A postcolonial genealogical analysis of the differential ordering of humanity in a Danish context from c. 1700-2019, and a discussion of this ordering's influence on contemporary immigration and asylum policy

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Abstract

Using a genealogical approach and historiographic archival research in a postcolonial perspective, this thesis examines continuities and ruptures in the hierarchical differential ordering of humanity over nearly 350 years. With a point of departure in the Danish-Norwegian Caribbean colonialism in the 17th century, I examine the institutionalized commodification of enslaved Africans in the plantocratic political economy and discuss the binary constructed categorization of white/free/civilized and black/unfree/uncivilized. By applying Norman Fairclough's Critical Discourse Analysis on a divergent source material, I analyze how the colonial dichotomous ordering of humanity was constantly challenged and renegotiated throughout the Danish colonialism, by the importation of white convicts from 1672-1685 and because of an increasing population of black freepersons.

By applying concepts of biopower and biopolitics, I examine how the Danish state and colonial administration continuously implemented regulatory legislation in order to control both enslaved and freepersons in the colonial differential ordered humanity until the emancipation in 1848.

I then proceed to examine how the binary differential ordering of humanity were developed through scientific racism and international discourses of imperialism into a stratified differential ordering based not only on race but on ethnicity, civilization and place of origin as well. I discuss how this stratified ordering influenced Danish discourses in relation to Indian indentured in Danish West India in the 1860s, Chinese immigrants in Denmark in the 1900s and in relation to the Refugee Convention from 1951.

Lastly, I examine how the stratified ordering of differential humanity can be said to influence contemporary immigration and asylum policy in a Danish context. I analyze the development in Danish immigration and asylum policy from 2001-2019 in the framework of civic stratification and stratified rights by going through the most fundamental legislative changes and their different readings.

Seen in the perspective of civic stratification and stratified rights, I argue that the differential ordering of humanity can be said to render certain humans invisible and/or unwanted in the contemporary refugee regime, when excluding certain individuals from international protection, equal access to rights or financial support based on their ethnicity, place of origin or culture.

This thesis thereby illustrates how merging a genealogical approach with historiographic archival research in a postcolonial perspective, can provide a fruitful basis for discussions on contemporary immigration and asylum policy. This thesis will point in the direction of further postcolonial research into the modern politics of forced displacement and into postcolonial histories of inclusion and exclusion, while simultaneously expanding the field of research within migration and forced displacement with a spatial and temporal dimension.

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Acronyms

DWI = Danish West Indies

ECtHR = European Court of Human Rights

ECHR = European Convention on Human Rights

UNHCR = United Nations High Commissioner for Refugees, also The UN Refugee Agency

CSR51 = 1951 Convention Relating to the Status of Refugees

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Clarification of Key Terms

In order to establish a foundational understanding of categories and concepts used throughout this thesis, a minor clarification of certain key terms is needed before continuing to an overview of the paper's structure.

Throughout this paper, I will use the term 'postcolonialism' and 'postcolonial' instead of the earlier much used 'post-colonialism', with a hyphen, in order to emphasize, that colonialism was not just a historical periodization of the past, a passage of the age of colonization indifferent from the contemporary world order. Rather, it is a specific power structure, which is highly entangled with the present economic, political and cultural ordering of the world (Nichols 2010; Loomba 2015; Owens 2016; Jensen 2016). Postcolonialism is not a monolithic homogeneous theory or uniform methodological approach. Contrary, it constitutes a multifaceted and multi-disciplinary set of practices and ideas aimed at discussing unequal power relations and practices (McClintock 1992; Young 2003).

'Colonialism' can be understood as "a form of domination, the control of individuals or groups over the territory and/or behavior of other individuals or groups" ([Horvalth 1972] cited in Mayblin 2017, 9), which in this paper adhere to the Danish political, economic and social domination over a specific territory in the Caribbean and the enslaved Africans and Afro-Caribbean forced to live on this demarcated soil. 'Imperialism' is often understood as interchangeable with 'colonialism' (Mayblin 2017, 8), or as a temporal replacement and prolongation of colonialism (Tobin 2004, 61). However, there is a difference between 'colonialism' and 'imperialism' regarding the extent and nature of control. 'Colonialism' entails physical control over an occupied territory and exploitation of a group of people, while 'imperialism' not necessarily includes a specific territorial control but adhere to a more fluid understanding of power relations, e.g. a formal domination through political or economic control (Mayblin 2017, 8).

I will use the terms 'West" and 'Western' when referring to those colonial European states who through colonialism and imperialism had the power to subjugate groups of people to their hegemonic political, economic and cultural dominance. Likewise, the 'Western' epistemological, cultural and societal influence through among other western institutions, e.g. education centers and churches are here defined and conceptualized as 'Westernization' (Mayblin 2017, 9).

Given my postcolonial inquiry on differential ordered humanity departing from a Danish Caribbean colonial context, the term 'race' will often appear in this paper. In order to indicate my awareness of the problematic status of this term, I will put it in inverted commas throughout the paper when discussing its usage in specific context. Thereby, I will acknowledge that issues and ideas related to 'race', e.g. discrimination, hate crime or unequal power distribution, still affects the everyday life for many people around the world (Mayblin 2017, 9-10). However, I will not use the punctuations when quoting historical texts applying the term, in order not to misrepresent the usage of the past.

Introduction

This thesis will examine the connections between Denmark´s colonial past and the contemporary migration and asylum policy. Such connections are rarely expressed in linear causal relations, drawing continuous direct lines from Caribbean institution of enslavement in the 18th century to the political situation of today. European colonialism and imperialism, which span several historical periods, geographic areas and political, cultural and economic systems, introduced and implemented a variety of complex power structures, e.g. regarding knowledge production, distribution of rights and human ordering, in order to enhance and maintain their colonial control (McLeod 2000, 7-8; Loomba 2015, 35-38). However, through complex and deep-rooted entanglement with a variety of domains and different structures throughout history, the legacies of colonialism and imperialism continued to influence the world order after the so-called decolonization period in the 1950s and 1960s (Krishna 2015; Sylvester 2017; Sebro 2017). Consequently, colonialism and imperialism are not just harmless occurrences of the past, but crucial episodes in a history, which still affects present-day societies and populations, for instance concerning immigration and asylum policies (Young 2003; Mayblin 2014, 2017; Sayyid 2017).

Inspired by Lucy Mayblin's (2014, 2017) research on the colonial legacy in contemporary politics of asylum and immigration in UK, which I will briefly paraphrase in a later chapter, I will likewise examine how the hierarchical ordering of humanity in the Danish Caribbean colonialism can be said to have evolved over time and influenced the contemporary migration and asylum policy in a Danish context.

My research question is therefore as follows:

From a postcolonial perspective, which ruptures and continuities can be identified in the differential ordering of humanity throughout the Danish Caribbean colonialism in the 18th and 19th century and how can this ordering of humanity be said to develop beyond Danish colonialism from 1848 and throughout the 19th and 20th century? In the framework of civic stratification and stratified rights, how can the historical hierarchization of humanity be argued to influence contemporary migration and asylum policy?

Due to my postcolonial approach, the point of departure in Danish Caribbean colonialism and my aim of discussing the contemporary migration and asylum policy, I will primary focus on groups of

non-Europeans throughout the two last parts of my RQ, which examines the differential ordering of humanity beyond colonialism.

My primary focus in this thesis will be on the first part, the period from 1672-1848, given the complexity, the long time span and the fundamental importance of examining the emergence of the differential ordered humanity before moving forward in time and context.

As mentioned, postcolonial research constitutes a multifaceted, cross-disciplinary approach on topics overall subsumed under legacies of European imperialism and colonialism (Young 2003; Sylvester 2017). Postcolonial research often includes methods and theories from a variety of disciplines, such as history, anthropology, law, economics, literature and forced migration studies. Due to this diverse composition, postcolonial inquires frequently addresses or touch upon certain overlapping fields of interest, for instance related to gender, ethnicity or 'race'. However, Nasar Meer (2018) have problematized how racial studies and post-colonialism (his terminology) have been gradually subsumed into one another, inexpediently blurring the lines of distinction, producing post-colonial research reducing 'race' to affects while simultaneously reducing the understanding of the origins and reproductions (Meer 2018, 1177). Nevertheless, like Lucy Mayblin (2017) did in her research on colonial legacies, I will likewise apply the notion of 'race' to my postcolonial inquiry, but I do, like Nasar Meer calls for, perceive 'race' as both a social category and a historical idea (Meer 2018, 1164). Furthermore, due to the fundamental influence of 'race' in the colonial construction of differential ordered humanity, it would be impossible to conduct such research without implementing 'race'. However, and this is important to stress, 'race' is not the only significant category influencing the construction of differential humanity. So is ethnicity, class, civilization, place of origin and gender, just to mention some of the most essential among many others. Therefore, I consider my inquiry to be more suitable for postcolonial research than one within racial studies.

It is outside the scope of this paper to conduct a detailed historiography of all academic literature dealing with the Danish colonial past. Neither is it my aim to conduct a comprehensive discussion of all theoretical or methodological approaches in this field of research.

Nevertheless, by insisting on the academic usefulness of historical methods within migration and forced displacement studies, like archival literacy and a broad understanding of source material, I demonstrate the importance and relevance of historical oriented postcolonial examinations within the field. The use of a genealogical method combined with archival research allows me to map out

interesting perspectives on the Danish colonial past, spanning both national and international colonial legacies, on differential ordering of humanity, that is, on postcolonial histories of inclusion and exclusion (Mayblin 2017, 178), in past and present. Furthermore, my thesis serves to broaden contemporary discussions on colonial influences on European modes of governance, to expand the field of research within migration and forced displacement with a spatial and temporal dimension and to shed light on the intrinsic limitations in associated categories like 'refugee' and 'migrant'. Thereby, this thesis will point in the direction of further postcolonial research into the modern politics of forced displacement and into future examinations of how colonialism can be perceived entangled with contemporary modes of governance.

Structure of the Paper

I have divided the paper into four parts.

The first part includes the methodology and theory. In this chapter, I will discuss the temporal and spatial challenges within the field of forced migration studies concerning development of a precise terminology. Subsequently, I will discuss the importance and methodological challenges of using archival research in postcolonial inquires, before I turn to a short presentation of my source material. Following this, I will present Foucault's genealogical method, before moving on to a chapter on Norman Fairclough's Critical Discourse Analysis. Finally, I present and discuss Foucault's theories on biopolitics and biopower.

The following three parts, which constitutes my analysis and discussion, are based on the genealogical method and a comprehensive historiographic archival research.

In part two, I examine continuities and ruptures in the differential ordered humanity in the Danish Caribbean plantocratic society, by discussing the continuously discursive articulation and renegotiation of the binary differential ordered humanity, based on white/free and black/unfree. Additionally, I discuss how the Danish state and plantocratic society until the emancipation in 1848, implemented biopolitical regulations in order to maintain the colonial order.

In part three, I examine how the colonial dichotomous ordering of humanity in the decades following the emancipation in 1848, developed into a stratified hierarchical classification, dividing the world's population into different categories through scientific racism and imperialistic concepts

on race, ethnicity, civilization and place of origin. I discuss, how this transformation, which went beyond Danish colonialism, was supported by Danish scientists. Furthermore, I discuss how this stratified ordering of humanity can be said to have influenced a Danish context by focusing on different groups of non-Europeans, who, for different reasons, arrived on Danish territory or had plans of doing it.

In part four, I examine how shifting Danish governments since 2001 have implemented gradually more restrictive immigration and asylum policies. Seen in the framework of civic stratification and stratified rights, I discuss how the political discourses and legislations since 2001 can be said to have been influenced by ideas of stratified differential ordered humanity.

Methodology

The Challenge of Conceptualization

In order to describe and encompass the spatiality and temporality of migration and forced displacement the academic task to clarify and conceptualize the subject of research within this field of study have produced a highly diverse terminology over the years (de Haas 2007, 830). This includes 'Environmental Migration' (McAdam 2011), 'border-induced displacement' (Lemberg-Pedersen 2012) and 'survival migrants' (Betts 2013) just to mention a few. However, despite this wide terminology several of the concepts are criticized for their inability to explain the complexity of migration movements (Crawley & Skleparis 2018, 51). Crawley and Skleparis´ broader critique concerns how the categories are constructed and what political purposes the specific categorization serves. They want to challenge the so-called 'categorical fetishism' in Europe's migration and asylum policy in relation to international protection (Crawley & Skleparis 2018, 49-51). The term "categorical fetishism" was originally invented by Raia Apostolova in 2015[1] in order to describe the, according to her, political and public misuse of the dichotomy of 'refugee' and 'migrant' in the beginning of the so-called 'migration-crises' in 2015 (Apostolova 2015). Apostolova argued that

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[1] Raia Apostolova presented the term "categorical fetishism" in her article "Of Refugees and Migrants: Stigma, Politics, and Boundary Work at the Borders of Europe" in *American Sociological Association Newsletter*, September 14 2015.

the use of this dichotomy simplifies the reality of migration, and neglects the consequences of a more or less competing categorization of people in vulnerable situations (Apostolova 2015).

Stephen C. Lubkemann (2008) introduces the term *involuntary immobility* in order to challenge and expand the commonly recognized perception within the field of refugee or migration studies, that forced displacement *per se* is conflated with migration. Instead, Lubkemann argues for a broader definition of forced displacement including "displacement in place" (Lubkemann 2008, 454), in order not to render invisible a whole category of humans forced to involuntary immobilization, e.g. in war-torn societies (Lubkemann 2008, 468).

Likewise, Stephen Castle (2003) argues that migration need to be analyzed as a "social process in which human agency and social networks play a major part", questioning dominant sociological approaches, which traditionally have been based on ideas of partially autonomous national societies (Castle 2003, 13). In order to break this "tunnel vision" induced by prevailing national models in migration research (Ibid. 25), Castle calls for an implementation of a transnational sociology of "Exile, displacement and belonging" (Ibid., 14), which focus on global social transformation using interdisciplinary methods (Ibid., 30).

Oliver Bakewell (2008) argues that extensive groups of displaced migrants are made invisible by researcher within the field of refugee studies who, in their aim to make forced migration relevant for policy, base their research question, methodology and initial frame of references upon priorities, concepts and categories formulated by policy makers (Bakewell 2008, 432). According to Bakewell, this tendency privileges the policy makers' worldview, which cause a narrow and insufficient perception of forced migration in both policy and research overlooking among other self-settled refugees (Bakewell 2008, 433). In order to avoid neglecting "invisible forced migrants," he argues that research into forced migration should aim for being "policy irrelevant," meaning avoiding to support and develop institutional forms of practicing and reproducing narrow bureaucratic labels of vulnerability like UN legal definitions (Ibid., 435-436) in order not to produce short-term answers to complex problems (Ibid, 450). De Haas (2007) have criticized European and American governments' and policy makers' tendency to construct hierarchical migration categorizations of non-Europeans based upon the assumption that migration management is possible through restrictive immigration and so-called root policies (de Haas 2007, 828-830). However, de Haas underlines that no empirical evidence supports these assumptions (ibid., 828). Nevertheless, this logic prompts billions of euros annually in order to maintain the boundaries

between wanted and unwanted migrants and produces strict policies as a mean for forced return of unwanted migrants and readmission of rejected asylum-seekers often violating human rights (de Haas 2007, 826, 829).

However, even though both Bakewell, Lubkemann, de Haas and Castle agitates for a more including conceptualization of refugees and migrants, their discussions are solely focusing on research conducted in the present migration and refugee regime. None of them includes a broader historical perspective into their research on forced displacement and migration, and they do not discuss neither the taxonomical or terminological origin of the legal definition of "refugee" and "asylum seeker", nor the ideas behind the hierarchical ordering and categorization of asylum seekers and migrants.

Consequently, they all overlook the historical dimension of ideas forming these categories, which could have had a valid explanatory factor in their elaborations and conclusions. Philip Marfleet argues (2007) that researchers within forced migration and displacement have been reluctant to engage extensively with history (Marfleet 2007, 136). According to Marfleet, forced displacement has always been a byproduct of divergent forms of complex global developments, like the invention of the nation state in the 17th century, European colonialism and later de-colonialism, which still shapes the world order and influence nation states shifting migration and border policies (Marfleet 2016, 7-8). However, due to the general "practice of exclusion" by scholars, refugees are still rendered silent and mute in the "face of powerful institutions and political actors" (Marfleet 2016, 14). Consequently, forcibly displaced are excluded from society and national/international protection systems (Marfleet 2007, 139), while their 'refugee realities' are continuously neglected (Marfleet 2007, 136).

Where researchers as de Haas, Bakewell, Lubkemann and Castle seeks to expand the categorization of forced displacement spatially, but lack the temporal dimension, post-colonial scholar Lucy Mayblin (2014, 2017) seeks to qualify the research in forced displacement from a post-colonial perspective. Conducting a diachronic analysis, comparing four different snapshots of historical periods considered entangled through ideational continuity (Mayblin 2017, 6), of British asylum and migration policies. Mayblin excavates and discusses the British colonial empire's racialized classification and ordering of humans since the 18th century via archival research. She argues that migration policy in England has been an expression of a hierarchically ordering of humans and derived differential humanity rooted in a colonial understanding of humans, based on a combination

of race, place of origin and civilization (Mayblin 2017). According to Mayblin, this categorization still influence the degree of attributed human rights in contemporary asylum policy (Mayblin 2017, 175-180). Furthermore, Mayblin argues how the British refugee regime reproduces what B. S. Chimni has coined the "myth of difference" (Chimni 1998) in order to justify the implementation of restrictive asylum policies (Mayblin 2017, 5-6). Using the "myth of difference", European governments, and sometimes academics as well, depicts contemporary asylum seekers from the Global South as 'new', 'unmanageable' and fundamental different compared to the erroneous Eurocentric assumption consolidated in the 1951 Refugee Convention that 'genuine' 'old' refugees are white, Christian males from within Europe (Mayblin 2014, 427-430). Thereby, the 'new' asylum seekers are considered aberrant and their rights to international protection is continuously questioned (Mayblin 2014, 437).

