CHAPTER 10

The Limits of Egalitarianism: Irregular Migration and the Norwegian Welfare State

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Introduction

Egalitarianism in the Nordic context is frequently related to the strong and positive value placed on equality within these societies, which again is seen as institutionalized in and through the structures of the welfare state. Several anthropologists, however, have problematized exclusivist aspects of Nordic egalitarianism evident in the way these countries have dealt with cultural difference, suggesting that equality comes with a demand for "sameness" or cultural conformity (Eastmond 2011; Gullestad 2002; Olwig 2011). Accordingly, Nordic egalitarianism produces its own "in-egalitarianism" or hierarchy based on the ability to conform to social norms and cultural values defined in dominant discourse on proper citizenship (Bendixsen et al., Chap. 1, in this book).

In this chapter, I explore another exclusivist side of Nordic egalitarianism, namely how the assumed egalitarian nature of these societies has been premised on the nation state and thus a conception of a community that is territorially bounded. I also explore how the territorial premise of egalitarianism has been challenged by so-called irregular migration and what

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implications this has for understanding egalitarianism in the Nordic context. More specifically, I investigate what norms and values govern irregular migrants' access to basic services such as food, shelter, and health care. The central question for this chapter is: How is the exclusion, or differential treatment, of irregular migrants in terms of social rights justified within a welfare state supposedly based on egalitarian notions of justice?

Irregular migrants are migrants who enter or dwell on state territory without proper authorization. They are as such a product of immigration law (De Genova 2002), and expose the limits of border policing strategies. What makes the question of irregular migrants' access to social protection a particularly tricky problem for policy-makers, and an interesting lens through which to explore questions of egalitarian norms and welfare distribution, is precisely the fact that they are legally excluded, but still physically present within state borders.

In the following, I will begin by discussing what the egalitarian welfare approach entails in relation to migration, before I investigate what norms and values govern irregular migrants' (lack of) access to welfare. A central part of the analysis is focused on the legal and discursive construction of the outsider and insider. The reflections offered are based on analysis of public texts (laws and regulations, consultation papers and guidelines, government press releases), but also draw on ethnographic fieldwork conducted in Norway (Oslo and Bergen) between 2011 and 2014. In the course of this fieldwork I interviewed a wide range of health care providers, NGOs, and irregular migrants. I also followed some irregular migrants over time, in the sense of having multiple encounters and conversations with them, as well as accompanying them in their various daily activities.[1]

Egalitarianism and the Nordic Approach to Welfare

Norway, along with its Nordic neighbors, has received significant interest and admiration both academically and in international political circles for what is considered a comparatively egalitarian and generous approach to welfare distribution. Egalitarianism, as a European Enlightenment idea, emphasizes, as noted by Bendixsen, Bringslid and Vike (Chap. 1, in this book), each individual's equal moral worth. As a political project, egalitarianism can be said to form principles for the allocation and distribution of goods, and shapes the form and practices of welfare delivery. So, while all welfare states to various degrees and in various forms entail a commitment to securing people's basic security, they vary in terms of to what extent egalitarian principles guide the distribution of rights, duties, and social goods.

In the welfare state literature, the "egalitarian nature" of the Nordic welfare state is related both to how it redistributes wealth through progressive taxation and the way the welfare services are organized (Kuhnle and Kildal 2005). A key feature in regard to the organization of welfare is the (relative) absence of a connection between the financing of provisions and one's right to them. A basic premise behind the Nordic welfare state model is that the right to receive welfare should not be based on previous occupation, income, and contributions, nor should it be limited to the poor through means testing. The commitment to social and economic equality, rather than simply poverty alleviation or income maintenance, is considered a particular feature of the Nordic welfare model (Esping-Andersen and Korpi 1986).

The Nordic experiences, though, also show how the relationship between egalitarian principles and institutions of welfare is complex. For instance, while the Nordic welfare states are typified by universalism (that is inclusive welfare schemes targeting the entire population), very few welfare schemes are universal in the sense that there are no admission criteria. An example is social assistance that can be considered universal in the sense that the circle of people who can apply for such support is very broad, but it is not so universal in the sense that it is awarded on assessment and the sums conferred can vary. The welfare schemes can thus be said to be characterized by "universalism" to varying extents (Brochmann and Hagelund 2012). Furthermore, the Nordic welfare states contain a combination of universal schemes with entitlements based on citizenship or residence and work-related benefits (Kildal and Kuhnle 2014).

