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Limits of the competition state? The cultural political economy of European labour migration policies

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Limits of the competition state? The cultural political economy of European labour migration policies

Labour migration has been revitalised as part of economic competition and growth strategies across Europe over the last decade. Scholars have framed policy changes towards more liberal recruitment as a turn towards 'competition state' and Schumpeterian innovation goals. This article evaluates the extent to which British, French and German labour admission policies are dominated by competition state logics. I apply a cultural political economy perspective, thereby substantiating this relatively new approach analytically and testing its usefulness for capturing the economic governance of labour migration. I argue that the highly selective arrangement of admissions - with regard to skill level targeted, and causal, spatial, and operational foci of recruitment - creates a fragmented cultural political economy of labour migration. While competition state logics shape the economic imaginary of 'high-skilled global labour competitiveness', rival logics dominate the imaginaries of 'skilled national labour shortages', and 'lower skilled EU labour self-sufficiency'. Findings pinpoint limits of competition state theory in explaining contemporary labour migration policy. I demonstrate that semiotic and regulatory selectivity is a key remedy for coping with competing state projects and associated policy tensions. The political ordering of labour migration simultaneously entails amplification and silencing of competition state logics in policies.

Keywords: labour migration policy, cultural political economy, competition state theory, governance, comparative policy analysis

Introduction

“Professional immigration is [...] a tool for growth. [...] We find ourselves in a reasoning of international football where the big teams recruit in the entire world, and these big teams happen to be in the finals. [...] If you were to limit immigration options for great foreign professional players you could not become champion.”
(French Migration Ministry Official, interviewed on 3 May 2010 in Paris)

Talking in football metaphors, this government official in the French Migration Ministry conceives of the role of labour migration¹ policy as enabler of economic growth and facilitator of foreign labour recruitment. Labour migration has been revitalised as part of economic competition and growth strategies across Europe in the still young twenty-first century. Recent studies contend that logics of competitiveness, innovation, and economic growth through foreign labour reproduction shape the emerging labour migration regimes in Europe (Menz 2009, Menz *et al.* 2010a). This contextualises labour migration policy in wider state transformation processes captured in ‘competition state’ theory (mainly: Cerny 1997, 2010, Cerny *et al.* 2000, Evans *et al.* 2010). According to these authors, nation states respond to globalisation processes mainly with a pro-active facilitation of economic growth and competitiveness.

Is labour migration policy (LMP) yet another expression of the ‘competition state’ then and if so, in what ways and to what extent? This article analyses LMP through a cultural political economy lens (Jessop 2008, 2009, Jessop *et al.* 2006) to evaluate the extent to which policies can be explained with competition state theory. The cultural political economy perspective offers so far lacking insights in the selective semiotic embedding of LMP in capitalist economies, thereby illuminating the strategic use of competitiveness logics, but also the lack thereof, in a multi-tiered economic governance of labour migration. Based on macro-economic and political significance, the paper uses

examples from France, Germany and the United Kingdom (UK) which have featured as the top three destinations for migrant workers in Europe for some decades now (OECD 2009), and have revitalised recruitment schemes at roughly the same time, with Britain being a slight forerunner. By concentrating on common tendencies in LMP across these major European capitalist economiesⁱⁱ the paper 1) stimulates a discussion about the emergence of shared organisational principles in European capitalism and 2) the role of labour migration in this process. The analysis concentrates on policies on so-called third country nationals (TCN), i.e. migrant workers from extra-EU countries. This does not seek to downgrade the importance of EU-internal work movements and the impact of EU-level policy on state regulation. To the contrary: the analysis reveals that EU free movement creates a versatile spatial reference point for TCN admissions.

The article firstly introduces theoretical foundations in political economy with a particular commitment to cultural political economy (CPE) as so far developed by Bob Jessop and Ngai-Ling Sum. To contest the extent to which idealtypical competition state logics inform LMP, I utilise the analytical device of *economic imaginaries* – understood here as highly selective semiotic systems that accentuate specific aspects of the socio-economic world to frame policies (Jessop 2009). By means of interpretive policy analysis this article examines 1) legal classifications of migrant workers based on analysis of 30 odd legal documents, and 2) the meanings of legal classifications based on interviews with 25 high-ranking policy-makers in two empirical sections (list of documents and interviews in appendix). I thus identify the economic imaginaries that underpin LMP and assess resonances of competition state theory.

The analysis exposes three distinct economic imaginaries which shape LMP: high-skilled global labour competitiveness, skilled national labour shortages, and lower skilled EU labour self-sufficiency. These form different realms of economic governance which

dictate diverse skill foci, policy drivers, spatial reference points, and modi operandi in LMP. In this fragmented cultural political economy of labour migration, only the first imaginary fully embraces competition state logics, while competing state projects gain prominence in the others. Not only is the resonance of competition state logics deliberately limited to the realm of high-skilled recruitment in a multi-tiered LMP. I moreover argue that this splitting-up of policies by skill level - and the associated selective amplification or silencing of economic competitiveness logics - enables capitalist states to resolve tensions between co-existing state projects vis-à-vis labour migration. These findings require us to redefine the scope and locus of the competition state in LMP, to acknowledge and theorise empirical fragmentations in statutory economic governance processes, and to sharpen our conceptual grasp of the political ordering of social and economic relations at the heart of all policy-making more generally.

Labour migration in competition states? A cultural political economy lens

The return to active foreign labour recruitment since the late 1990s in Europe – after the official suspension of post-war guest workers schemes following the 1970s oil crisis and subsequent economic recession – has triggered increasing academic attention. Manifold are the accounts of the economic and demographic ‘pressures’ that lead governments across Europe to once again support labour imports in their policy-making (e.g. Castles 2006, Menz 2009, Menz *et al.* 2010b, Ruhs *et al.* 2010). The political economy of foreign labour recruitment is on the verge of becoming a field of social scientific inquiry in its own right, with scholars predicting recruitment to remain resilient even in the current economic crisis (Castles 2011) and larger comparative research projects taking off (Pastore 2011). At the heart of these revived inquiries we often find the assumption that labour migration is yet ‘another tool for growth’. To take account of the basic parameters of this argument, this

conceptual section firstly briefly depicts policy changes in France, Germany and the UK and their rhetorical bond to economic utility considerations. It then engages with the theoretical arguments around ‘competition state’ implied in this bond, problematises the limits of these arguments, and operationalises a CPE perspective to examine their relevance empirically.