Based on archival research, Lucy Mayblin qualifies contemporary debates on migration and asylum policies by insisting on the importance of colonial histories in order to comprehend and question what Phil Orchard (2014) has termed the "non-entrée regime" (Orchard 2014). However, despite a seemingly thorough analysis, the diachronic approach entails the risk of taking too generalizing and arbitrary strides overlooking certain important aspects when examining, in Mayblin's case, nearly 250 years of coloniality based on only four snapshots (Mayblin 2017, 10-12). In order to avoid these potential gaps in my historical examination, I will make use of the genealogical approach combined with historiographic research, which I will account for in a later chapter.

Inspired by Lucy Mayblin's accounts, I aim at qualifying the contemporary debates on asylum and migration policies in a Danish context, by examining the colonial production of the binary differential ordered humanity in the plantocratic political economy and the subsequent derived multilayered hierarchical understanding of humanity. Thereby, my hope is to add to the contemporary research in forced migration and displacement with a temporal and spatial historical dimension departing from a Danish colonial context.

When conducting genealogical research of differential ordered humanity, especially one like mine spanning nearly 350 years of colonial history in a Caribbean and Danish context, it is of utmost importance to possess archival literacy in order to recognize the specific need for source materiel necessary to address the given research question (Jordanova 2006, 150-152). In the

following chapter, I will discuss the significance of archival research and illuminate the many pitfalls and challenges entailed in this practice.

Archives, Archivalization and Postcolonial Archival Research

Archival literacy can be defined as the "knowledge, skills, and abilities necessary to effectively and efficiently find, interpret, and use archives, manuscripts, and other types of original unpublished primary source materials" (Morris, Mykytiuk & Werner 2015, 155). A fundamental part of the archival literacy is to possess a profound knowledge about archives' underlying selection processes, including how archives have been organized, managed and classified, which furthermore requires an insight into what source material have been altered, destroyed or lost over time (Trouillot 1995, 53).

Scholars using archives constantly need to pay attention to archivalization, what archival theorist Eric Ketelaar (2001) defines as the sociocultural process of delimitating, either conscious or unconscious, that specific "something", which is deemed "worthy of archiving" (Ketelaar 2001, 133). That is, to understand that the existence of all archival material are tangible results of specific conventions and motives for preservation (Olden-Jørgensen 2009, 50). Over the centuries, European archivalization have often been subjugated political and economic interests, for instance concerning legitimizing nation states and colonial empires (Peterson 2002; Stoler 2009). Consequently, modern archives are packed with documents dealing with evangelical and mercantile endeavors, war efforts, economic management and colonial administration (Stoler 2002; White & Gilliland 2010, 235). However, several academics from both the humanities and social sciences affiliated with postcolonialism have argued for modifications in archival theory and practice emphasizing that the world has changed dramatically since Western archivalization were introduced and codified in the 19th century (Bastian 2006; White 2008; White & Gilliland 2010). Likewise, postcolonial scholars have argued how European archivalization since its inception in modern scientific history has prioritized Eurocentric ideas about archival material, normally products of literacy, while deeming non-literal material, e.g. oral history, rituals, music etc., unworthy, non-archival records (Stoler 2009, 212; White 2008, 75-78). Due to this biased eurocentricity in archivalization certain marginalized groups, e.g. enslaved and indigenous people, have frequently been silenced and rendered invisible in historical accounts, while a Eurocentric archivalization practice has produced a

codified westernized system of naturalized dominant 'knowledge', clustered and perpetuated in national repositories (Peterson 2002; Stoler 2002, White 2008; Stoler 2009; Gordon 2014). It is paramount to be aware of these archival flaws because, as Joan Schwartz and Terry Cook (2002) have emphasized, "Archives validates our experiences, our perceptions, our narratives, our stories. Archives are our memories" (Schwartz & Cook 2002, 18).

The use of archives and archival literacy in postcolonial research within the field of forced migration and displacement can aim at transgressing methodological nationalism, understood as "naturalization of the nation-state by the social sciences" (Glick Schiller & Wimmer 2003, 576), by contesting associated sedentary biases, which perceive territorial and cultural cross bordering as anomalous and problematic (Marfleet 2007, 141). Additionally, by critically questioning the present Eurocentric naturalized 'common knowledge' and institutionalized archivalization, postcolonial research can aim at rendering previously silenced colonial minorities visible by counter what postcolonial scholar Ashley Falzetti (2015) have termed "the archival absence" (Falzetti 2015). Simultaneously, postcolonial archival research within the field of forced migration studies can strive to counter Philip Marfleet's (2007) critic that scholars within this specific field often produce "ahistorical" research, neglecting the importance of historical perspectives in studies of contemporary refugee regimes (Marfleet 2007, 136-137).

Source Material

In order to conduct a genealogical analysis on discourses of differential humanity departing in 1672, I have used widespread, comprehensive and diverse source material.

Throughout the paper, I include various illustrative sources like paintings, drawings, maps, photos, cartoons, sculptures and architectural representations in order to examine and discuss the dialectic relation between discourse and social structure from a non-textual perspective (Fairclough 1995a, 54).

Furthermore, this alternative graphical source material is supplemented with more classical text sources like protocols, reports, budgets, newspaper articles, diaries, theater plays, legislation, hearings, political programs etc. in order to comprehend and examine the shifting discourses and social orders in relation to the differential ordering of humanity.

The source material is primarily gathered from The Danish National Archives, Danish National Museum, The Royal Library and The Office of the Folketing Hansard.

The Genealogical Method

Michel Foucault has been one of the most prominent thinkers within the tradition of Critical Theory, representing a reflective critique of society, culture and "traditional ideas" questioning perceptions of power structures through alternative methodologies (Wandel 2009, 368).

In *The Order of Things* (1966), Foucault presented the 'archeological method', a methodological instrument used to excavate system of knowledge and thoughts throughout history by exposing the discursive hegemonic formations dominating certain periods (Foucault 2001 [1966], xx-xxiv). According to Foucault, a specific set of preconditioned not-explicit underlying unconscious stratum of thinking, so-called épistèmé, anonymously determines the boundaries of thoughts within a certain domain and define the delineation of accepted truth and production of knowledge at different times and periods (Ibid., xiii).

Foucault considered his archeological method to render possible an exposition and comparison of divergent discursive formations over time in order to excavate contingencies and ruptures in modes of thinking (Thyssen 2012, 706). He had previously applied early versions of his archeological method in different studies, among other in his work *History of Madness*, where he aimed at exposing "the archeology of silence" (Foucault 1999 [1961], 18).

Following the publication of *The Order of Things*, Foucault´s method was criticized for taking giant generalizing strides violating the complexity of history when he divides more than 500 years of European history into a few clear-cut and unrealistic homogenous categories (Mills 2003, 23-24). However, the archeological method's biggest deficiency was not the simplification of historical eras, but its inadequacy comprehending the reason for the transition from one épistèmé to another (Koopman 2008, 343-344; Dreyfus & Rabinow 1982, 81).

In the following years, Foucault developed and refined his archeological method and he termed his new approach 'genealogy', inspired by Nietzsche's genealogy of moral preconditions (Foucault [1971] in Rabinow 2010, 76-77). Nietzsche combined "a historical and bio-sociological perspective" in order to trace the genesis of moral values, their validity to different people and their influence throughout history (Nietzsche 1999 [1887], 15-16).

Likewise, Foucault´s genealogical approach attempts to look beyond the discourse in question, e.g. on punishment, sexuality or madness, in order to examine the conditions of their possibility and challenge so-called "certainty of absolutes" (Foucault (1977), in Rabinow 2010, 82). Thereby, the genealogist calls into question the "self-evidences of the present by exposing the various ways they were constructed in the past", while aiming at disrupting pretended continuity, e.g. concerning values or perceptions of humanity (Tamboukou 1999, 10). According to Norman B. Macintosh (2009), genealogical historians wants to know about the "*fictions* of the *present*" and examine "how 'truth' is made, not discovered" (Macintosh 2009, 2), in order to de-doxify and de-nature, to use a Nietzschean terminology, the present´s naturalized, hegemonic set of values (Macintosh 2009, 8-10).

Genealogy is furthermore closely connected with what Foucault defines as problematization and discontinuities and his specific "use of history", which is lauded by some and highly criticized by others (See for instance Lillebø & Vik 2013 or Norman B. Macintosh 2009). The concept of problematization concerns, how a specific phenomenon, for instance sexuality or in my case enslaved or refugees, through a specific point in history came to be regarded as problems and why it was so (Garland 2014, 366-367). From this point of departure, Foucault begins his genealogical research in order to conduct "a history of the present" (Foucault 1975, 32).

Genealogy is not aiming at constructing an intact linear line throughout history. On the contrary, Nietzsche and Foucault both criticized other scholars, like Paul Ree, for describing phenomenon's like moral in "terms of a linear development" (Foucault [1971], in Rabinow 2010, 76). In prolongation hereof, genealogy "opposes itself to the search for "origins"" (Ibid., 77) and argue, that "the genealogist needs history to dispel the chimeras of the origin" (Ibid., 80). As an antithesis to the linear historical approach, genealogy attempts to expose contingent turns of history through the plurality of the past including contradictions and discontinuities in order to show the many traces of influence of power and its impact on constructions of the presents 'truths' (Gutting & Oksala 2019; Mills 2003, 26-27).

Foucault consider historical development as arbitrary episodes of interpretations in a series of various subjugations, which all produces numberless beginnings and descents (Foucault [1971], in Rabinow 2010, 83-86). Through a "hazardous play of domination" (Foucault [1971], in Rabinow 2010, 82) descents designates emergences, for instance specific set of interpretations through a violent system of rules, which determines shifting dominations over for instance perceptions of

values and humanity (Ibid., 85). According to Gilles Deleuze (1992), Foucault's genealogical examinations of discontinuities, descents and emergences can resemble the art of drawing maps - maps depicting power relations or cartographies structuring social diagrams (Deleuze 1992, 36), where every diagram constitutes "a spatio-temporal multiplicity" (Ibid., 34).

In prolongation of Deleuze's figuration (1992) and Kendall and Wickham's (1999) perception of genealogy as constituting "web of discourses' (Kendall & Wickham 1999, 31), it can be argued that the genealogical examination, due to its often grand scale tracing, constructs a form of continuity when mapping out and revealing different discontinuities and shifting power relations over time.

By combining the genealogical examination with historiographic archival research, which genealogical inquires rarely engage deeply with, I will render possible a mapping of the multiplicity of fragmented discourses related to the ordering of differential humanity departing from a Danish Caribbean colonial context. Thereby, it will be possible to discuss the relation between shifting dispositifs, discursive dominations and emergences, which constitutes the contradictions and discontinuities throughout history.

In the following chapter, I will briefly account for Norman Fairclough's approach to Critical Discourse Analysis, which I will apply as an analytical instrument throughout my genealogical examination and archival research in order to qualify the discussions concerning the complex dialectic relation between discourse and social practice.

Critical Discourse Analysis

The discourse analysist and linguist Norman Fairclough has since the 1980s been a prominent exponent of the so-called British approach to Critical Discourse Analysis (CDA). This CDA-approach constitutes a combined theoretical and methodological cross-disciplinary approach within humanities and social sciences inspired by a variety of scholars like Foucault, Bakhtin, Habermas, Hall, Gramsci, and Giddens (Breeze 2011, 494). Even though CDA is multi-faceted and uncoordinated entity divided into a variety of schools and approaches, it generally constitutes a problem-based analysis of discourses, social practice and unequal power relations within domains related to media, politics and society and often focusing on issues related to race, gender or class discrimination and general marginalization (van Dijk 1993, 250; Breeze 2011, 495-496).

With a point of departure in an identification of a social *problem*, resembling the Foucauldian problematization, Fairclough combines a microanalysis of texts, understood in its broadest sense as including oral and written linguistic representations (Fairclough 1992, 71), with a macro-analysis of power relations, social formations and institutions on a structural level (Ibid, 86). Fairclough understand discourse as a combination of text, non-verbal communication like gestures and other types of semiotic activities, which produce meaning, like movies and film (Fairclough 1995a, 54).

According to Fairclough, production, distribution, consumption and interpretation of texts articulates the discursive practice, for instance through vocabulary and semiosis, which represent the social position of a given actor/institution that forms an associated social practice. Thereby, Fairclough states that language usage can be considered a form of physical act and a way of representing the world (Fairclough 1995a, 130-131). Discursive and social practices are historically and socially entangled and situated in a dialectic relation constantly influencing each other in a forming/formed-by relation (Fairclough 1995b, 54-55). The discourse practice mediates between the text and the social practice, while the social practice forms and frames the opportunities for expression for both texts and discursive practice (Fairclough 1992, 74).

A combined network of specific social practices, which according to Fairclough profitably can be divided into economic, political and cultural domains (Fairclough 1995b, 58), constitutes a so-called social order, e.g. political economies such as global neoliberalism (Fairclough 2001, 123). The semiotic aspect of the social order is the order of discourse (Ibid.), which connects different genres, e.g. political speeches, advertisements or legislation, and discursive practice into to a broader social structuring of meaning. Constructed social meanings can be dominating and considered "mainstream" and "common sense", while others, still within the same order of discourse, can represents more marginal or "alternative" local discourses (Fairclough 2001, 128). Fairclough defines the dominating "common sense" as hegemonic, to use a political concept from Gramsci (Fairclough 1992, 86), which maintain, legitimate and normalize specific unequal power relations. Dominating genres, discourses and styles can "colonize", to use a Faircloughian terminology, other domains and orders, for instance through a marketization of public discourses (Fairclough 1995b) and manifest itself through a complex process where rearticulation and renegotation transforms and combines old and new discourses through passive assimilation (Fairclough 2001, 129). Consequently, Fairclough emphasizes how alternative discourses, which address the identified social problem, can be neglected or disqualified in a given political agenda

due to the dominating hegemonic order of discourse and adhered social order (Fairclough 2001, 130).

Fairclough perceive hegemony, the "mainstream", as power structures constantly negotiated and renegotiated as alliances between dominating economic, cultural, political and ideological societal domains, e.g. different classes, institutions or movements, which possess the power in society to dominate for instance the economic or political arena. However, the hegemony is a temporal power, "an unstable state of equilibrium", which only partly possess the interim ability to dominate and implement a naturalization of discursive transformations (Fairclough 1992, 52) and which change accordingly to the ongoing power struggle between structural changes, social practice and discursive orders (Fairclough 2001, 126).

Scholars have frequently criticized the often negative nature of research produced within CDA and requested a more open approach towards potentially positive uses of discourse in society (Luke 2002; 106-107). Likewise, CDA-scholars have often been criticized for neglecting to integrate context into their analytical framework, which consequently, it is argued, can prompt misleading and naively deterministic assumptions concerning the functioning of discourses and related social rearticulations (Breeze 2011, 494).

However, I do not consider it negative to examine how certain forms of discursive and social practice throughout history have been constructed and articulated with the aim of suppressing certain groups of humans, e.g. enslaved or refugees. Contrary, I find it valuable and reasonable to expose how such hegemonic discourses have been alternately implemented and counteracted throughout history, in order to understand the ruptures and continuities in the ordering of humanity. Likewise, given my genealogical method and historiographic archival approach the political, economic and cultural context will be paramount throughout this paper in order to construct a valid argumentation.

Throughout the discussion, I will regularly implement and unfold Fairclough's CDA-approach based on selected texts, e.g. legislation and official letters, in order to analyze the dialectic relations between the discursive practice and social order and to examine the constant articulation and renegotiation of hegemonic discourses.

Before turning to part I in the discussion, I will briefly go through the Foucauldian theoretical concepts of biopolitics and biopower, which I will make use of throughout my genealogical examination in order to discuss the relation between individual (body), population and the state.

Theory

Biopolitics and Biopower

Like Nietzsche, who used genealogy as a methodological tool to examine relations between power and knowledge in a critical perspective (Nietszche 1887, 21-22), Foucault's genealogy adopts a critical perspective on concepts taking for granted in power-knowledge interplay (Mills 2003, 35-36). Foucault understand power-knowledge as entangled, multiple set of relations performed in all human interactions and therefore dispersed throughout society, and not as a capacity only located in the state, government or other similar institutions in the upper societal stratum as contemporary Marxist (Mills 2003, 35). Therefore, in a Foucauldian perspective, power is not solely an oppressing feature originated from a particular site, like in the traditional Marxist critic of ideology and power, but relational and hence simultaneously productive and arbitrary given social relations fluid character (Mills 2003, 47). However, Foucault describes how all humans are situated in a political space, subjugated divergent forms of both obvious physical and more subtle, underlying forms of structural governmental power (Foucault 1975, 28).