In the past decades, Nordic welfare state researchers have also cautioned against what they see as welfare policy trends that modify the basic principles of the welfare state (Kuhnle and Kildal 2005). One example is the increased linking of contributions and benefits represented by workfare schemes introduced in the social services. Nilssen and Kildal (2009) argue that the movement from a policy of "social rights" to a policy of "rights and duties" implies that the traditional resource-based egalitarian notion of justice, including ideas of redistribution, equal opportunity, and equal respect, is being replaced by an idea of "justice as reciprocity".

Despite these reservations, though, egalitarian norms are still generally considered as relevant markers of the Nordic welfare states (Dahl 2012; Vike 2015). Moreover, the "egalitarian welfare state" can be seen to constitute a core part of the national self-understanding, and as something of a brand by which to position the Nordic countries in the world

(Browning 2007; Fuglerud 2005). As such, egalitarianism in the Nordic context can be understood and approached as what Cox (2004) calls a "logic of appropriateness" for the consideration of policy options. By "logic of appropriateness", Cox refers to values that are so highly regarded that "scholars and policy-makers are compelled to justify their observations and proposals for reform by making reference to those values" (Cox 2004, 216). Hence, while egalitarian welfare values such as universalism and equality are not necessarily achieved or expressed in all policies, they can be understood as possessing a strong degree of shared attachment.

Soft Inside, Hard Outside?

In relation to migration policies, the egalitarian welfare approach has, in theory, implied that migrants should have the same formal rights to welfare as every other citizen and that access should mainly be organized through regular welfare state institutions (Brochmann and Hagelund 2012). The adherence to egalitarian norms from within have, at the same time, been linked to restrictive admission policies, thus following what Bosniak (2006) has called "the hard on the outside and soft on the inside" model of citizenship. This model is based on the assumption that there is an inherent contradiction between egalitarian welfare policies and widespread international migration. As famously argued by Walzer; "[t]he idea of distributive justice presupposes a bounded world within which distribution takes place" (1983, 31).

According to Brochmann and Hagelund (2012), the duality between inclusive welfare policies (soft inside) and restrictive admission policies (hard outside) has, in Norway, been seen as necessary to ensure the economic sustainability of the welfare state and to avoid huge social differences that would delegitimize it. As they state: "Good welfare states do not want to have large numbers of people or groups that fall through the net, disturb regulated working life, overload social budgets, or eventually undermine solidarity" (2012, 13). In this sense, immigrants who are legally present ought to be included in the welfare arrangements on equal grounds for their own good and for that of society.

What the societal considerations are in regard to irregular migrants, however, is less agreed upon. As I contend here, irregular migrants pose a considerable challenge to the "hard outside—soft inside" model, as they expose the unsustainability of a notion of a territorially bounded space within which egalitarian distribution can take place. The presence of irregular migrants on state territory exposes how states cannot completely

control admission at its outer geographical borders, thus rupturing any neat connection between territorial presence and membership. The challenge facing policy-makers thus becomes: Should the welfare state approach to territorially present, but unwanted, migrants be guided by the "hard" threshold norms or the "soft" interior ones?

It should briefly be noted here that the Nordic countries are also known for having a sort of "soft outside". Scholars of international relations have, for instance, suggested that a distinctive Nordic brand of "normative internationalism" is a central part of the "Nordic model" (Bergman 2007; Ingebritsen 2002). Normative internationalism refers in this literature to a foreign policy driven by the countries' domestic values, including equality. In the Swedish case, normative internationalism has also, at least until recently, been seen to influence their comparatively welcoming approach to refugees and asylum seekers. I would suggest here though, that the normative internationalism of the Nordic countries rests rather heavily on a humanitarian rather than egalitarian foreign policy agenda. The main emphasis has been on comparatively generous provisions of overseas development aid rather than a commitment to a more equitable distribution of global income. The Nordic countries, though, tend to be seen, and see themselves, as both egalitarian *and* humanitarian, and Norway has promoted an image of itself as a "humanitarian super-power" (Fuglerud 2005). Nonetheless, humanitarianism and egalitarianism represent different commitments and projects.