Economic utility in labour migration policy: articulation of competition states?

Economic utility rhetoric accompanied the rebirth of foreign labour recruitment. Germany’s 2001 introduction of a ‘Green Card’ for IT workers forged a response to labour shortages in a specific field. A new Migration Law followed in 2005, and was underpinned by the assumption that the national economy “had to attract highly skilled immigrants to remain economically competitive” (Green 2007, p. 112). At roughly the same time, France’s then Home Secretary Nicolas Sarkozy initiated a new Migration Law (in force since 2006) with the aim to tailor labour flows to the country’s economic needs and select workers according to their professional utility (cf. Menz 2009). Since 2000 the British New Labour government expanded the so far relatively restrictive work permits system, opened more professional entry routes, and eventually consolidated all labour admission channels into a points-based system (PBS). Prime Minister Tony Blair at the time insisted on the ‘essential’ role of labour migration for the ‘continued prosperity’ of the UK (Home Office 2005). Demographic ageing and financial constraints on wages are believed to fuel foreign labour demand in Britain in sectors such as social care or nursing (Ruhs *et al.* 2010).

The rediscovery of migrant workers as “potentially useful human resources” bears a strong notion of economic utility in all three cases: “Migrants are welcome as long as they promise to contribute to the prerogatives of a business-friendly national economic growth strategy” (Menz 2009, p. 31). The functionalist gist of this argument suggests that

national economies require labour migration if they want to compete successfully in a global marketplace, with governments being responsible to design supporting policies. The economic utility interpretation perceives LMP as adjacent of capitalist value and wealth accumulation, and thereby neatly aligns it with wider claims in political economy. It is not accidentally that Menz draws on Cerny's (1997) 'competition state' concept in his analysis of LMP in twenty-first century Europe, and diagnoses a shift towards this model across the continent. We need to unpack the underlying theoretical claim before testing its empirical relevance.

Cerny and colleagues have described a globalisation-induced shift from *welfare state* to *competition state* with which nation states respond to the perceived imperatives of globalisation (Cerny *et al.* 2000; Evans *et al.* 2010). They depict a changing role of state policy towards "the promotion of economic activities, whether at home or abroad, which will make firms and sectors located within the territory of the state competitive in international markets" (Cerny 1997, p. 272). A domestic 'raison d'état' embodied in the production of national welfare, social solidarity and justice has given way to a 'raison du Monde' which embraces the logics of economic association and international capitalist competition (Cerny 2010). Though born as an empirical-analytical concept capturing specific macro-economic trajectories in specific cases, the competition state heuristic is applied here for its quality as idealtypical benchmark of statutory economic coordination processes (for genealogy of and ongoing confusion over the concept see Evans *et al.* 2010). Competition state theory emerged in the context of neo-liberal reform agendas in Anglo-American politics in the 1990s. The UK might serve as prime example of a competition state shift over the past three decades (Evans 2010), but also France and Germany are believed to "have moved more incrementally towards the competition state model" in the

2000s, with the European Union as an important “driving force” at their back (Evans *et al.* 2010, p. 2).

Bob Jessop’s famous portrayal of the Schumpeterian workfare post-national regime (SWPR) has diagnosed a similar tendency in contemporary state-economy relations (Jessop 2002). Among other claims, his work highlights the changing role of the state in securing the conditions for capitalist accumulation from Keynesian demand steering and active fiscal policies towards Schumpeterian growth strategies. The idealtypical SWPR embraces innovation as crucial means of wealth production and targets the promotion of a ‘knowledge-based economy’ to boost innovation-induced growth.

The described re-definitions of state functions bear consequences for the realm of labour migration beyond initial recruitment. Schierup *et al.* (2006) draw on Jessop’s work to highlight how Schumpeterian thinking has infiltrated policy-making across Europe, with economic citizenship approaches gaining more importance empirically. Recent case studies further confirm the weight of economic utility considerations for migrant’s social protection in Europe (Boswell *et al.* 2011, Carmel 2011, Hansen *et al.* 2010, Kaiser *et al.* 2011). Clearly, the (anticipated) economic contribution of a migrant co-shapes their position and rights in the host country, regardless of continuing divergence in economic and welfare state coordination. But do these logics really dominate LMP in line with competition state theory, as Menz seems to suggest?

I offer a sceptical answer to this question here. Whilst focusing on fundamental macro-level shifts in the logic of state-market relationships, concepts like the competition state or Jessop’s SPWR – at least if applied with an inclination to explaining an entire policy – partially obstruct the view on potential fragmentations and contradictions within policies. While the mentioned concepts, understood as idealtypical benchmarks, usefully accentuate part of the socio-economic formation to highlight the emergence of dominant

logics in capitalist economic governance, this analytical accentuation is less able to capture the highly segmented economic realities labour migrants experience. Different sectors of the economy might face socio-political limits to recruiting workers under a competitiveness and utility umbrella (Ruhs *et al.* 2010). The recent introduction of annual caps to third-country national workers in the UK but also the 2012 French presidential election campaign – with Nicolas Sarkozy demanding a halving of entry figures over the next five years – alludes to these limits. A more fine-grained scrutiny of the empirical articulations of competition state and Schumpeterian innovation in LMP – and their limits – is due to reevaluate accounts that tend to view labour admission policy as a relatively uniform tool for economic growth.

Semiosis and political ordering: a cultural political economy approach

How can we achieve a more fine-grained analysis of LMP to assess the extent to which this policy area is dominated by competition state logics? I propose an interpretive policy analysis with specific focus on the selective political ordering processes involved in policy-making. The study dedicates its analytical heart to the substance of public policy governance and its multiple normative inscriptions, dictating a strong methodological commitment to the interpretive turn in policy analysis (e.g. Yanow 2006). This takes Fischer's (2003) critique of 'conventional' policy analysis seriously, which castigated the emphasis on effectiveness and efficiency of policy-making at the expense of capturing the underlying values, ideas and the contested character of policies as political ordering attempts.