Modern governance of biopolitics, which roughly defined is politics concerning administration of life and death, entails the power to define threats and risks and to implement various political 'technologies' or 'techniques' in order to 'protect' the individual and the population from degeneracy and delinquency and maintain the public health (Hoy 2005, 74). According to Foucault, biopolitics emerged as a political form and modern way of governance in the 17th century, when technologies of disciplinary power, like institution's administrative surveillance of sexuality, was introduced in order to safeguarding the health of individual bodies (Foucault [1978] in Rabinow 2010, 262]). This transition from politics to bio-politics was a break with the Aristotelean perception of life (*zoë*, biological life) and politics (*bios*, state power) as constituting two separate spheres, when life in bio-policy was introduced as the referent core object itself (Vaughan-Williams 2009, 734).

Another political technology was introduced in the 18th century, when the state aimed at controlling the national population through regulatory biopower technologies or techniques regulating for instance fertility and illness (Hoy 2005, 75). Compared to the former sovereignty of power, the political economy of modernity decentralizes power, and acts through various bureaucratic, administrative institutions, e.g. the army, schools, families and the "administration of collective bodies" (Foucault [1978] in Rabinow 2010, 260-262). Additionally, biopolitical power is primarily expressed through channels like knowledge, individual conduct and communication structures but also through regulatory biopower. Regulatory biopower is a state regulation focusing on controlling the materiality of the global body, while simultaneously seeking to hierarchize and homogenize life (Ibid., 260-262).

One tool for transforming society into a nation consisting of healthy individuals are through a racist policy, which Foucault terms "statist", referring to state policy based upon notions of race instead of, as previous, ethnicity, a race-based transition exemplified by apartheid, segregation or even genocide (Hoy 2005, 78-79). According to Foucault, 'statist' or 'state racism' has been implemented in modern structures of biopolitical governance as a political technology based upon a hierarchical biological understanding of 'races' as a mean to combat the life of 'inferior' or 'degenerated races', who potentially could 'defile' the lives of 'healthy races' (Foucault 2003, 255). As a consequence of this thinking, statist policy justify war on those unhealthy races that must die for the healthy races to live, and according to Foucault racism as biopolitical governance of political technologies is highly incorporated into modern functioning of biopolitics and therefore the racial administration of life and death (Rasmussen 2011, 41).

Foucault only dealt with cross-border migration, refugees and border thematic on a few notes throughout his long academic carrier (Foucault 2000; Fassin 2001) and scholar Clair Cosquer (2019) has criticized Foucault for neglecting coloniality and colonialism in his research on sexuality, reproducing what she terms an "imperial absence" in his genealogies (Cosquer 2019, 3). Nevertheless, his epistemology, methodology and theories have gained a significant stronghold within the field of forced migration and displacement in recent decades, counting among other research on borders (Vaughan-Williams 2010), governmentality (Walters 2015) beside genealogies of international mobility and surveillance (Salter 2013).

I will apply Foucault's concepts of biopolitics and biopower throughout my genealogical examination when discussing for instance how the Danish West India-Guinea Company, the Danish

state and the white planters regularly implemented different regulations in order to maintain the colonial order through controlling the bodies of the colonial subjects.

Part I

"Strange that an article like sugar, so sweet and necessary to human
existence, should have occasioned such crimes
and bloodshed!"
(Eric Williams 1944, 27)

When the Danish governor Jørgen Iversel Dyppel arrived to St. Thomas in May 1672 and planted Dannebrog on the uninhabited island, the monarchy of Denmark-Norway officially entered the Caribbean colonial scene (Hall 1992, 1). Two years later, in 1674, the Royal Chartered Danish West India and Guinea Company acquired the rights to conduct trade and slave shipping along Africa's Coast, and Iversen Dyppel ordered the first shipment of enslaved Africans using the well-established triangular slave trade route (Knie-Andersen 2015, 35; Gøbel & Sebro 2017, 61).
In the following chapters, I will discuss the plantocratic colonial binary differential ordering of humanity, which was based on a dichotomous conceptualization of white/free, black/unfree. Additionally, I will briefly examine how this hierarchical differential ordering of humanity was challenged from the early beginning of Danish Caribbean colonialism, when the Company for a short period imported white convicts and indentured labors to DWI.

The Danish Caribbean Colonialism

Through "imperial clouds", what Christoph Kamissek and Johan Kreinenbaum (2016) have described as shared reservoir of experience, knowledge, ideologies, mentalities and stereotypes, transferred through communication networks, trade, science, politics etc. (Kamissek & Kreienbaum 2016, 166-167), the Danish state mirrored European colonizers' plantocratic organization, discursive practice and underlying structural racism (Simonsen & Olsen 2017, 134).

One way of observing this transfer of "collective imperial knowledge" (Stoler & Cooper 1997, 13), is through the discursive practice of colonial legislation, which resembled one another. In DWI, all white settlers were subjected The Danish Law (1683), while enslaved Africans exclusively were included in paragraphs related to whites´ private property rights due to their commodified degraded status (Fog Olwig 1987, 387). The Danish regulation resembled the contemporary practice in Caribbean slave legislations, e.g. the *Barbados Slave Code* (1661), the French *Code Noir* (1685) and the *1688 Code*, where enslaved were dehumanized, commodified and subjugated private property rights (Beckles 1997, 197-198). In Spanish colonial legislation black people, whether slave or free, were considered to belong to a dangerous caste and subjected 'race' (Rice 1975, 67). Likewise, despite implementing a minimum of protection to enslaved, *Code Noir* still dictated absolute submission from the enslaved and striking whites were punished with death penalty (Beckles 1997, 200).

This legally institutionalized commodification of enslaved were overall based on a differential ordering of humanity, categorizing enslaved as sub-humans, non-humans or sometimes juridical juxtaposing them alongside animals (Fog Olwig 1987; Blackburn 1988; Palmer 1997; Beckles 1997). Through this commodification of enslaved, the Danish-Norwegian state and other European colonizers disqualified the enslaved Africans' humanness and individuality in the colonial social practice. This practice of dehumanization, evidently demonstrated in the actual enslavement, was furthermore exemplified in the tradition of branding and renaming (Fog Olwig 1987, 390).

Dehumanization through Renaming and Branding

In June 1675, a Portuguese slave ship shipwrecked at St. Thomas and the enslaved onboard was subsequently confiscated as Danish property. In Dyppel Iversen's following financial report, the impounded 24 enslaved were enlisted and ranked based on their value in sugar, and the ones deemed nearly worthless were officially renamed in a derogatory discourse referring to their physical disabilities, e.g. "Dried Up", "Shitty Side" and "Without Abdomen" (Iversen, June 14 1675 as cited in Bro-Jørgensen 1966, 68-69). Contrary, highly valued enslaved were often renamed after biblical figures, while others were allowed to maintain what we can assume is tentative Latin versions of their own names. In Iversen's financial accounts enlisting valued purchased enslaved from the 1670s, names as Maria, Jacob and Jan (etymological from John) occurs among Sufarma,

Manga and Sabba (Iversens 1672-1680, NA). The traditional renaming served the purpose of rendering the enslaved anonymous by erasing traits of culture, individuality, humanity and sense of belonging (Fog Olwig 1987, 391).

Figure 1: Detail from Jørgen Iversen's financial account showing an excerpt of purchased enslaved in the period 1672-1675. We can observe that some of the enslaved are renamed following presumable Africans naming traditions, e.g. Sabba and Manga, while others are renamed after biblical figures, like Maria, Jacob and Jan (Iversens 1672-1680, NAt)

The same could be argued to be true for the custom of branding, which was a common practice in the international slave institution (Aguet 1971, 45; Simonsen 2017, 39-40), copying stigmatizing punishment mechanisms well known for centuries in European and Danish penal laws (Foucault 1975, 34; Krogh 1994, 48). In order to protect the white´s private property rights and distinguish the enslaved from enslaved imported by foreign companies, the Danish West India-Guinea Company branded their enslaved with a figure depicting a heart and an S (Lauring 2010, 126). Additionally, following the public auctions on St. Thomas, newly acquired enslaved were branded with the plantation owners' unique registration letters (Vibæk 1967, 138). This practice can hardly be considered an act of societal and political purification, which many contemporary European scholars considered public branding to be (Floto 2001, 47-49). Contrary, by rubber-stamping plantation owner's self-policing through implementation of racialized legislation and social practice, the state could be argued to deem African enslaved inhuman *anomalies* (Arendt 1973), belonging to a sphere of exclusion subjugated disciplinary regulatory biopolitics. Simultaneously,

by overwriting tattoos and similar physical cultural and social marks, branding, like renaming, could symbolically be considered to erase the enslaved' former personality, history and sense of belonging (Simonsen 2017, 40).

Likewise, the practice could be argued to constitute a normalization and institutionalization of violence in the plantocratic political economy, resembling Foucault's statement that "The power of the Norm appears through the discipline" (Foucault 1975, 184). According to Simone Brown (2015, 2016), the biopolitical practice of branding constitutes a "technology of social control" (Browne 2015, 14) representing an early version of biometric information technology based upon "racializing surveillance" (Browne 2015, 16). Browne argues that the colonial branding and social control reified "boundaries, borders, and bodies along racial lines" (Ibid.) in order to systematically dehumanize certain individuals and commodify blackness in a racialized discourse and practice in a violent system of oppression (Browne 2016). However, despite the fact that the binary conceptualization of 'whiteness' and 'blackness' constituted and legitimized the overall dehumanization of enslaved in Caribbean colonialism (Fog Olwig 1987; Palmer 1997; Frederickson 2002), the dichotomous conceptualization was challenged from the early beginning in DWI due to the importation of white labors, which I will briefly examine in the following chapter.

The White Labor Force

European colonizers, especially France and England, had relied on a massive importation of indentured white labors and convicts from Europe since the early plantocratic establishment in the Americas (Williams 1944, 9-19; Fogelman 1998, 44-45; Gøbel & Sebro 2017, 52-53). The Danish state copied this practice through the "imperial cloud" (Kamissek & Kreienbaum 2016, 166) of knowledge and colonial experience, and in the period from 1672 until 1685, approximately 250 Danish white prisoners were exported to DWI (Heinsen 2018, 33). However, the practice ended rather suddenly following years of unremunerated activities, staggering mortality rates among the convicts and due to a brutal mutiny on the Company's biggest ship in 1683, where convicts killed the captain and governor, Dyppel Iversen, and later shipwrecked with the precious vessel (Heinsen 2018, 38).

The importation of white convicts and indentured labors do compose an interesting case in the Caribbean colonial history. By ranking below the other white settlers but above the

enslaved Africans, while at the same time conducting labor similar to the enslaved measured in degree of strenuousness (Rigsarkivet, 2019) the white labors challenged the binary construction of differential ordered humanity. However, despite several structural similarities between white indentured, convicts and African enslaved, e.g. regarding their marginalized social position in the lowest strata in society and their total subjection the Company and plantation owners (Gøbel & Sebro 2017, 71-72), the question of consanguinity and temporality of enslavement marked the fundamental differences (Eltis 1997; Handler & Reilly 2017). According to David Eltis (1997), no progenies of white European prisoners were ever born into slavery in the plantocratic Caribbean society, while children of enslaved, no matter social position, were naturalized into the plantocratic slave institution by birth (Eltis 1997, 108). A few enslaved Africans gained their emancipation in the first decades of Danish Caribbean colonialism (Gøbel & Sebro 2017, 71), but the clear majority remained their owner's private property throughout life, the new-born Afro-Caribbean most often from cradle to grave, while indentured and convicts would gain their freedom eventually, if they just lived long enough (Dansk Vestindisk Selskab 2011). Due to these significant differences, scholars have argued how the terms "white slave/ry", which has been applied by among other historians Don Jordan and Michael Walsh[2], are erroneously misrepresenting the socio-legal distinctions between convicts, indentured servitudes and chattel enslavement in the Caribbean plantocratic society (Handler & Reilly 2017, 30-31).

In the following decades, DWI experienced huge demographic transformations. Despite a short period where the slave trade to DWI was outsourced due to financial breakdown an estimated 2.900 slaves, in addition to a few Caribbean Indians, were imported to St. Thomas before the turn of the century (Bro-Jørgensen 1966, 67; Gøbel & Sebro 2017, 56). Due to a high mortality rate, and resale to other Caribbean colonies, e.g. Spanish Puerto Rico, only 1.317 enslaved Africans were registered on St. Thomas in 1700 (Gøbel & Sebro 2017, 77). Anyway, already before 1700, the majority of inhabitants on DWI were enslaved Africans (Nielsen 2017, 17) and foreign planters and Danish settlers compromised a minority (Gøbel & Sebro 2017, 78). In the following decades, the plantation complex gradually transformed into a structured political economy primarily producing sugar, the golden standard of Caribbean colonialism (Mintz 1985). Simultaneously, colonial societies like DWI, and Caribbean in general, became increasingly stratified along racialized lines and commodification of enslaved based upon colonial graduations of 'blackness' and 'whiteness',

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[2] The dominant terminology in their book *White Cargo: The Forgotten history of Britain´s White Slaves in America* (2008). New York University Press.

became a cornerstone in the colonial differential and hierarchical ordering of humans in order to maintain colonial control (Fog Olwig 1987; Palmer 1997; Frederickson 2002; Simonsen 2017a; Gøbel & Sebro 2017).

'Blackness' and 'Whiteness'

According to Colin A. Palmer (1997) and Georg M. Frederickson (2002) the 'African' was characterized by ambivalence and ambiguity prior to the transatlantic slave trade (Palmer 1997, 11; Frederickson 2002, 25-30). However, discriminatory stereotypes of Africans as 'impure' due to their blackness, in opposition to Europeans 'pureness' based on their whiteness, had been produced regularly since early Christianity (Pieterse 1994, 24). Likewise, Christian theologians had justified hierarchies between blackness and whiteness with references to the Bible accounts about Canaan, son of Ham, who, according to the tradition, was punished with everlasting servitude due to his disobedience and blackness (Meer 2018, 1169). These historical perspectives on the relation between blackness and whiteness gives nuance to Eric William's determined statement from *Capitalism and Slavery* (1944) that "slavery was not born out of racism: rather, racism was the consequence of slavery" (Williams 1944, 7). However, following the institutionalization of slavery and slave trade in the Caribbean archipelago, the hegemonic negative discourses debasing 'Africans' gradually hardened during the 17th century and developed into a "full blown racist ideology" in the 18th century and 19th century (Palmer 1997, 12). Additionally, their blackness, as mentioned by Palmer (1997), Browne (2015) and Cecily Jones (2015), constituted in itself what Erving Goffman defined as a "tribal stigma" (Goffman 1963, 4), which were perceived as reproducing an inherited form of collective impurity based upon 'race' or ethnicity (Ibid.). Due to the international entanglement of discursive orders (Fredrickson 2002), the dehumanizing discursive and social order, based on a binary construction of whiteness and blackness, can be argued to have been gradually naturalized as 'common sense' and 'mainstream' (Loomba 2015, 160) in DWI throughout the 18th century (Simonsen & Olsen 2017). In the following chapters, I will examine how this was expressed throughout the Danish Caribbean society.

In the actual social order of the plantocratic political economy, the enslaved Africans were not only divided into sub-groupings based on color, but also with background in occupation differentiation, gender and ethnicity (Heuman 1997). The colonial administration organized enslaved into three major groups consisting of domestic, skilled and field (Fog Olwig 1987, 393). The field enslaved composed the lowest ranking group in the hierarchical ordering and represented the clear majority

of all enslaved in DWI (Knie-Andersen 2015, 68) and the Caribbean political economy as such (Engerman & Higman 1997, 78). The skilled enslaved, e.g. masons or carpenters, enjoyed a higher social status due to their demanded profession while the domestic enslaved, e.g. maidens, servants or coachmen, normally positions reserved Afro-Caribbean, enjoyed the highest status among the enslaved (Knie-Andersen 2015, 68). However, the graduation of blackness or whiteness did still constitute a significant impact on the social reality, and Afro-Caribbeans, who were offspring of enslaved Africans and whites settlers, did seldom perform the lowest status jobs due to their lighter skin color (Heuman 1997, 140-141).

Biopolitical Regulations – Gardelin's Code 1733

The social stratification in the Caribbean society, what the colonial authority and white planters sought to implement as 'mainstream' knowledge in order to continue the differential ordered humanity, was frequently contested by enslaved who questioned the structure in alternative ways (Gøbel & Sebro 2017, 73). Since 1672, several enslaved Africans, and white convicts and indentured in the brief period as well, had frequently run away to either neighboring colonies or areas with dense vegetation where refuge for longer times would be a possibility (Bro-Jørgensen 1966, 220-227). In order to combat these runaways, termed "maroons" in the colonial discourse, the Company and Danish state implemented several severe penal codes over the years beside frequent military operations. In 1733, when DWI had been expanded with two additional colonies, St. Jan in 1718 and St. Croix in 1733, the Danish governor Philip Gardelin implemented the most severe of its kind, continuing the dehumanization and commodification of enslaved.

