Regimes of Intersection: Facing the Manifold Interplays of Discourses, Institutions, and Inequalities in the Regulation of Migration

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Abstract

This article proposes to move towards an intersectional regime perspectives to enhance our understanding of the interrelations of borders, boundaries, and inequalities in migration contexts. It addresses a conspicuous mismatch in current research: While the contingencies and context-dependencies of migration regimes are widely acknowledged, little attention has been paid to the actual interwoven mechanisms and processes that link political orders to social formations. We suggest amending already existing analyses of intersectional effects of migration-related 'lines of oppression' in two regards. First, we argue for focusing on the intersectional dynamics of political rationalities that give rise to boundaries and borders (the securitisation, the economisation, and the humanitarianisation of migration). Second, we highlight the need to investigate the intersections between different fields of practice involved in the implementation and enactment of boundaries and borders. We conclude by identifying key challenges and promises of an intersectional regime perspective for migration research.

Keywords: *Migration regimes; inequalities; borders; boundaries; intersectionality.*

Introduction

Recent research emphasises the context-dependency, contingency, and conditionality of migration regimes[3] (Horvath et al., 2017). Migration regimes are complex social formations that entail an interplay among border, mobility, and citizenship regulations; they are shaped by and implemented through an interplay of various institutions and fields of practice, only few of which qualify as 'political' in a narrow sense; and their effects develop within contexts of interwoven class-related, gendered, and ethnicised/racialised structures of inequality. In short, migration regimes are marked by manifold intersectionalities.

The key argument of this article is that the tools for conceptualising and researching these intersectionalities need to be refined. We argue that there is a need to move from implicit presumptions to explicit theorisation about the manifold interplays involved in the political regulation of migration. An intersectional migration-regime theory would, among other things, enhance our understanding of the interplay of borders and boundaries. Borders, in our understanding, are political technologies or dispositifs that regulate entry, settlement and related citizenship rights; boundaries, in contrast, are knowledge forms – social classifications that are intimately linked to hierarchies and inequalities. One of the central objectives of an intersectional

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[3] For reasons of readability and brevity, we use 'migration regime' in this article as a shorthand for the more accurate notion of 'border, boundary, citizenship, and mobility regimes'.

regime perspective is to decipher how borders and boundaries, thus understood, are entangled with current structures of inequality and dynamics of inclusion and exclusion.

Such an intersectional fine-tuning can, of course, build on existing feminist theories of intersectionality (Anthias, 2001; Walby, 2009; Lutz et al., 2011; Amelina, 2017). The main purpose of this paper is to substantiate our key argument that there, however, is a need to widen the scope of intersectionalities taken into account in two directions. Apart from the structural effects of interlocking lines of oppression (already addressed in existing studies), we, first, need to pay attention to the intersectional dynamics that give rise to borders and boundaries in the first place. More concretely, we argue for inquiring into the interplays between different political rationalities "such as economisation, securitisation and humanitarianization" that underpin the emergence and functioning of boundaries and borders. Second, we use the example of educational institutions to illustrate the need to investigate the manifold interplays of institutions and fields of practice involved in implementing and enacting boundaries and borders once they are established. We conclude by identifying the implications of an intersectional regime perspective for future empirical research.

Intersectional regime perspectives: Contours of an analytical program

Against the background of the recent massive politicisation of migration, regime perspectives have become rather prominent in migration research (Hammar, 2007; van der Brug et al., 2015; Pott et al., 2018). It should be noted that 'regime' is not a unified or solidified concept. Current understandings in migration research draw on different sources, including welfare state studies (Esping-Andersen, 1990; Sainsbury, 2006), the French regulation school (Boyer and Saillard, 2002; Mezzadra and Neilson, 2012), and Foucauldian governmentality studies (Walters, 2006; de Genova and Peutz, 2010). Nevertheless, these different regime theories converge in relevant ways (Horvath et al., 2017). Most importantly, they shift the focus from explicit wordings and presumed intentions of migration policies to the interplay of discourses, institutions, and practices involved in regulating borders and mobilities (Sciortino, 2004). This understanding is already expressed in Krasner's (1982) seminal definition of regimes as 'networks of rules, norms, and procedures that regularise behaviour and control its effects'.