Interpretive policy analysts more generally suggest that “the effort to exclude meaning and values from the work of the policy analyst cuts the very heart out of political inquiry” (Fischer 2003, p. 216; also see: Gottweis 2003, Hajer *et al.* 2003, Yanow 2000,

2006). In this context, Jessop and Sum's (2006) reflections on regulation and governance have highlighted the inherence of the norms underpinning a particular *capitalist* social formation in the respective modes of coordination. Illustrative of this claim is moreover Thrift's (2010) study on the imagined role of 'talents' in a Schumpeterian economy discourse: 'immaginnovation' neutralises the claim that talents carry with them a virtue to almost miraculously boost companies' innovation and creativity. From these perspectives, policies employ semiosis – or meaning-making – strategically to order the social world in a specific, and hence selective, way.

By means of an interpretive policy analysis of LMP this paper examines the meanings policy-makers ascribe to the *economic* governance of labour migrationⁱⁱⁱ, and, ultimately, establishes resonances of competition state logics. The specific CPE lens, as developed by Jessop (2008, 2009) and together with Sum (2006) so far, has two major advantages for the analytical purposes of this article:

- it helps exposing the *strategic momentum* of meaning-making in policy with its emphasis on selective framing and normative presumptions of policies;
- it is particularly interested in *economic* formations and governance processes and hence *offers a useful analytical toolbox* and vocabulary for a study of labour migration vis-à-vis competition and innovation state logics.

CPE provides an explanatory approach with a role for semiosis beyond relativism. This cutting-edge work rejects the notion of infinite interpretations, acknowledges the powerful role of privileged actors such as policy-makers to structure meaning-making processes, and offers an analytical entry point to expose why certain economic formations and interpretations are *selected* and become powerful. CPE suggests that the emergence of certain normative reference points and tools for economic coordination can be explained in

terms of their strategic variation, selection and retention (e.g. Jessop 2009). This concurs with authors who highlighted the constant, and strategically selective, creation of ‘governable terrains’ (Carmel *et al.* 2008) and ‘governable objects’ in public policy (Gottweis 2003). Policy-making is hence understood here as an attempt of political ordering which engages with competing interpretations and structural sedimentations in a given policy field – labour migration in our case –, which selects and imposes specific semiotic orders, and ultimately structures subject positions of those governed through the policy.

In migration policy, legislation imposes a range of selective symbolic orders: it draws on different economic, social and political assumptions to distinguish between ‘legal’ and ‘illegal’ residents and workers; it paints many different shades of ‘legality’ in a plethora of permits and statuses; and it imposes highly selective borders to labour markets, welfare states, and political citizenship (more in Paul 2011a). The assertion here is that policy meanings – as imposed in state legislation – might be multiple, but they are not infinite. They display selective linkages to specific parts of the economy, labour market, welfare state etc. While policy meanings might be contested and unfinished, the political ordering implied in selective semiotic structuration through policies turns labour migrants into objects of governance and strongly shapes their experiences in host countries.

CPE has so far not been applied in LMP analyses, giving this article an opportunity of both elaborating the perspective analytically and showcasing its usefulness for comprehending foreign labour recruitment policies in twenty-first century Europe. Jessop specifies entry points for an analysis in reference to *economic imaginaries*. He argues that a CPE approach:

“highlights the role of discursively-selective institutions in the making of economic practices and, a fortiori, economic policies. Imaginaries are semiotic systems that

frame individual subjects' lived experiences of an inordinately complex world and/or inform collective calculation about that world. [...] They identify, privilege, and seek to stabilize some economic activities from the totality of economic relations and transform them into objects of [...] governance." (Jessop 2009, p. 344)

The interpretive stance and CPE lens inform the research strategy of the article. By identifying the economic imaginaries of labour migration dominant in policy-making, it scrutinises a) the meanings and roles policy ascribes to labour migration and migrant workers, b) the selective character of these normative inscriptions, and c) the strategic and selective contextualisation of LMP in competing symbolic orders within the wider socio-economic formation. If Menz' account of LMP is correct, we would have to expect a dominance of an economic imaginary that exhibits logics of competitiveness and innovation across French, German and British labour recruitment policies. However, the problematisation of competition state theory anticipates limits to these logics in a more fragmented socio-economic formation empirically.

Utility is not (always) enough: legal classifications of migrant workers

In historical perspective, labour migration is a prime example of a selective re-interpretation: after a policy and rhetoric of 'zero immigration' dominated Western Europe for almost 30 years, recruitment is now a case of 'economic utility'. Can we trace sedimentations of competition and innovation state projects in legal provisions for labour migrant admissions? This section presents an analysis of *de jure* admission criteria and right regimes to draw out key legal classification principles and assess them in light of competition state theory.

How exactly do the revitalised labour migration regimes of the twenty-first century categorise and select workers according to the utilitarian claims by Chancellor Schröder, President Sarkozy and Prime Minister Blair at the time? An analysis^{iv} of legal documents

exposes two ingredients of the economic utility approach in LMP (see table 1): selection by labour scarcity and selection by skill level with highly differential effects on migrant workers' rights. Country of origin also figures important and will be considered later in this section.

Utilitarianism by default: selecting by labour scarcity

The legal emphasis on labour scarcity highlights a hardly surprising utilitarian policy design of *labour* admissions. By default policies target *economically useful* foreign workers. More precisely, all migrants need a valid job offer when they apply for entry clearance as a worker. Public authorities then use this job offer in two ways to establish labour scarcity. The applicant can pass a resident labour market test (RLMT) for the offered position. In this case, the RLMT checks the availability of domestic, resident or EU workers before admitting a third country national into a specific job in a specific labour market district. This establishes a principle of preference of the mentioned groups of workers over newcomers and thus addresses employment protection goals. Alternatively, the job and migrant skill profile have to match a shortage list defined by employment agencies and special advisory bodies. Non-availability of otherwise preferred workers is taken for granted due to longer-term labour market observation. In both scenarios, the utility of a migrant based on scarcity of their skills profile determines entry options.

This utilitarian logic is maintained throughout the initial residence period: work permits are usually valid for a specific job *only* and each change of position and/or employer has to be approved by the relevant Home Office or Labour Ministry agencies. Utilitarian selectivity at entry hence precedes a utilitarian delineation of residency and settlement paths, at least until a change of status provides a more decommodified status (e.g. to long-term resident with more free movement rights). This confirms Schierup *et*

al.'s (2006) claims of economic citizenship: migrant workers' labour, free movement, residence and settlement rights clearly depend upon their economic utility, at least initially.

