2 Crisis Capitalism and Resistance

This chapter combines views of political, economic, and legal contexts into which migratory experiences analysed within this study fell. Principally, the economic crisis, government reactions, and the uprising of protest movements in Spain, with particular focus on Madrid, are elaborated and accompanied by critical social-science thought and argumentation about how to organize politically. As the lives of migrants are imbued with experiences of resettlement, precarity, crisis, and resistance, it is necessary to complete these views by including information about rights, laws, and politics that describe and delimit migrant labourers' opportunities. This applied dimension of citizenship as ascribed by politics and political decision-makers through labour and migration laws, rights, and political practices will be briefly sketched out in chapter 1.2. (The ascribed dimension of citizenship is taken up again in a theoretically vested form further down in chapter 2.2.2, when in chapter 2.2 an anthropologically informed, theoretical approach to citizenship is developed.)

2.1 Times of Crisis and Resistance

As a contested site, the city is host to struggles of diversity that materialize upon it's inherent economic and sociocultural organization and regimentation. According to Brian Massumi (2002), faced with inequalities and crisis, hope lies in an intense empowering potential in the present that includes uncertainty and vagueness, and therefore provides a margin of manoeuvrability, instead of a utopian projection of success or failure. It involves taking pleasure and being joyful in the experience of belonging to this world and the affirmation of becoming through the next experimental step to be taken.

2.1.1 Labour, Capitalism and Urban Struggles

Manuel Castells (1983) regards cities as living systems produced in the interaction between space and society. While the state intervenes in the urban realm in order to influence capitalist dynamics of labour, consumption, and public goods, urban crisis is confronted by spatially meaningful urban protest movements that focus on collective consumption, defend cultural identity, and

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mobilize for self-management in relationship to (local) government, thereby promoting social change and recreating the city and the society. With reference to the Paris Commune of 1871 he shows how among the communards, alongside intellectual groups, construction labourers were over-represented within working-class professions. However, powerful moments of urban social movements exceed labour movements in their significance, which has been the case in the transition phase to democracy in Madrid in the 1970s (Caprarella, Hernández Brotons 2008; Castells 1983) and in the uprisings in times of crisis capitalism since 2011. Nontheless, social movements always adopt a stance against the precarization of life and work conditions, and even if intellectual communards in 1871 Paris had not tackled only labour issues, claims to more decision-making power were aimed at changing social and class relations.

In spite of social movements exceeding labour movements in their significance, the "modern" European society is describable as a (paid) work society; occidental democracies as "labored democracies"; and their citizens as "worker citizens", Arbeitsbürger (Beck 1999).3 Especially with regard to the extremes of forced, indentured, and slave labour, but also to unpaid and underpaid labour, and more generally the commodification of life within the capitalist production process (e.g. Munck 2010; van der Linden 2008; Anderson 2000), Beck's observation evidences the problematic relation between the evolution of labour and modern capitalist societies. While the "ideal" citizen is hardworking, laboured democracies are socially extremely hierarchized, and migrant newcomers are redlined through social inequalities and restrictive migration and labour regimes. Unemployment, and therefore non-conformity with the ideal of the "worker citizen" exerts psychological pressure on the individual that can intensify into hopelessness in times of crisis. However, there always are and always will be people who need to be pulled along, unable, incapable, or refusing to work, in prosperous as well as crisis times. According to Sandro Mezzadra (2012), capitalism, classism, and mobility or migration are intrinsically linked. Migration regimes, as an angle from which to observe the arrangement of the submission of labour to capital, do not exclusively affect migrant labour, but rather always affect the entirety of labour relations, and propose a specific viewpoint from which to regard class composition. The capitalist class opposes post-operaistic ways of spurring changes to labour conditions and ways of rebelling. Post-Fordist flexibilization and precarization of labour oppose the refusal of obedience and power demonstrations by subaltern working bodies.

[3] Within the "modern" (paid) work society, labour is the measure by which persons are esteemed within the occidental value system. Labour is the "nucleus of integration and of valuation practically without alternative" (Beck 1999, 17), it is the "orientation centre" that orders society in everyday life as well as in societal areas as politics, economics, law, etc.

Politics of border control and migration regimes oppose un/documented migrants' agency.

Within "global cities" (Sassen 2000, 1995b), experts and professionals working in an over-valorized global economy of information technology and knowledge knots depend on the devalorized and precarious infrastructure of the service-based economy, maintained by women and migrants' work, mainly. This dispersing force within cities divides urbanites: highly privileged, overvalued professionals and experts on the one hand, whose benefits, work performance, and leisure activities depend on subordinated, precarious, and exploited on the other.4 These inequalities are further reflected in the process of "gentrification"5: Within Madrid, displacements of the poor who relocate to outer-city wards or leave the country altogether are expressions of revaluation, urban neoliberalization, and capital accumulation that favour only a few and develop repressive traits, promoted through urban entreprenneurial city planning. Real estate developers rehabilitate Madrid's central areas for tourism through trendy retail and designer shops, while the municipality consolidates policies of control and commercialization of creative countercultures. Anti-crisis measures aim to flexibilize and liberalize the housing market for a new speculative cycle, advantaging property concentration by big companies instead of small owners and tenants (García Perez 2014; Díaz Orueta, Lourés Seoane 2014).6 Politics of securitization and surveillance criminalize and control everyday cultural expressiveness that contravenes well-pleased middle-class consumerism: immigrant and traditional residents are excluded as unwanted populations, and public space is managed through the eviction of "otherness", in which expressions of diversity are only permitted if they are staged, commercialized expressions that apply bohemian creative symbolisms (Sequera, Janoschka 2015). Nonetheless,

[4] Similarly, Manuel Castells (1990) used the term the "divided city", while implied social stratifications with regard to class, gender and ethnicity within these approaches to the city are reflected in dual, split or segregated labour-market theory, which can also be regarded as underlying the dynamics of gentrification. Post-industrialization gave way to increasing numbers of qualified, professionalized and technisized high-income groups, opposed to low-skilled service-sector employment that replaced the traditional working classes and led to new spatial inequalities between social, ethnic, and age groups.

[5] *Gentrification* originally referred to displacements of existing residents by wealthier, bohemian newcomers in poor, mostly „ethnic" neighbourhoods, whose arrival is preceded by revaluation through creative classes that move in due to cheap housing. The notion expanded to encompass ambitiously planned and highly capitalized neoliberal interventions by local administrations, urban planners, real-estate developers, and financial investors, who greatly influence and rehabilitate the infrastructural facilities, urbanistic aesthetics, and living qualities of residents (e.g. Brown-Saracino 2010; Kaltmeier 2011; Smith 2002; Jones 1999; Diekjobst, Froidevaux & Jüssen 2012).

[6] For instance through "express evictions" (that facilitate to recover a rented apartment for selling disguised as personal need), or through fiscal incentives for real estate investments.

the continuous presence of non-European migrants' and subaltern residents' assemblages in Madrid, and their countercultural expressions of belonging, everyday appropriations, utilization and production of space and places defy the urban social and economic crisis (Youkhana, Sebaly 2014; Youkhana 2012).

Reconstituting the presence and agency of irregularized migrants within the city, Monica W. Varsanyi (2006), traces citizenship to its local place of emergence, the city itself.7 And as Seyla Benhabib argues, "new urban activism, which includes citizens as well as non-citizens, shows that political agency is possible beyond the member/non-member divide. The paradoxes of the 'right to have rights' (Hannah Arendt) are ameliorated by those who exercise their democratic-republican participation rights with or without the correct papers" (Benhabib 2007, 30). Since Henry Lefebvre's pathbreaking analysis from 1968, the "right to the city" is understood as a right to participate, transform, and intervene in urban spaces (Harvey 2013; Holm 2011). Concomitantly, thinking Arendt's "right to have rights" through urban scholars' insistance on the "right to the city" visibilizes a strong argument for democratization and participation, independent of power inequalities as they inher in the condition of un/documentation, respectively migrants' equipment with formally ascribed citizenship.

Mateo Borja (2003), in line with Stéphane Hessel (2010), detects a lack of urban political conflict, and claims that the true citizen participates in the conquest of the city, controverting exclusivist public spaces of parties, administrations, and bureaucracies. The indignad@s as well as household workers of Territorio Doméstico (see chapter 6.2) offer examples of such urban "acts", their spatial environment demanding a closer look: urban public space enables a city for all as it is accessible to everyone; it is about free everyday speech, with public sidewalks and streets becoming sites for unscripted political activity, where face-to-face encounters, communication, and interaction can take place (Kohn 2004). While still highly gendered, male domination of public spheres has broken up through anti-patriarchal political, as well as everyday cultural endeavours that broadened women's use of and access to public spaces (e.g. Fraser 1992; Terlinden 2002). But, as in other cities, in Madrid too, racist discrimination can still be blatant even when only walking the sidewalk, as interviewees comment. The transient nature even of enjoyable public space encounters restrains their potential to promote an enduring overcoming of difference (Valentine 2008), but might provide "moments of transgression" that do enable conviviality in spite of

[7] Monica W. Varsanyi (2006) derives rights from the local sphere and residency using the examples of Mexican irregular migrants' admission to local voting in the US, their administrative registrations in the form of e.g. identificational certificates, their access to drivers' licenses, and college and university education.

differences, if sustained through sharing hobbies, organizations, and associations (Wiesemann 2011), as these might strengthen moments of commonality, so that solidarity and mutual affects increase: experiencing shared moments of joy, laughter, sadness, nostalgia, and story-telling might create trust, friendship, and belonging. Conscious of the importance of promoting convivencia ciudadana, the conviviality and living-together of citizens, one of Madrid's municipal social service initiatives, "Espacios Públicos", dedicated its work to the intensification of the sense of belonging within the neighbourhood and public spaces:

> Integration is a two-way process. It's impossible to integrate some into others. This is why it's necessary to have new norms for living together that everyone respects, where there's also respect for differences not only of origin but also of gender, age and so on. So we ask: In what kind of city do we want to live? Not in a city of autocthons and foreigners, but rather in one of citizens and neighbours. The task is to work on that which unites us, so stereotypes don't proliferate. And the places that unite people most are open public spaces, such as health centers, schools, squares, markets, parks, sports facilities, streets. And since there has been an influx of immigration, this must produce a change in the norms, an adjustment to ensure the adequacy of the infrastructure (Marta Segovia, general coordinator of "Espacios Públicos").[8]

So, in spite of contested and hierarchized conditions of ethnicization/racialization, gendering, and classing, through appropriations of public space emplacements, embodiments and enactments of citizenship and participation might be promoted (compare also Datta, McIlwaine 2014).

Within the "transnational city" (Besserer, Oliver 2014) a 'migrant right to the city' includes ontological ways of becoming within it: Madrid's once vibrant economy made it a major reference point for migration since beginning of the 2000^{ds}, transforming city-scapes into panoplied fabrics of extremes, many worlds within one, through people mingling in defiance of dividing forces. As migrants from Latin America, Africa, Asia and all over Europe now create mixtures of diversity that have become a typical characteristic of Madrid's neighbourhoods, the city as affectively charged site of alienation, conflict and asymmetrical access

[8] "Integración es un proceso de doble via. No se puede integrar uno en los otros. Por eso nuevas normas de convivencia son necesarias, respetados por todos donde se respetan las diferencias, no solo los de origen sino también de género, generacionales, etc. Preguntamos: Cómo es la ciudad que queremos? No una de extranjeros y autóctonos sino una de ciudadanos y ciudadanas, de vecinos y vecinas. La tarea es de trabajar sobre lo que nos une para que no se generan los estereotips. Y dónde más se reúne la gente son los espacios públicos al aire libre, centros sanitarios, escolares, las plazas, mercados, parques, canchas deprotivas, plazas, calles. Y ya que ha habido un fluye de inmigración eso tiene que producir un cambio en las normativas, un reajuste para asegurar que la infraestructura es adecuada" (Marta Segovia, general coordinator of "Espacios Públicos").

to space, nonetheless enables migrants and non-migrants to amplifie urban cosmopolitan identities as normalized identitarian attitudes, which show on occasions when ethnic mixings are commented upon with naturalness. It becomes a place of opportunities, a crossroads whose energy is derived from relating people and their global affiliations. Elaborate public infrastructure, such as international schools, art, gastronomic or economic events, and specialized products, ideas, groupings, and characters are present in their manifold branchings, enabling overlappings and blurrings of culture-scapes. Here, unscripted encounters with the opportunity of being independent of pre-established social networks or primordial affiliations are possible, which hybridize spheres of (in-)betweenness.

2.1.2 Neoliberal Restructurings during Boom and Crisis

The ongoing Spanish crisis is an expression of former successive crises (1977 to 1984 and 1992/3 to 1995), connected with the construction industry, real estate and mortgage businesses, and first came about through deficient real estate and housing politics in the mid 20th Century under Francisco Franco's dictatorship from 1939 to 1975.[9] The state, as part of the real estate network, fostered government policies that allowed capital concentrations on the financial and construction markets, while neglecting the population. Against this the Madrid Citizen Movement rose up in the 1970s: an assembly of prohibited neighbourhood as well as political and sindicalist associations that later took on an important role in the transition to democracy (Castells 2008; Caprarella, Hernández Brotons 2008; Basagoiti, Bru 2008; Renes 2008; Lorenzi 2008).

The economic complex of real estate enterprises, state, and banks still functions today, even though the sector has since internationalized. Enormous profits were made at the expense of the citizens, leading Spain into repeated economic booms as well as foreseeable crises. The economic crisis from 1992/3-1995, with unemployment rates rising to 24%, led to the reform of the social

[9] Manuel Castell's (1983) observation of how economic boom and construction bonanzas in Madrid's 1950s were created by the state, which controlled capitalist exploitation through economic elites, banks, and big construction enterprises, applies just as well to more recent developments in Spain. Back then, the Falange party and Opus Dei technocrats launched housing programmes for burgeoning developers. Hundreds of thousands of new houses and flats were erected in Madrid's metropolitan area in the 1960s in order to accommodate arriving internal migrants, though no urban infrastructure was provided; there were no paved streets, no lighting, and only poor water supply, sewerage, and transportation.

security system through the *Pacto de Toledo*[10] in 1995, and it took a couple of years for the labour market to recuperate. From 1996 onwards the Spanish economy was booming again, with growth rates over the European average, paralleled by neoliberal politics as through privatizations of state enterprises (Telefónica, Endesa, Repsol, Gas Natural, Argentaria, etc.). Job creation prevailed in the construction sector and its auxiliary industries, prompting private debt creation and real estate speculation, eventually leading to the crisis of 2008. During the times of bonanza, Madrid's urban planning can be held up as a paradigmatic case of neoliberal accumulation strategies based on capitalization of the production factors soil and housing through mortgage credits, so that from 1995/6 until 2007/8, the booming Spanish economy was boosted by the construction and housing sector. While the price to buy a flat tripled (García Perez 2014), money was easily available and politicians did not intervene to release the price tension.[11] Until 2008, levels of unemployment diminished, while besides migrants, women, too, were increasingly being incorporated into the labour market since the 1970ies already, increasing the proportion of the economically active population. Note the overlap of 5 million new immigrants between 1998 and 2008 (Padrón municipal n.y.), the increase of the economically active population by 5 million between 2000 and 2008 (Encuesta de Población Activa (EPA) n.y.), as well as 5 million new home owners between 1997 and 2006 (Campos Echeverría 2008), suggesting how migration, the workforce, and the need for living space – and therefore also the building industry – intertwine!

