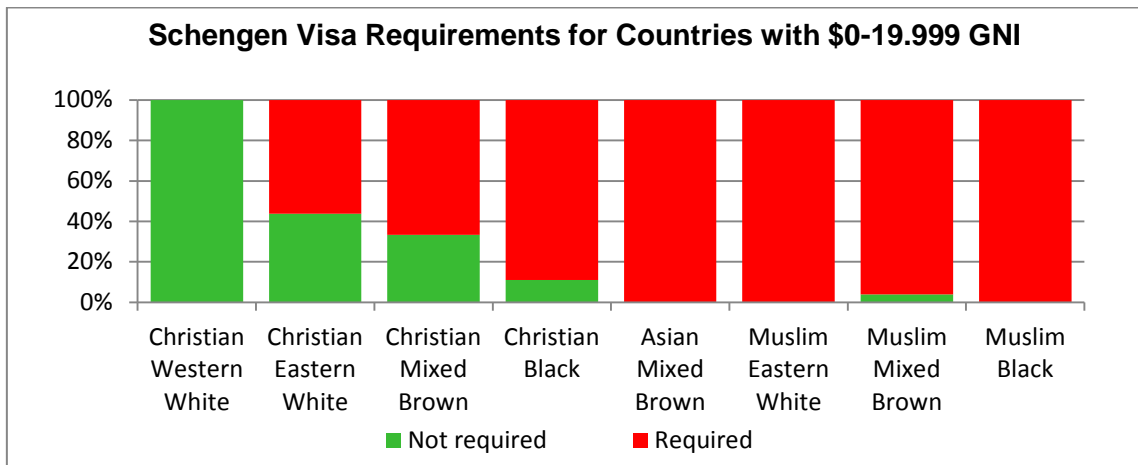


Chart 35. Schengen visa requirements for countries with GNI per capita (PPP) income of 0-19.999\$ in 2008 according to racialising categories. (Source UNData.)

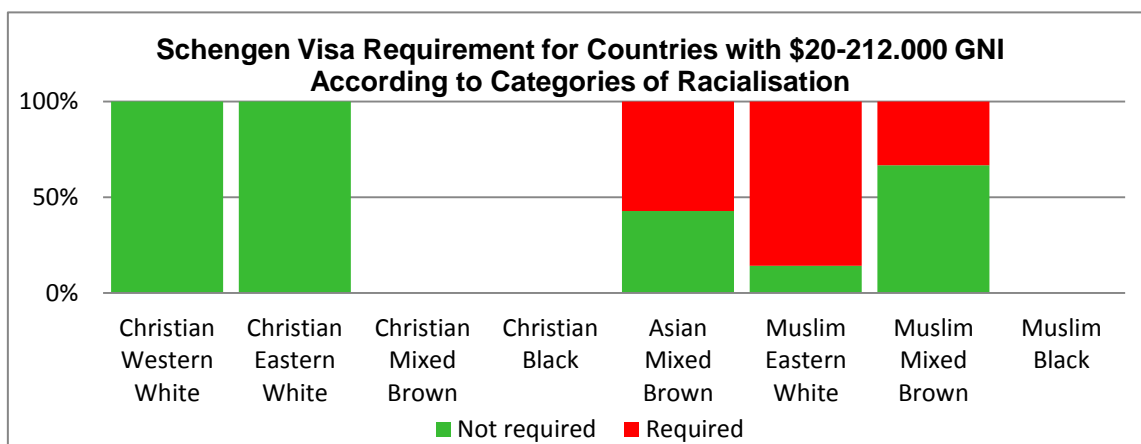


Chart 36. Schengen visa requirements for countries with GNI per capita (PPP) income of 20-212.000\$ in 2008 according to racialising categories. (Source UNData.)¹⁵⁰

Thus, as a recap, in this Appendix we have seen some additional information on immigration statistics that may be of interest to readers from other countries. We have also seen the basis for claiming that Finnish asylum numbers are small in actual and relative numbers. Also the asylum granting practices are restrictive in the sense that the reading of the Geneva Convention is stringent, although the overall tendency to grant asylum is relatively lenient, especially because of the recent increases in Geneva refugee statuses granted. We have also seen that the Finnish deportation practices are not exceptionally restrictive despite the notion of deportation being self-evident. We have seen that illegal immigration in Finland is at an average level and that refusals at the border are at a moderate level. We have seen the statistics on the visa and residence permit denial rates and re-evidenced their racialising results. And finally we have taken a more

¹⁵⁰ Half of the countries (n=24) in this category are 'Christian Western White'. Where there is no column, there are no countries in that category.

in-depth look at the racialising and culturalising structures of the Schengen and pre-Schengen visa regulations in Finland and investigated the comparative impact of racialising and culturalising categories vis-à-vis categories of wealth in the current Schengen regulations. Altogether then we have witnessed how race hygienic rationalities permeate the visa and residence permit rules and how a 'restrictive and highly selective' immigration policy is not solely a Finnish phenomenon.