Uneven application of utility logics: selecting by skill level

Scarcity might be a crucial guiding principle in foreign worker admissions, but its application is highly uneven across different skill levels and does not always serve as sufficient entry condition. Labour scarcity checks are superfluous for especially well sought after high-skilled professionals; yet, economic utility is not enough in case of relatively restrictive lower skilled admissions. All three countries constitute a legal distinction between high-skilled, skilled and lower skilled/unskilled workers and use it to act upon different imagined parts of the economy. Rather than engaging in a detailed description of what these skill levels mean practically, my point here is that the construal of a skills divide is used in policies to construct different realms for intervention. Legislation in all three countries treats high-skilled workers most benevolently and offers them advantageous statuses while opening only very limited or no options for others and containing their residence rights much more tightly.

Typically, legislation waives the otherwise obligatory shortage evaluations for a defined circle of 'high-skilled' workers (academics and scientists, blue collars, leading specialists, artists, graduate job seekers, and intra-corporate transfers in multinational companies) and offers more encompassing rights to them. For example, the German *Niederlassungserlaubnis* (permanent residence permit) has created an immediate settlement pathway, free labour market access and full family reunion rights to high-ranked academics, specialists and blue collars since 2005. Since 2006 a renewable three-year permit for 'skills and talents' entails multi-annual stays and eventual settlement in France. Specific post-study work routes give domestic graduates free and non-subordinated labour

market access (the UK abolished this route in spring 2012). Scientists enjoy facilitated access without RLMT, and governments have moreover designed specific intra-corporate transfer (ICT) routes with similar benefits.

ICT mirror a particularly interesting assumption: they are not treated as migrants per se but as temporary professional movers between the global sites of multinational corporations. They do not count into the annual cap for tier 2 workers in the UK for example, and the usual integration requirements for migrants – sufficient language proficiency etc. – do not apply. At the same time, ICT workers are strictly bound to the condition of temporality: they cannot apply for settlement (France), their permit is strictly fixed-term, and it cannot be renewed from within the country (UK and Germany). In this case, economic utility considerations in support of multinational companies' global labour demands hit the margins of the domestic labour market. If their role as globally moving experts is ruptured by settlement intentions, the preference of domestic labour is reintroduced in the assessment of their legitimate position in the host country's labour market.

The focus on domestic labour supply is starker for skilled and certainly starkest for lower skilled jobs. Migrant employees coming via a shortage route or the RLMT are much more restricted than their high-skilled colleagues. They are tied to one employer and receive fixed term work-residence permits for the exact duration of the work contract. The defined lower skilled realm implies additional checks and exposes a deliberate cut-off of the utilitarian economic demand-and-supply logic, eventually. For example, the German Federal Employment Agency can block admissions of lower skilled workers if the company wanting to recruit is planning domestic redundancies, or if the given labour district suffers from significant above average unemployment. The UK has never activated its tier 3 for lower skilled admissions. Skill level, domestic employment protection, and

scarcity assessments hence seem to intersect in the shaping of migrants' entry routes beyond straightforward economic utility assumptions.

Beyond economic rationales: selecting by country of origin

Table 1 demonstrates that labour scarcity and skill level selectivity are conflated with selection by country of origin. For example, French bilateral migration management agreements with former colonies define – and often numerically restrict – skilled entry routes for specific nationals. Equally, the use of two different shortage lists allows ample recruitment of lower skilled Bulgarians and Romanians while reducing entry options for TCN workers to skilled and high-skilled realms. Bilateral agreements in Germany have mainly favoured potential EU accession candidates (e.g. care workers from Croatia) and excluded others. While not operating bilateral agreements, the UK's early and full embracement of EU free movement in the wake of the accession of Central and Eastern European countries (A8) in 2004 and the simultaneous deferral of tier 3 lower skilled work routes fuelled a clear selection by origin as well. Consequently, EU free movement in all cases structures lower skilled labour admission: it crowds out the utilitarian legitimacy of TCN recruitment and limits them to domestic and EU recruitment options (more in Paul 2011b).

The analysis of legal categorisations revealed that LMP follows economic utility logics with a focus on labour scarcity. This seems unsurprising from a political economy viewpoint and confirms Menz' account of migrant labour's utility in the context of growth and competition strategies. Yet, we do not observe a unitary policy field governed by one guiding principle. The uneven application of the scarcity imperative for admissions of different skill levels alludes to a co-existence of several state projects and highlights respective limits to economic utility and competition state logics. The variation of the

scarcity theme – from high-skilled admmissive migration regimes to almost exclusive reliance on EU labour in lower skilled jobs – receives analytical attention in the next empirical section. The inquiry in policy-makers' sense-making of versatile admission regimes will help to shed light on the meanings of these regulatory structurations.

Limits of competition state? Three economic imaginaries of labour migration

To make sense of the skills division of labour entry routes and trace associated policy meanings and state projects, this section draws on CPE's analytical concept of economic imaginary. I identify four key elements in the selective arrangement of these imaginaries: 1) skill-level focus, 2) policy rationales (causal focus), 3) spatial focus of recruitment, and 4) emerging dominant modes of recruitment (operational focus). The specific arrangement of these elements is guided by the skills divide: the specific enunciation of causal, spatial and operational focus varies considerably by skill level. The respective privileging of very different economic activities fuels a division of the policy field into three distinct economic imaginaries which selectively accentuate different policy rationales, spatial reference points and modi operandi, and further draw on highly miscellaneous metaphorical language (see synopsis of analysis in table 2):

- Imaginary 1 regulates high-skilled migration in the context of alleged global labour competition,
- Imaginary 2 regulates skilled migration in the context of national labour shortages,
- Imaginary 3 regulates lower skilled admissions in the context of a perceived EU labour self-sufficiency in this realm.

The remainder of the section will substantiate these imaginaries and analyse their meanings and linkages to competition state and Schumpeterian innovation logics.

Imaginary 1: High-skilled global labour competitiveness

Policy-makers construe high-skilled labour migration as part of a genuinely global economy (spatial focus) and frame foreign labour supply as a tool to remain competitive (causal focus). High-skilled migration notionally serves the ‘national economic interest’ and fuels hopes of boosting domestic innovation and economic growth. This is the context in which the French official talked of a ‘tool for growth’ in the introductory quotation of the article. The basic postulation extensively expressed across interviews is that the national economy’s success in international competition is inhibited by obstacles to high-skilled migration and global mobility (Box 1).

