Bordering Intimacy

The Fight against Marriages of Convenience in Brussels

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Based on ethnographic fieldwork conducted between January 2012 and June 2013 in eight civil registry offices in Brussels, this article explores how assumptions about intimacy intersect with the moral standards of bureaucrats evaluating the authenticity of conjugal life in order to prevent 'marriages of convenience'. From the 'intimate conviction' of the agents of the state to the co-production of intimate narratives, this article tries to understand the intrusion of states in contemporary intimacies. I look at how the bureaucratic application of a civilizational ideology affects the subjectivities of those engaging in partnerships across two different nationalities (bi-national couples) – and blurs an historic distinction between what is public and what is private.

Keywords: bureaucracy, European borders, migration, morality, state vigilance

Introduction

A few months ago, I met my aunt Béatrice at my brother's wedding. She asked me about my current work and I explained my research about love and its boundaries in Brussels. I described my investigation at civil registry offices and my obsession with understanding how agents of the state distinguish true projects of marriage from fake ones. This gave her the opportunity to recall her own story. I was two years old when my aunt married Jalil in 1984. I remember seeing pictures of this event where I am sitting next to my aunt, taking her hand in mine. She has often told me how much she enjoyed having me there on that day. Now, I can better understand why.

Jalil and Béatrice met in Liège[1] when they were students. Jalil came from Casablanca to obtain a graduate degree in engineering. Beatrice was legally a minor at the time: at nineteen years old, she still needed the authorization of her father to marry. My grandfather, however, did not give his permission because, he said, the couple were still studying. My aunt thinks it was also because Jalil was a foreigner. After a long and demanding family intrigue, her older brother signed the official document to authorize the wedding. She told me about the 'impossible' documents they were asked for by the municipality: 'They demanded documents that didn't even exist in Morocco'.

After a lengthy administrative procedure, the couple came back to the civil registry office in Liège with all the required documents. 'They were surprised we had gathered everything they asked for', said my aunt, and continued:

> They asked Jalil to exit the room and to wait outside. And then they began their parade to discourage me from marrying Jalil. They asked me if I was aware of what I was doing. They said Jalil only wanted to marry me in order to obtain Belgian nationality. They said that he would leave me. They said that furthermore he was an Arab and that for this reason he would not let me go out, that he was surely violent and that I would have to wear the Islamic veil. They said a lot of other bullshit and one of them concluded with this question, I clearly remember: 'Why don't you choose a guy from here?' When they were done, I began to shout and I said that they had no right to say anything to me, they just had to take our documents. And their morals, I said, they could shove them up their arses.

After this, as expected, the mayor refused to marry them. A couple of months later, a municipal councillor, who knew the couple because they were renting his mother's flat, finally agreed to marry them.

Béatrice and Jalil are still together today and they have three children. But life is not easy for them. Jalil suffers from depression since he was not able to fulfil the dream his parents held for him, and Béatrice confesses they still experience looks of disapproval when they walk together in the street, thirty years later. I wonder now to what extent this foundational event – the wedding as the official recognition of the partners, tinged here with maltreatment and distrust from official agents, but also from their families – has had more consequences than merely a bad memory.

What is striking to me in this story is this burning and topical dimension. Scholars of the borders of Europe seem to see our time as particularly marked by an intensification of control and surveillance by the state concerning migration policies. The intrusion of states into contemporary intimacies seems heavier than ever. What the story of Jalil and Béatrice underlines is that thirty years ago, the choice of a partner was already a matter for the state and everything was done to discourage (from the perspective of the couple) or to protect (from the perspective of state agents) a woman from uniting with a non-national. Maybe the way to address potential partners has changed today. Framed by more rules and laws, state encounters with migrants seem more 'politically correct' but the implicit idea has not changed across time. As in the case of Béatrice and Jalil, suspicion constitutes the third term of the tumultuous and complex relationship between love and inequality. Still, women form particular sites for the reproduction of the nation and are thus objects of more state intervention. In Brussels today, civil registrars base their approach on forms of 'rescue narrative' (Bracke 2012) concerning poor, deceived women, thereby lending their thankless task as inspectors of emotion an extra touch of 'soul'.[2]

Unions implying the transgression of such boundaries are not new in the history of humanity – and mark even pre-humanity if we believe the recent discoveries of the Swedish biologist, Svante Pääbo, concerning encounters between *homo sapiens* and *homo neanderthalensis* some 80,000 years ago in the Middle East (Green et al. 2010). More recently, historians of the colonial era have shown how the intimate was a strategic site of colonial governance (Stoler 2001). Like the state agents of Liège thirty years ago, the administrators of the colonies directly recognized intimate matters as matter of state (ibid.). In the former Belgian Congo, Amandine Lauro (2005) browsed historical archives to understand how what were then called 'practices of interracial cohabitation', marked by the double seal of racial and moral non-conformity, were the object of colonial discourses, political and medical interventions. Lissia Jeurissen (2003) pursues this exploration by investigating the future of children born from these unions – *mulattos*, objects of doctrines, fantasies and colonial interventions – in order to contain this figure of an intolerable space in between, a potential danger for the nation, blurring the boundaries between colonized and colonizers. The final question from the state agent confronting my aunt about her 'wrong' choice of partner ('Why don't you choose a guy from here?') illustrates how broader fears about the cultural defection of Europeans are still alive today. The continuities are striking.