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Appendix 3: Racialised Categorisation Used for Analysing Policy Outcomes

Historically, the use of the term 'race' was multifarious ranging from talking about a single human race to conceptualising nations and their subpopulations as separate 'races'. Contemporary genetic research-based race theories differentiate between a few lineages, which do not clearly correspond to phenotypical differences. Modern, gene-based race research in general acknowledges that pure races cannot be found in real life due to mixed heritage as, among others, the scientists in the Genome Project asserted. It was also established a long time ago, that phenotype is not an indication of genotype, i.e. that a person's genetic make-up cannot be deduced from outwardly apparent qualities. All populations vary more inside themselves than between themselves.

As was indicated in the thesis, historically race theories often purported three races: Caucasian, Mongol and Negroid. This tripod edifice of race theories persist: we typically talk about 'white', 'Asian' and 'black' as racial categories, even if these are rather phenotypical categories. Nevertheless, these categories are constantly being used as actual 'racial' categories in, for example, intelligence testing or medical research. Whilst I do not agree with this simplistic, phenotype-based notion of 'race', I concede that to describe and analyse commonsensical prejudices it has its place. However, whilst the categorisation that I have chosen to use reflects the common sense 'Finnish race theory', i.e. because discourses are contextual and historic, the Finnish viewpoints regarding race are not necessarily reflective of the racial assumptions in other countries. For example, because a lack of common history, in Finnish stereotypes the differences between Indians and Pakistanis, or Saudi Arabians and Turks are not as pronounced, if not non-existent, as in the UK. Whilst each country has its context in which race theories have been formulated, the tripartite race theoretical structure in itself is not Finnish. This choice is also supported by what Omi and Winant call the 'they all look alike' model in which ethnicity theory is often unable to attribute 'nation' to 'blacks' and 'Asians' and their ethnicity ends up being that of their phenotype. Consequently, I have assigned each country a 'racial' category based on the phenotype of the majority population. While many countries have racially mixed populations or identities different from their majority populations, such as the United States or South Africa, as said in the thesis, the level at which Western states can approach the issue of 'race' is limited to nationality because of the liberal legal framework. Also, the implementation of entry restrictions can in practice reflect (or not) the actual phenotype or cultural background of visa or residence permit applicants. This is a level of analysis that cannot be captured by this model of operationalising racialising stereotypes. But because the function of these categories is to reflect Western prejudices, not actual 'racial' or cultural realities of the various countries, I have deemed this to be an adequate level of analysis.

In addition to phenotype, I have made the distinction between different religio-cultural groupings. This is because race theories never lacked the cultural dimension and today most of racialising discourses operate as culturalising discourses. Instead of trying to find phenotypical categories, such as 'white but not White',

that would be relevant to actual stereotypes, I have differentiated between different types of 'white' and 'brown' and 'black' populations through religio-cultural categories. For 'whites' I have utilised a culturalised notion of 'degrees of whiteness', or rather the non-whiteness of Southern and Eastern Europeans, which was a common feature of early race theories. The distinction reflects the early theories about 'Eastern' vs. 'Western' 'whites' and reflects the religio-cultural distinction of 'East' / 'Orthodox' / 'Slavic' / 'Baltic' Europe vs. 'Nordic whites'. This categorisation also reflects the discourses about 'Finland in-between Western and Eastern Europe', which functions as a discourse of problematizing national identity. Such a distinction, with its racialising overtones, was common in earlier race theories in Finland as either 'Mongol' or 'Germanic', as Kemiläinen et al. put it (1985). These racialised notions are still prevalent in Finland, especially with the economic difficulties in the euro zone. There is, however, no point in differentiating between Southern and Northern Europeans in terms of immigration policy because all Southern European countries belong to the EU. This move, however, should not be read as a notion that racialisation would not be relevant to 'whiteness'. Rather, this move reflects the contemporary stereotype, i.e. the silence that constitutes 'Western whiteness' as a 'non-race', as a standard to be achieved that functions as a category and criteria of fitness.