Humanitarianism, like egalitarianism, can be seen as a product of European Enlightenment's commitment to a shared humanity. But rather than emphasizing equality, humanitarianism is oriented towards alleviating human suffering (Feldman and Ticktin 2010). Actions are based on compassion and benevolence, and oriented towards "victims" rather than bearers of rights (Fassin 2012). As such, humanitarian discourse and practice rest on a distinction between "us" and "them" and are grounded in a specific type of difference created by material inequality (Dauvergne 2005).

Humanitarianism has, like egalitarianism, also been seen as a moral principle guiding welfare policy, but in a different way. While egalitarianism is associated with support for social rights and an active government that intervenes in economic processes to rectify existing inequalities in society, humanitarianism is associated with support for more modest welfare policies directed at poverty relief (Feldman and Steenbergen 2001). Whereas the Nordic countries are seen as an example of egalitarian approach to welfare, humanitarianism is, for instance, seen as a value underpinning US welfare policy.

In the Nordic context, though, humanitarianism is first and foremost associated with a particular moral and political project concerned with international aid and intervention in crisis and conflict situation abroad either by non-governmental organizations or the state (Ticktin 2014). Hence, the tension between an egalitarian and humanitarian project has rarely been problematized in the literature on "Nordic normative internationalism". However, as I will return to later, the normative tensions and differences between egalitarian notions of justice committed to social leveling and a humanitarian policy based on benevolence and compassion are intensified when the principles of humanitarianism are not only applied to distant strangers, but applied in the domestic field in regard to irregular migrants. First, though, I will turn to how the demarcation of an inside and an outside on state territory is legally and discursively constructed, drawing the limits for when egalitarian principles should apply in regard to welfare distribution.

Legally Demarcating the Outsider

One of the intriguing traits that emerged when I was doing fieldwork among irregular migrants in Norway was the state's ambiguous and inconsistent approach when it came to the provision of welfare. Zeki's case can serve as one example. Zeki came to Norway as an unaccompanied minor in the mid 1990s, but years later lost his residence permit due to drug-related offences. When I met him, he was trying, with the assistance of a community outreach worker, to get a place in a drug rehabilitation centre and housing and economic assistance from a local Labour and Welfare Administration office. He was initially denied both, but after a year he was granted so-called emergency aid. This included a room in a hospice and approximately 60 percent of what state guidelines for social benefits stipulated. Although this was only meant to be short term, Zeki continued to live on this emergency support for years, yet remained unable to access any form of treatment for drug addiction due to his status as illegal.

A different example is provided by Aster. Aster, at the time we met, had been living illegally in Norway for 12 years. For most of that time, she had managed to support herself by working, having received a temporary work permit in 2001. At that time, it was not unusual for rejected asylum seekers to be granted temporary work permits so that they could provide for themselves until a departure could be effected. This policy changed in 2003, but Aster kept receiving a tax card, worked and paid taxes until

2011, when a clean-up in the Norwegian Tax Administration revealed that tax cards had by error been sent out automatically to rejected asylum seekers like Aster. After the tax card stopped coming, Aster lost her job, and she came to depend on friends' support. Ironically, for Aster, paying tax, and thus contributing to financing welfare, did not open formal possibilities for claiming welfare benefits. She was also not entitled to the emergency aid granted to Zeki. However, as a rejected asylum seeker, she was offered accommodation in an asylum reception centre.

As these two examples show, irregular migrants are not completely excluded from access to welfare, yet they are not included on equal grounds nor are they receiving the same standard of welfare. One of my suggestions in this chapter, is that in the past decade there has been a dual process in Norway whereby irregular migrants increasingly are legally demarcated outside the scope of welfare legislation, while at the same time humanitarian exceptions are built into the system to relieve some of the tension between the welfare state's commitment to basic security and immigration law enforcement.

In Norway, the legal changes that have taken place in response to irregular migrants' presence, have primarily taken the shape of administrative reinterpretation concerning *the scope* of existing laws to restrict irregular migrants' access, thus making it explicit that they are excluded from an initially inclusive entitlement. Norwegian welfare law, including the Social Services Act (2010) and the Patients' Rights Act (1999), generally defines the scope of the law as "everyone residing in the Realm" in line with egalitarian principles of everyone's equal moral worth. There is no mention of legality as a requirement. However, in the past decade, as the issue of irregular migration has gained increased attention, there has been an ongoing discussion concerning who should be included in "everyone". While irregular migrants are still included in a few cases (i.e., the Child Welfare Act (1992), the Education Act (1998) and the Act on Crisis Shelters (2009), see Søvig 2013), their access to services has increasingly been circumvented by various regulations and circulars issued by state departments that define the scope of the law to mean legal residents. Access to health care is a prime example.