Thus understood, regime concepts sensitise for the complexities, contingencies, and conditionalities of regulating and governing migration. They focus our attention on processes and relations and on how migration regimes develop their effects through an interplay with wider political and societal contexts. Consequently, regime perspectives in migration cannot restrict themselves to either one 'axis of difference' (such as legal status, citizenship, or ethnicity/race) or to one field of social practice (such as politics, understood in a narrow sense). They inherently require an 'intersectional' outlook, and the interplays of interest can take very different forms. For example, scholars have investigated the interdependencies of global and national scales in policy implementation (Bartels, 2017); the interlinked social, political, and administrative dynamics involved in refugee status determination (Dahlvik, 2018); the interplay between wider societal discourses and migrant-citizen subjectivities (Badenhoop, 2017); the links between local and national scales in determining the housing conditions of refugee populations (El-Kayed and Hamann, 2018); or the interrelations between labour market dynamics and legal classifications (Engbersen et al., 2017). For the most part, however, these various intersectional dynamics are discussed only implicitly (not surprisingly, notable exceptions focus on gender-related issues, e.g. Lutz, 2017 or Schwenken, 2018).

Our key argument is that we need to move from implicitly assuming to explicitly theorising and researching the intersectional dynamics of current border and migration politics. Such an intersectional regime perspective can build on classical feminist theories of intersectionality which have become quite visible in sociological analyses of inequalities (bell hooks, 1981; King, 1988; Collins, 2000; Anthias, 2001; Walby, 2009; Lutz et al., 2011). The core of this theoretical perspective (with its different variants) is that inequalities, understood as unequal distribution of life chances and life opportunities (cf. Anthias, 2001), are generated by an interplay of various types of 'oppressions', with gender, ethnicity/race, class, sexuality, health/disability, age/life course, and space being treated as the currently dominant 'axes of difference' (Becker-Schmidt, 2007; Walby, 2009; Amelina, 2017). This interplay has been approached as a 'multiple jeopardy' (King, 1988) or as an interlocking of systems of oppression (Collins, 2000).

Our reading of intersectional theory highlights the crucial role of knowledge orders for the generation, reproduction, and transformation of inequalities. 'Axes of difference' are forms of social classification that are interwoven with social inequalities. As such, they are discursive phenomena, forms of societal knowledge that are deeply anchored in and entangled with political formations, societal institutions, and everyday practices. Moving towards intersectional regime analysis requires to put a strong focus on this social, cultural, and political embedding of intersectional classifications. In addition to determining how some classifications (once established) interact with other patterns of inequality, we also need to consider the intersectional political dynamics that give rise to them and the concrete interplay of institutions and practices involved in their daily enactment.

The concepts of boundaries and boundary-making provide a viable anchor point for grasping comparable intersectional dynamics in current migration regimes (Lamont and Molnár, 2002; Wimmer, 2013; Amelina, 2017). Boundaries are social classifications – forms of knowledge – that are closely tied up with social hierarchies. They are 'made' in concrete practices in various social fields (such as journalism, the social sciences, state administration, or private businesses) (Fassin, 2011b). The making of (hierarchical) boundaries will, in many cases, not be explicit and intentional, but will rather follow unintentionally from professional classification and categorisation[4] practices (Horvath, 2019). The making and negotiation of migration-related boundaries will, therefore, entail various discursive techniques of temporary meaning stabilisation (Amelina, 2020), including prototypical (and often stereotypical) imaginations of 'movers' and 'stayers', as well as widely shared narratives that mirror dominant understandings of the 'problem' that migration 'poses'. One of the goals of an intersectional regime perspective will therefore necessarily be to analyse the interplay of discursive orders with social relations and societal institutions – in Foucauldian terms, the nexuses of power and knowledge.

How do boundaries, thus understood, relate to borders? In line with recent border regime studies, we conceive of borders as institutions and technologies that selectively regulate entry, movement, and settlement and thereby mediate access to differentiated forms of membership (de Genova and Peutz, 2010; Mezzadra and Neilson, 2012; Walters, 2006). Boundaries, then, provide logics and classifications that inform the establishment of borders, which in turn stabilise the meaning of boundaries as dominant inequality-producing social classifications. Social classifications and related hierarchical boundaries are thus part and parcel of migration regimes.