As a result of the increase of overall wealth and the further development of the welfare system[12], the Spanish population was less available to carry out low-skilled jobs. In the sectors of particularly strong growth (construction, tourism, services, and foreign investment), a gap arose in the labour supply (especially within construction, tourism, services and domestic services, as well as

[10] Since the *Pacto de Toledo* (1995) the financiation of social security benefits was to be retrieved from different sources: the so called non contributionary and universal benefits (healthcare, social services, etc.) were still to be covered by general taxation, while besides this purely redistributionary system, a contributive pensionary system was introduced, in which benefits depend on contributions.

[11] In spite of numerous new buildings, the prices of living space rose considerably, so that the financial sector profited along with the construction sector and the political class. Interest rates were at historically low levels since the introduction of the Euro in 2002, and made mortgages easily sellable. At 85%, the rate of homeowners in Spain was among Europe's highest (Shlomo 2011) and no political measures were taken to simplify barriers to rental alternatives or promote social housing opportunities. Easily available money made the demand for and therefore the prices of realties increase artificially, fueling the construction boom further, attracting international capital and occasioning an economic expansion averaging 3% (Köhler 2010).

[12] Muñoz Bustillo Llorente and Antón Pérez (2010) maintain that the welfare system does not function as a pull factor for immigration and is not overstressed by immigrants, who are generally young to middle-aged and therefore do not make excessive demands on e.g. the healthcare system.

agriculture; place-based sectors that are untransferable to other countries). The gap was mainly filled by incoming extra-communitarian migrants (Köhler 2008; Nohlen, Hildenbrand 2005) that translocalized the labour markets, and made Spain emerge among the primary migration receiving countries worldwide [13]. As work was plentiful, the task of finding a job could be a matter of as little as a day. Especially Madrid's labour market had far-reaching attractive force for people from Latin America, Africa, and Eastern Europe, bringing along customs, habits, ideas, and ways of life, and becoming increasingly part of the city-scape's social fabric.

Immigrants, as well as young Spaniards, who, encouraged by the economic upswing, dared to plan an independent future and move out of the parental house, needed living space. As affordable rental alternatives were hardly available and the homeowner proprietary rate lay, at around 87% in 2007, among Europe's highest, the step toward independence was usually conditioned upon buying a privately owned flat (Navarro 2011; Shlomo 2011). Besides grand urban infrastructural projects like the extension of the Madrid metro, Barajas airport, the upgrading of Madrid's urban freeways, the regeneration of the riverside, or the remodelling of *plazas*, Madrid's construction industry created half a million additional housing units. So, while women migrant household workers took on care work within homes, men came as migrant construction workers to build new homes, and *global care chains* and *global construction chains* came to intertwine, meaning that a good portion of migrants' contribution to the Spanish economic upswing circulated around labour performed in and for homes and households.

Migrants and Spaniards alike, everybody invested in private homes. In spite of the bonanza, the living conditions of immigrants who had transferred their life centers to Madrid since the end of the 1990s was especially precarious if their relocation had been recent. Immigrants lived (and, since the crisis, returned to live) in overcrowded houses as long as they could not stabilize their financial situation. Living with 12 or more people in a three-room-apartment, in which the living room is also established as sleeping accommodation, is still, and once again, widespread in Madrid. The *camas calientes*, beds still warm when people replace each other for sleeping, were and are again current among migrants – who are sometimes strangers to each other. Due to the lack of rentable living space as an alternative, an option that was politically neglected by the government, one

[13] Migration is explainable through labour-market-related developments of gender relations, according to which Spanish women, activated through women's movements and better education, started to work outside the home, where their labour was replaced by immigrant women, employed as household workers. As shown, alternatively, high labour demand within the long economic boom explains the migration flows into male labour sectors, as in construtions and industries, – agriculture and services being considerably more open to both female and male workers.

way out of this situation was purchasing a private home. Moreover, the disposal of living space was a precondition for law-abiding family reunification – another reason that pressured migrants to buy. Banks and financial advisors got wind of a profitable business, conscious that migrants did not command the Spanish legal situation and vending practices. Offensive customer acquisition meant that customer consultants almost imposed their mortgage offers and sold credit deals higher in value than the house to be purchased. Private bank loans were secured through chain guarantees, often among mutual strangers who only held the same nationality by passport, as the "Coordinadora Nacional de Ecuadorianos en España" (CONADEE) recounts (CONADEE 2010, Interviews with members of CONADEE). Loans had time spans of up to 50 years.

The worldwide crisis that entailed a rise in prices for primary commodities went over to become a financial crisis from 2008 onward, busting the construction and mortgage branches in Spain, then taking over to the labour market and consequently to other sectors, until finally it affected all parts of society. The housing bubble and its bursting was foreseeable, but negated by interest groups of involved business sectors until it became obvious with the crash in 2008. The recession provoked mass layoffs very promptly, and unemployment increased abruptly in the second half of 2008. In total about 1.5 million job places disappeared within the first three years of the crisis, mostly in construction and to a lesser extent in manufacturing industry - making job losses affect especially Latin American men, who, overrepresented within unemployment statistics even more sharply than all migrants, overtook the average.[14] This was due to Latin Americans working extensively in construction, mostly with temporally limited contracts that were the first not to be renewed (Pajares 2010). In times of extensive unemployment, incomes dropped drastically, and since then, finding a job in construction became extremely hard, incomes dropping to 800€ and less. From May 2010, the unemployment rate in Spain was over 20%, and from October 2012 onwards it extended to more than 25%, and has been floating around that level since (Instituto Nacional de Estadística (INE) n.y.). Within Madrid, the highest unemployment rates are found within the southern and

[14] The total unemployment rate reached 17.36% in the first trimester of 2009 – while it was 15.13% for the Spanish population and 30.17% for extra-communitarian migrants; thereby 26.63% for Latin American migrants (own calculations based on Encuesta de Población Activa (EPA) n.y.; similar numbers given by Pajares (2010)). At the time of greatest Latin American employment in Spain 682,000 Latin American males were employed in 2008 and in 2011 still 458,100. In comparison, in 2008, 725,200 Latin American woman were employed in Spain, while in 2011, 594,700 were employed (Instituto Nacional de Estadística (INE) n.y.). Surprisingly, affiliation to the *Régimen Especial de Trabajadores del Hogar* increased between 2008 and 2010 by about 14,000 individuals, while otherwise, a loss of more than 250,000 job places among foreigners affiliated to social security can be observed from January 2008 to June 2011 (Ministerio de Trabajo e Inmigración n.y.b).

eastern *barrios* (García Gallo 2012), industrial and working-class wards that were erected with Madrid's population expansion in the 1960s, and where nowadays migrants concentrate.

As salaries fell severely and layoffs were rampant, homebuyers were no longer able to pay the installments of the heavily overpriced mortgages that they had accepted due to the housing bubble. Additionally, default interest rates turned out to be a big problem, as by one-time default, interest rates could rise extremely, increasing the monthly pay-back rates considerably (Interviews with activists of CONADEE and 15M; Ingendaay 2012). The relevance of such and similar pitfalls in the contracts with the banks was enormous – the CONADEE cites a survey of 172 credit receivers in Madrid, whose default rate reached 60%, while only 29% managed to pay their credits on time; in 2010, debt enforcement was initiated for 11% of Ecuadorian debtors (CONADEE 2010). It is not surprising that with the economy's nosedive, legal counseling for the damaged through mortgages became a primary task of numerous migrant organizations. Migration movements were activitated once more, but this time, it was especially immigrants and young Spaniards who left the country, some in order to escape their creditors. Debt relief in case of handing over the house to the bank (*dación en pago*) is still not guaranteed by law even today. That means: the bank receives the home (which in times of crisis itself revalues considerably lower than the amount of the mortgage), while the debtor loses his/her shelter but still has to continue paying the remaining debt. The situation of insolvent debtors who had taken up a credit deal shortly before the onset of the boom time, in which especially many apartments were sold, is especially straining, as their remaining debt is extremely high. Living in terms of housing has therefore become imbued with conditions of high insecurity and instability - if the bank files a suit, eviction is imminent. Between 2007 and 2011 the High Court (*Consejo General del Poder Judicial*) indicated about 300,000 judicial executions of mortgages in Spain that could result in eviction, which was factually ordered in about 170,000 cases between 2008 and 2011 (Colau 2011). Simultaneously, 1.9 million realties are offered for sale, 1.3 million are in construction, and 2.9 million houses are vacant (Borja 2012), so that living space is abundant while people are pushed into homelessness due to financial deliberations of the banking sector. However, the buying of residential property, as well as the resulting commitments with the bank, have become the utmost social priority as the biggest investment during a lifetime, as these factors create socioeconomic conditions that greatly influence life quality. The situation therefore should have elicited cautious priority in political handling, instead of being regarded as an opportunity to extract maximum resources by political, entrepreneurial, and financial elites.

The crisis did not affect everybody with the same intensity, as the better-off could maintain their well-being, while the pressure on the livelihoods of workers and the poor greatly increased.[15] Austerity measures imposed by unelected "expertocrats" of the International Monetary Fund, the European Comission, and the European Central Bank dictated cuts in workers' and civil servants' incomes and rights, as well as in social politics and state expenditures. This led to privatizations of enterprises dealing with crucial public goods like healthcare, education, pensions, transportation, gas, water, and waste; and their buyout to elitist groups who value cost efficiency over people. The governing of these public goods thereby obtained managerialist traits that made it resemble an enterpreneurial venture in disregard of the people's liveability and respectability, their health, education, housing, and everyday, family and communal lives and future. Though destined to encourage job creation, the labour market reforms of 2010 and 2012 curtailed the rights of workers to e.g. indemnity, in the name of competitiveness. However, in times of increased unemployment and while state-provided social security nets came increasingly under stress, reasonably high indemnities might have enabled laid-off workers to set up small businesses or engage as autonomous workers.

Faced with the crisis, Latin American workers developed different coping strategies, ranging from reducing the amount of remittances[16] to receiving economic support from their families in their home countries, to informal income generation, which is widespread among migrants in Spain and especially in Madrid.[17] While some people are bound to work informally due to lack of papers, others might work with a contract displaying less working hours than performed.

[15] Between 2005 and 2009 the values of the properties of the richest 25% had risen by 20% while those of the poorest 25% had diminished by 6.4% (Colectivo IOÉ 2012). On top of this general increase in inequality, regardless of boom or crisis, within the first four years of the crisis the average income of the 10% poorest decreased 7.5 times more than the rents of the 10% richest, and nowhere within the European Union did economic inequalities, measured by the Gini index of poverty, increase as sharply as in Spain (Bolaños 2014; Mars 2014).

[16] A reduction of the amount of remittances sent from Latin American migrants in Spain to their families back home could be perceived (e.g. Bognanni 2010).

[17] According to Carrasco Carpio and García Serrano (2012), 549,200 non-European migrants were occupied in Spain in 2010 without affiliation with social security or any other registrational institution of the Spanish economy, of which 143,500 were located in Madrid, outnumbering any other Autonomous Region by far. These numbers seem questionable however, as for instance the numbers of irregularized migrants in Spain – bound to work informally – is usually estimated higher than this calculation for informal labour. According to own estimations based on data of the Encuesta de Población Activa (EPA n.y.) for the 1st trimester 2009, of the Padrón municipal (n.y.) as of 1.1.2009), and of the Ministerio de Trabajo e Inmigración (n.y.a), with data from January 2009 upon affiliation to social security, between 54% and 65%, or approximately 1 million economically active Latin Americans might have been working without social security. This very high rate might be due to recording part-time work percentaged by the Ministry of Labor and Immigration.

Formal work and accumulated formal working hours thereby have an effect on unemployment allowances, pensions, and, since 2012, on access to healthcare, as well as on the prolongation of residency and work permits, making access to a formal work contract extremely valuable in terms of rights. Therefore, migrants generally prefer to work on a legally secured basis, and have reason to ask employers for the relevant papers. A black market for fake contracts developed – such contracts cost between about 1,200€ and 2,000€ in 2011; fake marriages were more expensive, at about 7,000€, but these provide direct access to national identity cards without need for renovation.

Prompted by the crisis, migrants returned to their origin countries or moved on to other European countries, while Spaniards, too, began to migrate to European countries or tried their luck in the "global South", producing flows of people.[18] The ones who stayed had to live on less, meaning, for migrants, that they had to return to situations they thought had been overcome. As Spanish unemployed daughters started to take over care of the elderly or household work themselves, household workers started to be employed only by the hour, or lost their jobs entirely. As household workers in Spain are not entitled to unemployment benefits, losing the job is ruinous. Latin American women, in an already regularized administrative situation, had to return as live-in household employees, a situation they had initially accepted when they had recently arrived in Spain for a certain time in order to regularize their administrative situation before going on to "better" jobs. Young Spaniards moved back in with their parents to save on rent, and many families started living on the income of one working family member only. While the crisis lasted, many former construction workers from Latin American countries, lived on unemployment benefits in the first years, or coped through *chapuzas* (day labour, or smaller repair works); some started pushing into skills training for geriatric care, moving into jobs that had been considered "women's work" before the crisis.