In 2010, the Ministry initiated a review of existing laws due to what they called "continuing doubt and varying practices" regarding irregular migrants' access to health care. One of the major challenges, according to a consultation paper issued by the Ministry of Health and Care Services (2010), was precisely how to interpret "all" ("*alle*") in the Patients' Rights

Act (1999), "reside or temporally reside" ("*bor eller midlertidig oppholder seg*") in the Municipal Health Services Act (1982) and "permanent domicile or residence" ("*fast bopel eller oppholdssted*") in the Specialized Health Services Act (1999). Although, the Ministry conceded that the wording seemed to imply that the scope of the Acts covered people residing illegally, they concluded that it would be reasonable "to interpret into the law" a legality requirement so that "one cannot be considered to be 'a resident' when unlawfully staying in the country". This formed the basis for a new health care regulation that came into force in July 2011, restricting irregular migrants' access to health care to emergency care and health care that cannot wait "without danger of imminent death, permanent and seriously reduced functionality, serious injury, or severe pain" (Healthcare Regulation 2011). Children, pregnant women, prisoners, and persons with communicable diseases, however, were still granted some additional rights.

Policies concerning irregular migrants' access to public accommodation and economic support have also been changed several times during the past decade. The first major change occurred in 2002 when rejected asylum seekers' access to shelter and financial support was revised. Up to that point, they had generally been accorded the same services as asylum seekers through the asylum reception system. However, from 2002 rejected asylum seekers gradually lost the economic support granted by the state, the possibility of a work permit and eventually, from January 2004, access to accommodation in asylum reception centres.

The "loss of accommodation" policy, though, was highly controversial and received considerable opposition from municipalities, as the municipalities now had to face the dilemma of how to deal with rejected asylum seekers' social needs (Brekke and Søholt 2005). Furthermore, the regulations and political signals regarding municipalities' responsibilities for irregular migrants were unclear. Circulars and letters from various state departments stated that while individuals without legal residence were not entitled to financial support under the Social Services Act, "no one should starve or freeze to death in Norway" (Ministry of Labor and Social Affairs 2004). As such they were entitled to emergency aid based on what was considered an "unwritten Act of Necessity". The application of this "unwritten Act" was left to the discretion of each municipality, which varied significantly (Brekke and Søholt 2005).

In 2006, in response to local criticism, the government established two "waiting centres" to house rejected asylum seekers. However, these centres soon became controversial due to low standards of care. In June 2010, riots

erupted among residents of both centres, and they were subsequently closed due to extensive fire damage (Valenta et al. 2010). In September 2011, the government announced that rejected asylum seekers would again be offered accommodation in ordinary reception centres. They would also receive economic support, though at a lower level than asylum seekers awaiting a decision. Rejected asylum seekers (single adults) would receive just above one-third of what the state guidelines stipulated for those receiving social benefits, and approximately 60 per cent of the support granted to asylum seekers (Karlsen 2015). Furthermore, while the Immigration Act states that asylum seekers "shall" be offered accommodation, rejected asylum seekers only "can" be offered accommodation pending departure.

Still, not all irregular migrants are rejected asylum seekers and eligible for accommodation in asylum reception centres.[2] Zeki, for instance, was denied accommodation through the asylum reception system because he had previously had a residence permit. Irregular migrants such as Zeki continued, in theory, to be eligible for support from municipal social services through the "unwritten Act of Necessity". In January 2012, this Act was formalized through the Social Services Regulation (2011), which made it obligatory for municipalities to help people in "dire need" with financial support and assistance in finding temporary accommodation until the person could leave the country.

Irregular migrants' access to welfare is, as my account above illustrates, mainly governed through regulations, circulars, and letters issued by state departments. As such, the restrictions have been implemented without any comprehensive parliamentary debate (Søvig 2013). Legal scholars have thus questioned the legal basis for the restrictions both in relation to due process and human rights obligations (Andersen 2014; Süssmann 2015). Here, I wish to draw attention to another problematic aspect, namely, how, through the decrees, access to social services becomes meted out through benevolence rather than as rights, as illustrated by the "can" in regard to shelter in the Immigration Act. I will return to the implication of this later, but first I will look at the discursive demarcation of irregular migrants as "the outsider".