From the perspective of most European states, marriage is perceived as the 'last loophole' in migration control policies (Wray 2006). In Belgium, since 1999, changes in legislation emphasize the active role of the municipal councillor in charge of marriage celebrations to prevent sham marriages. He or she may postpone or refuse to officiate at a wedding if he or she suspects grey marriage,[3] or what is popularly known as a 'marriage of convenience', that is, a marriage contracted between two individuals who exchange money for a residency permit. Legislative authorities hope this initiative will offer a response to a situation perceived as problematic: the Ministry of Justice provided statistics revealing that during the previous ten years, at least three thousand people had contracted marriages of convenience (Foblets and Vanheule 2006: 265). In 2011, the public prosecutor in Brussels registered around eleven thousand cases suspected

of being 'marriages of convenience' or grey marriage. This specific evaluation carries with it certain questions regarding intimacy and citizenship. These evaluations also question the ordinarily taken-for-granted dichotomy between private matters and public concerns (Eggebo 2012: 78) as narratives of intimacy are used to prove the (in)authenticity of conjugal life. Indeed, to live together, legally and on the same territory, the couple expressing the desire to marry must submit to a whole process aimed at verifying and controlling their intimate life together. Thus, the ability for migrants or couples to cross national boundaries depends on state agents crossing the intimate boundaries of couples. In these state encounters, the administrative perception of intimacy relies on an implicit idea of the 'good' or 'acceptable' form of shared intimacy.

The ethnographic basis for this research is fieldwork conducted between January 2012 and June 2013 in various civil registry offices in Brussels. The focus of my participant observation and field descriptions was administrative procedures, and I carried out fifteen two-hour interviews with couples wanting to get married. I also conducted interviews with ten deputy town mayors of various civil registry offices in Brussels. The research also involved the examination of various types of stored data, meetings with specialized police, interviews with lawyers representing municipalities and the examination of trial proceedings of a typical 'grey marriage'. The study was enriched with interviews with the founder of a non-governmental organization called 'Trapped Hearts', which defends the rights of victims of such grey marriages, and also with Belgian citizens who have engaged in sham marriage. Drawing on observations and interviews with fifteen members of staff in these offices, I witnessed the practical application of what I call 'administrative suspicion' (Maskens forthcoming).

State Intimacy

In Belgium, since 1999, preventative measures have been taken in order to consolidate the fight against sham marriages. According to Article 146(bis) of the Belgian civil code introduced in 1999, 'there is no marriage if, even though formal consent has been given in preparation, it emerges from a combination of circumstances that the intention of at least one of the spouses is obviously not the creation of a lasting life-long community, but aims uniquely at the procurement of an advantage in terms of a residence permit, tied to the status of spouse' (C.civ., 146bis).[4] The law on convenience marriage is accompanied by a memorandum where the legislator details the elements that indicate that the supposedly simulated marriage is not based on the aim of creating a lasting, life-long community. In the administrative circular accompanying the introduction of the definition of a marriage of convenience in 1999, indicators of a convenient union are given to help employees in their task.[5] Those legislative changes were followed in 2006 by punitive means to dissuade candidates from marriages of convenience (Foblets and Vanheule 2006: 264).

Those policies, encouraging local state agents to exercise more vigilance when evaluating a marriage between a Belgian citizen and a migrant who is a non-EU citizen, are difficult to implement when one considers the domestic application of Article 8 of the European Convention on Human Rights. This article states first that everyone has the right to respect for his private and family life, his homes and his correspondence' and second that:

there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. (2§8, ECHR)[6]

During my fieldwork in two municipalities (for which I use the pseudonyms Steenzeel and Cityville), I tried to understand how civil registrars attempt to reconcile those apparently contradictory policies. At lunchtime at the Cityville office in June 2013, a debate took place between administrative employees and Samantha, an employee in her twenties, who gave her point of view about the reliability of the method used to distinguish real from fake projects of marriage:

> Well, we don't have to go through intimate life. We are not police and everybody has the right to marry. And a couple who answers badly to questions maybe is a real couple. My father doesn't remember my birthday. I have three favourite colours and if you ask my boyfriend, I will say one and he will say another … I also have a lot of favourite meals.

At the same time, she concludes by explaining her own approach: 'But I'm strict, you can ask my boss, she will tell you. If you ask me, even with marriages like that (she puts her thumb up), I can make you doubt. I doubt everything'. This statement expresses the ambiguity of the task they have to put into practice, based on contradictory policies: everybody has the right to marry but, at the same time, everybody is suspect.