Here, Gardelin implemented a form of biopolitical deterrence policy, consisting of a comprehensive penal system aimed at intimidating enslaved and freepersons in order to control their behavior and physical appearance in public as well as in the private sphere. Despite graduations of whiteness, which as shown had an impact on social positioning in the stratified organization, all enslaved, and partly freepersons, were subjugated Gardelin's Code. For the first time in Danish legislation, expressions of African culture were prohibited. "Negro Instruments" was forbidden at funerals, obeah, a form of religious practice considered superstitious sorcery by the Christian colonial settlers, was deemed illegal and the enslaved' mobility was restricted in the colonial space by banning strolls in cities after sunset (Fog Olwig 1987, 388-390). Likewise, enslaved were prohibited from dancing, having parties or playing games without permission (Gardelin 1733,

article 16 in Assistens 2019). Resembling Frantz Fanon's statement that "Individualism is the first to disappear" in a successful colonial strategy of subjugation (Fanon 1963, 36). Furthermore, these regulations can be argued to constitute a direct continuation of the biopolitical techniques of renaming and branding, given the increased aim of controlling the enslaved' entire body and possibilities of showing individuality but also robbing them of their sense of community in the colonial space. Due to the enslaved' sub-human or non-human 'nature', frequently juxtaposed in the colonial discourse beside animals, the white settlers feared their 'bestial tendencies' if they attained the opportunity of collaborating with fellow Africans (Fog Olwig 1980, 25-26).

Therefore, the enslaved had since the early beginning been disciplined through punishment and constraining labor mechanism, while being segregated from African enslaved who spoke the same language (Ibid. 24). Likewise, regulations on behavior, clothing and housing, for instance dictating that enslaved had to live on demarcated minor areas in so-called "Nigger Quarters", had been implemented gradually in order to maintain colonial control and segregate the white population from the black (Bro-Jørgensen 1966). However, Gardelin's Code in 1733 took the colonial biopolitical regulation to a new level.

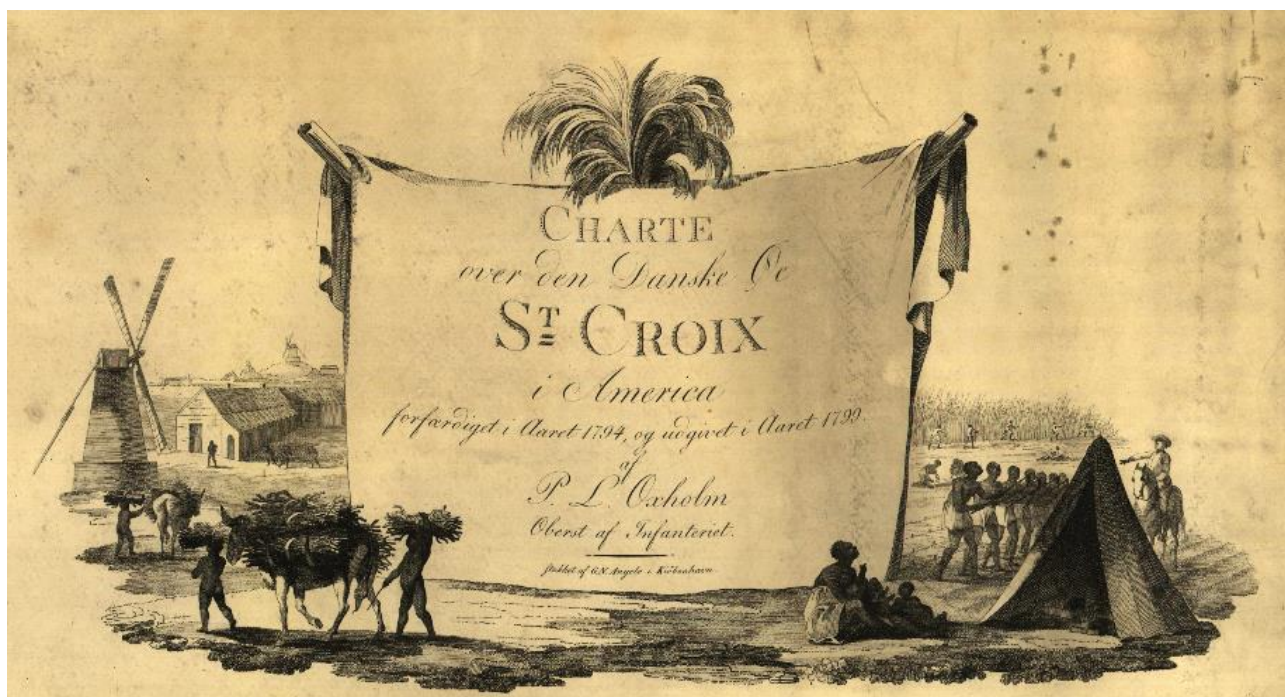Figure 2: A detail from a painting of St. Croix, 1799, by Officer P. L. Oxholm. The detail depicts a variety of sequences from enslaved Africans' everyday life and shows the obvious asymmetrical power relation between plantation owners and enslaved. Gardelin's Code specified that enslaved should quietly stay put if they were approached by a mounted white. Such a situation is illustrated in the right corner (NA, Rentekammeret 337.07)

The Code of 1733 conceived enslaved as private property and deemed enslaved as without any personal rights, not even regarding essentials as shelter, clothing and food (Hall 1992, 58), exemplifying the consistent commodification and dehumanization of enslaved Africans. Gardelin even legitimized the slave institution by declaring that enslaved had been enslaved by God, due to their unchristian 'moral defects' (Simonsen & Olsen 2017, 134) resembling Spanish theological argumentation from the 16th century (Tybjerg 2010, 20-22).

Furthermore, 16 out of 19 articles introduced severe penalties including whipping, branding, and amputation of limbs in addition to a variety of protracted forms of execution if the enslaved ran away (Gardelin 1733). Despite the fact that plantation owners rarely applied the most violent punishment technologies allowed in Code 1733, primarily due to the fear of rendering their enslaved incapacitated (Simonsen & Olsen 2017, 103), the restrictive regulation still serve as an example of the institutionalization and normalization of systemic violence in the plantocratic society. Likewise, it exemplifies the constant struggle between the Danish state, the colonial administration and the plantation owners concerning the bodily rights over the enslaved. The colonial administration, here Gardelin, strived for comprehensive biopolitical disciplinary control and the right to publicly punish offenders of the law as a mean of deterrence and social control. However, the planters preferred self-policing and were simultaneously unsatisfied with the low state compensation when an enslaved was sentenced to death (Vibæk 1967, 106-107).

Furthermore, it serves as an example of the level of social biopolitical regulation considered necessary, yet acceptable, in order to control the enslaved' private space, while emphasizing the underlying colonial fear of riots and alliances between enslaved and freepersons.

Since the abolishment of the use of white convicts as labor force in DWI, shifting Danish-Norwegian kings had several times advocated for a reintroduction, among other in order to relieve the pressure on Copenhagen's prison system (Heinsen 2018, 39). However, the Company had turned them down each time referring to the violent outcome of the 1683-occurance (Ibid.). In 1746, the Company introduced a new argumentation in a letter to the Chancellery. Here, they argued that it could undermine the sole existence of the Caribbean plantocratic society, if white Danish convicts had to endure the same workload and harsh treatment as enslaved Africans. In such a situation, it was argued, it would be complicated to maintain the enslaved' "Fear for Christians and White", which was considered paramount in order to uphold the colonial order. Therefore, a reintroduction

of white convicts was strongly discouraged (1671-1753, Korrespondance vedr. udsendelse delikventer, NA). This exemplifies the before mentioned point that the actual structure of the Caribbean plantation economy ran along racialized binary lines and that convicts, who had committed grave criminal offences, were deemed more worthy and humane than enslaved Africans exclusively due to their whiteness, Europeanness and Christian religion. The enslaved were still, to use a term from Aimé Césaire (1972), subjected a general "thingification" (Césaire 1972, 21), and categorized and commodified along racialized lines.
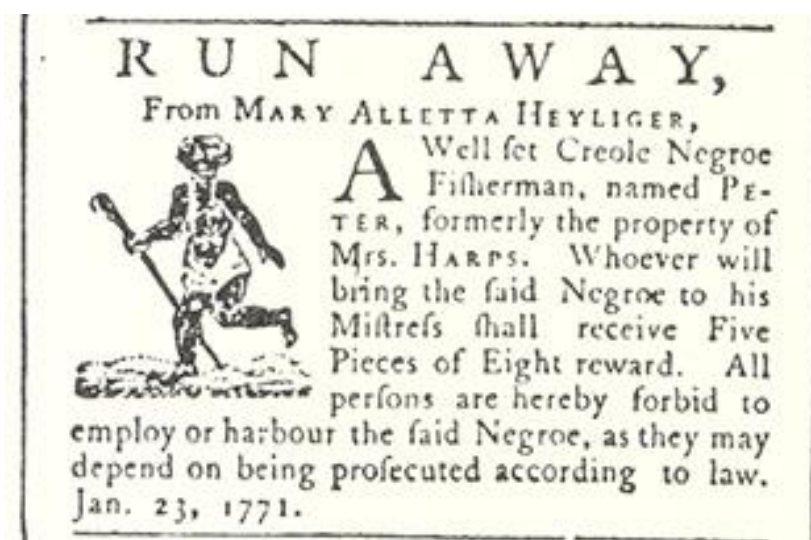
Figure 3: Detail from an announcement in Royal Danish
American Gazette concerning a runaway. This type of announcements, which
could be argued to constitute a biopolitical surveillance mechanism,
were not unusual, especially not in this specific newspaper, which supported the
Danish government and plantocracy.
(Royal Danish American Gazette 23 January 1771)

Demographic Metamorphoses

In 1754, the Danish State officially took ownership over DWI, following decades of unremunerative activities and ineffective administration (Knie-Andersen 2015, 48). The following year, the state attempted to implement more liberal slave regulations introducing some rights for enslaved for the first time. In this proposal, the slave owners were imposed responsibility and obligations concerning securing the enslaved a certain amount of weekly nourishment. Furthermore, the regulation stated the possibility, that slave owners could emancipate their slaves. However, simultaneously, the 1755-poster restricted the free movement and behavior of the enslaved, limiting

their access to neighboring plantations (Fog Olwig 1987, 394). Nevertheless, the regulations were produced in Denmark, of public servants in the Chamber of Commerce, and they were never implemented in DWI (Gøbel 2008, 73). According to Karen Fog Olwig, the powerful white plantation owners simply considered the 1755-poster to interfere too much with their liberty and property rights (Fog Olwig 1987, 395). This discrepancy can be argued to represent a clash of two divergent geographical separated hegemonic orders within the same political economic structure.

In the following decades the liberal propositions were replaced with several restrictive amendments aimed at controlling and limiting the enslaved' free movement in the colonial space, their behavior, their access to extra income and possibilities of maintaining their cultural heritage (Fog Olwig 1987, 395). These biopolitical regulations, which aimed at defining the enslaved' whole existence, resembled the general attitude towards enslaved but also freepersons. In 1688, enslaved constituted nearly 60% of the total population (422 out of 743) on St. Thomas, and only four freepersons inhabited the colony (Table 1.2). In 1755, this had changed significantly, which resembled the general demographic metamorphosis in the Caribbean (Knight 1997, 275). A rapidly growing demand of primarily sugar on the domestic market (Mintz 1985, 66-67), an increasing competition and cooperation between European colonizers (Curtin 2010, 130-139), and a military expansion of the slave providing kingdoms on the Gold Coast (Geisler 2013) induced a significant increase in the import of enslaved Africans (Knight 1997, 276). In 1755, nearly 90% of the total population in DWI were enslaved, and the number of freepersons had increased as well (Table 1.1).

Some freepersons had been capable of transcending the colonial binary structural liminality by successfully renegotiating their social positioning in the constantly rearticulated discursive practice and social ordering of humans. Other freepersons were offspring of sexual relations between white male settlers and female Africans enslaved, and had been bought free by their fathers, while yet another group had gained their freedom following testamentary disposition (Sio 1987, 166). However, it is impossible to measure the exact number of freepersons in DWI in 1755, given the imprecise colonial categorization counting freepersons and white in the same group on both St. Jan and St. Croix (Table 1.2.). This mixing of the categorization could indicate that freepersons in the ordered humanity were considered closer to free whites than to enslaved blacks, at least among some colonial administrators. This argumentation could further be supported by contemporary sources, which described freepersons in rather positive discourses, while continuing the degrading discourse concerning enslaved.

In 1740, an anonymous plantation owner depicted freepersons as 'jaunty', 'brave' and as constituting a more 'noble temperament' compared to enslaved (Simonsen & Olsen 2017, 136-137). 18 years later, in 1758, the Danish public servant and plantation owner, Johan Reimert Haagensen, who had resided in DWI since 1739, published an account on his experiences in the colonies. Here, Haagensen compared enslaved to animals (Haagesen 1758, 15), and described how their "Black Skin bear witness to their malice", wherefore enslaved Africans should never obtain their freedom (Haagensen 1758, 51). Haagensen continued the dehumanizing discursive practice when considering enslavement as self-inflicted due to their black skin color, which according to him, and the former theological logic, represented evilness and a thoroughly moral malfunctioning (Ibid.). Freepersons, on the contrary, were depicted as 'good-natured' and 'loyal' humans, especially if they participated actively in the plantocratic political economy by being plantation and slave owners themselves (Haagensen 1758, 66). In Haagensen's discursive practice, freepersons were deemed worthy and even desired (Ibid.) due to their comparability with the white colonial order and active maintenance of the plantocratic political economy. However, in the following decades the differential ordering of humanity transformed gradually due to an increasing number of colonial biopolitical regulations followed by a shifting paradigm in Western scientification of 'race.

The colonial administration feared an alliance between freepersons and enslaved following the enslaved' successful seizure of St. Jan in 1733/1734 (Bro-Jørgensen 1966, 230-235), and in the following four decades, the administration implemented several housing and clothing regulations, aimed at dissociate freepersons from whites in both physical appearance and living conditions (Simonsen & Olsen 2017, 195-197; Knie-Andersen 2015, 80). From 1774, it became mandatory for freepersons to wear a conspicuous cockade (Heuman 1997, 147), and all freepersons were required to possess a so-called 'letter of liberty', officially guaranteeing their status as free (Simonsen & Olsen 2017, 195).

The Scientification of 'Race' Theory

Gunvor Simonsen and Poul Erik Olsen (2017) have argued how the biopolitical techniques implemented in order to control the freepersons' appearance and bodies in the colonial space, were additionally amplified by an increasing Western structural scientification of 'race' in the same period.

In the first part of the 18th century, the primary difference between white and black humans were based on notion of civilization and culture/religion. The negative characteristic adhered to the 'aberrant' skin color could theoretically be transgressed, if black freepersons assimilated to European values, conducts and rules of behavior, for instance by participating actively in the slave institution (Simonsen & Olsen 2017, 134-135), like expressed by Johan Reimert Haagesen in 1758. However, this focus on a theoretical integration potentially changed due to an increasing colonial weighting on perceived biological differences between white Europeans and black Africans. Such scientific statements, or dispotifs to use a Foucauldian terminology (Foucault [1977], in Raffnsøe, Gudmand-Høyer & Thaning 2014, 1-2), were developed by contemporary scholars like Carl von Linné and Edward Long, who both produced comprehensive taxonomies on zoological nomenclatures in order to describe the cultural, mental and physiological heterogeneities between blacks and whites (Mayblin 2017, 70; Krag 2015, 115).

Figure 4: In Systema Naturae, here the first version from 1735, the Swedish scientist Carl von Linneus classified humanity into four different species using a zoological taxonomy and classification technique - the "Europæus" in top, "Africanus Nigr" in the bottom. (Biodiversity Heritage Library)

The scientific Western discourse affected the colonial discursive practice and the social order as well (Bernasconi 2001; Simonsen & Olsen 2017; Mayblin 2017). The majority of black people, no matter social positioning, were gradually considered biologically inferior compared to white settlers and their physiologically 'black divergens' were only with difficulty transgressed through cultural assimilation (Ibid.; Mayblin 2017).

At this time, around 1775 when the early scientification and biologization gradually constructed a gap between the categorization of black and white, the overall population had been nearly doubled since 1755, from 16.874 to 32.690 (Table 1.1). As mentioned, it is nearly impossible to determine the exact number of freepersons, but a similar increase do not seem unrealistic (Table 1.1). However, in the last decade before the abolishment of the Danish slave trade, among others given the transimperial transfer of knowledge and practice, freepersons were frequently perceived with mistrust and sometimes even ridiculed for their 'attempt' to appear European. Doctor Paul Erdmann Isert, probably the most influential abolitionist in Denmark, described in a letter from 1787 his view on those freepersons, who participated actively in the institution of enslavement. Here, Isert depicted the "Free Mulatos, this Intermediate between Europeans and Negroes" as the most "barbaric" of all slave owners due to their, according to Isert, nearly torture of the enslaved (Isert 1787, 179). A few years later, in 1791, Hans West, principal on the Danish school in St. Croix since 1788, wrote how freepersons gave an impression of being "embarrassing copies of Europeans" (West 1791, 52) and appeared as the "wretched Fruit of Freedom and Christianity" (West 1791, 50). It is interesting that Isert and West, who composed two opposite sides in the contemporary abolitionist debate (Gøbel 2008, 18-20), which I will return to in a brief moment, had an united approach concerning their overall description of freepersons. However, we need to consider their remarks in the light of the changing order of the differential humanity, among other due to the shifting scientific presentation of the African biological inferiority, but furthermore in the perspectives of the contemporary abolitionist debate in both France, England and Denmark. Hans West adds to his statement about the freepersons that their African "nature" constituted "idle" living and 'malicious' tendencies, which he considered proven in the "horrid" events following the Revolution in Saint-Domingue (Simonsen & Olsen 2017, 136), which I will delve more into in the next chapter.