Discursively Demarcating the Outsider

In February 2013, just a year after the emergency provision in the Social Services Regulation was implemented, Norwegian newspapers reported that a man from the Middle East, convicted of attempted rape in Sweden

and expelled from Schengen, had been granted social assistance from the Norwegian Welfare Administration. The man had initially come to Norway as an unaccompanied minor, before moving to Sweden in 2010. On his return, as the media account displayed, the local office in the city of Skien granted him emergency aid for ten days. However, when he applied for regular social support, he was denied this. The man complained to the county governor, who concluded that he indeed was entitled to financial support and temporary accommodation "until he in practice could leave the country", a phrase used in the emergency clause.

In response to the media coverage, several prominent politicians reacted with condemning statements. Torbjørn Røe Isaksen, a conservative Member of Parliament, exclaimed that this gave anyone with illegal residency a "carte blanche" to get money from the welfare administration, while the Progress Party's Robert Eriksson claimed that "we now find ourselves in the insane situation that we have become the social welfare office for the entire world" (Hegvik et al. 2013). The Minister of Labour at the time, Anniken Huitfeldt (the Labour Party), was also quick to declare that granting benefits to this man contradicted her opinion of who should receive welfare benefits. However, while the opposition seemed to protest giving support to people with "illegal residency" in general, the Minister focused on the man's criminal behaviour. In a statement she wrote, "If the current emergency provision has such unreasonable effects, I will change it. I want to make sure that it is not abused by persons who have committed crimes and who have been expelled from the country" (Hegvik 2013a). Five months later, the Minister, on the basis of this particular case, initiated a consultation on changing the regulation. As the regulation was only a year old, it became the second consultation on the emergency provision in less than two years (Ministry of Labour and Social Affairs 2011, 2013).

This case, and the changing system of welfare support described above, draw attention to how access to welfare services also reflects wider societal values regarding the legitimate and illegitimate, and not only the legal and illegal. How irregular migrants are increasingly cast as "undeserving", and not merely "illegal", in public discourse is widely commented upon within the migration literature (Anderson 2013; Watters 2007). In particular, the "culture of disbelief" surrounding the category of asylum seekers in Europe, and the distinction increasingly made between legitimate and deserving refugees and bogus asylum seekers, have been seen to justify harsher policies, including restricting access to basic services for those deemed illegitimate. Constructed as undeserving and denied political

voice, irregular migrants are not only excluded from the political community, but also, Willen suggests, from "the moral community of people whose lives, bodies, illnesses, and injuries are deemed worthy of attention, investment, or concern" (2012, 806). The question of deservingness thus becomes central to the way migrants' civic value is defined and measured, and translated into care.

Also in Norway, alongside state efforts to define irregular migrants outside of the scope of welfare laws, there has been an attempt to discursively distinguish more tightly between whose lives are worthy of care and whose are not. This however, is not straightforward. A central question, as illustrated in the introductory case, is whether all irregular migrants are viewed as undeserving, or are there some that are more or less worthy of compassion?

In recent years, research has shown how humanitarian discourse portrays irregular migrants as human beings variously in need, and deserving, of care (Ticktin 2006; Aradau 2004). This introduces an ambivalence in regard to how irregular migrants are perceived and managed by states, and contributes to an increased differentiation and hierarchy as certain categories of irregular migrants evoke more or less compassion. Which suffering becomes recognized in the public domain, Ticktin (2011) notes, is a question of struggle and construction and not of inherent "merit". Labels are in this regard central to the struggle and construction of deservingness. Is the migrant illegal, irregular, undocumented, or something else?