2.1.3 Commenting the Crisis: "Buscando trabajo… con lupa"

The positionalities of expectation that (immaterial) workers are confronted with in post-Fordist labour regimes include flexibilization, blurring or delimitation of work space and time into private spheres, constant availability and the demand to

[18] Spanish nationals left especially to the following countries in the listed ranking: Argentina, Brazil, Mexico, USA, France, United Kingdom, Germany, Uruguay, and Belgium. In total, about 460,000 Spaniards left the country between 2009 and 2013, so that about 2 million Spaniards now live abroad (Padrón de Españoles Residentes en el Extranjero n.y.). Numbers of migrants in Spain have also diminished.

mobility, the intensification of workload, just-in-time production, and the obligation to work extra hours – pressures which intensify due to increased lay-offs during crisis. Furthermore, achievements that had characterized the typical Fordist worker in welfare-state regimes have suffered from cuts in pay and in rights, sharpening asymmetrical power hierarchies between employers and employed, while affective demands upon immaterial workers increase – for example attentiveness, sensitivity, and empathy to the needs of others – leading to affective exhaustion, and emotional and psychological strain (e.g. Precarias a la deriva 2004; McDowell 2009). On top of this came the crisis, and therewith imposed austerity politics that led to a selling-out of public goods, and privatization, diminishing the quality of care provisions. Feminists have pointed out how achievements of women's movements have been rolled back as neoliberal crisis politics severely reduce public social security, precarising care-labourers (and therefore especially women), affecting nurses, hospitals, and residential homes for elderly; social workers and NGOs; teachers and educators; kindergardens and schools, etc. Ever increasing economization and expansion of venture corporations into public goods squeezes the population, who struggle to defend personal and communal well-being, ownership, and *buen vivir*. As people lost their incomes, taking part in basic consumption, let alone anything beyond that, became more difficult for *the many* who didn't benefit through the crisis, occasioning material, social, and affective curtailments. Nationalist and xenophobic ideas resurged, which led to a substitute fight within social classes instead of between them. As increased vulnerabilities and deprotection have raged and depressed all workers in Spain, migrant workers have not only been affected first but also in a specific way, as racism, sexism, classism became more severe. Meanwhile, though migrant workers already knew precarity during boom times, the crisis, deposited them in a new situation of competition with Spanish workers in times of diminished labour demand.

Especially migrant construction workers, already critical of their labour and life conditions in pre-crisis times (time-limited contracts, informal arrangements, irregularized residency, etc.), were confronted with a dearth of opportunities as labour markets renationalized and the mode of capitalist production and abandonment became inscribed onto workers' bodies. The ones who decided to re-exit, remobilized for a subsequent migratory project, following better options in the global market. The ones who could not or did not want to leave became increasingly affected by material constraints that came to affect their psychological well-being and self-perceptions. Now, the pre-crisis boom is glorified as a time of bonanza and abundance, but also regarded as surreal and therefore unrepeatable:

> What happened here was surreal. We all lived in a reality that was not; even Spanish people say that what happened during the property bubble wasn't normal. Nobody could believe what was happening. The ones who profited, good; but there were people who asked themselves: How come I'm getting money if I didn't ask for it? How come there's so much money? So much work? So here you experienced a surrealism. I think Spain might stabilize, but I don't believe it will get back to what it was back then, I don't see it (Enrique, Ecuador, 30).[19]

The crisis is usually analysed as something both individually and inter-personally felt by the people one knows, so that it becomes inferred from others' experiences. Its lasting nature made it increasingly irrefutable, as it became an everyday fact – commented on in the media, showing in all kind of relevant statistics; in expenditure cuts; in the behaviour of politicians, and in people's minds and lives, spreading resignation.

> One year has passed and I see it getting only worse. People who I saw working before have now been fired again. Colleagues from previous jobs who were working last year are now jobless like myself. Now they're getting unemployment benefits, because they've just been fired, but later they will surely tell me, "I'm no longer here in Spain, I've returned, I've gone back to my country." I've seen many cases like this, and it gets worse and worse (Enrique).[20]

Labour is regarded as the biggest problem, now, as necessary incomes simply miss in order to secure everyday survival:

> Right now I see jobs as the biggest problem. A job not so you can buy luxuries like before; a job to cover for basic needs, because people can't just live under the bridge. It's money to cover living expenses: for gas, light, basic things that are indispensable. I don't have a cellphone contract anymore; I recharge it when I have money. But without water, without light one cannot live. So, it's to find a job for that. I had never been through this and I've been working since I was 14 back in my country; if at all I spent a month off [he says "holidays", but means unemployment] and somehow a

[19] "Lo que pasó aquí fue un surrealism. Todos vivimos una realidad que no, es que los mismos españoles dicen que esto cuando fue el boom inmobiliario no era normal. Nadie se lo creía lo que estaba pasando, el que aprovechó, bien, pero hubo gente que, dicen no, es que aquí ¿cómo me estan dando dinero, si yo no lo he pedido? ¿Cómo hay tanto dinero? ¿Cómo hay tanto trabajo? Entonces lo que se vivió aquí fue un surrealismo. Yo creo que si España se estabiliza, se estabiliza, pero volver a ser lo que era antes, lo que estuvo antes, yo no lo veo, no lo creo" (Enrique, Ecuador, 30).

[20] "Ha pasado un año y yo lo veo cada vez peor. Si antes veía a alguna persona que estaba trabajando, es que ahora veo que ya lo hecharon a la calle otra vez. Compañeros de anteriores trabajos, si el año pasado estaban trabajando, es que ahora ya no, están igual que yo. Igual ahora mismo están cobrando el paro, porque recién los han hechado, pero mañana más tarde seguramente que me van a decir, "No, es que ya no estoy aquí, ya me regresé, ya me he ido a mi país." He visto muchos casos de estos, va de mal en peor" (Enrique).

> job resulted, I believe I have been unemployed for no longer than two months (Enrique).[21]

After having resisted and thwarted all the troubles the migratory project revealed *en route*, being thrown back into unemployment, and hence into arbitrariness, makes construction workers feel demotivated, desperate, and dehumanized. Interviewed household workers commented on former construction workers meeting at noon time and drinking. Especially pronounced among unemployed construction workers is the reconstruction of pre-crisis times of stress as happy times, combined with a longing for occasions of remembering more satisfactory self-descriptions and moments of achievement. While work activities might cause feelings of success or distraction, in crisis times labour's exploitative aspects are forgotten, and work becomes reconstructed as purely pleasurable and entertaining, while its non-availability comes to be viewed as frustrating and depressing. Of course, the fear of losing the ability to plan and build up a personal future and successful, good life is a severe problem, if Enrique and others come to believe that labour was the "most important thing in a human being", as it is the very material circumstances that prompt this belief that also threaten to withdraw access to other than economic forms of "wealth", like social, cultural, or political participation. However, besides being one dimension of identity formation, labour obtains relevancy in a the life of a person who has none mostly due to concomitant economic grievance in a capitalist world in which money defines possibilities – or rather, lack of money restricts and isolates, causing possible extremes nobody wants to live through. The absence of any feeling of achievement contributes to blocking the unemployed, a reasoning extremely pronounced in Enrique:

> In my last job, I used to say I wouldn't care if they fired me. I'd been working for three years on the same salary, and this didn't seem fair. If it would take me two or four months to find a new job with better conditions and salary, I'd take the risk – but of course, without having lived what I'm living now. Because right now, if I could travel back in time, I'd stay where I was, whatever salary I'd get, if I'd be four or five years on the same wage: at least I'd have a job. Now I really know the value of a job, because a job is the most important thing for a human being; work is a form

[21] "Ahora mismo para mí el problema más grande es el trabajo. El trabajo, no para comprar caprichos como antes, un trabajo es para los gastos básicos, es que una persona no puede vivir debajo de un puente. Es un dinero para cubrir el gasto de tu habitación, el gas, la luz, cosas básicas de las que uno no puede indispensar. El móvil ya no lo tengo de contrato y lo recargo cuando tengo dinero. Pero es que sin agua, sin luz no se puede vivir. Entonces ya es conseguir un trabajo para eso. Nunca me había pasado esto y yo llevo trabajando desde los 14 años cuando estaba en mi país, como mucho he tenido el mes de vacaciones [quiere decir un mes de desempleo] y por lo que sea salía trabajo, yo creo que como mucho, había estado parado dos meses" (Enrique).

> of entertainment. Now when I get a job at Plaza Elíptica I do it and get home in a good mood, with another mentality, happier, and above all willing to do things, but go to Plaza Elíptica and hear stories, hear that one is worse than the other, who is worse, doesn't make me want to do anything, I don't even know where to start, I don't know what to do or what to think; I'm completely unmotivated: it totally blocks you. You don't feel like doing anything, anything at all. You close yourself off. For this reason when I think about what a job is today… I never thought this was so important in a person's life: work gives you motivation (Enrique).[22]

Psychological affectedness shows in that many now blame themselves, believe they had committed mistakes, analysing their "errors", wishing they could travel back in time and do things differently. Stories of having worked without pay were widespread, especially if arrangements were informal, while receiving payment after several months' delay became the rule among the ones still working in enterprises. Many were involved in court cases with their former employers, while often compensation payments had been replaced by the state as enterprises declared bankruptcy. Other employers showed a willingness to settle outstanding debts with often already unemployed former workers, and spread payments over several months. Overall, among construction workers the situation was very tense. Freddy sets his mind on survival, deliberating over how to pay the rent and trying to control his expenses where he can, in order to ride out the situation until times get better. In the meantime he became an expert on which state, NGO, or church organizations to approach, figuring out how to survive with the intent to organize a future. He also ponders how he would interrupt his unemployment allowance in order, and accept any kind of job.

> And from what shall we live? Think about it. In Ecuador… it's not the same here, because back home I have my family and here I don't have anybody. On January 22, 2013 my unemployment benefits will run out. I still have 6 or 7 months left. If they

[22] "En el último trabajo que estuve, yo decía es que ya me da igual que me hechen. Como llevaba tres años cobrando el mismo sueldo, entonces no me parecía justo. Si en total, que me pasaré dos meses, cuatro meses para encontrar un trabajo pero ya consigo otro trabajo que a lo mejor me arriesgo a que pueda tener mejores condiciones y con otro sueldo, pero claro sin haber vivido esto. Porque ahora mismo, si pudiera retroceder al pasado, es que me quedo allí donde estaba, aunque ganara lo que ganara, aunque estuviera cuatro o cinco años con el mismo sueldo, pero por lo menos es un trabajo. Ahora valoro realmente lo que es un trabajo porque un trabajo es lo más importante en un ser humano, porque un trabajo es una diversión. Yo ahora mismo cuando en la Plaza Elíptica me sale un trabajo, lo hago y llego a casa con ánimo, llego con otra mentalidad, llego más alegre, más que nada con ganas de hacer cosas pero ir a la Plaza Elíptica escuchar encima las noticias, y escucharle uno al otro que está peor, quién está peor, no me dan ganas de hacer nada, ya me veo como no sé por donde empezar, no sé ni qué hacer, ni qué pensar, desmotivado completamente, te bloqueas totalmente. No te dan ganas de nada, de nada, de nada, como que te cierras. Por eso cuando yo lo veo ahora, un trabajo, nunca pensé que era tan importante en la vida de un humano, un trabajo te motiva" (Enrique).

> then provide assistance, because later I might get a 6 months assistance of 426€, then I'll have bridged another 6 months. And then what will I do if I can't find work? I won't earn anything: here what fucks you most is rent; you know what it means to pay 200, 240, 250 for a little room? I spend 240€ on a room, can you imagine? Well, the food is something else, I was in one of these: Caritas, an NGO. They give you abundant food, milk, everything, and this is of great help; pasta, cheese, oil, tasty tomato I have at home because it has been given to me. You receive according to where you are registered, so I was getting near Plaza Elíptica, but I'm registered here at Aluche. Then they told me "we're really sorry", they'll no longer provide for me. Then I did some research. Close to where I live there's a church called Santo Domingo de Guzmán. They distribute every Tuesday. I went there yesterday but since it was holiday they didn't open. I like it, because in the end they give you all kinds of foodstuffs you need to live. So they told me to come next Tuesday; they help you find a job, they help you get on training courses and give you food supplies. You have to bring them the unemployment paper, the municipal registration paper, and your ID. And I have this. I won't die, because someone always gives you a hand. But if you can't pay rent, you're damned. I mean, once my unemployment benefit runs out, from what will I live? This all crosses your mind, this is why I'm looking for a job here, come and work in whatever. I'd work for 800 euros, because I'd have my income, and I'd interrupt the unemployment benefits for when I'm jobless again, but all this has to be well considered (Freddy, Ecuador, 42).[23]

In contrast to formally working construction labourers, household workers do not have the right to unemployment benefit. As most household workers I talked to were employed, precarity had become rather concretized in labour conditions,

[23] "¿Y de qué vivimos? Ponte a pensar. En Ecuador … es que aquí no es lo mismo porque allá tengo mi familia y aquí no tengo a nadie. Se me acaba el paro el 22 de enero del 2013. Tengo todavía unos séis, siete meses. Si me dan la ayuda a buena hora, porque después puede que te dan una ayuda de séis meses, te dan 426€, ya séis meses más ¿y después qué hago si no encuentro trabajo? No cobro nada, aquí lo que más te jode es el arriendo, tu sabes que es pagar un cuartito de 200, 240, 250. Yo pago de una habitación 240€, date cuenta. Bueno la comida es diferente, yo estaba en una de esas de Caritas, ONG. Ellos te dan víveres, hartísima comida, leche, todo te dan y eso te ayuda bastante, todo lo que es pasta, queso, aceite, tomate rico, yo tengo en mi casa porque yo he estado recibiendo. Te dan de acuerdo a dónde estás empadronado, entonces yo estaba recibiendo por Plaza Elíptica, pero yo estoy empadronado aquí en Aluche. Entonces me dijeron "lo sentimos mucho", ya no me van a dar. Ya me fui a averiguar, aquí mismo por donde yo vivo hay una iglesia que se llama Santo Domingo de Guzmán. Tienen todos los martes. Ayer me fui como era festivo no abrieron. A mí me gusta, porque al final es bueno porque te dan de toda clase de víveres para que uno con eso vive. Entonces me dijeron para que el otro martes vaya, ellos te ayudan a conseguir empleo, te ayudan a conseguir cursos de formación y te dan víveres. Tienes que llevar el papel del paro, el papel del empadronamiento y el DNI. Eso yo tengo todo. No me voy a morir porque te echan una mano. Pero para el arriendo si no tienes, el arriendo te jode. Yo me refiero es que si se me acaba el paro ¿de qué vivo yo? Todo esto te viene a la mente, por eso yo estoy buscando un trabajo aquí, vente a trabajar de lo que sea. Por 800 euros voy a trabajar, porque tengo mi ingreso y corto el paro para cuando ya me quede sin trabajo lo sigo cobrando pero todo eso hay que pensarlo" (Freddy, Ecuador, 42).

with household workers feeling that the crisis had resulted in lower pay, in reduced employment opportunities for hourly workers, and in that more live-in work was offered. The latter seems to be a general perception of workers, as Bridget Anderson (2000) already reported for Barcelona in the 1990s. Moreover, the comparably higher demand for live-in workers is explainable as consequence of the crisis: migrant household workers who had worked as live-ins upon arrival in Madrid usually did so in high-class households that could afford to provide a room for the worker. Later on, those workers moved out of the sector altogether, or changed to a live-out relationship, leaving a gap that had formerly been filled by newly arriving migrants. Due to the crisis, less new migrants willing to take on live-in jobs arrived. Furthermore, Spanish middle-class women, who are more likely to employ live-out workers or by the hour, became unemployed themselves, and took over their household work again, so that this labour became more scarce, and live-in jobs came to predominate, the ones in need to renovate their residence and work permits obliged to accept as to not fall back into irregularity.