This part of my fieldwork focused on state encounters – and the state here is understood not as an abstract entity but as an institution personified in the daily work of its agents (Fassin et al. 2013: 15) – which are saturated with assumptions about intimacy, from the 'intimate conviction' asserted by state agents in charge of controlling potential partners of a marriage or a civil partnership, to the exploration of the intimate sphere of potential partners, which constitute the concrete techniques for distinguishing real from fake marriages. The 'intimate conviction' – a specific form of judgment traditionally associated with reason and conscience[7] – could be understood as an affective 'professional resource' (Lavanchy 2013a) in administrative labour. When I was trying to understand the way state agents distinguished 'real' marriages from 'sham' ones (their terms), a civil registrar told me, 'As soon as they pass the door, I immediately feel if they are sincere, if it's a real couple or not'. Another woman reacted, 'I cannot explain, but I work a lot with my intuition'. Statements of this nature are frequent. Some interlocutors pay great attention to details, others do not, but in all cases, feelings and intuition seem to play a crucial role. The first impression is significant. All the work afterwards consists in rationalizing this very first physical and casual judgment. Another civil registrar, Karin, took me under her wing to explain, 'You will see, first you will not be able to distinguish, you are still naive but as you spend time with us, you will be able to feel when you see the partners'. This feeling is thus a skill to develop. Nora, a colleague of Karin, confirms: 'Yes, me when I began this work, I was really naive, I thought every couple were true lovers but then, little by little, I began to see things differently'. As Hertz, Martin and Valli (2004) have shown in the case of Swiss agents in charge of evaluating the right of the unemployed to continue to benefit from welfare

payments, emotions (in the form of trust, empathy and identification) are omnipresent in discourse. Interaction between 'clients' and state agents is embedded in an 'emotional economy' that will guide or determine the choices and decisions made. For these scholars, feeling becomes an implicit logic in the working of the welfare state. Hence, emotions are recognized as part of the daily activity of a state agent and play a role in the general process of creating 'others', or 'failed citizens' (Anderson 2013). As Sara Ahmed has shown, emotions do things, create and generate meanings in the world. They have affective power (2004: 60). In the case of bi-national partners, the emotions of state agents resulted in the perception of (in)compatibility in its many forms. Bodies and the perception of physical compatibility are also crucial sites for the elaborate politics of exclusion. The sharing of common ideals about love and relationship also serves to delimit national belonging[8] as I will develop below.

Looking at the administrative technique aimed at controlling the authenticity of intimate life, we could start with the assumptions of Lauren Berlant, who argues that 'intimacy also involves an aspiration for a narrative about something shared, a story about both oneself and others that will turn out in a particular way. Usually this story is set within zones of familiarity and comfort: friendship, the couple and the family form, animated by expressive and emancipatory kinds of love' (1998: 381). This story is exactly what civil registrars try to constitute in their offices – intimacy narratives, that is, what is shared by partners – through two-hour interviews with them. The format of communication is questions and answers. State agents try to establish the scenario of the encounter and the intimate life of the partners in order to distinguish real from fake marriages. Lauren Berlant mentions zones of familiarity where this story is set and we can assume straightaway that local government offices are not zones of familiarity, but have more to do with control and verification. Hence, in this office, intimacy must be translated appropriately in words, formulated in sentences by partners more or less pressured by state agents.

Producing and Evaluating Intimate Narratives

In Cityville, interviews are systematic: every couple that includes a non-EU partner must submit to the whole process described below. This has not always been the case. In the past, state employees decided to trigger the surveillance apparatus only when the couple was deemed to be suspect during the first short interaction behind the desk. They decided to change this rule in the name of the principle of equality. They explained that sometimes a couple seems to be sincere but you can have an unpleasant surprise when you interview them, so they did not want to continue judging on first impressions only. And, they continued, sometimes you have a bad preliminary impression and then the couple shows that they really do know each other during the interviews. So now, when a non-EU migrant is involved in a marriage project, the interview is a systematic procedure. State agents justify this practice in the name of equal treatment for all.

Two afternoons per week are dedicated to this task, which is perceived by everybody as a chore. In the morning, a discussion occurs about who will be designated and who will be on each team. It is a moment of disagreement, complaint, claims and counter claims. When I was interviewing state agents individually, they all converged on the

idea that doing interviews is not their job, but a police task, and they are not adequately trained for it. Two state agents work as a team for interviewing. This way, they can compare their opinions about the partners. One raises questions and the other takes notes. Some partnerships function well and others are unable to work together because of personal antagonism: each interviewer has their own reputation that can be placed on an imaginary scale between the naive and the cynical.[9] There are also some who are quick to anger or lose their temper. Dominique, the head of the Cityville department, explained that she always tries to have a balanced team, which basically means placing a cynic with a naive character.

When the head of the department is doing the interviews, she is very formal. She always begins the interviews by asking the person to place his or her mobile phone on the table and to switch it off (so it is not possible to cheat with answers to the questions). Then she explains that the law obliges her to ask several questions, and that the person has to respond sincerely. This agent also has the reputation of doing everything alone: she both raises the questions and records the answers.