As said, besides the overall problems of making these racialising categorisations that are clearly biologically inadequate, the problem with using merely phenotype-based categorisation is that it does not reflect the stereotyping aimed at, for the want of a better adjective, the 'brown' or 'racially mixed populations', such as in Latin America, the Middle East or South East Asia. Starting to create categories between the various 'reddish brown', 'yellow brown', 'yellow' or 'whiter than white but still yellow' seemed equally completely ludicrous, and hence I turned towards the patterns of racialising culture, and simply named the category between the 'white' and 'black', 'mixed brown'. Consequently, I have used three variables in creating the categories for 'civilizational' or 'religious' groups. These religious or 'civilizational' categories are 'Christian', 'Asian religions' and 'Muslim'. For the sake of simplicity, I have included Israel in the 'Christian' category. Jesus was a Jew in the end. However, as said I have divided the Christian category into two. Equally, to simplify the categorisation, I have treated religions prevalent in Asian countries as one block, although this clearly risks a certain orientalising generalisation. This is not out of disrespect for the differences between Buddhism, Taoism, Confucianism, Hinduism or other smaller religions, but reflects the non-politicization of these religions in comparison to Islam and consequently the non-specificity of the stereotypes. In the end, these categorisations speak of Western prejudices, not about the qualities of any 'racialised' category itself. Thus, to recap, the combined categorisation of 'race' and religio-cultural background runs as 'Western white', 'Eastern white', 'Christian mixed brown', 'Asian religions & mixed brown', 'Muslim mixed brown', 'Christian black' and 'Muslim black'. The individual countries listed in each category shall be outlined shortly.

Statistically speaking, when countries had ‘racially’ mixed or religio-culturally mixed populations, i.e. where there is no clear majority, these countries were divided between the relevant categories. That is, the ‘one country’ was mathematically speaking divided between different categories by adding either a ‘0.5’ or ‘0.33’ to the relevant categories. In the couple of countries where the majority professes no organised religion, the religion was conceived of in terms of ‘religio-cultural’ influence and the largest religious group was designated as the religion. Below the reader can find countries listed under the various categories reflecting broad racialising stereotypes.

Religious or ‘Civilizational’ categories (according to majority religion)

- **Christian and Jewish countries (n=118):** EU countries and Andorra, Iceland, Croatia, Liechtenstein, Macedonia, Monaco, Norway, San Marino, Serbia, Switzerland, The Vatican, Armenia, Georgia, Moldova, Ukraine, Belorussia, Russia, the United States, Canada, Australia, New Zealand, all Latin American and Caribbean countries (except for Trinidad and Tobago, which is mixed), Angola, Botswana, Burundi, Eritrea, South Africa, Ethiopia, Gabon, Ghana, Cap Verde, Kenya, Republic of Central Africa, Congo, the Democratic Republic of Congo, Lesotho, Malawi, Namibia, Equatorial Guinea, Rwanda, Zambia, Sao Tome and Principe, Seychelles, Swaziland, Uganda, Zimbabwe, The Pacific Islands, Philippines, East Timor, the Marshall Islands and Israel.
- **Buddhist (and other ‘Asian’ religions) and Hindu countries (n=19):** Bhutan, South Korea, Japan, Cambodia, China, China-Hong Kong, China-Taiwan, China-Macao, Laos, Mongolia, Myanmar, Nepal, North Korea, Solomon Islands, Singapore, Sri Lanka, Thailand, Vietnam and India.
- **Muslim Countries (n=50):** Albania, Bosnia Herzegovina, Kosovo, Afghanistan, Albania, Algeria, United Arab Emirates, Azerbaijan, Bahrain, Bangladesh, Brunei, Burkina Faso, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Indonesia, Iraq, Iran, Yemen, Jordan, Kazakhstan, Kyrgyzstan, the Comoros, Kuwait, Lebanon, Libya, Maldives, Malaysia, Mali, Morocco, Mauritania, Niger, Nigeria, Oman, Pakistan, Palestine, Qatar, Saudi-Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tajikistan, Chad, Tunisia, Turkey, Turkmenistan and Uzbekistan.