We find clear evidence of competition state logics and Schumpeterian innovation targets in this part of the policy discourse. Supported by metaphors with strong positive connotations such as ‘greasing the engine’ (UK5), ‘gold dust’ (statement 2) or comparative allusions to international football ‘champions’ (FRA6) policy-makers construe and construct openness to high-skilled migration (operational focus) as a matter of competition for scarce global professional elites. The very scarcity of high-skilled elites and their almost magical qualities to boost competitiveness, innovation and growth makes them the target of benevolent admission and right regimes in the competition for the ‘brightest minds’ (GER3). Their decision to come to France, Germany or the UK, rather than going elsewhere, supposedly implies a big advantage for the business location as a whole.

Box 1: Constructing the high-skilled global labour competitiveness imaginary

S1: “I do think at a certain level, however, we are a world economy. And in a world economy, that is where we have tiers 1 and partly 2, there are people who circulate around the whole world economy, so that is not so much the skill needs of our particular economy, it is the way our businesses work. [...] Global companies operate globally [...] And the question is [...] whether we want those companies to be active in the UK and see the UK as a base. Well, my basic answer to that question is: yes!” (UK8)

S2: “Someone [...] who works for a certain large UK airway manufacturer [...] takes the view that if someone in this field comes up then we hire them, not because we need a job, but because if we don't hire them General Electric will, and these people are like gold dust.” (UK1)

S3: “One of our primary economic interests is to offer sufficient options and conditions for highly qualified individuals [...] in order to be attractive in a global context. This is where we are in competition with others, especially [...] with the English-speaking countries.” (GER10)

We can observe the surfacing of a naturalised economic utility myth in the reference to desirable ‘talents’ and ‘potentials’: their huge beneficial impact on the national economy seems to be beyond doubt, and affective language supports the ongoing ‘imagination’ in a Thriftian manner. To limit recruitment to the national or EU realm is thought to prompt detrimental effects to the competitive position of the domestic business location: “These days, we live and die by our ability to attract inward investment [...] [and] if you are an international business you need the ability to bring people in” (UK1; similar statements by GER8 and FRA7).

Rhetorically, this clearly sets labour recruitment in a spatial framework of global or ‘world economy’ (statement 1) without territorial borders, even though bureaucratic hurdles are certainly also met by ‘gold dust’ migrants in practice. Operationally, this establishes a need to compete for a highly mobile international labour force without references to the domestic labour market. This construal of high-skilled global mobility and competitiveness feeds into the construction of legal structures that favour high-skilled migrants (previous section). It has even born more global ramifications on European and OECD level demanding more openness towards high-skilled workers, and an increasing number of academics internalise or premise the alleged benefits of liberal high-skilled migration regimes (Cerna 2009, OECD 2009, Zaletel 2006). Their creation of indices to

rank countries' openness in that respect announces the emergence of a new subset of the competitiveness 'knowledge brand' (Sum 2009).

Imaginary 2: Skilled national labour shortages

The second imaginary focuses on skilled migrant labour. It perceives foreign labour recruitment as a legitimate satisfaction of urging labour demand (causal focus), but also specifies clear limitations to demand-led admissions. Policy experts and documents use terms like 'economic need', 'demand', 'specific shortage' and 'add-on' abundantly to describe the drivers of recruitment in this imaginary and to specify migrant workers' role. Statements 2 and 3 in box 2 summarise this plainly: migrants fill labour market gaps and satisfy companies 'immediate' needs.

This part of the imagined economy is clearly distinguished from the pursuit of competitiveness and the duties of a competition state. Unlike in the global competitiveness imaginary where high-skilled professionals diversify labour supply and boost innovation, recruitment of 'skilled' foreign workers is not perceived as valuable in itself. Statement 2 alludes to a fine nuance between workers 'who bring a bonus' enabling 'better growth' (high-skilled) and those who fill a shortage (skilled). A UK interviewee metaphorically describes tier 2 shortage applicants as 'cogs in the engine' who are recruited 'for a specific reason' much in contrast to tier 1 high-skilled workers who 'grease the engine' (UK5). Skilled migrant workers do not carry extra potential of innovation themselves but their very filling of a shortage helps to keep the growth machine going.

Box 2: Constructing the skilled national labour shortages imaginary

| |
|---|
| <p>S1: "Why do we need labour migration? Because we need skilled workers (<i>Fachkräfte</i>). That means that the labour market is in the centre. [...] So the main rationale is: labour migration as an add-on where the domestic labour market does not supply enough</p> |
|---|

employees but not where we have enough domestic workers. This is the be-all and end-all of labour migration.“ (GER3)

S2: “The foreign worker is someone who satisfies labour market needs, or who brings a competency with them - a bonus - that will enable better growth. Eventually, everyone benefits. But under no circumstances [...] is the foreign workers someone who ruins French jobs.” (FRA6)

S3: “Just because there’s a shortage doesn’t necessarily make an automatic case for immigration. Immigration can be an efficient way of responding to a shortage, but it’s often not the only way. [...] So when we talk to employers, we say: ok, we accept that you have a shortage. We also ask: what are you doing about it? Have you tried to raise wages? Have you tried to train domestic workers?” (UK7)

The shortage routes introduced in legislation mirror the ‘add-on’ logic in their strict orientation towards demand-led selection and specific skills profiles (operational focus). Temporary permits and entry routes for paid employees are supposed to address short- and mid-term shortages on the respective labour markets. They shape skilled migrant workers’ constrained place by fixed-term permits and obligatory links to one employer, their recruitment is contingent on the domestic labour market situation. Policy-makers deem this necessary for similar reasons: foreign workers must not ‘ruin French jobs’, unemployed Germans must come first, and British employers must be asked to raise wages or train domestic workers in the longer term (see box 2).

In contrast to the high-skilled global competitiveness imaginary, the protection of the domestic labour market prominently enters the stage in this part of LMP. There is, moreover, a significant temporal focus within this imaginary which departs from competitiveness rationales. Policy-makers argue for a prospective need to train of the domestic workforce and to become less ‘reliant’ on migrant workers^v. While it seems acceptable to recruit skilled migrant workers into shortages today, employers are asked – and indeed claim themselves to be committed – to develop domestic labour supply strategies for the future at the same time (see e.g. statement 3). Regardless of the practical

feasibility or seriousness of the thus claimed domestic training efforts, the aspiration in itself demarcates borders for legal TCN recruitment: a recent redefinition of the UK shortage list (UK Border Agency 2011) lifted tier 2 entry requirements to graduate level jobs and eventually took meat-cutting and lower skilled nursing off the list.