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[4] In line with the current literature, the terms classification and categorization are closely related in our usage. They mutually imply each other, but have somewhat different connotations. Classification emphasizes the logics and processes of assigning individuals to categories, while 'categorization' focuses more on the definition of single groups/classes.

They shape concrete political technologies, and they mediate the effects that policies and politics impose on individual life chances and life courses. Hence, we may speak of the performativity of boundaries in migration regimes, allowing us to view migration regimes as sets of regulatory processes that 'do migration', in that they transform movers (and often even non-movers) into 'migrants' in need of regulation (Amelina, 2020).

The interplay between boundaries and borders is a logical focal point for intersectional analyses of migration regimes. Such an explicitly intersectional regime perspective provides a theoretical foundation as well as concrete heuristics for relating what are usually treated as disparate aspects (different fields of practice, different scales of policy making, various narratives etc.) while at the same time framing these aspects as part of an overarching problematic: the governing of mobilities and mobile subjectivities in contexts of multiply overlapping social inequalities. In this short article, we aim to promote this general approach without claiming to furnish it in any finished form.

Existing studies on intersectional dynamics in migration contexts have discussed the gendered, ethnicised/racialised, and class-related effects of political regulations of borders and mobilities once they are established. (e.g. Bastia, 2014; Fathi, 2017; Stypińska and Gordo, 2018; Grosfoguel et al., 2015; Lutz, 2017; Schwenken, 2018). Our key argument is that a comprehensive intersectional analysis of migration regimes needs to address two further crucial issues. These issues are, first, the emergence of boundaries and borders and, second, the processes of enactment and implementation through which these orders structure mobilities and inequalities. The former aspect requires an investigation of often counterintuitive interplays of political rationalities in migration contexts; the latter begs the question of how different fields of practice are involved in translating political frameworks into social realities.

Intersecting rationalities: The tension ridden logics of economisation, securitisation and humanitarianisation

In this section, we illustrate the relevance of analysing the intersectional dynamics of the political rationalities that underlie the development of migration regulations, with a focus on the current European context. The notion of political rationalities follows Foucault's analysis of neoliberal governmentality (Foucault, 2009; 2010). Three dominant forms of thematising migration can be discerned in the context of liberal nation-states: (i) utilitarian logics that render migration a question of cost–benefit calculations, or the economisation narrative (Menz, 2009); (ii) security logics that posit migration as a threat to social security, national identity, and public order, or the securitisation narrative (Bigo, 2002; Huysmans, 2006); and (iii) humanitarian logics that discuss migration against the background assumption of shared humanity, or the humanitarian narrative (Fassin, 2011a). Each of these rationalities is reflected in common narratives on "what kind of problem" migration is supposed to be. Importantly, these three rationalities are institutionally anchored in the form of the liberal nation-state; they correspond to "the three pillars of governmentality, that is, economy, police, and humanitarianism" (Fassin, 2011b, 221). Each of these rationalities already carries intersectional implications. Most importantly, their interplay shows important interlocking effects.

The economisation narrative is, on the surface, typically mobilised to justify immigration, for example, by referring to demographic change or labour market shortages. In this vein, the official European Union (EU) rhetoric explicitly relates 'prosperity' and 'competitiveness' to the rhetoric

of free movement (Menz and Caviedes, 2010). Typically, economisation narratives constitute boundaries that allow to hierarchically classify migrants into groups that are imagined as necessarily having different legal positions and enjoying different sets of rights, according to their 'skill levels' (Horvath, 2014b). 'Skill' functions here as a code for 'class' and is also deeply marked by neocolonial orders and discourses, already pointing to an important aspect of intersectionality. [5] The economised treatment of migration also entails gender-related classifications. For mobile EU citizens, for example, gender becomes articulated in the breadwinner approach (Anthias et al., 2013), which affects family members of mobile EU citizens. Classifications around gender become even more significant for non-EU labour migrants when it comes to the process of family reunification.