‘Racial’ Categories (according to majority phenotype):

- **‘Western white’ countries (n=26):** , Austria, Belgium, Denmark, Ireland, Italy, France, Germany, the United Kingdom, Hungary, Luxemburg, Netherlands, Portugal, Spain, Sweden, Andorra, Australia, Iceland, Canada, Liechtenstein, Monaco, Norway, San Marino, Switzerland, New Zealand, the Vatican and the United States.
- **‘Eastern white’ countries (n=26):** Albania, Armenia, Bosnia Herzegovina, Bulgaria, Georgia, Kosovo, Greece, Croatia, Cyprus, Latvia, Lithuania, Macedonia, Malta, Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, the Czech Republic, Ukraine, Belorussia, Russia, Estonia and Israel (to denote the continuing prejudices against Jews).
- **‘Mixed brown’ countries (n=87):** Afghanistan, Algeria, United Arab Emirates, Azerbaijan, Bahrain, Bangladesh, Bhutan, Brunei, Egypt, , Indonesia, Iraq, Iran, Yemen, Jordan, Kazakhstan, Kyrgyzstan, Kuwait, Lebanon, Libya, Maldives, Malaysia, Morocco, Oman, Pakistan, Palestine, Qatar, Saudi-Arabia, Syria, Tajikistan, Tunisia, Turkey, Turkmenistan and Uzbekistan, Fiji, Philippines, India, East Timor, Cambodia, Kiribati, Laos, Maldives, Malaysia, the Marshall Islands, Micronesia, Myanmar, the Pacific Islands, Nepal, Papua New Guinea, the Solomon Islands,

Samoa, Singapore, Sri Lanka, Thailand, Vietnam, Japan, China, China-Hong Kong, China-Taiwan, China-Macao, Mongolia, North Korea, South Korea, Argentina, Belize, Bolivia, Brasilia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Columbia, Cuba, Mexico, Nicaragua, Panama, Paraguay, Peru, Surinam, Trinidad and Tobago, Uruguay, and Venezuela.

- **'Black' countries (n=58):** Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Botswana, Burkina Faso, Burundi, Djibouti, Chad, Dominica, Eritrea, Gambia, Guinea, Guinea-Bissau, the Comoros, Mali, Mauritania, Niger, Nigeria, Sierra Leone, Somalia, South Africa, Sudan, Ethiopia, Gabon, Ghana, Grenada, Guinea-Bissau, Haiti, Jamaica, Cameroon, Cap Verde, Kenya, Central African Republic, the Comoros, Congo, the Democratic Republic of Congo, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Ivory Coast, Equatorial Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Zambia, Sao Tome and Principe, Senegal, Seychelles, Sudan, Swaziland, Tanzania, Togo, Uganda, and Zimbabwe.

Appendix 4: An Overview of the Discourse Theoretical Research Method

In this appendix I will illustrate how the first- and second-level discourse theoretical methods function in practice. I will first show how the analysis of discourses at the first level was operationalised. As explained in the thesis, the method operationalised the concept of statement through Foucault's account of General Grammar and its structure and the way that Foucault paralleled this structure with the theory of anthropological sleep. These epistemological aspects have been treated in the thesis itself (Chapter 2) and here I shall concentrate merely on the practical analytical process and the actual methods used.

First-level Analysis

In the first-level method, as was explained in the thesis, a statement was understood as a logical entity that required a proposition ('something is'), an articulation ('something is X'), a designation towards sources of positivity ('something is X because Y') and a derivation ('something is X, because Y, which means Z') to affirming discursive order, or an order of things. In Chapter 3 the method was indicated merely by demonstrating the proposition and articulation, **designation** and derivation in the examples given. Below I will give a more detailed example of the underlying logic of analysis at this first stage. This example is from the government's immigration policy document from 2006¹⁵¹ discussing the possibility of the government's involvement in recruiting foreign workers and cooperating with foreign countries to recruit their nationals (Finnish Government 19.10.2006). Before demonstrating how the method was employed, it has to be said that one statement often designates towards various discourses as sources of its positivity, as the example below shows. This is because a statement is basically defined by the discursive order it proposes, as there can be multiple 'reasons' for one single discursive order. Next I will explain how the analytical process functions.

Since engagement in public authority activities in the territory of a foreign state requires contractual arrangements, it is appropriate to choose states that are suitable for the purpose with regards to both administrative costs and operating efficiency for contractual partners. [...] When considering suitability, attention should be given to such factors as population figure, age structure, standard of education, population mobility principles, the distance of country from Finland and the conditions for integrating residents of the country in Finland. The labour administrations of Finland and Estonia have traditionally had good cooperative relations. Prospects for cooperation with other new EU countries, such as Poland, are also good. Poland has a central location in Europe, a large population and traditions of labour mobility. The Polish population is relatively young and well-educated.

1 Proposition and 2 Articulation: [When considering suitability, attention should be given to such factors as...]

The basic assertion is that 'suitability' should be a consideration in immigration policy cooperation arrangements and when considering what kind of immigrants are wanted.