> For 6 years I worked in different jobs but always as live-in. Then I got jobs by the hour as a live-out. On that one job I had I worked in the afternoons while another girl did the mornings. She was going to quit from June on and I would take both shifts. But her husband lost his job and then she couldn't quit, so that I couldn't continue working only in the afternoons as I needed more weekly hours. So I had to look for another job. But now most jobs I find are live-in jobs. So I had to return, I had to return. This change is again difficult because you return to encarceration; you don't see anyone. You're always inside the house, but however, it's what there is, and for the moment if I don't have another job I must accept it. I hope things will get better and I'll find something else. Also there's this issue of renewing my [residence and work] documents, and for renewal I need a contract, otherwise I can't renew. So I'm obliged through many things (Alina, Mexico, 26).[24]

However, household work was the only labour sector in Spain that was expanding, in spite of the crisis, as developments of numbers of affiliations to the

[24] "Estuve séis años en diferentes trabajos pero todas de interna. Después conseguí trabajos por horas entonces estaba de externa. En el trabajo aquel que tenía que era por las tardes había otra chica por la mañana. Ella iba a renunciar a partir de Junio y ya me iba a quedar yo con los dos horarios. Pero su marido quedó sin trabajo y pues ya no podía renunciar ella, con lo cual entonces yo ya no podía seguir trabajando solamente por las tardes, yo necesitaba trabajar por más horas en la semana. Entonces tuve que buscar otro. Pero de momento los trabajos que más encuentro son de interna. Entonces me tocó volver, me tocó volver. En el cambio si es otra vez difícil, porque te vuelves al encierro, ya no ver a nadie. Solamente estar allí dentro casa, pero pues, es lo que hay, y de momento si no tengo otro trabajo, pues tienes que aceptarlo. Espero que las cosas mejoran y ya me pueda buscar otra cosa. Además también es el tema de la renovación de mi tarjeta [de residencia y trabajo], que para renovar necesito un contrato, y si no tampoco puedo renovar. Así que de muchas cosas me obligaron" (Alina, Mexico, 26).

special regime of household work[25] reveal (see 3.3.3). One interpretation of this is that household labour is crisis-resistant, because care work and cleaning always have to be done regardless of the ups and downs of the economy. The second, more likely interpretation of increased employment of household workers in times of crisis is that the kind of people who employs household workers are disproportionately of a better-off or elite economic class, unaffected by the crisis, which rather affected the working class.

Detainability and deportability are severe forms of experiencing precarity and crisis. Deportations ripped apart families, partnerships, friends, and lovers. Enrique had had a Chilean partner, who was suddenly deported. Enrique then visited and married his girlfriend in Chile, and, back in Spain, took up a loan of 7,500€ for her to buy some land for the two of them in Chile, which she however invested into her studies. Due to the distance, the couple broke up and the two are now out of contact. Enrique continues to pay back the interest on the loan. He regards taking it up now as his biggest mistake, and feels a failure.

> If I have no other option; I also consider returning. That's when I think of my mistake. If, instead of sending these 7,500€ to a country which isn't even my own, I'd been selfish and had sent it to my country in order to build something, now I would have something back home, some plot of land or a small house. Most people have done it, and my mom always asks me about it, and sometimes I feel like I'm a failure for having been here for 10 years and not having anything. (Enrique, Ecuador, 30).[26]

Searching for a solution to his situation, Enrique thinks about returning to Ecuador. Return, as a weighing question mark for many Latin Americans since the crisis, was thematized at an informative meeting by the Madrid-based Ecuadorian national migration bureau, "Senami" (Secretaría Nacional de Migrantes Ecuadorianos, now "Casa Ecuatoriana") in 2011: difficulties with re-adaptation; organising life; unexpected costs of returning, e.g. costs of furniture if people had bought a house by sending remittances; lack of amenities; or even

[25] Labour law and social security affiliation was split into six different regimes, the *Régimen General* being the most important, within which a high diversity of job types, and by far the highest numbers of workers, are included. The second most important regimes include autonomous, agricultural, and domestic workers, while the lowest numbers of workers are included in the regimes of sea and carbon. Among these, the special regime for household work (*Régimen Especial de Trabajadores del Hogar*) was the one with the most precarious rights. In 2011 the special regime for household work was integrated into the general labour regime.

[26] Si es que no me queda otra volver también es algo que me planteo. Allí viene lo del error. Si yo en vez de esos 7500€ que mandé a un país que no es el mío, hubiese sido egoista y lo hubiese mandado para mí país, para construir algo, ahora al final tuviera algo en mí pais, pues un terreno, o una casa pequeña. La mayoría si que lo ha hecho, y mi madre siempre me lo pregunta, me siento a veces como un fracasado haberme tirado 10 años acá y no tener nada (Enrique, Ecuador, 30).

Spanish food habits people might miss once they return. Enrique, who describes himself as originating from a humble family and who has no economic, material, or social buffers in Ecuador upon which to rely, was aware of some further difficulties that returning might entail. He would be going back to live in his mother's and stepfather's house "with empty hands", which would make him feel like a failure. Spanish nationality would have improved his options for handling the situation, his room to manoeuver. Without extensive social capital, he is anxious about whether his Spanish apprenticeship would be accepted in Ecuador, or whether he would fail professionally, while he also fears reduced living standards, exploitation, and non-compliance with labour laws. Moreover, he values the Spanish lifestyle because it enables him to be independent, and he regards Spanish rights and their implementation as saving him from excessive exploitation. The way he talks shows how torn he is about which way to turn in his project to achieve and return to a good life:

> If I'd return to my country, I'd return to my mother and stepfather's house. My mom is not independent, she's a housewife; all she's got is due to her husband, my stepfather, who is the father of my sisters, who also live there. I'd return to their house and I don't like the idea. After having fought so hard not to have any problems, not to get into trouble, not get into debt or commit traffic offences and so on, in order to get (Spanish) nationality. Because I believe that before returning to my country I'd at least try my luck in another country. I wouldn't do it without the (Spanish) nationality, because now I know what it means to be a foreigner and the problems you face. But having the nationality and knowing I have an option, I'd go for it. Because in my country, of course, I have my family, but I'd live at my mom's, as I have no job and no education, because my work experience is based on an apprenticeship I've done here and not there. Maybe they'd ask me for Ecuadorian qualifications, and all the documents I have, all the courses I took, all the education I gathered in Spain might not be worth anything. In my country either you present a high school diploma or you have good connections in order to access jobs. And I don't have that because my family hasn't moved up the social ladder. My brothers-in-law, my immediate family, on my mother's side, all work in mining, while my stepfather works for the local government in the water department. I just can't see myself there. Maybe as a last resort… if I've got no other option, I'll have to go. If it were my own house, my own household, then yes, but I'd be living at my parents' and I don't know how long it would take for me to find a job and what kind of job it would be. Whether you like this country or not, or another country with better conditions, here you're used to some independence, you have a better quality of life. In my country I do have my family at my side; they will provide me with meals, I won't have to pay for rent; but you usually get more exploited at the jobs you can get there than here. If things here go bad, there are some rights that may protect you, which doesn't happen in my country. Man, most of my high school friends who have

> finished their studies have a place, but those who haven't, they don't make a lot of money, and continue to be exploited (Enrique).[27]

So, being unemployed for one year, Enrique had come into a negative way of thinking which he was unable to break. Generally, the experience of crisis, joblessness and dearth of prospects for the future make it difficult to reconsider life as a good life or, on a lower scale, with acceptable options to resort to, because the obligation to re-exit opens up questions about where to move to, and related insecurities and anxieties about what to expect there. In Enrique's case, return to his origin country is the last thing he wants, but to re-exit and continue to another country without a European passport means to perpetuate his dropping back, – that is, if migration is a linear, teleological process with built-in obligations to exclusions, and nationality its final reward, only attainable through one's demonstrating high capacities to presevere – as the current design of European state policies suggests.

One way in which Latin Americans gathered strength was to remind themselves that while Spain had come into crisis, as Latin Americans they were used to handling conjunctive crisis. I met Henry and Rafaela, a Bolivian-Ecuadorian couple, in the *barrio* Usera while they were handing out flyers for an association, unsalaried, hoping to benefit through future income opportunities.

[27] "Si vuelvo a mi país, volvería a la casa de mi madre que vive con mi padrastro. Mi madre no es independiente, es una ama de casa, todo lo que tiene lo tiene por su esposo, mi padrastro, el padre de mis hermanas que están allí. Volvería a la casa de ellos y no me gusta la idea. Porque luchando tanto para no tener problema, no meterme en ningún rollo, ni en deudas, ni problemas de tránsito con coche, ni nada para conseguir una nacionalidad. Pues creo que antes de regresarme a mi país, probaría por lo menos intentarlo en otro país. Sin la nacionalidad ya no me arriesgaría, porque ya no, porque ya sé lo que es ser extranjero y los problemas que hay. Pero ya teniendo la nacionalidad sabiendo que tengo una opción, pues por lo menos jugármela. Porque en mi país, sí, mi familia la tendré pero es que vivir en la casa de madre y al no tener una profesión, unos estudios, porque lo que tengo es un oficio que he hecho aquí no allá. A lo mejor allí me van a pedir titulación de Ecuador y no me va a servir la titulación de España, toda la documentación, todos los cursos, toda la formación que he hecho aquí. En mi país o tú presentas unos graduados de un colegio o tienes que tener un enchufe, un contacto que te enganche en ese puesto de trabajo. Y eso yo no lo tengo porque mi familia no ha mejorado. Mis cuñados, mi familia directa por parte de madre, ellos trabajan en la minería y mi padrastro en el ayuntamiento en el departamento de aguas. Es que no lo veo yo allá. Hombre, como último recurso sí, … si no queda otra, tendré que ir. Si fuera mi casa si, si fuera un hogar mío sí bien, pero voy a casa de mis padres y no sé el tiempo que voy a tardar en conseguirme un trabajo y qué tipo de trabajo voy a conseguir. Porque te quieras o no éste país, u otro país que tiene mejores condiciones, estás acostumbrado aquí a una independencia, tienes una calidad de vida mejor. En mi país si es cierto que pues está al lado mi familia, no me va a faltar un plato de comida, no voy a pagar un alquiler, pero los tipos de trabajo sí que siguen siendo más explotados que los de aquí. Si aquí la cosa está mal, aquí hay unos derechos tal vez que se cumplen, pero en mi país no. La mayoría de compañeros de colegio que yo tengo, hombre, que se han graduado y han terminado sus estudios pues bien, tendrán un buen puesto pero él que no, es que no ganan mucho dinero, siguen estando explotados" (Enrique).

Rafaela recounted how in the job interview with her last employers they had promised to regularize her papers if she cleaned in their house, but after one year they still had not done so, so she had now been out of work for one year and four months, frequenting Madrid's churches and associations time and again, and stated: "Now I'll have to look for work…"… "…With a magnifier," Henry concluded her sentence for her, showing her that it is not her fault. We laughed. Keeping a sense of humour in the face of adversity makes things easier to endure.

Maintaining strong affective and psychological resilience, Rafael, who works in *chapuza*, regards his education and professionalization as enabling him to handle the crisis situation by handling his expenses.

> Man, I happen to have had a very structured and modern education; I limit my expenses. So I came with a good education, but was also in need, because everyone who comes here is in need. But I came with an education which helped me manage my expenses without extra limitation, as in knowing that I may be able [to spend] today but not tomorrow. And there's this saying in my country: *Pan para mayo* — Save for a rainy day (Rafael, Peru, 48).[28]

Rafael is working in *chapuza*. Contacts made at construction sites in pre-crisis times provide him with short-term jobs, his tireless engagement paying off now, while being single without children seems conducive to that. So, for supervisors, trust and confidence in his dedication seems relevant to their choosing to call him instead of others in times of job scarcity at building sites. A large proportion of more self-organized *chapuza* jobs, undertaken in private homes or houses, he obtains through his brother, who is an autonomous worker in construction, and through a builders' store in his *barrio* which is a contact point for individuals and janitors living near by. As things have changed, now flats are no longer newly constructed and vacant, but the *chapuzeros* have to handle furniture, increasing workloads. As *chapuzeros* don't stop on weekends, the hazard generated by noise is that a neighbour might call the police and, besides doing informal labour, a colleague might not have papers.

> One month, twenty days, they hire you because when they needed you, you served them well and responded with your labour. Now we work according to supply and demand in *chapuzas*, because you see the market I engage in, painting, wood, in a 80 square meters apartment with kitchen, bathroom, three bedrooms, living room, door; we charge 800€. Nonetheless, in the streets you see ads like "I paint your apartment

[28] "Hombre yo de repente he tenido una educación muy fundamental y moderna, limito mis gastos. O sea, vine un poco ya muy formado, con necesidad sí, porque todo el mundo viene con necesidad. Pero vine formado en el sentido de que para qué me voy a extralimitar en gastos, donde sé que hoy sí [puedo gastar], pero mañana de repente no. Y como hay el dicho en mi país 'pan para mayo'" (Rafael, Peru, 48).

> for 300€," "I paint for 400€." So it depends on how you arrange, the quality of paint, this and that, but there's no quality, and against this we are competing, because the average is that you ask for 800€ and you end up with 700, which is a good price. When you go for it you get it done in three days, but only when no one's living in the apartment, and in these times there are no empty apartments. Everyone is living somewhere, they have their furniture, bed, so it takes you seven days, including Saturday and Sunday. If we work on a Saturday we start at 10 a.m. because from that time on weekends you're allowed to make noise. Otherwise they'll call the police, and since we are *chapuzeros* they ask us for papers; sometimes many of our colleagues have none, so there's a problem… these little things that happen to us nowadays… For us there is no work-week that is supposedly from Monday to Friday. For us working in the *chapuzero* business there are no working hours, maybe for the start but not for end of work; you have to continue. The faster you get out of this the better – we have this inconvenience (Rafael).[29]

So, in these times of crisis, people search for ways to manoeuvre, to overcome challenges and survive on short-term opportunities that enable modest optimism, clambering from day to day.