The central contested issue that is expressed in the various labels used to describe irregular migrants in Norway, I suggest, is who is to be held morally responsible for their precarious situation—the migrants themselves or the state that fails to deport them? At stake in the labels is thus the question of innocence and individual versus social responsibility for suffering. In 2004, the term "unreturnable" ("*ureturnerbar*") was a prominent label used in the discussion concerning rejected asylum seekers' loss of state accommodation. The term gained acceptance academically, politically, and within the bureaucracy, and contributed to public sympathy (see, e.g., Aarø and Wyller 2005; Brekke and Søholt 2005). Many of those who lost access to state accommodation at that time were people who were difficult to deport, either because the country of origin did not accept deportees or because their identity was not established. However, in 2011, the official view became that no one was "unreturnable"; there were only "return refusers" ("*returnektere*"). The term was first used by

State Secretary Pål K. Lønseth at the Ministry of Justice and Police in a widely published newspaper comment in October 2011 (Lønseth 2011). Lønseth acted as the government spokesperson on asylum issues between 2009 and 2013.

The labelling of irregular migrants as "return refusers" can be seen as an active attempt by the authorities to contradict the more established terms of "unreturnable" and "undocumented" ("*papirløs*", a term adapted by NGOs), and also the victim-position these terms imply. Several scholars have commented upon how morally blaming individuals for their own predicament, of which the term "return refuser" is an example, is a trend within neoliberal governmentality (Pratt 2005; Mitchell 2006). Also, in the dominant Western European model of personhood, the individual is generally characterized as rational and autonomous, and the author of their own experience of the world. In this model, notions of agency become central to attributing responsibility and accountability (Jacobsen and Skilbrei 2010). Hence, whereas "unreturnable" give the migrant a passive subject-position and signals a failure on the part of the state to act, "return refuser" puts the agency and the moral responsibility of not returning clearly on the migrant. It also makes the migrant, and not the state, responsible for their and their children's living conditions while they are irregular. As State Secretary Lønseth (2011) put it, "They are themselves responsible for putting their own and their children's lives on hold by refusing to return."

Still, throughout the past decade of changing policies, certain groups were continuously singled out for special care. For instance, families with children and individuals with health problems were allowed to remain in ordinary asylum reception centres when other rejected asylums seekers were to be evicted. This draws attention to how recognition of vulnerability and perceived responsibility are used to distinguish *between* irregular migrants. As illustrated in the opening passage, a distinction between the "good" and "bad" illegal is also used to some extent to distinguish between irregular migrants. Here, the Minister singled out "convicted criminals" as those who should be excluded from services. These are lives that are "extra mismanaged" as they are perceived to have failed in some important moral way. In this way, the deservingness discourse can be seen to construct particular subject-positions for the irregular migrant. For instance, while the focus on irregular migrants as "bogus refugees" or "criminals" has helped construct the category of the "bad illegal", irregular migrants are also encouraged to make themselves "good illegals" to counter these associations in an attempt

to gain acceptance both morally and legally (Coutin 2003). According to Chauvin and Garcés-Mascareñas (2012), the good character of irregular migrants has in several European countries and the USA been increasingly defined in terms of noncriminal conduct, economic reliability, fiscal contribution, identity stability, and bureaucratic traceability. As such, irregular migrants can make themselves "less illegal" and more deserving by working and avoiding crime.

Also in Norway, irregular migrants have attempted to present themselves as "good workers" and "contributing members of society" in an attempt to become "less illegal". For instance, in February 2011, a group of Ethiopians who by default had received a tax card for years launched a hunger strike in Oslo Cathedral when this practice was discovered. Examining their political mobilization, Bendixsen (2013) points out how, during the protests, the Ethiopians emphasized their deservingness as taxpayers, and as such attempted to inscribe themselves into what Anderson (2013) calls "the community of values". However, in the Norwegian context, being good workers and taxpayers does not create formal possibilities of gaining access to welfare, nor does it lead to regularization, as it does, for instance, in France and Spain. Thus, working and paying tax, rather than translating into rights, work to document a lengthy breach of immigration law, making it a more serious offence in the view of the immigration authorities. Still, not committing crimes, or not actively hiding from authorities by staying in asylum reception centres, are ways that irregular migrants can construct themselves as "less illegal" in the Norwegian context (Karlsen 2015).

While casting irregular migrants as "undeserving", and not merely illegal, in public discourse has been part of justifying harsher policies, including restricting access to basic services, there is no straightforward or automatic translation between how migrants are perceived and welfare policies. For instance, neither the centre left government, nor the right-wing government that succeeded it, has removed the emergency clause, despite their criticism of it. Why the construction of irregular migrants as illegitimate welfare recipients does not necessarily translate into policies that restrict "undeserving" migrants access to welfare completely, I suggest, is related to how access to welfare is not only a question of how the "Other" is perceived, but also how "We" understand ourselves in relation to the "Other". It is to this issue, I will now turn.