3 Designation: The discourses that are designated toward as defining 'suitability' are:

¹⁵¹ Finnish Government (19.10.2006). "Government Migration Policy Programme: Government Resolution".

- **Integration to national society/assimilation** [“the conditions for integrating residents of the country in Finland”]

The explicit preference in many government documents and discussions is for immigrants from cultures that are ‘compatible’, which in the Finnish context often translates into ‘Western’, ‘hard-working’, ‘honest’, ‘modest’, ‘quiet’ and ‘well-educated’.

- **Racism as racialisation** [“When considering suitability, attention should be given to such factors as...population mobility principles, the distance of country from Finland”]:

The criterion of ‘population mobility principles’ (of which the government is of course in control of) is a way of limiting immigration to EU nationals. The condition of the (close) distance from Finland is a pseudonym for Europeaness. The explicit aim of the government is long-term and permanent immigration and not cheap and flexible labour. Taking this into consideration then the close distance has to be questioned. One could argue that at a close distance could present more of a threat of immigrants leaving, as has been seen in the case of Eastern European migration patterns—when the goal is to keep immigrants as tax payers for the long term.

- **Economic interest** [“When considering suitability, attention should be given to such factors as...age structure, standard of education”]:

The explicit economic interest dictates that employees need to be young in order to contribute to the Finnish economy the longest and they need to be well-educated in order to add to the competitiveness and know-how of the country. Low educational levels are not considered as enhancing the competitiveness of the country.

- **Nationalism**

The general attitude of the statement conceptualises immigration policy in terms of national interest and suitability for national culture.

- **Rationalism** [“administrative costs and operating efficiency for contractual partners”]

The self-evident frame of reference is the neoliberal cost-benefit analysis (time and effort spent by bureaucrats on establishing contractual arrangements and the likely outcomes in relation to profit to be gained from the immigrants, as the text implies on the whole). This condition is underlined by a certain assumption about “operating efficiency”, which not only designated toward governmentality but also towards preconceptions about cultures that are inherently efficient and thus ‘rational’ (or not) in their functioning.

4 Derivation: [“it is appropriate to choose states that are suitable for the purpose”]

The discursive order created here rests on the articulations: “it is appropriate to choose states that are suitable for the purpose”. The initial interpretation of the discursive order derived asserts that the purpose is to recruit employees from countries whose populations have access to the Finnish labour market, i.e. from the EU, and from populations that are easily assimilable in terms of culture and that have a surplus of ‘ideal workers’, i.e. young and well-educated.

On the whole, derivation outlines the conclusion derived from the line of reasoning that follows logically from the accepted proposition and articulation and from the designated sources of positivity. In practice, the analytical process was not as elaborate as this but it was adjusted to fit the mass scale of analysis. As it was said, some 3000 statements were analysed, but this analysis was more a matter of ticking boxes following the analytical logic presented here, as shall be shown shortly.

Thus, in the primary phase, it is the content of the texts that was analysed by analysing individual statements. A statement was understood as an assertion of a discursive order of things. Hence, a statement is not equal to a sentence, but can be both shorter and longer than a sentence or one sentence can include multiple statements, as was seen.