Imaginary 3: lower skilled EU labour self-sufficiency

Statement 1 in box 2 offers evidence of a veritable skills border within the shortage logic: it alludes to a cut-off of the demand-led recruitment approach for lower skilled jobs (skills focus) and emphasises the aim to rely on the domestic and EU workforce to fill these shortages self-sufficiently (operational and spatial focus). This thinking bridges the gap to our third imaginary. The data entail a wide-spread denial of low-skilled labour demand by policy-makers in all three cases, with the exception of seasonal agricultural routes (which are not considered here due to their strict temporal limitation, usually to stays no longer than 6 months at once).

Box 3: Constructing the lower skilled EU labour self-sufficiency imaginary

S1: “It’s not completely normal that we lack wood-cutters in France, if you wish, this does not demand a high qualification. [...] We should be able to demand and offer a job to low-skilled unemployed people in France, as a kind of obligation. But we most often find that, unfortunately, that’s not what happens, meaning that the individuals under consideration are not capable or willing to do the job” (FRA6)

S2: “Low skilled work [...] should be done by resident workers and also by European workers. They don't, we don't need to bring people in from abroad to do that. [...] But they [European workers] do amply fill the gaps that would otherwise need to be filled by a greater number of residents and by non-European workers.” (UK5)

S3: “Forget about the bilateral agreements. With the implementation of full free movement, bilateral agreements will vanish, I’d say. Now, it might take a bit longer with Croatia until they are member and enjoy free movement, but it otherwise does not play any role.” (GER5)

As statements in box 3 indicate, policy-makers assume that lower skilled labour is in abundant supply on the domestic and European labour market and does therefore not need to be imported from third countries. Several policy-makers make a dual reference to the domestic worker population in this last imaginary: a) as a workforce to be activated in case of unemployment – also with penalising measures if necessary – and b) as a politically susceptible group to be protected from labour market competition with TCN workers. They construe a genuine responsibility of resident workers to respond to lower skilled labour shortages and link activation and employment policy targets to this role interpretation (statements 1 and 2). A Sector Skills Council official mentions the ‘duty’ of the domestic unemployed to ‘pull their socks up’ and fill lower skilled positions (UK6). Eventually, utilitarianism in foreign labour recruitment ends at the frontiers of domestic labour market and workfare aspirations and is being reconsidered constantly. Utilitarianism towards labour market newcomers is conditioned by the degree of utilitarianism and workfarism targeted at domestic labour market participants and fuels an operational focus on labour self-sufficiency.

One French official (statement 1) discusses the boundary between ‘normal’ and ‘abnormal’ shortages in that regard. This addresses the fluidity of the perceived ‘legitimacy’ of foreign labour recruitment: the matching of empirical economic situations with legal matters of fact fluctuates between imaginaries. Woodcutting in France might be a shortage job today and form part of the shortage imaginary *de facto*, yet the political aspiration might be to move it into the self-sufficiency realm. A similar observation has been made for the UK’s changing shortage definitions (i.e. to take meat cutters off the list in 2011). This indicates that politically constructed boundaries of economic imaginaries operating in LMP retain their permeable, unfinished and contested character.

The causal focus on protecting and activating the domestic workforce in the self-sufficiency imaginary is directly linked to a spatial focus on the EU labour market; with far-reaching consequences for TCN labour entry options. EU integration and the imperative of free movement – with temporary restrictions for new accession countries – requires that any labour protective measure for nationals from one member state must include all other EU nationals as well. Policy-makers therefore picture a vastly abundant labour supply, if not domestically, than ‘certainly from the EU’ (UK8, see statements 2 and 3 in box 3). They have put into practice legislation to recruit lower skilled labour almost exclusively from within the EU – be it via bilateral agreements with Croatian care-workers (Germany), a distinct longer lower-skilled shortage list for Bulgarians and Romanians (France), or a waiving of all restrictions for new EU member state nationals combined with a simultaneous suspension of tier 3 for TCN lower skilled workers (UK). These legal structures determinedly contextualise lower skilled recruitment options within a European labour geography^{vi}.

The preference of EU workers in all cases reduces TCN workers’ entry options to high-skilled competitiveness and some selected skilled shortage routes. Lower skilled jobs seem unrelated to competitiveness and innovation targets, and the operational focus in the lower skilled labour migration segment does not offer much scope for add-on to the domestic workforce, even in shortage situations. Shortages here are perceived as a matter of steering – and if needed activating – domestic employment and forging a self-sufficient EU labour market. The wide-spread fight against so-called ‘illegal’ migration – most often in lower skilled economic sectors– further carves out this imaginary. Economic utility considerations are not accepted as legitimate here even though the reality of informal cheap labour suggests high levels of utility in practice. Some have suggested that this ‘malign neglect’ (Samers 2010; also Morice *et al.* 2010) of informal employment indicates

that the illegalisation of migrant workers through restrictive policy-making serves very own policy objectives of increasing the utility of cheap exploitable labour. While legislation does clearly construct a legal/illegal divide, the ‘fashioning of precarious workers’ (Anderson 2010) as one consequence of this divide does not seem to be part of the economies that policy-makers – whether in labour ministries or home offices – imagine in official debates. Equally the geopolitics of LMP by which host countries manage historically emerged labour geographies, post-colonial relationships, guest worker legacies but also ‘race relations’ more generally, seems largely silenced in this context (see Paul 2011b, Hansen *et al.* 2010).

We have come a long way from the admmissive high-skilled competitiveness imaginary to almost complete closure towards lower skilled workers from outside the EU. The analysis of legal classifications in LMP and their normative underpinnings expressed in economic imaginaries exposes contradictions between global competitiveness and economic openness goals on the one hand, and national labour market governance objectives on the other hand. Limits to the state’s competitiveness and innovation agenda are clearly visible in policies designed for skilled and lower skilled migrants. Competitiveness logics contextualise some aspects of LMP, but not others. It is the very division of admission regimes by skill level and the selective contextualisation of the divided policy in different economic imaginaries that seemingly resolves tensions between co-existing state projects.