State agents always ask the same questions even though they know and deplore that these same questions circulate on the Internet. For the non-EU migrants, the interviewer begins by asking when he or she arrived in Belgium, what was the migration route (the countries he or she crossed) and the reason why the migrant chose Belgium for settlement. Then the state agents move on to the circumstances of the encounter with their Belgian or EU partner. They really insist on having a precise date and try to construct a diary with as much detail as possible. They try to establish what people share (such as phone numbers, email, Facebook) in order to communicate and to clarify the scenario of seduction. They also ask, 'When did the relationship start to be serious?' Depending on the individual who is doing the interview, this question may be formulated differently, but always with great ambiguity: 'When did an emotional relationship begin?' This question is sometimes difficult for partners to answer.[10] Some interlocutors think they have to say when they began to have a sexual relationship and the civil registrars back out, laughing, 'No, no we don't need to know that, sir…!' However, the information is recorded anyway.

They ask the partner why he or she chose this person to live with. What are the partner's qualities and faults? And what qualities and faults would the other partner say in front of them? This is another question which is sometimes very difficult to answer. If the interviewees are Muslim, civil servants ask questions about the cultural options they have in forming their relationship. For example, a couple who are living together without being officially married are asked, 'In your religion, you surely cannot live together? Isn't it wrong?' Sometimes they answer that they performed the *fatiha*, a religious ceremony where the first *surah* is recited. When cultural or religious prescriptions are not fulfilled, the state agents perceive the behaviour as suspect, potential indications of a couple trying to cheat the system. After an interview with a young Muslim couple, the Cityville head of department exclaimed, 'Culturally, this story does not hold water'. She said that this was because the partners explained that the dowry was not fixed before the wedding. This seemed to be culturally inconsistent for the head of department and other colleagues, who perceive themselves as cultural professionals.[11]

In this sense, interviewees are wise to confirm stereotypes. A related empirical example is that of a Brazilian illegal resident in Belgium who was being interviewed because he wanted to marry a Portuguese woman, seven years his senior. When asked about his hobbies, he did not mention football, so both interviewers queried: 'You don't support a Brazilian team?' He answered again that he was not a fan of football and had no interest in it. The two interviewers said, 'Oh, it's strange, a Brazilian man who doesn't like football, very strange!' I am not arguing that this fact, per se, led to the refusal of the marriage ceremony, but that it is a point which, combined with others (like the difference of age and contradictions in the two versions of the encounter), that could lead to the confirmation of interviewers' initial suspicions.

The interviewers also ask about the daily schedule, work and habits of the partner. The illegal migrant is asked if he or she works. The answer is often 'No' or 'A little, sometimes' because illegal migrants know they are not legally authorized to work. Then the state agents move on with a question about who pays for housing, food or gifts to the beloved, questions that could place the illegal migrant interviewee in a very uncomfortable position. The state agents repeat that people have to respond honestly, and that they are not the police.[12] They ask about the families: who knows whom, and the names of brothers and sisters, parents and children. They ask what they did at the weekend, and are asked to describe their daily life from the time they wake up to the time they go to bed at night. They are also asked to describe the place where their partner lives, the colour of the walls and the arrangement of the rooms. Officials ask about the financial means of each person, if the partner smokes or drinks alcohol. What wedding party do they have in mind (or how did the wedding take place, if the marriage is in the process of being recognized in Belgium), who will they take as witnesses, and have they already bought the wedding dress and the wedding rings?

As each history is singular, civil servants do not apply the questionnaire in a rigid way but basically try to find out more about particular events and facts that they can compare after the interviews. When civil servants estimate that they have enough information, the first partner is asked to read the document and sign it, and is then asked to leave the room. A state agent accompanies him or her and invites the other partner to enter: this is a way to avoid the exchange of information.

Now that the state agents have the first narrative before their eyes, the Belgian or EU partner is asked about the circumstances of the encounter. The state agents pursue the questioning by sounding out if their interviewee knows the aspirations and motivations of the non-EU partner. This is also a way to prevent (or sometimes dissuade) him or her from going through with the marriage. 'Why is she choosing Belgium?', 'To have a better life, I suppose', replies a Belgian man. If people do not know or hesitate, the state agents regularly reply, 'This person is your future husband (or wife)…' in such a way that suggests that they need to be more precise and should collaborate. Hesitations or answers such as, 'I don't know', 'I don't remember' or, worse still, 'It is not my business what happened before we met, I'm not curious', provoke exasperation and are perceived as bad faith or characteristic of an attempt to cheat. The hesitations that might punctuate interactions during memory work such as 'I don't know', 'I'm not sure' or 'I don't remember exactly' are not willingly transcribed in the formal record of the interview. State agents then insist that the interviewee be able to produce hard

information. When a Portuguese woman cannot remember the date of her encounter two years ago, the municipal employee tries to help her: 'Was it cold or warm? Was it in the summer or winter?' and when facing silence and confusion from the woman, she shows her irritation: 'Did you wear a coat or not? You must remember!'