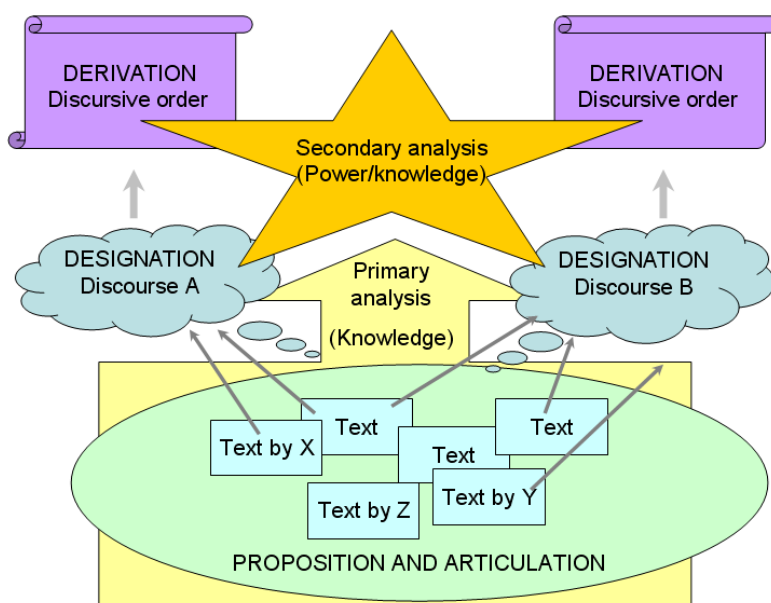


Chart 37. The first and second levels of analysis

To reiterate, Chart 37 above tries to explain the overall process of the two-tier analytical method. The figure above, which, in terms of presentation, deliberately avoids the ‘scientific’ seriousness of simplistic procedural models, pictures the overall process of the two-fold methodical analysis as a creative process. The phase of primary analysis of discourse is presented by the upward arrow on the background symbolising the bulk of statements that offer themselves to the secondary analysis. Most importantly, the primary method records the statements, the designated discourses and the types of inclusive and exclusive discursive orders arrived at. Based on these an overall picture of the modes of knowing, i.e. of discourses, relevant to immigration in Finland is built. A single statement can refer to multiple discourses and various actors can and do refer to multiple discourses, as the arrows going out from the text boxes demonstrate. Thus, from this pool of articulations and propositions designations are made into a ‘nebulous’ resource of discourses as modes of knowing. It contains the corpuses of knowledge, i.e. discourses, used to discursively order immigration in Finland in their specificity. These discourses then give life to specific discursive orders. The derivative process is highlighted by the arrows between designation and derivation.

Second-level of Analysis

The secondary method of analysis focused on relations of power/knowledge and it is represented by a star to indicate the creativeness of the process. The final focus was on sources of positivity and their decentring

through the various tools of decentring as indicated in the thesis. Yet, initially in practice the secondary analytical phase was rather an accumulation of observations whilst doing the first-level analysis, this was not because the method did not allow for a structured analysis. Rather, the secondary analytical process was more heuristic, searching for the omitted. Yet, the structure underlying this analytical process helped to tease out the power/knowledge games. Namely, the secondary analysis of power/knowledge is based on the analysis of derivations of discursive orders and the object definitions and subject positions forwarded in these. On top of recording the discourses designated towards, the analysis recorded such factors as the topic of discussion. For example in the example above, the assertions would relate to 'entry/stay', 'belonging', 'employment', 'coping with immigration', 'identity of the immigrant' and 'identity of the nation', and to rationalities of 'exclusion' or 'inclusion'. These tools allow for the comparison of statements made about the same topics and a more detailed identification of discourses and their underlying relations to other discourses. These relations were charted through recording the discourses that the discursive order objected to—not just the discourses that it referred to as sources of positivity. That is, both the rationalities of inclusion and exclusion on the level of discourses were analysed.

The analysis functioned in MS Excel, which facilitates the categorisation and management of large chunks of qualitative data that do not need to be analysed statistically but merely categorically. To illustrate the second-level of analysis extracts from the Excel sheet are presented in the following pages. For more concise presentation I will first show the four statements analysed in this example in their full context, and then use the synopsis of the discursive order being analysed in the later tables. Because Charts 37 and 43 may create questions, words of warning are in place. Firstly, the names of the discourses are not fully descriptive of their content. Whilst this is obviously due to the available space in the chart, the discourses are not specific either, but rather they are defined by the statements themselves. That is, the discourses rather refer to their conditions of possibility, not to a specific content in the sense of well-defined quasi-academic sources of knowledge. For example, talking about 'rationalism' merely indicates the value placed on rational management of issues. By keeping this category loose it is possible to see what kinds of things are deemed 'rational' without making too detailed presumptions.

Secondly, because the data was not used for quantitative analysis, the analytical process did not strive for statistical reliability, but rather it searched for the self-evident and taken-for-granted and the silent spaces in-between statements. That is, the analysis functioned more as a heuristic process; as a process that searched for questions rather than answers. This type of analytical process, however, enabled the 'pulling-out' of topics of discussion and evaluating what kind of discourses were used for and against them and whether the rationalities were exclusionary or inclusionary etc. For instance, one could pull out statements relating to 'religion' and see whether religion was mostly talked about in reference to discourses of human rights or multiculturalism, in reference to nationalist or segregationist discourses and whether religion

functioned more as a rationality of exclusion or inclusion. This process then helped to define how various aspects of immigration were problematized. For example, whether asylum was problematized through discourses of economic costs or through culturalising discourses and, for example more specifically, whether economic costs of asylum were nevertheless discussed in the context of inclusionary rationalities and human rights. Whilst a more quantitative analysis of these aspects certainly would have been interesting, my aim was not to study merely immigration discourses, but the governmentality, hence the quantitative aspects of determining the types of problematizations forwarded were left undeveloped.