Divide and rule: Selective use of competition state logics in the political ordering of labour migration

This article has set out to scrutinise the articulation of competition state logics in LMP. The study of legal classifications in France, Germany and the UK exposed a hegemonic discourse of economic utility in labour admissions which serves as necessary entry

condition. Labour scarcity is the guiding principle in utilitarian foreign worker admissions, yet its application is highly uneven across different skill levels and is not always accepted as being sufficient. Labour scarcity checks are superfluous for especially well sought after high-skilled professionals, while lower skilled workers have very limited entry options regardless. A CPE analysis exposed that the selective structuration of policies by skill level creates specific roles and scopes for high-skilled, skilled and lower skilled migrants according to the aspects of the economy that legislation selectively highlights and prioritises. The different skill levels targeted, policy drivers, spatial reference points, and *modi operandi* are arranged into three distinct economic imaginaries of labour migration: high-skilled global labour competitiveness, skilled national labour shortages, and EU lower skilled labour self-sufficiency. We find a dominant logic of easy access for high-skilled migrants in the global competitiveness imaginary, supported by positive metaphorical connotations. Yet, the logic of global competitiveness and Schumpeterian innovation collapses in the other two imaginaries and is replaced by, or conflated with, competing state projects such as domestic employment protection.

Limits of competition state theory

These findings raise several questions for discussion and expose the limitations of this research at the same time. The first addresses the empirical scope and locus of competition state as dominant state project in LMP. The absence of global labour market references, the very specific, closely contained and restrictive admission procedures in the skilled shortage imaginary, and the concentration on self-reliance with the EU labour market and domestic workfare for lower skills; they all demonstrate the limits of the competition state ‘at home and abroad’. Utilitarianism towards labour market newcomers ‘abroad’ is strongly conditioned by the degree of utilitarianism targeted at domestic labour market participants

‘at home’. Especially lower skilled and non-shortage skilled admission policy does not adhere to competitiveness and innovation targets. It is presented as a matter of steering – and if needed activating – domestic employment and forging a self-sufficient EU labour market.

This means that the competition state as an idealtypical benchmark is present and absent in labour migration policy-making at the same time. The tightness of the link depends on the part of the economy that is being accentuated. The dominant principle of global competitiveness and easy recruitment in the high-skilled realm co-exists quite comfortably with national protectionism and closure towards foreign labour entries for lower skilled jobs. This speaks of much more fragmented ‘real’ political economies and economic governance responses than some LMP accounts would have us suggest. Regarding labour migration at least, economic coordination does not embrace competitiveness and innovation logics unconditionally, but arranges policy meanings selectively and attaches them to different parts of a fragmented political economy. Even more nuanced sectoral analyses of LMP (i.e. Caviedes 2010) so far rather neglect the regulatory skills divide governing migrant recruitment *within* economic sectors.

This finding is striking from a comparative perspective as it exposes cross-country similarity in the economic coordination and selective embedding of labour migration in three big labour-attracting European economies. Subtle variations within this pattern can of course be expected: what ‘competitiveness’ and ‘economic utility’ really means, for example, might vary across capitalist varieties, welfare state regimes and labour markets (Menz 2010, Papadopoulos 2011, Paul 2011a). While more comparative research into the economic governance of LMP seems essential for more nuanced accounts of migration in variable competition states, the shared partition of LMP by skill level found in this article

indicates a common pattern of political ordering of migrant workers' legitimate position in European capitalisms.

Competing state projects and political ordering

Irrespective of potential divergences, the uneven embracement of competition state logics by migrant skill level in Britain, France and Germany alike bears implications for governance theory more generally. LMP amply reflects the contradictions between global competitiveness and economic openness goals on the one hand, and national labour market governance objectives on the other. The tensions between co-existing state projects and narratives in migration policy – economic growth, security and anti-terrorism, social cohesion, domestic welfare, justice and democratic legitimacy – have been described at length (e.g. Boswell *et al.* 2011, Carmel *et al.* 2010).

The present CPE analysis has indicated that the product of the multiplicity of state projects is by no means chaotic or anarchic. To the contrary: the selective partitioning of the socio-economic world into three specific economic imaginaries and associated legal classifications in LMP speaks of a powerful construction of 'structured complexity' (Jessop 2009). The very fragmentation of the imagined economy in question allows governments to pursue contradictory objectives, to clearly demarcate different spaces for legitimate foreign labour recruitment, to structure them according to different objectives, and to render other imaginable positions and roles illegitimate, criminal and 'illegal'. Labour migration policy hence serves as a powerful example of the state's political ordering of social and economic relationships by means of semiotic and legal classifications, with far-reaching consequences for the roles ascribed to labour migrants, domestic and EU workers, and employers alike.

The confession of state-centrism is certainly writ-large throughout this article. The empirical insights gained here sustain the assumption that we cannot write off state regulation in economic and societal governance processes: though always contested, the ongoing legal classifications of migrant workers in LMP according to variable policy drivers tell a tale of the powerful hand of state regulation. Rather than adhering completely to a hegemonic project of competitiveness, public policies simultaneously support, steer and restrain the infamous ‘invisible hand’ of a globalising market in order to reconcile competing state projects.

Table 1: Comparison of selection principles and policy tools in migrant labour admission policies

| <i>Selection Principle</i> | <i>Selection Mechanism</i> | <i>Germany</i> | <i>France</i> | <i>United Kingdom</i> |
|----------------------------|---|---|---|--|
| Scarcity of skills | Resident Labour Market Test (RLMT) | for all skilled and lower skilled entries apart from ICT and domestically skilled; institutionalised at Federal Employment Agency | for all lower skilled entries; for skilled jobs which are not on shortage lists or ICT; institutionalised at regional employment agencies | for all tier 2 (general) entries apart from in-country applications and high earners; not institutionalised, employers' attestation suffices |
| | Shortage Lists | for skilled and unskilled TCN mainly from A8, A2 and extended Europe (e.g. Croatia) | for higher skilled and skilled TCN (also regularisation); distinct larger list for A2 | for selected graduate professions only; instead use of free A8 and A2 movement |
| Skill level | Graduate qualifications/ professional experience | beneficial permanent permit for high-skilled professionals and academics; extra scientist and specialist (mainly IT) route; ICT route | beneficial permits for graduates, experienced professionals, facilitated entry for project-based work and scientists; ICT route | tier 1 visa for high-skilled individuals (world-leading academics and artists); tier 2 (general) for graduate level jobs; tier 2 for ICT route |
| | Earning thresholds as qualification proxy | for permanent residence permit for high-skilled professionals who are not academics | for ICT and post-study work visa | RLMT waived for tier 2 high earners; longer visa for some well-earning ICT; minimum earnings for tier 2 general and ICT |
| | Lower skilled access | suspension of generic routes, some bilateral agreements, access mainly for EU nationals or accession candidates (Croatia mainly) | suspension of generic routes, exclusive access for EU nationals | suspension of tier 3, exclusive access for EU nationals |
| Origin of skills | Domestic qualifications | post-study work route; work permits for tolerated residents with domestic qualifications | post-study work route; exceptional regularisation of irregular workers in shortage professions | post-study work route |
| | Advantageous labour market access | for nationals from some rich countries | for Algerians, if admitted; for some nationals from former colonies in extended shortage lists | x |