The securitisation narrative, prominent in Europe from the 1920s onwards, has become highly dominant since the end of the bipolar, post-WWII world order, especially in the context of the 'war against terrorism' that emerged at the turn of the millennium (Huysmans, 2006). Supported by security professionals such as police forces and secret services (Bigo, 2002), the securitisation of migration has been a key element of a general restructuring of security policies over recent decades. The prescribed need for 'exceptional measures' amounted to a massive expansion of deportation and detention policies (de Genova and Peutz, 2010). Again, the narrative of securitisation has important intersectional underpinnings and entails classifications regarding ethnicity/race and gender as well as references to postcolonial and class orders, all of which become attached to questions of spatial autonomy and imaginations of transnational threats. This interplay of classifications is particularly visible in media figures such as the 'aggressive male asylum seeker', often also presented as 'a welfare tourist' 'misusing asylum regulations', whose spatial autonomy needs to be limited, and whose supposed transnational networks are depicted as a potential danger (Dietze, 2016; Wetterich, 2018). Securitising and economising rationalities are already related in the resulting legal orders: the lower the prospective economic value attached to a migrant category, the greater the probability that the social, spatial, and temporal autonomy of that category will be constrained.

Although the economisation and the securitisation of migration are often presented as expressing opposing political standpoints, it is their very intersectionality that drives the development and establishment of political regulations. For example, Horvath (2014b) shows how recently established European labour migration programmes that may seem to follow a purely economising logic (emphasising the need for and benefits of migration) actually hinge on the preceding and simultaneous securitisation of migration: The latter forms the background against which specific criteria become accepted as legitimate grounds for differentiating fundamental rights. The massive securitisation of migration after 1989 was thus a necessary precondition for introducing points-based systems that use criteria such as education, language knowledge, or age as a way of grouping migrants into hierarchical orders, as well as for designing temporary worker programmes (seasonal work) that are marked by the almost all-encompassing deprivation of fundamental rights. Hierarchical boundaries introduced under securitised preconditions thus become invested and utilised in the border policies of utilitarian migration programmes. It is the

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[5] In this context, another important example can be noted: the widespread de-skilling of so-called (highly-) skilled migrants. This is clearly a highly intersectional phenomenon: While mostly male and mostly white intercorporate 'ex-pats' may experience their transnational mobility as upward mobility, those 'skilled' migrants coming from the global South or in gendered work contexts are far more likely to end up in relatively disadvantaged positions that do not correspond to formal qualifications and previous work experience.

intersectional dynamic between different political rationalities that yields and justifies specific forms of political regulation.

What about the third political rationality, humanitarianism? Could humanitarian narratives provide a basis for circumventing the intersectional dynamics that evolve between economising and securitising political logics? From an intersectional regime perspective, the answer to this question will have to be nuanced, mirroring the complexity of humanitarian thought in Western modernity (Fassin, 2011a). By referring to images of shared humanity and universal rights, these humanitarian narratives seem to carry the potential for tempering the effects of hierarchical boundaries between 'Us' and 'Them'. However, at the intersections of humanitarianisation with other political rationalities there evolve new detrimental patterns of boundary-making within current European migration regimes. First, the discursive images of 'asylum seekers' and 'refugees' become articulated in terms of class, gender, ethnicity/race, and space classifications. 'True' forced movers are imagined to be of low social class within their sending countries, where they lack opportunities, with no choice but to move to another country. These images are also highly gendered, since the notion of 'enforcement' generates images of vulnerable and passive subjects – particularly in images of victimised 'women and children' (Gray and Franck, 2018; Johnson, 2011; McPherson, 2015; Neikirk, 2017). Second, these images of vulnerability are inversely related to degrees of (pseudo-economised) 'deservingness', meaning that mobile men can be more easily ethnicised/racialised and, consequently, subject to securitised regulations: this interplay of political logics explains the paradoxical constellation that those seeking the 'internationally protected' legal status of 'refugee' face the highest restrictions regarding spatial autonomy and other social rights (Casati, 2018; Holmes and Castaneda, 2016; Holzberg et al., 2018; Ratfisch, 2015; Sales, 2002). Third, because of the status of exceptional emergency inherent in asylum narratives, the field of allegedly humanitarian migration has over the past decades become a laboratory for developing and establishing ever more draconian measures that are then transferred to other fields of migration politics (Horvath, 2014a). Humanitarian narratives thus are deeply involved in the evolution of borders and boundaries, up to the introduction of militarized detention and deportation regimes (Fassin, 2011b).