Some questions, once asked, are not repeated. The question, 'What are you going to do if your wedding is refused?' is no longer officially part of the questionnaire. However, some employees continue to ask it, because they find that in some cases answers such as, 'I'll find another bride (or groom)' is proof of a sham engagement. This is because such answers contradict the romantic idea of the unique other.

Partners' Answers and Significant Disappearances

These interactions are transformed in the official document. Certain types of disappearance are recurrent. As David Graeber has noted (2012), bureaucratic work is a work of reduction, so it is not surprising that these two-hour interactions are reduced to a few pages of more or less co-constructed narratives. The elements that are not part of the official record, because they are not considered relevant in the eyes of municipal authorities, are concrete markers – by their absence – of a particular ideology.

First, the long chain of communication is reduced (when there is a translator, the message suffers due to there being at least two interlocutors) and the question–answer form of communication is compacted into a narrative related in the first person singular. To summarize: questions disappear. Secondly, doubts, hesitations and nuances expressed by the interviewees – basically, comments on the quality and the degree of certainty of their memories – are mostly erased. During the interaction, the active collaboration of interviewees is expected. Thirdly, what we call here the implicit suspicion, sometimes including perpetual doubt on the part of the interviewers, also disappears. The fourth recurrent disappearance is information related by illegal interlocutors about their difficulties, problems or instability and, more specifically, elements that make them appear honest, working people. In cases where those elements are not simply suppressed, they are at least euphemized. This could be explained by the fact that people practising the regulation of migration, even indirectly here, adopt a negative view concerning migration as a professional tool. (They are, of course, under pressure from the strong ideological cohesion shared by colleagues and their marginal place in the system of power). The last disappearance is a corpus constituted by words of care, love and solidarity pronounced by partners – disqualified as 'acting' – in cases where the state agents already have a suspicious feeling. All these disappearances transform an initial interaction into an official document. All those reductions contribute to portraying the migrant primarily as an interested character, oriented by profit and not by affect. These transformations are part of what Anne-Marie D'Aoust (2013) has called the emotional technologies, practices and discourses that enable connections between intimacy and citizenship.

One of the conditions of my presence in the registry offices was that I promised not to contact partners whose interview process I witnessed. I thus have no access to their own feelings or discourse about these events. State agents, for their part, use a lexicon borrowed from theatrical metaphor to describe the performance of potential partners.

Civil registrars try to unveil the 'script' behind the testimonies; they denounce any obvious mise-en-scène of romantic love; and they try to challenge the partners. Some of them think that subtle details about the couple make it possible to distinguish a 'true' from a 'fake' relationship, while others think that too much detail given by partners is a sign of a script learned by heart and is thus suspect.

What is certain is that partners have to show specific behaviour. They have to be collaborative. A Belgian man of Moroccan origin who wanted to marry a Moroccan woman, presented to him by his mother during his last visit to the country, was disqualified after the interview because, among other reasons, he did not look female civil registrars in the eye. In another case of recognition of a marriage conducted abroad, involving a Belgian man of Moroccan origin who married his wife in Tangiers, the man brought along a voluminous photo album and a film of their wedding with the firm intention of sharing their intimacies. State agents refused to open the book, saying, 'We believe you, we believe you, don't worry'. When I later asked why they refused to open it, they explained that it was not proof. The behaviour of the man in this case was too proactive. This 'surplus' of the man's intention was perceived to be probably 'acting'. So partners have to be active, but active in the sense of following the framework made for them. They have to understand the rules of the game and take the position expected of them. If they are passive or not collaborative enough, it is also a potential sign of fraud. The line of the prescribed behaviour is a fine one. The worst thing the interviewees can do is to question the device, to express doubts about the way state agents work in order to construct the evidence. In David Graeber's essay on 'Dead Lines of Imagination' he explores the absurdity of bureaucratic violence which 'should consist first and foremost of attacks on those who insist on alternative schemas of interpretation' (2012: 121). As demonstration, he refers to the work of Marc Cooper (1991), a former LAPD officer-turned-sociologist, who observed that 'the overwhelming majority of those beaten by the police turn out not to be guilty of any crime'. 'Cops don't beat up burglars', he observed. The reason, he explained, is simple – the one thing most guaranteed to evoke a violent reaction from police is to challenge their right to 'define the situation' (2012: 120).