Source: author's analysis of legal documents and comparative compilation; details in endnote iv; as of October 2011

Table 2: Characteristics of economic imaginaries in labour migration policies

| <i>Imaginaries</i> <i>Focus in admissions</i> | High-skilled global labour competitiveness | Skilled national short-term labour shortages | Lower skilled EU labour self-sufficiency |
|--|--|--|--|
| Skill level focus | High-skilled, very scarce skills, globally mobile skills; post-study work options for graduates | Skilled workers in ‘scarce’ professions, up-skilling efforts in national workforce | Low and unskilled, and skilled if not in scarce supply; assumed ‘vast’ domestic and EU supply |
| Causal focus | Support economic competitiveness and attractiveness of national business location; support innovation and growth; secure fiscal benefits through high earning migrants | Secure short-term economic productivity in shortage situations; boost domestic labour supply longer term to prevent reliance on migrants | Secure domestic/EU labour supply; lower reliance on migrants; activate domestic unemployed; manage and contain informal labour market |
| Spatial focus | Globally mobile labour pool and globally operating companies; ‘world economy’ dis-embedded from national labour market | Global supply in case of domestic shortages; sometimes in bilateral recruitment only or EU worker preference; embedded in current and prospective national labour market | Reliance on EU and domestic workers to fill shortages; priority of domestic employment and activation policies; ignorance (or ‘malign neglect’, Samers 2010) towards global informal labour supply |
| Operational focus | Global supply-led recruitment in competition for ‘brightest minds’, global ‘war’ for talent; highly beneficial admission and residence regimes | Selective demand-led recruitment as ‘add-on’ to domestic shortages; fine-tuned identification of shortage and containment of worker in that shortage job; state-led labour market command and control in promotion of domestic up-skilling | Exclusivity of EU and domestic supply to fill shortages; activation and ‘matching’ by state; strictly controlled bilateral agreements with third countries in exceptional cases; fight against informal work and residence |
| Metaphorical underpinning of imaginary | Discourse of ‘talents’ and ‘high potentials’ signifies innovation capacity; ‘gold dust’ signifies scarce skills and magical quality of some migrants to boost innovation and growth; ‘greasing the engine’; rolling out ‘red carpet’ with beneficial treatment | Discourse of ‘economic need’, ‘demand’, ‘specific shortage’ and ‘add-on’ signifies demand-led focus; concrete space for migrants as ‘cogs in the engine’ with specific and contained role; discourse on ‘reliance’ signifies future self-sufficiency aspirations | Use of attributes like ‘amply’ and ‘enough’ signifies abundance of domestic/EU labour supply; reference to ‘duty’ and ‘obligation’ of domestic unemployed to ‘pull socks up’ ascribes responsive role to them with regard to achieving labour self-sufficiency |

Source: author’s analysis of semi-structured interviews with policy-makers in further elaboration of table 1

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GER3: Senior official at Labour Ministry (*Bundesministerium für Arbeit und Soziales*), 2 December 2009, Berlin

GER4: Member of Expert Commission on Migration (*Unabhängige Kommission 'Zuwanderung'*), 4 December 2009, Berlin

GER5 and GER6: Labour Ministry officials, 7 December 2009, Bonn

GER7 and GER8: Migration experts at German Employers' Association (*Bundesvereinigung der Deutschen Arbeitgeberverbände, BDA*) 14 December 2009, Berlin

GER9: Former Home Secretary (*Bundesministerium des Innern*), 14 December 2009, Berlin

GER10: Senior Home Office official, 15 December 2009, Berlin

FRA1: Senior Migration Ministry official (*Ministère de l' Immigration, de l' Intégration, de l'Identité Nationale et du Développement Solidaire*), 19 April 2010, Paris

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- ⁱ With ‘labour migration’ I refer to those migrant flows admitted into host countries in their function as ‘worker’. Of course, that does not deny that other migrants (i.e. refugees, students or family members) participate in the labour market as well.
- ⁱⁱ Drawing on comparative capitalist coordination theories I explore the comparative nuances of LMP when being contextualised in different capitalisms elsewhere (Paul 2011a).
- ⁱⁱⁱ Potential socio-political, ethno-cultural or electoral agendas are not captured in this paper. I trace the comparative contextualisation of cross-nationally shared economic imaginaries of labour migration in individual societal environments in the larger project of which this article constitutes but a small part (see Paul 2011a).
- ^{iv} I draw on category analysis (Yanow 2000): a mapping of selection mechanisms and associated policy tools in legal documents is used to identify selection principles (i.e. the principles according to which migrant workers are selected and stratified in different access routes) and, ultimately, emerging categories of ‘admissible’ migrant workers. Interview data then elucidated the meanings of these categories and selection principles and allowed a tracing of underpinning economic imaginaries that selectively assemble these meanings and hold them together.
- ^v The assumption of quasi complete domestic labour market control through state policy within the skilled shortage imaginary is striking. The identification and filling of shortages is presented as a mere technicality; domestic ‘upskilling’ efforts are conceived as a functional prospect. This disregards well-researched phenomena like the lack of funding for training (especially in the UK), wage constraints, unattractive working conditions, and the structural reliance on informal labour in some sectors (Morice *et al.* 2010; Ruhs *et al.* 2010).
- ^{vi} The specific embeddedness within this geography varies, for example France and Germany embraced EU free movement for new accession country nationals more cautiously than the UK and restricted access initially (Paul 2011b).