The Abolition of the Danish Slave Trade

On the 18 August 1792, the inhabitants on DWI could read in their local paper that "From the commencement of year 1803, We forbid any of our Subjects co carry on the Slave Trade from the Coast of Africa or any other place out of our Possession in the Westindies" (Royal Danish American Gazette, 18/8 1792).

This short headline, or rather the Abolition Act behind it, went down in history as the first of its kind in European Caribbean colonialism (Knie-Andersen 2015, 68). It was an expression of contemporary European Enlightenment discussions on humanity, equality and human rights, which followed in the wake of the establishment of abolitionist societies in both England and France (Simonsen & Olsen 2017, 205). However, the abolitionist movement in Denmark never gained much attention, and the total number of active participants in public discussions concerning issues related to slavery and slave trade did not exceed a score in the period from 1750 to 1792 (Gøbel 2008). According to Erik Gøbel (2008), one of the reasons for this seemingly reluctance could be due to the significant differences between the political systems of Denmark, France and England. The absolute monarchy of Denmark-Norway did not mobilize a multifarious milieu of active participation in the colonial rule, as the Parliaments in France and England (Gøbel 2008, 13).

Professor in philosophy and mathematics, Jens Kraft, bemoaned in 1760 the slave institution and slave trade as such, stating that Europeans acted contrary to "Religion, Enlightenment, Laws and Humanity itself" (Kraft 1760, 120-121). Theologian, Bishop and pro-chancellor at the University of Copenhagen, Erik Pontoppidan (1760), on the contrary advocated for the slave institution, arguing that enslaved were better off in Caribbean than in Africa (Rømer 1760, I). Additionally, their enslavement had rendered possible their conversion to Christianity, which Pontoppidan considered of utmost importance (Rømer 1760, V-VI). Thereby, Pontoppidan demonstrated an understanding of Christian liberty as solely being internal and spiritual (Green-Pedersen 1972, 72) in a discourse resembling the common perception among contemporary American Christians (Davis 1969, 73) and the practice of the popular Danish Monrovian church in DWI (Simonsen & Olsen 2017, 168-169). In 1787, Paul Erdmann Isert, the Doctor who harshly criticized slave-owning freepersons, published a short article, criticizing the transatlantic slave trade for being extremely brutal and the source of massive frustration among the enslaved (Isert 1787, 233-240). However, as Isert uttered, "Should we break our habit of using sugar, coffee, chocolate and other luxuries brought from this place to Europe-articles now become so necessary? No!" (Isert 1787, 251). Instead, he proposed to establish

plantations on the African mainland, at the Gold Coast, in order to render the inhuman transportation redundant (Isert 1787, 252-253). Resembling contemporary British ideas, which recently had resulted in the establishment of a plantation colony in Sierra Leona (Gøbel 2008, 15-16). As a response, the before-mentioned Hans West wrote his contribution to the discussion, reproducing the discourse on possibilities for conversion expressed by Pontoppidan, while stating that the slave owners were humane and honorable, contrary to the enslaved who were 'malicious' due to the 'inferior nature' and culture (Gøbel 2008, 18). West argued that the slave institution in itself was fundamental in maintaining the plantocratic society, but he admitted that the transatlantic slave trade could be abolished if for instance the fertility rate could be increased in DWI by implementing better living conditions for the enslaved (Gøbel 2008, 19).

In the following years due to fear that the English Parliament would abolish the slave trade before Denmark and enforce a similar legislation upon other European states (Gøbel 2008, 41), a Danish commission, led by the Minister of Finance Ernest Schimmelmann, developed a slave trade abolition act. Ernest Schimmelmann emphasized several times during the negotiations in 1791-1792 that he considered it to be "eine Pflicth der Menschlichkeit" (Schimmelmann July 16, 1791) to abolish the transatlantic slave trade and improve the living condition in DWI due to the inhuman cruelties the enslaved experienced there (Ibid.). However, the exact reasons were multifaceted and more complex, and according to Erik Gøbel (2008), the abolition of the Danish transatlantic slave trade were based on both economic (sustain the plantocratic society through free labor), political (avoid English coercion) and humanistic (contemporary ideas about humanity) reasons (Gøbel 2008, 139-140). However, the prohibition was first scheduled to be put in effect from 1803, and in the meantime, the state supported the increasing import of enslaved with financial benefits, e.g. cheap loans and low taxation on female enslaved, in order to render the plantocratic society self-sufficient with labor force for the foreseeable future (Simonsen & Gøbel 2017, 206-207).

Schimmelman's statements and the Act's reference to "humanity" and "Menschlickeit", in addition to the political and economic discourses in use, can be argued to constitute a complex transimperial interdiscursivity, rearticulating different contemporary international discursive orders. This is among other things exemplified in Schimmelsman's use of the humanitarian discourse, which resembled similar philosophical abolitionist discussions in America, England and France (Knight 1997, 328-329). Likewise, Schimmelmann's reference to the advantage of a 'free' labor force in the plantation economy could be argued to resemble the thoughts of the liberal economist Adam Smith (1776), who's financial thinking Schimmelmann and

his governmental officers, had introduced to Danish economic politics only a few years before (Banke 1995, 176).

The implementation of Act 1792 changed both the economic, political and social order, through a demographic transformation of DWI, but despite the allegedly humanitarian arguments, the existence of the slave institution was never questioned. The state argued for required improvements on living and working conditions, which can be reasoned to constitute biopolitical regulatory mechanism introduced to control the enslaved' sexuality and thereby fertility. The health of the enslaved became a biopolitical state issue due to the causality between a healthy enslaved population and a profitable economic outcome, which theoretically would improve the financial situation in DWI. Thereby, the enslaved were continuously commodified in a marketization process and to a certain degree, despite the use of humanitarian international discourses, continuously considered to be economic breeding entities.

The 1755 legislation, which was never implemented, could have inspired the discourse used in the Act 1792, when focusing partly on the bettering of enslaved' living conditions. When the Danish state in 1755 had tried to implement an alternative discursive practice and social order, it was completely neglected and disqualified due to the dominating hegemonic order in the plantocratic society at that time. However, in 1792, following international and national structural changes, e.g. US emancipation, the French revolution, implementation of The Declaration of the Rights of Man and a partly political shift in Denmark from 1784 (Vibæk 1966, 162-170), it suddenly resembled the contemporary international discursive and social orders.

In the next chapter, I will primarily focus on the allocation of rights to freepersons in the period from 1815-1848, which changed their stratified positioning in the differential ordering of humanity legally speaking but not in reality due to objections from the white hegemonic order.

Increasing Access to Rights

Due to manumission, growing regional immigration, natural increase and a growing number of enslaved who purchased their freedom, the number of freepersons more than trebled in DWI during the Napoleon Wars, when the colonies momentarily had been occupied by the more liberal England – from 1.418 in 1797 to 5.035 in 1815 (Hall 1992, 157). This demographic metamorphose induced several discussions on freepersons' rights in the Danish state and colonial administration. Following the successful revolution on Saint-Domingue (1792-1804), where a complex rebellion with shifting alliances had resulted in the establishment of the first free slave colony of Haiti (Craton 1997, 244-245), the colonial administration and white population in general on DWI had feared a similar occurrence in the Danish colonies (Jensen, Simonsen & Olsen 2017, 217). In the following decades, the Danish state and colonial administration aimed at neutralizing the racialized distinctions between freepersons and white settlers in order to maintain the colonial order and avoid alignments between freepersons and enslaved (Jensen, Simonsen & Olsen 2017, 217). This is best exemplified in the personal agendas set by the new general governor Peter von Scholten, who himself was married to a freeperson. In the years following his inauguration in 1827, he aimed at erasing the racial segregation between white and freepersons. In 1832, he implemented a relaxation of the law on letter of liberty (Knie-Andersen 2015, 91) and in 1834, he declared freepersons to be equal to whites. In order to suppress a prospective insurgency, Scholten reintroduced the "black militia" consisting of freepersons and governed by a black officer (Fog Olwig 1980, 71).

With the 1834-regulation, all references to skin color in the Danish colonial administration were likewise abolished, and from 1840, the term "slave" was replaced with "unfree" in the official colonial discourse (Jensen, Simonsen & Olsen, 221). However, according to Fairclough (1995b), forced top-down political transformations in a given discursive practices will sometimes be ignored, marginalized, or even countered by certain individuals or groups who supports the already existing hegemonic order (Fairclough 1995, 165). The antagonists oppose to rearticulate the required discursive changes in text production, distribution and consumption, and actively resist to implement the demanded changes in the social practice (Fairclough 1992, 59). In DWI, the white community refused to perceive freepersons as equals and they actively reproduced their discursive

practice continuing the racialized social ordering of differential humanity (Vibæk 1966, 270; Knie-Andersen 2015, 93).

Figure 5: Detail from H. G. Beenfeldt's prospect of the city center in Christiansted, St. Croix, 1815. In the picturesque townscape we get a glimpse of the socially stratified everyday life in the plantocratic society, observing both different enslaved, soldiers, merchants and freepersons (NA, Rentekammeret 337 221)

Abolishment of the Slavery

In the same period, the enslaved' living and working conditions were gradually improved. In 1817, the plantation owners were required to provide weekly nourishment for the enslaved (as the dismissed 1755 regulation had suggested), in 1830 enslaved were allowed to testify at courts, slave owners right's to physical punishment were restricted and enslaved' children were allowed to attend school in 1843 (Fog Olwig 1987, 396-397). According to Karen Fog Olwig (1987) this governmental allocation of rights to enslaved could be considered as the state's acknowledgement of the impossibility of maintaining the colonial plantocratic system as it was (Ibid., 395). Likewise, the rights could be considered to constitute biopolitical mechanisms implementing to maintain a political economy of healthy individuals. Since England abolished slavery in 1834, several colonial subjects in DWI sought their freedom on neighboring English islands, which resulted in a decreasing colonial population overall (see Table 1.1). In 1847, Scholten published a document stating slavery would be abolished in 1859, but neither enslaved nor plantation owners welcomed the initiative. Shortly after, Robert Smith, a frustrated English plantation owner from DWI, wrote Scholten a letter. Here, Mr. Smith guaranteed Scholten that enslaved were more "quiet and

satisfied" than European peasants. Furthermore, he feared that an emancipation would induced a total collapse of the plantocratic system due to the 'nature' of the 'Negroes', who only considered 'liberty as a cessation from Labour" (Robert Smith's letter to Peter von Scholten, NA). The enslaved were unsatisfied as well. In the beginning of July 1848, the enslaved started a rebellion and a few days later, general governor Peter von Scholten declared, without conferring with the Danish state, "Now you are free, you are hereby emancipated" (Knie-Andersen 2015, 93).

Sub-Conclusion

As shown, the dichotomous differential ordering of humanity, which the Danish state and colonial administration had transferred via the "imperial cloud" (Kamissek & Kreinenbaum 2016, 166), e.g. legislation, technologies of punishment, colonial architecture etc., was challenged throughout the Danish colonialism. Firstly by white indentures and convicts. Later by an increasing number of freepersons. Until approximately 1750, freepersons were often depicted in a positive discourse and considered partly 'European' in the social order. However, following a Western scientification of 'race, an increasing fear of alliances between freepersons and enslaved and freepersons' growing number, they were gradually degraded in the ordering of humanity, and biopolitically regulated. This shift can be considered a rupture in the differential ordering of humanity, going from a focus on potential integration/assimilation based on culture to a biological focus on 'nature/race', which rendered assimilation and 'Europeanness' insuperable for black humans. This did not change throughout the Danish colonialism. However, when freepersons in 1834 were given equal status with whites, this could indicate another rupture in the differential ordered humanity. But the hegemonic order did not change due to objections from the white settlers, and the otherwise legally speaking rupture were never really implemented in the social order. The white settler class, colonial administration and the state had the power/knowledge to define the hegemonic order, and the white stayed on top in the differential ordered humanity all the time. Simultaneously, freepersons and enslaved were never considered worthy of being considered fully humans, due to their sub-human status, and their access to human rights were therefore naturally rejected or limited to a bare minimum.

In the period from 1672 to 1806, approximately 100.000 enslaved had been forcibly displaced, commodified, dehumanized and sailed to Caribbean colonies on ships under Danish flag (Gøbel

2008; Knie-Andersen 2015). A huge part of these did not end up in DWI, but in French, Spanish, Dutch or English colonies (Simonsen & Olsen 2017, 206), supporting the whole foundation of the plantocratic political economy of competition and cooperation.

Throughout the Danish colonialism, enslaved were dehumanized, commodified and considered as economic breeding entities in a violent system of oppression. They had a certain room for maneuvering, and was gradually allocated more rights through time, but they were overall subjugated the colonial differential ordering of humanity, ranked in the lowest hierarchy and regularly subjugated biopolitical mechanisms, which controlled their physical bodies, their behavior, social life and sexuality. As Mark Rifkin (2017) have argued, the biopolitical discourse transformed the "African" and the "Enslaved" into a homogeneous racialized category in the gaze of the white planter and white state by "turning people into population" (Rifkin 2014).

In part II, I will go beyond the slave institution of Danish colonialism. I will examine, how the binary differential ordering of humanity, which emerged in the colonial context, evolved over time through cultural encounters, scientific racism and 'imperial clouds', and discuss how the developed ordering of humanity affected the Danish context.
We depart from DWI, in the post-emancipation Caribbean, where Asian indentured replaced the institution of enslavement.

Part II

The Danish Import of "Coolie Immigrants"

In the decades following the Danish emancipation, the last European colonizers likewise abolished slavery in their Caribbean colonies. The Dutch government passed a bill abolishing slavery in all their Caribbean territories in 1862, the US Congress abolished slavery in 1865 with the 13th amendment, Spain abolished slavery on Puerto Rico in 1873, Cuba in 1886 and Brazil in 1888 (Knight 1997, 337-338; Curtin 1990, 190-191). In order to implement an economic expansion of sugar production in the Caribbean in this post-emancipation period, indentured labor from India played a crucial role and in the 1880s and 1890s, constituting more than 80% of the population on sugar estates in British Caribbean colonies (Engerman & Higman 1997, 59). According to George

Lamming (1960), the arrival of indentured Indian and Chinese to the colonies even constituted one of the most substantial incidents in the whole British Caribbean colonial history (Lamming 1960, 36-37). Just like Rosanne Adderley's (2006) "slave trade refugees", the indentured Indians could be considered a colonial byproduct of forced displacement and systematic economic exploitation, subjugated a shifting colonial world order, which intensively requested a new slave-substitute in order to compete with the European beetroot sugar production. To use a term from Christine Sylvester (2016), the continuation of the planters' slavery-mentality towards the displaced Indian indentures could be argued to constitute a final attempt to induce "mechanisms of colonial control" (Sylvester 2016, 176).

International trade with so-called "Coolies", a derogatory generalizing term used to describe labors from primarily India and China, increased significantly following European states' post-emancipation labor demands in the Caribbean archipelago (Roopnarine 2016, 7-9; Engerman & Higman 1997, 59-61). Triggered by the Opium War in China and the overall abolishment of transatlantic slave trade combined with famines, riots and unemployment in British Raj, Indian and Chinese farmers often considered indentured migration to Caribbean the only durable solution (Macmillian 1998).

In the period from 1838-1917, European colonizers imported approximately 500.000 indentured Indians to the Caribbean colonies through agreements with the British Crown and the Indian Government (Roopnarine 2016, 5-6). Most European Caribbean colonies imported workers from outside Caribbean, e.g. in India or China, but planters on DWI imported nearly 90% of the 10.000 foreign labors who entered especially St. Croix in the period from 1850-1917 from the nearby Lesser Antilles (Ibid., 18). However, in 1863, following two years of intensive negotiation with the British Crown and Indian Government, 321 Indian indentured were shipped to St. Croix.

Upon arrival three months later, in June 1863, the appearance of the Indian indentured caused a stir in St. Croix. . In *St. Croix Newspaper* from June 5 1863, a short notice on the front-page calls attention to the forthcoming arrival of the "Coolie Immigrants" and the "arrangements, for the distribution of the immigrants" (St. Croix Newspaper June 5 1863, 1).
Johann David Schackinger, a young Danish schoolteacher, described minutely detailed in his dairy and letters to his Jutlandic family, how the friendly and happy "Coolies" dressed, danced and worked conscientiously (Schackinger 1992 [1863], 68-70). Furthermore, the planters had high economic expectations to the Indian indentures and wrote self-assured to the Danish Ministry of

Finance in February 1864, how the new labor force would render possible a transformation of the financial problematic situation in the colonies (Fædrelandet February 15 1864, 2). On the Danish mainland, the Indian indentured were ostensibly and even intentionally neglected or simply overlooked – in short, the amount of newspaper articles concerning this topic from the period 1863-1875 are remarkable limited[3] and the Indian indentures in the Danish historiography of Danish colonialism is likewise a rather neglected topic,[4] which could be argued to constitute an "imperial absence" (Cosquer 2019 3).