If we shift our attention from the intersectional effects of regulations to the political rationalities that yield them, a whole new set of relevant intersectionalities arises. These are intersectionalities in the true sense of the word. Each of the discussed political rationalities has its own dynamics and is anchored in institutions and fields of practice in its own way. While each of the rationalities already implies intersectional classifications and related hierarchical boundaries, it is the interplay between different rationalities that has the most striking effects: securitisation gives rise to boundaries that are then used for economised border politics, and humanitarian narratives become battlefields in which new detention and deportation policies are developed. Borders and boundaries become related in manifold ways in and through this intersectional interplay of political rationalities: border assemblages generate boundaries that in turn become effective in technologies and dispositifs of bordering, a transversal process that spans different fields of practice.

Intersecting enactments: The example of educational participation and classification in the age of migration politics

The plurality of political rationalities on migration issues has important implications that are often missed. It points to the intersecting involvement of various (border-related) societal institutions in migration regimes, from securitising actors such as the police to economising

organisations such as entrepreneurs associations to humanitarian institutions such as social work. Besides being entangled in the *formation* of regulations, these and other fields of practice also play a crucial role when it comes to *implementing* and *enacting* boundaries and borders. The concrete effects of migration regimes on individual life chances are hence mediated by institutions and practices which may seem far detached from politics in a narrow sense. Recent scholarships provides first insights on these entanglements for fields such as administration (Dahlvik, 2017) or the law (Eule, 2019). In the following, we illustrate the intersectional political entanglements involved in the everyday enactment of borders and boundaries using the example of education. We point to a number of important interplays between political and educational dynamics, most of which are so far barely researched and understood.

Education, as a field of practice, is heavily entangled with borders and boundaries. As will be discussed in the following, borders directly affect educational participation – border orders structure student populations. At the same time, schools themselves must be seen as bordering institutions. Their role in this regard is in the field of 'social citizenship' (Marshall, 1950; Moses, 2017). Their key function is to assign social status and to select and evaluate students for specific educational tracks. Schools are 'sorting machines' (Domina et al. 2017), that are deeply engaged in producing and transforming durable 'categorical inequalities' (Tilly, 1999). In fulfilling these functions, educational institutions and practices are interrelated with the dynamics of migration regimes in many ways (Horvath 2018; 2019). Most importantly, the boundaries that structure public and political discourse become effective in the everyday sorting and classification activities of schools in often unforeseen ways. Educational institutions thereby make hierarchical boundaries consequential and meaningful – it is through organisations such as schools that discursive boundaries actually structure life chances. This, however, is not a straightforward, but a highly complex, intersectional process.

Take the example of participation in education systems (Hochschild and Cropper, 2010). Schools and teachers in the current European context are confronted with an already bounded population that has been filtered and differentiated by migration regimes. For example, children of most temporary migrants will never have access to the education system of the receiving country, an issue that has so far been completely under the radar of education research in spite of the dramatic rise of temporary migrant worker programmes all over the global North and West (Henderson, 2004; Horvath, 2014b). The exclusion of these children is an extreme consequence of a profound rearrangement of social class, migrant status, and ethnicity/race in education contexts, translating a general tendency towards hierarchical stratification by European migration regimes (Engbersen et al., 2017) into transnational educational inequalities. Overall, the nexus between current migration regimes and educational participation are contradictory. On the one hand, recent long-term migration is today less clearly linked to disadvantaged positions than in previous decades; long-term settlement in the European context has become more of a middle- to upper-class phenomenon. On the other hand, already existing minority populations (often resulting from post-WWII labour migration), as well as newly arrived migrants with less secure legal statuses, find themselves in persistently and intersectionally disadvantaged positions.

Educational institutions are not merely passively faced with these developments; rather, they actively engage with and shape them. In other words, schools are not only confronted with a hierarchised body of students but may actually contribute to and reinforce hierarchical boundaries and borders. For example, mirroring trends towards positively connoted elite cosmopolitanism, hitherto monolingual school settings now increasingly encourage the use of prestigious

'cosmopolitan' foreign languages (mostly English or French) – even as an official instructional language – whereas less prestigious languages (those spoken by ethnicised/racialised minority populations) are denigrated and delegitimised in various ways. These orders of linguistic worth, again, reflect intersectional constellations of social class, ethnicity/race, belonging, and degrees of spatial autonomy in current migration regimes (Holmes et al., 2017).