To distance themselves from the stigma of state categories, partners develop similar strategies across European countries. Helga Eggebo (2013) describes the active work of bi-national couples in Norway to distance themselves from stigmatized categories. Manuela Salcedo Robledo (2011) describes the strategies of these bi-national couples in France who must justify the disinterested character of their union. Couples, she argues, answer the suspicious questioning by giving a speech, which opposes and answers that of the administration. To do so, they anchor their love story in a defensive rhetoric, anticipating the questions, and by a multiplication of signs of normality – for example, by displaying photos of each other together. In Brussels, when I was talking with the police about the signs that confirm or disprove 'true love', one policewoman said: 'For example, when we enter the apartment and the first thing we see is a big photo of the partners on the hall wall, we know they put it there for us, it's already suspicious'. Thus, the challenge for couples consists in being neither too explicit and demonstrative about the authenticity of their romance, nor leaving the impression that the marriage is a practical or unemotional affair.

For numerous European citizens with a non-European partner, the experience of the administrative treatment they receive (with its share of violence, control or laughter) is the beginning of an in-between status, a 'fractured citizenship' (D'Aoust 2013). As Hélène Neveu Kringelbach states, they are regarded as 'failed citizens' (2013: 7). They feel they are 'lesser nationals than others', and this feeling could constitute the base of a political or associative engagement.[13]

The Implicit Civilizational Project of State Agents

Concerning the fifteen two-hour interviews I attended, it appears that the bureaucratic perception of intimacy relies on an implicit idea of the 'correct or acceptable' form of shared intimacy screened by two major criteria. First, the two versions of the partners must match. If they do not, the state agent will send the file to the public prosecutor, who will proceed with an investigation through the police and then send a notice two months later. Nonetheless, it is the civil registrar who has the last word. Most of them confess they most often follow the recommendation of the public prosecutor. According to Marie-Claire Foblets and Dirk Vanheule, when the decision is a refusal almost half of the couples lodge an appeal against the negative decision, and they often meet success because judges apply stricter criteria regarding the evidence of a sham marriage (2006: 267; see also D'Hondt and Foblets 2002 and Vrijens 2005). In their evaluation process, state agents adopt a normative, rigid or even pedantic view that intimacy is something shared: the details must agree and the way that each particular event is narrated must match. Yet the connection between language and intimacy is not so evident. How is one to reach love and affects? How can we touch them? By observing practices? Or listening to discourses? There is no clear equivalence between intimate events, the intensity and quality of a relationship, and their formulation in words and sentences. Moreover, cultural settings also shape intimacy and the way we talk about it.[14] The European way of reporting internal states categorized as love (because individuals have learned to feel this emotional experience through a complex social learning process) is not universal.

The second filter is what I call 'bureaucratic feminism', constituted by particular ideas of freedom, equality and choice. Bureaucratic feminism is different from the feminist movement in the sense that it is a 'practical norm' (Olivier de Sardan 2008), an exploratory concept useful to investigate the dialogical dynamics between professional norms and the practical orientation of public agents in the decision-making process. This normative register of 'practical norms' opens – beyond easily identifiable professional norms or broader social norms – a large spectrum of 'subtle, invisible, implicit or underground social regulations' (2008: 13). Bureaucratic feminism is an implicit norm that informs the daily work of agents and has concrete effects and direct consequences in the lives of concerned people – the interviewees.

State agents try to establish if their interlocutors are resolutely modern, tied by modern forms of attachments, if they can identify with them. As Eva Illouz has noted (2012), freedom becomes the fundamental value and practice of modern men and women's intimate life. The capacity to base intimate relations on the mutual and free recognition of the value and worth of another person is the central element of the modernist project, inherited from the Enlightenment's rupture with the 'genealogical

society' as defined by Elizabeth Povinelli (2006: 5). Evidence of modernity seems to be at the core in defining migrants as more or less acceptable or desirable. To screen for such modernity, state agents try to weight both the architecture of the choice of the partner, especially if women can exercise free choice, and also the gender (in)equality of the couple. Women particularly are the subjects of attention, and state agents perceive them as victims or agents. 'Arranged' marriages provoke irritation among civil registrars because they are perceived as less egalitarian than companionate marriages or marriage based on authentic affection. Jennifer Hirsch and Holly Wardlow define companionate marriage as 'a project, the aim of which is individual fulfilment and satisfaction, rather than (or in addition to) social reproduction' (2006: 4). In these spaces, the 'free choice' of the partner becomes a morally loaded category favoured in civil registrars' evaluation of unions. Arranged marriage is perceived as the formal opposite of free choice.[15] This must be placed in the broader context of the perceived threat that the norms of migrant groups seem to be to the liberal values of Europe. Arranged marriages are perceived as immoral in various European contexts, a threat to numerous European nations (see Fernandez 2013 for the Danish case and Eggebo 2012 for Norway).

Thus state officials see arranged marriages to be as problematic as marriages of convenience. During informal discussions with Emilia, a young municipal employee, she confessed her wish to forbid arranged marriages, in the same way marriages of convenience are forbidden. Her reason was that she found these institutions archaic: 'Half of the inhabitants of this municipality are Moroccans. And it is true that in arranged marriages, people don't know each other very well and if you ask me, I would delay everybody and I would not authorize an arranged marriage'. This goal is shared by most state agents and resulted in a perversion of the legislation on marriages of convenience as a result of agents refusing arranged marriages on the grounds that parties are ignorant of each other, and/or the fact that the union is the result of a rapid process. The structure of arranged marriages is thus at stake here.