Humanitarianism and the Nation as a Moral Community

By returning to the debates surrounding the emergency aid provision in February 2013, it is possible to see from the way it developed that it did not only become a question of migrants' deservingness, but also about the nature and moral limits of the welfare state. For instance, the consultation paper issued by the Ministry of Labour and Social Affairs (2013) clearly shows a tension between immigration control and more traditional social policy concerns. Whereas the Minister stated to the media that the changes she initiated were to prevent the system from "being abused to enable illegal stay" (Hegvik 2013b), particularly by perceived criminals, the consultation paper sent out by her department directly contradicted this objective. Moreover, it underlined that it was "important that the welfare services were not attempted to be used as a tool for solving problems related to illegal immigration" (Ministry of Labour and Social Affairs 2013). In the public debates, the Minister further specified, as the Ministry also had done in relation to the "loss of accommodation" policy in 2004, that "no one should starve or freeze to death in Norway". In this sense, it became very unclear what the suggested amendments were meant to achieve. In the end, the changes implemented only stressed the temporary nature of the support and that NAV "may" demand that the person contribute to her/his own departure (Regulation amending the social services regulation 2014).

The idea that "no one should starve or freeze to death" highlights, I suggest, a particular part of the Norwegian self-perception that made it difficult to remove all support to irregular migrants. Norway, in addition to its self-perception as egalitarian, also fosters an understanding of the nation as good and caring. Vike (2004), exploring how the Norwegian welfare state embodies a form of community that is emotional and moral, has suggested that there is a particular sort of "welfare state nationalism", where suffering is rarely considered to be solely the sufferer's own problem, but is a kind of stain that testifies to an incomplete and somewhat immoral society.[3] Thus, safeguarding and providing care to groups defined as weak are important to maintain the welfare state's legitimacy, and, as Rugkåsa (2010) suggests, citizens' identity as citizens in an inclusive society. This creates a strong normative pressure or expectation on the state to address suffering of different kinds and to ensure that no one lives under conditions defined as undignified.

There is of course a big question of how far such welfare nationalism goes in terms of including those who are not deemed to belong, morally or politically, in the state or the nation. Still, the argument that suffering testifies to a somewhat immoral society, has been present within debates about irregular migrants and welfare. During my fieldwork, prominent voices supporting a more "humane" approach, including bishops, politicians from different political parties, and humanitarian organizations, frequently referred to irregular migrants' dismal situation as a "disgrace to the welfare state", or even characterized the policies as "un-Norwegian". Brekke, who conducted the commissioned evaluation of the loss of state accommodation policy in 2004, has also linked irregular migrants' continued access to food and shelter, despite political efforts to remove it, to core values underpinning the welfare system. As he argues in relation to the unwritten Act of Necessity:

> [T]he debate over the rights of these people showed that at rock-bottom there is a limit to what people can be allowed to suffer, which is frost and starvation … The norm that provides emergency aid in such extreme cases is not a formal obligation of the welfare state, and was not based on any formal entitlement. These softer norms that call for provision of help can possibly be seen *as a side effect of a long-term tradition of provision of welfare*, or even more possibly as the result of *basic humanitarian concerns and ideas of equality*, *which have served as the basis for the establishment of the welfare state*. (Brekke 2008, 21, my emphasis)

Brekke suggests in this quote that the values and norms of the welfare state, including "ideas of equality", create a "logic of appropriateness" also for policies aimed at the politically excluded, to use Cox's (2004) term. While I agree with Brekke that the discussions concerning the rights of rejected asylum seekers showed that there is a limit to what people can be allowed to suffer in the Norwegian welfare state, I suggest their inclusion is based on humanitarian concerns regarding the survivability of the body, while contradicting ideas of equality. Accordingly, there is a tension between "humanitarian concerns" and "ideas of equality".