2.1.4 Rebellious Madrid: 15M, indignad@s and mareas ciudadanas

In the 1950s and 1960s, through internal migration from the countryside, new *barrios* were established in Madrid's inner ring around the core, and slums and shanty towns were erected illegally, which sheltered 20% of Madrid's population in 1956 (Castells 1983, 218). From 1960 to 1970, the population of Madrid jumped from 2.4 to 3.6 million (Castells 1983, 220) and until the 1980s continued to expand in suburban regions (Wehrhahn 2000). Especially in the industrial

[29] "Un mes, 20 días, te contratan porque en su momento le serviste y le respondiste laboralmente. Ahora nos regimos en base a la oferta y la demanda en las chapuzas porque si tú ves acá en el mercado que yo me dedico a la pintura, a la madera, por un piso de 80 metros cuadrados que tiene cocina, baño, tres habitaciones, salón, incluye puerta, cobramos 800€. Sin embargo, ves en la calle avisos "te pinto tu piso por 300€", "te pinto por 400€". Depende pues como arregles tu, entra la clase de pintura, esto, esto, lo otro, pero no hay calidad, contra eso competimos, porque la medida estándar, le pides 800€ y quedan 700 que es buen precio. Cuando tú le metes caña a ese trabajo lo sacas en tres días, pero siempre y cuando el piso esté desocupado y a estas alturas ya no hay esos pisos desocupados. Todo el mundo está viviendo, tiene sus cosas, muebles, cama, y ya te tiras siete días, incluimos sábado y domingo. Si vamos a trabajar sábado, empezamos a las 10 de la mañana porque a partir de esa hora el día sábado y domingo puedes hacer bulla. Sino te llaman a la policía, y como somos chapuzeros, te piden papeles, a veces muchos de los compañeros no tienen papeles, entonces ya hace problema, esas cositas que nos suceden actualmente. Para nosotros no hay semana laboral ya ahorita que es supuestamente de lunes a viernes. Para nosotros que ya estamos en el lado chapuzero no tenemos ni horario para trabajar, de entrada de repente sí, pero de salida no y tú tienes que darle. Cuando más rápido salgas de eso mucho mejor, tenemos ese inconveniente" (Rafael).

south and east of Madrid, new immigrant and working-class wards developed, while urban spaces were initially infrastructurally poorly equipped. Citizens organized within activist groups so that a new protest culture developed that later nurtured the citizens' grassroot movement on which the transition to democracy was organized. The *Citizen Movement* of Madrid (Castells 1983) offered a response to urban crisis and people's needs, claiming enhancement of the extremely deficient urban infrastructure, confronting and resisting the dictatorship's repression, misery, and terror as well as the economic interests of speculators on land and rent-controlled houses. At the end of the 1960s the first Neighbourhood Associations (*Asociaciones Vecinales*) were founded in these, then peripheral, immigrant and socially mixed *barrios*.[30] The Neighbourhood Associations were illegal due to an institutional ban on any association outside the Franquist Party, so their very existence was a breakthrough for democracy, the most significant aspect of which was their performance as agents of social and cultural change, similarly to the trade unions. In the wards, community-building transformed neighbours into citizens who claimed their "right to the city" (Holm 2011), to participation in and creation of urban life, as well as to civil rights and freedom of association. Immigrants, intellectuals, architects, lawyers, technicians, and professionals planned and conceptualized their own wards and lobbied the city council and bureaucracies for the development of affordable housing, water and electricity supply, paved streets, lighting and transportation, and for the building of schools and meeting rooms that would enable solidarity, collectivity, and creativity (Castells 2008; Basagoiti, Bru 2008). At the first municipal elections in 1979 many socialist and communist activists of the neighbourhood movements became candidates, and were able to institutionalize their political influence within the city government. Simultaneously, the potential of the neighbourhood movements to mobilize in the streets was abruptly reduced (Caprarella, Hernández Brotons 2008).

As reaction to the worldwide financial and economic crisis, protest movements expanded internationally, while the 15M was esteemed as hotchbed

[30] While their force was greatest within working-class wards, the neighbourhood associations were composed of a variety of diverse urban subaltern and middle classes (Castells 2008). The movements' demands were highly diverse, too, based on the specificity of the problems within each neighbourhood. The southern *barrio* Orcasitas, for instance, originally a shanty town, became a famous example of how urban renewal without social removal was implemented through the local Neighbourhood Association (Castells 1983). In the 1970s the potential of the 110 Neighbourhood Associations in Madrid to mobilize for demonstrations was higher than, for instance, that of the trade unions that faced extreme repression under Franco (Caprarella, Hernández Brotons 2008). The overarching city-wide Neighbourhood Association FRAVM (*Federacion Regional de Asociaciones Vecinales de Madrid*) enabled a potential to mobilize above the ward level and elevated the possibility of intervening in central city planning processes (Lorenzi 2008).

of the Occupy movement that led to the "hot autumn" in many cities all over the world: protest started in Sidi Bouzid, Tunisia, and evolved into the Arab Spring, people rising up in Egypt, Lybia, Yemen, Syria, Bahrain, Algeria, Iraq, Jordan, Kuwait, Morocco, Israel, Sudan, etc. It then took on to Southern Europe, as Spain, Greece, Portugal and spilled over into the US Occupy movement, then took on the form of student protests in Chile, before social movements in Eastern European and Asian countries took to the streets. Given the crisis, in Spain social movements picked up the spirit of the Arab Spring in May 2011, and linked up with the experience during the *transición*, rising up against the precarization of everyday life (Castells 2012; Youkhana, Jüssen 2015). As the capital, Madrid obtains special attention within Spain, so that the *indignad@s* of the *Puerta del Sol* were carefully observed and regarded as trend-setting in other Spanish cities. "Activist citizens" (Isin 2009) protested against severe grievances, privatizations of public goods, and budgetary cuts in various social sectors such as healthcare, education, labour, ecology, economy, etc. General strikes in 2010, 2011, and 2012 were directed against labour reforms and reduction politics, and coordinated a Southern European-wide general strike in 2012. The demand and appropriation of housing space and the right to the city and its public spaces again obtained special significance, as besides the labour market crisis, through the mortgage crisis a great part of the precarization of everyday life for debtors occurred, displacing the poor. Within country-wide protest movements, special attention was given to Madrid as a capital and pioneer of the protests. In a parallel with the 1970s, immigration to Madrid had preceeded the social movements' uprising.

The symbolic date of May 15th[31] was used in 2011 by various political groups who, stimulated by the social and revolutionary movements of the Arab Spring in Northern Africa, and in protest at the passing on of the crisis onto the shoulders of the population, organized country-wide demonstrations. The theme of the day was "Take the street!" (*Toma la calle!*), and the population in over 50 Spanish cities mobilized, demanding "Real Democracy NOW!" (*Democrácia Real YA!*). At the end of the day, in all major Spanish cities spontaneous occupations of central squares occurred that remained in place for several weeks, even after local elections on 22nd May 2011 (Toma la plaza 2011). In Madrid the *#acampadasol* occupied the central square, *Puerta del Sol,* in the middle of the commercial center: Camping, debating and protesting citizenship was practiced non-

[31] May 15th is the day of the patron saint of Madrid, San Isidro, which is traditionally celebrated. May 15th, 2011 was the 35th anniversary of the day when the regional group of Madrid Neighbourhood Associations FRAVM organized a gathering in Aranjuez in 1976 to fortify the cohesion of local neighbourhood groups. However, the festive and communitarian event was struck down by the police entity *guardia civil* FRAVM 2005. Hessel (2010), too, refers to May 15th as the day on which the national resistence council of the "Résistance" raised a program for a free France and democracy against the Vichy regime and the German occupation.

violently[32] and new ways of doing politics were given a chance, while the multitude (Virno 2007), the collectivity of the many as a rhizomatic swarm, symbolically reconquered the public space (Janoschka, Sequera 2012; Castells 2012). In the assemblies of the *indignad@s*, the indignent, as the protesters were called following Stéphane Hessel's "Indignez-vous" (Hessel 2010), extremely diverse people with highly different interests came together, animating the political process based on consensus decision-making, assembling on the square. A plurality of bodies layed claim to the public, "themselves modalities of power, embodied interpretations" (Butler 2011), engaged in allied action within Hanna Arendt's "space of appearance" that "arises out of acting and speaking together, and its true space lies between people living together for this purpose, no matter where they happen to be" (Hanna Arnedt quoted from Butler 2011). New forms of communality, and decentralized, horizontal political figures are performed on the *plaza*, while thematic working groups shape alternatives to institutionally practiced politics, developing communitarian positions, strategies, and demands. Within the 15M there were very different emphases on perceptions and experiences of injustice, and claims to justice, while it also showed within the debates that there was a lot of respect for difference within the exercise of listening, debating, and searching for a way of acting in common while claiming and enacting citizenship. The "Commission on mobility and migration" proclaimed the *#acampada* as a space free from police raids, and adopted a manifesto that posits humanitarianism and personhood first, rejects racism and discrimination, and which sides with solidarity and mutual support, free circulation, open borders, support for refugees and the stateless, decriminalization of *Top Manta*[33], and also demands the abolition of foreigners' detention centers (*Centro de Internamiento de Extranjeros* – CIEs) and of the foreigner's law (*Ley de Extranjería*), and rejects the externalization of political borders and the political instrumentalization of migration (Comisión de Migración y Movilidad 2011). The working group on "mobility and migration" included migrants as well as professionals and volunteers working in migration, mainly migrants themselves. As such, the working group became an ideal platform through which important Madrid-based people with access to organizations and networks active in migration were bundled. In July, the migration and feminist commissions together organized a day in the central park *Retiro* to elucidate on the situation of household workers.

[32] In Barcelona, Mossos d'Esquadra did attack citizens, and in the course of protests numerous charges were brought.

[33] "Top Manta" refers to street vending, using a sheet prepared with ropes for easy pack-up and escape in case of police controls. As street vending is criminalized, people get fined and even jailed if caught doing so.

Soon, structures were extended to the *barrios* (Toma los barrios 2011), while, as some activists defended, this was a political necessity as it is within the *barri*o where societal grievances crystallize, for instance in the form of the need for medical assistance, school education, living space, and infrastructural necessities. The ward assemblies (*asambleas de barrios*) worked thematically, too: for instance on migration in Lavapiés, where racist identity controls by the police based on phenotypic characteristics are a daily occurrence; through *concentraciones ciudadanas* to impede evictions taking place especially in suburban areas; or on barrier-free sidewalks and other *barrio*-specific issues. Besides, through events in many cities, activists networked supraregionally to challenge country-wide themes like the Spanish election procedures, national debt, mortgage law, infrastructural provisions, healthcare, ecological questions, migration, etc.

Nonetheless, within the struggle for commonality and unity in unrest against economic hierarchies and state dominations, tensions did arise. As Marisa Ruiz Trejo (2013) shows, intersectional hierarchies and heteronormativity were an issue, for instance when, in the commission on migration and mobility, an Ecuadorian woman recounting her sorrow and crying over having left her daughter in Ecuador was accused of playing the victim, and instructed that the assembly was a political space by a white, heterosexual Argentinian man with an impressive record in political activism, evoking contestation from migrant women over whether the political space couldn't also be an emotional space for recounting experiences and sentiments, biographies and strategies for advancing and handling problems with authorities. Similarly, a middle-aged man raised cheers as he tore down a poster reading "The revolution will be feminist or it won't be" ("La revolución será feminist o no será"), while an Ecuadorian lesbian household labourer's demand to include the topic of sexual orientation in the manifesto of the migration commission remained unsupported (Ruiz Trejo 2013).

With regard to migrant uprising, in October 2011 the Madrid-based Ecuadorian national migration bureau "Senami" (Secretaría Nacional de Migrantes Ecuadorianos, now "Casa Ecuatoriana") had invited the *Consejo Sectorial Ciudadan*o, a council composed of 25 associations supposed to observe the Senami's functioning. As non-invited associations felt excluded, the 15M of Ecuadorians in Spain questioned the Senami's and the council's representativity, and their officers' qualifications, and pressured for a restructuring of the institution. The Senami director qualified the act as aggressive and showing disrespect toward the state's institutions.

The example *#acampadasol* shows how beyond the occupation, network structures were created that are still in place and used today; for instance the *Stop deshaucios* campaign of the PAH (*Plataforma de Afectados por la hipoteca*) that

managed to impede evictions in 802 cases until October 2013, and launched one of the most successful popular legislative initiatives, gathering 1.4 million signatures for the right to housing (PAH). Simultaneously, the European High Court ruled in favour of an evicted prosecutor, who claimed that his contract with the bank was fraudulent. Through political pressure from both below and above, as well as, sadly, through a number of suicides, the Spanish parliament eventually had to give in and changed the mortgage law, even though central demands of the PAH are still pending: specifically, the stop of evictions for the principal residence of a person; debt relief after a certain time period if losing the house; and creation of social housing. While the houshing crisis tightened, especially in Madrid and Barcelona, the squatter scene came to be honored and respected as "laboratory for urban resistance" (Abellán et al. 2012) on broad societal grounds, as they provided *ad hoc* solutions to imminent pressures: living space for the evicted and unsheltered, – however, repressions and evicitions of squats did not lag far behind. In 2013 and 2014, protests continued in form of *mareas ciudadanas*, citizens' floods, one success being for instance the prevention of the privatization of 6 hospitals in Madrid. Demonstrations, assemblies, camps, and *mareas ciudadanas* operated through Butler's alliance of bodies, between their affective and corporate togetherness in the public sphere that vitalizes rights (Butler 2011) and might be called a politics of belonging. The 15M can be regarded as a move forward, in midst of the flawed nature of capitalism, as the crisis was used by decision-makers to implement market-driven, neoliberal politics sidelining the population's needs, rights, and liberties (Aierbe 2013). Luis González Barrios (2012) states cautiously that a collective awakening is a precondition for any change, for which the 15M, as a rhizomatic, multifaceted assemblage and leaderless swarm, constituted a prefiguration. For quite some time it remained questionable whether and how the 15M would remain lastingly active after the occupation. Given the difficulties involved in the development of new parties within the national election system, the European elections in May 2014 are a recent success, in which the party *Podemos*, founded just 3 months earlier, obtained over 7 % of the votes. *Podemos* and other newly developed parties increased their share of votes in the municipal elections in 2015 and they will certainly remain relevant in the 2016 general elections, – breaking up the Spanish party system based on traditional prevalence of the two main nationwide parties PP (*Partido Popular*) and PSOE (*Partido Socialista Obrero Español*). The emergence of the party *Podemos* is traced to the 15M, although its leaders distance themselves from wanting to appropriate the 15M (Gálvez 2014).