As I argue elsewhere (Maskens forthcoming), the confrontation between state employees and marriage migrants and their partners is a story of (in)compatibility in its many forms. Bureaucrats treat couples differently according to their social and national belonging. Two groups stand out.

Firstly, unions between a native Belgian citizen – or, to be more precise, a Belgian citizen with no recognized migratory past – and a non-EU-citizen are screened according to administrative employees' perception of their compatibility. Bureaucratic judgments based on their discretionary power about the perceived differences of beauty, age, class, nationality or religion of partners are determinant. In these cases, differences at the heart of the couple's intimate life constitute what could be reported as problematic, as illustrated by the case of Jalil and Béatrice mentioned at the beginning of this article. Homogamy is the implicit norm and perceived dissimilarities between the couple seem to indicate the mark of simulated or interested affect from the partner of the global South. If the Belgian citizen is perceived as ugly and old and the young migrant from the global South is seen as good-looking, then beauty and youth are seen to be exchanged for a residency permit so that the object of the relation is an interested transaction based on no affect or false affect, whether the Belgian is conscious of this or not.[16] When evaluating the sincerity of a partnership, differences become suspect per

se. Physical compatibility – ethnic, racial, class and gender matching – is scrutinized by municipal authorities. Anne Lavanchy collected the same kind of statements in her fieldwork with Swiss civil registrars, whom she describes as working on the replication of national likeness by holding on to an idealized vision of marriage as the search for sameness (2013b: 77). For Helga Eggebo, compatibility – if the spouses are regarded as similar or different by immigration authorities – is a key dimension in investigating whether a marriage is real or not (2012: 773).

Secondly, unions between a Belgian citizen of immigrant descent and a partner from his or her country of origin (or the country of belonging of their parents) are gauged through their compatibility with Belgian national ideals. As shown above, through the lens of bureaucratic feminism, what is at stake in these cases is not the differences between partners, because in the eye of state agents, they are the same, originating from the same culture (despite the fact that they have been socialized in different countries), but those aspects which mark a rupture with national conjugal models. First, for the bureaucrats, the choice of the partner can show an evident lack of integration. Why would this person, after living for years in Belgium, find a woman or man in their ancestral country of origin? More crucially, as already suggested, romantic love is the key concept defining these encounters with the state and thus plays a fundamental role as a criterion of 'Northcentric civility' (Mai and King 2009: 300). The narrative of progress employed by state agents situates traditional gender norms in the past and therefore defines them as incompatible with modern national ideals, thereby reproducing the evolutionist division between arranged marriage and a love relationship. The work of suspicion is thus divided between these two types of couple configurations, through which the state employees reproduce a great, well-known and normative division: true love vs. interested love and oppressive/genealogical society vs. free/autological society.

Conclusion

In Belgian migration policies, all areas of intimacy have gradually been captured by state vigilance.[17] This phenomenon has resulted in the transformation of the national territorial border into a moral boundary defining appropriate forms of intimate relationships and family life (Rytter 2012; Fernandez 2013). The historical construction of a distinction between public and private life is not actualized in state encounters with migrants. These distinctions, as in the imperial states studied by Ann Laura Stoler, were the concerns of those who ruled (2001: 894). Nowadays, in civil registry offices, the couple that is reticent to disclose intimate details – even if only a few times – is automatically reported as exhibiting proof that the partners have something to hide. In this sense, the exploration of partners' intimacy by representatives of the state contradicts the very nature of intimacy: a space where social consequences are suspended, a zone where sanctions are repelled (Laé 2003: 140). As Berlant and Warner state, 'intimate life is the endlessly cited *elsewhere* of political public discourse, a promised haven that distracts citizens from the unequal condition of their political and economic lives' (1998: 553).

Moreover, everything happens as in the colonial period: bi-national intimacies are systematically guilty because they subvert national boundaries. All the work afterwards

thus consists in partners showing an expected behaviour and presenting a scenario of the encounter consistent with cultural standards. Like women in a patriarchal world, or slaves in a slave society, partners in these encounters with the state have to take charge of the 'interpretive labour' (Graeber 2012) in order to obtain the recognition of their will to unite. It is worth noting that in this respect 'real' couples also prepare themselves for the interview. Partners have to understand the rules underlying the confrontations with state agents, characterized by a high differential in power. Indeed, state agents are given the right to define the situation. Freedom, as the fundamental value and practice of intimate life, serves as a moral category for the authentication of couples and justifies the evaluation of the marriage migrants' capacity to integrate. A focus on the perceived freedom partners have to choose each other is emphasized as a crucial element in the state's evaluative screening, but it is done at the expense of the freedom of the couple to marry whom they want. If the official goal of the fight against sham marriage is to exclude cheats, in practice we observe a civilizational process at stake: a shift from measuring the authenticity of the relationship to implicitly evaluating the desirability of the migrant partner.