Irregular migrants' limited access to welfare services departs in many ways from the normal frame through which the Norwegian welfare state traditionally frames and addresses suffering. Nilssen and Kildal have described this frame as a "social right" policy that satisfies basic needs and expresses "a resource-based egalitarian notion of justice, including ideas of redistribution, equal opportunity and equal respect" (Nilssen and Kildal 2009, 313). Kuhnle and Kildal (2005, 23) note that an essential historic

reason for adopting the twin concepts of social rights and universalism in Norwegian welfare politics was to remove the humiliating loss of status, dignity, and self-respect that goes along with exclusion from programmes and entitlements. Human dignity, they argue, was a salient theme in the Norwegian socio-political debates, expressing first and foremost a deep dissatisfaction with the pre-WWII poor relief system. As I have argued above, the basic safety net granted to irregular migrants is based on compassion and benevolence, distributing services as "sovereign gifts" rather than as rights, and with an increased emphasis on deservingness and moral worth. As such, the very modest and substandard services given could be seen as reintroducing poor relief and charity into the Norwegian welfare state. At the same time, these services can be said to protect the integrity of the welfare state by hiding poverty and social suffering. Dauvergne has argued that "[t]he need that is met by humanitarianism is the need to define and understand the nation as compassionate and caring" (Dauvergne 2005, 75). Equally, I suggest here, that humanitarian assistance to irregular migrants allows the welfare state to maintain an idea of itself as compassionate and caring without granting access to the welfare system on egalitarian grounds.

Conclusion

In this chapter, exploring how the Norwegian state addresses the question of irregular migrants' welfare needs, I have drawn attention to how the idea of the Nordic countries as comparatively egalitarian is premised on a conception of a community that is bounded and exclusive. This idea could be sustained because there was for a long time a close match between the polity and territory, with the nation-state understood as a natural container of social relations. This notion has become increasingly unsustainable in light of the growing gap between the declared intent of immigration law to exclude (certain) migrants and the excluded migrants' continuing presence on state territory. This, I suggest, exposes an exclusivist side to Nordic egalitarianism.

Immigration has resulted not only in growing cultural complexity, but also legal complexity, with differentiated forms of citizenship and non-citizenship emerging due to increasingly stricter immigration laws. The premise of legality as the basis for identification as equals makes, I suggest in this chapter, certain kinds of difference more acceptable within the Nordic context. Even though these hierarchies result in socio-economic inequality within state borders, they are not always seen to contradict the "egalitarian nature" of Nordic countries. The irregular migrants that I followed in my fieldwork had lived in Norway for years. They had to various

degrees become informally incorporated in society, and could as such be said to be part of Norwegian society. Aster and Zeki, for instance, had lived in Norway for 12 and 17 years when I met them and could more precisely be labelled irregular residents than migrants. Yet, they were not included in the structures of the welfare state and were dependent on various forms of charity. Hence, the egalitarian welfare approach in Norway could still be said to rely on the "hard on the outside and soft on the inside" model of citizenship where the egalitarian "We" is still very much bounded, although not so much in territorial terms.

In this chapter, I have also suggested that, as the "hard" threshold norms have come to occupy the same (internal) terrain as the "soft" interior ones, humanitarian assistance has become a way of alleviating the tension between migration control and a normative commitment to people's basic security found in the ethos of the welfare state. The humanitarian approach to irregular migrants is not unique to Norway, and has been seen as a premise for irregular migrants' access to health care in various European countries, including France (Ticktin 2011) and Germany (Castañeda 2010). Yet in the Norwegian context, I suggest that this approach contradicts and undermines the egalitarian notions of justice hailed as a central characteristic of the Nordic model of welfare as it indicates a growing willingness to distinguish between people based on a hierarchy of moral worth. In this sense, the treatment of irregular migrants is both moulded by and helps mould wider transformations of the welfare state related to the introduction of neoliberal policies (Bendixsen et al., Chap. 1, in this book). Still, one of the main achievements of the parallel regime of care to irregular migrants is that it reproduces the migrants' formal exclusion in everyday life while at the same time confirms and reifies the identity of the nation as decent and caring.

Notes

1. The material was collected for my PhD, which was part of the umbrella project "Provision of welfare to irregular migrants". This project used anthropological and legal approaches to explore the complex relationship between law, institutional practice, and migrants' experience (see Karlsen 2015).
2. The term irregular migrant comprises, in addition to rejected asylum seekers, those who remain on state territory after having overstayed their visa, having had their residency revoked, or never having applied for residency.
3. Welfare nationalism should not be confused with welfare chauvinism, i.e., that only national citizens should receive welfare.

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