After this phase the analysis moved on to the third phase, which charted the way immigration was regulated. A synopsis of this analytical process was seen in Appendix 1. The fourth level amalgamated the results of the second and third levels and approached the field of rationalities and technologies of governing and answered the formulated research questions that had arisen from this amalgamation at the level of governmentality and its silences and commonsensical assumptions.

Statement Number	1	2	3	4	5
Proposition and Articulation	<p>There are problems with these immigration regulations exactly because the Finnish regulations are different from EU-regulations and the common immigration and aliens' policy. They are in many ways lenient so that it creates a possibility of seeking to get to Finland, when in other European countries, in Sweden among others, the implementation is stricter. ... These family reunification applications, I remember, I think there are some 8000 family reunification cases in process, and the common rules of the game that others in Europe or we have here in Finland do impact on these. As the MP [name] before noted, it is quite clear that if we do not have clear rules of the game, it enables even racist views and anti-foreign attitudes and even xenophobia.</p>		<p>Minister Katainen found additional 209 million euros to invest in this bad [immigration] administration at the same time when in our country in [citizen's] basic security and university and other such issues, or in rheumatism hospitals, there have been really painful and difficult situations.</p>	<p>Unaccompanied children have to wait 176 days on average. The waiting period for unaccompanied youth is over a year. One of the reasons why municipalities have been accepting these unaccompanied youth so reluctantly is that the state does not compensate for the expenses created by the after care of those older than 18. The state compensates the expenses of income support for three years after arrival.</p>	<p>Section 3 would regulate on a foreigner's possibility, in case of fixed-term, permanent or EU-long-term residence permits, to apply for the non-termination of their permit before the permit expires. The application can be accepted in cases in which residence outside Finland or the EU has been caused by special or exceptional circumstances. Such special circumstances that defend long-term absence could relate to, for example, education or work in a long-term project and other such circumstances that require long-term dedication or situations that require stay in or outside the EU, such as taking care of a sick family member or establishing a new family.</p>
Discursive order in a nutshell	<p>Lenient regulation causes more family reunification applications and this creates the possibility for racism, xenophobia and even hatred of foreigners.</p>	<p>Finnish immigration policy is more lenient than in other EU countries</p>	<p>more money is put into immigration administration when sick citizens and universities are suffering cuts</p>	<p>unaccompanied child refugees cost more than adults</p>	<p>taking care of sick family member or having a family outside one EU country is a reason enough not to cancel EU permit</p>

Chart 38. Examples of statements analysed.

Chart 39. First- and second-level analytical tool – Information on the source of statement.

Discursive order	Discursive order in a nutshell	Lenient regulation causes more family reunification applications and this creates the possibility for racism, xenophobia and even hatred of foreigners.	Finnish immigration policy is more lenient than in other EU countries	more money is put into immigration administration when sick citizens and universities are suffering cuts	unaccompanied child refugees cost more than adults	taking care of sick family member or having a family outside one EU country is a reason enough not to cancel EU permit
		1	2	3	4	5
Information on the source of statement	Statement Number	1	2	3	4	5
	Government & ministries				x	x
	Ministry of Interior					
	Ministry of Labour					
	Ministry of Justice					
	Ministry of Education					
	Ministry of Social Affairs & Health					
	Parliament	x	x	x		
	Immigration Services				x	
	Political party & politician	x	x	x		
	National Coalition Party					
	Social Democratic Party			x		x
	The Centre Party	x	x			x
	The Green Party					
	Swedish People's Party					
	True Finns					
	Left Alliance					
	Christian Democrats					
	Other description	HE 208/2010 - MP comments	HE 208/2010 - MP comments	HE 208/2010 - MP comments	Immigration Administration Reform - Norrback report	Government Bill 94/2006
	Legislation					x
	Policy document					x
	Official proceeding	x	x	x		
	Speech					
Report				x		
Year	2011	2011	2011	2008	2006	

Chart 40. First- and second-level analytical tool – Topics of discussion.