The hierarchised participation of migrant children in education goes hand in hand with other practices of educational classification. For example, teachers regularly draw on extra-pedagogical boundaries for defining and handling the uncertainties that arise in everyday educational situations. In this vein, the category of 'migration background' is today routinely applied in German-speaking school contexts to make sense of students and their life worlds in an 'understanding' and individualising manner. At the same time, it is used to delimit areas of (non-)responsibility: by referring to this category, teachers feel able to 'explain' educational disadvantages and simultaneously declare them as being beyond their professional reach (Horvath, 2019).

These kinds of migration-related categories are best understood as 'entangled' (Horvath, 2018), if not outright 'intersectional': although they stem from political and public discourses, they are used in accordance with the needs and logics of educational classification. These entangled categories fulfil different 'intersectional' functions, for example allowing for communication with actors from other fields (such as social scientists or social workers). Far more importantly, they can become the anchor point for certain forms of problematising educational situations in line with political and social dynamics. Thus, the mentioned category of 'migration background' has today become fixed as a focal point of a widespread pedagogic narrative which relates the perceptions of students and their families to didactic strategies and professional self-understandings (Horvath, 2018). These forms of entangled boundary making and problematisation have important consequences because they threaten to further deteriorate the position of those who already are disadvantaged. Minority and post-migrant populations thereby face reduced chances to obtain the kind of certified educational qualification that today's migration regimes increasingly require for gaining international mobility rights.

To sum up, migration regimes are implemented and enacted by educational institutions in manifold ways. Educational institutions mediate and materialise the concrete effects of borders and boundaries on individual biographies. Border orders and boundaries become effective in schools not only through the differential selection and positioning of migrant children but also by providing discursive resources for making sense of and handling pedagogic situations. In their combination, these processes tend to exacerbate already existing intersectional inequalities. Any understanding of how education is interwoven with migration regimes needs to take the autonomous logics and structures of pedagogic practice seriously. Its partly autonomous, yet deeply politically entangled character warrants the call for an intersectional perspective. Other fields of practice can be expected to be similarly interwoven with migration regimes, but each in its own ways and corresponding to its own structures and logics.

Conclusion

This article pleads for a wide intersectional enrichment of our understanding of migration regimes. Such an approach would add to our understanding of how borders and boundaries come about, how they are interrelated, and how they develop their effects. An intersectional outlook implies to choose the manifold interplays of (relatively autonomous) actors, discourses, and institutions involved in these processes as an analytical focus. On this basis, we can understand how

political rationalities that are usually treated as separate or even opposing (such as economising, securitising, and humanitarian narratives on migration) interrelate in yielding boundaries and border policies, or how the concrete effects of migration regulations on social formations evolve through an interplay of professional fields of practice, such as education.

We believe that such an intersectional regime approach offers manifold perspectives for empirical research that aims to identify and meaningfully analyse politically regulated dynamics of hierarchical boundary making, inclusion, and exclusion in our current 'age of migration' (Castles et al., 2013). Its key promise in this regard also marks the central challenge it faces: An intersectional regime perspective would provide heuristics and concepts for doing research that crosses still dominant thematic, disciplinary, and methodological boundaries within migration studies. Future research could, for example, 'follow' concrete boundaries and regulations through their stages of development from their early emergence to their more or less immediate effects, or target the subtle political and social consequences of professional practices that on first sight might seem pretty detached from the politics of borders and migration. The realisation of this potential, however, requires an openness for research that crosses and bridges established subfields of migration research that still tend to live in relative isolation from each other.

Against this background, an important promise of intersectional regime perspectives concerns their capacity to engage social actors in a dialogue concerning the political foundations and implications of their agency. This demand for reflexivity also applies to migration research itself. After all, migration scholars themselves are heavily involved in the intersectional development, negotiation, implementation, and problematisation of migration-related boundaries and borders.

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