Through the affliction the economic crisis means for the population of Spain, after the Citizen's Movement during transition to democracy, a political, social, and collective movement formed again that restitutes the right to the city and

rebels against neoliberal profit-oriented politics. Taking the public space and articulating creative protest symbolically and concretely defies top-down regulation processes by political and economic elites. The government and city council reacts repressively to creative social protest, as for instance through the *Ley Orgánica de Seguridad Ciudadana,* legislated by the *Partido Popular* in Dicember 2014, a gag rule that restricts liberties and freedoms of association, reunion, and manifestation; oversimplifies devolutions of migrants at the borders of Ceuta and Melilla; increases the severity of penalization of house squatting and the use of public space e.g. for street vending; increases infringement fines, and gives more leeway for non-judicial infraction, penalization, and to police and executive bodies. Nonetheless, through square occupations like the *#acampadasol*, through squats and political networks like the PAH – who stop evictions as well as pressure politically for legislative changes – through *mareas ciudadanas* (citizens' floods), and through the foundation of *Podemos,* the social movement had evidenced its power. Consequently, the *indignad@s* movement is regarded as a movement that continues to persist, even if it takes on changing ways of influencing society, minds, attitudes, and lives within new forms of political articulation (Wieviorka 2014).

2.2 Citizenship Ascribed: at the Interface of Migration and Labour Politics

In spite of the fact that through their practices, migrants sideline state regulations in many ways, citizenship in its top-down dimension is highly relevant, as rights have to be ascribed and implemented in order to be accessible. Without being extensive in its analysis, this chapter owes to the fact that besides what people – here especially migrants – regard to be, claim, practice, implement, emplace, embody, and enact as their rights, through their power to influence a governmentality that can be favourable or unfavourable to migrants, ascription of citizenship (by the state) matters ! Within the ascription of rights, implementation, and accessability there is a great deal of leverage in the way in which "formalized rights" are attained by people, evidencing a gap between the accessibility of rights by individuals, and the ascription of e.g. human rights, some of which are re-endorsed within state laws (constitutions and other laws) or other supra- or sub-state levels of legislation. Moreover, the sites of production of formalized rights become increasingly diffuse and intransparent, as they become transferred to international organizations, such as e.g. the EU or UN, leading to a fragmentation of the sites of law-making, as well as to a certain detachment of rights, most importantly human rights, from their implementation, attachment and

application to individuals. Within the EU, the sites of implementation of laws have become fragmented between international organizations, the European Commission, European Parliament, EU member states, sub-state levels, and lobbyist groups. This points to a democratic deficit: it is the European Commission, rather than the elected European Parliament, that is the most powerful producer of laws for European populations, producing about two thirds of laws, and rules, and regulations that are implemented in EU member states, and furthermore there is extreme disinformation and lack of transparency regarding what happens within these institutions. Since the crisis, the Troika, or "the Institutions" – European Central Bank, International Monetary Fund, and European Commission – have also extended their decision-making power, designing government schemes for entire countries such as Greece. Pointing to the fragmented nature of a globalized judiciary, Seyla Benhabib (2007) analyses how the Westphalian model of "state sovereignty" becomes animated by "cosmopolitan (human rights) norms" that might enforce "popular sovereignty", or the spread of empire and the reassertion of state sovereignty, vested with militarization against and criminalization of migrants. By the examples of the *maquila*-industry in Central America and NAFTA (North American Free Trade Agreement) – whose contemporary parallels might be precarious migrant labour and TTIP (Transatlantic Trade and Investment Partnerschip) – Benhabib shows how "economic globalization results in the disaggregation of states' sovereignty with their own complicity. (…) The losers in this process [being] the citizens from whom state protection is withdrawn (…) and who become dependent upon the power and mercy of (…) forms of venture capitalists" (Benhabib 2007, 26).

She states clearly that "the norms which ought to protect migrants and the laws which enable global captalism are not compatible" (Benhabib 2007, 27), as states are pushed to make neoliberal reforms, cuts to welfare politics, and relaxations of labour and environmental legislations. The undermining of state sovereignty through economic neoliberalization leads to a lack of protectedness of migrants, whose interests are secondary to employers' desire for disposable, cheap, and submissive labour. So, labour and migration laws remain inadequate, as they oppose employers' and elites' interests. Many states set a precondition for granting residency and work permits, as well as nationalization, on individuals' having a formalized work contract. As such, the governmentality conveyed implies that to work and the right to reside have much to do with each other. Informal work does not count, however, although irregularization drives people to work informally. Moreover, they are criminalized: eitherthey or their employers may be fined for the income-generating practices, imprisoned, or even deported if they can't exhibit the required documents. Notwithstanding, from a

state perspective, regularizations of informal migrant workers make sense, as they fill household funds through increased tax bases and social security contributions.

In this chapter, citizenship will be regarded from the top-down perspective as an ascription that functions upon spatialized dynamics of global capitalist governmentalities, transferred by the state, the government, and public authorities to subjects. First, spatial dynamism within the translocal organization of labour markets will be analysed. Then some of the intermeshings between migration and labour politics will be brought into focus, with a view to investigating the rights regulations of household and construction workers.

2.2.1 Translocalization of Labour (Markets)

As already indicated, space is a powerful starting point from which to consider migration. Space also forms underlying assumptions with regard to markets, originally thought of as market *places*, which have been set in movement by processes of translocalization. The globalized dimension of commodity markets is often evoked, while labour markets have also become translocalized through the agency of migrants. However, while within globalized markets capital and merchandise flow almost unhindered by political restrictions between continents, countries and localities, people are restricted from doing so through passports, visa and migration politics (Castles 2010; Castles, Davidson 2000). Ulrich Beck (1999) describes labour as being local, in contrast to capital, which is global within a transnationally hierarchized space, pointing out that people's movements within the national territory are regarded as desirable flexibilization, dubbed "mobility", while transnational movements are framed as "migration", which is just as desired, but is simultaneously restricted. While Ulrich Beck considers labour's locality rather from the demand side, Andrew Herod (2007 [1999]) views it from the supply side – both authors leaving labour's translocality to the respective other side. Andrew Herod reaffirms what he calls the "spatial fix of work", as he argues against marginalizing the spatial power of workers in favour of the production factor capital: he sees the interests and practices of workers as decisive for the production of space as a spatial fix of work, while he strongly opposes a reduction of work to labour costs, and consequently to a mere factor of industrial location. He explains his claim by the example of dock workers on the US east coast, who, threatened by logistical restructurings toward the interior since the 1950s, managed to retain important work processes on the coast, as they no longer negotiated on a local, but on a coast-wide level.

Against the thesis of the spatial fix of work and locality of labour, it could be held that labour-intensive industries with manual work requirements have

moved from "Western" countries towards countries and industrial locations with low labour costs, such as e.g. sweatshop industries like the Central American *máquila*-industry or the Asian garment production. Furthermore, transnational migration movements from once colonized, "Southern", or poor countries flow into European and other "Western" countries with comparably high labour costs and income opportunities. From this perspective, work seems to have lost its spatial fix in favour of a total mobility of industries, respectively workers, each adding pressure to the race to the bottom in terms of workers' salaries and labour standards. That said, a more detailed analysis entails a reassessment of these developments: first of all, the location of e.g. the *máquila*-factories just south of the US border is spatially highly strategic, as geographic proximity enables easy supply to the US market. And, moreover, the infrastructural conditions of factories that, once built, are not so easily transferable to other places, is another fact that conveys spatially localized power to industrial workers.

Yann Moulier Boutang (2007) regards people and capital as mutually determined in that capital appears where certain numbers of people are available, or, where people's movements make them available for labour – a perspective that rejects the view of people as objectified, passive, and obedient vis-à-vis economic trends. In Spain, immigration movements coincided with an extreme economic boom that produced a high capacity, and indeed, necessity for the Spanish economy to absorb workers that, in combination with the economic, social, political and personal conditions in the origin countries of migrants, eventually made many people leave their home countries, and try out their opportunity to progress in Spain. Migrant workers were adding further to the economic expansion and therefore wanted by Spanish employers and the state, whereas increasing prosperity of the Spanish native population made low-skilled work unattractive for them, so that options for migrants multiplied especially within low-skill jobs – being that sector where a lion's share of surplus generating labour is performed. As such, workers' power was not a result of a spatial fix but of a propensity to move, and to handle and adapt to the social and cultural conditions found on-site of Spanish labour markets. It can therefore be concluded that Ulrich Beck's locality of labour demand, as well as Andrew Herod's spatial fix in terms of labour supply – in other words: workers' local availability for employers versus workers' power to stay – have both been set in movement, translocalising labour markets.

Once in Spain, however, workers had to develop local agency that concretized within the process of installation in the labour market and in workplaces, where, after finding access to the labour market and work, the struggle to improve life and labour conditions had to be fought, re-localising labour thereby. Especially initially undocumented migrants have to engage in this

struggle of persuading, convincing, enmeshing, demanding, and claiming documentation and the enhancement of life and labour conditions in negotiation with employers as well as public authorities. But also for highly skilled migrant women, Yvonne Riaño (2011) shows how labour market participation functions on unequal grounds, as they do not have equal access to spaces of economic participation in which social positions are located and negotiated (labour markets). So, formal and informal processes of in- and exclusion[34] lead to an unequal positioning of migrant women regarding society and the state, hindering their equal access to "economic citizenship", in spite of high skill levels.

In "industrialized countries" work increasingly abandoned its inherited notion of industrial work, instead, either professionalising or precarising work relations (Walby 2000), the latter going hand in hand with tertiarization – that is, advanced deindustrialization and development toward a post-Fordist service society. In 2009, 66.2% of the gross domestic product of Spain was composed of Services (Instituto Nacional de Estadística – INE n.y.). Within this tertiary sector, locality develops a new dynamic: While some services can be increasingly transferred to different places, such as services using information and communication technology, like call centers, many services are place-bound and untransferable to other countries – like tourism, hairdressing, health or domestic services. Locality of labour was paradigmatically captured by Linda McDowell's notion of "place-based interactive service-work" (McDowell 2009), which is based on face-to-face interaction of the worker with a client, such as within a hotel or as in gastronomy. Within place-based interactive service work, through the immediate physical presence of the worker, embodied characteristics obtain outstanding importance, whereby besides looks and physical attributes, other social qualities of "working bodies" (McDowell 2009) become relevant too, e.g. friendliness or graciousness while providing a service, or even ideological attitudes. However, the sexual division of labour subordinates (migrant) women to capitalist, class, as well as male production regimes simultaneously (López Reusch 2007; Coalición Nacional de Mujeres 2014; Federici 2010 [2004]). The gendered character of body shows in that clients tend to accept men's authority as service providers much more easily than women's (Hochschild 1983). In Spain, migrants engaged overproportionally in sectors that are untransferable to other countries, like services and construction, as well as agriculture and other industries. The construction industry and household labour are both particularly place-bound; the former through the construction site, to which the worker has to travel, where he performs manual labour rather self-dependently within small groups of usually four workers (a first and a second foremen, and two helpers),

[34] According to Rudolf Stichweh (2009) inclusions and exclusions can occur simultaneously.

where he meets co-workers and has to cooperate; the latter through the particular reclusion of the household, where the worker solitarily cleans, washes, irons, cooks, nurtures and cares for children or elderly and interacts with them and her bosses. So, just as in industrial and factory work, locality remains important, but obtains a different quality through the social interactions at the workplace, in which the interplay of origin/racialization/ethnicization, gendering, and classing of the worker matters in terms of intersectionally marked bodies.

So, while labour, in order to be performed, usually presupposes locality in the sense of the physical presence of the worker at a work-place, the needs as well as the attractive forces that emanate from labour markets within booming economies reach further than the local scale, producing "transnational social spaces" (Pries 1998). In economic boom times, states and employers actively engage in political campaigns and private undertakings to recruit in foreign countries, translocalising the labour demand. On the other hand, people in Latin America who learn about the possibilities of relatively easy labour engagement develop translocal agency, undertake the effort of travel, and try their luck against the odds of national political restriction as for instance irregularization when the tourist visa expires – thereby they translocalize the labour supply. Labour supply, however, has a local limitation to it, as the labourer can not travel back and forth unlimitedly, but has to settle in the place where labour is demanded and to be performed, while border regimes and the necessity of struggling to attain and secure the papers impede labourers' unhindered coming and going, so that most interviewees had only infrequently returned to their origin countries.

Labour, though, is not an abstract production factor, but is constituted through people with families, origins, backgrounds, ideas they bring along or change while on the move, as well as affects, emotions and sentiments. Migration is no longer a voyage of no return, as it might have been historically; instead, migrants have families that require transnational involvement. And, the right to work has to coincinde with a right to live, to rear children, to have family, relatives, and friends, to stay in a place. Sandro Mezzadra describes "living labour", in opposition to "abstract labour", as characterized by a "radical heterogeneity of 'life'", in opposition to the "hermeneutic grid through which capital requires us to read the world" (Mezzadra 2007 citing Dipesh Chakrabarty). Labour power is sold by a *living body* which "logically precedes the capitalist mode of production", while labour is "captured" by capital, becoming thereby abstracted. Within European labour markets, cheap, disposable labour has been wanted by employers, same as physical mobility of people, because foreign workers usually accept lower pay-rates or more precarious working conditions. And the state is the entrepreneurs' stooge when it then permits arrivals without inducing a political climate of newcomers' being welcome. In this line, social

mobility remains tapped by political reglementation that hinders engagement on egalitarian grounds, showing in irregularization, rejection of foreign educational certificates, or in the prioritization of national workers.

So, "temporal borders" established through immigration and labour market politics constitute "waiting rooms" for migrants on their way to Europe. Within globalization discourses the porosity of borders and decline of state power to prevent migration has been much described, while simultaneously borders have become internalized, no longer corresponding to the physical borderlines between countries. New inclusions and exclusions have been forged: between those who have residence and work permits, and those who do not; those who have to work informally, and those who can opt for formalized and more secure working conditions; those who have access to health and other welfare state provisions, and those who do not; and, ultimately, those who have full citizen's rights, including the right to vote, and those who do not. People within one territory are bestowed with different rights producing in- and exclusions based on passport, origin, ethnicity, or race, going hand in hand with class position. And the fragmentation of state-ascribed citizenship is the consequence. As such, the globalization, transnationlization, and translocalization we are witnessing is of a contradictory dynamic that includes a denationalization of economies, money, and goods, which is opposed to a renationalized politics with reference to the political and social boundaries drawn to exclude newcomers (Parreñas 2003). The contradiction ever increasing in times of crisis is continuously subverted through migrants' agency.