Discursive order	Discursive order in a nutshell	Lenient regulation causes more family reunification applications and this creates the possibility for racism, xenophobia and even hatred of foreigners.	Finnish immigration policy is more lenient than in other EU countries	more money is put into immigration administration when sick citizens and universities are suffering cuts	unaccompanied child refugees cost more than adults	taking care of sick family member or having a family outside one EU country is a reason enough not to cancel EU permit
Topic of discussion	Asylum seeking		x	x		
	Belonging	x	x		x	x
	Benefits & Services				x	
	Citizenship					
	Coping with immigration	x	x	x	x	
	Crime	x	x			
	Culture					
	Custody / imprisonment					
	Deportation					
	Education					
	Effects of immigration				x	
	Employment				x	x
	Entry/Stay (residence)	x	x	x		x
	Family (women and children)	x	x	x	x	x
	Identity	x			x	x
	Immigration & integration policy	x	x	x	x	x
	Language					
	Law / Legality					
	Media					
	Nationality / identification					
Political participation						
Refugee				x		
Religion						
Security			x			
Societal participation/integration				x		

Chart 41. First- and second-level analytical tool – Designation (discursive sources of positivity).

Discursive order		Lenient regulation causes more family reunification applications and this creates the possibility for racism, xenophobia and even hatred of foreigners.	Finnish immigration policy is more lenient than in other EU countries	more money is put into immigration administration when sick citizens and universities are suffering cuts	unaccompanied child refugees cost more than adults	taking care of sick family member or having a family outside one EU country is a reason enough not to cancel EU permit
	Discursive order in a nutshell					
	Subject category	Politician	Politician	Politician	State	State
Object category	State	State	State	Immigrant	Immigrant	
Designation - Discursive sources of positivity	Anti-discrimination discourse					x
	Anti-racism					
	Action needed					
	Economic interest in immigr.					x
	Diversity bonus					
	Civic nationalism					
	Cosmopolitanism					x
	Culturalism					
	Civic society				x	
	National society			x	x	
	Assimilation					
	Economic need			x	x	
	Benefits are not for all		x	x		x
	Social democratic					x
	Liberal					x
	Women's equality					
	Human Rights					x
	Political rights					
	Social rights					x
	Children's human rights					
	Education as a right					
	Multiculturalism					
	National standards					
	Nationalism	x	x	x	x	x
	National security			x		
	Tolerance					
Prejudice or racialisation	x					
Racism	x					
Segregation	x	x	x		x	
Socio-biology	x					

Rationalism vs. emotionalism	x	x			x
Management	x	x	x	x	
Rule of Law					
Rational & legal standards					

Chart 42. First- and second-level analytical tool – Power/knowledge (discourses objected to).

Discursive order		Lenient regulation causes more family reunification applications and this creates the possibility for racism, xenophobia and even hatred of foreigners.	Finnish immigration policy is more lenient than in other EU countries	more money is put into immigration administration when sick citizens and universities are suffering cuts	unaccompanied child refugees cost more than adults	taking care of sick family member or having a family outside one EU country is a reason enough not to cancel EU permit
Power/knowledge - discourses objected to	AGAINST Assimilation					
	... Beneficial immigration	x	x	x	x	
	... Benefits are not for all					
	... Neoliberalism - self-interest					
	... Cosmopolitanism	x		x		
	... Culturalism					
	... Difficulty of integration					
	... Discrimination & intolerance					x
	... Easy integration	x	x		x	
	... Equality	x	x	x	x	
	... Human Rights	x		x		
	... Individualism					
	... Inequality & injustice				x	x
	... Multiculturalism	x	x			
	... Nationalism and parochialism					
	... Open borders	x	x	x		
	... Racism / Prejudice					
	... Rationalism					
... Segregation						
... Universalism			x			

Chart 43. First- and second-level analytical tool – Rationalities of exclusion and inclusion.

Discursive order	Discursive order in a nutshell	Lenient regulation causes more family reunification applications and this creates the possibility for...	Finnish immigration policy is more lenient than in other EU countries	more money is put into immigration administration when sick citizens and universities are suffering cuts	unaccompanied child refugees cost more than adults	taking care of sick family member or having a family outside one EU country is a reason enough ...
Rationalities of Exclusion	Particularism	x	x	x	x	x
	Universalism		x			
	Cosmopolitanism					
	Cultural issues					
	Cultural Rights					
	Economic factors			x	x	
	Employability				x	
	Habits					x
	Human rights					
	Integration (lack of)				x	x
	Language skills					
	Loyalty					x
	Nationalism	x	x	x	x	x
	Prejudice	x	x	x	x	
	Racism	x				
	Rationalism	x		x		
	Religion					
	Security			x		
	Skills & education				x	
Values		x			x	
Rationalities of Inclusion	Particularism					x
	Universalism					x
	Assimilation					
	Cosmopolitanism					x
	Cultural Rights					x
	Economic factors					x
	Employability					x
	Habits					x
	Human rights					x
	Integration					x
	Language skills					
	Loyalty					
	Multiculturalism					
	Nationalism					
	Secularity					
Values						