The way these policies are implemented and articulated has two major consequences for the people concerned: first, the exclusion of a couple that does not conform to dominant relatedness; and second, in cases where the couple is finally allowed to marry, the production of 'failed citizens' (Anderson 2013; Neveu Kringelbach 2013) or 'fractured' citizenship (D'Aoust 2013) as a result of the particular process they endured. Another minor consequence for citizenship is the way the technique of interviewing affects how humans share their affective connections, reducing intimacy to normative, pedantic or unimaginative forms.

Notes

1. Liège is the third city of Belgium and the economic capital of Wallonia.
2. Indeed, civil registrars decided to gather years earlier, alerted by reports of abuse of some of their colleagues. To explain their initial need for collective meetings, many of them related the cases of young women coming to their offices shortly after the wedding, crying because they had realized their partner only wanted to obtain a residence permit.
3. The invention of the term 'grey marriage' encapsulates this generalized suspicion because it implies the existence of a 'self-interested' migrant from the global South deluding a naive European citizen by simulating affect in order to gain legal status in Belgium. Hélène Neveu Kringelbach notes that the French Integration Minister, Eric Besson, coined the term 'grey marriage' in 2007 to describe a union between a French partner marrying for love and a foreign partner marrying solely for 'migratory purposes' (2013: 1). She adds that this 'term has since made its way into parliamentary debates, legal texts and bureaucratic practices, and the public debate around the notion has contributed to the emergence of a generalized climate of suspicion towards French-foreign couples'. The term spread to Belgium in the same period and has also fuelled the climate of suspicion regarding migrants in that country.
4. Article 146bis, Belgian Civil Code, inserted by L 1999-05-04/63, art. 12, 006; came into force 1 January 2000. Available at http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&table_name=loi&cn=1804032130 (accessed 15 May 2015).
5. The criteria are as follows:
   - The parties do not understand each other or have difficulties in having a dialogue, or appeal to an interpreter;
   - The parties never met before the conclusion of the marriage;
   - One of the parties lives with somebody else in a long-lasting way;

- The parties do not know the name or the nationality of the other;
- One of the future spouses does not know where the other one works;
- There is an obvious difference between the statements of the two parties relative to the circumstances of the meeting;
- A sum of money is promised to contract the marriage;
- One or both is engaged in prostitution;
- There is the intervention of an intermediary;
- A significant difference in age.

6. Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) art 8. Available in English at: http://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed 15 May 2015).

7. It was during the French Revolution that the legislature decided to call upon the intimate conviction of a judge.

8. As Bridget Anderson puts it, 'the debates around immigration are about the contours of the community of value' (2013: 4).

9. This imaginary scale is also used to rank the different communes according to their degree of permissiveness, contributing to their reputation.

10. There are no universal conventions on these topics, except in romantic movies, which take the first kiss as the visual beginning of a love story. However, in the real world, it could be more diverse, defined by the first kiss on the mouth, a way of touching the other, the first sexual contact, a spoken statement, a silent decision, a sudden engagement, a special emotion, a religious engagement, etc.

11. On the methodological level, this is not without consequence. As the state agents are confronted with an alien culture, other ways of behaving and thinking, they wanted to share with me (perceived as a specialist in culture) their practical knowledge of the alien culture, and as a consequence, their deprecating views of migration and immigrants. They expected confirmation of their theories born from their experience. They criticized the so-called 'leftist', that is, too permissive, immigration policies. I identify with this political category that serves in their discourse as a pejorative accusation. I did not dare to contradict their interpretive framework of the phenomenon of migration because I felt it could prevent them from communicating with me.

12. This is an ambiguous turn of phrase given that the document produced from the interview will be sent to the police in cases of strong suspicion.

13. See Ferran (2013) for an illustration of the French case, and Messinger and Digruber (2006) for a contextualization of the Austrian initiative 'Ehe ohne Grenzen' (marriage without borders), a project led by cross-border couples who want to draw attention to their difficult situation.

14. See Walton and also Sehlikoglu in this issue.

15. See Mody (2008) for an exploration of the phenomenon of love-marriage in contemporary Delhi, India.

16. A perceived differential of 'beauty' does not appear in the circular accompanying the article of law, perhaps because it is not politically correct. But this element seems to guide the attention of civil registrars. In 2010, a scandal brought this issue to the headlines when a story was reported of a Belgian male in his sixties and a twenty-five-year-old woman from the Ivory Coast who were refused the recognition of their wedding in the Ivory Coast in 2009. The grounds were that the Belgian was 'in his sixties and paunchy'. The 'paunchy' man responded in the media that love was not a story of kilos. However, those physical differences (of age and perceived beauty) are under great scrutiny.

17. Actual debates about the phenomenon of the *bébés-papiers* [paper-children] – children conceived in order to guarantee a legal residence permit – demonstrate this. It is not a new phenomenon but during those final months was considered worrying by civil servants.

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