2.2.2 Migrant Workers' Rights in Spain

Migration regimes that design Europe as fortress make people crossing its borders to unequals: those who have the right passport handed out to them smothely roam, while those who don't live in fear of the authorities. In 2014, on occasion of the commemoration of 25 years of the Fall of the Wall that divided Germany until November 9th, 1989, the political action art collective 'Center for Political Beauty' stole crosses installed along the river Spree in Berlin, errected as reminders of the people who died at the former border within Germany, and took them to contemporary European borders in Melilla, Bulgaria, and Greece. As the art collective phrases, in an "act of solidarity", the deceased at the Wall "fled" from the commemorative celebrations to "meet" their brothers and sisters, fellow refugees at today's European borders (Zentrum für Politische Schönheit 2014). While in the bisystemic world of the Wall, the firing order killed, since its Fall, 30,000 drowned in the Mediterranean Sea or didn't survive the jump over the

fence in Melilla. And with these border regimes, military and police agencies like Frontex, Europol, and Interpol, arm themselves with ever more elaborate "weaponary systems" to fight migration, such as the boat detection system SIVE (*Sistema Integrado de Vigilancia Exterior*) in the Spanish Mediterranean Sea, the policy of refugee camp errection in African states with European money, as well as increased rigidity regarding visa requirements. So, Europe's border control politics aim at deterrence and proceed in a miserable state, as they leave unrealized the potential for a policy design set on permeability, open borders, generous visa allocations, and a social climate that welcomes and values migrants.

Policies take shape in form of laws and rules, rights and liberties. Personal situations as well as all kinds of social interactions (with employers, with businesspeople, with service providers, with authorities) are influenced by rights – made by the people in interaction with the state and transcribed by the state towards non-/migrants as a form of *governmentality*. For migrants, in the moment of interaction with public authorities, rights become relevant in a particular, ascertainable way that concretizes in the presentability of documentation as a form of ascribed citizenship. The question how citizenship is ascribed is further developed in the theoretical chapter on citizenship (chapter 2). However, being asked for documentation is an overtly critical situation in which rights ascriptions become specifically noticed by migrants, especially when the police is involved. It also marks people's interactions in schools, medical institutions, the work-place and so forth, when people are treated according to their administrative status/situation: for instance when negotiating work conditions or when employers hold the passports of undocumented live-in household workers to impede their municipal registration using the address they actually share – a practice that enables the employer to continue to pay on the black but impedes the irregularized migrant worker to access her/his basic rights.

Usually, the regularization of irregularized depends to great extent upon the presentation of a working contract (unless e.g. family reunification processes are applied for), binding the right to regularized residency quite narrowly to labour. Through the organization of the labour market and the primacy of the national labour market situation, Latin Americans get channelled into certain kinds of jobs, with which they come to be associated (Gil Araujo 2006). This was the case within the six regularization processes, through *contingente* (quota), and through the juristic figure of *arraigo* (rootedness), examined in more detail below.[35] Within the scope of this contemplation, the politically desired combination of work and regularized residency are observed, making a formalized work contract and contribution to social security and taxes a precondition for administratively

[35] For a development of the normativity on migration see for instance Aja, Arango (2006).

regularized residency *con papeles* (with papers). The contradiction in this state-induced combination of residency and labour is that factually and on an everyday basis, migrants in Spain work regardless of whether their residency is administratively regular or not. The deportability of migrants configures a migration regime that promotes the hierarchized inclusion of migrant labour through the juristic production of its irregularity within a European space of restriction and hierarchized rights ascriptions, ethnicising and securitising social and urban spaces as well as citizenship. Police controls, detainability, and deportability affect almost all life situations, often leading to stressful psychological situations for the affected, who live in fear of being ripped out of their everyday lives from one moment to another. Nonetheless, state authorities, informed migrants, and respresentatives of migrant organizations were well aware of the interest of the state in increasing financial contributions to social security funds and taxes through increasing the basis of people in formal work – and regularization of the irregularized was a rather easy political option of which the state and migrants benefited. Meanwhile, labour profited from a reduced number of people confronting extreme difficulties in defending their labour rights, as Miguel Pajares (2007) concludes with view to the regularization process of 2005. However, regularization based upon labour, that is, attached payments to the state, runs the risk of transmitting a governmentality that supposes that the ones' who pay can stay, the others were deportable.[36]

Regarding labour and ir/regularized administrative situations from the viewpoint of entrepreneurs, the economic boom had created a great demand for immigrant labour, while employers benefited from irregularization by using informal employment (Soto 1992) as it saved them from having to spend on taxes and social security payments. Irregularized migrant workers are much more easily exploitable and much more willing to accept low pay and poor labour conditions, especially as they find themselves confronted with the constant hope of regularization, which, however depends on the goodwill of the employer, making the situation one of utmost dependency. Consequently, irregularization became the ordinary migration pathway, the workers' labour and life conditions seeming to be at the mercy of their employers, intimately affecting their positionality with regard to citizenship. The entreprenneurial sector has an interest in cheap, exploitable, irregularized, easily available, and willing immigrant labour power, as it reduces the costs of labour.

[36] However, while detainability and deportability are an imminant risk, the costs of deportation make a detention the more frequent practice, usually, some policemen knowing people in an irregular situation in their *barrio* by name. On the other hand, minor rule breaks can entail serious problems if the police finds out and is willing or/and obliged to react.

In the following, the development of the nexus of migration and labour politics will be regarded more in detail: After the end of the Franco dictatorship in 1975, along with the monarchy of Juan Carlos I, democratic institutions were reinstalled. In 1986 Spain and Portugal became members of the European Community (EC). In preparation for membership, the foreigner's law was adopted in 1985 (Fauser 2007; Aja 2006) which required foreigners to obtain residence and work permits in order to obtain regularized administrative status: the *papers*. A formal work contract was a prerequisite for this, which was and still is until today difficult to obtain in a dual labour market society in which migrants are relegated to marginalized and informal activities. Making use of fraudulent contracts is therefore a long-lasting practice (Escrivá 2000) and in crisis times became widespread again, as work and, even more so, work contracts, were increasingly hard to obtain. Since the foreigner's law of the 1980s, through one-year permits, income generation for non-EU migrants was limited to a specific activity and geographical area, thereby restricting migrants' spaces of action and opportunities to progress. Historical links with former colonies were reflected within the foreigner's law, for instance, in that Latin American as well as Filipino and Equatorial Guinean migrants were assigned preferential treatment: until 1996 the law stipulated that they needed no visa, and they were given preferential treatment when it came to residence and work permits, as well as renewals or acquisition of longer-term and more flexible permits; they can, until today, obtain a five-year permit only after two one-year renewals, instead of after five one-year renewals needed by migrants of other origins; and they can apply for Spanish nationality after two, rather than ten years of regularized residency, which people of other origings need. Furthermore, they are not obliged to renounce to their previous nationality in favour of the Spanish nationality when naturalizing (except for Mexicans and Brazilians). Despite sharing historical and colonial links with Spain, Moroccans, for instance, don't enjoy such preferential treatment, mainly assumed to be due to the fear of conflicting ideologies of religion and culture (Escrivá 2000).

As the law was rather based on restriction and issues of public security instead of integration or participation, after the first regularization process in 1986, and especially since the 1990s, social coalitions and solidarity movements, composed of labour unions, churches, NGOs, and migrant associations, lobbied for another regularization process, which took place in 1991. After that, successively in 1996, 2000, 2001 and 2005, further regularization processes took place, the last one being by far the largest (Santolaya 2006). In comparison, back in 1991, over 110,000 non-EC migrants obtained their first (geographically and occupationally restricted) work and residence permits, the great majority of permits going to Moroccans, followed by far lower numbers of Argentinians,

Peruvians, and Dominicans, while men clearly outnumbered women, and the service sector was heavily represented before agriculture and construction. Agricultural and construction workers were scarcely part of this process, because with seasonal or temporary work obtaining a contract is more difficult, while especially the economic crisis from 1993, with unemployment rates rising up to 24%, exacerbated the situation.

Nonetheless, in 1993, a quota system (*contingentes*) was introduced, granting up to 20,000 new work permits to non-EU nationals a year, supposedly a means by which newcomers could be recruited in origin countries, but in practice used for the regularization of migrants already living and working in Spain. The *contingentes* made regularization possible, alongside regularization processes. Due to pressure brought by migrant organizations and NGOs, the requirement that migrants present papers in their origin countries was finally abolished. In the first years permits went mainly to Moroccans, Peruvians, Dominicans and Filipinos, while household labour became the most dominant sector of migrant employment. Maximum permits through the quota system were increased progressively from year to year, so that in 1999 30,000 authorizations were granted (Alscher 2005; Escrivá 2000). The quota system was annually drafted with respect to the national labour-market situation (see for instance Aja 2006), meaning that only certain kinds of jobs, usually low-skilled labour, e.g. household, service or agricultural work, for which employers claimed not to be able to find fitting candidates on the national labour market, were eligible for the *contingentes*. As a result, non-EU migrants were pushed into low skilled occupations within the Spanish labour market (Gil Araujo 2006).

When the conservative Partido Popular (PP) with José María Aznar won advanced elections in 1996, even another (and, with about 24,000 regularizations, rather small) regularization campaign was launched. Over half of the permits granted were destined for family members (Escrivá 2000). In 2000, in a fourth campaign, another 140,000 regularizations were granted, and in 2001 again 80,000 regularizations were facilitated (Aja 2006; Alscher 2005). The sixt and last regularization process to date, which took place in 2005, regularized the administrative situations of nearly 580,000 persons (Pablo Santolaya (2006) estimates 700,000 permits were granted within this process). Ecuadorians headed the list of permits granted before Romanians, Moroccans, Colombians and Bolivians, while with 135,000 regularizations the Autonomous Community of Madrid headed the spatial distribution of regularizations. While numbers of migrants affiliated to social security increased in all sectors, especially for unqualified labour, in which – as said – irregularized migrants concentrated, Eastern European and Latin American women household workers profited above average, as indicated by 170,000 new workers, or a 220% increase of affiliations,

in the special labour regime for household workers (Pajares 2007). After the 2005 regularization process, 40% of all Latin American women were concentrated in the special regime of household labour, though the following year, affiliations diminished by 60,000, while over 93,000 additional women were affiliated into the general regime of workers, indicating that the household sector was used as a stepping stone for regularization (*para sacar los papeles*), people moving on to other kinds of jobs, consequently. After household labour, construction is the sector with the highest capacity to absorb workers in the regularization process. Based on social security affiliation, Pajares (2007) calculates that in 2007 more than 40% of migrants were occupied in unskilled labour as *peones* (helpers e.g. in construction, industry, or agriculture) and household workers, increasing even more if medium-qualified labourers like e.g. *oficiales* in construction were added. This situation evidences a lack of equalization politics, as migrants' educational levels should have engendered higher labour-market positions (Rodríguez Rodríguez 2008; Rodríguez Rodríguez, Marcu 2009).

Since the introduction of *arraigo* in 2005, a modality exists that allows undocumented persons to obtain a residence and work permit by presenting a work contract when being able to prove continuous residency through inscription within the *Padrón municipal* over two years, while being able to prove a work relationship for one year, or, with proof of 3 years of residency through the presentation of e.g. certification of municipal registration, utility or other bills, and with the possibility of taking up a contract work relationship (Santolaya 2006). A problem that can arise with *arraigo* is that the prospective enterprise or employer might be indebted to state offices, such as social security or with regard to taxes – then, granting of "the papers" is most frequently refused. Still, *arraigo* is a possibility to regularize the situation of a migrant who has no residence or working permit, independent of a general broad-based regularization process on a one-to-one basis.

When migrants transfer to a country, at first they are, naturally, uninformed or only superficially informed about the concrete rights stipulations that exist within the country they transfer to – while more generally, not even jurists are ever informed about all the rights and laws within a country. Of course, disinformation about rights is most pressing if it concerns issues touching the own personal administrative situation, because the "democratic anomaly" of living in an irregularized situation (Suárez-Navaz 2007) can entail deportation.

In Spain, the rights of people without legal residence or work permit are still codified through fundamental universal rights conferred upon all people within the Spanish territory, which include human rights, as well as the right to assembly, strike, unionization, manifestation, universal health care (though abolished in September 2012), and a basic school education (Cortes Generales 12/29/1978;

Santolaya 2006). Take the right to manifestation, for example: while it is conferred theoretically, in praxis, on the concrete occasion of manifestation against e.g. foreigners' detention centers (*centro de internamiento de extranjeros* – CIEs), usually the organizers request the police to confirm that documentation will not be asked for, but still, many migrants in irregular administrative situations fear being controlled nonetheless, some keeping away therefore.

Within the household sector, labour inspections are a sensitive issue, but in the construction sector they do take place. As Guy Rider, the ILO director general stated in October 2013, the role of labour inspectors should not be confused with the enforcement of immigration laws, as that would contravene the protection of the exploited, instead of controlling employers. Regarding irregularized migrants' labour situations, one notable right that unions have been able to assert is that in cases where someone is working without residence or work permit, employers are still mandated to pay those workers' salaries. In case of noncompliance, this right is enforcable before the labour court, and irregularized migrants have actually been able to claim salaries with the support of lawyers (Interviews with staff of trade unions, CC.OO and UGT). Moreover, trade unions have collaborated with migrants in order to charge employers who employed them on an irregular basis and disrespected labour laws, but this practice is critical, as the migrant loses the job in case of success of the complaint, and also draws attention of public authorites to his/her irregular administrative status. Therefore, trade unions and some NGOs engage so that in these cases, migrants would at least not be troubled due to an irregular administrative status (Interviews with staff of trade union CC.OO). Trade unions' support structure for foreign workers is organized through CITEs (*Centros de Información a Trabajadores Extranjeros*) where people receive social support independent of their administrative status – just as within legal and social counseling provided by some NGOs and most migrant organizations.

As for universal health care, it was introduced in 2001 for all people residing in the Spanish territory, including *sin papeles* (without papers). This encouraged irregularized migrants to get inscribed at the local registration office, *Padrón municipal*, because once registered they could apply for a medical card which provided them with access to the health care system. The *Padrón municipal* came to be applied as a source of rights, as it documented a factual situation upon which regularization was consequently based (Santolaya 2006). In 2012, however, by decree *Real Decreto-Ley 16/2012*, access to health care was limited to emergency treatment and maternal care for *sin papeles*, as well as other people not contributing to social security, while general health care was bound to contribution to social security, and therefore again to labour, that is formal contract employment based upon which public social security payments are

made. Since its introduction, professionals and users of the health care system in Madrid and other Autonomous Regions have organized civil disobedience to protest against the decree, for instance under the slogan '*yo SÍ Sanidad Universal'* (I say YES to Universal Healthcare) and through *mareas blancas*.