Overall, the Indian indentures experienced a poor reception from the plantation society, and Schackinger, who was married to a colored Creole and lived among former enslaved Africans, was part of a positive-minded minority in the post-emancipation white community, and he could be argued to represent an alternative local discourse, which challenged the colonial hegemony of "common sense". The Indian indentures were accommodated in abandoned slave quarters called "Nigger Yards", isolated from the remaining population. They were treated inhumane, their salary was cut and the plantation owners adhered to what Roopnaire has defined as a "pro-slavery mentality" (Roopnaire 2016, 41). Consequently, the mortality rate was high among the Indian indentures, many were depressed and a few even committed suicide (Ibid., 39-44). When their contracts expired in 1868 after five years of work in the sugar plantations, the majority went back to India while only 34 choose to re-indenture. In 1873, those remaining were offered the rights to citizenship and a bounty if they choose to stay another five years in St. Croix. However, due to the inhumane treatment and low economic outcome, no one choose to stay – the majority emigrated to Trinidad, while some went back to India (Ibid.,75).

The use of indentured Indians, a system Roopnaire defines as "slavery in disguise" (Roopnaie 2016, 59), and the hiring of free Afro-Caribbean from the Lesser Antilles, were an expression of a Caribbean colonial system, which in vain tried to adjust to the new political economy of emancipation and industrialization by continuing the racialized stratified domination (Curtin 1992, 189-190). The Indian indentured were considered inferior by St. Croix' planters due to their place of origin and skin color (Roopnaire 2016, 65) and they were treated so inhuman that the British

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[3] Running a search on the Danish Royal Library's online media collection, only eight hits out of a total of 160 findings on the word "Coolie" occurred in Danish newspapers for this specific period.

[4] The Indian scholar Loomar Roopnaire, who have worked intensively with Indian indentures in the Caribbean colonial context in more than two decades, have conducted the majority of postcolonial research into this specific corner of Danish colonialism (see for instance Roopnarire 2002 and 2016).

Crown and Indian Government abandoned the indenture agreement with Denmark already in 1873, following a comprehensive critic from the British consul deployed on St. Croix (Roopnaire 2016, 85). The Indian indentured were not enslaved as the Africans had been decades before, they received a salary though minimal, their return-ticket was paid by the West Indian Council (Maxmillian 1998) and they were not treated as inhuman as enslaved Africans (Craton 1997, 226). Furthermore, they were seldom described in the same derogatory discourse as the enslaved Africans had been. In an article from a Danish newspaper in July 1865, the 'Landphysicus'/Doctor on St. Croix describes in a rather neutral discourse the Indian's proclivity towards opium, their attires, religious burial ceremonies and physical appearance (Fyens Stifttidende July 20 1865, 2). This rather neutral discourse, compared to the ones used few decades before, could indicate that the post-mutiny British discourse constructed following the 1857 rebellion in India, depicting Indians as 'murderous', 'troublesome' and 'disobedient' (Loomba 2015, 106), had not yet influenced the discourses used in Danish West Indies. Like in DWI, where freepersons were considered with increasing suspiciousness and perceived as societal threats following the rebellion on St. Jan in 1733/34, the rebellion in India had caused a similar discursive reaction from the British imperialists. However, the seemingly lack of interdiscursivity in the Danish discursive practice could indicate that the Doctor and journalist adhered to another discursive practice or that their access to the "imperial cloud" was limited (Kamissek & Kreienbaum 2016, 168). But the Indian indentures were still subjected a general "thingification" (Césaire 1972, 21), and categorized and commodified along racialized lines. Nevertheless, following the fruitless experiences with the Indian indentures, the plantation owners held a meeting in September 1872, advocating for a reintroduction of immigration from Africa to substitute the Indian indentures (Sanct Thomæ Tidende September 4 1872, 3). This advice was never met, among other due to the problematic economic situation, restructuring of the agricultural production and implementation of a more liberal labor market legislation (Skrubbeltrang 1967, 180-189).

As shown, the social practice of the enslavement continued more or less, and the Indian indentures were only marginally better off than the African and Afro-Caribbean enslaved had been decades before. Despite reproducing a seemingly neutral discursive practice, the indentured were still treated as inferior and placed below the white employers in the differential ordered humanity.

In the next chapter, I will examine how contemporary sciences, e.g. theology, ethnology and medicine, during the following decades, and drawing on imperial thought about

white supremacy, developed the differential ordering of humanity into a broader categorization of humanity, based not only on race but on ethnicity, civilization and place of origin as well.

Contemporary Scientific Discourses

In 1881, the Danish theologian Karl Gjellerup, who later received a Nobel Prize in literature, wrote a dissertation called "Heredity and Moral". Here, Gjellerup argued that mulattos were crueler than other humans were and that their inferior moral habitus were caused by "distant generations" whose "Sympathy were even less developed than the Negroes'" (Gjellerup 1881, 123).

In the contemporary public and scientific discourses, it was common to depict non-Europeans, non-Christians and non-whites in a stigmatizing and derogatory discourse, which continued the discourse of differential ordered humanity while expanding the originally colonial discourse to include all kinds of 'races', but also civilization, culture and place of origin (Balibar & Wallerstein 1991; Frederickson 2003; Mayblin 2017).

Scientist Kristian Bahnson, who published the first volumes in Denmark on ethnology and simultaneously managed the Danish National Museum's ethnographical collection, characterized Africans as "cultural indifferent", "hedonistic" and practicing an "idle living" (Bahnson Vol. I 1894, LIV-LV). Additionally, he considered Africans to be "physically well build" but "childishly emotional volatile" and with "dangerous tendencies towards communism", due to their misunderstanding of "Private Property, Occupation and Labor" (Bahnson Vol. II 1900, 145). Likewise, the contemporary Danish physician Waldemar Dreyer compared specific groups of "primitive People", e.g. from Africa and Australia, with more "developed forms of Culture", e.g. the European, North American and Chinese, in his popular work[5] *The Life of Nature People* from 1898 (Dreyer 1898, 4). Dreyer anticipated the spirit of the White Man's Burden, the Kiplingian poem from 1899 that became a symbol for Western imperialism's right to colonization in order to bring civilization to Non-whites, when he described how "primitive People", like "Africa's darkest Tribes", would benefit significantly if they learned from "Our Culture" (Dreyer 1898, 241), for instance concerning sexual morals (Ibid. 253).

Dreyer, and especially Gjellerup and Bahnson, can be characterized as Danish representatives of the cultural and scientific racism, a systematic scientific doctrine within primarily biology, psychology, anthropology, ethnology but also philosophy and theology, which basically perceived specific humans as inferior to the white, European, Christian 'race', often inspired by Social-Darwinism[6] (Comas 1961, 303). In this western scientific discourse, skin color was perceived as connoting a pathological difference between the 'Nature of races', between "the Other" and "Us", including civilizational and cultural attributes (Loomba 2015, 76; Hansen 2005, 104). The basic theories within scientific racism were based on the before-mentioned Linnaean taxonomy and zoological classification of humans, which transformed into social-Darwinist hierarchical systems of branches and genealogical trees and according to several postcolonial scholars, scientific racism was a direct offspring of racialized colonial mindsets (Mahmud 1999; Loomba 2015; Mayblin 2017; McGrew 2017). This colonial execution of knowledge/power established a racialized framework of categories focusing extensively on biometric data, e.g. photographs, fingerprints and comprehensive anatomical and physiological measuring of craniums, nasal bones and brain weights, in order to categorize, control and discipline the inferior imperial subjects (Mahmud 1999, 1226-1227). Even though some contemporary scholars contradicted this quasi-science, like the German-American cultural anthropologist Franz Boas (Menand 2019), these colonial racialized classifications and stereotypes manifested in a grammar of racial difference created derogatory discursive orders and institutional practices throughout Europe's different stratified societies (Mahmud 1999, 1219). According to Anthony McGrew, scientific racism, emerging from colonialism and imperialism, even became the "standard of civilization" (McGrew 2017, 46) and ideas about Western biological ('race') and cultural (civilization) supremacy gained momentum as scientific and objective truths defining and demarcating "the Other" from "Us" (Bernasconi 2010, 141).

Around 1905, Copenhagen University was one of the leading scientific institutions on physical anthropology in Europe, among other due to extensive research expeditions financed by the Ministry of Interior (Duedahl 2013, 341-351), and similar racialized discourses were gradually legitimized and normalized throughout the Danish society.

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[6] In 1882, a few month after Charles Darwin's death, Karl Gjellerup commemorated the English scientist as one of the biggest genius who had ever lived by publishing a 92 pages long tribute in verse named *Spirits and Ages – A requiem for Charles Darwin* (Gjellerup 1882)

In the next chapter, I will examine an interesting part of Danish immigration history when I discuss a case of Chinese immigration to Denmark, which was never realized. I will discuss, how the above-mentioned scientific development of the differential ordered humanity beyond colonialism, can be argued to have had an impact on this outcome.

Chinese Immigration to Denmark, 1900-1920

In the following chapters, I will examine an interesting and rather alternative case, concerning the discussion of importing Chinese labors to Denmark in the period 1900-1920. Just like enslaved Africans transformed the global economic and political system in the period from roughly speaking 1700-1850 (Mintz 1985; Knight 1997), millions of Chinese did the same from nearly 1850-1950 (Castle, Haas & Miller 2013, 97) often continuing the strenuous labor of the enslaved in the post-emancipation "colonial economies" (Hsu 2000, 3). The massive Chinese immigration in this period, both internally and externally, were partly caused by economic and infrastructural developments (Gottschang 1987), but also famines, political persecution, ethnic conflicts and Japanese military expansion, which forcibly displaced several millions Chinese (Hsu 2000; Madokoro 2016). A significant part of these sought refuge, security and employment in either Caribbean, USA, Europe (Hsu 2000, 20-25) or Denmark (Thunø 1997). Consequently, I consider it reasonable to address the examination of Chinese immigrants in Denmark within the frame of migration and forced displacement studies. Furthermore, by examining the Chinese immigration to Denmark in the framework of differential ordered humanity, I adhere to my postcolonial perspective and expand the whole discussion of colonial legacy by moving beyond the Caribbean context.

'The Yellow Peril'

In August 1907, in a newspaper article from a meeting between large estate owners on Zealand, we encounter the first presentation of the idea (Herning Folkeblad – Vestjylland August 2 1907). Due to labor shortage and with America as a role model, the landowners declared to be ready to import Chinese workers, termed "The Yellow Peril", whom they depicted as diligent, inexpensive and easy to satisfy (Vejle Amts Folkeblad August 1 1907, 2). The usage of "Peril" could indicate, considering the seemingly positive attitude towards Chinese in this article, a normalization of the derogatory discourse on Chinese that probably are caused by a transfer of imperial 'knowledge'

through the international media coverage and political discourse, which I will return to in a brief moment.

However, only a few days later, the secretary in the organization *Association for Procurement of Foreign Labor Force* proclaimed on an interpellation from an unknown Danish newspaper that it would be too expensive to import "Chinese Coolies" to Denmark compared to the price of importing Russian labors. Therefore, the import of Chinese workers was considered remunerative despite the lower salary (Roskilde Dagblad August 4 1907, 2). In 1909, a journalist narrates how Finland imports "Yellow labors" to the agricultural sector, which "as we all know, likewise have been discussed several times in this country" (Slagelse-Posten June 1909, 1).

This reluctance from the association of employers to engage Chinese workers in Danish agricultural production could simply be due to the above-mentioned economic calculation or the fear of labor unions' reprisal. Furthermore, it could also have been intensified and fueled by previous years' international negative discourse on Chinese immigrants. It was well known that the United States since 1875 had implemented several restrictive policies in order to limit Chinese immigration to USA, and in 1882, following the Chinese Exclusion Act, and the restrictive amendments in the Geary Act from 1902, Chinese immigration to USA were prohibited and naturalization rendered impossible[7].

Likewise, in the 1880s, German mine owners in the Ruhr District discussed how Chinese immigrants could be useful for "advanced cultures" like the German (Höerder 1987, 27), but the Social Democratic Party and the labor unions demonstrated against the import of Chinese immigrants due to racial concerns (Ibid., 28). In 1898, the German Reichstag implemented a law exclusively allowing employment of Chinese immigrants on sailing routes to Japan and China and solely in job positions considered detrimental to health.

According to Sang Hea Kil (2012), the Exclusion Act, and similar restrictive immigration legislation, can be considered an expression of a 'gatekeeping ideology' (Kil 2012, 665), a national legal act claiming to protect the purity of the 'white' Christians from the danger of the impure 'yellow', immoral and violent Chinese, who were considered less human (Kil 2012, 665-666). The before-mentioned scientist Waldemar Dreyer depicted Chinese people in a way, which correspond

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[7] However, high-ranking, wealthy and well-educated Chinese were exempted from exclusion, e.g. merchants, teachers, students, travelers, and diplomats, which according to Erika Lee clearly demonstrates the immanent class-bias in immigration policies (Lee 2002, 36)

with Kil´s 'gatekeeping ideology'. In 1909-1910, Dreyer published two volumes on "The Triumphal Progress of the White Race". Here, he narrates how the "White Race", despite centuries of successful worldwide conquering, are facing a "clash" in the contemporary world order between the "white and yellow Race" (Dreyer 1909-1910, 5). Dreyer emphasizes how Western states need to prohibit further Chinese immigration if not the "White Supremacy" should be outcompeted by "the Yellows" (Ibid, 359), who compose a major threat to Western dominance, societies and culture given their high fertility rate, industrious mindset and culture of immigration (Ibid., 525-527).

When Dreyer formulated the 'scientific' fear of the "Yellow Peril", the derogatory discourse was already public and well known in the Western media through the 'imperial cloud' and transfer of 'knowledge' along stereotypes and narratives of inferiority (Kamissek & Kreienbaum 2016, 166-167).

 In several years, readers of Danish newspapers had followed the bloody Boxer Rebellion in China (1899-1901), which also caused the Danish government to implement a law banning all export of weapons and ammunition to China (Rigsdagsaarbog 1900/1901, 92). Likewise, Danish readers had been updated on British and Dutch colonial problems with "The Yellow Peril" in South Africa. According to several Danish media, the major concerns in South Africa were caused by a general Chinese reluctance towards cultural integration (See for instance Aftenbladet July 16 1903, 2; Kolding Social-Demokrat January 15 1904, 3; Social-Demokraten June 14 1905). Furthermore, Danish journalists narrated how the import of Chinese immigrants would undercut "the White working force, introduce a range of the East's worst indulgences, create a troublesome proletarian and a slum, which would be a hotbed for dangerous diseases" (Priviligerede Berlingske February 1 1906). "The Yellow Race" were considered dangerous due to their exceptional working mentality, their intelligence and acceptance of low salary, and sometimes they were even compared to "Japanese Warships" and "Quick-firing canons" (Lolland-Falsters Folketidende August 10 1906, 2), drawing on an evident and familiar military discourse following the surprising Japanese victory over the Russian empire in the war 1904-1905.

The Case of Mr. Field

In March 1910, when a Danish newspaper sensationally reported how a German-American businessperson, Mr. Herbert Field, intended to establish large laundry and iron companies all over Europe engaging only Chinese immigrants, the rumour spread like a wildfire. Under headlines like "The Yellow Peril in Copenhagen – Chinese Laundries?" and "The Yellow Peril – Chinese in Copenhagen" different newspaper mentioned that Mr. Field represented an American consortium, which aimed at establishing factories in Copenhagen. Allegedly, the plan was to found the factories in the working class quarter of Nørrebro, inspired by similar projects in San Francisco and New York. However, the same journalists also told how Mr. Field had been meet with severe resistance and protests during meetings in Berlin and they predicted similar objections in Copenhagen (Folkebladet Sydjylland March 23 1910, 1; Aftenbladet March 22 1910, 2). In April, a third newspaper reported that Mr. Field had inspected a vacant factory in Copenhagen, and intended to engage approximately "100 Slant-Eyed Sons of the East", which worried the local trade union representative (Kolding Folkeblad, April 4 1910). Concluding, the journalist feared a "dangerous future scenario" similar to "situations in England" (ibid.). However, by reading through the extensive amount of newspaper articles from these months, it is interesting to observe, how Mr. Field is ostensible sudden forgotten. His name does not occur anymore in the newspapers and the idea about importing Chinese immigration to Denmark seems to be ousted only a few months after it was presented. [8] This could be due to the harsh receptions and severe negative attention Mr. Field had experienced in both Copenhagen and Berlin. However, the case of Mr. Field is unknown in Danish migration historiography,[9] and his sudden disappearance remain uncertain.

The case of Mr. Field it is interesting regarding the evident racialized derogatory discourse, which, as shown, resembled similar international transimperial discourses. Furthermore, in the differential ordering of humanity, the Chinese are perceived as national and societal threats, not only due to their skin color, but primarily because of their working mentality and culture of migration. This exemplifies how the differential ordering of humanity evolved beyond colonialism, influenced by a variety of scientific approaches, breaking with the former binary differential ordering. It can be

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[8] At the time of writing, an article concerning Chinese immigration in a Danish context in the period approx. 1900-1920 is on the drawing board, in close cooperation with professor in migration, Garbi Schmidt.

[9] I contacted both The Labor Museum, The Immigration Museum and professor in immigration Garbi Schmidt regarding this finding. The Immigration Museum had heard about the labor discussions in 1907, Garbi Schmidt have worked extensively with the Chinese artists from Tivoli, but nobody was familiar with Mr. Field and his interesting idea about importing Chinese immigrants to factories in Copenhagen.

argued that the hegemonic derogatory discourse on Chinese, which was intensively mobilized in Denmark even before the idea was realized, was a result of transimperial transfer of 'knowledge' through among other media, politics and economics, which Danish scientists likewise contributed to.