While migration governance and control holds as an ordinary power mechanism of neoliberal contemporary politics, it develops most authoritarian traits in times of political tensions and crisis, which show e.g. in repressive border control strategies. In order to control labour market developments, one of the first measures taken by the government after the crisis hit Spain in 2008, was the adoption of the *Plan de retorno voluntario* (Plan of voluntary return), enabling certain extra-communitarians to obtain their unemployment benefit in two instalments – on condition that they return to their country of origin without reentering Spain within at least three years.[37] According to Vladimir Paspuel, the director of the Ecuadorian migrant association *Asociación Rumiñahui*, this plan might have proven helpful for some individuals, but the priority the government gave to this plan as a crisis resolution strategy contained a subliminal message of renunciation and change in the political attitude toward certain segments of migrants. In this light, the plan is assignable to the "politics of belonging" (Yuval-Davis 2006) containing a message of rejection and exclusion of migrants as soon as the crisis situation comes up, so that migrants' sense of belonging is destabilized – the voluntary nature of return under this plan becoming questionable due to its condition of having to accept the three year ban. In spite of this new instrument of labour market control, unemployment rates have remained above the 20% mark since May 2010 (European Commission 2010) and only a small number of migrants adhered to the plan.

The labour market reform of 2010 of the governing Partido Socialista Obrero Español (PSOE) can be regarded as double-edged, as it increased for instance the number of people who receive indemnity with 33 instead of 45 days per year in case of improper dismissal, while it also established that successive temporal workers shall be regarded as permanent and be indemnized with 12 instead of 8 days. Most relevantly within crisis times, enterprises with economic losses can dismiss with 20 days of indemnation per year instead of formerly 45 days, reducing workers' options for manoeuvring once unemployed, e.g. by setting up their own business. The reform also opened up the possibility that the workers

[37] Applying individuals will get 40% of their unemployment benefits before and 60% after returning to their country of origin. The plan was adopted by the Council of Ministers in September 2008 and became effective in November 2008, after approbation through the State Council. Nationals of 20 countries (10 of them Latin American), that have bilateral agreements in social security matters can apply; namely Andorra, Argentina, Australia, Brazil, Canada, Chile, Colombia, Ecuador, United States, Russian Federation, Philippines, Morocco, Mexico, Paraguay, Dominican Republic, Tunisia, Ukraine, Uruguay, and Venezuela.

and the enterprise could convene to circumvent the salary regime prescribed by the collective bargaining agreement, and proposed reduction in the duration of the working day. A consecutive, more far-reaching labour reform by the following government of the Partido Popular (PP) was introduced by royal decree, *Real Decreto-ley 3/2012*. Firing became cheapened as 33 days per laboured year became the rule instead of 45; individual and mass dismissals due to continued economic losses were indemnized with 20 days per working year; besides reductions of the work day, salary reductions were enabled as a unilateral decision of the enterprise if it is financially shrinking; new contract varieties were introduced with the intent to especially promote the employment of young people through short term contracts; collective bargaining agreements were temporally restricted, and to be periodically renegotiated. Both reforms were opposed by trade unions, because they strengthened the position of employers in relation to their employees.

The Foreigner's Law, *Ley de Extranjería,* by which the Organic Law, *Ley Orgánica 4/2000*, of 11th of January on "Rights and Liberties of Foreigners in Spain and their Social Integration" is known, has been modified by the Organic Laws 8/2000, 14/2003, and 2/2009, as well as by numerous regulations and decrees. Major changes were stipulated by the *Ley Orgánica 2/2009*, which constituted, among other innovations, an aggravation in various dimensions, such as for instance restricting family reunification, augmenting the number of days of possible detention of people within Foreigner's Detention Centers (*Centro de Internamiento de Extranjeros* – CIEs) from 40 to 60 days, and the imposition of fines of up to 10,000€ for hiring irregularized migrants. One enhancement of the law was that victims of gender-based violence would be granted residency in order that they would not have to fear deportation if they denounced the perpetrator, i.e. the husband (BOE 12/12/2009).

As already explained, by law, after twice renewing the residence permit of one year, a five-year residence and working permit is obtainable for Latin Americans. After two years of documented residency, nationalization is possible for Latin Americans. In practice, many Latin Americans live for some years in Spain without permits and are therefore ineligible for nationalization during long periods. Once they have a five year permit, from the view of migrants, nationalization is mainly a bureaucratic procedure that spares them annoying bureaucratic transactions in terms of permit renewals,allowing them to live more peacefully and plan a future, and, importantly, to enter and leave the country freely. Additionally, nationalization provides political rights; concretely, the right to suffrage as the ultimate right establishing political and legal equality between nationals and migrants. Migrant organizations have been struggling for voting rights (Fauser 2009) and in local elections, people who hold a five-year residence

permit are eligible to vote, but, they have to sign up to do so, and the procedure is rather complicated, since they have to show up in person at a registration office with rather restricted office times scheduled during working hours, etc. In total, migrants' participation in elections is rather minor. Also, some origin countries enable migrants to participate in political election processes in Madrid: e.g. national elections for Peru were held in Madrid in 2011 in which, interestingly, in contradiction to Peru's national election results, Keiko Fujimori won against Ollanta Humala. Furthermore, the Ecuadorian referendum 2011 was held in Madrid.[38]

The high degree of interwovenness of labour and migration regimes also affects sector-specific organization. Both household and construction work, as two sectors with a high level of involvement of migrant workers, have been reformed since the crisis affected the Spanish labour market. In both cases reforms aimed at reorganization for better living and working conditions.

2.2.3 Household Work Regulation

A brief look at the development of the affiliation of household workers to social security benefits might offer insights into developments in that sector. The special regime for household workers, the "Régimen Especial de Trabaladores del Hogar", which existed until January 2012, enables this observation. There were about 300,000 people affiliated to this special regime in June 2011 – capturing, of course, only formal work relationships – while there is an estimated total number of household workers in Spain of about 700,000. of which about 90% are women, mostly migrants, who are less likely to have a formalized work relationship. Due to the crisis, overall affiliation to social security sank from 2007/8 onwards, among both migrants and non-migrants. Notably, affiliation to the special regime of household work remained rather constant, even increasing for migrant household workers! The numbers affiliated went from 153,000 (January 2008) to 184,000 (June 2011) in midst of the crisis situation.[39] This does

[38] This paragraph is based on interviews with migrants, migrant associations' representatives, especially of AESCO and Asociación Rumiñahui, and also on information gained from visits to election offices of the Spanish municipal elections in 2011, and to the implementation site of the Peruvian elections in Madrid in 2011.

[39] Affiliation of total household workers remained around an average of 280,000 in 2008, and 294,000 in 2010 (Ministerio de Trabajo e Inmigración n.y.b). Note that migrants who have adopted Spanish nationality count as non-migrants, and therefore decrease the number of migrant household workers, which still rose disproportionately. So it shows that most increases within the *Régimen Especial de Trabajadores del Hogar* are due to increases in the numbers of migrants' affiliations.

not necessarily indicate job creation, as it is likely that more work relationships were formalized. However, it might also be assumed that the demand for contract household work and the additional formal employers are rather unaffected by the Spanish economic and labour-market crisis. One interpretation of that is care work's independence of macroeconomic developments: the need for cleaning, cooking, and nurturing both the young and old remains constant, irrespective of the economy's ups and downs. But as the crisis proceeded and middle-class Spanish women began to lose their jobs and went back to doing household care work themselves, it seems also likely that contract household work is disproportionately demanded by upper classes, who are simply unaffected by the crisis. The crisis did have a wage effect for household work, sinking from formerly 750-900€ down to 500-700€, while legally, the interprofessional minimum wage of 641,40€ in 2011 is binding.

Main origin countries of household workers are Bolivia (37,500), Ecuador and Romania (each 17,000), Columbia, Paraguay, Morocco (each 13,000), and Peru (10,000), that is among the total number of approximately 184,000 foreign domestic workers affiliated to social security in June 2011 (Ministerio de Trabajo e Inmigración 2011a). So, compared to their total numbers of migrants in Spain, Bolivians and Paraguayans are the dominant nationalities that year, reflecting the origins of major migration source countries at the time. As massive immigration flows from Bolivia and Paraguay are the then "youngest", their time-specific predominance shows how many women use the sector as an entry to the labour market and, once regularized, tend to go on to other occupations. In the Autonomous Region of Madrid about 56,000 household workers were registered with social security in 2011, of which 46,000 (82%) were migrants, making Madrid rank first among all Autonomous Regions (Ministerio de Trabajo e Inmigración 2011a).

The relevant regulation for houshold workers in Spain was rather old until a reform in 2011 based on the *ILO-Convention 189* on decent work for household workers was introduced, even though Spain has not ratified the convention. However, previously, household workers' labour conditions were regulated by the *Real Decreto 1424/1985*, which is a two-page document stipulating a minimum regulation, and therefore leaving an extensive degree of unregulatedness and considerable room for negotiation of labour conditions

Remember that in total about 1.5 million job places were destroyed, most in construction and, to a lesser extent, in the manufacturing industry, while among all migrants affiliated to social security a loss of more than 250,000 work places can be observed from January 2008 to June 2011 (Ministerio de Trabajo e Inmigración n.y.b). However, job losses affected male extra-communitarians, especially Latin Americans more than average, as they were very likely to have temporary work in construction. As Miguel Pajares (2010) shows, most job losses affected temporary jobs, provoking a "betterment" in the relation of temporary to unlimited jobs.

between employers and employees. Within the document, constitutional rights regarding personal and family intimacy are mentioned – an important issue due to the history of dictatorship in Spain and obtaining ever increasing importance in times of technological advancement. The document doesn't offer solutions to the question of how to handle the necessity of protection of intimacy and the private sphere in light of household workers' rights securitization. The situation of minimum regulation causes a power bias in the concrete labour relations, which benefits employers. Moreover, the regulations provided through the document occasioned a very precarious situation for household workers, as the concrete rights codified provided an extremely minor baseline only, which could hardly be regarded as "protective" at all. The *Real Decreto* from 1985 equipped employers rather with a high degree of leverage to treat household employees as they pleased. Encarnación Gutiérrez Rodríguez (2010) refers to *governmentality* to explain how the state, by transferring the load of care work to the family unit, and in so doing leaving care work unregulated and neglected, provokes a mentality regarding care and household work imbued with depreciation. The psychological and emotional effects of such minimal regulation on the part of the employers was that they were able to feel that they were "doing right" while providing very little protection to the life situations of their employees. Most notably, domestic workers do not have the right to unemployment benefit, they can be dismissed with advance notice of only seven days, and the salary of live-ins, *internas*, can be reduced by 45% for housing and meals; that of live-outs, *externas,* by 20% for lunch. Although usual working time is determined as being 40 hours weekly, the employer can impose hours of presence, which can add up to a workload of 14 hours daily or more (*Real Decreto 1424/1985*). Especially *internas* reported to suffer from long working hours, starting at e.g. 7 o'clock in the morning and lasting up to 12 o'clock at night, with employers expecting presence during often more than five and a half entire 24-hour days. Some interviewees reported to have been sacked from one moment to another, which meant they were suddenly left to fend for themselves, and which can be a severe problem if migrants are alone and rather new in Spain and do not (yet) have access to a social network in order to make it through the first few nights of sudden unemployment. With the reform of 2011, the special regime of household workers is successively included in the general workers' regime from 2012 until 2019. Major changes are that since the reform a written contract is required; social security payments are reorganized so that they are no longer based on a fixed quantity, but depend on hours worked; workers get access to a pension; and sick leave is paid for from the 9th instead formerly from the 26th day onwards – while before, workers had been pressured to continue working even in cases of severe illnesses. These new rights still don't match on an egalitarian basis with those of other workers who are granted paid

sick leave from the 4th day onwards, while most notably, household workers continue to be excluded from unemployment benefits. Therefore, household workers continue to demand equalization of their work and employment conditions with those of other workers. Meanwhile, legal devaluation influences the social reputation of domestic work, associated with unwaged work of mainly women within the private sphere.

2.2.4 Construction Work Regulation

The construction industry is an important economic force, especially in Spain: the sector has been increasingly expanding since the beginning of the 20th Century, having a big share in the country's economic ups and downs, and affecting construction workers' labour options repeatedly. According to Justin Byrne and Marc van der Meer (2003) the Spanish construction industry emerged from the crisis of the mid 1970s to mid 1980s in a reregulated way:

1. The largest 50 companies with over 500 employees account for 25% of the total output, and employ 8% of the total workforce; these are often international companies having increasingly concentrated on project management and coordination, doing little on the implementational level, and engaging in chain-subcontracting.

2. Two hundred medium-large companies with 100 to 500 workers produce 7% of the total output and employ 5% of the total workforce.

3. Eight thousand medium enterprises with 20-99 workers produce 15% of the total output with 10% of the total workforce.

4. One hundred and thirty-seven thousand small enterprises with less than 20 workers produce 34% of the total output and employ 41% of the workers.

5. Self-employed workers with no employees account for 45% of all construction firms; those with one to two assistants for 25% – comprising bricklayers, painters, tilers, and plasterers who do installation, maintenance, and repair work, often as subcontractors and "false self-employed", when the employer abstains from providing a contract. Besides, informal work relationships are widespread in construction as they are elsewhere, and enable the employer to save on social security and tax payments, and the employee to possibly gain a higher wage. In the 1990s and the following years the share of temporary jobs increased steeply, and the contracts were ever more often bound to a specific job, *por obra*.

In 1992 the collective bargaining agreement *Convenio General del Sector de la Construcción* was signed, with which the *Fundación Laboral de la Construcción* (FLC) was created, a bipartite institution with employer

organizations and trade unions that implements vocational training, promotion of health and safety measures, and craftsmanship. Through extended subcontractional structuring of the industry, it becomes difficult to implement health and safety norms, for which basically the principal contractor is responsible. Generally, big companies are more capable of providing health and safety measures through safety plans, training sessions, and awareness-raising, as they have more financial, technical, and organizational resources, but implementation mainly depends on will and carefulness. In 2011 the *V Convenio General del Sector de la Construcción,* and therewith a three-day course on health and safety, was made an obligatory precondition for contract work in the construction industry, which is imparted by trade unions. As the course cost unaffiliated workers about 125€, for some it posed an extra challenge in their search for jobs in an already desperate situation on the employment market. While the contents of the course might have been repetitive for some, besides providing clarification about structuring and responsibilities at the construction site as well as within companies and their subcontractors, it re-emphasized precautionary measures and the continued necessity of advancing health and safety issues within the industry. However, these measures have been sidelined, and since the situation in the industry has worsened, many former construction workers live on *chapuzas*, anyway. However, both the construction and the household sector had offered the opportunity to make an irregular residential status regular, to settle in Madrid, and consequently to bring family members to Spain.

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