In the period between 1910 and the 1950s, the clear majority of refugees and immigrants in Denmark came from within Europe. Given my postcolonial perspective, and focus on non-Europeans and 'imperial clouds', I will in the following chapter briefly discuss the Danish ratification of CSR51 before moving on to a short examination of the following decades increasing focus on immigration and asylum policy in order to discuss the differential ordering of humanity in the contemporary immigration and asylum policy.

Conventions and legislation

On November 17 1952, Denmark became the first state to ratify UN's Refugee Convention, and it happened without much attention. Neither group protocols (Soc. GP 1946-1951; Soc. GP 1951-1956), nor ministerial meeting reports (Ministeriet Eriksen-Kraft 30/10 1950 – 19/8 1952; Ministeriet Eriksen-Kraft 28/8 1952 - 25/9 1953) mentions the negotiation of the convention or the ratification. Denmark supported a universal definition (Dahlin 2017a), but France, UK and USA objected and the result was CSR51, which created a binary construction of worthy/unworthy due to spatially and temporally juridical demarcations (Mayblin 2017, 37). Furthermore, it 'implemented' the 'myth of difference' (Chimni 1998), resembling the dichotomous colonial differential ordering of humanity, excluding non-Europeans from their human right to seek asylum (Mayblin 2014). The arbitrary temporal and spatial definitions were changed in 1967. In 1973, the Danish Government introduced a total stop for immigrants following international economic crises, though not including limitations on asylum seekers or family reunification, and in 1983, the Danish Government implemented an asylum policy often highlighted as the world's most liberal, among other due to its liberal family reunification principles (Bejder 2016). However, already in 1985, due to an increasing number of asylum seekers, it was revised and several principles restricted. In the following two decades, the 1983 Immigration Law was further revised, partly as a consequence of gradually increasing antipathy towards the growing number of asylum seekers to Denmark and due to a political attention never seen before (Hansen 2016).

Following this short resume of the development in Danish migration and asylum policy from 1973, I will now turn to the last part of my thesis, focusing on civic stratification and stratified rights. Lydia Morris (2002) terms civic stratification and stratified rights as a generic term, which indicates how differentiation of rights concerning asylum, naturalization, family reunification, employment and residence creates a variety of immigration statuses (Morris 2002, 7). Based on the given status the immigrant is placed in the upper level in the civic stratification if he/she have a requested education, is financial self-supporting and considered easy to integrate. Does the individual fulfill these criteria, he/she is perceived a valued asset in the frontier-free European market economy (Morris 2002, 8-9).

In the following, I will apply Lydia Morris' notion of civic stratification and stratified rights to a postcolonial perspective by discussing how the differential ordering of humanity, as it developed beyond colonialism as just shown, can be said to have influenced contemporary immigration and asylum policy seen in the framework of civic stratification and stratified rights.

Part III

A European Authoritarian Exclusionism

During the past 20 years, several scholars have emphasized how the European immigration and asylum policies have become gradually more restrictive and excluding (Preston 2003; Carens 2013; Mayblin 2017; Fekete 2018; Davies & Isakjee 2019). The European nation states have generally turned towards a higher degree of authoritarian exclusionism towards non-western immigrants, asylum seekers and refugees, who are perceived as difficult to manage and integrate, in order to protect, it has often claimed, the so-called social and cultural cohesion and inner labor market (van Houtum & Pijpers 2007, 295; Castle 2003, 23; Mayblin 2017). The dominating authoritarian exclusionism have often been considered closely interlinked with the increasing influence of right wing parties in contemporary European politics (T. Akkerman 2012; Fekete 2018). Right-wing parties are frequently defined as nativistic, nationalistic and anti-immigrant because, generally speaking, often present foreigners and newcomers as societal threats to the national security and homogenous national culture (Betz 2003; Castle 2003; T. Akkerman 2012; Fekete 2018).

In Denmark, Danish People's Party (DPP) constituted the parliamentary foundation for the Danish Government from 2001 to 2011, and again from 2015 to 2019, led by The Liberals and The Conservatives, and during this term of office the most restrictive Danish immigration and asylum policy in decades were implemented (Boeri & Brücker 2005, 670; Jønson 2014, 863-864).

I the following chapter, I will briefly go through DPP's political program from 2001, due to the fact that they participated actively in formulating the new government's policies on immigration and asylum. Subsequently, I will examine and discuss the legislation 2002 L-126, which implemented economic restrictions on certain social benefits for mostly asylum seekers. Furthermore, the government declared during the readings that the aim with 2002 L-126 was to render it less financial attractive to immigrate to Denmark, which can be considered as an exclusion mechanism for certain unwanted people, resembling the differential ordering of humanity.

A 'Firm and Fair' Immigration and Asylum Policy

In the preamble to the section on immigration and asylum policy in *Common values – Common responsibilities*, (DPP) political program from 2001, asylum seekers and refugee's civilization/culture, place of origin and fertility rate was emphasized as constituting a huge risk for Denmark's' future "demography", "structure of society" and "cultural homogeneity" (DPP 2001, 78-79). According to the DPP, immigration to Denmark changed significantly following the implementation of the 1983 Immigration Act. From a "problem free" immigration of wanted citizens "from the Western, Christian civilization", that be Scandinavia, North America, and Europe, to immigration from "problematic" "third world countries", who belongs to "religious communities and cultures far away from the democratic and Christian view on life" (DPP 2001, 81). DPP suggested immigration to Denmark from "foreign cultures" completely stopped or as a minimum effectively restricted and that asylum seekers and refugees, already staying in Denmark should assimilate to "Danish values" (Ibid.). The asylum seekers and refugees should participate in mandatory language courses, undergo schooling in Danish culture and politics, learn about human rights and enter the Danish labor market. The result of this assimilation process should be a decisive factor when applying for citizenship (DDP 2001, 82-83). The government platform from 2001 supported overall DPP's political line, and suggested under the headline "A new Immigration Policy" general limitations on immigration, restrictions on migrants and asylum seekers access to social security support and citizenship beside introducing the idea that allocation of introductory

benefits should depend on active participating in Danish language courses (Regeringsgrundlag 2001). In January 2002, the government proposed a new migration and asylum policy, L-126 and L-152, which would change the Danish Aliens Act from 1983 significantly (Holm 2006). Here, most of the above-mentioned restrictions was introduced in addition to an abolishment of the so-called de-facto refugee status, which changed the possibilities for protection in Denmark for persecuted people who failed to fulfill the legal criteria under the new formulation of §7 pc. 2 in CSR51 (Lov om ændring af udlændingeloven og ægteskabsloven med flere love, juni 2002; Flygtningenævnet – Udlændingelovens §7 og Flygtningekonventionen 2017). Henceforward, the government stated, the Danish immigration and asylum policy should be "Firm and Fair", as Prime Minister Anders Fogh Rasmussen termed it in a speech to the Parliament in May 2002 (Anders Fogh Rasmussen, 30. maj 2002).

During the different readings of 2002 L-126 the Danish Social-Liberal Party[10] and Socialist People's Party criticized the government for neglecting to acknowledge the asylum seekers vulnerability and dire need for international protection when depicting them as wage earners from day one (L-126-II, 2001-2002, 12. Kamal Qureshi; L-126-II, 2001-2002, 3. Elizabeth Gerner Nielsen). According to scholar Lærke Holm (2006) this lack of distinction between categories of "migrant", "asylum seeker" and "refugee" was symptomatic for Danish debates and legislation on immigration and asylum policies from the late 80s onwards (Holm 2006, 200). However, Zetter (1991) have argued how labelling within the public policy practice can function as a bureaucratic tool for stereotyping and identity disaggregation, e.g. problematizing asylum seekers experiences and by creating an instrumentalization of exclusion and inclusion based on an asymmetrical relationship between the powerless and the powerful (Zetter 1991, 58-59). Therefore, labeling functions as a political tool, and as Lærke Holm emphasizes, it was a deliberately strategy from the government when they implemented the so-called Start Help program, a financial support 35% lower than the normal cash benefits, that they reproduced a discourse perceiving asylum seekers, immigrants and refugees as being available for the labor market (Holm 2006, 204). The Start Help program and introductory benefits was equal and the Start Help program was valid for both Danes and non-Danes, while introductory benefits was only valid for immigrants and refugees (Holm 2006, 198). Thereby, scholars have argued, the government theoretically avoided directly violating the international human rights on discrimination (Holm 2006; Pedersen 2013). However, the Center

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[10] In Danish 'Radikale Venstre'

of Human Rights defined the Start Help program and introductory benefits as *indirect discrimination* with reference to UN's Convention on Race Discrimination focusing on actual discriminatory effects of legislation including the access to equal economic rights (Center for Menneskerettigheder, notat 12. marts 2002, 2). In the presentation of the Start Help program and the new 7-years rule, increasing the time needed before getting access to general social security with additional four years, the spokesperson from The Liberals termed the legislation as being "color blind, ethnic blind, blind towards place of origin" (L-126-I, 2001-2002, 1. Flemming Oppfeldt). However, it was clarified throughout the readings, which asylum seekers and immigrants the Danish government wanted to exclude from Denmark. Spokespersons from The Liberals and DPP emphasized twice how immigrants from primarily Turkey, Pakistan and Somalia took advantage of the Danish generous social benefits system (L-126-I, 2001-2002, 1. Flemming Oppfeldt; L-126-II, 2001-2002, 60. Søren Krarup). Flemming Oppfeldt, the Liberal's spokesperson, even underlined in the opening remarks how the Danish social benefits must make Denmark appear like "a land of milk and honey, where gold lies on the streets, available for everyone who bother to pick it up" (L-126-I, 2001-2002, 1. Flemming Oppfeldt). The start help had been presented as an "ethnic blind" motivation tool for Danes and non-Danes to be economic self-supporting. However, both the Liberals, the Conservatives and DPP mentioned during the three readings of 2002 L-126 that the reduced financial support should be considered an excluding mechanism with the aim of diminishing future immigration to Denmark by making it a less financial attractive destination for immigrants (L-126-I, 2001-2002, 67. Claus Hjort Frederiksen; L-126-II, 2001-2002, 42. Lars Barfod; L-126-II, 2001-2002, 55. Søren Krarup; L-126-II, 2001-2002, 13. Flemming Oppfeldt).

In the following years, several amendments to the 2002 Danish Alien Act was voted through (see for instance 2005 L-77, which enabled the Dublin Regulation and Eurodac Regulation or 2005 L-93, which introduced further restrictive requirements for permanent residence permit – (Amendments to the Danish Aliens Act 2006)). According to *The Think Thank on Integration in Denmark*, appointed by the Ministry of Integration, Denmark was the country with the most restrictive family unification legislation, the place immigrants in general had to wait the longest for permanent residence and one of the few countries, together with UK (Mayblin 2017, 2), where asylum seekers were prohibited access to ordinary jobs (The Think Tank on Integration in Denmark 2004). On this background, Tito Boeri and Herbert Brücker (2005) ranked in 2005 Denmark as the

country with the most restrictive immigration policy compared to all other European states (Boeri & Brücker 2005, 670).

From 2005 to 2011, the Danish Liberal-Conservative government, still supported by DPP, continued implementing additionally restrictive immigration and asylum policies, and in the following chapter, I will shortly examine bill proposals 2010 L-187, L-188 and L-189, before turning to an examination of the immigration and asylum policies in the period from 2011-2019.

In the following chapter, I will discuss 2010 L-187, L-188 and L-189, which among other implemented a point system in order to measure whether or not asylum seekers were 'worthy' to residence permit. It was criticized for rendering it impossible for elder, poorly educated and traumatized asylum seekers to get a permanent residence in Denmark, which links directly to the differential ordering of humans in a framework of civic stratification and stratified rights.

The 'Willingness' to Integration

In March 2010, the Danish Minister of Integration Birthe Rønn Hornbech from The Liberals introduced three bill proposals, L-187, L-188 and L-189. Here, the Minister introduced significant changes in the access to permanent residence (Ministery for Refugees, Migration and Integration 2010; Minister for Refugees, Skriftlig fremsættelse 26. marts 2010). Regarding access to permanent residence, 2010 L-187, L-188 and L-189 implemented a point system inspired by a similar Canadian system, based upon a reward assignment focusing on "integration regarding labour, education, language skills and participation in society", while a lack of will "to integration affects the point system negatively" (Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010). In order to reward asylum seekers willing to assimilate to "Danish culture, Danish norms and values and implement those as their own", as Danish People's Party emphasized in an agreement between the Government and their party in March 2010 (Appendix 3 - Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010), and in order to "attract qualified immigration" who can benefit Denmark, as pointed out by the Liberals and Conservative, the asylum seekers could apply for permanent residence after four years stay in Denmark compared to seven years previously (Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010). However, the applicants for permanent residence had to earn at least 100 point in order to get a permission. I order to get

such a score, the applicant had to be assigned residence permit after the Aliens Act § 9, pc. 1, no. 1 (70 points), pass a test of active citizenship or participate in local organizations, executive committees etc. for more than a year (15 points) and have been fully employed in Denmark for at least 4 years within the last 4 years and 6 months (Lov om ændring af udlændingeloven 31. maj 2010).

A majority of MPs' from Conservative and Liberals supported by DPP carried L-187, L-188 and L-189 through, despite the fact that these new legislations were criticized for being rushed through leaving the opposition and interested organs with less than a week to go through the comprehensive legislative package and formulate a response (Institute for Human Rights 2010). This was especially considered problematic given that the amendments implemented the most restrictive reform of the Danish Aliens Act since 2002 (Ibid. 37). Both Danish Refugee Council, SOS Against Racism, Institute for Human Rights, Grandparents for Asylum, independent doctors and scholars criticized the new migration and asylum legislation for being too restrictive and discriminatory (Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010; Betænkning over Forslag om lov om ændring af integrationsloven og forskellige andre love, 18 maj 2010).

MP's from Red-Green Alliance and the Socialistic People's Party emphasized how the new regulations made it nearly impossible for elderly, ill, poorly educated and traumatized asylum seekers to receive a future permanent residence under these new conditions, which highly favoured the most privileged and socioeconomically advantaged asylum seekers (Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010). Furthermore, spokespersons from the Social-Democrats, Red-Green Alliance and Socialistic People's Party all emphasized how the demanding requirements regarding the full time employment situation made it nearly impossible for immigrants, who was enrolled in education, to get a permanent residence (L-187-I/L-188-I 2009-2010, Henrik Dam Kristensen; Astrid Krag; Johanne Schmidt Nielsen). During the reading, spokesperson from the Social-Liberals, Marianne Jelved, termed the Government's immigration law as "inhuman", neglecting socioeconomically disadvantaged asylum seekers and refugees, while restriction the possibility of family reunification and permanent residence for specific groups of vulnerable people. Furthermore, Jelved termed the Government's discourse as similar to Orwellian Newspeak (L-187-I/L-188-I 2009-2010, Marianne Jelved).
2010 L-187, L-188 and L-189, collected and ratified in Bill 572 of May 31 2010 (Lov om ændring af udlændingeloven, 31. maj 2010), significantly changed the original law on residence permit and family reunification from 1983, and continued the restrictive immigration and asylum policy

originally constituted in among other 2002 L-126 and L-152 and the following Bill 365 of June 6 2002 (Lov om ændring af udlændingeloven og ægteskabsloven med flere love, 6. juni 2002).

A New Balance in the Integration and Immigration Policy

In 2011, Denmark elected a new government consisting of the Social Democrats, The Socialistic People's Party (SPP) and the Social-Liberals. One of the first thing the new government accomplished was to close down the Ministry of Integration that had been established in 2001 and which according to professor in political science Jørgen Grønnegaard Christensten had been affiliated with "an unreasonable restrictive practice" in immigration and asylum policies (Jørgen G. Christensen, quoted in Dahlin 2011). In their government platform, "A Denmark, which stich together", the government emphasized under the headline "A new balance in the integration and immigration policy" how reunification should be easier, permanent residence should be possible after three years of employment or education and cooperative asylum seekers should be allowed residence outside the refugee centers after six months of stay (Regeringsgrundlag 2011, 50-56). Furthermore, the Start Help program should be abolished, the access to a Danish citizenship should in general be eased and the controversial criteria of "integration potential" regarding mandate refugees should be erased (Ibid.,). In 2012 L-150 (regulations on family reunification) and L-180A (abrogation of the point system concerning permanent residence etc.), the Government implemented most of the above-mentioned (L-150 Forslag til lov om ændring af udlændingeloven 2011-2012; L-180A Forslag til lov om ændring af udlændingeloven 2011-2012).

However, few years later the Social-Democratic government and Prime Minister Helle Thorning-Schmidt reimposed a more restrictive immigration and asylum policy, which according to the government was a needed response following the European "refugee-crises" (Thorning-Schmidt 2014). In her opening speech of the Parliament in October 2014, she emphasized how Denmark needed to implement a more restrictive policy on family reunification, change the rules for temporal protection and expand the border control mechanisms (Ibid.). In February 2015, the Government limited among other the temporary residence from 5-7 years to 1-2 years (Lov nr. 152 af 18/2/2015 - Lov om ændring af udlændingeloven), a restrictive law, which was considered violating ECHR's article 8 on the right to family reunification by among other Institute for Human Rights and Refugees Welcome (Evaluering af reglerne om en midlertidig beskyttelsesstatus, Udlændinge og

Integrationsministeriet, 19/1 2018). This law was followed by a return to the more restrictive political line in Danish immigration and asylum policies in the end of 2015 (Holm 2006).

In September 2015, the new Liberal Government, supported by DPP, Conservative and Liberal Alliance, re-implemented a variety of the former Start Help program, when they introduced the so-called Integration Allowance with 2015 bill proposal L-2 (L-2 Forslag til lov om ændring af lov om aktiv socialpolitik etc, 2014-2015). According to the Government, the incitement for introducing this specific social benefit was to "restrict the flow of asylum seekers to Denmark" (L-2, 2014-2015, Marcus Knuth). 2015 L-2 received a massive critic from several international organizations, NGO's, researchers (see for instance the 188 pages long collection of hearing statements - L-2, 2014-2015, Høringssvar)) and politicians (see for instance L-2, 2014-2015; Johanne Schmidt-Nielsen, Lisbeth Bech Poulsen; Ulla Sandbæk) who all emphasized how the Integration Allowance would increase poverty among asylum seekers and refugees. Furthermore, UNHCR bemoaned that the Government's explicit intention of L-2 was to make it less attractive to seek asylum in Denmark. They considered this statement problematic given article 26 and 31 in the Vienna Convention on the Law of Treaties regarding interpretation of international treaties "in good faith" and in "the light of its object and purpose". Given the Government's statement, they considered 2015 L-2 as a Danish attempt to "reduce its responsibilities for the protection of refugees" (L-2, 2014-2015, Høringssvar - UNHCR, 163). Furthermore, they criticized the fact that the monthly subsistence allowance introduced with L-2 would decrease asylum seekers and refugees income significantly and thereby lowering their standard of living beyond a level of acceptance according to the concept of "progressive realization" of social and economic rights, which UNHCR defined as a "key aspect of the obligations of States according to international human rights treaties" (Ibid., 165-166). However, the Government voted L-2 through. At first, Integration Allowance was only granted those asylum seekers who moved to a Danish municipality after September 1st 2015. However, in July 2016, the practice of 2015 L-2 was further expanded. Henceforward, all refugees who had received normal cash benefits had their social allowance replaced with Integration Allowance, which was approximately half the normal social allowance (Bendixen 2018).

In the following years, the demarcated lines between privileged and non-privileged, wanted and unwanted immigrants and asylum seekers became more obvious due to a more outspoken and general opposition towards the ECHR, ECtHR and CSR51.

The "Jewelry Law"

In January 2016, the most restrictive asylum policy, bill proposal L-87, after ratification colloquially known as "The Jewelry Law" (Ritzau 2016; Gormsen 2016), were passed through with votes from the Liberal, the Conservative, DPP, Liberal Alliance and the majority of the Social Democrats' parliamentary group (2016 L 87 Forslag til lov om ændring af udlændingeloven - Afstemninger). 2016 L 87 tightened up the asylum policy on 34 different issues and Minister of Migration and Immigration Inger Støjberg paraphrased the incentive of the bill in the Parliament in December 2015, when stating that the restrictive asylum policy should make it "significantly less attractive" for asylum seekers to apply for protection in Denmark (Folketingstidende A L87, 2015). A statement that caused a politician to call attention to the fact that "fleeing one's home country" was seldom considered attractive (L-87-I 2015-2016, Jakob Mark).

The Government's spokesperson emphasized that the aim with 2016 L-87 was to limit the influx of refugees because they "posed a threat" towards the "cohesion in our own country" (Folketingstidende A L87, 2015B; Ellemann-Jensen 2016).

During the three readings in January 2016, political spokesperson from SPP frequently emphasized how Amnesty International, Danish Refugee Council, Institute of Human Rights, DIGNITY and The Association of Legal-Policy considered parts of L87 as violating the UN Convention on the Rights of the Child and article 8 on family law in ECHR (Folketingstidende B – Betænkning 2015, 3; Folketingstidende F, 37. møde, 13. Januar 2016, 41). However, the political representatives from the Social Democrats emphasized that Denmark continuously supported its international obligations even though the party overall wished it were possible to rewrite certain parts of ECHR (Folketingstidende F, 37. møde, 13. Januar 2016, 27). Political spokesperson from DPP lamented the lacking of political support for a revision of ECHR (Folketingstidende F, 37. møde, 13. Januar 2016, 28) and his colleague form Liberal Alliance stated that "strong external borders, massive aid in the neighboring region and a revision of the Refugee Convention" was his party's priorities regarding migration and asylum policy (Folketingstidende F, 37. møde, 13. Januar 2016, 38). DPP approved an external border control, even though they mainly preferred an enlargement of the national border control, and they furthermore emphasized the importance of restricting "non-western immigration [to Denmark], especially concerning immigration from Muslim countries" (Folketingstidende F, 44. møde, 26. January 2016, 3). Several spokepersons emphasized that the restrictive regulations were needed due to the seemingly impossible task of integrating migrants and

asylum seekers in Denmark. When spokesperson from Red-Green Alliance (RGA) during the first reading questioned the Minister of Integration's former utterance that ECtHR maybe would consider L-87 a violation of ECHR, no member of parties supporting the passing of L-87 answered the spokesperson's question, contradicted, or modified the Minister's statement (Folketingstidende F, 37. møde, 13. Januar 2016, 37-39). During the second reading, the political spokesperson from The Liberals defended the so-called 'risk of process', which the Minister of Migration had introduced in her basis for decision, stating that the Danish Foreign Minister considered L87 compatible with the international conventions and ECtHR.

Spokesperson from RGA emphasized, that this use of 'risk of process' probably represented the first time a Danish government deliberately introduced a set of regulations including an immense risk of violating the international conventions and ECtHR. Spokesperson from the Liberal admitted that L87 was "on the edge" of ECtHR and the international conventions. Nevertheless, he argued that this stance was necessary due to the 'contemporary migration circumstances' (Folketingstidende F, 44. møde, 26. January 2016, 4-5).

The Government's intention to change and reformulate ECHR and test the boundaries of ECtHR was openly stated several times from 2016 to 2019. The Government Platform from 2016 emphasized the "need" to address the "dynamic interpretation" of ECHR due to its alleged extension of the Convention (Regeringsgrundlag 2016, 55). Furthermore, Lars Løkke and his Government regularly repeated this stance on various occasions in the following years (Statsministeriet 2016; Ellemann-Jensen 2016; Statsministeriet 2017; Lauritzen 2018).

In a broader European context, the Danish statement was noticed following the announcement of the Declaration on the Draft Copenhagen Declaration concerning the future of the European Human Right system in Europe on 12-13 April 2018. The Council of Europe criticized the Danish Government's questioning of the universality of the human rights (Parliamentary Assembly March 2018, 1) because The Parliamentary Assembly feared the Copenhagen Declaration would allow "rights to be relativized by reference to national considerations, including the vagaries of political interest and influence" (Parliamentary Assembly March 2018, 2). Furthermore, the Assembly stated that the Copenhagen Draft aimed at restricting the European Court's jurisdiction on specific areas concerning immigration and asylum, which they feared could "facilitate

discriminatory treatment at national level, which is prohibited under article 14" (Parliamentary Assembly March 2018, 3).

During the Liberal's party conference in November 2018, Prime Minister Lars Løkke announced that Denmark should avoid "making refugees into migrants" (Løkke 2018b), using the exact same wording as DPP used in their political program from 2001 (Dansk Folkeparti 2001, 80). According to Løkke, Denmark should "treat human beings on flight with dignity…but we also need to ask them to leave, when peace is settled". He admitted the complexity of repatriating families who was settled in Denmark, who spoke Danish, had good jobs and participated actively and positively to the Danish community, but he emphasized that the most "morally righteous" nonetheless would be to send them back in order to avoid making "refugees into migrants" (Løkke 2018b). This utterance was in obvious contradiction to the discourse practice in 2010 L-187, L-188 and L-189, which among other implemented a point system concerning permanent stay based upon asylum seekers' willingness to assimilate to "Danish culture, Danish norms and values" and active participation in the Danish society (Appendix 3 - Betænkning over Forslag om ændring af udlændingelov, 18. maj 2010). However, Løkke's discursive practice continued the political restrictive principal ideas regarding asylum and immigration policy outlined in the immigration policies in 2015, in 2016 L-87 (Folketingstidende A L87, 2015B) and cut the first sods for the later 2019 L-140 legislation, which overall changed the focus of Danish asylum policy from integration to repatriation (Folketinget, L140, 21/2 2019).

The Paradigm Shift

In February 2019, the Danish Parliament passed an extensive law further restricting the Danish migration and asylum policy. 2019 L-140, which implemented the so-called 'Paradigm Shift' (Jacobsen 2019) in Danish asylum policy, was passed through with a vast majority of votes from the Social Democrats, The Liberals, Liberal Alliance, Conservative and DPP (L 140 Forslag om lov til ændring af udlændingeloven – afstemning).

One of the most important amendments of 2019 L-140 was the modified wording of §7 and §8 in the Danish Aliens Act from 2008. Henceforward, residence permit was exclusively considered temporary, meaning that refugees and immigrants living in Denmark due to family reunification, would be repatriated when their need for international protection expired if Danish international

obligations did not require otherwise (Folketinget, L140, 21/2 2019). This important discursive change moved the focus from integration to repatriation, and continued, as shown, a yearlong succession of restrictions on temporary residence permits in Denmark.

2019 L-140 further tightened the residence permit policy by removing the former sentence "with the option of permanent stay" from article 7 and 8 in the Aliens Act. Furthermore, Danish language skills and job experience counted significantly less than before when a possible extension of the residence permit was treated by the government, and it was exclusively the security situation in the home country and the family attachment that would be assessed as important in the future.

According to the Ministry of Integration and Immigration, the government had until the end of April 2019 implemented 114 restrictions on immigration and asylum policy (Udlændinge og Integrationsministeriet, Gennemførte stramninger på udlændingeområdet 2019).

Following this long read on the development of the Danish immigration and asylum policy from 2001 to 2019, I will now turn to examine the overall policies and used discourses from the perspective of the postcolonial figure of ordered humanity

Conclusion

With a point of departure in the Danish-Norwegian Caribbean colonialism in 1672, I have shown how the binary differential ordered humanity, in the colonial context originally based on the dichotomous conceptualization of black/unfree and white/free, was constantly challenged throughout the colonial discursive and social order. White indentured and convicts, freepersons and enslaved divided into different categories, all questioned the binary hierarchization of humanity. From the early dawn, enslaved Africans were commodified, dehumanized and stigmatized and following the increasing sugar production, increasing European demand after colonial goods and the increasing importation of enslaved, the Danish state and colonial administration implemented biopolitical regulation mechanism in order to control the enslaved and continue their social positioning as the lowest ranking in the colonial differential ordering of humanity.

From approximately 1700-1750, white colonizers generally mobilized a positive discourse when referring to freepersons, emphasizing their 'Europeanness' and assimilation potential. However, following the enslaved' successful seizure of St. Jan in 1733/34, the colonial administration gradually began to fear a conceivable alliance between the enslaved and freepersons. As a response, several biopolitical regulations were introduced in order to delineate the boundaries between white and freepersons in the colonial space. Freepersons were subjugated dressing and settlement regulations, and they were required to obtain a letter of freedom. Simultaneously, Western scientification and biologization of 'race' demonstrated how blacks' 'nature' were essentially different from the whites', emphasizing the impossibility of transgressing such biological differences through assimilation. In the meantime, enslaved were still commodified, dehumanized and perceived as economic breeding entities in the colonial social order.

Following the abolishment of the transatlantic slave trade in 1792, executed in 1803, and the establishment of the first emancipated colony, Haiti, the Danish state feared a similar slave revolt, and through gradually allocations of rights to freepersons, sought to accomplish an alliance against the enslaved. However, the white settlers in the plantocratic economy objected and refused to acknowledge when freepersons in 1834 were given equal status with whites', thereby continuing the degraded status of freepersons in the differential ordering of humanity. In 1848, following a rebellion, the Danish slavery were finally abolished. However, in the following decades the binary differential humanity, based on the dichotomy of black/uncivilized and white/civilized, were further stratified through scientific racism and imperial international discourses. In a Danish context,

several scientist supported this stratified development of differential ordering of humans, which were based on race, as previous, but likewise ethnicity, civilization and place of origin.

This was exemplified in the continuation of the differential ordering of humanity concerning the Indian indentured on DWI from 1863-1873 and regarding the interesting case with the Chinese immigrants. Ostensible, the few sources we have available from the time of the Indian indentured, which more or less became the new enslaved in the Caribbean post-emancipatory plantation complex, did not depicts Indians in any derogatory discourse. This could be due to a lack of accessibility to the "imperial clouds", but it could also be explained with divergent local discourses contesting the British hegemonic. However, in the social order the Indian indentured were treated nearly as inhumane as the enslaved once did. Concerning the differential ordered humanity, they were placed on an equal footing with enslaved.

In the case of the Chinese immigrants, the Danish media mobilized and transferred an imperial discourse, resembling the British, German, American and Dutch, even before the Chinese had arrived to Denmark. As shown, Chinese immigrants got massive attention through politics, media, economics, and I argue these international discourses did affect the Danish discursive practice and social order as well. In the differential ordering of humanity, the Chinese were still called "Yellow", but they were primarily referred to using a discourse of national characteristic, place of origin and ethnicity, which I will argue constitute a rupture in the differential ordering of humanity.

Likewise, the colonial differential ordering of humanity affected the formation of the Refugee Convention in 1951/52, when it implemented a spatial and temporal demarcation excluding non-Europeans.

Seen in a postcolonial perspective within the framework of civic stratification and stratified rights, the increasing restrictive immigration and asylum policy, frequently resembled the differential ordering of humanity, e.g. by marginalizing economic vulnerable while introducing excluding mechanism in order to avoid immigrants from certain regions, e.g. Turkey, Pakistan and Somalia, who "take advantage" of the Danish generous system. Frequently, the Danish political parties, for instance DPP in 2002, Liberal in 2018 and the Social Democrats in 2015, emphasized 'cultural homogeneity', 'Danish values', 'Christianity', without defining these terms further, as the most essential aspects of immigration and asylum policy. Seen in the perspective of civic stratification and stratified rights, non-European Muslims will automatically be render marginalized due to their

descent in another 'culture' than the European, which will resemble the differential ordering of humanity.

This thesis has shown how a Foucauldian genealogical approach combined with historiographic archival research in a postcolonial perspective can be applied in order to qualify the debate on contemporary immigration and asylum policy. Furthermore, this thesis will point in the direction of additional postcolonial research into national and international colonial histories of exclusion and inclusion, while expanding the field of research within migration and forced displacement with a spatial and temporal dimension.

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Tables

Table 1.1: Increase in Population - DWI, 1688-1846

Groups	1688	1733	1755	1775	1797	1833	1846
Enslaved	422	---	14.877	29.718	32.213	26.991	21.990
Freepersons	4	---	138*	418	1.418	4.571**	---
White	317	---	1.859*	2.554	3.062	3.747	17.598*
Total population	743	(1.295)***	16.874	32.690	36.693	35.309	39.589

Sources: Jens Vibæk (1966), *Dansk Vestindien 1755-1848*, 102-103; N. A. T. Hall (1992), *Slave Society in the Danish West Indies*, 5; *Tabel over de paa Hans Mayst Vestindiske Øer, 1772-1776* (Rigsarkivet); *Tabel VII over Indvånerne paa Øerne St. Thomas, St. Jan og St. Croix, 1833* (Rigsarkivet). *Specification – alle Blanke, Frie Negere og Slavers antal paa St. Thomas fra 1755 til 1774* (Rigsarkivet)
--- No numbers available
* Numbers include both white and freepersons
** No numbers for St. Croix available (see Table 1.2)
*** Only numbers for St. John available (see Table 1.2)

Table 1.2: Increase in Population - St. Thomas, St. John and St. Croix, 1688-1846

Colonies	1688	1733	1755	1775	1797	1833	1846
St. Thomas							
Enslaved	422	---	3.949	3.979	4.769	5.106	3.494
Freepersons	4	---	138	50	239	4.394	---
White	317	---	325	330	726	1.963	9.579*
Total population	743	---	4.412	4.359	5.734	11.463	13.074
St. John							
Enslaved		1.087	2.031	2355	1.992	2.009	1.790
Freepersons		---	---	---	15	177	---
White		208	231*	103	113	189	660*
Total population		---	2.262	2.458	2.120	2.375	2.450
St. Croix							
Enslaved		---	8.897	23.384	25.452	19.876	16.706
Freepersons		---	---	368	1.164	---	---
White		---	1.303*	2121	2.223	1.595	7.359*

Total population		---	10.200	25.873	28.839	21.471	24.065
Overall	740	(1.295)	16.874	32.690	36.693	35.309	39.589

Sources: Jens Vibæk (1966), *Dansk Vestindien 1755-1848*, 102-103; N. A. T. Hall (1992), *Slave Society in the Danish West Indies*, 5; *Tabel over de paa Hans Mayst(flyt op) Vestindiske Øer, 1772-1776* (Rigsarkivet); *Tabel VII over Indvånerne paa Øerne St. Thomas, St. Jan og St. Croix*, 1833 (Rigsarkivet). *Specification – alle Blanke, Frie Negere og Slavers antal paa St. Thomas fra 1755 til 1774* (Rigsarkivet).
--- No numbers available
* Numbers include both white and freepersons